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UPR: Guinea
Canadian HIV/AIDS Legal Network & Pan-Africa ILGA
United Nations Human Rights Council, Geneva. 21st September 2010

Presented by Rowland Jide Macaulay

Mr. President, distinguished members of the delegation,

I am pleased to make this statement on behalf of the Canadian HIV/AIDS Legal Network and Pan-Africa ILGA. In the recent UPR of Guinea, stakeholders submitted reports recommending that Guinea decriminalize sexual activity between consenting adults of the same sex, noting that under Article 325 of the *1998 Penal Code* same-sex activity between consenting adults is criminalised.

We urge Guinea to give serious consideration to these recommendations. Criminalization of consensual same-sex conduct constitutes a violation of established international human rights law and a major blow to public health.

Just last Friday, in a high-level panel held in conjunction with the current session of the Human Rights Council, UN Secretary General Ban Ki-moon delivered a statement, saying:

"Laws criminalizing people on grounds of sexual orientation and gender identity violate the principle of non-discrimination. They also fuel violence, help to legitimize homophobia and contribute to a climate of hate. That is why in May of this year during a visit to Malawi, I called for such laws to be reformed worldwide. No doubt deeply rooted cultural sensitivities can be aroused when we talk about sexual orientation. Social attitudes run deep and take time to change. But cultural considerations should not stand in the way of basic human rights"

These concerns have also been raised by the UN Human Rights Committee, which has noted that laws criminalizing homosexuality "run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention" by driving marginalized communities underground, a finding supported by UNAIDS and other key actors in the fight against the HIV/AIDS pandemic.

We appreciate the government of Guinea's understanding and therefore urge the government to ensure compliance with international standards by:

- Repealing article 325 of the 1998 Penal Code, which criminalizes same sex activity between consenting adults.
- Promoting policies which ensure equality of access to public health services by all marginalised populations.

Thank you Mr. President.