



Guinea

Joint Stakeholder Report for the United Nations Universal Periodic Review: LGBT+ Rights

Submitted by The Advocates for Human Rights,

a non-governmental organization in special consultative status

and

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for the 49th Session of the Working Group on the Universal Periodic Review

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States.

Khaleem Ali is a youth human rights defender based in Trinidad and Tobago with more than a decade of experience in activism. He attended the 137th session of the United Nations Human Rights Council in Geneva and the 52nd meeting of the UN Human Rights Committee (ICCPR) as an expert on human rights issues in the Caribbean Region. He has subsequently been appointed to working groups at the World Coalition Against the Death Penalty in France and as a consultant on Youth, Peace, and Security for the UNESCO Support Group (Eastern Caribbean). Khaleem currently serves on the board of the Greater Caribbean for Life, a regional entity focused on the abolition of the Death Penalty.

EXECUTIVE SUMMARY

1. This report addresses the human rights situation in Guinea since 2020. Members of the LGBT community experience violence and discrimination from both State and non-State actors. The government criminalizes consensual same-sex sexual activity between adults, while police engage in arbitrary arrests, harassment, and extortion, exacerbating stigma and fear. LGBT+ individuals in Guinea live in a hostile, and sometimes deadly, environment, facing threats of physical violence, persecution, and discrimination based on sexual orientation, gender identity, and gender expression.
2. Widespread stigmatization of LGBT+ individuals hinders the reporting of violence, persecution, and discrimination against them, and officials in Guinea fail to respond to such incidents when they occur. LGBT Guineans also report experiencing stigma while accessing services, and denial of services altogether. Organizations serving LGBT people in Guinea received “threats, harassment, and imprisonment” as well as financial constraints and restrictions on legally registering because of their work with LGBT individuals.
3. In this report, we use the acronym LGBT to refer to individuals who self-identify as lesbian, gay, bisexual, and transgender individuals. These terms necessarily do not include everyone who may experience violations of their human rights on the basis of their actual or perceived sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC), and so we include the plus. A modified acronym is intentional, denoting that we are speaking about only certain members of the LGBT population.
4. Information in this report includes first-hand information from LGBT Guineans and human rights defenders. Information has been used in this submission with their permission. A Guinea-based civil society organization that works with affected populations further contributed to this report but remains anonymous due to recent acts against advocates for LGBT rights in Guinea.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Equality & non-discrimination; Lesbian, gay, bisexual and transgender persons (LGBT)

Status of Implementation: Not Accepted, Not Implemented

5. Guinea noted six Third-cycle recommendations related to the rights of LGBT people and decriminalizing consensual same-sex sexual conduct.¹
6. Article 274 of the Penal Code criminalizes “indecent acts or acts against nature committed with an individual of the same sex” is subject to a fine and/or imprisonment of 6 to 36 months.² Articles 275 and 276 criminalize any activity deemed public indecency through prison and/or a fine.³
7. Authorities infrequently enforce these laws through judicial procedures, but State actors subject LGBT individuals to harassment, discrimination, and violence based on perceived or actual sexual orientation, gender identity, and gender expression.⁴
8. These laws are a catalyst for police violence, extortion, and blackmail.⁵ They expose LGBT individuals to “discrimination, stigmatization and to violence.”⁶ LGBT activist groups report

that authorities use the laws as pretext for arrests.⁷ Law enforcement targets areas frequented by the LGBT community and arrests people based on appearance and clothing.⁸ Police have reportedly arrested people for organizing LGBT events, which are prohibited in Guinea. Police hold people in police custody for up to 5 days (exceeding the legal limit of 48 hours) but rarely bring formal charges.⁹ Police frequently demand bribes for release.¹⁰ Activists report that nearly all extortion victims choose to pay fines or bribes to avoid the stigma associated with legal proceedings.¹¹

