



# SHAME MUST CHANGE SIDES

ENSURING RIGHTS AND JUSTICE FOR VICTIMS OF SEXUAL VIOLENCE  
IN GUINEA

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First published in 2022

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: AFR 29/5410/2022

Original language: French

[amnesty.org](http://amnesty.org)



**Cover photo:** illustration of three women who somehow lift the weight of the word 'shame' which gradually cracks and crumbles.

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# GLOSSARY

<b>AGPC</b>	Association guinéenne des psychologues-cliniciens [guinean association of clinical psychologists]
<b>ADF</b>	Agir pour le droit féminin [Acting for Women's Rights]
<b>AGUIAS</b>	Association guinéenne des assistantes sociales [Guinean Association of Social Workers]
<b>ABLOGUI</b>	Association des blogueurs de Guinée [Guinea Bloggers Association]
<b>ANAS-GUINÉE</b>	Association nationale des travailleurs sociaux de Guinée [The National Association of Social Workers of Guinea]
<b>APAC</b>	Association des professionnelles africaines de la communication [Association of African Communication Professionals]
<b>AVIPA</b>	Association des victimes, parents et amis des victimes du 28 septembre 2009 [Association of Victims, Parents and Friends of Victims of 28 September 2009]
<b>BSPPV</b>	Brigade spéciale de protection des personnes vulnérables [Special Brigade for the Protection of Vulnerable Persons]
<b>ACHPR</b>	African Commission on Human and Peoples' Rights
<b>ECOWAS</b>	Economic Community of West African States
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women
<b>CJFL-GUINÉE</b>	Club des jeunes filles leaders de Guinée [Club of Young Girl Leaders of Guinea]
<b>CLEF</b>	Comité local pour enfants et famille [Local Children and Families Committee]
<b>CLPE</b>	Comité local de protection de l'enfant et des personnes vulnérables [Local Child and Vulnerable Persons Protection Committee]
<b>CNLTPPA</b>	Comité national de lutte contre la traite des personnes et pratiques assimilées [National Committee to Combat People Trafficking and Related Practices]
<b>CNRD</b>	Comité national du rassemblement pour le développement [National Committee of the Rally for Development]
<b>CNT</b>	Conseil national de transition [National Transitional Council]

<b>CVPE</b>	Comité villageois pour la protection de l'enfant [Village Child Protection Committee]
<b>DIRPA</b>	Direction de l'information et des relations publiques des armées [Directorate of Military Information and Public Relations]
<b>UPR</b>	Universal Periodic Review
<b>FNDC</b>	Front national pour la défense de la constitution [National Front for the Defence of the Constitution]
<b>F2DHG</b>	Femmes, développement et droits humains en Guinée [Women, development and human rights in Guinea]
<b>HAC</b>	Haute Autorité de la Communication [Higher Authority for Communication]
<b>HUPROFE</b>	Humanitaire pour la protection de la femme et de l'enfant [Humanitarians for the protection of women and children]
<b>INIDH</b>	Institut national indépendant des droits de l'homme [National Independent Institute for Human Rights]
<b>IPPF</b>	International Planned Parenthood Federation
<b>FGM</b>	Female genital mutilation
<b>OGDH</b>	Organisation guinéenne de défense des droits de l'homme [Guinean Human Rights Organization]
<b>OPROGEM</b>	Office de protection du genre, de l'enfant et des mœurs [Office of Gender, Child and Vice Protection]
<b>PARSS</b>	Programme d'appui à la réforme du secteur de sécurité en Guinée [Security Sector Reform Support Programme in Guinea]
<b>PARAJ</b>	Projet d'appui au renforcement de l'accès à la justice des personnes les plus vulnérables en République de Guinée [Project to support improvements in access to justice for the most vulnerable in the Republic of Guinea]
<b>PISCCA</b>	Projets innovants des sociétés civiles et coalitions d'acteurs [Innovative projects of civil societies and coalitions of actors]
<b>RPG</b>	Rassemblement du peuple de Guinée [People's Rally of Guinea]
<b>RTG</b>	Radio Télévision guinéenne [Guinean Radio and Television]
<b>SYNEM</b>	Syndicat national des employées de maison de Guinée [National Union of Domestic Workers of Guinea]
<b>SYPEG</b>	Système national de protection de l'enfance [National Child Welfare System]
<b>UFDG</b>	Union des forces démocratiques de Guinée [Union of Democratic Forces of Guinea]
<b>EU</b>	European Union

# 1. EXECUTIVE SUMMARY

**“Why did you have to be black and blue before rape became a concern for everyone?”**

Excerpt from “Ode to M'mah Sylla” by Diaraye Diallo, Executive Director of the NGO *Mon Enfant Ma Vie*

Sexual violence is a significant issue in Guinea. It is known for being the country with the second highest level of female genital mutilation in Africa.<sup>1</sup> Forced marriage is also very common.<sup>2</sup> Rape has long remained a taboo topic and little documented; in recent years, however, the silence has been broken thanks to women and civil society organizations.

Faced with this situation, Amnesty International conducted research on sexual violence in Guinea and the authorities' response in terms of prevention, protection of victims' rights and ending impunity for these crimes. The research was conducted as part of a joint project on combating sexual violence being implemented with the International Planned Parenthood Federation (IPPF) and forms part of Amnesty International's ongoing work on human rights violations in Guinea.

This report is the result of research conducted in four regions of Guinea (special region of Conakry; Kindia; Mamou; Nzérékoré) between 23 October and 7 November 2021, 15 January and 29 January 2022, during the months of February and March 2022; and interviews conducted with at least 120 people: rape survivors and members of their families, representatives of civil society, national authorities, customary authorities and defence and security forces, lawyers, magistrates, doctors and other health personnel, and diplomatic representatives and United Nations agencies.

In November 2021, the death of M'mah Sylla, a victim of rape, shocked Guinea. Social networks and traditional media disseminated the information, demonstrations were organized in several cities to denounce the impunity of the perpetrators, and the highest state authorities called for acceleration of the judicial investigation. Six years earlier, in 2015, the “Tamsir Touré affair”, a member of a rap group accused of rape, had aroused the anger of women's rights organizations and pushed the authorities to speak out and get involved in combating sexual violence.

In the meantime, cases of rape recorded by specialized units within the police and gendarmerie increased, although the lack of data and its inconsistency makes it impossible to draw definitive conclusions as to the extent of the crimes. The National Observatory to Combat Gender-Based Violence, a structure supposed to centralize data on gender-based violence (GBV), is just being set up 10 years after its official creation by

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<sup>1</sup> International Commission of Inquiry into Guinea, “Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea”, 18 December 2009.

<sup>2</sup> Committee on the Rights of the Child, Concluding observations on the combined third to sixth periodic reports of Guinea, 1 February 2019, <https://digitallibrary.un.org/record/3793446?ln=en>

decree.<sup>3</sup> The main statistics available are those of the two units in charge of working to combat GBV within the police and the gendarmerie,<sup>4</sup> those of forensic medicine and those collected during national surveys. The number of rape cases handled by the Office for the Protection of Gender, Child and Vice Protection (Oprogem, police) increased from 125 in 2018 to 398 in 2019, and the cumulative number of rapes handled by Oprogem and the Special Brigade for the Protection of Vulnerable Persons (BSPPV, gendarmerie) reached over 400 in 2021. During the first three months of 2022, Oprogem recorded 117 cases of rape.

According to available data, victims are most often minor girls under the age of 18.<sup>5</sup> In 2020, more than 75% of the complaints of rape registered by Oprogem concerned minors under 18 and nearly 70% of the perpetrators were adults. BSPPV data shows that 33% of the rapes and sexual assaults recorded in 2021 involved victims under the age of 13.

This growing number of complaints to the police and gendarmerie is a consequence of “the silence being broken” around this issue accompanied by the dynamism of Guinean organizations in defence of women's rights, the growing action of Oprogem and BSPPV, created in 2009 and 2020 respectively, and the publicity given to certain convictions. However, the various actors fighting sexual violence consider that the complaints likely represent a tiny fraction of the total number of rapes actually committed, as a code of silence remains the rule within families in a patriarchal society where custom still sometimes continues to override the laws of the Republic.

In 2021, the forensic medicine service of the Ignace Deen University Hospital Centre (CHU) in Conakry received 638 rape victims. A survey conducted in 2016 by the Ministry of Social Action concluded that nearly 29.3% of women have suffered sexual violence at least once since the age of 15; nearly 20% have been victims of rape at least once since the age of 15 in several regions; and almost 30% have been victims of marital rape at least once since the age of 15 in some regions.<sup>6</sup>

Successive governments between 2015 and 2021 have taken important steps to address sexual violence and in particular rape. The legal framework has been strengthened, awareness campaigns have been conducted, training has been given to magistrates, lawyers, police officers and gendarmes, the BSPPV has been created within the gendarmerie, and judicial reform has made it possible to speed up the processing of criminal cases.

Despite these advances, this report presents numerous breaches of Guinea's international obligations in terms of prevention and fight against rape, protection of victims' rights and fight against impunity.

With regard to prevention, awareness raising remain disproportionately dependent upon the financial support of UN agencies, international cooperation and NGOs. According to teachers' testimonies, teaching programmes and educational materials promoting equality between women and men, combating discrimination and violence against women and tackling sexist and gender stereotypes are almost or completely non-existent.

In terms of protection, contrary to the recommendations of the African Commission on Human and Peoples' Rights' Guidelines on Combating Sexual Violence and its Consequences in Africa,<sup>7</sup> the country does not have a reliable toll-free number for reporting sexual violence or to enable victims to obtain initial advice and information, particularly with regard to medical care, psychological support or legal recourse.

The availability, quality and accessibility of the health system must be improved for victims, who often come from disadvantaged backgrounds. The cost of medical care is prohibitive for many who are unable to benefit from the help of NGOs. And while they need specific services that should include treatment for potential injuries related to sexual violence, treatment for diseases and other sexually-transmitted infections, access to pregnancy tests, contraception and safe abortion, specialist doctors are mainly found in the capital Conakry, forcing victims in this country of 13 million to rely on untrained staff. In addition, victims rarely have access to psychologists, of whom there are few in Guinea. They often find themselves in a situation of distress and social isolation, sometimes forced to move or change schools to end the stigma. One-stop centres that offer several protection services (medical, psychological and legal support) to victims are in short supply.

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<sup>3</sup> According to the right of response sent to Amnesty by the Ministry for Women's Promotion, Childhood and Vulnerable Persons: "The Observatory's decision-making body (Director-General and deputy) are also in place; the finances have also been established with which to support it. This team is currently focused on producing the Strategic Plan for effective implementation of its activity." Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>4</sup> Military force responsible for ensuring public security and law enforcement.

<sup>5</sup> The Guinean Civil Code sets 18 as the age of majority.

<sup>6</sup> Ministry of Social Action, Women's Promotion and Childhood, "National Survey on Gender-Based Violence in Guinea", March 2017, [dodroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf](https://dodroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf)

<sup>7</sup> Guidelines of the African Commission on Human and Peoples' Rights on Combating Sexual Violence and its Consequences in Africa, May 2017, <https://www.achpr.org/legalinstruments/detail?id=4>

Access to justice for victims of rape is often also strewn with insurmountable obstacles. Customary authorities sometimes push for out-of-court settlements, which is against the law. Certain victims who do file complaints may find themselves the target of threats and pressure, including from within their own families. The physical conditions in which they are received when filing a complaint and the lack of training among police officers and gendarmes can prevent victims from making a statement in complete confidence and privacy.

The existence of a forensic certificate is often required for a complaint to be referred to the justice system, thus invalidating any sexual violence report that comes in much later than when the assault occurred. Further, victims have difficulty accessing forensic medicine because of a lack of specialist doctors, most of whom are concentrated in the capital, Conakry. This is in addition to the cost of the examination to certify a rape. Moreover, court and legal fees may prevent victims from filing complaints if they are not supported by NGOs, given the absence of an effective legal aid system. Finally, at the end of legal proceedings, which can be lengthy due to court bottlenecks, the sentences handed down sometimes do not seem sufficiently commensurate to the severity of the crimes committed.

The “transition charter” published on 27 September 2021 by the National Committee of the Rally for Development (CNRD), which seized power in a coup deposing President Alpha Condé on 5 September 2021, established as its missions “a strengthening of the independence of the judiciary and an end to impunity” as well as “the promotion of human rights and public freedoms”. These missions must lie at the heart of the work of the transitional institutions and, in particular, the National Transitional Council (the legislative body), which is supposed to “contribute to the defence and promotion of human rights and public freedoms”.<sup>8</sup>

Guinean authorities must understand the importance of preventing and combating rape and other forms of sexual violence and respond to the needs of victims with regard to healthcare, sexual and reproductive rights, psychological support and legal aid.

Thus, among other recommendations, Amnesty International calls on the Guinean authorities to:

- Adopt a comprehensive law on violence against women and criminalize all forms of violence against women, in accordance with international law and standards; Revise the definition of rape in Guinean law so that it is based on the absence of consent and not on the use of "violence, coercion, or surprise," in accordance with international law and standards;
- Speed-up the effective establishment of the National Observatory to Combat Gender-based Violence and provide it with adequate resources to accomplish its mission, in particular to collect and publish reliable national statistics on gender-based violence;
- Ensure that victims of sexual violence have timely and affordable access to medical care and forensic examinations, psychological support and counselling, emergency contraception, HIV counselling, testing and post-exposure prophylaxis, safe abortion, and maternal health care and support; Support the development of facilities throughout the country that allow victims to receive comprehensive medical care in the same facility and promote the training and deployment throughout the country of sufficient medical personnel and forensic specialists trained in the management of sexual violence cases;
- Strengthen the capacity of the judiciary, police and other law enforcement authorities, as well as social and health workers, and any other officials involved in preventing and combating gender-based violence and violence against women, in accordance with the national legal framework;
- Ensure that the receipt and referral of complaints to the justice system is not conditional on the presentation of a forensic certificate or other evidence of the perpetration of sexual violence; Establish a legal aid system that guarantees the most financially disadvantaged complainants free access to the entire procedure; Ensure that the sentences handed down are proportionate to the serious nature of crimes of sexual violence, and are in accordance with the Criminal Code;
- Fund and implement awareness and education campaigns to address the underlying social and cultural attitudes that discriminate against women and girls and facilitate and perpetuate violence against them. These campaigns should: promote zero tolerance for violence against women and girls, debunk harmful gender stereotypes and myths associated with rape, eliminate the stigma associated

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<sup>8</sup> Transition Charter.

with women victims of violence, and encourage victims to seek redress. Campaigns should include community and religious leaders, local elected officials, the media and civil society.

# 2. METHODOLOGY

This report is the result of collaboration with IPPF as part of a joint IPPF - Amnesty International project to combat sexual violence in Guinea. It is a continuation of research conducted by Amnesty International over the past years on human rights and ending impunity in Guinea, and the work conducted by IPPF on protecting victims of sexual violence.

This report is the result of interviews and research conducted in Guinea by Amnesty International delegates between 23 October and 7 November 2021, 15 and 29 January 2022, and during February and March 2022; further interviews and research were conducted remotely during 2021 and 2022. The period covered extends from 2015 to May 2022, with the exception of repeated references to the 28 September 2009 massacre, a major event given the extent of the sexual violence committed and the ongoing impunity for these crimes.

Amnesty International delegates visited four regions and eight areas of the country: the capital Conakry, in the special region of Conakry; Dubréka and Kindia in the region of Kindia; Mamou in the region of Mamou; and Nzérékoré, Lola, Gouécké and Diécké in the region of Nzérékoré. The delegates met with 15 rape victims and several of their family members; 20 representatives of Oprogem and the BSPPV; more than 10 representatives of different ministries; four traditional authorities; five lawyers; four judges; three prison administrators; 15 doctors or health workers; the UN Resident Coordinator and the representative of the UN High Commissioner for Human Rights; three representatives of the European Union delegation; three diplomats from the French Embassy including the Ambassador; more than 15 journalists and over 30 members of NGOs and cooperation agencies. Hundreds of articles from news websites as well as official press releases and speeches were also drawn on to support the research. In total, this report is therefore based on interviews with at least 120 people. In accordance with Amnesty International's rules, the anonymity of some contacts was preserved at their request or after the organization's examination of the potential risks faced by these individuals.

The majority of testimonies concerning victims collected by Amnesty International delegates were either from adult survivors or, where the victim was under 18, from adult relatives. Amnesty International interviewed these people taking special precautions to ensure a survivor-centred approach and avoid re-traumatizing them. According to the wishes of the interviewees, interviews were conducted in private settings, ensuring that they were comfortable with the interview setting and understood and consented to the purpose of the interview, the topics that it would cover, and how the information would be used. In two cases, after consulting with local organizations, Amnesty International conducted interviews with children under 18. These interviews were conducted by a female Amnesty International delegate, with the agreement of the legal representatives and the consent of the minors, in the presence of a female social worker in one case. Amnesty International took special precautions not to re-traumatize the individuals.

In this report, Amnesty International uses the terms “victim” and “survivor” interchangeably to refer to people who have been raped. Nevertheless, the term “victim” is used more frequently, as it is more widely used in Guinea by those affected and local organizations working against sexual violence.

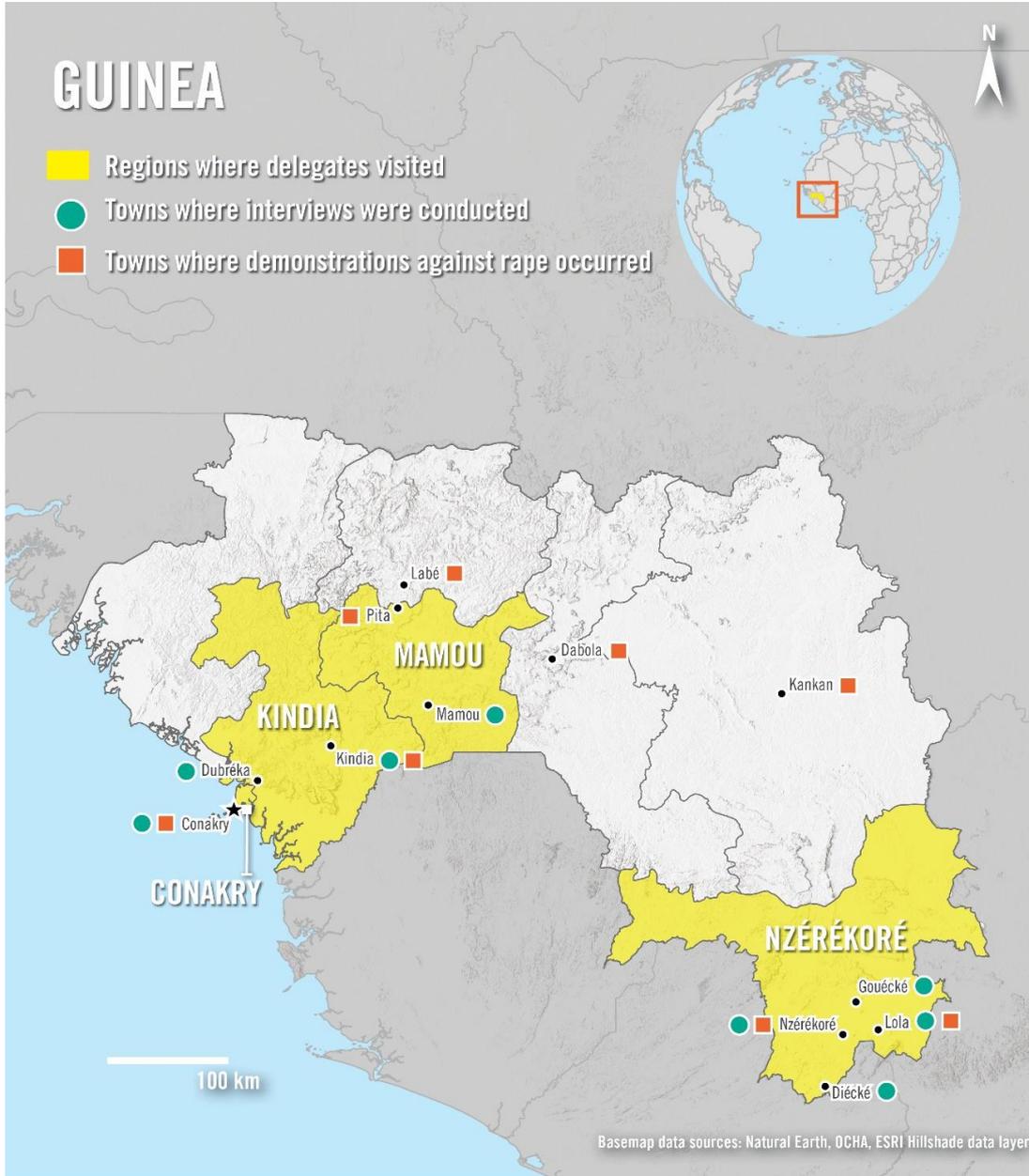
On 9 May 2022, Amnesty International sent a letter to the Guinean authorities outlining the main findings of this report and offering a right of reply. On 20<sup>9</sup> and 22<sup>10</sup> July, the Prime Minister's office sent the organization the replies of the various ministries concerned. The elements provided by the latter are reflected

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<sup>9</sup> Right of response send by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>10</sup> Right of response send by email to Amnesty International by the Prime Minister's office, 22 July 2022.

in the report. In addition, requests for interviews were sent to various ministries to present the research in Conakry and obtain their feedback before the report was released.



# 3. BACKGROUND

**“Justice shall be the compass guiding every Guinean citizen.”**

Extract from speech by Mamadi Doumbouya, former president of the CNRD, at the People's Palace on 6 September 2021

## 3.1 SEXUAL VIOLENCE IN GUINEA

As a 2016 UN report on sexual violence in the country states, “Women in Guinea are subject to various forms of violence, discrimination, and injustice due to persistent socio-cultural biases. Forced and early marriages, domestic violence, and sexual violence are the most recurrent forms of violence against girls and women in the country. Other forms of discrimination occur in access to education, means of production, credit, and decision-making positions in public administration and private enterprise.”<sup>11</sup>

The Republic of Guinea ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>12</sup> in 1982, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)<sup>13</sup> in 2012. It has adopted certain legal provisions and national policies and strategies relating to the issue of women's rights in general and sexual and gender-based violence in particular.

In 2017, Guinea adopted a new National Gender Policy. In 2019, it adopted a national strategy to promote the abandonment of female genital mutilation and a law on parity. In the same year, the new civil code<sup>14</sup> made some advances in women's rights, such as the recognition of parental authority to both parents and the possibility for women to choose their profession without their husband's permission. And in 2020, a new constitution established parity as a political and social goal.

However, despite efforts to strengthen the legal framework, the effective implementation of these measures and reforms remains weak due to the lack of institutional mechanisms, functional operational tools and the lack of awareness and involvement of the population.<sup>15</sup> This is due in part to the challenges associated with the coexistence of the legal system with discriminatory traditional and religious customs and practices.

The practice of early and forced marriage was still a reality, with nearly 60 percent of girls married before age 18. In some areas of the country, such as Upper Guinea, Middle Guinea, and Forest Guinea, the prevalence rate of early marriage was more than 70 percent, nearly double the average for sub-Saharan Africa (37

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<sup>11</sup> UN Office of the High Commissioner for Human Rights (OHCHR), “Report on human rights and the practice of female genital mutilation and excision in Guinea”, April 2016, [ohchr.org/sites/default/files/Documents/Countries/GN/ReportGenitalMutilationGuinea\\_FR.pdf](https://ohchr.org/sites/default/files/Documents/Countries/GN/ReportGenitalMutilationGuinea_FR.pdf)

<sup>12</sup> Convention on the Elimination of all Forms of Discrimination against Women, adopted 18 September 1979, entered into force 3 December 1981.

<sup>13</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa | African Union.

<sup>14</sup> SPECIAL GUINEAN CIVIL CODE A4 CORRECTED FINISHED (jafbase.fr)

<sup>15</sup> Feminist generations in West Africa, “Activists share their views and make recommendations for the Generation Equality Forum”, [equipop.org/wp-content/uploads/2020/09/Feminist-Generations-in-West-Africa.pdf](https://equipop.org/wp-content/uploads/2020/09/Feminist-Generations-in-West-Africa.pdf)

percent). In addition, 92% of women aged 15 to 64 have experienced some form of violence since they were 15 years old, according to a 2016 survey.<sup>16</sup>

According to UNICEF statistics, despite existing legislation and awareness-raising efforts, the Republic of Guinea ranks second in the world after Somalia in the prevalence of FGM/C practices, with 97% of girls and women cut.<sup>17</sup>

The UN Human Rights Committee<sup>18</sup> and the Committee on Economic, Social, and Cultural Rights<sup>19</sup> expressed deep concern in their 2018 and 2020 concluding observations on the state reports, respectively, regarding the widespread nature of sexual violence.

Among sexual violence, rape has long been a taboo subject and less documented but, in recent years, women and civil society organizations have begun to speak out.

## 3.2 THE COUNTRY UNDER A TRANSITIONAL REGIME

This research comes against the backdrop of a troubled political context whose human rights issues echo those related to the fight against sexual violence, such as the repression of contestation of authority, the restriction of freedom of expression and peaceful assembly or impunity for human rights violations.

On 5 September 2021, President Alpha Condé was overthrown in a coup by members of the Guinean army's special forces, led by Lieutenant Colonel Mamadi Doumbouya. This latter subsequently went on to create the National Committee for the Rally for Development (CNRD) and establish a transitional regime. This followed a severe crackdown by the authorities on members or supporters of the opposition, and members of civil society who spoke out or demonstrated against the 22 March 2020 constitutional referendum and the results of the 18 October 2020 presidential election that allowed Alpha Condé to remain in power for a third term. Dozens of opposition supporters had been killed by the defence and security forces during demonstrations, and many pro-democracy activists, political opponents and opposition supporters arbitrarily detained, as documented by Amnesty International.<sup>20</sup>

Two days after the 5 September coup, several dozen of these detainees were released on the instructions of the CNRD, including Oumar Sylla, one of the leading figures in the National Front for the Defence of the Constitution (FNDC), who had been in detention since 29 September 2020 and was sentenced in June 2021 by the Conakry Court of Appeal to three years' imprisonment on charges of "communicating and disclosing false information" and "threats, including violence or death". The Support Points (*"point d'appuis"*) –military mechanisms installed in the heart of the capital since November 2018– were removed.<sup>21</sup>

A transition charter was unveiled on 27 September 2021 outlining the institutions and missions of the transitional period and including "the drafting of a new constitution and its adoption by referendum", "the organization of free, democratic and transparent local and national elections", "strengthening the independence of the judiciary and ending impunity", and "promoting and protecting human rights and public freedoms". A civilian government was formed between 6 October and 4 November 2021 once Mamadi Doumbouya had been sworn in as transitional president on 1 October 2021.

Following an extraordinary summit in Accra on 9 January 2022, the Economic Community of West African States (ECOWAS) decided to impose a travel ban on the transitional authorities, to freeze their financial assets and to maintain Guinea's suspension from all its governing bodies. In a joint statement, several organizations, including Amnesty International, regretted that the suspension of proceedings relating to

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<sup>16</sup> National Strategy Document to combat gender-based violence, 25 December 2017.

<sup>17</sup> OHCHR, "Report on human rights and the practice of female genital mutilation and excision in Guinea", [ohchr.org/sites/default/files/Documents/Countries/GN/ReportGenitalMutilationGuinea\\_FR.pdf](https://ohchr.org/sites/default/files/Documents/Countries/GN/ReportGenitalMutilationGuinea_FR.pdf)

<sup>18</sup> UN Human Rights Committee, Concluding observations on the Third Periodic Report of Guinea, 26 October 2018, <https://digitallibrary.un.org/record/3795777?ln=en>

<sup>19</sup> UN Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Guinea, 6 March 2020, <https://www.ohchr.org/en/documents/concluding-observations/committee-economic-social-and-cultural-rights-concluding-3>

<sup>20</sup> Amnesty International, *Guinea: Marching to their Deaths. The urgent need of justice for the victims of Guinea's crackdown on demonstrations* (Index: AFR 29/2937/2020)

<sup>21</sup> *Guineematin.com*, *Démantèlement des PA à Conakry: les citoyens saluent une « bonne décision* [Dismantling of support points in Conakry: citizens welcome a "good decision"], 7 September 2021, [guineematin.com/2021/09/07/demantement-des-pa-a-conakry-les-citoyens-saluent-une-bonne-decision/](https://guineematin.com/2021/09/07/demantement-des-pa-a-conakry-les-citoyens-saluent-une-bonne-decision/)

human rights violations in Guinea through the ECOWAS Court of Justice was preventing victims from obtaining justice and reparation.<sup>22</sup>

The new Minister of Security and Civil Protection has called on police officers to break with past policing practice,<sup>23</sup> implicitly acknowledging their involvement in dozens of unlawful killings during demonstrations and riots in recent years. On 4 May 2022, the attorney general of the Conakry Court of Appeal announced the initiation of legal proceedings against former President Alpha Condé and 26 other high-level officials of the deposed regime for various alleged acts committed in the context of the 2020 referendum and presidential elections, including "intentional attacks on human life, particularly murder, assassination and complicity in murder and assassination".

On 22 January 2022, the list of 81 members of the National Transitional Council (NTC) was made official, headed by Dansa Kourouma. On 22 March, national meetings on national reconciliation and transitional justice opened but were boycotted by several political parties and civil society organizations.

On 13 May 2022, the CNRD announced a ban on "all demonstrations on the public highway likely to compromise social tranquillity and the proper execution of the activities contained in the timetable, (...) for the time being until the election campaign periods".<sup>24</sup> Previously, the Ministry of Territorial Administration and Decentralization had, on 21 January, reiterated the ban on demonstrations decided on 11 September 2021 by the CNRD.

Also on 13 May 2022, the CNRD "took note" of the CNT's proposal for a three-year transition.<sup>25</sup> At the time of publication of this report, the government had not indicated a date for the start of this countdown.

