

## **Guinea. Draft legislation being considered by the National Assembly: major opportunities and threats for protection and respect of human rights**

At a meeting of the Council of Ministers on 5 April 2016, the Guinean government adopted draft legislation that will have major implications for human rights, in particular: draft bills on the Civil Code, Criminal Code, Code of Criminal Procedure and Military Justice Code plus a draft bill on cybersecurity and personal data protection in the Republic of Guinea. These texts are currently under consideration by the National Assembly.

This legislation offers a unique opportunity to promote human rights in Guinea, particularly in relation to the right to life, international justice and the fight against discrimination. However, the draft bills also contain provisions that represent a real threat to freedom of expression, peaceful assembly and the right to justice. These measures would perpetuate already existing practices – namely the arbitrary arrest and detention of people who express dissenting views and people exercising their right to peaceful assembly – and would strengthen the impunity enjoyed by elements of the forces of law and order when they commit human rights violations.<sup>1</sup>

On the eve of the National Assembly's vote and the President of the Republic's enactment of these texts, our organizations<sup>2</sup> are calling on Guinea's authorities and parliamentarians to exercise vigilance and ensure that these draft bills are in complete alignment with international and regional standards so that we are able to seize this historic opportunity to permanently improve Guinea's human rights situation.

### **Death penalty**

The draft bill on the Criminal Code abolishes the death penalty by removing it from the sentences which can be applied in Guinea (Article 27). This provision confirms Guinea's commitment to abolishing capital punishment, which we warmly welcome. Over the last 20 years, 18 countries in sub-Saharan Africa have abolished the death penalty for all crimes, including Burundi, Côte d'Ivoire, Gabon, Mauritius, Rwanda, Senegal and Togo. Amnesty International notes ongoing progress in the region: for example, in 2015, Madagascar and

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<sup>1</sup> This analysis is based on a joint evaluation of the draft bill on the Criminal Code, the draft bill on the Code of Military Justice and the draft bill on cybersecurity and personal data protection in the Republic of Guinea. It does not claim to be exhaustive and is based on the draft legislation adopted by the Council of Ministers on 5 April 2016 and communicated to the NGOs on 16 May.

<sup>2</sup> Amnesty International, ACAT-France, AFJ - AJAD - AJFPEF - AMDH — APDH - ASF Guinée - AVIPA – CANEG – CEGUIFED - CODDH – COFFIG - COJEDEV - CONAG DCF - CONASOG – CPDH — DTDH - FITIMA – FONBALE – Fraternité des Prisons de Guinée - LIGUIDHO – MDT - OADHUGO – PDH / PCUD– ROPACIDPH - Sabou Guinée – Sant Egidio - WAFRICA

the Republic of Congo added their names to this list.

The international community, regional intergovernmental organizations, courts, bodies and experts defending human rights, including the African Commission, all advocate abolition of the death penalty.<sup>3</sup>

*Recommendation:*

- Enact the abolition of the death penalty.

**International justice and universal jurisdiction**

Books II and V of the draft bill on the Criminal Code include crimes under international law arising from the Rome Statute, which Guinea ratified in 2003. This is a positive development. Articles 12 and 13 of the same draft bill and Articles 760 and the following articles in the same section of the draft bill on the Code of Criminal Procedure include references to universal jurisdiction.

Nonetheless, the draft bill revising the Criminal Code places a double restriction on the exercise of universal jurisdiction. The first condition is that the events should be “punishable under the law of the place where they are committed and categorized as crimes or offences under Guinean law” (Article 12). This amounts to saying that *ratione personae* jurisdiction (based on the nationality of the perpetrator or victim rather than the place where the offence is committed) is restrictively defined since it includes a dual criminality condition (both in Guinea and in the country where the events took place). And yet, crimes under international law are not subject to a dual criminality status: States must investigate and prosecute anyone suspected of a crime under international law regardless of whether these crimes were categorized as such in the national law of the place where they were committed. The second condition, noted in Article 13, is that public action can only be taken by the public prosecutor, i.e. a civil complaint alone cannot trigger public action.

*Recommendation:*

- Remove the restrictions on exercise of universal jurisdiction, particularly the dual criminality condition and the provision giving the Prosecution Service a monopoly over whether to commence proceedings.

**Military justice, impunity and access to justice**

The jurisdiction of the military courts as defined in the draft bill on the Code of Military Justice is too broad and threatens the right to justice and a fair trial.