9. LGBT individuals also pay these fines/bribes out of fear of family or societal rejection.¹² Payments can “rang[e] between two and three million Guinean francs” but do not guard against future arrest.¹³ Authorities rarely make any record of these arrests, resolving the matter informally at the gendarmerie station. When authorities record an arrest, they do not allege a violation of Article 274.¹⁴
10. Since the military coup, civil society has reported increased raids “in places frequented by the community.”¹⁵ Activists do not recommend being out at night due to potential police harassment and attacks.¹⁶
11. According to testimony received by The Advocates, police raided a party in which many gay men were present, beating and eventually arresting the attendees. One gay man managed to get away from the police but broke his foot in the process. Although his friend brought him to the hospital for medical care, the hospital employees denied him treatment because of his sexual orientation. Hospital staff also called his parents and told them that the man was gay and had been at a party with other gay men. When the man left the hospital, his parents refused to let him return home, so he went to a village to live with his grandmother. After one month of living in the village and having been denied medical care, the man’s injury worsened. After seeking further medical care, doctors told him that his foot had become gangrenous and needed to be amputated. Following the amputation, the man returned to his grandmother’s village because his parents continue to refuse to allow him to return home.
12. The military also targets LGBT individuals. In June 2024, members of the military attacked and arrested a member of the LGBT community in Mandiana.¹⁷ People familiar with the situation express fear that authorities have subjected the person to an enforced disappearance.¹⁸
13. Non-State actors, including family members of LGBT people, also target LGBT individuals with acts of violence and discrimination based on a person’s perceived SOGIE with impunity. In May 2020, in Kankan, a vigilante youth group, acting on a tip from a family member, “arrested” a young person whom they perceived as gay “and handed [them] over to the security forces.”¹⁹
14. According to the testimony of a young gay man, when his friends told his father that he was gay, his father asked him to leave school immediately and return home. The young man was attacked by his father, uncles, and cousins. His family members beat him until he was bleeding. Although one of his uncles suggested that the only “solution” was to kill him, his other relatives decided to tie him up and bring him to a local mosque. The young man testified that the mosque’s imam also said that he had to die, but suggested that his family bring him to the police, which they did. While the young man was initially hopeful that the police would provide some relief, the police officers also said that gays should die and they put him in a cell for several hours. While he was detained, the young man received no treatment for his injuries despite repeated requests for assistance. Instead, at least one officer beat the young man while he was being detained. After several hours, the police called the young man’s family, but his father told the police that they had disowned him, that the family would not come and get him,

and that the father no longer wanted to hear about his son. Eventually, the police released the young man without any money or transportation. Since his release, the young man has been staying with a friend's family, but he knows that this is only a temporary solution.²⁰

15. The State does not protect LGBT people from private acts of violence. In May 2024, a group attacked a Conakry community center known as an LGBT gathering place.²¹ The victims were unable to make a police report knowing law enforcement would not protect them.²² According to the testimonies from directly impacted individuals, even when authorities are aware of these attacks, they fail to investigate or apprehend the perpetrators. An individual described an incident where he and his friends were attacked outside a club by a group of five people. The attackers beat them and robbed them of their belongings. One of his friends lost consciousness as a result of the beating. During the assault, insults were directed at them, including comments like "people like you are the root cause of our society's problems". The police arrived at the scene and rather than investigate the assault, arrested the victims and detained them for 3 days, solely based on their perceived sexual orientation. During their detention, the police threatened to contact their families if a fine of 500,000 Guinean Frans is not paid. This caused significant distress as they had not disclosed their sexuality to their family. They were eventually connected to an organization who paid the fine and convinced the police to release them.²³ LGBT people are reluctant to report crimes due to fear of stigmatization, police violence, and legal action under the Penal Code.²⁴ Law enforcement contribute to impunity by refusing to record or investigate complaints.²⁵ LGBT survivors making reports hide "their sexual orientation and/or gender identity to hopefully be treated equally before the law."²⁶
16. The State does not protect LGBT people from discrimination. The Commissariat Général aux Réfugiés et aux Apatrides reports that LGBT individuals are evicted when landlords learn of their sexual orientation or gender identity.²⁷ Medical providers refuse to provide care for LGBT individuals.²⁸ Reports also indicate that medical personnel share confidential information, including perceived sexual orientation, with individuals' family members without their consent.²⁹
17. Activists have also denounced that there are many cases of school harassment towards members of the LGBT community, leading some to abandon school as consequence of such violence.³⁰
18. Activists report conspiracies to entrap LGBT people by using social media to invite them for a meet-up and then attacking them and taking them to the police.³¹ Local online services include homophobic webpages and groups.³²
19. The media perpetuate stigma and endanger members of the LGBT community. Journalists "out" people and incite violence and discrimination by displaying their Facebook profiles, describing them as "abominable," and sharing their photos, names, and neighborhoods. The media often conflate SOGIE with pedophilia, rape, and other sexual crimes, reporting "in a scandalous and sensationalist manner."³³
20. Authorities do nothing to counteract messaging from some religious leaders criticizing the LGBT community.³⁴ Activists report that religious leaders promote stigma, regularly discussing LGBT community. Some imams allegedly incite violence toward LGBT people.³⁵
21. Authorities do not protect LGBT individuals from family discrimination and violence. Families sometimes attempt to "convert" LGBT individuals and force them into marriages.³⁶ A transgender man shared with Advocates that he was tied up and beaten by family members when they discovered his identity. He was subsequently forced to marry a man and endured