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<sup>22</sup> Amnesty International, *Cour de justice de la CEDEAO: La suspension des procédures concernant le Mali et la Guinée est un frein à la justice pour les victimes de violations des droits humains* [CEDAW Court of Justice: Stay of proceedings concerning Mali and Guinea hinders justice for victims of human rights abuses] (press release, 2 December 2021), [www.amnesty.org/fr/latest/news/2021/12/cour-de-justice-de-la-cedeao-la-suspension-des-procedures-concernant-le-mali-et-la-guinee-est-un-frein-a-la-justice-pour-les-victimes-de-violations-des-droits-humains/](http://www.amnesty.org/fr/latest/news/2021/12/cour-de-justice-de-la-cedeao-la-suspension-des-procedures-concernant-le-mali-et-la-guinee-est-un-frein-a-la-justice-pour-les-victimes-de-violations-des-droits-humains/)

<sup>23</sup> Visionguinee.info, *Le ministre Bachir Diallo aux policiers: 'Vous ne devez plus faire le maintien d'ordre tel que vous l'avez fait jusque-là'* [Minister Bachir Diallo to the Police: You must police differently from now on], 17 November 2021, [www.visionguinee.info/2021/11/17/le-ministre-bachir-diallo-aux-policiers-vous-ne-devez-plus-faire-le-maintien-dordre-tel-que-vous-lavez-fait-jusque-la/](http://www.visionguinee.info/2021/11/17/le-ministre-bachir-diallo-aux-policiers-vous-ne-devez-plus-faire-le-maintien-dordre-tel-que-vous-lavez-fait-jusque-la/)

<sup>24</sup> Press Release No. 012/CNRD/2022, [twitter.com/Presidence\\_gn/status/1525241977838653441](https://twitter.com/Presidence_gn/status/1525241977838653441)

<sup>25</sup> Press Release No. 012/CNRD/2022, [twitter.com/Presidence\\_gn/status/1525241977838653441](https://twitter.com/Presidence_gn/status/1525241977838653441)

# 4. GUINEA FACES RAPE CASES

**“I yelled at the doctor to get the truth because I knew what he was telling me was wrong.”<sup>26</sup>**

Mamadou Bhoie Sylla, father of M'mah Sylla, who died on 20 November 2021 (see below).

## 4.1 FROM BREAKING THE SILENCE TO NATIONAL OUTRAGE

### 4.1.1 2015: “THE LAST STRAW...”

Several Guinean women's rights organizations felt that the social media broadcasting in 2015 of a video showing a young naked woman being threatened at knifepoint by Tamsir Touré, a popular singer, was “the straw that broke the camel's back”,<sup>27</sup> a “trigger”<sup>28</sup> for mobilizations against sexual violence in the country. A protest took place on 4 November 2015 and the alleged perpetrator of the rape was arrested in Côte d'Ivoire, repatriated to Guinea, and imprisoned before being temporarily released in August 2016 after his defence counsel applied for bail on grounds of health.<sup>29</sup>

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<sup>26</sup> Interview with Mamadou Bhoie Sylla, M'mah Sylla's father, Conakry, 28 January 2022.

<sup>27</sup> VOA, *Guinée: liberté provisoire pour un rappeur accusé d'un viol diffusé sur les réseaux sociaux* [Guinea: Bail for rapper accused of rape broadcast on social media], 31 August 2016.

[www.voaafrique.com/a/guinee-liberte-provoire-pour-un-rappeur-accuse-d-un-viol-diffuse-sur-les-reseaux-sociaux/3488309.html](http://www.voaafrique.com/a/guinee-liberte-provoire-pour-un-rappeur-accuse-d-un-viol-diffuse-sur-les-reseaux-sociaux/3488309.html)

<sup>28</sup> Radio France Internationale, *Les Guinéennes manifestent contre les violences sexuelles* [Guinean women demonstrate against sexual violence], 4 November 2015, [www.rfi.fr/fr/afrique/20151104-guinee-manifestation-violences-sexuelles-viol-conakry-ong](http://www.rfi.fr/fr/afrique/20151104-guinee-manifestation-violences-sexuelles-viol-conakry-ong)

<sup>29</sup> VOA, *Guinée: liberté provisoire pour un rappeur accusé d'un viol diffusé sur les réseaux sociaux* [Guinea: Bail for rapper accused of rape broadcast on social media], 31 August 2016. [www.voaafrique.com/a/guinee-liberte-provoire-pour-un-rappeur-accuse-d-un-viol-diffuse-sur-les-reseaux-sociaux/3488309.html](http://www.voaafrique.com/a/guinee-liberte-provoire-pour-un-rappeur-accuse-d-un-viol-diffuse-sur-les-reseaux-sociaux/3488309.html)

Following in the footsteps of existing women’s rights organizations such as *Touche pas à ma sœur* or *Femmes, développement et droits humains en Guinée* (F2DHG), others emerged to fight sexual violence and related issues, such as *Amali* created in 2014, and *Mon enfant ma vie* founded in 2019 “to promote a more human care for women during pregnancy and childbirth”. Unique for the young age of its activists and its presence throughout the country, the *Club des jeunes filles leaders de Guinée* (CJFL-Guinée), founded in February 2016, has gained a national and international reputation, driven particularly by the strong media coverage of its representatives.<sup>30</sup>

This collective dynamic has led to regular challenging of the authorities. In 2015, during the Tamsir Touré case, the protests pushed the Minister of Justice<sup>31</sup> and the Minister of Social Action<sup>32</sup> to make public statements. In 2019, following the gang rape of a woman by military personnel in Siguiri, representatives of a sit-in organized in front of the Ministry of Defence by several organizations were finally received by the Directorate of Information and Public Relations of the Armed Forces (DIRPA).<sup>33</sup> That same year, on 27 June, a march was organized to denounce child rape<sup>34</sup> following which a memorandum presenting the concerns and recommendations of the participants was submitted to the Ministry of Justice.<sup>35</sup> In October 2020, *Amazones de la presse guinéenne*, a collective of women journalists, wrote to members of parliament about the rape of minors, making several recommendations.<sup>36</sup>

This “breaking of the silence”, coupled with particularly shocking accounts and the notorious impunity<sup>37</sup> for some of these crimes, has also attracted the attention of the international media on the issue of sexual violence in Guinea.<sup>38</sup>



## DEFINITION OF SEXUAL VIOLENCE AND RAPE

The ACHPR’s Guidelines on Combating Sexual Violence and its Consequences in Africa<sup>39</sup> (hereinafter “the ACHPR’s Guidelines”) define sexual violence as “any non-consensual act of a sexual nature, the threat or attempt of such an act, or the coercion of another person to engage in such an act on another person”. It can take many forms. The Guidelines list 18 of them, including rape (and marital rape), attempted rape, sexual harassment, sexual assault, forced marriage, forced abortion and FGM. The Guidelines define rape as “penetration of the vagina, anus or mouth with any object or body part”.

The Guinean Criminal Code defines rape as “any act of sexual penetration, of any kind, committed against another person by violence, coercion or surprise”.<sup>40</sup>

<sup>30</sup> Le Monde, *Monsieur le Président, la Guinée doit protéger ses filles de l’excision, du viol et du mariage précoce* [Mr. President, Guinea must protect its girls from female genital mutilation, rape and early marriage], 29 December 2018, [www.lemonde.fr/afrique/article/2018/12/29/monsieur-le-president-la-guinee-doit-protoger-ses-filles-de-l-excision-du-viol-et-du-mariage-precoce\\_5403467\\_3212.html](http://www.lemonde.fr/afrique/article/2018/12/29/monsieur-le-president-la-guinee-doit-protoger-ses-filles-de-l-excision-du-viol-et-du-mariage-precoce_5403467_3212.html)

<sup>31</sup> Guineematin.com, *Un mandat d’arrêt international contre Tamsir: le ministre Sako rassure les manifestants* [An international arrest warrant for Tamsir: Minister Sako reassures protesters], 4 November 2015

<sup>32</sup> Guineematin.com, *Manifestation contre le viol: les discours au ministère de l’Action sociale* [Demonstration against rape: speeches at the Ministry of Social Action] (videos) 5 November 2015, <https://guineematin.com/2015/11/05/manifestation-contre-le-viol-les-discours-au-ministere-de-l-action-sociale-videos/>

<sup>33</sup> Mosaïqueguinee.com, *Présumé viol de dame X à Siguiri: le sit-in du collectif des femmes, soldé par une rencontre avec la DIRPA* [Alleged rape of Ms X in Siguiri: the sit-in of the women’s collective, ended in a meeting with the DIRPA]

<sup>34</sup> Generationquiouse.com, *Conakry: une marche organisée contre les viols des enfants* [Conakry: a march organized against child rape], 28 June 2019, [generationquiouse.org/conakry-une-marche-organisee-contre-les-viols-des-enfants/](http://generationquiouse.org/conakry-une-marche-organisee-contre-les-viols-des-enfants/)

<sup>35</sup> *Guinée-Viol: Le collectif ‘Mon Enfant Ma Vie’ dépose un mémorandum au ministère de la Justice*, [Guinea-Rape: ‘My Child My Life’ collective files memorandum with Department of Justice], 27 June 2019, [agpguinee.com/blog-fr\\_Guinee\\_Viol\\_\\_Le\\_collectif\\_\\_Mon\\_enfant\\_\\_ma\\_vie\\_\\_depose\\_un\\_memorandum\\_au\\_ministere\\_de\\_la\\_Justice.html](http://agpguinee.com/blog-fr_Guinee_Viol__Le_collectif__Mon_enfant__ma_vie__depose_un_memorandum_au_ministere_de_la_Justice.html)

<sup>36</sup> Les Amazones de la presse guinéenne, “Haltes aux viols sur mineures” [An end to rape of minors], 3 October 2020,

<sup>37</sup> Guineematin.com, *Viol d’un bébé de 6 mois à Boulbinet: l’auteur condamné* [Rape of a 6-month-old baby in Boulbinet: perpetrator sentenced], [guineematin.com/viol-dun-bebe-de-6-mois-a-boulbinet-lauteur-condamne-10-ans-de-prison/](http://guineematin.com/viol-dun-bebe-de-6-mois-a-boulbinet-lauteur-condamne-10-ans-de-prison/)

<sup>38</sup> France Télévisions, “Les viols sur mineures, un fléau qui gangrène la société guinéenne” [Rape of minors, a gangrenous scourge on Guinean society], [francetvinfo.fr/monde/afrique/guinee/les-viols-sur-mineures-un-fleau-qui-gangrene-la-societe-guineenne\\_4036569.html](http://francetvinfo.fr/monde/afrique/guinee/les-viols-sur-mineures-un-fleau-qui-gangrene-la-societe-guineenne_4036569.html)

<sup>39</sup> Guidelines on combating sexual violence and its consequences in Africa, [www.achpr.org/legalinstruments/detail?id=4](http://www.achpr.org/legalinstruments/detail?id=4)

<sup>40</sup> Article 268.

According to UN Handbook for legislation on violence against women, the definition of sexual violence should "remove the requirement that the sexual attack be committed by force or violence and that penetration be proven".<sup>41</sup>

Amnesty International calls on the Guinean authorities to revise the definition of rape in the Criminal Code so that it is based on the absence of consent and not on the use of violence, coercion or surprise, thus complying with international law and standards in this regard.

## 4.1.2 2021: THE DEATH OF M'MAH SYLLA, A TURNING POINT?

Six years on from the Tamsir Touré case, 2021 saw new large-scale demonstrations against sexual violence. Three months after the rape of a 12-year-old girl in January in Nzérékoré, civil society organizations, including associations for the defence of women's rights, denounced the slow pace of justice.<sup>42</sup> Furthermore, the death of M'mah Sylla on 20 November, after several weeks of suffering, created national outrage that led to the involvement of the Head of State and Government. Raped repeatedly in unlicensed clinics in Conakry, then victim of operations carried out under undignified medical conditions, the young woman died in Tunis on 20 November 2021 (see section 4.1.2). The Prime Minister<sup>43</sup> and the Ministry of Justice<sup>44</sup> made public statements and demonstrations were organized by civil society organizations in November and December 2021 in Labé,<sup>45</sup> Kindia,<sup>46</sup> Nzérékoré<sup>47</sup> and Dabola (Faranah region) to denounce sexual violence.<sup>48</sup>

In this context of protest, several cases of rape and other forms of sexual violence affecting girls and women were made public at the end of 2021. On 30 November, a three-year-old girl was raped in Batè-Nafadji (Kankan region).<sup>49</sup> On 27 November, in the sub-prefecture of Sannoun (Labé region), a 13-year-old girl was raped by several men.<sup>50</sup> On 26 November, a 3-year-old girl was raped and killed in Labé.<sup>51</sup> Another 12-year-

<sup>41</sup> UN Women, "Handbook for Legislation on Violence against Women", 2012, [www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women](http://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women)

<sup>42</sup> Mosaïqueguinée, *Viol collectif à Nzérékoré: des femmes menacent de descendre dans la rue* [Gang rape in Nzérékoré: women threaten to take to the streets], [mosaigueguinee.com/viol-collectif-a-nzerekore-des-femmes-menacent-de-descendre-dans-la-rue/](http://mosaigueguinee.com/viol-collectif-a-nzerekore-des-femmes-menacent-de-descendre-dans-la-rue/)

<sup>43</sup> "Communiqué du gouvernement relatif au décès de Madame M'mah Sylla" [Statement from the government on the death of Ms M'mah Sylla], 21 November 2021

<sup>44</sup> Press release from the Public Prosecutor's Office of the Mafanco Court of First Instance, 29 November 2021

<sup>45</sup> Guineematin.com, *Décès de M'Mah Sylla: manifestation des femmes à Labé pour réclamer justice* [Death of M'mah Sylla: Women's demonstration in Labé to demand justice], 22 November 2021

<sup>46</sup> Actualitefeminine.com, *Kindia: des femmes activistes réclament justice pour M'Mah Sylla* [Kindia: women activists demand justice for M'mah Sylla], [actualitefeminine.com/2021/11/25/kindia-des-femmes-activistes-reclament-justice-pour-mmah-sylla/](http://actualitefeminine.com/2021/11/25/kindia-des-femmes-activistes-reclament-justice-pour-mmah-sylla/)

<sup>47</sup> Mosaïqueguinée.com, *Nzérékoré: les féministes en nombre dans la rue contre le viol* [Nzérékoré: feminists on the streets against rape], [mosaigueguinee.com/nzerekore-les-feministes-en-nombre-dans-la-rue-contre-le-viol/](http://mosaigueguinee.com/nzerekore-les-feministes-en-nombre-dans-la-rue-contre-le-viol/)

<sup>48</sup> Mosaïqueguinée.com, *Dabola: des ONG dans les rues pour dénoncer le viol et le laxisme de la justice* [Dabola: NGOs on the streets to denounce rape and lack of justice], 9 December 2021, [kalenews.org/dabola-des-ong-dans-les-rues-pour-denoncer-le-viol-et-le-laxisme-de-la-justice/](http://kalenews.org/dabola-des-ong-dans-les-rues-pour-denoncer-le-viol-et-le-laxisme-de-la-justice/) pour <https://mosaigueguinee.com/viol-collectif-a-nzerekore-des-femmes-menacent-de-descendre-dans-la-rue/>

<sup>49</sup> Amnesty International, *Des cas choquants de viol et de meurtre de filles doivent pousser les autorités à renforcer les efforts pour prévenir et combattre la violence sexuelle* [Shocking cases of rape and murder of girls should prompt the authorities to strengthen efforts to prevent and combat sexual violence] (press release, 15 December 2021), [www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/](http://www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/)

<sup>50</sup> Amnesty International, *Des cas choquants de viol et de meurtre de filles doivent pousser les autorités à renforcer les efforts pour prévenir et combattre la violence sexuelle* [Shocking cases of rape and murder of girls should prompt the authorities to strengthen efforts to prevent and combat sexual violence] (press release, 15 December 2021), [www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/](http://www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/)

<sup>51</sup> Amnesty International, *Des cas choquants de viol et de meurtre de filles doivent pousser les autorités à renforcer les efforts pour prévenir et combattre la violence sexuelle* [Shocking cases of rape and murder of girls should prompt the authorities to strengthen efforts to prevent and combat sexual violence] (press release, 15 December 2021), [www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/](http://www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/)

old girl died after being raped in Siguiri on 26 November.<sup>52</sup> On the same day, a 16-year-old girl was raped by several men in Kankan.<sup>53</sup>

The authorities reacted again to these tragic cases and to the mobilization of civil society. On 15 December 2021, the Prime Minister signed a “written commitment to end gender-based violence (GBV), including rape”.<sup>54</sup> This document also set a goal of reducing the rate of FGM by 10%.<sup>55</sup> The Minister of Security pledged that “the police will fight this scourge effectively and ensuring that the heaviest penalties will be applied to criminals who perpetrate these acts”.<sup>56</sup> Finally, on 13 January 2022, a memorandum from six national NGOs –forming the Women’s Collective against Sexual and Obstetric Violence– was submitted to the Prime Minister, “calling on the authorities to scale up the fight against gender-based violence and the unconditional application of the law in order to punish these crimes of rape as well as harmful medical practices in our country”.<sup>57</sup> The Prime Minister assured the public at this time that “you will not find any barriers on our side, we are ready to listen to you and support you”.<sup>58</sup>



© ↑ Left, protest in front of the Department of Defence on 12 December 2019. Right, Protest in Nzérékoré on 30 November 2021 following the death of M'mah Sylla © Agir pour le Droit Féminin

## 4.2 WHAT THE DATA DOES AND DOES NOT SAY

The existence of complete and reliable data and statistics on sexual violence and rape in particular is essential, not only to understand its extent but also to analyse its causes, where it is committed, who the victims are, and how to combat it.

Such aggregate official data on rape do not exist in Guinea. The National Observatory to Combat Gender-Based Violence, created in 2011 by decree<sup>59</sup> and whose mandate is to centralize data on GBV, has still not started its activities effectively despite the establishment of its decision-making body and the development of its action plan. The available data are those collected by actors working on this issue. Fragmented and imprecise, however, they do not make it possible to establish an overall observation with precision.

The following breakdown gives an overview of the data available to these different actors.

<sup>52</sup> Amnesty International, *Des cas choquants de viol et de meurtre de filles doivent pousser les autorités à renforcer les efforts pour prévenir et combattre la violence sexuelle* [Shocking cases of rape and murder of girls should prompt the authorities to strengthen efforts to prevent and combat sexual violence] (press release, 15 December 2021), [www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/](http://www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/)

<sup>53</sup> Amnesty International, *Des cas choquants de viol et de meurtre de filles doivent pousser les autorités à renforcer les efforts pour prévenir et combattre la violence sexuelle* [Shocking cases of rape and murder of girls should prompt the authorities to strengthen efforts to prevent and combat sexual violence] (press release, 15 December 2021), [www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/](http://www.amnesty.org/fr/latest/news/2021/12/guinee-des-cas-choquants-de-viol-et-de-meurtre-de-filles-doivent-pousser-les-autorites-a-renforcer-les-efforts-pour-prevenir-et-combattre-la-violence-sexuelle/)

<sup>54</sup> “Written commitment of the government of the Republic to put an end to gender-based violence (GBV), particularly rape in the Republic of Guinea” - “Zero tolerance to gender-based violence”, 15 December 2021

<sup>55</sup> [Primature.gov.gn](http://primature.gov.gn), *Le gouvernement s’engage à mettre fin aux violences faites aux enfants et aux femmes* [Government commits to ending violence against children and women], 15 December 2021, [primature.gov.gn/index.php/component/k2/item/726-le-gouvernement-s%E2%80%99engage-%C3%A0-mettre-fin-aux-violences-faites-aux-enfants-et-aux-femmes](http://primature.gov.gn/index.php/component/k2/item/726-le-gouvernement-s%E2%80%99engage-%C3%A0-mettre-fin-aux-violences-faites-aux-enfants-et-aux-femmes)

<sup>56</sup> [Kalenews.org](http://kalenews.org), *Lutte contre le viol en Guinée: Le ministre Bachir Diallo annonce des actions fortes* [Combating rape in Guinea: Minister Bachir Diallo announces strong action], 30 December 2021 [kalenews.org/lutte-contre-le-viol-en-guinee-le-ministre-bachir-diallo-annonce-des-actions-fortes/](http://kalenews.org/lutte-contre-le-viol-en-guinee-le-ministre-bachir-diallo-annonce-des-actions-fortes/)

<sup>57</sup> “Memorandum for the attention of the Prime Minister, Head of the Transitional Government”, January 2022

<sup>58</sup> [Primature.gov.gn](http://primature.gov.gn) *Violences sexuelles: il faut combattre le mal à la racine* [Sexual violence: Fighting the root causes], 13 January 2022 [primature.gov.gn/index.php/component/k2/item/730-violences-sexuelles-%C2%AB-il-faut-combattre-le-mal-%C3%A0-la-racine-%C2%BB](http://primature.gov.gn/index.php/component/k2/item/730-violences-sexuelles-%C2%AB-il-faut-combattre-le-mal-%C3%A0-la-racine-%C2%BB)

<sup>59</sup> Decree 3388/PRG/SSG.

## NATIONAL SURVEYS

The Ministry of Social Action has conducted two surveys on gender-based violence, one in 2009<sup>60</sup> and one in 2016,<sup>61</sup> with the support of the United Nations. The data collected show the scale of sexual violence, particularly rape. According to the 2016 survey of a sample of 1,600 women aged 15 to 64,<sup>62</sup> more than 15.4% of women surveyed in the Conakry region reported having been raped at least once since the age of 15; the figure was 18.8% in the Kindia region, 19.2% in the Faranah region, and 20% in the Nzérékoré region. As many as 29.2% (Mamou region) reported having been subjected to marital rape at least once since the age of 15. The survey conducted in 2009 concluded that 49.7% of the women surveyed had experienced sexual violence, 23.4% of which involved rape.<sup>63</sup>

## DATA FROM OPROGEM AND THE BSPPV

The Office for the Protection of Gender, Child and Vice Protection (Oprogem) created in December 2009<sup>64</sup> within the police, and the Special Brigade for the Protection of Vulnerable Persons (BSPPV) created on 29 January 2020<sup>65</sup> within the gendarmerie, are the two services responsible for gathering complaints of rape.

The data available to the Office of Gender, Child and Vice Protection and the Special Brigade for the Protection of Vulnerable Persons relates to complaints received. They show a clear increase in reported rapes to these two units. For the three cumulative years 2013, 2014 and 2015, 281 rapes were recorded by Oprogem. For the two cumulative years 2016 and 2017, 355 rapes were recorded. Then 116 cases were recorded in 2018, 393 in 2019, 374 in 2020 and 199 between 1 January and 30 September 2021. Created in 2020 (see 8.2.2), the BSPPV handled 204 complaints for “rape and sexual assault” cases in 2021.<sup>66</sup>

Data provided to Amnesty International by Oprogem on the age and sex of victims and perpetrators on the basis of complaints is only available for the most recent years. Nonetheless, this clearly shows a high prevalence of rape among girls under 18 years of age by adult men. In 2020, more than 75% of the victims were minors and nearly 70% of the perpetrators were adults; in 2019, 75% of the victims were minors and nearly 65% of the perpetrators were adult men. BSPPV data for 2021 shows that 33% of rapes and sexual assaults recorded that year involved victims under the age of 13.

Complaint-based data from Oprogem and BSPPV captures only a fraction of the number of rapes committed each year in Guinea. Several surveys show that only a small proportion of rapes are reported to the security forces, without being specific about the different categories of violence, which limits their interpretation. According to the 2016 national survey, only 24% of the women surveyed told someone after the most recent act of gender-based violence that they had experienced, and only 5.1% filed a complaint. Another survey published in June 2021 by the NGO *Femmes, développement et droits humains* (F2DH) on violence against women during Covid-19 involved a sample of 792 people, including 600 women, and concluded that 66% of people generally refrain from filing a complaint with the authorities.<sup>67</sup> The main reasons given were the belief that “it’s not necessary/will not be successful” (52%), a lack of knowledge of how to file a complaint in these situations (23%), and fear of further violence (19%).<sup>68</sup>

The majority of people met by Amnesty International nevertheless consider that this situation has evolved as a result of the “breaking of the silence” observed in recent years, one of the most visible consequences of which is the sharp increase in the number of complaints received by Oprogem notably. According to Marie

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<sup>60</sup> Ministry of Social Affairs, Women’s Promotion and Children, “Rapport national sur l’élimination et la prévention des violences à l’égard des femmes/filles” [National Report on the Elimination and Prevention of Violence against Women], February 2013

<sup>61</sup> Ministry of Social Action, Women’s Promotion and Children, “Enquête nationale sur les violences basées sur le genre en Guinée” [National Survey on Gender-Based Violence in Guinea], March 2017, docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf

<sup>62</sup> Ministry of Social Action, Women’s Promotion and Children, “Enquête nationale sur les violences basées sur le genre en Guinée” [National Survey on Gender-Based Violence in Guinea], March 2017, docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf

<sup>63</sup> Ministry of Social Affairs, Women’s Promotion and Children, “Rapport national sur l’élimination et la prévention des violences à l’égard des femmes/filles” [National Report on the Elimination and Prevention of Violence against Women/Girls], February 2013

<sup>64</sup> Decree No.3476 of 1st December 2009, confirmed by Decree No. 120/PRG/SGG/11 of 14 April 2011

<sup>65</sup> Decree No. 14/PRG/MON/CAB/2020 of 29 January 2020

<sup>66</sup> High Command of the National Gendarmerie. “Statistiques de la Brigade spéciale de protection des personnes vulnérables allant du 1<sup>er</sup> janvier au 31 décembre 2021” [Statistics from the Special Brigade for the Protection of Vulnerable Persons, 1 January to 31 December 2021]. Document passed to Amnesty International.

<sup>67</sup> “Typologie et cartographie des violences faites aux femmes en période de Covid-19 en République de Guinée” [Typology and mapping of violence against women during Covid-19 in the Republic of Guinea]. Commissioned by: Femmes Développement et Droits Humains, June 2021.

<sup>68</sup> “Typologie et cartographie des violences faites aux femmes en période de Covid-19 en République de Guinée” [Typology and mapping of violence against women during Covid-19 in the Republic of Guinea]. Commissioned by: Femmes Développement et Droits Humains, June 2021.

Gomez, Acting Executive Director of Oprogem, “It’s not that there are many more rapes but that many more are being reported. Before, rape was considered taboo. Now that taboo is disappearing.”<sup>69</sup>

## DATA FROM FORENSIC MEDICINE

Data from the various forensic services related to rape are not centralized.<sup>70</sup> Some of the forensic services – which exist only in Conakry – provide statistics.

Victims of sexual violence who consult forensic medicine do not necessarily file a complaint with Oprogem and the BSPPV. “The victims may come from other hospital services, or from police and gendarmerie units other than Oprogem and BSPPV. It can also happen that victims – often adults – come to see us to obtain proof of a rape or sexual assault through a forensic certificate without, however, filing a complaint,” Thierno Mamadou Chérif Diallo, medical examiner at Donka University Hospital (in Conakry), told Amnesty International.<sup>71</sup>

During 2021, the forensic medicine department at Ignace Deen University Hospital in Conakry recorded a total of 638 “sexual assault cases”,<sup>72</sup> of which 490 involved minors aged 15 years or younger, 148 were aged between 16 and 30, and two were between 31 and 45 years. In other words, more than 76% of victims were under 15 years of age.<sup>73</sup> This information was confirmed to Amnesty International by Professor Hassane Bah, Head of Department, who also specified that the terminology used corresponds only to rape. In comparison, the service identified 360 cases of sexual assault in 2017.<sup>74</sup> At Donka University Hospital, 23 cases of sexual assault have been recorded since the beginning of 2022.<sup>75</sup> At the Conakry regional hospital, forensic doctor Namandian Traoré reported 16 cases of rape to Amnesty International between 22 March and 18 May 2022.<sup>76</sup>

## DATA FROM THE JUSTICE SYSTEM

Amnesty International is not aware of any centralized and/or public data that would enable us to ascertain the number of judgments handed down in rape cases by year and by jurisdiction, or the number of defendants sentenced for the same reasons.

In the absence of such information, the organization was able to gather fragmentary details from interviews and media reports that give an indication of the scale of rape cases in certain courts and prisons for certain criminal sessions. This information cannot give rise to more general interpretations. During the criminal session in Siguiri (Kankan region) in May 2022, 41 out of 90 cases involved rape or attempted rape (45%).<sup>77</sup> In Yomou (Nzérékoré region) in May 2022, seven out of nine cases involved rape of minors (77%).<sup>78</sup> In Labé in October 2021, five out of 16 cases involved rape<sup>79</sup> (31.25%). In Kindia, 43 of the 130 judgements handed down between 6 March 2017<sup>80</sup> (the date of the court’s first criminal hearing) and 14 February 2019

<sup>69</sup> Earthguinea.org, *Guinée/Viol Sur Mineures: En 2020, 374 Cas Ont Été Enregistrés Sur L’ensemble Du Territoire National* [Guinea/Rape of Minors: In 2020, 374 cases were recorded nationwide], 12 January 2021, earthguinea.org/guinee-viol-sur-mineures-en-2020-374-cas-ont-ete-enregistres-sur-lensemble-du-territoire-national/

<sup>70</sup> Remote interview with Thierno Mamadou Chérif Diallo and Namandian Traoré, forensic doctors at the Donka University Hospital and Conakry Regional Hospital, 31 May 2022

<sup>71</sup> Remote interview with Thierno Mamadou Chérif Diallo, forensic doctor at Donka University Hospital, 31 May 2022

<sup>72</sup> Guineenews.org, *Dr Sadou Diallo, médecin légiste: “en moins d’un an, 490 cas de viols sur mineures de moins de 15 ans ont été enregistrés”* [Dr. Sadou Diallo, coroner: “In less than a year, 490 cases of rape of minors under the age of 15 have been recorded”], 20 December 2021, guineenews.org/dr-sadou-diallo-medecin-legiste-en-moins-dun-an-490-cas-de-viols-sur-mineures-de-moins-de-15-ans-ont-ete-enregistres/

<sup>73</sup> Guineenews.com, *Dr Sadou Diallo, médecin légiste: “en moins d’un an, 490 cas de viols sur mineures de moins de 15 ans ont été enregistrés”* [Dr. Sadou Diallo, coroner: “In less than a year, 490 cases of rape of minors under the age of 15 have been recorded”], 20 December 2021,

guineenews.org/dr-sadou-diallo-medecin-legiste-en-moins-dun-an-490-cas-de-viols-sur-mineures-de-moins-de-15-ans-ont-ete-enregistres/

<sup>74</sup> Ministry of Social Action, Women’s Promotion and Children, “National Report on Evaluating the Implementation of the Beijing+25 Platform for Action”, May 2019.