The draft bill gives military courts the power to investigate and judge ordinary criminal offences committed by military personnel in times of armed conflict (Article 30), which

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<sup>3</sup> UN General Assembly: Resolution 67/176, 2013, para. 4. e; Resolution 65/206, 2010, para. 3. e; Resolution 62/149, 2007, para. 2. d.

African Commission on Human and Peoples’ Rights: Resolution 136, 2008, para. 2; Interights et al. vs Botswana (240/2001), 2003, para. 52; Concluding observations, Uganda, 3rd Periodic report, 2009, para. V(h)

include rape, torture, enforced disappearances, crimes against humanity and crimes of genocide.

The court's jurisdiction extends to civilians, particularly civilians considered to be the accomplices of military personnel being prosecuted for crimes under military jurisdiction (Article 33).

And yet the African Commission on Human and Peoples' Rights states that military jurisdiction in criminal cases should be limited to breaches of military discipline committed by military personnel.<sup>4</sup> The African Commission furthermore stated that a military trial of soldiers and civilians accused of an ordinary civilian offence (theft) was a violation of African regional standards and of the "requirements of good justice".<sup>5</sup>

It is generally acknowledged that military courts should not have jurisdiction to try members of the army and security forces for human rights violations or crimes under international law.<sup>6</sup> This is all the more important in a country such as Guinea, which is marked by a strong culture of impunity with regard to human rights violations committed by the security forces.

*Recommendations:*

- Remove the provisions that give military courts the jurisdiction to hear cases that should be tried by the ordinary civil courts, in particular for acts that constitute human rights violations;
- Remove the provisions giving military courts the jurisdiction to try civilians.

**Torture**

Article 232 of the draft bill on the Criminal Code criminalizes torture and reiterates the definition set out in Article 1 of the Convention against Torture and Other Cruel, Inhuman

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<sup>4</sup> "RIGHT OF CIVILIANS NOT TO BE TRIED BY MILITARY COURTS:

a) The only purpose of Military Courts shall be to determine offences of a purely military nature committed by military personnel.

b) While exercising this function, Military Courts are required to respect fair trial standards enunciated in the African Charter and in these guidelines.

c) Military courts should not in any circumstances whatsoever have jurisdiction over civilians. Similarly, Special Tribunals should not try offences which fall within the jurisdiction of regular courts."

African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003.

<sup>5</sup> African Commission on Human and Peoples' Rights, *Wetsh'okonda Koso and others vs D. R. Congo* (281/2003), 26th Report of Activities, 2008, p. 46-60.

<sup>6</sup> "In all circumstances, the jurisdiction of military courts should be set aside in favor of the jurisdiction of the ordinary courts to conduct inquiries into serious human rights violations such as extrajudicial executions, enforced disappearances and torture, and to prosecute and try persons accused of such crimes." Economic and Social Council, Draft Principles Governing the Administration of Justice through Military Tribunals. E/CN.4/2006/58, 2006, Principle 9.

See also:

- Special Rapporteur on torture: Annual report to the General Assembly, A/56/156, 2001, para. 39

or Degrading Treatment or Punishment, ratified by Guinea in 1989. Nonetheless, despite the Committee against Torture's recommendation, the draft bill fails to specify the non-applicability of the statute of limitations to the crime of torture.<sup>7</sup> As a criminal offence, the draft bill sets the statute of limitation for torture to 20 years (Article 167).

*Recommendation:*

- Add a provision establishing the non-applicability of the statute of limitations to the crime of torture.

**Freedom of peaceful assembly**

The draft bill on the Criminal Code reiterates the provisions of the current Criminal Code concerning public assemblies, while increasing the amount of the applicable fines. Several of these provisions constitute unlawful restrictions under international and regional human rights law.

Articles 621-623 envisage a prior notification procedure for assemblies in public places and on public highways, in line with the recommendations of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.<sup>8</sup> However, in practice this system amounts to a requirement for authorization.<sup>9</sup> According to Article 621, all assemblies in public places require written prior notification to the local authorities three days in advance, except when they are in line with "local social practices" (religious, sporting and traditional events). Punishments for organizing an assembly that is unlawful under Guinean law or where no prior notification was given include fines of up to one million Guinean francs (around 116 euros) and/or up to one year's imprisonment (Article 637). The authorities must guarantee freedom of peaceful assembly for everyone and this involves not going beyond the system of prior notification and clearly establishing the conditions under which this notification must take place. This administrative framework must comply with the recommendations made by the Special Rapporteur, who has stated in particular that the notification procedure "should be subject to a proportionality assessment, not unduly bureaucratic and be required a maximum of, for example, 48 hours prior to the day the assembly is planned to take place".<sup>10</sup> The Special Rapporteur also recommends adopting

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- Committee against Torture: Concluding observations, Peru, CAT/C/PER/CO/4, 2006, para/ 16.