repeated rape and physical assault throughout the marriage.³⁷ Activists report that a lesbian woman's family forced her to marry a man, causing her severe distress.³⁸ In 2022, acquaintances of a woman orchestrated her so-called "corrective rape" because they "never accepted her sexual orientation."³⁹ The woman was raped in her family home, but family members who were present did not intervene.⁴⁰ The woman did not report the crime to law enforcement due to fear of further stigmatization.⁴¹

22. Societal ignorance perpetuates additional hostility toward the transgender community.⁴² Transgender individuals "are particularly vulnerable to physical and sexual attacks,"⁴³ and simply "being visible in a public space can be dangerous and can lead to physical or verbal attacks."⁴⁴ Vigilantes have increasingly video recorded their attacks on transgender people and shared footage on social media.⁴⁵ Police often detain transgender women alongside men, disregarding their gender identity and exposing them to a high risk of rape.⁴⁶ Transgender individuals often experience derogatory labels such as "mentally ill" and "failures".⁴⁷

Restrictions on advocacy

23. NGOs face significant hurdles in working to protect and advocate for LGBT rights. Freedom House reports that authorities intimidate and interfere with civil society.⁴⁸ NGOs and their members face "threats, harassment, and imprisonment" as well as financial constraints and security concerns.⁴⁹ The government refuses to register LGBT-affiliated NGOs,⁵⁰ so organizations instead state that they are working to treat HIV/AIDS in their registration to be able to develop their activities.⁵¹
24. Activists face threats daily.⁵² Local HRDs report that when organizations hosts events to educate about LGBT rights and events for the LGBT community staff and volunteers face violence and threats.⁵³ NGOs are "forced to operate with discretion and in secret," concealing meeting locations and workplaces.⁵⁴

II. RECOMMENDATIONS

25. The stakeholders suggest the following recommendations:

- Repeal Article 274 of the Penal Code, which criminalize consensual same-sex sexual activity between adults.
- Adopt a comprehensive anti-discrimination law affording protection to all individuals, irrespective of sexual orientation, gender identity, gender expression, or sex characteristics.
- In collaboration with civil society, undertake mandatory training of law enforcement to ensure that authorities do not detain or question individuals based solely on perceived or actual sexual orientation, gender identity and/or expression.
- Adopt and implement legislation explicitly prohibiting discrimination based on sexual orientation, gender identity or expression, and sex characteristics.
- Hold members of law enforcement and vigilante groups accountable for human rights violations against LGBTIQ+ individuals. Including:
 - Impartially and promptly investigate, prosecute and sanction all acts of violence and discrimination against LGBT people, including "corrective rape", whether committed by State and non-State actors, to eliminate impunity.