<sup>75</sup> Remote interview with Thierno Mamadou Chérif Diallo, forensic doctor at Donka University Hospital, 31 May 2022

<sup>76</sup> Remote interview with Namandian Traoré, forensic doctor at Conakry Regional Hospital, 31 May 2022

<sup>77</sup> Guineematin.com, Siguiri; 41 dossiers de viol et de tentative de viol sur les 90 en état d’être jugés (parquet) (41 out of 90 cases of rape and attempted rape about to be heard (prosecution)), 20 May 2022, guineematin.com/2022/05/20/siguiri-41-dossiers-de-viol-et-de-tentative-de-viol-sur-les-90-en-etat-detre-juges-parquet/

<sup>78</sup> Guineematin.com, Yomou : 9 affaires criminelles inscrites aux audiences criminelles foraines [9 criminal cases listed for circuit court hearings], 19 May 2022, guineematin.com/2022/05/19/yomou-9-affaires-criminelles-inscrites-aux-audiences-criminelles-foraines/

<sup>79</sup> Guinée7.com, Labé: Audiences criminelles, 5 cas de viols inscrits sur le rôle [Labé, Criminal hearings, 5 rape cases scheduled], 19 October 2021, guinee7.com/labe-audiences-criminelles-5-cas-de-viol-inscrits-sur-le-role/

<sup>80</sup> Mosaiqueguinee.com, TPI de Kindia : 130 affaires jugées dans le cadre des audiences criminelles depuis 2017 (procureur) [Kindia Court : 130 cases heard in the criminal court since 2017], <https://mosaiqueguinee.com/tpi-de-kindia-130-affaires-jugees-dans-le-cadre-des-audiences-criminelles-depuis-2017-procureur/>

concerned the rape of a minor (33.08%), far ahead of assault and battery (14) and murder (13). In Kissidougou (Nzérékoré region), four of the 15 cases reviewed as of 20 February 2019 involved the rape of a minor (26.67%). In Kankan, during the criminal hearings opened in February 2019,<sup>81</sup> the proportion was 28.57% (two rapes out of seven cases).

At the time of Amnesty International's visit, Mamou prison was holding 32 detainees (26 convicted and six on remand) for sexual violence out of a total of 166 (19.28%);<sup>82</sup> Kindia prison had 28 detainees for rape (including five on remand) out of a total of 353 (7.93%).<sup>83</sup>

## 4.3 SOCIAL ENVIRONMENT AND RAPE

The lack of complete and reliable data on the issue of rape is also detrimental to the analysis of the perpetrators of such violence, which is essential to the fight against it.

According to the national survey conducted in 2016, which concerns GBV in general and not the phenomenon of rape in particular,<sup>84</sup> this violence is "usually perpetrated by spouses, partners, family members, employers, teachers, medical staff, law enforcement".

In the absence of complete and reliable data, the testimonies collected by our organisation and the profiles reported by Oprogem, the BSPPV and NGOs working on the issue of sexual violence show that the family unit and the neighbourhood are the main environment for rape, but also people with a high position of moral and/or social authority.

### **“YOUR PERPETRATOR IS NEVER FAR AWAY”: FAMILY UNIT, HOST FAMILY AND NEIGHBOURHOOD**

According to testimonies collected by Amnesty International, whether committed by distant relatives, guardians, neighbours or local community members, rapes often occur within the family unit or neighbourhood. “The perpetrator is never far away,” explains Captain Idrissa Keita, head of the Oprogem section at Dixinn Central Police Station (Conakry).<sup>85</sup> The BSPPV made the same observation: “The rapist is never far away. Most often it is a family member or a neighbour.”<sup>86</sup> Judges also noted that “most of the time, these are cases that take place within the family: the uncle with the niece, the cousin with another cousin, a neighbour who often helps out the family...”<sup>87</sup>

Young girls employed as domestic servants in families are particularly vulnerable to rape. Asmaou Bah Doukouré, General Secretary of the National Union of Domestic Workers of Guinea (SYNEM), explains that there is no data on the subject. However, she says, “there is physical, emotional or sexual violence in almost every household where there are domestic workers”.<sup>88</sup>

In 2019, the Committee on the Rights of the Child noted with regard to Guinea that the “prevalence of gender-based violence against girls, including rape, in both the public and the domestic spheres, remains high, including against girl domestic workers”.<sup>89</sup>

The NGO *Humanitaire pour la protection de la femme et de l'enfant* (HuProFE) also notes that “young girls from vulnerable families or orphans who live in foster homes are increasingly exposed to acts of violence”.<sup>90</sup> “Fostering” (“*confiage*”) is a common practice in Guinea and West Africa. It consists of entrusting a child to other family members, friends, or even strangers.

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<sup>81</sup> Guineematin.com, Audiences criminelles à Kankan : le Procureur satisfait des jugements rendus [Kankan criminal hearings : Prosecutor satisfied with decisions passed], 18 March 2019, guineematin.com/2019/03/18/audiences-criminelles-a-kankan-le-procureur-satisfait-des-jugements-rendus/

<sup>82</sup> Interview with Pogba Soropogui, Mamou, 3 November 2021.

<sup>83</sup> Interview with Célestin Lamah, Governor of Kindia Prison, Kindia, 3 November 2021.

<sup>84</sup> Ministry of Social Action, Women's Promotion and Children, “National Survey on Gender-Based Violence in Guinea”, March 2017, docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf

<sup>85</sup> Interview with Captain Idrissa Keita, Conakry, 29 October 2021.

<sup>86</sup> Guinee114.com, Guinée : 131 cas de viol enregistrés depuis janvier 2021 [Guinea: 131 rape cases recorded since January 2021], 11 December 2021, guinee114.com/guinee-131-cas-de-viol-enregistres-depuis-janvier-2021/

<sup>87</sup> Interview with Dio Joseph Tenguiano, deputy Prosecutor at the Nzérékoré Court of First Instance, Nzérékoré, February 2022.

<sup>88</sup> Interview with Asmaou Bah Doukouré, Conakry, 27 October 2021.

<sup>89</sup> Committee on the Rights of the Child, Concluding observations on the combined third to sixth periodic reports of Guinea, 28 February 2019, <https://digitallibrary.un.org/record/3793446?ln=en>

<sup>90</sup> Gender-based violence case sheet no. 1/01/2021. Sent to Amnesty International by HuProFE

## DEFENCE AND SECURITY FORCES

The 2016 survey by the Ministry of Social Action<sup>91</sup> mentions “police forces” among those by whom violence against women in general is “typically perpetrated”.

Regarding the involvement of members of the defence and security forces in cases of rape, lawyer Halimatou Camara<sup>92</sup> referred to the 28 September 2009, massacre in which more than 100 women were sexually assaulted by members of the defence and security forces during a peaceful demonstration.<sup>93</sup> In addition, frequent reports of rape or sexual assault by men in uniform have been documented by witnesses or reported on news sites.

Adrien Tossa of the NGO *Mêmes droits pour tous* told Amnesty International about an attempted rape of a minor committed in April 2021 by a soldier in the capital Conakry.

**“There is the sadly infamous story of a red beret in uniform who came across an underage girl leaving for school in Dixinn one morning. He was in a car with tinted windows. He stopped alongside her and offered her a ride, and she got in. The man parked somewhere quieter, pulled out a gun and threatened her, telling her to get undressed on pain of death. She did so but she started screaming just as two young boys were passing by. The two youths heard the screams and banged on the car. The soldier then started up the car and drove towards Bellevue but got stuck in a traffic jam. The youths took motorcycles to chase him, they created an incident and other red berets who were nearby ran up and arrested him.”<sup>94</sup>**

## TEACHERS AND RELIGIOUS LEADERS

Being in positions of moral and/or social authority and in contact with young people, teachers, Koranic masters, imams and priests are also cited as perpetrators in cases of rape, as confirmed by testimonies collected by Amnesty International and court cases.

Among the most recent court cases, in Mamou, when a “teacher by profession and muezzin” was sentenced to 10 years in prison for raping a student.<sup>95</sup> In 2019, a Koranic teacher was tried for the rape of a boy in Sonfonia (Conakry).<sup>96</sup> On 8 October 2019, a Koranic teacher was sentenced to 10 years in prison for raping two students in 2018.<sup>97</sup>

In 2022, one case was particularly publicized, that of the alleged rape of a young girl by the imam of a mosque in Yimbayah (Conakry). Amnesty International has received testimony from the mother of the alleged victim:

**“It was the month of Lent. My daughter often told me that she wanted to go and read the Koran. So, for a month, she went to the mosque. The imam would call all the time on the maid's number telling my daughter to go to the mosque. That's how he abused her in the mosque (...) When my daughter undressed in front of me, I saw that she was no longer a virgin. We went to see my gynaecologist. A pregnancy test was done and it was positive (...) I asked her who had got her pregnant and she told me that it was the imam who teaches her the Koran. I was shocked. At first, I didn't believe her.”<sup>98</sup>**

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<sup>91</sup> Ministry of Social Action, Women's Promotion and Childhood, National Survey on Gender-based Violence in Guinea, March 2017, [docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf](https://docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf)

<sup>92</sup> Interview with Halimatou Camara, lawyer, Conakry, 28 October 2021.

<sup>93</sup> International Commission of Inquiry into Guinea, “Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea”, 18 December 2009

<sup>94</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

<sup>95</sup> Actujeune.com, *TPI de Mamou: un maître coranique condamné à 10 ans de prison pour viol sur son élève* [Mamou Court of First Instance: Koranic teacher sentenced to 10 years for rape of a student], 30 July 2021, [actujeune.com/2021/07/30/tpi-de-mamou-un-maitre-coranique-condamne-a-10-ans-de-prison-pour-viol-sur-son-eleve/](https://actujeune.com/2021/07/30/tpi-de-mamou-un-maitre-coranique-condamne-a-10-ans-de-prison-pour-viol-sur-son-eleve/)

<sup>96</sup> Guineematin.com, *Insolite: un maître coranique jugé pour viol sur un jeune garçon* [Unusual: Koranic teacher tried for rape of young boy], 4 October 2019, [guineematin.com/2019/10/04/insolite-un-maitre-coranique-juge-pour-viol-sur-un-jeune-garcon/](https://guineematin.com/2019/10/04/insolite-un-maitre-coranique-juge-pour-viol-sur-un-jeune-garcon/)

<sup>97</sup> Mosaiqueguinee.com, *Kaloum: un maître de l'école coranique condamné à 10 ans de prison pour viol* [Kaloum: Koranic teacher sentenced to 10 years in prison for rape], [mosaiqueguinee.com/kaloum-un-maitre-de-lecole-coranique-condamne-a-10-ans-de-prison-pour-viol/](https://mosaiqueguinee.com/kaloum-un-maitre-de-lecole-coranique-condamne-a-10-ans-de-prison-pour-viol/)

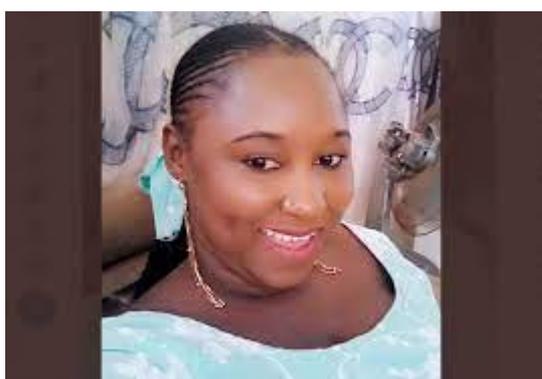
<sup>98</sup> Interview with the mother of the alleged victim, Yimbayah (Conakry), 25 January 2022.

## MEDICAL PROFESSIONALS AND TRADITIONAL HEALERS

The case of M'mah Sylla (see below) brought to light the existence of rape and sexual assault committed by members of the medical profession or traditional healers. On 13 January 2022, a doctor on the paediatric ward of the prefectural hospital in Lélouma (Labé region) was convicted of “sexual abuse”.<sup>99</sup> On 25 November 2021, in Kamsar (Boké region), a woman was allegedly raped under anaesthetic in a hospital where she had gone for surgery. The hospital management announced on 28 November that it had “arrested the alleged culprit”, an external service provider, and taken him to the gendarmerie.<sup>100</sup>



### M'MAH SYLLA DIED AFTER SEVEN OPERATIONS



←  Photo of M'mah Sylla

On 12 October 2021, the NGO *Mon enfant ma vie* posted a video on its Facebook page telling the story of M'mah Sylla. Amnesty International presents this story based on excerpts from the video and an interview with M'mah Sylla's father, who was met by Amnesty International delegates.

At an unlicensed clinic in Enta district (Conakry) where M'mah Sylla had gone, the “doctor” injected her with a substance that made her pass out. “She woke up a few hours later, lying in a room, naked.” Convinced that she had been raped, M'mah Sylla returned to the clinic twice to force the “doctor” to give her a pregnancy test. After a second positive test, “the man did not deny it, and said he was ready to take responsibility for the pregnancy and the child, before sending her to a colleague for an ultrasound”. This colleague also put her to sleep and raped her. M'mah Sylla was then told that she was not pregnant but that she had a cyst in her stomach that required urgent surgery. A third “doctor” then operated on her under undignified medical conditions, in exchange for a payment. M'mah Sylla woke up “with her stomach torn from left to right. She had an obstetric fistula. Back home, M'mah Sylla told her father what had happened. The latter went to the “doctors”, who sent his daughter to another clinic in Dabompa (Conakry). She underwent three operations that did not work. She was then taken to Ignace Deen Hospital, where payment was again requested for a fourth operation.

M'mah Sylla was evacuated to Tunisia thanks to the direct intervention of the Head of State, who visited her on 15 October 2021 at the Ignace Deen Hospital.<sup>101</sup> On 20 November 2021, the news of her death following a seventh operation spread quickly. The next day, the Prime Minister announced through a statement<sup>102</sup> that the government “has instructed the Minister of Justice to take all urgent measures to speed up the ongoing investigation so that the culprits can be held accountable for their crimes”.<sup>103</sup> The Ministry of Justice also reacted publicly, announcing that three of the alleged perpetrators had been

<sup>99</sup> Guineenews.org, *Lélouma: un médecin condamné par la justice pour “atteinte sexuelle” sur sa fille “adoptive”* [Lélouma: doctor sentenced for “sexual abuse” of his “adopted” daughter], 13 January 2022, [guineenews.org/lelouma-un-medecin-condamne-par-la-justice-pour-atteinte-sexuelle-sur-sa-fille-adoptive/](https://guineenews.org/lelouma-un-medecin-condamne-par-la-justice-pour-atteinte-sexuelle-sur-sa-fille-adoptive/).

<sup>100</sup> Anaim Hospital, management statement, 28 November 2021.

<sup>101</sup> LeDjely.com, *Le colonel Mamadi Doumbouya au chevet de M'mah Sylla, victime de viol* [Colonel Mamadi Doumbouya at the bedside of M'mah Sylla, rape victim], 16 October 2021, [ledjely.com/2021/10/16/le-colonel-mamadi-doumbouya-au-chevet-de-mmah-sylla-victime-de-viol/](https://ledjely.com/2021/10/16/le-colonel-mamadi-doumbouya-au-chevet-de-mmah-sylla-victime-de-viol/).

<sup>102</sup> Government statement on the death of M'mah Sylla, 21 November 2021.

<sup>103</sup> Government statement on the death of M'mah Sylla, 21 November 2021.

remanded in custody at the Conakry central prison since 14 October for “rape, abortion, administration of harmful substances, risk to others and complicity”.<sup>104</sup>

During a press conference on 21 May 2022, several women's rights NGOs read a statement to denounce the “dysfunction of the judicial system in the treatment of violence against women”. They particularly regretted that “in the space of eight months of investigation (in the M'mah Sylla case), the examining magistrate changed four times”, while “the Guinean State had undertaken to have this case judged quickly”.<sup>105</sup>

## 4.4 GUINEA'S INTERNATIONAL OBLIGATIONS

Combating sexual violence and its consequences is governed by various binding international human rights instruments ratified by Guinea. At the international level, the main ones are the International Covenant on Civil and Political Rights (ratified by Guinea in 1978);<sup>106</sup> the International Covenant on Economic, Social and Cultural Rights (1978), Article 12 of which protects, among other things, the right to health;<sup>107</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>108</sup> (1989); and the Convention on the Rights of the Child (1990), which protects children from all forms of violence, including sexual violence.<sup>109</sup>

Guinea has also been a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 1982.<sup>110</sup> The Committee on the Elimination of Discrimination against Women (hereinafter “CEDAW Committee”) has interpreted several provisions of the Convention in relation to the issue of sexual violence, in particular through its general recommendations on violence against women (General Recommendation No. 12 in 1989 and General Recommendation No. 19 in 1992 updated by General Recommendation No. 35); on women's health (General Recommendation No. 24 in 1999); and on women's access to justice (General Recommendation No. 33).

Guinea has not, however, yet acceded to the Optional Protocol<sup>111</sup> to the CEDAW Convention, which allows individuals to bring cases of violations of their rights before the CEDAW Committee once all domestic remedy has been exhausted.

The CEDAW Committee has reviewed Guinea three times, in 2001, 2007 and 2014. It recommended in 2014, *inter alia*, that the State party should adopt a comprehensive law on violence against women and, in accordance with international law, criminalize all its forms, including domestic violence, marital rape and sexual harassment.<sup>112</sup> Guinea's report to the CEDAW Committee, due 1 November 2018, had not been submitted as of the date of this report. In addition, on 21 September 2017, the Committee's Rapporteur wrote to the Guinean authorities requesting that they provide the Committee with information that was expected in November 2016 on the measures taken to implement its previous recommendations.

At the continental level, Guinea has ratified the African Charter on Human and Peoples' Rights (the Charter),<sup>113</sup> adopted in 1981, which guarantees, *inter alia*, the principle of non-discrimination, the right to equality before the law and the equal protection of the law, the right to have one's case heard by the competent national courts, and the right to physical and moral integrity.

<sup>104</sup> Press release from the Public Prosecutor's Office of the Mafanco Court of First Instance, 29 November 2021.

<sup>105</sup> Mon enfant ma vie, F2DHG, Club des jeunes filles leaders de Guinée, Amali, Griff, OGDH, “Dysfonctionnements de l'appareil judiciaire dans le traitement des violences faites aux femmes” [Dysfunctioning in the judicial system for handling cases of violence against women], 21 May 2022.

<sup>106</sup> International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>107</sup> International Covenant on Economic, Social and Cultural Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>108</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>109</sup> Convention on the Rights of the Child, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

<sup>110</sup> Convention on the Elimination of All Forms of Discrimination against Women, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>111</sup> CEDAW, Concluding observations on the seventh and eighth periodic reports of Guinea, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGIN%2fCO%2f7-8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGIN%2fCO%2f7-8&Lang=en)

<sup>112</sup> CEDAW, Concluding observations on the seventh and eighth periodic reports of Guinea, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGIN%2fCO%2f7-8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGIN%2fCO%2f7-8&Lang=en)

<sup>113</sup> African Charter on Human and Peoples' Rights, adopted on 1 June 1981 <https://www.achpr.org/legalinstruments/detail?id=49>

**“The human person is inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No-one may be arbitrarily deprived of this right.”**

Article 4 of the African Charter on Human and Peoples' Rights

The African Charter on the Rights and Welfare of the Child, ratified by Guinea in 1999,<sup>114</sup> calls on States Parties to protect children from abuse and ill-treatment, to abolish negative cultural and social customs and practices, and to protect children from all forms of sexual exploitation.

Guinea also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (known as the Maputo Protocol) in 2012, which obliges States Parties to ensure the right to dignity, the right to life and physical integrity, and the elimination of harmful practices. The Protocol commits States Parties to adopt specific measures to combat violence against women.

**“States Parties shall take appropriate and effective measures to adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women.”**

Article 4.2.b of the Maputo Protocol

The African Commission on Human and Peoples' Rights (ACHPR) has also adopted thematic resolutions, such as Resolution 110 on the health and reproductive rights of women (2007),<sup>115</sup> and Resolution 111 on the right to a remedy and reparation for women and girls who are victims of sexual violence (2007).<sup>116</sup>

Finally, in 2017, the ACHPR adopted the Guidelines on Combating Sexual Violence in Africa and its Consequences, “designed as a tool to offer a methodology to African States, and to serve as the foundation for an adequate legal and institutional framework”. Condensed from the main texts of international law, these Guidelines set out in detail four main obligations: to prevent sexual violence and its consequences; to protect; to investigate and prosecute perpetrators of sexual violence; and to provide victims with an effective remedy and reparation. The first three obligations are addressed in this report.

## 4.4.1 PREVENTION

In general, the ACHPR Guidelines require States to “take the necessary measures to prevent all forms of sexual violence and its consequences, particularly by eliminating the root causes of that violence, including sexist and homophobic discrimination, patriarchal preconceptions and stereotypes about women and girls, and/or preconceptions and stereotypes based on gender identity, real or perceived sexual orientation, and/or certain preconceptions of masculinity and virility, irrespective of their source”.

The Guidelines detail a number of concrete ways to achieve this preventive goal, including (but not limited to) requiring States to implement awareness-raising strategies (2.A) involving campaigns (2.A.11) that specifically target boys, men, and advertising and media professionals; adapting curricula (2.B) and training professionals (2.C) who are most likely to be confronted with or involved in sexual violence; and collaborating with local actors and civil society organizations, ensuring their participation in prevention plans, and preventing interference with their work (2.E).

## 4.4.2 PROTECTION

The ACHPR Guidelines require States to report sexual violence (3.A), provide protection and support measures for victims (3.B), provide medical support and access to sexual and reproductive rights (3.C),

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<sup>114</sup> African Charter on the Rights and Welfare of the Child, 1 July 1990, <https://au.int/en/treaties/african-charter-rights-and-welfare-child>

<sup>115</sup> ACHPR, Resolution on Health and Reproductive Rights of Women in Africa - ACHPR/Res.110(XXXI)07, <https://www.achpr.org/sessions/resolutions?id=162>

<sup>116</sup> ACHPR, 111 Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence - ACHPR/Res.111(XXXII)07 <https://www.achpr.org/sessions/resolutions?id=163>

provide social support (3.D), provide access to information (3.E), and ensure coordination and cooperation between actors (3.F).

States must, among other things, “create toll-free national emergency numbers that are available 24 hours a day, seven days a week”, and “create, strengthen and/or maintain programmes and counselling and support [...] provide a listening ear and free, confidential and anonymous support”.<sup>117</sup> Protective measures must include services such as “legal assistance, medical assistance (including access to a forensic medical examination), sexual and reproductive health care, and care for the prevention and treatment of HIV. It must also include psychological and financial support, housing assistance, training, education and support in finding employment”. These services must have “adequate human and financial resources and enough well-trained personnel”.

It is specified that “protection and support for the victims of sexual violence should be provided, regardless of whether they wish to engage in legal proceedings or testify against the perpetrators.”

### **4.4.3 INVESTIGATION AND PROSECUTION OF THOSE RESPONSIBLE**

According to the ACHPR Guidelines, Guinea must ensure “that their national legal framework guarantees that the definitions of all forms of sexual violence set out in criminal legislation are consistent with regional and international standards”. It must also “guarantee the effectiveness of any investigation and prosecution of acts of sexual violence; guarantee victims the right to free legal assistance and legal representation beginning with the preliminary investigation; guarantee that medical and legal forensic costs are covered; contain clear and precise provisions regarding gathering, preserving and archiving evidence of acts of sexual violence; ensure that the most serious sexual offences / those qualified as crimes under the law are not subject to prescription; prohibit any type of mediation between the victim and the perpetrator of the sexual violence before or during the legal proceedings; and provide for penalties commensurate with the seriousness of the acts of sexual violence.” Guinea must also “guarantee that this legal framework is widely disseminated”.

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<sup>117</sup> ACHPR Guidelines.

# 5. PREVENTION AND AWARENESS

**“We need to talk about rape in primary school, we need to talk about it in families, we need to raise awareness. Children need to know they are in danger, and that this can happen even in a school environment.”<sup>118</sup>**

Halimatou Camara, lawyer.

## 5.1 STRATEGIES, LEGAL FRAMEWORK AND AWARENESS CAMPAIGNS

### 5.1.1 STRATEGIES AND LEGAL FRAMEWORK

In recent years, the Guinean authorities have adopted national strategies, action plans and laws to reduce gender inequality and address the legislative, social, and cultural norms that result in discrimination and violence against women.

The government produced a national strategy to combat gender-based violence in 2010 and again in 2017, along with an action plan, in application of the national gender policy on “respect for human rights and the elimination of violence”. The current strategy, designed in 2017, covers the period 2018-2022<sup>119</sup> and includes five pillars: prevention, care, research, coordination, and combating specific violence. In its assessment, it emphasizes the “concentration in Conakry” of a system that is “considered little functional and poorly structured”.<sup>120</sup>

There is another national action plan associated with UN Security Council Resolution 1325 on women, peace and security, as well as a strategic plan for accelerating the abandonment of FGM. The plan

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<sup>118</sup> Interview with Halimatou Camara, lawyer, Conakry, 28 October 2021.

<sup>119</sup> Ministry of Social Action, Women's Promotion and Childhood, “National Strategy Document to Combat Gender-Based Violence in Guinea, 25 December 2017.

<sup>120</sup> Ministry of Social Action, Women's Promotion and Childhood, “National Strategy Document to Combat Gender-Based Violence in Guinea, 25 December 2017.

developed for the 2019-2023<sup>121</sup> period considered the previous one (2012-2016) to be “too ambitious and lacking in realism”, with a goal of reducing the prevalence of FGM in the 0-15 age group by 40% by the end of 2016 in each of the country's regions.

Several laws with progressive provisions have also been passed in recent years. The adoption of a new Civil Code in 2019 made some improvements concerning the place of women in society given that the previous text from 1983 clearly established the superiority of men. Article 324 of this latter stipulated that “the husband is the head of the family. He exercises this role in the common interest of the household and the children”; and Article 328 that “the wife may exercise a profession separate from that of her husband unless he objects”. According to Article 287 of the new code: “The wife contributes alongside the husband to ensure the moral and material direction of the family, to provide for its maintenance, to raise the children and to prepare them for their future.” Article 291 stipulates that “each spouse may freely exercise a profession, receive earnings and salaries and dispose of them after paying the household expenses, unless otherwise provided by law”.

The National Assembly's passing of the Parity Law on 2 May 2019 marked an important step in addressing discrimination. However, the law has not yet been implemented. In addition, the UN Committee on Economic, Social and Cultural Rights noted in 2020 that “women and girls continue to face discrimination in relation to access to land ownership, employment and education, as well as in relation to marriage”.<sup>122</sup>

To complete this legal framework, Amnesty International recommends that the definition of rape in the Guinean criminal code be revised to be based on the absence of consent and not on the use of violence, coercion or surprise, thus conforming to international law and standards on the subject. Our organization also recommends the adoption of a specific law on violence against women in accordance with the recommendations of the ACHPR Guidelines.

## 5.1.2 STRATEGIES AND AWARENESS CAMPAIGNS

The 2010 national strategy to combat gender-based violence focused primarily on FGM, through training or awareness raising of medical workers, religious leaders, and members of the defence and security forces.<sup>123</sup> The 2017 strategy currently in effect provides for prevention through “the use of early warning indicators on conflict-related sexual violence, the use of the early warning monitoring system in communities, training on the UN Security Council Resolutions, education campaigns, telefilms and radio microprogrammes, the strengthening of school clubs, health clubs and other children's and youth movements”.

In the wake of this strategy, numerous awareness campaigns (campaigns, forums, awareness raising, training and other activities) have been developed by the government in partnership with UN agencies, cooperation agencies, NGOs and foundations<sup>124</sup> in the fight against sexual violence.

Some global campaigns have thus been taken up in Guinea by ministries and major UN agencies and NGOs involved in the prevention of sexual violence. Such is the case of the “16 Days of Activism against Gender Violence”,<sup>125</sup> which usually begins each year with the International Day for the Elimination of Violence against Women. These days are a high point that regularly involve senior State representatives, as in 2018 with the presence of the Prime Minister,<sup>126</sup> and in 2021 with an organization “under the patronage” of the Prime Minister.<sup>127</sup> This is also the case for the International Day of Zero Tolerance to Female Genital Mutilation<sup>128</sup>

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<sup>121</sup> Ministry of Women's Rights and Empowerment, National Directorate of Gender and Equity, National Strategic Plan (NSP) for Accelerating the Abandonment of FGM/E 2019-2023

<sup>122</sup> UN Committee on Economic, Social and Cultural Rights, Concluding observations adopted 6 March 2020

<sup>123</sup> Ministry of Social Action, Women's Promotion and Childhood, National Strategy Document for Combating Gender-Based Violence in Guinea, 25 December 2017.

<sup>124</sup> Mosaïqueguinee.com, *Violences basées sur le genre: la fondation Djaka Camara pour l'éducation lance une campagne de sensibilisation et de dénonciation* [Gender-based violence: the Djaka Camara Foundation for Education launches an awareness and reporting campaign] [mosaiqueguinee.com/violences-basees-sur-le-genre-la-fondation-djaka-camara-pour-leducation-lance-une-campagne-de-sensibilisation-et-de-denonciation/](https://mosaiqueguinee.com/violences-basees-sur-le-genre-la-fondation-djaka-camara-pour-leducation-lance-une-campagne-de-sensibilisation-et-de-denonciation/)

<sup>125</sup> Launched in 1991 by activists from the inaugural Women's Global Leadership Institute, the 16 Days of Activism campaign serves as a strategic framework for individuals and organizations around the world to call for action to prevent and eliminate all forms of violence against women and girls. International campaign founded in 1991 at the initiative of civil society, and supported by the UN through the UN Secretary General's “UNiTE to End Violence against Women” campaign (“UNiTE” campaign)

<sup>126</sup> [facebook.com/MaspeGN/posts/2520997564811518](https://facebook.com/MaspeGN/posts/2520997564811518)

<sup>127</sup> Ministry of Women's Promotion Facebook page, 3 December 2021, [www.facebook.com/permalink.php?story\\_fbid=3123909341187001&id=1566727190238565](https://www.facebook.com/permalink.php?story_fbid=3123909341187001&id=1566727190238565)

<sup>128</sup> [https://twitter.com/unfpa\\_guinee/status/1490689978405380100](https://twitter.com/unfpa_guinee/status/1490689978405380100)

and for 8 March, International Women's Day. These campaigns often combine a variety of awareness-raising tools such as public speaking engagements, artistic and sports performances, film screenings<sup>129</sup> and awards.<sup>130</sup>



↑ On the left, artwork shared via the Twitter account @unfpa\_guinea on 18 January 2022 in the run-up to the International Day of Zero Tolerance against Female Genital Mutilation. On the right, artwork distributed on social media on the occasion of the 16 days of Activism against gender-based violence.