- Working Group on Arbitrary Detention: Mission to Ecuador, Doc. ONU A/HRC/.4/40/Add.2, 2006, para. 101.

<sup>7</sup> Committee against Torture, Concluding observations on Guinea in the absence of its initial report, CAT/C/GIN/CO/1, 2014.

<sup>8</sup> Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report to the General Assembly, A/HRC/20/27, 2012.

<sup>9</sup> Amnesty International, *Guinea: Preventing the Excessive Use of Force and Respecting Freedom of Peaceful Assembly in the Run-up to the 2015 Elections and Beyond – A Call to Action* (AI Index: AFR 29/2160/2015), p.18.

<sup>10</sup> Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report to the General Assembly, A/HRC/20/27, 2012, para. 28.

provisions that allow for the holding of spontaneous assemblies which would be exempt from this notification requirement.<sup>11</sup>

The criteria for banning assemblies are, furthermore, based on poorly defined notions (e.g. that of a “breach of the peace” (Article 627)) and unreasonable provisions such as the notion of improvised weapons: “any object, apparent or concealed, having been used as a weapon or brought with a view to being used as a weapon” (Article 628) and the ban on public assemblies after 11pm (Article 624)). These criteria give the authorities a particularly wide margin for interpretation that could enable them to suppress peaceful demonstrations. The reasons for prohibiting an assembly should be clearly set out in the Criminal Code and, as emphasized by the Special Rapporteur, such a ban should be the exception, and only when a less restrictive response has been ineffective.<sup>12</sup>

Despite the Special Rapporteur’s recommendations, the draft bill on the Criminal Code envisages prison sentences for organizers of assemblies that are considered unlawful under Guinean law or which have not submitted notifications in the required manner (Article 637) and holds these individuals responsible for unlawful acts committed by other demonstrators (Article 625).<sup>13</sup>

Finally, the draft bill on the Criminal Code contains provisions on the use of force (Article 628). These provisions are not in line with the UN Basic Principles on the Use of Force and Firearms insofar as they authorize the use of force to disperse a crowd after only two warnings or with a view to “holding their ground”. They make no reference to principles of legality, proportionality, necessity or responsibility as legal guarantees to prevent an arbitrary

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<sup>11</sup> Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report to the General Assembly, A/HRC/20/27, 2012, para. 29.

<sup>12</sup> Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report to the General Assembly, A/HRC/20/27, 2012, para. 39.

<sup>13</sup> Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report to the General Assembly, A/HRC/20/27, 2012, para. 29 and 31.

and abusive use of force. The vague and generic wording of Article 628 leaves the door open to the risk of an arbitrary and abusive use of force.

*Recommendations:*

- Remove the provisions that systematically prohibit public assemblies after a certain hour;
- Add an exemption to the notification requirement for spontaneous assemblies;
- Specify that an organizer's failure to notify an assembly is not sufficient reason to disallow it;
- Remove the provisions from the Criminal Code that make it an offence to participate in or organize peaceful assemblies, particularly for vague reasons such as a potential "breach of the peace";
- Remove the provision for prison sentences for those who organize assemblies without or with incomplete prior notification;
- Remove the provisions that hold the organizers or participants in an event responsible for unlawful acts committed by others;
- Clearly state that the forces of law and order may only use force if other means have been or will be ineffective, and in line with principles of proportionality, necessity, legality and accountability, in application of the Basic Principles on the Use of Force and Firearms. Lethal force, including firearms, must only be used in case of imminent threat of death or serious injury;
- Criminalize the arbitrary or abusive use of force and firearms by those responsible for law enforcement. This offence must specify that acting on the orders of others is not an admissible defense and that an officer's immediate superiors may also be held responsible, in accordance with international law.

**Freedom of expression**

The draft bill on the Criminal Code and the draft bill on cybersecurity and personal data protection in the Republic of Guinea contain provisions that infringe the right to freedom of expression and pose a threat to journalists and human rights defenders, including bloggers and whistleblowers.