- Investigate allegations that police have failed to respond to reports of violence against LGBTIQ+ individuals and sanction those responsible.
 - Collaborate with civil society to train police to investigate and improve response to allegations of violence and discrimination targeting LGBTIQ+ individuals.
- Within law enforcement and other relevant agencies, establish a committee responsible for collecting and disseminating comprehensive data on reports of violence and discrimination based on SOGIE.
- Take steps to raise awareness in order to mitigate social prejudices, stigmatization, harassment, discrimination, and violence against individuals because of their sexual orientation, gender identity, gender expression, and sex characteristics.
- Undertake public sensitization and education campaigns to combat against discrimination, with special emphasis on LGBTIQ+ individuals.
- Take concrete legal and policy measures, including the provision of adequate human rights training to health personnel, to eliminate all forms of stigma and discrimination in health settings.
- Take measures to prevent law enforcement from arbitrarily arresting individuals based on their perceived sexual orientation.
- Eliminate registration barriers for LGBTIQ+ organizations and protect them from harassment.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guinea*, (Mar. 24, 2020), U.N. Doc. A/HRC/44/5, ¶ 113.58 Decriminalize consensual relationships between same-sex adults and promote respect for the rights of lesbian, gay, bisexual, transgender and intersex persons (Spain); ¶113.59 Take the appropriate measures to combat acts of discrimination and violence against people from the LGBTIQ group and to rescind national laws that criminalize same-sex relations (Argentina); ¶ 113.60 Consider decriminalizing consensual sexual relations between adults of the same sex (Chile); ¶113.61 Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (Iceland); ¶ 113.62 Decriminalize consensual same-sex sexual conduct (Italy); ¶113.204 Continue its actions and initiatives to strengthen activities to protect persons with albinism and persons living with HIV/AIDS (Benin); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guinea, Addendum*, (July 28, 2020), A/HRC/44/5/Add. 1, p. 3, 8.

² République de Guinée Code Pénal, §274 (2016), <https://www.refworld.org/legal/legislation/natlegbod/2016/fr/120698>.

³ République de Guinée Code Pénal, §275, §276 (2016), <https://www.refworld.org/legal/legislation/natlegbod/2016/fr/120698>.

⁴ Freedom House, “Freedom in the World 2024: Guinea,” accessed July 23, 2024, <https://freedomhouse.org/country/guinea/freedom-world/2024>.

⁵ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 10, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf

⁶ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).

⁷ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 9, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf

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- ⁸ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 9, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ⁹ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 9, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ¹⁰ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 9, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ¹¹ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024); Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 9, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ¹² The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).
- ¹³ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 9, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ¹⁴ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).
- ¹⁵ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 18, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ¹⁶ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 18, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.
- ¹⁷ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).
- ¹⁸ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).
- ¹⁹ Moussa Konaté, *Accusé D'homosexualité, son Frère le Livre à la Gendarmerie*, Guinee7.com, May 29, 2020, <https://www.guinee7.com/2020/05/29/accuse-dhomosexualite-son-frere-le-livre-a-la-gendarmerie/>.
- ²⁰ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).
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- ²⁷ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 16, accessed June 28, 2024,

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²⁸ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).

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³¹ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 16, accessed June 28, 2024,

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³² Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 16, accessed June 28, 2024,

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³³ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 14, accessed June 28,

2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.

³⁴ Pathé Bah, *Nouvelle Constitution: 'Il Faut Formellement Bannir L'homosexualité,' Selon Elhadj Mansour Fadiga*, Vision Guinée, June 9, 2023, <https://www.visionguinee.info/nouvelle-constitution-il-faut-formellement-bannir-lhomosexualite-selon-elhadj-mansour-fadiga/>.

³⁵ The information was provided by the civil society organizations that work with affected populations. (On file with authors) (2024).

³⁶ Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 15, accessed June 28, 2024,

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⁴² Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 18, accessed June 28, 2024,

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⁴⁸ Freedom House, “Freedom in the World 2024: Guinea,” accessed June 28, 2024, <https://freedomhouse.org/country/guinea/freedom-world/2024>.

⁴⁹ Freedom House, “Freedom in the World 2024: Guinea,” accessed June 28, 2024, <https://freedomhouse.org/country/guinea/freedom-world/2024>.

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⁵² Commissariat Général aux Réfugiés et aux Apatrides, *COI Focus: Guinée, Minorités sexuelles et de genre*, CEDOCA (Bruxelles, Belgique, Octobre 2023), 19-20, accessed June 28, 2024, https://www.cgra.be/sites/default/files/rapporten/coi_focus_guinee._minorites_sexuelles_et_de_genre_20231030.pdf.

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