Prevention and awareness raising have increasingly moved to the digital arena and social media, such as the Kouyé application website, “a digital solution for the promotion of sexual and reproductive health (SRH) and for combating gender-based violence (GBV)”.<sup>131</sup> This tool, implemented by the You Foundation in partnership with GIZ<sup>132</sup> and Enabel,<sup>133</sup> with funding from the European Union, enables users to obtain information on health issues, find their way to health centres via geolocation, and exchange information on a forum.

Some actors are particularly sought after by authorities, NGOs, development agencies and UN agencies to conduct advocacy campaigns because of their influence. Such is the case of religious authorities, who play a predominant role in the functioning and regulation of Guinean society (5.2.2 and 7.2.1). The General Secretariat for Religious Affairs is therefore a key government actor in outreach, and its extensive geographical coverage through its regional inspectorates, prefectural secretariats and communal secretariats allows it to reach a wide audience.

For example, the Secretariat broadcasts a uniform sermon in Arabic every Friday that constitutes “guidance” for all mosques in the country.<sup>134</sup> According to the Secretariat, messages against rape and violence against women are disseminated through this channel by the Directorate of Islamic Affairs,<sup>135</sup> and a preaching guide has been developed on the harms of GBV, a topic particularly requested of the Secretariat. Its three-year plan for 2022-2024, developed with funding from UNICEF lists the eradication of female genital mutilation as

<sup>129</sup> Guineenews.org, *Avant-projection de “L’article 352 du code de l’enfant”, un film sur le viol en Guinée* [Preview of “Article 352 of the Children’s Code!”, a film on rape in Guinea], 29 December 2021, guineenews.org/avant-projection-de-larticle-352-du-code-de-lenfant-un-film-sur-le-viol-en-guinee/

<sup>130</sup> UNFPA, *UNFPA appuie la première édition du prix média pour l’abandon des MGF en Guinée* [UNFPA supports the first media award for the abandonment of FGM in Guinea], 21 January 2022, guinea.unfpa.org/fr/news/unfpa-appuie-la-premiere-edition-du-prix-media-pour-labandon-des-mgf-en-guinee

<sup>131</sup> kouyé.com, <https://xn--kouye-epa.com/apropos>

<sup>132</sup> German development agency.

<sup>133</sup> Belgian development agency.

<sup>134</sup> Interview in Conakry with Elhadj Karamoko Diawara, Secretary General of Religious Affairs, 17 January 2022.

<sup>135</sup> Amnesty International was unable to obtain examples of sermons on sexual violence from the Secretariat.

one of its main goals.<sup>136</sup> An intervention strategy for religious leaders in relation to abandoning FGM has been adopted for the period 2019-2023,<sup>137</sup> and local awareness raising sessions are regularly organized.<sup>138</sup>

Awareness raising of sexual violence among customary authorities appears to be random. For example, the patriarch of Lola (Nzérékoré region), Soua 7 Doré, said that he had not been involved in any awareness raising or prevention activities by the authorities to date,<sup>139</sup> despite the prominent role of customary authorities in some out-of-court settlements of rape cases.

Another key player in awareness raising is the judiciary, which is both a target of and a player in prevention work. According to the prosecutor of the Court of First instance of Mamou, “It’s not just suppression we’re after. Every weekend, I go to the community radio stations to do programmes with journalists, especially about GBV cases. We explain all the offences, we expand upon them, I think it also helps if people are interested in it. I do this in French, and my colleagues in Pulaar. Sometimes the religious leaders even come with us.”<sup>140</sup>

Despite efforts to publicize existing provisions to combat violence against women and/or sexual violence, and the consequences, as well as the remedies provided to victims, access to information remains an important issue. “Theoretically, the laws are there but they are not known to the public. So the government has a duty to disseminate these laws and make them known so that victims and their support associations know their rights.”<sup>141</sup>, a victim of rape in Diécké (Nzérékoré region), told Amnesty International that she “did not know who to inform”.<sup>142</sup>

Alongside the global campaigns that are echoed and implemented in Guinea at the initiative of certain diplomatic representations and UN agencies, Guinean activists have, in recent years, wished to reclaim the initiative of running awareness campaigns. The *Guinéennes du 21e siècle* collective,<sup>143</sup> founded in 2016, for example, wanted to “dust off this folkloric and exclusive way”<sup>144</sup> of celebrating International Women’s Day. Since 2017, it has organized a symbolic marathon, “1 km, 1 right” to invite Guineans “to come and run for the rights of their fellow citizens and in order to symbolically reproduce the kilometres covered by these women daily”.<sup>145</sup> Driven by the young age of its members, the collective has also raised awareness on social media. After the death of M’mah Sylla, they called for a “symbolic digital #BlackOut from 21:00 GMT this Sunday, 21 November”, which consisted of changing their profile picture to a red background and refraining from publishing anything on social media unless related to M’mah Sylla for two days.



© Artwork shared by Guinéennes du 21e siècle

<sup>136</sup> Africaguinee.com, *Conakry: Validation du plan triennal 2022-2024 du Secrétariat Général aux Affaires Religieuses* [Validation of the 2022-2024 three-year plan of the General Secretariat for Religious Affairs]

<sup>137</sup> africaguinee.com/articles/2022/02/25/conakry-validation-du-plan-triennal-2022-2024-du-secretariat-general-aux

<sup>138</sup> earthguinea.org, *Abandon Des MGF: Une Stratégie D'intervention Des Leaders Religieux Mis En Place En Guinée* [Abandoning FGM: a Strategy for Intervention by Religious Leaders in Guinea], 20 February 2021.

earthguinea.org/abandon-des-mgf-une-strategie-dintervention-des-leaders-religieux-mis-en-place-en-guinee/

<sup>139</sup> guineematin.com, *Lutte contre les MGF: les autorités religieuses et l'Unicef sensibilisent pour l'abandon de l'excision* [Combating FGM: Religious authorities and Unicef raise awareness for the abandonment of FGM], 3 February 2022,

guineematin.com/2022/02/03/lutte-contre-les-mgf-les-autorites-religieuses-et-lunicef-sensibilisent-pour-labandon-de-lexcision/

<sup>140</sup> Interview in Lola with Soua 7 Doré, 3 February 2022.

<sup>141</sup> Interview in Mamou with Aboubacar Sidiki Camara, prosecutor at the Mamou Court of First Instance, 2 November 2021.

<sup>142</sup> Remote interview with Houray Bah and Aminata Dembele, 20 October 2021.

<sup>143</sup> Interview with Adjé Kourouma (name changed to preserve anonymity), Diécké, 17 February 2022.

<sup>144</sup> BBC.com, *La Guinéenne moderne* [The Modern Guinean], 10 March 2016,

bbc.com/afrique/region/2016/03/160310\_guinea\_women\_campaign

<sup>145</sup> Jeuneafrique.com, *8 mars – Droits des femmes: “La Guinéenne du XXIe siècle, c’est celle qui prend son destin en main”* [8 March - Women’s Rights: Guinean women in the 21<sup>st</sup> century taking their destiny in their own hands], 8 March 2017,

jeuneafrique.com/410529/societe/8-mars-droit-femmes-guineenne-xxie-siecle-cest-celle-prend-destin-main/

<sup>146</sup> Guineennesdu21siede.com, *Un 8 mars 2017, original et dynamique à Conakry* [An original and dynamic 8 March 2017 in Conakry], 21 February 2017, guineenedu21siede.wordpress.com/2017/02/21/un-8-mars-2017-original-et-dynamique/

## 5.2 BARRIERS TO PREVENTION

### 5.2.1 STATE STRUCTURES LACK SUPPORT

Some state structures that can play a role in preventing and combating sexual violence are either ineffective or hampered by a lack of resources and means.

The National Observatory to Combat Gender-Based Violence was supposed to be the structure in charge of “monitoring and raising the alarm with regard to failures to reduce GBV, reviewing the national strategy to combat GBV and identifying the needs within this field through research and advocacy aimed at establishing a culture of non-violence.”<sup>146</sup> It was also to be “in charge of centralizing data on GBV, managing a database, coordinating and guiding the actions of the regional committees in charge of combating GBV and issuing opinions on draft laws on GBV.”<sup>147</sup> And yet, more than ten years on since its creation by decree,<sup>148</sup> It has not yet started its activities effectively. Amnesty International recommends that the Guinean authorities speed up the practical implementation of the National Observatory to Combat Gender-Based Violence and provide it with adequate resources and funding to accomplish its mission.

Created in 2011<sup>149</sup> and established in 2014,<sup>150</sup> the independent National Human Rights Institute (INIDH) has never been able to carry out its mission properly due to accusations of political interference in its composition,<sup>151</sup> quarrels among its members,<sup>152</sup> and a lack of sufficient financial resources. Some of its commissioners resigned in 2016 due to a lack of transparency in public finances. In 2018, the Human Rights Committee expressed “concern that the institution does not have the material resources necessary for effective functioning and the fulfilment of its mandate”.<sup>153</sup> The Committee recommended that Guinea provide it with “a sufficient budget and enough trained permanent staff to enable it to discharge its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles<sup>154</sup>).”<sup>155</sup>

At the time of Guinea’s Universal Periodic Review (UPR) in 2020, the government announced “a reform of the institution” with a view to withdrawing the right to vote from representatives of the public administration sitting on INIDH, in order to comply with the Paris Principles, Article 1(e) of which stipulates that the representatives of the government administration on INIDH “should participate in the deliberations only in an advisory capacity”.<sup>156</sup> It was also stated that INIDH had received a grant of USD 751,000, and a pledge was made to “continue efforts to provide INIDH with ever more means with which to foster its autonomy, thus guaranteeing its independence”.<sup>157</sup>

According to a former member of the institution, “None of the commitments made by the government at the UPR have been followed up. There was no reform up to its dissolution in the coup of 5 September 2021.”<sup>158</sup> When contacted by email, a member of INIDH responded in June 2021 that “the resources made available are clearly insufficient”.<sup>159</sup> At the time of writing, INIDH’s website appeared to be inactive, and its various reports were not accessible. INIDH was dissolved following the 5 September coup, as were all the institutions.

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<sup>146</sup> Ministry of Social Affairs, Women’s Promotion and Children, “Rapport national sur l’élimination et la prévention des violences à l’égard des femmes/filles” [National Report on the Elimination and Prevention of Violence against Women], February 2013.

<sup>147</sup> Ministry of Social Affairs, Women’s Promotion and Children, “Rapport national sur l’élimination et la prévention des violences à l’égard des femmes/filles” [National Report on the Elimination and Prevention of Violence against Women], February 2013.

<sup>148</sup> Order No. 3388/PRG/SSG.

<sup>149</sup> Organic Law L/008/CNT/2011 of 14 July 2011 on the organization and functioning of the Independent National Human Rights Institute

<sup>150</sup> Decree D/2014/261/PRG/SGG of 30 December 2014

<sup>151</sup> Guineematin.com, *Alia Diaby contesté à la tête de l’INIDH: Me Foromo Loua dénonce un vote “ethnique”* [Alia Diaby challenged as head of INIDH: Foromo Loua denounces an “ethnic” vote], 3 April 2018,

guineematin.com/2018/04/03/alia-diaby-conteste-a-la-tete-de-linidh-me-foromo-loua-denonce-un-vote-ethnique/

<sup>152</sup> Constitutional Court, Ruling No. AC 29 of 4 October 2016, [cdn.accc-francophonie.org/2019/05/Bull-13-guinee-Annexe-Arret-N-29-INIDH-04\\_10\\_2016.pdf](https://cdn.accc-francophonie.org/2019/05/Bull-13-guinee-Annexe-Arret-N-29-INIDH-04_10_2016.pdf)

<sup>153</sup> Human Rights Committee, Concluding observations on the 3rd periodic report of Guinea, adopted 26 October 2018.

<sup>154</sup> Annexed to UN resolution 48/134 adopted on 20 December 1993 on the “National institutions for the promotion and protection of human rights”, the “Principles relating to the status of national institutions”, known as the Paris Principles, forms a set of internationally recognized standards by which to assess the credibility, independence and effectiveness of NHRIs.

<sup>155</sup> Human Rights Committee, Concluding observations on the 3rd periodic report of Guinea, adopted 26 October 2018.

<sup>156</sup> *Principles relating to the Status of National Institutions (Paris Principles)*, [ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris](https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris)

<sup>157</sup> UN Working Group on the Universal Periodic Review, 11 November 2019, <https://daccess-ods.un.org/tmp/1613220.87049484.html>

<sup>158</sup> Email received on 10 March 2022 (Name withheld to preserve anonymity)

<sup>159</sup> Email received on 17 June 2021.

Amnesty International has called on the Guinean authorities to re-establish the independent national human rights institution and provide it with an adequate budget and sufficient trained staff to enable it to fully carry out its mandate in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

## 5.2.2 “SOCIO-CULTURAL CONSTRAINTS”

NGOs working to combat sexual violence talk about “socio-cultural constraints” to refer to the conservative dynamics that form the main societal barrier to eliminating sexual violence and enforcing the law. They lie at the root of the gender-based discrimination and “patriarchal prejudices and stereotypes against women and girls” that international treaties to which Guinea is a State party have called to be abolished. A wide range of actors contribute to their perpetuation, including those who are supposed to be the guarantors of the fight against sexual violence.

The influence of religious and customary authorities is preponderant in Guinea, sometimes to the point of competing with the State's legal framework.<sup>160</sup> The UN Human Rights Committee in 2018 expressed its concern at reports “that positive law is not applied throughout the territory of the State party”. In particular, it was concerned that “as the pre-eminent law in the vast majority of the State party is customary law, some provisions of which are inconsistent with the Covenant, the rights set forth in the Covenant are in practice inaccessible to much of the population”.<sup>161</sup>

These social dynamics particularly tend to prioritize the community over the individual, and to place as much if not more importance on preserving the image and cohesion of that community than on justice. “As soon as the elders or religious leaders become aware of a rape, their first reflex is to protect the image of the woman and the family. When a girl is raped, it is as if the whole family has been defiled, dishonoured, so they prefer to settle out of court or hush it up rather than take the case to court.”<sup>162</sup>

Custom may take precedence in certain situations, depending on the location, due to the threat of social exclusion, as Kokolou Zogbélérou, President of the NGO *Humanitaire pour la protection de la femme et de l'enfant* explains.

**“Sometimes relatives of rape victims are forced to remain silent or risk being ostracized, and this is sometimes called an 'embargo' in some villages. An embargo consists of isolating a person or an entire family for a period that can last up to several years. The person under embargo may be subject to several prohibitions, such as accessing drinking water from the well, attending the health facility, using public transport and even any contact at all (no-one in the village speaks to them or visits them, even in case of illness, childbirth or burial). And anyone in the village who breaks this law is subject to the same fate.”**<sup>163</sup>

Kokolou Zogbélérou, President of the NGO *Humanitaire pour la protection de la femme et de l'enfant*

Stereotypes and patriarchal prejudices are also conveyed by a range of actors, the main consequence being to place responsibility for rape on the victims. The issue of women's and girls' clothing, and more broadly claims of so-called “debauchery”, are regularly presented as a factor justifying or excusing sexual assaults. Reported by a media outlet while making a statement against truancy in Dinguiraye (Faranah region), the prefect – representative of the State – apparently stated that “nowadays, our young girls go out naked in full view of their parents. And when they are victims of rape, there are complaints left, right and centre. So, instead of our mothers or sisters taking to the streets to protest against rape, why don't they help us fight the causes of rape”.<sup>164</sup>

<sup>160</sup> *Africaguinee.com, N'Zérékoré: Un imam administre 100 coups de fouet à une femme qui confesse ses péchés charnels* [Imam administers 100 lashes to a woman who confesses her carnal sins], 15 February 2022. [africaguinee.com/articles/2022/02/15/n-zerekore-un-imam-administre-100-coups-de-fouet-une-femme-qui-confesse-ses](https://www.africaguinee.com/articles/2022/02/15/n-zerekore-un-imam-administre-100-coups-de-fouet-une-femme-qui-confesse-ses)

<sup>161</sup> Human Rights Committee, Concluding observations on the 3rd periodic report of Guinea, 27 October 2018.

<sup>162</sup> Interview in Conakry with Alpha Amadou Bah, lawyer and member of the Organization for the Defence of Human Rights, 28 October 2021.

<sup>163</sup> Remote interview with Kokolou Zogbélérou, President of the NGO *Humanitaire pour la protection de la femme et de l'enfant*, February 2022.

<sup>164</sup> *Lerevelateur224.com, Dinguiraye, le préfet met en garde: “désormais, tout élève qui sera pris dans la rue au moment des heures de cours aura à faire avec les services de sécurité* [Dinguiraye, the prefect warns: “From now on, any student who is caught in the street during school hours will have to deal with the security services”], undated, [lerevelateur224.com/2021/11/13/dinguiraye-le-prefet-met-en-garde-desormais-tout-eleve-qui-sera-pris-dans-la-rue-au-moment-des-heures-de-cours-aura-a-faire-avec-les-services-de-securite/#:~:text=de%20s%C3%A9curit%C3%A9%2%80%9D%20%2D%20lerevelateur224-](https://www.lerevelateur224.com/2021/11/13/dinguiraye-le-prefet-met-en-garde-desormais-tout-eleve-qui-sera-pris-dans-la-rue-au-moment-des-heures-de-cours-aura-a-faire-avec-les-services-de-securite/#:~:text=de%20s%C3%A9curit%C3%A9%2%80%9D%20%2D%20lerevelateur224-)

A traditional authority in Diécké explains in colourful French that sexual violence has become “a song and dance” and defends the idea that “girls today are no longer disciplined”, and that there is a “laissez-faire” attitude.<sup>165</sup>

Music can also sometimes convey these stereotypes and even incite rape. In an open letter published in 2021, the Association of African Communication Professionals (APAC), the Guinean Organization for the Defence of Human Rights (OGDH), F2DHG and *Mon Enfant Ma Vie* denounced the song “Ko Touba & Oundougal” by the singer “N'Boma” as “a compendium of insanities that takes a misogynistic view of women”, as well as being “a blatant incitement to rape and paedophilia”.<sup>166</sup> After being summoned by the police, the singer appears to have fled to Senegal.<sup>167</sup>

**“In one of his passages, the author explicitly recommends that men have sex with girls aged 10 to 15 because, according to him, this is the ideal age for a man to take pleasure in a woman. Still in the same vein, this artist promises that men have taken the decision to go after all girls wearing 'short and indecent' clothes.”**

Extract from the open letter published by women's rights organizations

By blaming rape on the woman, this behaviour and these statements only serve to further silence the victims. “When women denounce rape, they are often the first to be challenged. What were you doing there, why were you dressed like that? As a result, people are afraid and families hush it up because she is a young girl who is not married and, if you speak out, you will not get married.”<sup>168</sup>

State officials must not only refrain from perpetuating patriarchal prejudices and stereotypes but must also increase funding and implementation of awareness and education campaigns to address the underlying social and cultural attitudes that discriminate against women and facilitate and perpetuate violence against them. These campaigns should: promote zero tolerance for violence against women, debunk harmful gender stereotypes and myths associated with rape, eliminate the stigmatization of women victims of violence, and encourage victims to seek redress. Campaigns should include community and religious leaders, local elected officials, the media, and civil society.

## 5.2.3 EDUCATION AND SCHOOL PROGRAMMES

The ACHPR Guidelines state that “States are required to develop curricula and teaching materials that promote equality between women and men, combat discrimination and violence against women, and address sexist and gender stereotypes” at all levels of education, in all schools and universities, as well as in non-formal educational settings such as sports, cultural and leisure facilities.<sup>169</sup>

While education is an integral part of the national strategy to combat gender-based violence, this awareness-raising component is deficient in Guinea. In its concluding observations in 2020, the UN Committee on Economic, Social and Cultural Rights was “concerned about the low level of education on sexual and reproductive rights.”<sup>170</sup>

The director of a school group in the municipality of Ratoma (Conakry) that includes a primary school, a middle school and a high school confirmed these shortcomings to Amnesty International.

**“In general, there are no real awareness campaigns on gender or equality in schools. Civic education programmes are limited to teaching traditional values. As for sexual and reproductive health, it is touched upon in high school biology classes but not culturally, psychologically or otherwise. Teachers**

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,Dinguiraye%2C%20the%20pr%C3%A9fet%20makes%20guards%3A%20E2%80%9Cd%C3%A9from now on%2C%20anything,with%20the%20services%20of%20s%C3%A9curit%C3%A9E2%80%9D

<sup>165</sup> Interview with a traditional authority; Diécké, 17 February 2022.

<sup>166</sup> Guineematin.com, *Chanson incitant à la pédophilie et à la dépravation des mœurs: des ONG interpellent les autorités guinéennes*, [Song inciting paedophilia and depravity: NGOs call on Guinean authorities], 12 August 2021, guineematin.com/2021/08/12/chanson-incitant-a-la-pedophilie-et-a-la-depravation-des-moeurs-des-ong-interpellent-les-autorites-guineennes/

<sup>167</sup> Lequotidien.sn, *Musique – Convoqué pour apologie du viol et de la pédophilie en Guinée: L'artiste Mboma Barry se réfugie au Sénégal* [Music - Summoned for rape apologism and paedophilia in Guinea: Artist Mboma Barry seeks refuge in Senegal], 20 August 2020 <https://lequotidien.sn/musique-convoque-pour-apologie-du-viol-et-de-la-pedophilie-en-guinee-lartiste-mboma-barry-se-refugie-au-senegal/>

<sup>168</sup> Interview with Djenab Boiro and Fatimata Noëlle Curtis, Conakry, 26 October 2021.

<sup>169</sup> ACHPR Guidelines.

<sup>170</sup> Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Guinea, 6 March 2020.

**themselves struggle or don't know how to approach the topic when some school heads try and include it in school activities.”<sup>171</sup>**

Jean-Paul Cedy, director of the Cours Privé Roland Pre-school in Lambanyi (Conakry)

**“We need to talk about rape in primary school, we need to talk about it within families, we need to raise awareness. Children need to know that they are in danger and that it can happen, even in a school setting. We need to talk about rape through education, make sure that victims are informed.”<sup>172</sup>**

Halimatou Camara, lawyer at the Guinea Bar

In its absence, local ad hoc initiatives have been implemented, notably funded by the European Union and the US State Department. Following training between 2016 and 2021, 154 police referral officers have now been deployed in 12 locations to intervene “directly in schools (middle and high schools) and raise awareness among young people of various topics, including sexual abuse”.<sup>173</sup>

Guinean authorities should expand their efforts to ensure mandatory, comprehensive, age-appropriate, gender-sensitive, evidence-based, and unbiased sex and relationships education for students at all levels of education and outside the education system. This should include education on gender equality, consent, bodily and sexual autonomy and the right to bodily integrity.

## 5.2.4 BARRIERS FACED BY WOMEN HUMAN RIGHTS DEFENDERS (WHRDS)

States are supposed to “support civil society organizations that conduct programmes preventing and addressing sexual violence and its consequences, including awareness-raising measures, and providing training and support to the victims of sexual violence. Any barriers that hinder their work, including legal barriers, must be removed, and they must be protected against attack or recriminations”.<sup>174</sup>

And yet the authorities, at times, have contributed to hindering or undermining the credibility of women's rights organisations advocating against sexual violence by restricting the freedom of expression of women's rights defenders, and by allowing circles close to power to discredit some of these defenders for political purposes through public campaigns of slanderous denunciation. In addition, women human rights defenders have sometimes been threatened or intimidated by alleged perpetrators or their family members and friends, or by groups hostile to their activism.

### AUTHORITIES AND THOSE CLOSE TO POWER

In 2015, in the midst of the protests against rape following the release of the video incriminating the rapper Tamsir Touré, the Minister of Social Action, Sanaba Kaba, initially opposed the holding of a peaceful rally organized primarily by women's rights organizations.<sup>175</sup>

**“We were surprised to see that the authorities, including the Minister of Social Action and Women's Promotion, did not react promptly and clearly to this video. We had the feeling that it was our approach that was the problem. The minister publicly opposed the mobilization, explaining that organizing a march in a post-election period could create unrest. These are very bad signals to send out on such a serious matter.”<sup>176</sup>**

Alfa Diallo, journalist and member of the Guinea Bloggers Association (Ablogui)

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<sup>171</sup> Email received 22 March 2022.

<sup>172</sup> Interview with Halimatou Camara, Conakry, 28 October 2021.

<sup>173</sup> Email, 24 January 2021.

<sup>174</sup> ACHPR Guidelines.

<sup>175</sup> Kababachir.com, *La ministre des affaires sociales désapprouve la marche prévue lundi contre le viol*, [Social Affairs Minister disapproves of Monday's planned march against rape], 31 October 2015, [www.kababachir.com/la-ministre-des-affaires-sociales-desapprouve-la-marche-prevue-lundi-contre-le-viol/](http://www.kababachir.com/la-ministre-des-affaires-sociales-desapprouve-la-marche-prevue-lundi-contre-le-viol/)

<sup>176</sup> Remote interview with Alfa Diallo.

The minister justified herself in an interview with Jeune Afrique: “I would have hoped we could wait until the end of the judicial investigation. If we want to be credible, we must defend reliable cases, even though I do not question the reality of this rape. And then there was also the tense post-election political context, not very conducive to holding demonstrations...”<sup>177</sup>

Three years later, on 8 March 2018, International Women's Day, a demonstration initiated by *Club des jeunes filles leaders de Guinée* (CJFL-Guinea) was dispersed by the police with tear gas, and one participant was briefly arrested.<sup>178</sup>

In addition, between 2019 and 2021, human rights defenders were often stigmatized, as were members of civil society and opposition parties, when they denounced human rights violations committed by the authorities, and they suffered severe repression: bans on demonstrations, protesters killed and arbitrary detentions.<sup>179</sup> In 2020 and 2021, communicators from the ruling RPG party tried to denounce “activists from the UFDG [the main opposition party] disguised as bloggers” and “UFDG supporters disguised as journalists” in text and photo montages (see below). The names and photos of some of them were published on social media along with screenshots of their posts supposedly proving their alleged sympathy for the opposition party. Among them were journalists and bloggers who had been involved in combating violence against women for several years, whether through the *Association des blogueurs de Guinée* (Ablogui), the *Collectif guinéenne du 21e siècle* aimed at “improving the conditions of Guinean life”<sup>180</sup> and the news website *Guinée matin.org*.



☺ Montage of text and photos posted on social media presenting bloggers engaged in defending human rights as “undercover” UFDG activists

In March and May 2021, the Forum of African Youth for the Promotion of the African Union (FJAPUA) published two reports on “the politicization of Guinean civil society”.<sup>181</sup> Ostensibly pro-government, this amorphous organization has been working to undermine the credibility of international and national human rights organizations at a time when the authorities themselves have been advocating in this direction. The second report was aimed at identifying prominent figures in human rights organizations and revealing alleged compromising links with foreign or opposition organizations or interests. Among the 21 people named were Asmaou Diallo, President of the Association of Victims, Parents and Friends of 28 September 2009 (Avipa), “supported by the FIDH through the OGDH”.

<sup>177</sup> Jeune Afrique, *Guinée – Sanaba Kaba: “Amener les familles à dénoncer les viols”* [Guinea - Sanaba Kaba: Getting families to report rape], 5 November 2015, [jeuneafrique.com/277221/societe/guinee-sanaba-kaba-amener-les-familles-a-denoncer-les-viols/](http://jeuneafrique.com/277221/societe/guinee-sanaba-kaba-amener-les-familles-a-denoncer-les-viols/)

<sup>178</sup> Aminata.com, *Fête des femmes en guinée: forces de l'ordre empêchent un carnaval contre les VBG* [Women's festival in Guinea: police prevent carnival against GBV] 9 March 2018. [aminata.com/fete-des-femmes-en-guinee-les-forces-de-lordre-empêchent-un-carnaval-contre-les-vbg/](http://aminata.com/fete-des-femmes-en-guinee-les-forces-de-lordre-empêchent-un-carnaval-contre-les-vbg/)

<sup>179</sup> Amnesty International, *Guinée: Marcher et mourir. Urgence de justice pour les victimes de répression des manifestations en Guinée* [Guinea: Marching to their Deaths. The urgent need of justice for the victims of Guinea's crackdown on demonstrations] (Index: AFR 29/2937/2020).

<sup>180</sup> <https://dieretoudiallo.com/guineenne-du-21e-siecle/>

<sup>181</sup> *Forum des Jeunes Africains Pour la Promotion de l'Union Africaine* [African Youth Forum for the Promotion of the African Union], *Société civile et partis politiques en Guinée:*

*les liaisons dangereuses* [Civil society and political parties in Guinea: dangerous liaisons] March and May 2021,

<https://aconakrylive.com/index.php/actualites/3643-liaison-dangereuse-entre-societe-civile-et-partis-politiques-ce-rapport-qui-met-le-doigts-dans-la-plaie>, [www.guinee7.com/wp-content/uploads/2021/05/Rapport-2-FJAPUA.pdf](http://www.guinee7.com/wp-content/uploads/2021/05/Rapport-2-FJAPUA.pdf)

These destabilizing actions did not result in any reaction from the authorities to protect human rights defenders by pointing out the importance of their work and the independence of their organizations.

In addition, on 11 September 2021, the CNRD, which had recently come to power in a coup, decreed a ban on all demonstrations. This ban was reiterated on 21 January 2022 by the Ministry of Territorial Administration and Decentralization, and on 13 May 2022, the transitional authorities announced a ban on "all demonstrations on the public highway likely to compromise social tranquillity and the proper execution of activities contained in the timetable, (...) for the time being until the election campaign periods".<sup>182</sup> This general, vague and imprecise ban, which deprives NGOs and individuals of the right to demonstrate, including on the issue of sexual violence, is contrary to the right to freedom of peaceful assembly protected by article 21 of the International Covenant on Civil and Political Rights and by article 11 of the African Charter on Human and Peoples' Rights. This decision also contravenes the transitional charter sought by the CNRD and signed on 27 September 2021 by the head of state, article 34 of which states that "freedom of association, assembly, press, and publication are guaranteed".

## SOCIETY

Women's rights advocates may also be the target of criticism, intimidation or threats from individuals or interest groups hostile to their work.

In 2021 the mother of Kadiatou Konaté of *Club des jeunes filles leaders de Guinée CDJFL-Guinea*, an activist association fighting in particular against forced marriages, rape and female genital mutilation, received threatening calls from withheld numbers intended to push her daughter to withdraw from a legal process involving a well-known journalist charged with rape.<sup>183</sup> In fact, CDJFL-Guinea had "made contact with the victim and appointed a lawyer to support her in her quest for justice".<sup>184</sup> Kadiatou Konaté and other committed women have also faced physical threats during awareness campaigns, and are sometimes the object of insults on social media.