The draft bill on the Criminal Code criminalizes disrespect (Articles 658-663 and 693), defamation and insult (Articles 363-366), including against public figures, which may take the form of gestures, writings or drawings. Depending on the person being targeted, the penalty can be up to five years imprisonment and a fine of two million Guinean francs (around 232 euros). Moreover, the draft bill on cybersecurity and personal data protection in the Republic of Guinea criminalizes cyber-insults (Article 29). The envisaged penalty consists of up to eight years in prison and a fine of 250 million Guinean francs (around 28,895 euros) when it relates to a person's "membership of a given group, their race, colour, heritage, filiation, religion, origin, nationality or ethnic group, insofar as this membership serves as a pretext for such an insult", whether or not it forms an incitement to discrimination, hostility or violence, as defined in Article 20(2) of the International Covenant on Civil and Political Rights.

In its General Comment No. 34, the Human Rights Committee established that the "mere fact that forms of expression are considered to be insulting to a public figure is not sufficient

to justify the imposition of penalties”, and that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition”.<sup>14</sup> The Committee expressed concern that “laws on such matters as lese majesty, *desacato*, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honor of public officials, and laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned.”<sup>15</sup> Moreover, insults committed towards people by virtue of their membership of a given group should not be criminalized unless they advocate hatred that constitutes incitement to discrimination, hostility or violence, as defined in Article 20(2) of the International Covenant on Civil and Political Rights.<sup>16</sup>

The draft bill on cybersecurity and personal data protection in the Republic of Guinea also likens the disclosure of data “that should be kept ‘confidential’” for reasons of national security to treason or espionage, making it subject to a life prison sentence (Articles 37 and 38). It further criminalizes the production, distribution or transfer to third parties of data “likely to disturb law and order or public security or jeopardize human dignity”, providing for penalties of up to five years in prison and 300 million Guinean francs (around 34,673 euros) (Articles 31 and 32). Finally, the dissemination and communication of “false information” is liable to a penalty of up to three years in prison and 100 million Guinean francs (around 11,557 euros) (Article 35). These provisions are based on poorly defined notions that could be misused in order to incriminate people who express dissident views,

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<sup>14</sup> Human Rights Committee, General comment No. 34 - Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 2011, para. 38.

<sup>15</sup> Human Rights Committee, General comment No. 34 - Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 2011, para. 38.

<sup>16</sup> See in particular the recommendations of the Rabat Plan of Action. UN High Commissioner for Human Rights, Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred, A/HRC/22/17/Add.4, 2013, para. 20.

including journalists and whistleblowers seeking to expose human rights violations in Guinea.

*Recommendations:*

- Remove all provisions that unreasonably restrict the right to freedom of expression, particularly those that criminalize disrespect, defamation and insult;
- Clarify all provisions that are based on poorly defined notions, particularly those that could result in abuses in the implementation of the right to freedom of expression, such as public disorder or public security;
- Clarify that no-one can be incriminated for disclosing information relating to human rights violations.

**Discrimination, women's rights and sexual and reproductive rights**

The draft bill on the Criminal Code contains a number of positive changes with regard to protecting women's rights and sexual and reproductive rights but some provisions are still out of line with international standards on discrimination.

For example, the draft bill on the Criminal Code now criminalizes sexual assaults as such (Articles 267 – 270) instead of under the previous heading of “immoral acts”. In contrast, there is no provision that expressly criminalizes marital rape, despite the recommendations of the Committee against Torture<sup>17</sup> and the Committee on the Elimination of Discrimination against Women.<sup>18</sup> With regard to sexual violence, the age of majority has now been raised from 13 to 18 years (Article 268) and non-violent sexual assault is subject to heavier sentences if it is committed against a minor by a relative in the ascending line (Article 273). Nonetheless, this aggravating circumstance does not apply if the minor is emancipated by marriage.

Forced marriage is “formally prohibited” and marriage must be concluded “willingly between freely and mutually-consenting adults”, in accordance with Article 6 of the Protocol to the African Charter on Human and Peoples' Rights. However, the draft bill on the Criminal Code envisages exemptions for “special circumstances” that remain poorly defined in the text (Article 319). Moreover, the draft bill mentions “marriage according to custom” with regard to 16-year-olds (Article 322), without establishing the nature of this custom. The criminal penalty for forced marriage may be as little as a fine of 500,000 Guinean francs (around 58 euros). Finally, the provisions on sexual assault committed in the context of a

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<sup>17</sup> Committee against Torture, Concluding observations on Guinea in the absence of its initial report, CAT/C/GIN/CO/1, 2014.

<sup>18</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of Guinea, CEDAW/C/GIN/CO/7-8, 2014, para. 33. d.



forced marriage are worrying. For example, penalties for the rape of a forcibly married minor (Article 321) are less than those for rape of a minor (Article 268).

