

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	144
Land:	Guinea
Kilde:	ILGA
Titel:	State-Sponsored Homophobia
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UK Home Office's 'Country Information and Guidance Ghana: Sexual orientation and gender identity'. Fears of a 'backlash' following the Ghanaian Prime Minister's visit to Scotland in March 2016, where he was pressurised by activists, have been expressed.

In August 2016, the HRCee's **Concluding Observations** (paras. 43 and 44) expressed concern at the "discrimination, intimidation and harassment" directed at LGBT people, as well as at the State's laconic response that same sex sexual activity falls under Section 104. The HRCee recommended the law be revised and efforts to address discrimination be instituted.

GUINEA



Penal Code of 1988.

Article 325:

[ACT AGAINST NATURE]

"Any indecent act or act against nature committed with an individual of the same sex will be punished by six months to three years of imprisonment and a fine of 100,000 to 1,000,000 Guinean francs.

If the act was committed with a minor under 21 years of age, the maximum penalty must be pronounced.

If the act was consummated or attempted with violence, the guilty will suffer the penalty of imprisonment for period of 5 to 10 years".

The atmosphere within which nascent LGBT organising has been happening in the recent period is both **volatile** and **hostile**. Amnesty's 2015/2016 **report** on Guinea notes: "[a]t least three people were arrested because of their perceived sexual orientation. Two men were arrested on 22 April in Conakry. In May, the Tribunal of Mafanco sentenced them to three months' imprisonment".

In its 2nd cycle UPR in January 2015, Guinea 'noted' two recommendations from Italy and Argentina to remove discriminatory measures based on SOGI, including criminalisation. The State's delegation appeared not to have made any comment regarding SOGI.

KENYA



Penal Code (as amended by Act No. 5 of 2003).

Section 162

[AGAINST ORDER OF NATURE]

"Any person who:

- (a) has carnal knowledge of any person against the order of nature; or
- (b) has carnal knowledge of an animal; or
- (c) permits a male person to have carnal knowledge of him or her against the order of nature, is guilty of a felony

is liable to imprisonment for fourteen years:

Provided that, in the case of an offence under paragraph (a), the offender shall be liable to imprisonment for twenty-one years if—

- (i) the offence was committed without the consent of the person who was carnally known; or
- (ii) the offence was committed with that person's consent but the consent was obtained by force or by means of threats or intimidation of some kind, or by fear of bodily harm, or by means of false representations as to the nature of the act."

Section 163

[ATTEMPTED ACTS AGAINST THE ORDER OF NATURE]

"Any person who attempts to commit any of the offences specified in section 162 is guilty of a felony and is liable to imprisonment for seven years."