Other members of NGOs working on the issue of sexual violence have also reported being threatened or insulted because of their work.

**"Once, we were surrounded in a particular neighbourhood. The whole neighbourhood came out with rocks saying: 'ok, enough is enough'. We had to send an emergency message to an outreach team, which came in plain clothes to try and disperse the crowd. The team had to stay until 11pm to enable us to leave (...) Sometimes when someone approaches me in the street and asks if I'm Kadiatou I say no (...)"<sup>185</sup>**

Kadiatou Konaté, Executive Director of the *Club des jeunes filles leaders de Guinée*

**"Personally, I have not been the victim of direct threats, but we always have critics, people who insult us on social media, who do not understand our struggle, who even label us as frustrated, as wanting to lift women up in the country... These are remarks that we receive all the time. All in all, we don't pay too much attention."<sup>186</sup>**

Djenab Boiro, from the NGO *Mon enfant ma vie*

In the face of these threats, the authorities must protect the work of human rights defenders by respecting the provisions of the 1998 UN Declaration on Human Rights Defenders.<sup>187</sup>

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<sup>182</sup> Press Release No. 012/CNRC/2022, [twitter.com/Presidence.gn/status/1525241977838653441](https://twitter.com/Presidence.gn/status/1525241977838653441)

<sup>183</sup> Interview with Kadiatou Konate, Conakry, 28 October 2021.

<sup>184</sup> Facebook publication of the "*Club des jeunes filles leaders de Guinée*", 25 June 2021.

<sup>185</sup> Interview with Kadiatou Konate, Conakry, 28 October 2021.

<sup>186</sup> Interview with Djenab Boiro and Fatimata Noëlle Curtis, Conakry, 26 October 2021.

<sup>187</sup> World Organisation against Torture, "Mécanismes de protection des défenseurs des droits de l'homme à l'échelle internationale et régionale" [International and Regional Mechanisms for Protecting Human Rights Defenders], 14 March 2017, [omct.org/fr/ressources/declarations/m%C3%A9canismes-de-protection-des-d%C3%A9fenseurs-des-droits-de-lhomme-%C3%A0-l%C3%A9chelle-internationale-et-r%C3%A9gionale](https://omct.org/fr/ressources/declarations/m%C3%A9canismes-de-protection-des-d%C3%A9fenseurs-des-droits-de-lhomme-%C3%A0-l%C3%A9chelle-internationale-et-r%C3%A9gionale)

# 6. VICTIMS' RIGHTS TO CARE AND SUPPORT SERVICES

**“We ask for tests for sexually-transmitted infections and pregnancy. Treatment and medication may also be required. All of this needs to be paid for, in addition to the transport, which victims already have to cover. People who don't have money give up.”<sup>188</sup>**

Namandian Traoré, forensic doctor at Donka University Hospital.

## 6.1 ACCESS TO INFORMATION AND REPORTING

In accordance with the ACHPR Guidelines, States must establish national hotlines available free of charge 24 hours a day, 7 days a week, to allow victims or any other person to report cases of sexual violence, to be informed about how to access health and victim support services and to be referred to the relevant services. These hotlines must maintain confidentiality and guarantee anonymity. They should also be linked to all relevant services (police, gendarmerie, medical, social, legal, etc.) in order to facilitate and accelerate interventions and care for victims.

Apart from a few ineffective initiatives by government agencies (see below),<sup>189</sup> these emergency numbers are lacking in Guinea. The most extensive experience of a toll-free number to date has been 116, created by the Guinean Association of Social Workers (Aguias) on 17 December 2005 with the support of the Ministry of Social Action.

Designed as a “mechanism for early warning, identification, referral and counter-referral of cases in partnership with all promotion and protection actors”,<sup>190</sup> the call centre is located within the headquarters of

<sup>188</sup> Remote interview with Namandian Traoré, forensic doctor at the Donka University Hospital, 31 May 2022.

<sup>189</sup> Such as the Stop Viol Guinée [Stop Rape Guinea] initiative, for example, “a platform to report and denounce #rape and sexual abuse”.

<sup>190</sup> Ministry of Social Action, Women's Promotion and Childhood, National Committee to End People Trafficking and Related Practices, Project to Support an End to People Trafficking in Countries of the Gulf of Guinea, Evaluation Report for *La Ligne 116 de la Guinée*, March 2020.

*Association guinéenne des assistants sociales* (Aguias), in Kaloum (Conakry), in the vicinity of the *Jardin du 2 octobre*. According to an evaluation report of 116 conducted by *Expertise France* dating from March 2020,<sup>191</sup> 66,651 calls were received in 2017 alone, including 789 concerning “sexual violence”, and 237 related to “online sexual exploitation and abuse”.

However, according to the same evaluation report, 116 suffers from a long list of dysfunctions such as “charging for incoming and outgoing calls”, the “poor coordination of actors involved in the processing and handling of alerts”, and the “insufficient number of call handlers to ensure availability of the service 24 / 7 under normal working conditions”. Amnesty International made several unsuccessful attempts to contact 116.



↑ Artwork posted on the *Aguias Facebook page* on 26 December 2014<sup>192</sup>

In some areas, the security forces have set up toll-free numbers, such as in Diécké, where the police is supposed to have a “24-hour” number<sup>193</sup> allowing cases of sexual violence to be reported. There is, however, no national toll-free number for direct contact with the security forces to report sexual violence. Some officers often do not even have a landline available. At the gendarmerie in Diécké, “we work with our own numbers, which we share”.<sup>194</sup>

In the absence of an adequate response by the authorities, NGOs involved in combating sexual violence have for years played a key role in supporting victims for medical or legal support and, in particular, in reporting cases of rape to the police or the gendarmerie. They may be contacted directly by victims or by the local decentralized structures of the National Child Protection System (SYPEG) at the regional, prefectural, municipal, district or sector levels.

Moreover, in a global context marked by the #MeToo movement and its national variations, several online reporting campaigns have also been launched in Guinea, such as *Balance Ton Voleur*,<sup>195</sup> or the use of keywords or “hashtags” such as #224HalteAuViol or #224PlusPeurDenParler (see below).

<sup>191</sup> Ministry of Social Action, Women’s Promotion and Childhood, National Committee to End People Trafficking and Related Practices, Project to Support an End to People Trafficking in Countries of the Gulf of Guinea, Evaluation Report for *La Ligne 116 de la Guinée*, March 2020.

<sup>192</sup> facebook.com/601784673239619/photos/a.601791903238896/601791756572244/

<sup>193</sup> Interview with N’Fally Doumbouya, Acting Deputy Commissioner of the Special Border Police Station of Diécké, February 2022

<sup>194</sup> Interview with Second Lieutenant Alphonse Faya Millimouno, Diécké, 17 February 2022.

<sup>195</sup> BTVGN Facebook Page, www.facebook.com/balancetonvoleurgn



© ↑ Artwork by the Guineéennes du 21e siècle collective for a campaign launched in 2017. Right, artwork for the Balance ton violeur Guinée campaign.

The story of M'mah Sylla demonstrated the power of Guinean NGOs (see 4.3) to mobilize people through a Facebook post and reach right to the top of the State. Members of the NGO *Mon enfant ma vie*: “When we heard about the case, we didn’t want to publicize it because doing so too quickly would have allowed the rapists to escape. So, we kept it a secret for about 10 days, the time it took to arrest them all. Then we posted the video on our Facebook page, and Espace FM talked about it on its show *Les Grandes Gueules*, which is a very popular show.”<sup>196</sup>

Amnesty International calls on the Guinean authorities to set up a toll-free number for victims to report cases of sexual violence, to be informed about their rights, how to access health and support services, including psychological and legal aspects.



© ↑ On the left, screenshot of the story published on 13 October 2021 by the Guineenne Du 21 Siècle collective. On the right, screenshot announcing a broadcast on the rape case

<sup>196</sup> Interview with Djenab Boiro and Fatimata Noëlle Curtis, NGO “Mon Enfant, Mon Vie”, Conakry, 26 October 2021.

## 6.2 ACCESS TO CARE, SEXUAL AND REPRODUCTIVE HEALTH SERVICES AND PSYCHOLOGICAL SUPPORT

### 6.2.1 SEXUAL AND REPRODUCTIVE HEALTH CARE AND SERVICES

As outlined in the ACHPR Guidelines, States must provide victims of sexual violence with medical services to mitigate and/or remedy the consequences of the violence suffered. These services should include, but not be limited to, treatment for potential injuries related to sexual violence by gynaecologists, proctologists and urologists, including treatment for infections and other sexually-transmitted infections including HIV, traumatic gynaecological and obstetric fistulas, access to pregnancy testing, contraception, including emergency contraception (birth control methods), safe abortion, post-abortion care, and psychological support. States should not require victims to have filed a complaint with the police in order to provide these services.

#### ACCESS TO CARE

In 2015, Guinea adopted a National Health Development Plan (2015-2024).<sup>197</sup> This takes a critical look at the country's health system and sets targets for improvement. According to the Plan, the health system is characterized by low effective cover for most essential health services, the quality of which is sometimes questionable, and inefficient and inequitable health provision. In the area of overall health care provision, the Plan states that there are 1,383 public structures of all categories, distributed as follows: 925 health posts, 410 health centres, five improved health centres, 33 communal medical centres and prefectural hospitals, seven regional hospitals and three national hospitals. Of the total number of public facilities, 51% are in a physical and functional state that is inadequate in relation to the defined standards.

Since the adoption of this National Plan, the share of the state budget allocated to health has increased significantly, showing a real effort by the Guinean authorities to improve the health system. It has increased from 3.8% in 2016 to 10% in 2020. However, the overall system remains deficient as noted by WHO in its 2021 annual report on Guinea.<sup>198</sup> According to the report, the number of health facilities in relation to the number of inhabitants has even declined in recent years. The number of inhabitants per health centre has gone from 6,966 in 2016 to 7,362 in 2020. The number of inhabitants per bed has increased from 264,078 to 279,103. While the number of doctors per 10,000 inhabitants has increased from 0.8% in 2016 to 2.08% in 2020, and the percentage of midwives from 0.58% to 0.69% for the same number of inhabitants, these ratios remain low.

This situation led the United Nations Committee on Economic, Social and Cultural Rights to note in 2020 “the lack of medical infrastructure and the dilapidation of existing infrastructure, the lack of training for medical staff, the low ratio of medical staff per capita and the excessive burden of health care costs on low-income households”.<sup>199</sup>

Furthermore, access to care for victims of sexual violence is constrained by the absence of health centres in certain localities, the under-equipment of health centres where they exist, and the lack of doctors. Alpha Amadou Diallo, focal point of the NGO F2DH in the town of Téliimélé (Kindia region), told Amnesty International:

**“Some villages do not even have a health centre. Where there is one, we can treat malaria at best, but we cannot treat a case of rape because there is no equipment or specialists. In Téliimélé - the prefecture - there is only one doctor at the prefectural hospital for 14 sub-prefectures, and some localities are located more than 150km from the prefecture. If a rape is committed there, the family**

<sup>197</sup> Ministry of Health, “National Health Development Plan 2015-2024, March 2015, prb.org/wp-content/uploads/2018/05/Plan-National-de-De%CC%81veloppement-Sanitaire-2015-2024.-Guine%CC%81e.pdf

<sup>198</sup> WHO Guinea, “Annual Report 2021”, afro.who.int/sites/default/files/2022-06/rapport\_annuel\_oms\_guinee\_2021\_wrk\_ver\_24\_s.pdf

<sup>199</sup> Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Guinea, 6 March 2020.

**has to come to Téliimélé for treatment. If there is a breakdown en route, the delay can easily exceed 48 hours.”<sup>200</sup>**

In the Labé region, Assiatou Bailo Diallo of the NGO *Agir pour le droit féminin* (Acting for Women's Rights) emphasizes the gap between the medical offer available in the city and prefecture of Labé – albeit insufficient – and that available in the most isolated localities:

**“In the city of Labé there are more or less equipped health structures, notably the regional hospital. But in the most remote areas, in the villages and sub-prefectures, the situation is very complicated. There is a crying lack of specialized personnel, there are only midwives and nurses who do not have the necessary skills to know if there has been a rape or not. There is also a lack of adequate equipment. The state of our roads can also have an impact on care. It takes so long to reach Labé that victims can easily fall ill, get infected or have unwanted pregnancies.”<sup>201</sup>**

In addition to the issue of availability of care, there is also the issue of accessibility. The cost of medical care for victims of sexual violence can be prohibitive for the poorest people. This situation is reinforced by the fact that almost no Guineans are covered by health insurance.<sup>202</sup>

Forensic doctor at the Donka University Hospital, Thierno Mamadou Chérif Diallo, confirms the difficulty for many victims to pay for multiple medical expenses:

**“In addition to the forensic certificate, we ask for tests for sexually transmitted diseases and pregnancy. Treatment and medication may also be required. All of this has to be paid for, in addition to the transport that the victims already pay for. Those who have no money give up.”<sup>203</sup>**

In a report broadcast in 2020 by TV5 Monde, the former Minister of Internal Security, Albert Damantang Camara, seemed surprised that the costs of these procedures were being borne by the victims and stated that he wanted to change this situation.<sup>204</sup>

In its right of reply to Amnesty International, the Ministry of Health did not mention the existence of free care for victims of sexual violence.<sup>205</sup>

In order to receive medical care, rape victims without financial means are therefore partly dependent on projects to combat sexual violence financed by various donors, with varying degrees of scope and duration. Hassane Bah, a forensic doctor at the Ignace Deen University Hospital explains that a current project is “enabling him to care for victims of sexual violence who do not have the resources in order to produce the forensic report and facilitate access to other services”.<sup>206</sup>

Where NGOs are present and have sufficient resources, they can cover certain medical costs, as is the case in Labé and Mamou, for example, where bills are covered by *Solidarité Suisse Guinée*, *Maison Mère* and *Agir pour le droit féminin*. According to Assiatou Bailo Diallo: “If we are informed, we can sometimes financially assist victims who have no resources. We have helped a number of victims in this way.”<sup>207</sup>

Faced with this situation, the authorities must improve the availability, quality and accessibility of the health system, particularly for victims of sexual violence. This means, in particular, ensuring that there is a sufficiently dense network of health centres to enable victims to receive basic emergency care while awaiting hospitalization in another facility; that these centres are staffed by qualified medical and professional personnel; that victims are provided with scientifically approved and unexpired drugs and hospital equipment; and that facilities, goods and services are available and affordable to all, ensuring that the poorest households are not disproportionately affected by these expenses. Authorities should particularly

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<sup>200</sup> Remote interview with Alpha Amadou Biallo, focal point for the NGO F2DH at Téliimélé, 29 June 2022.

<sup>201</sup> Remote interview with Assiatou Bailo Diallo, NGO *Agir pour le droit féminin*, 13 July 2022.

<sup>202</sup> Republic of Guinea, “Demographic and Health Survey 2018”, July 2019, [unicef.org/guinea/media/2106/file/EDS%202018.pdf](https://unicef.org/guinea/media/2106/file/EDS%202018.pdf)

<sup>203</sup> Remote interview with Namandian Traoré, forensic doctor at Donka University Hospital, 31 May 2022.

<sup>204</sup> [information.tv5monde.com](https://information.tv5monde.com), *Viols en Guinée: Fatou une enfance volée* [Rape in Guinea: Fatou, a childhood lost], 23 October 2020, [information.tv5monde.com/video/viols-en-guinee-fatou-une-enfance-volee-collection-reportages](https://information.tv5monde.com/video/viols-en-guinee-fatou-une-enfance-volee-collection-reportages)

<sup>205</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 22 July 2022.

<sup>206</sup> Inte4rview with Hassane Bah, forensic doctor at the Ignace Deen University Hospital, Conakry, 27 October 2021.

<sup>207</sup> Remote interview with Assiatou Bailo Diallo, NGO *Agir pour le droit féminin*, 13 July 2022.

ensure that medical care is available and accessible to all victims of sexual violence by removing financial barriers related to medical fees and the cost of treatment.

## ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES

Access to sexual and reproductive health services is just as unreliable as access to other health care, despite the law on reproductive health according to which "every individual, every couple, has the right to access to local, safe, effective, affordable and acceptable services".<sup>208</sup>

The United Nations Committee on Economic, Social and Cultural Rights noted in 2020 "the low level of access to contraceptives and the very restrictive conditions under which abortions can be performed [legally]".<sup>209</sup> According to Article 265 of the Criminal Code,<sup>210</sup> abortion is only permitted when the pregnancy poses a grave risk to the life of the pregnant woman, in cases of rape, incest, and when there is a foetal impairment. In these cases, it requires authorization by a panel of medical specialists. Abortions can be performed only by a physician in a private or public hospital with the necessary facilities for this.

At the Mamou Regional Hospital, the Director General explains the difficulties in accessing sexual and reproductive health services: "At one point we were told that there were treatment kits, but I never saw them. When a woman comes, we cover the examinations that are asked of her. We usually do an HIV test. We do this for free. If there's a surgical procedure, people pay."<sup>211</sup>

In Nzérékoré, too, "UNFPA gives medicines, antiretrovirals, contraceptives and pregnancy tests,"<sup>212</sup> which are not always available, Paul Yaradouno, deputy director of the Nzérékoré regional hospital, told Amnesty International.

In Diécké (Nzérékoré region), the community health centre is not equipped to identify all major sexually-transmitted infections, and victims are not offered the possibility of abortion.<sup>213</sup> A rape victim treated at a private clinic in the same community confirmed that she was not given the option of terminating her pregnancy. "The treatment was not free at the clinic, we paid for everything. I was given treatment for STIs. I was not told I could have an abortion but a sister in Conakry told me to take something [emergency contraception]."<sup>214</sup>

The authorities must ensure that women victims of rape are systematically informed of their right to abortion, and that they have access to pregnancy tests, emergency contraception, abortion services and treatment for sexually-transmitted infections, if they so wish, without the requirement that they have first reported the matter to the police.

## 6.2.2 PSYCHOLOGICAL AND SOCIAL SUPPORT

In a country where there are few psychologists, victims and their families who are unable to benefit from the help of NGOs are often left to their own devices. They may then find themselves in a situation of distress and social isolation, sometimes forced to move in order to stop the stigma or ostracism of the community in which they live.

### SILENCE OR DISGRACE

After the rape, the victims and their families often have to face another ordeal: social stigma. As the testimonies collected by Amnesty International show, this ostracism sometimes ends in them having to move home. This trauma seems to be experienced most often in the absence of external support.

The mother of a girl who says she was raped by an imam in Yimbayah (see 4.3) told Amnesty International about the stigma her child experienced:

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<sup>208</sup> Law of 10 July 2000 on Reproductive Health in the Republic of Guinea.

<sup>209</sup> Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Guinea, adopted on 6 March 2020

<sup>210</sup> Criminal Code, [policehumanrightsresources.org/content/uploads/2019/07/NOUVEAU-CODE-PENAL-DE-LA-REPUBLIQUE-DE-GUINEE-Fevrier-2016.pdf?x96812](https://www.policehumanrightsresources.org/content/uploads/2019/07/NOUVEAU-CODE-PENAL-DE-LA-REPUBLIQUE-DE-GUINEE-Fevrier-2016.pdf?x96812)

<sup>211</sup> Interview with Abdoulaye Kader Camara, Director General of the Mamou Regional Hospital, Mamou, 1 November 2021.

<sup>212</sup> Interview with Paul Yaradouno, former director of the Nzérékoré pilot centre, Nzérékoré, 12 March 2022.

<sup>213</sup> Interview with Sékou Guilavogui, dispensing pharmacist in Diécké clinic, Diécké, 17 February 2022.

<sup>214</sup> (Name withheld to preserve anonymity), Diécké, 17 February 2022.

**“Once I went to the hospital with her because she was not feeling well during her pregnancy. I was asked how old she was and then asked if she was married. People knew at once. One of the doctors said: “This is the girl who was raped.” It hurts. Everywhere she goes, she has a finger pointed at her. She is always confined to the house, she doesn’t go out, she hardly communicates with anyone. She wants to start school again but it’s not possible. Everywhere she goes people know it’s her. She’s at my mum’s house (...) Everyone is suspicious of us now. Even the tailor we used to send our clothes to has refused us saying that we are a problematic family and that he doesn’t want any problems. We feel like leaving the area.”<sup>215</sup>**

Aicha Barry,<sup>216</sup> whose two-year-old daughter was sexually assaulted in 2020 by a neighbour, was forced to move out of her home after a harrowing court case and pressure from her neighbourhood:

**“We were living in Yimbayah at the time. We had to move because there were too many problems. My daughter is little and she isn’t really aware of everything that happened, what I had to go through. There was so much pressure, the neighbours... I didn’t think I was going to get through it.”**

In Mamou and Lola, Amnesty International delegates met with other parents of rape victims who were forced to move their children to other schools and/or homes in order to put a stop to the stigmatization and other “mockery”.<sup>217</sup>

Amnesty International received a testimony about a girl who was raped in Diécké (Nzérékoré region) when she went to collect wood in the bush with her younger sisters. Left for dead in a rubbish dump by the rapist, she was found and treated. She then had to endure humiliation and stigmatisation from the neighbourhood to the point that she stopped going for walks with her friends.

## LIMITED REMEDY

For a long time, Guinea had only one clinical psychologist, Alhassane Chérif, founder of the Guinean Association of Clinical Psychologists (AGPC), which today has, according to him, a dozen members with various backgrounds.<sup>218</sup> The association’s offices in Conakry are described as “a place of therapy, a space for listening, consultation and psychological support for children, adolescents, adults, families and institutions”. Because there are not enough resources to provide free services, the AGPC usually helps people in need through projects financed by international partners. They were thus able to provide psychological support to victims of the 28 September 2009 massacre with the help of FIDH/OGDH, and to those suffering from Covid-19 and the victims of the Ebola epidemic.<sup>219</sup>

Although Alhassane Chérif has trained the majority of psychotherapists in Guinea –some of whom have opened facilities such as the Guinean Medical/Psychological Centre / CEMPSY (founded in 2020)– the provision remains too limited and inaccessible in a country of 13 million inhabitants. Psychosocial support is therefore more frequently provided through NGOs or social workers working within local child protection structures.

The NGO *Amali* works with a doctor responsible for psychosocial support for victims living abroad: “When you have a good support mechanism in your family or close circle, that’s usually what acts as your psychosocial support. We work with those who don’t even have that. Depending on the initial diagnosis, they are then referred to a particular facility. Families often don’t have money, so we help them.”<sup>220</sup>

Amnesty International delegates met several victims who had received no support other than that of their family, with frequent psychological consequences such as depression, post-traumatic stress, anxiety, and social consequences such as isolation, professional and relational difficulties.

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<sup>215</sup> Interview in Yimbayah (Conakry), 24 January 2022 (Name withheld to preserve anonymity).

<sup>216</sup> Interview with Aicha Barry (Name changed to preserve anonymity), Yimbayah (Conakry), 24 January 2022.

<sup>217</sup> Interview with a victim’s relative (Name withheld to preserve family anonymity), Lola, 2 February 2022.

<sup>218</sup> Interview with Alhassane Chérif, Conakry, January 2022.

<sup>219</sup> Mosaïqueguinee.com, “L’assistance de l’UNICEF m’a permis de scolariser les orphelins de ma fille”, dit Antoinette Lamah” [“UNICEF’s assistance enabled me to send my daughter’s orphans to school”, says Antoinette Lamah], mosaïqueguinee.com/l’assistance-de-l’unicéf-ma-permis-de-scolariser-les-orphelins-de-ma-fille-dit-antoinette-lamah/

<sup>220</sup> Remote interview with Houray Bah and Aminata Dembele, 20 October 2021.

Although the role of social workers is essential, today, there are only 73 social workers “trained and graduated from a school dedicated to this purpose”, according to Abdoul Karim Camara, President of the National Association of Social Workers of Guinea, created in 2019.<sup>221</sup> As a result, “the services generally use para-professionals, trained on an ad hoc basis by the Ministry of Social Action with external funding, in particular from UNICEF,<sup>222</sup> which sometimes directly funds social workers.<sup>223</sup>

In addition, foundations can provide economic and social assistance to victims of sexual violence. This is the case of the Mukwege Foundation which has provided support to the Association of Victims, Relatives and Friends of 28 September 2009 (Avipa) through individual interim reparations to 157 survivors and beneficiaries. Funds have also been made available to Avipa, in partnership with the Global Fund for Survivors,<sup>224</sup> to build a survivors’ centre in which to meet and hold economic, cultural and awareness-raising activities on sexual violence. According to Avipa’s president, a plot of land has been purchased in Maférinya (Kindia region), and the inauguration is planned for 2022.

The Guinean authorities should promote the training and deployment throughout the country of a sufficient number of psychologists and social workers trained to deal with cases of sexual violence.

## 6.2.3 ONE-STOP CENTRES AND SHELTERS

The establishment of one-stop centres for victims of sexual violence is one way to address the lack of access to specialized care and sexual and reproductive health services, as well as providing psychological and legal support.

As defined in the ACHPR Guidelines, one-stop centres should be premises offering the full range of protection services. They should be “available, accessible, comprehensive, integrated and of high quality, including a free telephone line to the centre, a listening and reception service, medical and psychological care, social, legal and judicial assistance, and access to police services.<sup>225</sup>

Several initiatives for centres offering all or part of the services expected by the Guidelines have been taken in 2021 and 2022, in some cases with State participation, including through the provision of land and/or buildings.

According to information gathered by Amnesty International, a first building financed by the European Union<sup>226</sup> and intended to house both the new offices of the management of Oprogem and a reception and accommodation centre for victims of sexual violence has been handed over to the Guinean authorities but has not yet been inaugurated.<sup>227</sup> According to the European Union’s funding programme, the new centre will “provide Oprogem with a single site enabling it to coordinate its activities, to receive and take care of victims (legal and psychological support) and to direct them towards professional reintegration organizations such as Aguipe”.<sup>228</sup>

In addition, a second building financed by the European Union was under construction at the time of writing, to house the new offices of the BSPPV management and a reception centre for victims of sexual violence.<sup>229</sup>

In both cases, the land was made available by the Guinean authorities. At the time of writing, it had not yet been established what protection services would be offered there.

Other initiatives have recently been launched in the regions of Mamou and Labé, with the creation of centres intervening in one or more stages of the protection process. In Mamou, the Women’s Refuge was opened in July 2021 as part of French Cooperation’s Innovative Civil Society and Stakeholder Coalition Projects

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<sup>221</sup> Email from Abdoul Karim Camara, 18 March 2022.

<sup>222</sup> Unicef.org, *L’UNICEF appuie le Ministère de l’Action Sociale pour la formation de 40 travailleurs sociaux* [UNICEF supports Ministry of Social Action to train 40 social workers], [www.unicef.org/guinea/recits/lunicef-appuie-le-minist%C3%A8re-de-laction-sociale-pour-la-formation-de-40-travailleurs-sociaux](http://www.unicef.org/guinea/recits/lunicef-appuie-le-minist%C3%A8re-de-laction-sociale-pour-la-formation-de-40-travailleurs-sociaux)

<sup>223</sup> Unicef.org, *Les femmes de Kobéla s’impliquent dans la protection des jeunes filles contre les pratiques néfastes*, [Kobéla women involved in protecting young girls from harmful practices], 1 March 2022, [www.unicef.org/guinea/recits/les-femmes-de-kob%C3%A9la-simpliquent-dans-la-protection-des-jeunes-filles-contre-les-pratiques](http://www.unicef.org/guinea/recits/les-femmes-de-kob%C3%A9la-simpliquent-dans-la-protection-des-jeunes-filles-contre-les-pratiques)

<sup>224</sup> The Global Fund for Survivors was launched in October 2019 by Dr. Denis Mukwege and Nadia Murad.

<sup>225</sup> ACHPR Guidelines.

<sup>226</sup> Funding from the PARSS 3 (Programme to Support Guinea’s Security Sector Reform).

<sup>227</sup> Remote interview with Raymond Lataste, Programme Officer with the European Union delegation in Guinea, 4 July 2022.

<sup>228</sup> “Document relatif à l’action pour le programme d’appui à la réforme du secteur de sécurité en Guinée (PARSS 3)” [Action document for the programme of support to reform of the Security Sector in Guinea (PARSS 3)], [ec.europa.eu/international-partnerships/system/files/c\\_2017\\_5477\\_f1\\_annex\\_fr\\_v1\\_p1\\_942360.pdf](http://ec.europa.eu/international-partnerships/system/files/c_2017_5477_f1_annex_fr_v1_p1_942360.pdf)

<sup>229</sup> Remote interview with Raymond Lataste, Programme Officer at the European Union delegation in Guinea, 4 July 2022; Remote interview with Sékou II Camara, BSPPV commander, 4 July 2022.

(PISCCA). The NGO's Terms of Reference<sup>230</sup> anticipate providing this structure "designed to support, refer and take care of women victims of GBV in the region" with psychosocial support, socio-professional reintegration support, medical and legal support.<sup>231</sup>

In Labé, an "emergency shelter and care centre for victims of gender-based violence"<sup>232</sup> was opened on 4 January 2022 by *Solidarité Suisse Guinée*. Funded by the International Planned Parenthood Federation, it can accommodate 12 people and houses a training centre. It has so far assisted nine people, four of whom were victims of rape.<sup>233</sup> They are referred to the centre by the security forces, social services or the justice system. The centre's staff then provides care to the victims in the form of basic medical care and legal support.

Mariama Sylla, Executive Director of *Solidarité Suisse Guinée*, gave Amnesty International an initial assessment six months after the centre opened:

**"In terms of care, the victims benefit from medical care for the most disadvantaged in particular, psychosocial care and legal and judicial support. The centre has a partnership with health structures which facilitates this care. In terms of protection, the victims know that they are safe because the centre is guarded by security agents who work in synergy with the state. On the other hand, we still lack funding to support the economic reintegration of women, and the taboos surrounding violence against women within local communities remain strong. In-depth work is needed to put some victims or their families at ease."**<sup>234</sup>

At least one other similar centre was being planned at the time of writing: the "one-stop centre" developed in Conakry by the Belgian cooperation agency Enabel, through the "She Decides" project,<sup>235</sup> and designed to facilitate the integrated management of women victims of violence. According to the agency, "there is state support for Enabel's establishment of a centre for survivors through several proposals to make public buildings available. Discussions are underway on a memorandum of understanding that would also ensure the provision of social workers by the state."<sup>236</sup>

Amnesty International encourages the State to support the development of these one-stop centres throughout the country to increase the availability, quality and accessibility of specialised care, sexual and reproductive health, psychological and legal support services for victims of sexual violence.