The draft bill on the Criminal Code criminalizes female genital mutilation as a specific crime (Article 258), in accordance with the recommendations of the Committee against Torture.<sup>19</sup> However, the penalties seem quite light (16 days to two years in prison and/or a fine of 500,000 to 2 million Guinean francs (between 58 and 231 euros); five to 20 years imprisonment if the person dies following the mutilation) in comparison with those relating to male genital mutilation (10 to 20 years in prison; life imprisonment if the person dies following the mutilation).

Although it does contain exceptions relating to women's or children's health, the draft bill on the Criminal Code is problematic in that it classifies abortion as a crime (Articles 262-265). Both the person performing the abortion and the woman seeking it are subject to punishment. This criminalization may also potentially include anyone who simply gives a woman "information" regarding her options ("*indicates, encourages or practices the means of procuring an abortion*"). The procedure for obtaining a legal termination is extremely complex and difficult. The Committee on the Elimination of Discrimination against Women has furthermore recommended that Member States, including Guinea, remove punitive measures applied to women who seek such procedures.<sup>20</sup>

Despite the recommendations of the Committee on the Elimination of Discrimination against Women,<sup>21</sup> the draft bill on the Civil Code authorizes polygamy in some circumstances, including when the "wedding was celebrated under the tradition of polygamy before the Civil Code enacted", or when there are "serious reasons", without defining what these reasons are (Articles 282). It also establishes the possibility of setting a dowry, in cash or in kind, to be handed over to the future wife (Article 249). This constitutes a financial incentive that could raise questions as to a woman's free and informed consent to a marriage.

Finally, sexual acts between consenting adults of the same sex remains a crime in the draft bill on the Criminal Code (Article 274). Those found contravening this provision risk between six months and three years in prison and a fine of 500,000 to one million Guinean francs (approx. 58 to 115 euros). Incitement to indecency is also criminalized (Article 355) but this is poorly defined and could potentially serve to criminalize the actions of health workers, activists and NGOs who provide young lesbian, gay, bisexual, trans or intersex (LGBTI) people with information on, for example, their health and HIV prevention, not to mention LGBTI people themselves.

The criminalization of sexual acts between consenting adults of the same sex constitutes a violation of a number of fundamental human rights, particularly the right to equality before

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<sup>19</sup> Committee against Torture, Concluding observations on Guinea in the absence of its initial report, CAT/C/GIN/CO/1, 2014.

<sup>20</sup> Committee on the Elimination of Discrimination against Women, Report of the 57<sup>th</sup> Session, CEDAW/C/2014/I/CRP, 2014, para. 15.

<sup>21</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of Guinea, CEDAW/C/GIN/CO/7-8, 2014, para. 15. b.

the law, the right to freedom of expression and the right to respect for private life. These rights are protected under the International Covenant on Civil and Political Rights, to which Guinea is a signatory,<sup>22</sup> and the Constitution of the Republic of Guinea (Articles 1, 7, 12). Moreover, the UN Working group on Arbitrary Detention has stated that placing people in detention for offences related to homosexual acts between consenting adults constitutes, by definition, a violation of international law.<sup>23</sup> Resolution 275 of the African Commission on Human and Peoples' Rights condemns violence against people on the basis of their real or imputed gender identity or sexual orientation, "including rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail". The Commission has called on States to put an end to these abuses.<sup>24</sup>

The criminalization of sexual acts between consenting adults of the same sex makes LGBTI people vulnerable to violence, arbitrary arrest and extortion. It is also well-established that laws criminalizing sexual acts between consenting adults of the same sex create a climate that legitimizes acts of discrimination against LGBTI persons, particularly in terms of their employment, housing and access to healthcare.

The Guinean government acknowledges and takes account of the existence of LGBTI people in Guinea, for example in the 2013-2017 National STI/HIV/AIDS Strategic Framework, and in particular through the action of the National AIDS and STI Committee. But as long as sexual acts between consenting adults of the same sex remain a crime, LGBTI people will have to live their lives in secret and many of them will thus not have access to health services.<sup>25</sup>

*Recommendations:*

- Ensure that the draft bills on the Criminal Code, Code of Criminal Procedure and Civil Code are in line with Guinea's international obligations on women's rights and

<sup>22</sup> See *Toonen v. Australia*, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992, 1994.

<sup>23</sup> See, among others, Opinion Nos. 22/2006 on Cameroon (A/HRC/4/40/Add.1), and No. 42/2008 on Egypt (A/HRC/13/30/Add.1).