↑ Photo of the Solidarité Suisse Guinée refuge in Labé. Posted on 5 November 2021 on the NGO's Facebook page.

<sup>230</sup> "Projet de mobilisation communautaire pour la prévention et la réduction de VBG dans la région de Labé et Mamou, Maison des Femmes, Termes de référence" [Community mobilization project for the prevention and reduction of GBV in the region of Labé and Mamou, Maison des Femmes, Terms of Reference]

<sup>231</sup> Email to Amnesty International from the technical cooperation department of the French Embassy in Guinea, 27 October 2021.

<sup>232</sup> [solidaritesuisseguee.org/projetcentre](https://solidaritesuisseguee.org/projetcentre)

<sup>233</sup> Remote interview with Adjidjatou Barry Baud, president of Solidarité Suisse Guinée.

<sup>234</sup> Mariama Sylla, Executive Director of Solidarité Suisse Guinée, email, 15 July 2022.

<sup>235</sup> <https://open.enabel.be/fr/GIN/2294/p/she-decides-promotion-des-droits-sexuels-et-reproductifs.html>

<sup>236</sup> Interview with Graziella Ghesquière, Enabel, Conakry, 28 October 2021; remote interview with François Kieffer, Country Portfolio Manager, 29 June 2022.

# 7. VICTIMS' RIGHT TO JUSTICE

**“I've had two cases of rapists that went to court but were then released. One even walked past my desk and gave me a long, hard stare. We're in danger!”**

Testimony of an Oprogem representative (name withheld to preserve anonymity)

## 7.1 THE AUTHORITIES IN THE FIGHT AGAINST SEXUAL VIOLENCE

### 7.1.1 CRIMINALIZATION OF SEXUAL VIOLENCE: AN IMPROVED LEGAL ARSENAL

Despite persistent shortcomings, in many aspects Guinea has made progress in improving its legal framework over the past decade in order to address gender-based violence more effectively.

The Criminal Code adopted in 2016<sup>237</sup> punishes rape with five to ten years' imprisonment;<sup>238</sup> this increases to 10 to 20 years for 11 listed aggravating circumstances and up to life imprisonment when it results in the victim's death or was “preceded, accompanied or followed by torture or acts of barbarism”.<sup>239</sup> The Criminal Code also criminalizes rape as a crime against humanity.<sup>240</sup>

The Criminal Code also permits associations to bring civil actions for several crimes and offences including “sexual violence, gender-based violence or any other wilful attack on life and personal integrity or

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<sup>237</sup> Criminal Code, [policehumanrightsresources.org/content/uploads/2019/07/NOUVEAU-CODE-PENAL-DE-LA-REPUBLIQUE-DE-GUINEE-Fevrier-2016.pdf?x96812](https://policehumanrightsresources.org/content/uploads/2019/07/NOUVEAU-CODE-PENAL-DE-LA-REPUBLIQUE-DE-GUINEE-Fevrier-2016.pdf?x96812)

<sup>238</sup> Article 268 of the Criminal Code.

<sup>239</sup> Article 269 of the Criminal Code.

<sup>240</sup> Article 194.g of the Criminal Code.

destruction, degradation.”<sup>241</sup> Nevertheless, “the association can only file a complaint if it can prove that it has received the victim's consent or –if the victim is a minor or a person under legal age– that of the victim's tutor or guardian”.

A new Children's Code was adopted in 2019.<sup>242</sup> This code sets the age of criminal responsibility for minors at 13 years, punishes female genital mutilation with between two and 20 years in prison and rape with 10 years to life as well as codifying a whole series of sexual assaults (child marriage, incest, paedophilia, sexual harassment, school harassment (...)).

In order to complete this legal framework, Amnesty International recommends that the definition of rape in the Guinean penal code be revised to be based on the absence of consent and not on the use of violence, coercion or surprise, thus conforming to international rights and standards in this area. Our organisation also recommends the adoption of a specific law on violence against women, in accordance with the recommendations of the ACHPR Guidelines.

## 7.1.2 THE POLICE AND GENDARMES: RECOGNIZED AND SOUGHT-AFER UNITS

Within the police service and gendarmerie, Guinea has established two specialized units to combat sexual violence, among other tasks. Within the police, the Office of Gender, Child and Vice Protection (Oprogem) was established in December 2009.<sup>243</sup> In 2013, it became a public institution of an administrative, technical and social nature.<sup>244</sup> Within the gendarmerie, the Special Brigade for the Protection of Vulnerable Persons (BSPPV) was created on 29 January 2020<sup>245</sup> and officially launched on 5 March 2020. These two units are the gateway to justice for complainants, and the first step in a long judicial process.

**“We receive the person discreetly in an office. Then we requisition the doctor, the complainant goes to the hospital and comes back. The doctor calls us when the certificate is ready and it comes back to us in an envelope. We then inform the prosecutor who gives us the authorization to summon the alleged perpetrator.”<sup>246</sup>**

Superintendent Alpha Bangoura, Oprogem in Mamou

Oprogem has received significant material and training support. As noted in section 6.2.3, the EU is financing a new building in Mafanco (Conakry) to house Oprogem's services and a transit/emergency shelter (18 adult beds + 6 children). Within the context of the various EU Programme to Support Security Sector Reform (PARSS) projects implemented by Civipol, several areas of support have been provided to Oprogem over the last 10 years. This (non-exhaustive list) includes the “creation of Oprogem brigades in each central police station, offices for these brigades in each refurbished central police station”, the “broadcasting of radio and television spots on the role and mission of Oprogem”, and “office and computer equipment for the Oprogem management team”.<sup>247</sup>

The increasing number of complaints received by Oprogem and the BSPPV (see 4.2) shows, in particular, a growing legitimacy in the exercise of their missions, despite difficulties (see 7.2.2).

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<sup>241</sup> Article 156 of the Criminal Code.

<sup>242</sup> Law L/2016/059/AN of 26 October 2016, <https://guilaw.com/code-de-lenfant-2019/#:~:text=Tout%20enfant%20jouit%20des%20droits,ses%20parents%20ou%20repr%C3%A9sentants%20I%C3%A9gaux.>

<sup>243</sup> Decree No. 3476 of 1 December 2009, confirmed by Decree No. 120/PRG/SGG/11 of 14 April 2011

<sup>244</sup> Decree D/2013/002/PRG of 7 January 2013

<sup>245</sup> Order No. 14/PRG/MON/CAB/2020 of 29 January 2020.

<sup>246</sup> Interview with Superintendent Alpha Bangoura of the Oprogem, Mamou, 1 November 2021.

<sup>247</sup> Interview with Jeanne Sagno, Conakry, 27 October 2021.



© The Oprogem General Management Team, 1 November 2021.

### 7.1.3 CONVICTIONS

Despite the barriers to justice for rape victims in Guinea (see 7.2), investigation procedures are carried out, trials are organized and perpetrators are sentenced.

According to Amnesty International's contacts, the vast majority of these are initiated by victims' complaints filed with Oprogem or the BSPPV. As for the use of self-referral by the Public Prosecutor's Office, there is too little data to conclude that it is used frequently although it should be possible for this office to initiate legal action even in the absence of a complaint. A magistrate from Lola Magistrates Court (Nzérékoré region) assured us that this procedure exists. "Even when there is no complaint, we prosecute, we just need to be informed."<sup>248</sup> Authorities may also file civil suits. According to information provided to Amnesty International by the Guinean authorities in the context of the right of reply, the Ministry for the Promotion of Women, Children and Vulnerable Persons has filed a civil suit on two occasions.<sup>249</sup>

In the absence of official comprehensive data on all rape cases in Guinea, the data collected by Amnesty International in some jurisdictions (directly) shows that, despite many obstacles and challenges to combating impunity, sentences are regularly handed down to perpetrators of rape, and there are perpetrators currently in detention.

For example, since the first criminal hearing held at the Mamou Court of First Instance on 1 March 2017, and as of 11 October 2021, 56 convictions and 10 acquittals had been pronounced concerning cases of sexual violence.<sup>250</sup>

The prosecutor's office sometimes appeals sentences that are deemed too lenient. Such was the case in Kankan, for example, after three men accused of raping a minor were sentenced to 10 years in prison on 18 March 2019. "When you see that three big guys who gang raped a minor only get 10 years when we asked for 20, that's something to be concerned about."<sup>251</sup> In Mamou, the prosecutor told Amnesty International that "when we have provided all the evidence in our opinion at the hearing and the court does not convict, we appeal and the files go to the Conakry Court of Appeal for further consideration."<sup>252</sup>

<sup>248</sup> Interview with Maurice Onivogui, Justice of the Peace, Lola, 2 February 2022.

<sup>249</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>250</sup> Interview with Aboubacar Sidiki Camara, prosecutor at the Mamou Court of First Instance, Mamou, 2 November 2021.

<sup>251</sup> Guineematin.com, *Viol collectif sur mineure : 3 individus condamnés à de lourdes peines de prison à Kankan* [Gang rape of a minor: 3 individuals sentenced to heavy prison sentences in Kankan], 18 March 2019, [guineematin.com/2019/03/18/viol-collectif-sur-mineure-3-individus-condamnes-a-de-lourdes-peines-de-prison-a-kankan/](http://guineematin.com/2019/03/18/viol-collectif-sur-mineure-3-individus-condamnes-a-de-lourdes-peines-de-prison-a-kankan/)

<sup>252</sup> Interview with Aboubacar Sidiki Camara, prosecutor at the Mamou Court of First Instance, Mamou, 2 November 2021.



### THE 2015 JUDICIAL REFORM

Several interviewees considered the 2015 Justice Act to have been beneficial<sup>253</sup> to combating sexual violence. Among other reforms, the law allowed courts of the first instance to assume jurisdiction for criminal cases. In the past, criminal trial hearings have sometimes only been held with very long delays. According to a lawyer interviewed by Amnesty International: “We have made a great deal of progress with this law. In the past, you sometimes had to wait four years for the trial to be held. Now criminal cases are cleared more quickly. In Mamou, the prosecutor takes no more than six months to schedule a hearing. It would be very beneficial if things could be done like that everywhere.”<sup>254</sup>

## 7.2 BARRIERS TO JUSTICE

### 7.2.1 BARRIERS TO FILING A COMPLAINT

#### THE FORENSIC CERTIFICATE OR NOTHING

The forensic certificate, which confirms a rape, is in practice often a *sine qua non* for any prosecution in Guinea. Yet in theory “it is not a condition for filing a complaint”, as stated by the director general of Oprogem to Amnesty International.<sup>255</sup>

“It is a habit that has set in but it is not mentioned in the Code of Criminal Procedure,” Frédéric Foromo Loua, a lawyer working for the NGO *Mêmes droits pour tous* [Same rights for all] also told Amnesty International.<sup>256</sup> In the right of reply sent to Amnesty International, the Ministry of Justice confirmed that “the law does not seem to expressly provide that a complaint must be accompanied by such an act in order to be admissible”.<sup>257</sup>

According to international standards, producing such a certificate should not be a prerequisite for the filing or admissibility of a victim’s complaint. The Handbook for legislation on violence against women<sup>258</sup> developed by UN Women elaborates on some reasons why the forensic certificate should not be required in the context of legal proceedings: “Forensic and medical evidence may not be available in court proceedings for a variety of reasons, including complainants’ lack of knowledge regarding the importance of such evidence; fear of medical examination; actions taken that may unintentionally compromise evidence, such as washing after being sexually assaulted or time lapse in seeking services; lack of available facilities, or personnel trained in the collection of evidence in cases of violence against women in a manner sensitive to the complainant/survivor; and the nature of the violence”.<sup>259</sup>

However, testimonies collected by Amnesty International confirm that, without a forensic certificate attesting to rape, cases are not systematically admitted by the police and the gendarmerie or prosecuted. A policeman told Amnesty International: “Even if a perpetrator admits his fault, that’s not enough. A medical report is required.”<sup>260</sup> At the level of Oprogem and the BSPPV, the absence of this certificate can prevent the referral of the case to the justice system.

<sup>253</sup> L/2015/019/AN of 13 August 2015 on organization of the judiciary.

<sup>254</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

<sup>255</sup> Interview with Marie Gomez, Acting Director General of Oprogem, Conakry, 5 November 2021.

<sup>256</sup> Remote interview with Frédéric Foromo Loua, lawyer, 31 May 2022.

<sup>257</sup> Right of response sent by email to Amnesty International by the Prime Minister’s office, 22 July 2022.

<sup>258</sup> UN Women, “Handbook for legislation on violence against women”, 2012. [unwomen.org/fr/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women](https://unwomen.org/fr/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women)

<sup>259</sup> UN Women, “Handbook for legislation on violence against women, 2012.

<sup>260</sup> Interview with Second Lieutenant Alphonse Faya Millimouno, Diécké, 17 February 2022.

Faced with this situation, the Guinean authorities must ensure that the receipt and transmission of complaints to the courts is not conditional on the presentation of a forensic certificate or any other evidence of the perpetration of sexual violence.

Furthermore, the procedure for accessing forensic examinations to prove a case of rape is unclear and differs according to the people Amnesty International spoke to. According to many of them, these examinations and sometimes even medical care are only possible after the rape has been reported to the police or gendarmerie, who then write a requisition – or "procedural act" – to the doctor to have a forensic examination carried out. "Some families send the girls directly here, but I always refer them to the procedure," a doctor working in Mamou told Amnesty International. However, this practice is not governed by any legal provision. Forensic doctors have confirmed to Amnesty International that forensic certificates can be issued to victims without prior requisition, and that medical treatment is in no way supposed to be conditional on prior notification to the police or gendarmerie.<sup>261</sup>

## LACK OF AVAILABLE MEDICAL SPECIALISTS

Financial cost is one of the barriers to accessing forensic examinations. Issuance of a forensic certificate only invariably costs the patient 50,000 Guinean francs (about 5 euros).<sup>262</sup>

Apart from the financial resources, there is also a problem with the availability of forensic specialists. Guinea has around 15 forensic doctors for 13 million inhabitants (see box below). That number is far too low, especially when it seems that none of them practise permanently outside the capital. "We don't have a forensic doctor,"<sup>263</sup> said Demba Mara, deputy director general of the Kankan regional hospital, one of the two cities in the country (alongside Conakry) that has a Court of Appeal. "Specialists in general do not want to work in remote parts of the country," explains Abdoulaye Kader Camara, director general of the Mamou Regional Hospital.<sup>264</sup>

In the right of reply sent to Amnesty International by the Ministry of Health, the latter acknowledges that the number of forensic doctors is "far below the needs for coverage of the whole of the national territory", and that "the short-term training of specialist doctors is required for this purpose".<sup>265</sup>

In the absence of a forensic doctor, it seems that the forensic certificate can be produced by other medical staff. "It may be the gynaecologist or general practitioner who does it," explains Thierno Mamadou Chérif Diallo of Donka University Hospital.<sup>266</sup> Some of these doctors have undergone training that would enable them, for example, to write a forensic certificate and include all its essential elements.<sup>267</sup> In Mamou, the duty gynaecologist has received "special training in GBV, albeit with no accreditation, provided for 10 to 12 days by the Ministry of Health."<sup>268</sup> In Nzérékoré, "victims are generally sent to the maternity ward. We did have a forensic doctor here for an internship but they've left now".<sup>269</sup> Similarly, in Diécké, victims are most often referred for ante-natal check-ups to midwives who have not received any specific training.<sup>270</sup> This is also the case in Labé, where referring doctors may be general practitioners or midwives.

Nonetheless, the presence of just one obstetrician-gynaecologist in the administrative region of Mamou, which has close to one million inhabitants, poses obvious problems of availability.<sup>271</sup> In Mamou, the NGO Maison Mère notes the slow pace of care for victims. "The gynaecologist is not always on site. Once we wanted to send a victim to a clinic because we were tired of waiting but we were told that not everyone can handle cases of gender-based violence, that it takes someone who has received training, so we had to wait."<sup>272</sup>

Faced with this situation, the Guinean authorities must promote the training and deployment throughout the country of a sufficient number of forensic specialists trained to deal with cases of sexual violence.

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<sup>261</sup> Remote interviews with Thierno Mamadou Chérif Diallo and Namandian Traoré, forensic doctors, 31 May 2022.

<sup>262</sup> Remote interviews with Namandian Traoré and Hassane Bah, 31 May 2022.

<sup>263</sup> Remote interview with Demba Mara, deputy director of the Kankan Regional Hospital, 25 March 2022.

<sup>264</sup> Interview with Abdoulaye Kader Camara, Director General of the Mamou Regional Hospital, Mamou, 1 November 2021.

<sup>265</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 22 July 2022.

<sup>266</sup> Remote interview with Mamadou Chérif Diallo, forensic doctor at Donka University Hospital, 31 May 2022.

<sup>267</sup> Interview with Hassane Bah, Conakry, 27 October 2021.

<sup>268</sup> Interview with Sékou Diallo, gynaecologist at Mamou Regional Hospital and GBV focal point, Mamou, 1 November 2021.

<sup>269</sup> Interview with Michel Kolié, Brigade Chief in charge of Oprogem, Nzérékoré, 1 March 2022.

<sup>270</sup> Interview with Sékou Guilavogui, Diécké clinic, Diécké, 17 February 2022.

<sup>271</sup> Interview with Abdoulaye Kader Camara, Director General of the Mamou Regional Hospital, Mamou, 1 November 2021.

<sup>272</sup> Interview with Abdoulaye Diané, NGO Maison Mère, Mamou, 2 November 2021.



## A DEVELOPING GUINEAN FORENSIC MEDICINE SECTOR

Despite the lack of doctors and resources, Guinean forensic medicine is dynamic. The only forensic doctor in the country from 1993 to 2000, Hassane Bah opened the first forensics department at Ignace Deen Hospital before obtaining his certification in 2010. This diploma allowed him to set up a postgraduate (DES) training programme in forensic medicine in 2016, with the support of the University of Montpellier (in France), in order to train Guinean forensic doctors. Its first intake resulted in eight students graduating in 2020. In addition, the cooperation between Ignace Deen University Hospital and the University Hospital of Montpellier has taken the form of training courses given in Conakry by the Head of the Forensic Medicine department of the University Hospital of Montpellier,<sup>273</sup> the hosting of Guinean forensic doctors in Conakry for training courses lasting several months, and an ongoing research project.

Over time, two other forensic medicine units have been developed at the Donka University Hospital and at the Conakry Regional Hospital located in the Anta district.

The Guinean delegation to the 52<sup>nd</sup> International Francophone Congress of Forensic Medicine, held in Montpellier in September 2021, was said to have been “one of the largest on the continent”.<sup>274</sup> The Guinean Society of Forensic Medicine and Occupational Health and Safety organized its first congress on 24 and 25 March 2022.

## INTERFERENCE FROM THE SECURITY AND DEFENCE FORCES

Amnesty International collected several testimonies noting interference from the security and defence forces during the filing of complaints, investigations or arrests, or evidencing a lack of professionalism on the part of some officers, resulting in complaints being dropped, or the filing of complaints or investigations being conditional upon payment of a sum of money in addition to legal fees, or the release of the alleged perpetrator before they have been brought to justice.

Interference from police or gendarmerie officers can, for example, manifest itself in the fact that the police do not believe the victims and dissuade them from filing a complaint, according to some testimonies collected by Amnesty International.

Cases are sometimes also subject to interference by the officers’ superiors. An Oprogem officer in Conakry testified that his superior might receive calls “from above” and accept instructions to release people without the intervention of a judge.<sup>275</sup> Another Oprogem officer assured us that “at my level, I never negotiate in rape cases, but sometimes my superiors do”.<sup>276</sup>

A rights defender confirms this practice: “Within the judicial police, there have been some cases of corruption whereby the parents of the alleged perpetrator or the alleged perpetrator himself pays a bribe. We had a case like this in Sonfonia (Conakry). There was even an arrangement to get the victim out of Conakry, and she was sent to Forécariah. In the end, the man who was in custody was released without the intervention of a judge.”<sup>277</sup>

According to testimony received by Amnesty International, a soldier involved in an attempted rape (see section 5.3.3) was released following the intervention of the gendarmerie high command.

<sup>273</sup> Mosaïqueguinee.com, *Santé: une dizaine de médecins légistes formés par un expert français* [Health: a dozen forensic doctors trained by French expert], 2018,

<https://mosaiqueguinee.com/sante-une-dizaine-de-medecins-legistes-formes-par-un-expert-francais/>

<sup>274</sup> Remote interview with Professor Eric Baccino, Head of the Forensic Medicine Department at Montpellier University Hospital, 23 November 2021.

<sup>275</sup> Interview with Captain Idrissa Keita, head of the Oprogem section at the Dixinn Central Police Station, Conakry, 29 October 2021.

<sup>276</sup> Name withheld to preserve anonymity.

<sup>277</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

**“The girl had already been sent to forensic medicine but the colonel ordered the girl to be recalled. Those higher up then put pressure on the BSPPV and the file was hushed up. Even if there was no rape, it was attempted rape, involving a minor, moreover, with threat of death and a firearm. The girl's father with whom we were in contact stopped taking our calls. When we finally reached him, he asked us to drop the case because he had received threats, and there were religious leaders on his back telling him to drop the case.”<sup>278</sup>**



## MAMADOU BOYE SYLLA



© → Photo of Mamadou Boye Sylla, father of M'mah Sylla, in Conakry on 25 January 2022 ©Amnesty International

In Conakry, Amnesty International met M'mah Sylla's father (see section 4.3), Mamadou Boye Sylla, who explained that a military officer, a relative of one of the doctors involved, had tried to buy his silence, with the complicity of a military officer:

**“I went to see Djenab Boiro from the NGO Mon enfant ma vie. She advised me to file a complaint because these doctors had hurt my daughter. A captain, the brother of one of the doctors, called me to try to bribe me. He offered 1,000,000 Guinean francs (about 100 euros) for me to drop the case but I refused, saying that my daughter's life was worth billions. So I went with the gendarmes to have this doctor arrested but he wasn't there because the captain had already informed him that he was wanted. They were able to track him down in the end.”<sup>279</sup>**

Amnesty International also gathered testimonies reporting corrupt practices on the part of members of the police or gendarmerie, who demand money to register a complaint or conduct an investigation.

According to a doctor met by Amnesty International, "people have difficulty reporting to these forces because they are held to ransom there; if they do not have the means, they will not do anything".<sup>280</sup> In Téliimélé (Kindia region), a member of a women's rights NGO told the organization about the case of a gendarme who asked the family of a rape victim for 1,300,000 Guinean francs (about 140 euros) to agree to transfer the case to the courts, with the agreement of his superior.

On 31 May 2020 in the city of Kankan, the Minister of Justice denounced the fact that some judicial police officers ask for money in exchange for services while exercising their duties and raised the possibility of sanctions.<sup>281</sup>

<sup>278</sup> Interview in Conakry, October 2021 (name withheld to preserve anonymity).

<sup>279</sup> Interview with Mamadou Boye Sylla, Conakry, 2022.

<sup>280</sup> Name withheld to preserve anonymity.

<sup>281</sup> Ministry of Justice and Human Rights de la Justice et des droits de l'homme, "Immersion gouvernementale – étape Kankan" [Government immersion – Kankan stage], 2 June 2022, [facebook.com/permalink.php?story\\_fbid=pfbid02G6Q9vzhzamsrF9RjAa2BFWmesBPd4pKLPmzLDYWTYmeWmq1DpYxRKLuz4ouq2D148i&id=100064299295196](https://facebook.com/permalink.php?story_fbid=pfbid02G6Q9vzhzamsrF9RjAa2BFWmesBPd4pKLPmzLDYWTYmeWmq1DpYxRKLuz4ouq2D148i&id=100064299295196)

Guineematin.com, *Kankan: le ministre de la justice, Moriba Alain Koné, met en garde les OPJ qui font payer de l'argent* [Kankan: Minister of Justice, Moriba Alain Koné, warns Judicial Police who charge money], 1 June 2022, [guineematin.com/2022/06/01/kankan-le-ministre-de-la-justice-moriba-alain-kone-met-en-garde-les-opj-qui-font-payer-de-largent/](https://guineematin.com/2022/06/01/kankan-le-ministre-de-la-justice-moriba-alain-kone-met-en-garde-les-opj-qui-font-payer-de-largent/)

In the right of reply sent to Amnesty International by the Ministry of Security and Civil Protection, the latter acknowledged "the interference of the security forces in the filing of complaints, scams, bribery (...)", noted "since 2010 [in] the evaluation report of the security sector".<sup>282</sup> He mentioned several recent or announced measures to remedy this situation: a "recourse mechanism" designed to receive "complaints from victims of abuse, scams or fraud perpetrated by police officers";<sup>283</sup> the creation of a toll-free number<sup>284</sup> through which "any citizen can contact the General Inspectorate of Police and Civil Protection to report any form of scam suffered with a view to having his or her rights restored";<sup>285</sup> and "a welcome charter for the local police, accessible to all, posted in all the decentralised services to indicate to citizens the procedures for having their complaints dealt with."<sup>286</sup>

In addition to these provisions, there are the following measures: a ban on taking money for registering letters of complaint at police stations, a ban on the 10% withdrawal during procedures for the restitution of rights, a ban on fining suspects at the end of police custody, a ban on demand transport costs when submitting summonses, arrests and appearances, a ban on the payment of additional costs related to issuing national biometric identity cards, and improvements in the way people are received at central police stations.<sup>287</sup>

As corruption can hinder the realization of victims' right to justice, the authorities must take action to prevent it. The Guinean authorities must fight against this phenomenon with respect for human rights, in particular by applying the law on the Special Statute of the National Police,<sup>288</sup> article 70 of which states that "any breach of duty and honour by a civil servant of the National Police within or outside the exercise of his functions exposes him to disciplinary sanctions without prejudice to the penalties provided for by criminal law", and article 11 of the Code of Discipline of the National Police, which provides for sanctions ranging from warnings to dismissal.

## SOCIAL PRESSURE AND OUT-OF-COURT SETTLEMENTS

Rape victims and their families may be deterred from reporting by some of their own family members, and they and their advocates may also be subjected to intimidation and threats from the alleged perpetrator's family or other authorities. The security forces may also be subjected to attempted interference on the part of customary authorities in order to promote an extrajudicial resolution of the crime.

A collective of NGOs denounced on 21 May 2022 that "cases of rape are still settled amicably in complete violation of our national texts as well as international conventions ratified by the Republic of Guinea".<sup>289</sup>

Adrien Tossa, national coordinator of the NGO *Mêmes droits pour tous*, notes that "despite our efforts to prosecute, a number of cases –it's difficult to say how many– escape us at different levels. Even before we talk about the police or the gendarmes, there are social interferences, fostered by the proximity between the perpetrators and the victims. They may be relatives, cousins, neighbours... Dirty laundry is always washed within the family. Or there are opinion leaders who interfere, like the imam, the neighbourhood or sector chief, saying they don't want trouble in their area, that it should be done this way instead... In terms of the number of cases we encounter, it's not that frequent, but it's significant enough to mention."<sup>290</sup>

Amnesty International collected the testimony of Aicha Barry,<sup>291</sup> whose two-year-old daughter was sexually assaulted by a neighbour in 2020 but was dissuaded from filing a complaint by her father. Angered by the aggressor's behaviour and encouraged by an acquaintance, she finally decided to contact the police, triggering a hostile reaction from the aggressor's family:

**"It was 23 June 2020, the day before the Ramadan holiday. We live around a shared courtyard. I had gone shopping at the market, my daughter was with my sister. When I returned home, my sister told me**

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<sup>282</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>283</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>284</sup> 610 00 03 03.

<sup>285</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>286</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>287</sup> Right of response sent by email to Amnesty International by the Prime Minister's office, 20 July 2022.

<sup>288</sup> L/2012/044/CNT of 14 January 2013, I/2013/044/cnt/sgg portant statut special de la police nationale. I Assemblée nationale de Guinée (assemblee.gov.gn) [on the special status of the National Police | National Assembly of Guinea]

<sup>289</sup> Mon enfant ma vie, F2DHG, Club des jeunes filles leaders de Guinée, Amali, Griff, OGDH, "Dysfonctionnements de l'appareil judiciaire dans le traitement des violences faites aux femmes" [Dysfunctions in the legal system when dealing with violence against women], 21 May 2022.

<sup>290</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

<sup>291</sup> Interview with Aicha Barry (name changed to preserve anonymity), Yimbayah (Conakry), 24 January 2022.

**that my daughter had repeated the name of the young neighbour saying he had touched her. We took my daughter to the hospital and the doctors confirmed it. The youth's guardian, a red beret soldier, was called. He did not come until the next day. When he came, he didn't want to take things seriously and that really annoyed me. My father told me not to press charges and to let it drop. People from the neighbourhood came to say that we are neighbours, that we must forgive (...) Finally, I filed a complaint, even though my father didn't want me to. A friend of my sister knew someone at the BSPPV. It was there that I was given the courage to file a complaint (...)"**

Aicha Barry, mother of a girl raped in 2020

The imprisonment in 2022 of an imam in Yimbayah (Conakry) on charges of raping a minor provoked a violent reaction from his supporters who denounced a "conspiracy" under the pretext of power struggles within the mosque,<sup>292</sup> and physically threatened the victim's family. As the victim's mother told Amnesty International:

**"Two days after he was transferred to prison, his parents came to protest at our house, saying that we had lied. They came here with rocks, sticks, on a Friday night. I called the gendarmerie, the gendarmes came, they spent the night here. The next day, they came to attack us. The girl is six months pregnant. She turns 15 in 2022."**

Some of the "elders" Amnesty International met, such as a traditional authority in Nzérékoré, said they referred rapes to the authorities.<sup>293</sup> Others see out-of-court settlements as a thing of the past, while seeming to acknowledge their existence:

**"If a girl is raped, I go and give my advice, the first thing I say is that it is a serious act that has been committed. The girl's treatment depends on the perpetrator's family. They are fined heavily and the child is cared for until she recovers. Then we sit down and, to build the peace that must exist between the different families, we ask the perpetrator's family to go and ask forgiveness of the victim's family. That's how it was in the past but now there's the law."<sup>294</sup>**

Customary authority of a locality in Diécké

The same interviewee also implied that interventions may vary, depending on the age of the victim, and without consideration for marital rape:

**"We can take action when it's a young man who has raped a girl of 17 or 18 years old and who is not his wife. But a 20-year-old or 15-year-old man who rapes a 3 or 4-year-old girl, that's a crime! If they call me about that, I don't respond."**

Some customary authorities view customary law as habit and custom rather than a transgression of the law: "When there is a rape, we simply come together, we gather the parents around, we forgive with offerings of kola nuts, we say that from now on it will be like this or that, and we move on. That's how we were accustomed to doing it. But not anymore."<sup>295</sup>

The actors involved in combating sexual violence are confronted with requests to intercede in favour of one side or another, or simply in favour of a customary settlement. Adrien Tossa recalls a situation where "a district chief in Koloma (Conakry) called us to ask us what our problem was, and to let him solve the issue as sector chief. On other occasions, the pressure is more on the victim's parents, who may then put pressure on us themselves."<sup>296</sup>

Within certain police and gendarmerie stations, officers attribute the low number of complaints received to this practice of alternative dispute resolution. "We don't get complaints of rape here because people try to work it

<sup>292</sup> Guineematin.com, *Un imam accusé de viol à Yimbaya: 'c'est un complot monté* [Imam accused of rape in Yimbaya: 'It's a plot, say his relatives'], guineematin.com/2021/12/12/un-imam-accuse-de-viol-a-yimbaya-cest-un-complot-monte-reagissent-ses-proches/

<sup>293</sup> Interview with traditional authority, Nzérékoré, 12 March 2022.

<sup>294</sup> Interview with traditional authority, Diécké, 17 February 2022.

<sup>295</sup> Interview with a sector head and member of the council of elders of a locality in the Nzérékoré region, 19 February 2022.

<sup>296</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

out among themselves, through the district presidents or the sector leaders. They don't want it exposed. They know that if someone makes a complaint there will be a problem in the village, you are ostracized if you make a complaint, and when you are ostracized you are isolated."<sup>297</sup> The Kankan Oprogem (Kankan region) also admits to encountering "many difficulties, since we are in a region where people like things to be handled amicably. They come to put pressure on us, the elders come to talk, but we don't accept it."<sup>298</sup>

Members of the defence and security forces met by Amnesty International confirm the pressure exerted by the customary authorities even when legal proceedings are initiated but deny any weakness and say they never give in to pressure. "We live in a conservative society. The religious leaders and elders hold significant weight. But that doesn't stop us from doing our job. They often come to us. Just the day before yesterday they were here. We explain to them the advisability of prosecuting such and such a person, without upsetting them. But I have not yet encountered any pressure to the point that the case has not been tried, since I have been in Lola."<sup>299</sup> "The customary authorities intervene," confirms his colleague Michel Kolié of Oprogem in Nzérékoré. "To protect ourselves from many problems and prevent them from intervening, as soon as we have a file, we inform the prosecutor and as soon as they talk to us we tell them to speak to the prosecutor. And then they don't come back. Otherwise, we are perpetually being disturbed by the customary authorities, the administrative authorities or local elected officials."<sup>300</sup>



## AN ARRANGEMENT UNCOVERED BY THE POLICE IN WOULEOUON

On 7 January 2021, Marianne Koundouno,<sup>301</sup> a 12-year-old girl, was raped by three young men while she and her friends were collecting firewood in the bush. The arrival of a woman on the scene frightened off the attackers and allowed Marianne to be taken to the village health post where she received emergency treatment. Rather than report this sex crime, the local customary authorities opted for an out-of-court settlement. The perpetrators' families were each required to pay three million Guinean francs (about 300 euros). One of them did not pay, however, which led the customary authorities to contact Womey police, who decided to place the sector chief and the other "customary authorities" in custody for 22 hours. According to a local police official, "the sector chief tried to handle something that was not his responsibility, and he took money from the relatives of suspects who were on the run. When the matter was brought to our attention, we summoned him and demanded that he return the money. He has deposited the money here. He hadn't taken any action to ensure the girl's medical care, so we referred her to the hospital here in Nzérékoré."<sup>302</sup> According to the Womey police, "pressure was put on the girl's father not to say that she was raped."<sup>303</sup>

The sector head in question, who is also a member of the local Council of Elders, confirmed this version of events to Amnesty International's delegates: "The problem had to be solved here in the village because, as we all know each other, we solve our problems among ourselves. But this didn't work out. So, when they found out about it, there was a problem. I had to go to prison. They came to take me saying that there was a case of rape and that I hadn't reported it to the justice system or the gendarmerie."<sup>304</sup> He further stated that, from now on, "whenever there's a problem, I will take it to the gendarmerie or justice system, this won't happen again."<sup>305</sup>

The government and other authorities have already acknowledged the existence of out-of-court settlements for sexual violence, such as the Minister of Social Action in 2021 during a media interview on children's rights.<sup>306</sup> The Guinean authorities must put an end to these extrajudicial settlements that are contrary to the law and to Guinea's international obligations by raising awareness among customary and traditional

<sup>297</sup> Interview with Major Paul Faya Kamano, Police Chief of the rural commune of Womey, Womey, 19 February 2022.

<sup>298</sup> Guineematin.com, *Kankan: 34 cas de viols enregistrés en 2021 (OPROGEM)* [Kankan: 34 cases of rape recorded in 2021 (OPROGEM)], 6 January 2022, guineematin.com/2022/01/06/kankan-34-cas-de-viols-enregistres-en-2021-oprogem/

<sup>299</sup> Interview with Lieutenant Etienne Haba of Oprogem, Lola, 3 February 2022.

<sup>300</sup> Interview with Michel Kolié, Brigade Chief in charge of Oprogem, Nzérékoré, 1 March 2022.

<sup>301</sup> The name has been changed to preserve anonymity.

<sup>302</sup> Interview with Major Paul Faya Kamano, Police Chief of the rural commune of Womey, Womey, 19 February 2022.

<sup>303</sup> Interview with Major Paul Faya Kamano, Police Chief of the rural commune of Womey, Womey, 19 February 2022.

<sup>304</sup> Interview with the sector chief of Wouléouon 1 (name withheld to preserve anonymity), Womey, 19 February 2022.

<sup>305</sup> Interview with the sector chief of Wouléouon 1 (name withheld to preserve anonymity), Womey, 19 February 2022.

<sup>306</sup> "Mois de l'enfant 2021: Entretien exclusif avec la ministre de l'Action sociale et des personnes vulnérables" [Month of the Child 2021 : Exclusive interview with the Minister for Social Action and Vulnerable Individuals], 14 June 2021, facebook.com/308078472732607/videos/517134595989241

authorities about the prohibition of this practice. When they are informed of such practices, they must also sanction the perpetrators.

## 7.2.2 LACK OF TRAINING AND RESOURCES IN OPROGEM AND THE BSPPV

Despite their key role in combating sexual violence, together with some encouraging results and external financial support, Oprogem and the BSPPV suffer from a lack of resources and training, and this has a direct and negative impact on the victims.

### RECEPTION AND WORKING CONDITIONS

“Our staff are not happy,” said Marie Gomez,<sup>307</sup> Director General of Oprogem, something that Amnesty International delegates were able to observe during their meetings with 20 staff from Oprogem and the BSPPV.

Jeanne Sagno was appointed Oprogem's section chief at the Kaloum central police station in 2010 but she has only had her own office since 2014.<sup>308</sup> She receives people in a single narrow room that opens directly onto the street. “We're only just getting by as it is. There's no room for privacy. Sometimes we have to lock the door to avoid being disturbed.”<sup>309</sup> UNFPA has provided a table and computer,<sup>310</sup> the European Union chairs. “The first job is to welcome people, to create a climate of trust,” says Captain Idrissa Keita of the Oprogem at Dixinn police station (Conakry).<sup>311</sup> But he laments not having a personal office and instead having to work in a large room shared with other police departments, which is not conducive to privacy or confidentiality. “There may be 10 people in here sometimes, it makes it difficult to converse.”<sup>312</sup> In Kindia, Chief Warrant Officer Maurice Lamah of the BSPPV does not yet have his own office. “When victims come in, we have to move other people out of the office and I remain with them or their parents.”<sup>313</sup> At the BSPPV in Nzérékoré, there is no dedicated room to collect victims' testimonies confidentially. They are welcomed in an office where “sometimes there are five of us, and I have to ask my colleagues to leave”.<sup>314</sup>

These testimonies illustrate the poor way in which complainants are received, in an often noisy atmosphere, with no guarantee of anonymity, and often without female police officers or gendarmes to talk to them and receive their testimony. No policewomen were visible at the central police station in Dixinn during the visit of Amnesty International delegates. A police captain explained that a female police officer was in training and another sick, which leads them to seek out the secretary when needed.<sup>315</sup> There are no women involved in receiving victims at Diécké gendarmerie (Nzérékoré region).<sup>316</sup> At Nzérékoré, however, “girls are welcomed by girls”.<sup>317</sup>

Michel Kolié, head of Oprogem in Nzérékoré, believes that neither the process for filing complaints nor the conditions for receiving complainants at his police station enable these latter to confide in him in complete confidence and privacy. “The complaint first has to go through the judicial police where the victim explains their problem before being referred to me. This discourages people from coming to file a complaint because the judicial police operate out of a large busy room.”<sup>318</sup>

**“I can confirm that the Oprogem officers were very empathetic, they were gentle with me, they asked me questions slowly. My problem is that there were too many people in the office. There were at least six or seven people in a small office. Other people were there for other reasons, and I was questioned in the presence of those people.”<sup>319</sup>**

Marie Guilavogui, rape victim in 2016 in Nongo (Conakry)

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<sup>307</sup> Interview with Marie Gomez, Acting Director General of Oprogem, Conakry, 5 November 2021.

<sup>308</sup> Interview with Jeanne Sagno, Conakry, 27 October 2021.

<sup>309</sup> Interview with Jeanne Sagno, Conakry, 27 October 2021.

<sup>310</sup> UNFPA has given Oprogem 12 computers.

<sup>311</sup> Interview with Captain Idrissa Keita, Conakry, 29 October 2021.

<sup>312</sup> Interview with Captain Idrissa Keita, Conakry, 29 October 2021.

<sup>313</sup> Interview with Chief Warrant Officer Maurice Lamah, BSPPV focal point, Kindia, November 2021.

<sup>314</sup> Interview with Second Lieutenant Mohamed Diakité, BSPPV unit chief in Nzérékoré, Nzérékoré, February 2022.

<sup>315</sup> Interview with Captain Idrissa Keita, Conakry, 29 October 2021.

<sup>316</sup> Interview with Second Lieutenant Alphonse Faya Millimouno, Diécké, 17 February 2022.

<sup>317</sup> Interview with Second Lieutenant Mohamed Diakité, BSPPV unit chief in Nzérékoré, Nzérékoré, February 2022.

<sup>318</sup> Interview with Michel Kolié, Chief of Brigade in charge of OPROGEM in Nzérékoré, Nzérékoré, 1 March 2022.

<sup>319</sup> Interview with Marie Guilavogui (name has been changed to preserve anonymity), Conakry, 24 January 2022.

Amnesty International recommends that the Guinean authorities improve the protection and reception of victims, including by ensuring that the privacy of victims is systematically protected when they report rape and other sexual violence in police and gendarmerie stations, for example through the use of private rooms with closed doors, and through regular training and independent monitoring of compliance with international standards by relevant units within the police and gendarmerie.

## TRAINING AND INVESTIGATIVE CAPACITY

In addition to these poor reception conditions, there is a lack of resources and training with which to conduct effective and thorough investigations.

Members of Oprogem and BSPPV also state a need for more training at all levels of the organization. “Training is a major problem. A common law judicial police officer is different to an Oprogem police officer. Not all of our representatives have received training, although everyone should be at the same level of competence.”<sup>320</sup> In the Diécké gendarmerie (Nzérékoré region), for example, the officer we met said that he had not received any specific training on GBV.

The Attorney General at Conakry Court of Appeal deplored this lack of training, recognizing that “judicial police officers want to do their job well. But we have to have the courage to say that they don't have the skills needed to carry out their mission properly.”<sup>321</sup>

This lack of training can have serious consequences for the victims. “Some officers have no theoretical understanding and re-traumatize the victim at every turn. Sometimes they also question the victim's story, acting as judges,” said Alpha Amadou DS Bah, a lawyer and vice-president of the OGDH.<sup>322</sup>

**“I was handling the case of a girl who was raped in the home of a young man she had visited. Should she fall pregnant and seek an abortion, the young man had threatened to denounce her. That revolted her. The tests showed that she was not pregnant, but she filed a complaint. The judicial police officer's first reaction was to ask her how she could have gone to the youth's house, knocked on his door, let him close the door behind her, not screamed and not thought to film it.”<sup>323</sup>**

Alpha Amadou DS Bah, lawyer and Vice-President of the OGDH

Investigators also lack resources. In the absence of a technical and scientific police laboratory, investigations are hampered by a lack of means to prove perpetrators of sexual crimes guilty on the basis of DNA testing of sperm. “Semen can be found and collected but we are unable to determine who it belongs to.”<sup>324</sup>

Beyond the specific technical means, a number of Oprogem and BSPPV representatives lack the most basic working tools. “We have no means with which to do anything. No computers, no motorcycles, no vehicles, no service phones. We get by with the minimum. We buy paper and pens out of our own money.”<sup>325</sup> In Nzérékoré, Lola and Diécké (Nzérékoré region), representatives met by Amnesty International delegates had no means of transport, no computers, and said they had to cover their own telephone costs.

This lack of means can have consequences on the legality of legal proceedings, as explained by Alphonse Faya Millimouno, Second Lieutenant of the Diécké gendarmerie:

**“We don't have a computer, something that would enable us to prepare reports within the normal timeframe permitted for custody. Moreover, the sub-prefecture of Diécké is more than 60 km away from Yomou prefecture and the road is bad, plus we do not have a vehicle. We often ask colleagues to lend us their pickup trucks so that we can send people to court.”**

<sup>320</sup> Interview with Marie Gomez, Acting Director General of OPROGEM, Conakry, 5 November 2021.

<sup>321</sup> [visionguinee.info](http://visionguinee.info), *Charles Wright met le doigt sur la plaie : “les officiers de police judiciaire n'ont pas le niveau qu'il faut...”* [Charles Wright puts his finger on the problem: “Judicial police officers don't have the skills they need...”], [visionguinee.info/charles-wright-met-le-doigt-sur-la-plaie-les-officiers-de-police-judiciaire-nont-pas-le-niveau-quil-faut/](http://visionguinee.info/charles-wright-met-le-doigt-sur-la-plaie-les-officiers-de-police-judiciaire-nont-pas-le-niveau-quil-faut/)

<sup>322</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

<sup>323</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

<sup>324</sup> Interview with Hassane Bah, Conakry, 27 October 2021.

<sup>325</sup> Interview with Michel Kolié, Chief of Brigade in charge of OPROGEM in Nzérékoré, Nzérékoré, 1 March 2022.



© ↑ On the left, a view of National Highway 1 (RNI) (November 2021) ©Amnesty International On the right, the road linking Guinea to Liberia in Nzérékoré region © Twitter account @ibrahimabigg

This lack of resources can also result in some members of the security services asking victims' families to pay the costs of one or more parts of their job. The representative of an NGO fighting against sexual violence told Amnesty International: "Even the police want us to pay for transport, fuel. Once, we caught a rapist but had to pay for transport to go and apprehend him. It's because the police don't get paid. What do you want them to do?"<sup>326</sup>

This chronic lack of resources is an obstacle to investigations. According to a Second Lieutenant of the BSPPV, "these are investigations that do not succeed".<sup>327</sup>

According to the survey on violence against women during Covid-19 commissioned by F2DHG, "34% of victims who filed a complaint did not receive a favourable response", and 54% of those "felt that nothing had changed despite the actions that followed the filing of the complaint".<sup>328</sup>

The Guinean authorities must improve the training and resources of the police and gendarmerie to enable reliable and rapid investigations.

<sup>326</sup> Remote interview with the head of an NGO fighting sexual violence. Name withheld to preserve anonymity.

<sup>327</sup> Interview with Second Lieutenant Mohamed Diakité, Head of the BSPPV Unit in Nzérékoré, February 2022.

<sup>328</sup> "Typologie et cartographie des violences faites aux femmes en période de Covid-19 en République de Guinée" [Typology and Cartography of violence against women during the Covid-19 period in the Republic of Guinea], June 2021



© ↑ On the left, the entrance to Oprogem's office in Kaloum opening onto the street, adjacent to the Kaloum central police station. On the right, the interior of Jeanne Sagno's office, Head of Oprogem at Kaloum police station ©Amnesty International



## RESPECT FOR THE PRESUMPTION OF INNOCENCE AND RE-TRAUMATIZATION OF VICTIMS

Exposing the face or revealing the identity of alleged perpetrators or victims is a practice that is becoming less common in the Guinean media. "We have tended to resolve this issue of anonymity. Few journalists do it now," explains Hadiatou Yaya Sall of the Association of Women Journalists of Guinea.<sup>329</sup>

The "Code of good conduct for journalists in Guinea",<sup>330</sup> drawn up by a commission made up of representatives of press associations and public service media, requires in particular "to refrain from showing the full face of an alleged culprit in order to respect his presumption of innocence".

On the Oprogem side, which regularly presents alleged perpetrators of crime to the media at its facilities, "the media are asked to blur the faces of alleged perpetrators although we can't control online media."<sup>331</sup>

Violations of the presumption of innocence have sometimes been endorsed by the authorities. Interviewed in a report broadcast on 23 October 2020 by TV5 Monde, the former Minister of Internal Security, Albert Damantang Camara, dealt with the media coverage of confessions prior to a trial in order to "discourage as many people as possible who might be tempted to do this, and given the distress of a young girl whose life has been practically destroyed as a result of what she is going through, I am willing to take the risk".<sup>332</sup>

<sup>329</sup> Interview with Hadiatou Yaya Sall, Conakry, 25 October 2021.

<sup>330</sup> High Authority for Communication, "Code de bonne conduite du journaliste en Guinée" [Code of Good Journalistic Conduct in Guinea].

<sup>331</sup> Interview with Marie Gomez, Acting Director General of Oprogem, Conakry, 5 November 2021.

<sup>332</sup> information.tv5monde.com, "Viols en Guinée: Fatou une enfance volée" [Rape in Guinea: Fatou, a lost childhood], 23 October 2020, information.tv5monde.com/video/viols-en-guinee-fatou-une-enfance-volee-collection-reportages

In addition, some media continue to conduct interviews –sometimes with the consent of the parents– with underage rape victims, or with minors who witnessed a rape, without consideration for the child’s psychological state.

## 7.2.3 COURT FEES AND LEGAL REPRESENTATION

States are supposed to take “the necessary measures to guarantee the availability and accessibility of legal assistance and legal representation at no cost for the victims of sexual violence in order to guarantee their effective right to justice.”<sup>333</sup>

Many rape victims in Guinea who want to sue alleged perpetrators cannot afford court costs and attorney fees. The 2016 survey on gender-based violence noted “the absence of free legal aid services in Guinea and the impossibility for the majority of victims to obtain the services of a lawyer”.<sup>334</sup>

Lawyers have confirmed to Amnesty International that legal aid is provided for by Guinean law but is not implemented in practice.<sup>335</sup> According to the Code of Criminal Procedure, “the civil party who initiates an action must, if they have not obtained legal aid, and on pain of inadmissibility of their complaint, deposit at the clerk’s office the sum presumed necessary to cover the costs of the proceedings; this sum is fixed by order of the investigating judge. An additional deposit may be required of the person in the course of the proceedings, if the balance appears to be insufficient to ensure payment of all costs.”<sup>336</sup>

According to the national coordinator of the NGO *Mêmes droits pour tous*, Adrien Tossa, while “a principle of free public provision of justice is often proclaimed, in truth it is not the case.”<sup>337</sup>

In order to remedy this situation, a bill on legal aid that could benefit vulnerable people has nevertheless been in the pipelines for several years, with funding from the European Union through the Justice Sector Reform Support Programme (Parju).<sup>338</sup> According to Article 2, “Legal aid is a form of financial assistance granted, under the conditions provided for by this law and within the limits of the budgetary provisions allocated for this purpose, to a destitute person to cover the costs and fees of a trial. It may be total or partial.” To this end, the project provides for the creation of legal aid offices and a legal aid fund within the courts and tribunals.

These legal costs can be an obstacle to the poorest victims’ quest for justice. Amnesty International recommends that the Guinean authorities introduce legal aid to ensure that the most disadvantaged complainants are not charged for the entire process in order to ensure access to justice and to avoid secondary victimization of victims of violence against women.

## NECESSARY SUPPORT OF NGOS

In the absence of a public judicial support mechanism, NGOs support victims of sexual violence in legal proceedings. For example, since December 2020, Coginta<sup>339</sup> has been responsible for coordinating the EU-funded Project to Strengthen Access to Justice for the Most Vulnerable in the Republic of Guinea (Paraj), involving OGDH, *Même droits pour tous* (MDT) and *Avocats sans frontières France* (Lawyers without Borders/ASF-France). This support is reflected in the existence of “legal clinics” for vulnerable people, including women, minors, detainees and victims of gender-based violence or other serious human rights violations. The assistance ranges from the referral of cases through to legal and judicial assistance, including

<sup>333</sup> ACHPR Guidelines.

<sup>334</sup> Ministry of Social Affairs, Women’s Promotion and Children, “Enquête nationale sur les violences basées sur le genre en Guinée” [National Survey on Gender-based Violence in Guinea], March 2017, [docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf](https://docdroid.net/JFeXfll/rapport-enquete-nationale-vbg-2016-pdf)

<sup>335</sup> Remote interviews with Alpha Amadou DS Bah and Frédéric Foromo Loua, 31 May 2022.

<sup>336</sup> Article 159 of the Code of Criminal Procedure.

<sup>337</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

<sup>338</sup> Justice Sector Reform Support Programme. Mission report. Project development.

<sup>339</sup> NGO specializing particularly in judicial and security governance.

an analysis of the admissibility of a case.<sup>340</sup> The legal assistance commences once a complaint has been filed and the victim or the civil party has been heard; the procedure is then supported until it reaches the court.<sup>341</sup> People eligible for this support are informed of its existence through radio programmes hosted in national languages by members of “legal clinics”, and through partner organizations that refer some victims.<sup>342</sup>

In general, NGO support for victims during the judicial process seems to be a determining factor in terms of ensuring a greater involvement of the security services and the justice system, as observed by Houray Bah of Amali NGO. “Our presence is enough to change the behaviour of the authorities and the way they handle cases. When it becomes an ‘Amali’ case, situation changes, that’s how we manage to get things done at the gendarmerie.”<sup>343</sup>

## SHORTAGE OF LAWYERS

Even if the victims and their families can afford to pay for a lawyer, there are few if any lawyers practising outside the capital, in large part, some say, because of the lack of lucrative cases to handle.

**“There is not a single lawyer located in Labé. People leave Conakry to go and defend a case, then they return. Outside Conakry, only Kankan and Nzérékoré have lawyers, and you won’t find more than half a dozen in each of these two towns.”<sup>344</sup>**

Adrien Tossa, National Coordinator of Mêmes droits pour tous.

For example, this shortage forces trial courts outside the capital to try the maximum number of cases in the shortest amount of time possible during criminal hearings so that they can ensure the presence of lawyers.

**“The lawyers are not based here in Mamou and given the state of the roads, it is difficult for them to travel to and from the capital. So, when they do come, we try to include all the cases in the day’s proceedings. You can manage five, six, seven, it depends. The hearings run continuously, sometimes from 10 a.m. until 2 the next morning.”<sup>345</sup>**

Aboubacar Sidiki Camara, prosecutor at the Mamou Court of First Instance

This can have damaging consequences on victims’ rights, as illustrated by the case of Labé, where the court hired a legal expert to make up for the lack of lawyers. “They found a legal expert but he wasn’t trained in handling trials, and he felt more or less beholden to the prosecutor who had hired him. This is extremely serious.”<sup>346</sup>

## 7.2.4 A JUSTICE SYSTEM WITH NO RESOURCES

Like many public services in Guinea, the justice system is faced with a lack of resources leading to a clogging up of the criminal circuit.

### OUTDATED AND SLOW

Judges often work in poor conditions. The Dixinn Court of First Instance has only two courtrooms and hearings sometimes have to take place in Ratoma Town Hall. There was no courtroom for the children’s court in Nzérékoré until the refurbishment of a courtroom in the Court of First Instance in July 2021. Before

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<sup>340</sup> Email received 21 January 2022.

<sup>341</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

<sup>342</sup> Remote interview with Alseny Sall, spokesperson for Guinean human rights organization (OGDH), 31 May 2022.

<sup>343</sup> Remote interview with Houray Bah, 20 October 2021.

<sup>344</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

<sup>345</sup> Interview with Aboubacar Sidiki Camara, Mamou, 2 November 2021.

<sup>346</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

that, there was a wait of several weeks when processing files.<sup>347</sup> In Lola (Nzérékoré region), 15 years after the destruction of the Magistrates Court during the general strike of 2006-2007, the town's judges still do not have a dedicated building. "We work out of both the office and the prefectural health department. At the moment, we are in a health centre that has been temporarily assigned to us."<sup>348</sup>

In addition to the lack of lawyers (see 7.2.3), the organization of criminal hearings may be hampered by a lack of resources in the justice system. "The difficulties in organizing criminal hearings are both material and financial. All the authorities should normally be summoned, and this requires a minimum of resources. As public servants we do it, even if it's with limited means. We cannot wait for significant resources to organize these hearings, otherwise we would be waiting a long time for them to be scheduled. We appeal for support and assistance from our line authorities."<sup>349</sup>

The Covid-19 pandemic has further slowed the operation of the justice system. On 25 March 2020, the Ministry of Justice announced the suspension of "all hearings in all jurisdictions throughout the country until further notice."<sup>350</sup>



Ⓢ ↑ Ministry of Justice press release announcing the suspension of all hearings due to the health emergency

## TRAINING OF JUDGES

While the 2015 justice reform has had positive results in allowing courts of the first instance to hear criminal cases, some of the people we spoke to also saw drawbacks. "What about the experience of some judges who found themselves judging criminal cases overnight? Did that ensure a high standard? I don't think so. There are an awful lot of loopholes."<sup>351</sup>

Moreover, judges are not impervious to the "socio-cultural constraints" mentioned in section 5.2.2, especially in a judicial system that is largely composed of men. There are 64 women out of a total of 369 judges, 41 of which are positions of responsibility, according to Guinea's 2020 UPR country report.<sup>352</sup>

<sup>347</sup> Unicef.org, *Au cœur du Tribunal pour Enfant de Nzérékoré: à la rencontre du Juge Kabinet Djènè Keita*, [At the heart of the Nzérékoré Children's Court: a meeting with Judge Kabinet Djènè Keita], 4 November 2021, [www.unicef.org/guinea/recits/au-c%C5%93ur-du-tribunal-pour-enfant-de-nz%C3%A9r%C3%A9kor%C3%A9-%C3%A0-la-rencontre-du-juge-kabinet-dj%C3%A8n%C3%A8-keita](http://www.unicef.org/guinea/recits/au-c%C5%93ur-du-tribunal-pour-enfant-de-nz%C3%A9r%C3%A9kor%C3%A9-%C3%A0-la-rencontre-du-juge-kabinet-dj%C3%A8n%C3%A8-keita)

<sup>348</sup> Interview with Maurice Onivogui, Lola, 2 February 2022.

<sup>349</sup> Interview with Dio Joseph Tenguiano, Deputy Prosecutor at the Nzérékoré Court of First Instance.

<sup>350</sup> Ministry of Justice, Reference No. 011/MJ/SG/CAB/2020, 25 March 2020.

<sup>351</sup> Interview with Halimatou Camara, Conakry, 28 October 2021.

<sup>352</sup> Human Rights Council. Working Group on the Universal Periodic Review. National Report. Thirty-fifth session 20-31 January 2020, [documents-dds-ny.un.org/doc/UNDOC/GEN/G19/321/13/PDF/G1932113.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/321/13/PDF/G1932113.pdf?OpenElement)

Some of the people Amnesty International spoke to reported that there was a serious lack of sensitivity within the courts. “The questions asked are so direct that they sometimes prevent victims from speaking out. We have frequently commented to the prosecutors about this, explaining that there are many ways to ask questions of rape victims.”<sup>353</sup> As shown in the report broadcast in 2020 by TV5 Monde, it seems to be common for the investigating judge to question the victim, however young, in the presence of her attacker.<sup>354</sup>

**“The prosecution needs to know how to phrase things. You can't be vulgar or ask any question that comes to mind. They are not properly equipped, unfortunately. They also need training on how to interpret the content of a medical report, what elements to take into account, what is and isn't relevant. As soon as they see “old” written on it, it's over for them. Or if a woman is not a virgin, it's like you can't rape her.”<sup>355</sup>**

Interview with Alpha Amadou DS Bah, Conakry 28 October 2021

These “burdens” can be felt right down to the level of the judicial actors, with potentially serious consequences for the handling of cases of sexual violence. Halimatou Camara recalls a judgement in which “a judge who was supposed to be protecting society said that there were extenuating circumstances in the case of a 13 year-old-girl who was raped by a 40-year-old man, because he was paying for the girl's schooling (...) In this situation you have to wonder where this judge studied, what education he received.”<sup>356</sup>

Amnesty International calls on the Guinean authorities to strengthen the training of magistrates on the issue of sexual violence.

## 7.3 BARRIERS TO CONVICTIONS AND SENTENCING DISPARITIES

### 7.3.1 PRESSURE ON VICTIMS

In accordance with the ACHPR Guidelines, the Guinean authorities should adopt all necessary measures to ensure the protection of victims and witnesses at all stages of the investigation process, and against possible intimidation, reprisals and secondary victimization or trauma. These protective measures should ensure the safety, dignity, privacy and well-being of victims and witnesses, while respecting the rights of the defence and the rules of fair trial.

Testimonies collected by Amnesty International show that rape defendants who are granted provisional release often put pressure on victims or their families or the officers who brought the case to justice.

The following testimony presents a case of pressure exerted on a victim and the police by people accused of rape and provisionally released before their trial.

**“Two men had brought a 15/16 year-old-girl from the islands.<sup>357</sup> They held her captive in Conakry, administered a substance and raped her in turn. The parents of one of the perpetrators promised anything to the security forces' officials not to bring him to justice. They even threatened the law enforcement officers. The two men were still referred to court and placed under arrest but one of the perpetrators was released without anyone knowing why or how. He later crossed paths with his victim.**

<sup>353</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

<sup>354</sup> information.tv5monde.com, “Viols en Guinée: Fatou une enfance volée” [Rape in Guinea: Fatou, a lost childhood], 23 October 2020, information.tv5monde.com/video/viols-en-guinee-fatou-une-enfance-volee-collection-reportages

<sup>355</sup> Interview with Alpha Amadou DS Bah, lawyer, Conakry, 28 October 2021.