<sup>24</sup> African Commission on Human and Peoples' Rights, Resolution 275 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, 2014.

See also: Ending violence and other human rights violations based on sexual orientation and gender identity: A joint dialogue of the African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights

and United Nations, 2016.

<sup>25</sup> UNAIDS considers that: "The criminalization of people who are at higher risk of infection, such as men who have sex with men, sex workers, transgender people and people who use drugs, drives them underground and away from HIV services. This increases their vulnerability to HIV, as well as to stigma, discrimination, marginalization and violence." UNAIDS, Key programmes to reduce stigma and discrimination and increase access to justice in national HIV responses, 2012, p 5.

See also: The World Bank, "Increased Targeting of Key Populations Can Accelerate End of Global HIV Epidemic," November 28, 2012, <http://www.worldbank.org/en/news/press-release/2012/11/28/increased-targeting-key-populations-can-accelerate-end-global-hiv-epidemic> (accessed May 31, 2013).

fighting discrimination against women, particularly with regard to polygamy, forced and early marriage, domestic violence and sexual assault;

- Ensure that the ban on forced and early marriage applies to all forms of marriage, particularly customary and religious marriages;
- Set the minimum age of marriage for boys and girls at 18 years of age, in accordance with the African Charter on the Rights and Welfare of the Child and other regional and international human rights instruments;
- Remove the provisions of the Civil Code that authorize a dowry insofar as this constitutes a financial incentive that could raise questions as to the woman's free and informed consent to a marriage;
- Remove the provisions of the Civil Code that authorize polygamy;
- Clarify that anyone who commits an act of sexual violence cannot be exempted or benefit from extenuating circumstances on the basis of their gender or marital relationship with the victim;
- Harmonize the penalties for female and male genital mutilation;
- Decriminalize abortion and remove the punitive measures aimed, on the one hand, at women and girls seeking an abortion and, on the other, at health and other workers conducting abortions or helping women to access these services, particularly by giving or distributing information on how to obtain an abortion;
- Decriminalize sexual acts between consenting adults of the same sex;
- Ensure that no provisions of the Criminal Code are used to criticize the sexual identity or gender of an individual;
- Remove the provisions of the Criminal Code that could enable the suppression of the work of health workers or activists who inform the LGBTI community about such issues as their rights and health.

## SIGNATORIES :



**Amnesty International**



**ABLOGUI** : Association des Blogueurs de Guinée



Torture

**ACAT-France** : Action des Chrétiens pour l'Abolition de la

**AFJG** : Association des Femmes Juristes de Guinée



**AJAD** : Association des Juristes en Action pour le Droit

**AJFPEF** : Association des Jeunes Filles pour la Promotion de l'Espace Francophone



**AMDH** : Alliance des Médias pour les Droits Humains



**APDH** : Action pour la Protection des Droits de l'Homme



**ASF Guinée** : Avocats Sans Frontières – Guinée



**AVIPA** : Association des Victimes, Parents et Ami-e-s du 28



**CANEG** : Convention des Acteurs Non Etatiques de Guinée



Développement

**CEGUFED** : Centre Guinéen de Formation et Education pour le



**Centre FECPA** : Centre Femmes, Citoyenneté et Paix



**CODDH** : Coordination des Organisations de Défense des Droits



**COFFIG** : Coalition des Femmes et Filles de Guinée



**COJEDEV** : Coordination des Jeunes pour le Développement



**Communauté de SANT'Egidio**



**CONAG DCF** : Coalition Nationale des ONG pour les Droits et la Citoyenneté des Femmes



Guinéenne

**CONASOG** : Coalition Nationale des Organisation de la Société Civile



l'Homme

**CPDH** : Centre Guinéen de Promotion et de Protection des Droits de

**DTDH** : Droit pour tous pour un développement harmonieux



**FITIMA** : Fondation Internationale Tierno et Mariam



**FONBALE** : Fondation Binta Ann pour les Enfants et les Femmes



**Fraternité des Prisons de Guinée**



**LIGUIDHO** : Ligue Guinéenne des Droits de l'Homme



**MDT** : Les Mêmes Droits pour Tous



Bonne Gouvernance

**OADHUGO** : Observatoire Africain des Droits Humains et de la



**PDH / PCUD** : Protégeons les Droits Humains



**ROPACIDPH** : Réseau Guinéen des Organisations des Personnes Handicapées pour la Promotion de la Convention Internationale sur les Droits de Personnes Handicapées

**SABOU – Guinée**



**WAFRICA – Guinée**