<sup>356</sup> Interview with Halimatou Camara, Conakry, 28 October 2021.

<sup>357</sup> This refers to the archipelago of the Loos Islands, off Conakry.

**He taunted and threatened her. The other one is also now out of prison. He ran into one of the officers involved in his arrest and sneered at him, saying: ‘You can’t do anything to me.’ We rescheduled the case for Kaloum Court. The two defendants appeared in the first hearing as free men. Our lawyer raised the matter, saying that they should have been brought from the prison because they could not appear as free men for a criminal offence. The hearing was adjourned, the two people were sent back to jail and the trial later took place. They were each sentenced to 10 years in prison. The sentence was upheld by the Court of Appeal.”<sup>358</sup>**

Representatives of Oprogem told Amnesty International that they felt a sense of “danger”<sup>359</sup> after witnessing the release of those referred to them:

**“As soon as I receive the complaints, I refer the alleged rapists. But sometimes we see some of them go free sometime later. I have had two cases where rapists were referred from here and then released. I even saw one pass by my desk, and he gave me a long, hard look. We are in danger! It is the justice system that allows this. Oprogem officers often have concerns because we often see rapists walk free.”**

A representative of Oprogem (name withheld to preserve anonymity)

The social pressures observed in cases of sexual violence may also lead victims and/or families of victims who have filed a complaint to withdraw during the legal process. Djenab Boiro, from the NGO *Mon enfant, ma vie*, gives an example of this social pressure:

**“I was once involved in the case of a family whose father had raped his children. The father’s family really put pressure on the mother, threatening her because she had filed a complaint and the father was in custody. But, after a year of pre-trial detention, the woman cracked. The judge released the man after his wife came to deny the charges, saying that her husband had not raped her daughters and that we had forced him to file a complaint.”<sup>360</sup>**

Djenab Boiro, NGO *Mon enfant, ma vie*

To counter this practice, human rights organizations have developed preventive strategies, such as filing a civil suit in case of withdrawal, or at the start of proceedings:

**“The son of an imam was accused of raping a girl. He had held her captive in his room for at least a month. People said that she should not be taken to the hospital because it would create a big problem for the imam, who was a respected man. But a woman in the family came to me anyway to explain the situation and *Mêmes droits pour tous* filed a complaint.”<sup>361</sup>**

Testimony of a doctor (name withheld to preserve anonymity)

**“These withdrawals have led us to design a form that we get the victim’s parents to sign attesting that they authorize us to sue, because Guinean law allows us to be a civil party.”<sup>362</sup>**

Adrien Tossa, national coordinator of the NGO *Mêmes droits pour tous*

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<sup>358</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

<sup>359</sup> Interview with an Oprogem representative (name withheld to preserve anonymity).

<sup>360</sup> Interview with Djenab Boiro and Fatimata Noëlle Curtis, Conakry, 26 October 2021.

<sup>361</sup> Name withheld to preserve anonymity.

<sup>362</sup> Interview with Adrien Tossa, Conakry, 28 October 2021.

## 7.3.2 PROSECUTION WITHOUT TRIAL

### THE FORGOTTEN VICTIMS OF ABUSIVE PRE-TRIAL DETENTION

According to the prison administration, there were 4,375 people detained in October 2019, in 33 prisons across the country with a total capacity of only 2,552 places. Of the detainees, 2,370 were in pre-trial detention, including 1,001 in Conakry Central Prison alone out of a total of 1,468.<sup>363</sup> These figures show a significant use of pre-trial detention in the country.

Many Guinean NGOs denounce the abusive use of pre-trial detention, but also the irregular overstepping of their time limits, making them arbitrary. In 2016, a commission set up by the Ministry of Justice to identify cases of pre-trial detention listed 1,548 people in irregular detention in Guinean prisons in its report,<sup>364</sup> due in particular to the slowness of the procedures and/or the failure to respect procedural rules.

In accordance with article 237 of the Code of Criminal Procedure,<sup>365</sup> in criminal cases, the accused may only be held in pre-trial detention for six months, renewable once, and for a further six months by a specially justified order issued on the basis of a justified request from the public prosecutor, in accordance with the specific criteria set out in article 235. In no case may the total period of detention exceed 18 months, unless the accused is prosecuted for participation in the commission of the following offences: war crimes, genocide, crimes against humanity, crimes of aggression, terrorism, drug trafficking, paedophilia, organized crime, transnational crime or harm to the fundamental interests of the nation. In these cases, the duration may be extended to 24 months. Article 238 stipulates that, on expiry of the period of validity of the remand warrant, the investigating judge must, on pain of disciplinary proceedings, immediately order the release of the accused, unless he is being held for another reason. Failing this, and in exceptional circumstances, the president of the court may order the release of the accused.

People prosecuted for rape are potentially being held in arbitrary detention. In particular, Amnesty International was able to confirm with the warden of Kindia prison the presence of an alleged rapist who had been detained without trial since 24 February 2012 (over 10 years). Another person interviewed reported the detention since 2014 in Conakry central prison of a man arrested for rape, kidnap, possession and consumption of Indian hemp, whose file appeared to have been “lost”. The media recounted the opening of a case on 17 May 2022 against a man being investigated for rape for seven years.<sup>366</sup> This situation illustrates a broader problem of people in arbitrary detention, which is often the consequence, according to Alpha Amadou DS Bah, of “changes in those in positions of power”, the “disappearance” of files in the administrative circuit or during transfers, and the absence of an archiving service.

**“I know of an inmate who has been in prison for two years and eight months for attempted theft of a phone. His file has disappeared altogether. If we don't do anything about it, he could easily spend more than 10 years there and no-one would know. We can't even get the file back into the system for a trial. Even if he had been convicted, he would have been out long ago or would have received a suspended sentence. Until this issue is corrected, it will be difficult to unblock Conakry central prison. There are hundreds of prisoners whose records have disappeared or who are awaiting trial on appeal.”<sup>367</sup>**

The Guinean authorities should organize a regular review of cases of pre-trial detention and release any person arbitrarily detained beyond the legal deadline.

### FAILURE TO HOLD A TRIAL FOR THE 28 SEPTEMBER 2009 MASSACRE: TRIVIALIZATION OF IMPUNITY FOR SEXUAL VIOLENCE

With almost 13 years past since the 28 September 2009 massacre in Conakry's 28 September stadium, justice has still not been served even though the investigation was completed in November 2017 and the

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<sup>363</sup> Amnesty International, Guinea. Red flags ahead of the 2020 presidential election: Amnesty International submission for the UN Universal Periodic Review, 35th session of the UPR Working Group, January 2020 (AFR 29/1080/2019), 13 November 2019.

<sup>364</sup> Afrique.le360.ma, 1 548 personnes en détention préventive illégale dans les prisons [1,548 people in illegal preventive detention in prisons], 3 March 2016, le360.ma/guinee/societe/2016/03/03/566-1548-personnes-en-detention-preventive-illegale-dans-les-prisons-566

<sup>365</sup> Code of Criminal Procedure, Article 237, February 2016, gouvernement.gov.gn/images/code-procedure-penale-guinee.pdf

<sup>366</sup> Guineematin.com, Viol présumé sur une mineure: 7 ans après son arrestation, Mamadou Diouldé Diallo enfin devant un tribunal [Alleged rape of a minor: 7 years after his arrest, Mamadou Diouldé Diallo finally prosecuted], 18 May 2022, guineematin.com/2022/05/18/viol-presume-sur-une-mineure-7-ans-apres-son-arrestation-mamadou-dioulde-diallo-enfin-devant-un-tribunal/

<sup>367</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

Supreme Court finally closed its review in June 2019, at which point it rejected an appeal by the civil party to reclassify the events as “crimes against humanity” rather than “ordinary crimes” and contesting the dismissal of the case in favour of military officers.

During the massacre, in which 157 people were killed by various armed forces, “at least 109 women were the victims of rape and other sexual violence, including sexual mutilation and sexual slavery. A number of women died from their injuries following particularly cruel sexual aggression.”<sup>368</sup> The rally in Conakry's 28 September stadium was organized to protest at the intention of Moussa Dadis Camara, then head of the ruling National Committee for Democracy and Development (CNDD), to run in the presidential election.

“All the alleged perpetrators of the said abuses, regardless of their political affiliation, title, rank or grade, will have to answer for their actions before the justice system of our country,” Prime Minister Kassory Fofana said on 27 September 2019 following the creation of a steering committee for the trial in April 2018. On 28 September 2019, the UN High Commissioner for Human Rights regretted that “little tangible progress has been made so far”. On 13 January 2020, the Prime Minister laid the foundation stone for the Conakry Special Court that was to house the trial of the 28 September 2009 crimes. In that same month, the Minister of Justice, Mohamed Lamine Fofana, announced that the trial would be held in June 2020.

In response to a letter from 32 Members of the European Parliament reminding the EU head of diplomacy that several indicted suspects –such as Moussa Tiégboro Camara– were still holding high-level positions, the Guinean government replied on 13 May 2021 that “the political will has never been lacking. The judicial process is running its normal course.”<sup>369</sup> However, in May 2021, at a steering committee meeting, one participant noted “a loss of momentum, with fewer and fewer people attending. It's not going anywhere.”<sup>370</sup>

The seizure of power by the CNRD in September 2021 gave the victims hope that a trial might be organized. The Prime Minister and the Minister of Justice visited the construction site of the future court within the Court of Appeal in November 2021, reflecting “the commitment of the country's new authorities to finalize the construction of the Special Criminal Court and proceed with a trial that had been awaited for 11 years”.<sup>371</sup> During a visit to Conakry in late November 2021, a mission from the International Criminal Court (ICC) was “reassured” by the Minister of Justice “that these operational barriers would be removed so that the trial could be held as soon as possible, within the next three months at the latest, before the end of March.”<sup>372</sup>

Asmaou Diallo, President of Avipa, told Amnesty International in November 2021 that “we think there may be hope with the new authorities, given the President's speech on justice. We wanted to meet Doumbouya in person but we weren't able to. Today, I saw the Minister of Justice with her entire cabinet. Her office said that, up until now, the case had been blocked due to a lack of political will. The minister made a solemn commitment, she said that there was no reason not to be able to hold the trial.”<sup>373</sup>

In December 2021, however, Moussa Dadis Camara, who was also indicted, was allowed to freely make a short stay in Conakry. On 31 December, the Minister of Justice –appointed two months earlier– was dismissed. At the end of February 2022, the government gave up trying to hold the trial in the Court of Appeal and revived the idea of holding it in a new building, although the construction work had not made any progress.<sup>374</sup>

This persistent impunity across authorities sets a serious precedent that undeniably reflects a lack of willingness to bring alleged perpetrators to justice.

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<sup>368</sup> United Nations Security Council, Letter dated 18 December 2009 and sent to the President of the Security Council by the Secretary-General, 18 December 2009, S/2009/693, [undocs.org/fr/S/2009/693](https://undocs.org/fr/S/2009/693)

<sup>369</sup> Gouvernement.gouv, *Communiqué du gouvernement : la justice dans l'équité, la liberté dans la responsabilité* [Government press release: justice in equity, freedom in responsibility], 13 May 2021, [gouvernement.gov.gn/index.php/communiquel/5233-communiquel-du-gouvernement-la-justice-dans-l-equite-la-liberte-dans-la-responsabilite](https://gouvernement.gov.gn/index.php/communiquel/5233-communiquel-du-gouvernement-la-justice-dans-l-equite-la-liberte-dans-la-responsabilite)

<sup>370</sup> Telephone call with a steering committee participant, 17 June 2021 (name withheld to preserve anonymity).

<sup>371</sup> Ministry of Justice Facebook page, *Massacre du 28 septembre 2009 Mohamed Béavogui; 'La question du 28 septembre est cruciale'* [28 September 2009 Massacre Mohamed Béavogui; 'The issue of 28 September is crucial'], 24 November 2021, [www.facebook.com/permalink.php?story\\_fbid=4671937196199608&id=813409282052438](https://www.facebook.com/permalink.php?story_fbid=4671937196199608&id=813409282052438)

<sup>372</sup> *Africaguinee.com, Guinée: la CPI donne un ultimatum au Gouvernement* [Guinea: ICC gives government ultimatum], 25 November 2021, [africaguinee.com/articles/2021/11/25/guinee-la-cpi-donne-un-ultimatum-au-gouvernement](https://africaguinee.com/articles/2021/11/25/guinee-la-cpi-donne-un-ultimatum-au-gouvernement)

<sup>373</sup> Interview with Asmaou Diallo, Conakry, 5 November 2021.

<sup>374</sup> *Rfi.fr, Guinée: le procès sur le massacre du 28 septembre 2009 reporté 'sine die'* [Guinea: trial of 28 September 2009 massacre postponed indefinitely] 22 February 2022, [rfi.fr/fr/afrique/20220222-guin%C3%A9-le-proc%C3%A8s-sur-le-massacre-du-28-septembre-2009-report%C3%A9-sine-die](https://rfi.fr/fr/afrique/20220222-guin%C3%A9-le-proc%C3%A8s-sur-le-massacre-du-28-septembre-2009-report%C3%A9-sine-die)

## 7.3.3 PROBLEMS OF EVIDENCE AND SENTENCING

### THE GENERAL RULE: “NO FORENSIC CERTIFICATE, NO CONVICTION”

As noted previously, the absence of a forensic certificate often results in the police or the gendarmerie not referring the complaint to the justice system. In such cases where they do refer, however, its absence is a major barrier to a possible conviction. “We are clearly told that the file does not carry enough weight.”<sup>375</sup> “The prosecutor’s office often trivializes the file when there is no medical certificate, which they consider the evidentiary document. This is a real problem because often victims file complaints weeks or months after the rape.”<sup>376</sup>

Several judges confirmed this practice to Amnesty International. “We have never tried a rape case here if there is no forensic certificate. This certificate is the document proving that a rape has taken place.”<sup>377</sup>

There are some convictions without a forensic certificate but these are in very specific and obvious situations. “If the victim is reliably articulate, explains what has befallen them, if the perpetrator acknowledges the act, or if other evidence is visible... all these elements contribute to establishing a conviction in court.” A judge formerly in Nzérékoré region also mentions cases in which “the perpetrators acknowledge the facts and, in this case, they are convicted even without a certificate.”<sup>378</sup>

### DIFFERING SENTENCES NOT IN ACCORDANCE WITH THE CRIMINAL CODE

An analysis of the sentences handed down by certain courts reveals important disparities, some of which are based on indictments and decisions very far removed from the Criminal Code. On 29 April 2021, in a circular sent by the Minister of Justice to the country’s Courts of First Instance and Courts of Appeal on the subject of “Combating gender-based violence”, the minister invited “all courts and tribunals to be more rigorous, vigilant and responsible in handling these particularly sensitive cases”.<sup>379</sup>

Some of the sentences are notoriously far below what the law requires:

**“Sometimes the sentences demanded are not severe enough. When a prosecutor asks for three years in prison for the rape of a minor, for example, it’s derisory. This is insufficient to restore balance in relation to the crime committed. They know the Criminal Code; normally they should ask for at least 15 or 20 years but sometimes they ask for five years, with three suspended. Unless a major television or radio station covers the trial, most often this goes unnoticed.”**<sup>380</sup>

Alpha Amadou DS Bah, lawyer

“The differences in sentencing are related to the circumstances and the facts,” explained a judge formerly serving in the Nzérékoré region, while acknowledging that “there is a great deal of discussion among judges” and that he is “inclined to give lower sentences, especially when a rape has not been committed against a minor.”<sup>381</sup>

The severity of sentencing seems to be random depending on the jurisdiction and the judge. According to Aboubacar Sidiki Camara, prosecutor at the Mamou Court of First Instance until the end of 2021. “I can’t speak for elsewhere but, here in Mamou, very often when we call for a certain sentence with all the supporting evidence, there is a strong chance the court will follow this advice. All rapes followed by murder are punishable by life imprisonment with a 30-year sentence. In other cases, the penalties range from five to 20 years, depending on the seriousness and circumstances.”<sup>382</sup>

Guinean authorities must ensure that sentences handed down are proportionate to the serious nature of crimes of sexual violence in accordance with the criminal code.

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<sup>375</sup> Interview with Kadiatou Konate, Conakry, 28 October 2021.

<sup>376</sup> Interview with Alpha Amadou DS Bah, Conakry, 28 October 2021.

<sup>377</sup> Interview with Aboubacar Sidiki Camara, Mamou, 2 November 2021.

<sup>378</sup> Name withheld to preserve anonymity.

<sup>379</sup> Ministry of Justice, “Circulaire aux Tribunaux de Première Instance et Cours d’Appels 29 avril 2021” [Circular to the Courts of First Instance and Courts of Appeal, 29 April 2021], Ref 026/MJ/CAB/2021, 29 April 2021.

<sup>380</sup> Interview in Conakry with Alpha Amadou DS Bah, 28 October 2021.

<sup>381</sup> Name withheld to preserve anonymity.

<sup>382</sup> Interview with Aboubacar Sidiki Camara, Mamou, 2 November 2021.

# 8. CONCLUSION AND RECOMMENDATIONS

Seven years after demonstrations denouncing rape and the all-too-frequent impunity of the perpetrators, people feel more free to speak, associations have been organized to support the victims and significant initiatives have been taken by the authorities to combat sexual violence. Nevertheless, Guinea's failure to meet its international obligations in this area is still numerous, depriving many victims of appropriate care, support and protection services and justice.

At the end of 2021, a series of rapes and the death of M'mah Sylla were a shock to the new authorities who came to power after the coup d'état of 5 September 2021. Undertakings have been made but remain mere commitment in words or on paper thus far. Almost 13 years after the 28 September 2009 massacre, the failure to hold the trial despite the closure of the investigation is a symbol of impunity for these crimes as a whole.

In Guinea, there is no global, precise and reliable data on the phenomenon of rape, although this is essential not only to understand its extent but above all to analyse its causes and the means of combating it. The existing data is still scattered and imprecise. The National Observatory to Combat Gender-Based Violence, which was created in 2011 and was supposed to fulfil this mission of centralising data, has not yet concretely started its activities.

The Guinean authorities must redouble their efforts, including through awareness-raising campaigns, to combat the patriarchal and sexist instincts in society that can lead to the stigmatization and guilt of victims, leading some of them to remain silent and not file a complaint.

Addressing the physical and psychological suffering of victims remains an obstacle course, determined by the lack of financial resources for people of often modest social status, and the existence of a health system that lacks availability, quality and accessibility. And while services should include treatment for potential injuries related to sexual violence, treatment for infections and other sexually-transmitted infections, access to pregnancy tests, contraception, safe abortion, and psychological support, specialist doctors are mainly present in the capital Conakry, forcing victims in this country of 13 million people to rely on untrained staff.

The Guinean authorities must meet their obligation to provide access to care, protection of sexual and reproductive rights, and counselling, including by supporting the establishment of one-stop centres to meet the needs of victims.

The protection of victims' right to justice must also be a concern of the authorities. Measures must be taken to implement the ban on out-of-court settlements in cases of sexual violence and to punish those who perpetuate this practice; to protect victims and witnesses from possible pressure and threats to their physical and psychological integrity; to strengthen the resources of the police and the gendarmerie, in particular to improve the conditions under which complaints are registered, the training of the personnel concerned and the conditions of investigation. The authorities must also ensure that the existence of a forensic certificate does not determine the transmission of a complaint to the courts and guarantee the existence of legal aid for indigent victims. In addition, the resources of the justice system must be increased to provide more training for judges on the issue of sexual violence and to ensure that legal proceedings are swift and respectful of human rights.

Commitments have been made by the authorities and improvements have been noted. Concrete actions and adequate means are now needed to prevent sexual violence, protect victims and fight against impunity for perpetrators. Amnesty International therefore makes the following recommendations:

## TO THE GUINEAN AUTHORITIES

- Combat sexual violence in all its forms, in accordance with Guinea's international human rights obligations, and in accordance with the standards set out in the Guidelines for Combating Sexual Violence and its Consequences in Africa and through the enforcement of national laws;
- Adopt a comprehensive law on violence against women and criminalize all forms of violence against women, in accordance with international law and standards;
- Revise the definition of rape in Guinean law so that it is based on the absence of consent and not on the use of "violence, coercion or surprise", and thus bring it into compliance with international rights and standards;
- Re-establish the independent National Human Rights Institute with an adequate budget and sufficient trained staff to enable it to fully carry out its mandate in accordance with the Paris Principles, which provide a set of international standards to govern and guide the work of national human rights institutes;
- Speed-up the effective implementation of the National Observatory to Combat Gender-based Violence and provide it with adequate resources to accomplish its mission, in particular to collect and publish reliable national statistics on gender-based violence;
- Strengthen the capacity of the judiciary, police and other law enforcement authorities, as well as social and health workers, and any other officials involved in preventing and combating gender-based violence and violence against women, in accordance with the national legal framework;
- Establish one-stop centres and shelters designed to provide a full range of protection, health care, and legal services, and to ensure the safety of victims, including those accompanied by their children;
- Ensure that all cases of sexual violence are investigated and prosecuted in fair trials; end the practice of out-of-court settlements by raising the awareness of customary and traditional authorities to their prohibition, and by sanctioning those who violate this prohibition;
- Hold the trial of the alleged perpetrators of the 28 September 2009 massacre as soon as possible;
- Lift the general ban on demonstrations decreed on 13 May 2022, to guarantee the right to peaceful assembly protected by the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights;
- Respect the provisions of the Declaration on Human Rights Defenders adopted by consensus at the United Nations General Assembly in 1998;
- Submit the report due since 1 November 2018 to the UN Committee on the Elimination of Discrimination against Women as soon as possible;
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women to enable individuals to bring cases before the Committee on the Elimination of Discrimination against Women;
- Ratify the Additional Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights; Make the declaration in its Article 36.6 to allow individuals and NGOs to bring cases directly to the Court;

## TO THE MINISTRY OF JUSTICE

- Establish a legal aid system that guarantees the most financially disadvantaged complainants free access to the entire procedure in order to ensure access to justice and avoid secondary victimization of victims of violence against women. Support the establishment of a sufficient number of centres offering free legal assistance, and ensure that legal professionals working in these centres receive adequate support and capacity building;
- Provide appropriate, systematic, mandatory, initial and ongoing training on preventing and detecting sexual violence, gender equality and intersectional discrimination, rape myths and stereotypes to the relevant professionals (such as court personnel, prosecutors, judges and victims' advocates) working with victims of sexual violence with a view to preventing secondary victimization and eradicating discriminatory practices and the application of gender stereotypes at all stages of the judicial process;
- Ensure prompt proceedings in accordance with the right to a fair trial in cases of sexual violence; Improve the speed and efficiency of the judicial process and reduce the time between reporting a case to the police and the court proceedings, as well as the length of the court proceedings themselves;
- Adopt all necessary measures to ensure the protection of victims and witnesses from intimidation, retaliation and secondary victimization or trauma at all stages of the investigation and prosecution process. These protective measures must guarantee the safety, dignity, privacy and well-being of victims and witnesses, in accordance with the rules of fair trial;
- Ensure prompt proceedings against persons in pre-trial detention; Release persons detained beyond the legal time limit;
- Ensure that sentences are proportionate to the serious nature of crimes of sexual violence, and in accordance with the Criminal Code;
- Establish a centralized information management system to record all judgments in sexual violence cases throughout the country;
- Prevent and fight all forms of corruption in accordance with the provisions of the African Union's Convention on Preventing and Combating Corruption, ratified by Guinea in 2012, and with respect for human rights;

## TO THE MINISTRY OF SECURITY AND CIVIL PROTECTION AND THE MINISTRY OF DEFENCE

- Improve the protection and reception of victims, ensuring that their rights to safety, privacy, and other rights are systematically protected when reporting rape and other sexual violence in police stations, for example through the use of private rooms with closed doors, avoiding contact between defendants and victims in police and gendarmerie stations, and through regular training and independent monitoring of compliance with international standards by relevant units within the police and gendarmerie; ensure that all complaints are properly recorded and that survivors' personal information is adequately protected;
- Support and promote the recruitment and training of female police officers to ensure a better gender balance in the police and other law enforcement agencies and to encourage women to report sexual violence;
- Ensure that the reception and referral of complaints to the justice system is not conditional on the presentation of a forensic certificate or other evidence of the perpetration of sexual violence;

- Provide appropriate, systematic, mandatory, initial and ongoing training of Oprogem and BSPPV officers in the prevention and detection of sexual violence, gender equality and intersectional discrimination, rape myths and stereotypes, with the aim of eradicating discriminatory practices and the use of gender stereotypes when handling cases of sexual violence;
- Create a code of conduct for law enforcement officers (Oprogem and BSPPV officers) and train them to respond sensitively to survivors of sexual violence in order to prevent them from being revictimized by gender-insensitive law enforcement practices. Ensure that measures are taken to enforce the code in practice, including incorporating it into legislation setting out the powers and responsibilities of the police and gendarmes. The practical application of the code of conduct should be an integral part of the training of all police and other law enforcement officers;
- Ensure regular and independent monitoring and evaluation of the handling of rape and other sexual violence cases by the police, gendarmerie and prosecution services, including the quality of investigations and the implementation of relevant guidelines;
- Prevent and fight all forms of corruption in accordance with the provisions of the African Union's Convention on Preventing and Combating Corruption, ratified by Guinea in 2012, and with respect for human rights;

## **TO THE MINISTRY OF HEALTH**

- Improve the availability, quality and accessibility of the health system, in accordance with Article 12 of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, Article 16 of the African Charter on Human and Peoples' Rights, and the objectives of the National Health Development Plan (2015-2024);
- Ensure that victims of sexual violence have timely and affordable access to medical care and forensic examinations, psychological support and counselling, emergency contraception, HIV counselling, testing and post-exposure prophylaxis, safe abortion, and maternal health care and support;
- Support the development of facilities throughout the country that allow victims to receive comprehensive medical care in the same facility and promote the training and deployment throughout the country of sufficient medical personnel and forensic specialists trained in the management of sexual violence cases;
- Ensure that medical care and forensic examinations are not conditional on reporting the crime to the police or gendarmerie, and remove financial barriers related to medical fees and treatment costs that impede survivors' access to quality health care;
- Redouble efforts to ensure the availability, accessibility, and quality of sexual and reproductive health services, including a full range of modern contraceptive methods, emergency contraception, safe abortion, and maternal health care, to all women and adolescent girls, especially those living in rural areas;
- Ensure that women and men, as well as girls and boys, have access to accurate, evidence-based information on sexual and reproductive health;

## **TO THE MINISTRY FOR THE PROMOTION OF WOMEN, CHILDREN AND VULNERABLE PERSONS**

- Fund and implement awareness and education campaigns to address the underlying social and cultural attitudes that discriminate against women and girls and facilitate and perpetuate violence against them. These campaigns should: promote zero tolerance for violence against women and girls, debunk harmful gender stereotypes and myths associated with rape, eliminate the stigma associated

with women victims of violence, and encourage victims to seek redress. Campaigns should include community and religious leaders, local elected officials, the media and civil society;

- Collaborate with the Ministry of Education to develop and provide mandatory, comprehensive, age-appropriate, gender-sensitive, evidence-based, and human rights-based sexuality education to students at all levels of education and outside the education system. This should include education on gender equality, consent, bodily and sexual autonomy, the right to bodily integrity and the prevention of gender-based violence, in accordance with the UNESCO International Guidelines on Sexuality Education;
- Set up a reliable and sustainable toll-free number dedicated to sexual violence, in collaboration with other relevant ministries;
- Encourage and work with private media companies to develop standards to combat harmful gender stereotypes and myths associated with rape, and to actively participate in preventing and combating violence against women, including sexual violence;

## **TO THE MINISTRY OF NATIONAL EDUCATION AND LITERACY**

- Adopt effective education and information programmes that help eliminate prejudices and current practices that oppose the full implementation of women's rights and gender equality, in accordance with the CEDAW Committee's General Recommendation No. 3;
- Collaborate with the Ministry of Women's Promotion, Children and Vulnerable Persons to develop and deliver mandatory, comprehensive, age-appropriate, gender-sensitive, evidence-based, and human rights-based sexuality education to students at all levels of education and outside the education system. This should include education on gender equality, consent, bodily and sexual autonomy, the right to bodily integrity and the prevention of gender-based violence, in accordance with the UNESCO International Guidelines on Sexuality Education;
- Establish an effective system for detecting and reporting sexual violence in schools, including confidential and independent reporting mechanisms, effective investigations, criminal prosecution where appropriate, and provision of services and support to victims and survivors. Develop and enforce codes of conduct for all school staff and students, and train school staff in early intervention strategies to address harassment and violence against girls in schools;

## **TO THE PUBLIC AND PRIVATE MEDIA**

- Guarantee the privacy and confidentiality of victims of sexual violence, unless they or their legal representatives explicitly state that they wish the case and/or the identity of the victims to be made public; guarantee the confidentiality of the accused, presumed innocent until their eventual conviction;

## **TO GUINEA'S INTERNATIONAL PARTNERS**

- Support efforts to combat sexual violence in Guinea by providing financial and technical assistance to the Guinean authorities to implement policies to prevent and combat sexual and gender-based violence and to NGOs working with victims of sexual and gender-based violence.

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TO ONE PERSON, IT  
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# THE SHAME MUST CHANGE SIDES

## ENSURING RIGHTS AND JUSTICE FOR VICTIMS OF SEXUAL VIOLENCE IN GUINEA

The death of M'mah Sylla in 2021 and the ensuing national outcry has brought the scourge of sexual violence, under-documented and of which underage girls are the main victims– out into the open.

The authorities have strengthened the legal framework and created dedicated security services. And yet, despite repeated commitments, the rights of victims are not sufficiently guaranteed by the State. Access to and availability of medical care, sexual and reproductive health services, counselling, legal and social support are lacking.

Despite frequent awareness raising campaigns, “socio-cultural pressures” continue to weigh heavily on victims and their families, who are often forced into silence, extrajudicial settlements or stigmatization. There are still many obstacles in the fight against impunity.

This report is the result of interviews with at least 120 people both in person in Guinea and remotely. Victims and their families, their advocates, and actors in the protection, security and justice chain were met in four regions and eight areas of the country. It is a continuation of the work that Amnesty International has been doing for several years on the human rights situation in the Republic of Guinea.

With this report, the organization intends to contribute to the protection of the rights of victims of sexual violence, to put an end to impunity for these crimes, and to remind the Guinean authorities of their obligations.