



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Guinea: The situation of sexual minorities, including legislation; the treatment of sexual minorities by society and the authorities; state protection and support services available to victims (2014-September 2017)

Publisher [Canada: Immigration and Refugee Board of Canada](#)

Publication Date 21 September 2017

Citation / Document Symbol GIN105987.FE

Related Document (s) [Guinée : information sur la situation des minorités sexuelles, y compris les lois; le traitement réservé aux minorités sexuelles par la société et les autorités; la protection offerte par l'État et les services de soutien à la disposition des victimes \(2014-septembre 2017\)](#)

Cite as Canada: Immigration and Refugee Board of Canada, *Guinea: The situation of sexual minorities, including legislation; the treatment of sexual minorities by society and the authorities; state protection and support services available to victims (2014-September 2017)*, 21 September 2017, GIN105987.FE, available at: <http://www.refworld.org/docid/5a09ab8d4.html> [accessed 7 December 2017]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Sexual Minorities

In an information guide on the legal and social realities of sexual minorities in the immigrants' countries of origin, the Ministry of Immigration, Diversity and Inclusion (ministère de l'Immigration, de la Diversité et de l'Inclusion, MIDI) of Quebec states that there is [translation] "scarce information on the situation of members of sexual minorities in Guinea and, contrary to neighbouring countries, political, religious and media discourse has little interest in the topic, resulting in invisibility and the perpetuation of a strongly entrenched taboo" [1] (Quebec 2017, 31). The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) in Belgium, in a report on homosexuality in Guinea published in June 2015, states that, according to testimony collected in 2011, [translation] "homosexuality is a taboo subject, behaviour that is non-compliant with social order and that often leads homosexuals to gloss over their sexual orientation in order to not be rejected by their family or society" (Belgium 22 June 2015). Similarly, the *Country Reports on Human Rights Practices for 2016* of the United States (US) Department of

State refers to "deep religious and cultural taboos" that exist against consensual same-sex sexual conduct in Guinea (US 3 Mar. 2017, 25).

Afrobaromètre, a [translation] "survey-based collaborative research project [...] conducted by social scientists in more than 30 African countries (Afrobaromètre 1 Mar. 2016, 29), notes from a survey conducted from 2014 to 2015 on tolerance in Africa, that Guinea is among the most intolerant countries towards homosexuals of all the countries consulted (ibid., 14). In that survey, conducted through in-person interviews with 1,200 to 2,400 respondents who represented a national representative sample and who ensured a 95 percent confidence level (ibid., 2), 94 percent of the Guineans consulted responded that they [translation] "strongly hate" homosexuals and 3 percent of them stated that they "would strongly like" or "somewhat like" to have homosexual neighbours (ibid., 27).

According to MIDI, [translation] "homophobia and heterosexism force sexual minorities to conceal their sexual orientation, although it is possible to carry out discrete homosexual acts" in Guinea (Quebec 2017, 31). According to sources, in Conakry, meeting places are frequented by homosexuals, such as bars (ibid.; Belgium 22 June 2015), discotheques and restaurants (Quebec 2017, 31).

MIDI reports that many members of sexual minorities marry individuals of the opposite sex to maintain appearances (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Legislation

Sources state that same-sex sexual activity is a criminal offence in Guinea (Freedom House 12 July 2017; ILGA May 2017a; US 3 Mar. 2017, 24). According to sources, a new penal code was promulgated in Conakry on 26 October 2016 (ibid., 3; OHADA 17 Dec. 2016; ICRC 26 Oct. 2016). In a commentary on the new penal code draft bill, Amnesty International notes, in May 2016, that [Amnesty International English version] "sexual acts between consenting adults of the same sex remain a crime in the draft bill on the Criminal Code (Article 274)" (23 May 2016, 9).

Article 274 of Law No. 2016-059/AN on the Criminal Code (*Loi No 2016-059/AN portant Code pénal*) provides for the following:

[translation]

Any indecent act or act against nature with a same-sex individual or with an animal will be punished by six months to three years of imprisonment and/or a fine of 500,000 [about C\$69] to 1,000,000 Guinean francs.

If the act is committed with a minor under 18 years of age, the maximum penalty must be pronounced.

If the act was consummated or attempted with violence, the guilty party will suffer the penalty of imprisonment of 5 to 10 years. (Guinea 2016)

The Penal Code also provides for the following:

Article 275: Any deliberate act that is committed in public and may offend the sense of decency and moral sentiment of third parties who involuntarily witness the act will constitute public indecency.

Article 276: Any person who commits public indecency will be punished by 3 months to 2 years of imprisonment and/or a fine of 500,000 to 1,000,000 Guinean francs.

If the contempt is committed by a group of individuals, the sentence in the first paragraph of this article is doubled. (ibid.)

Amnesty International, in its analysis of May 2016, states that [Amnesty International English version] "[i]ncitement to indecency is also criminalized (Article 355), but this is poorly defined" (23 May 2016, 9-10).

Article 355 of Law No 2016-059/AN on the Penal Code provides as follows:

[translation]

Any person who regularly violates morals by committing debauchery or supporting the corruption of minors will be punished by a term of imprisonment of 1 to 3 years and/or a fine of 1,000,000 to 5,000,000 Guinean francs, subject to more serious sentences if applicable.

Any attempt to commit the offence set out in this article will be punishable by the same sentence as the offence itself. (Guinea 2016)

According to Amnesty International,

[Amnesty International English version]

[t]his clause could potentially serve to criminalize the actions of health workers, activists and NGOs who provide young lesbian, gay, bisexual, trans or intersex (LGBTI) people with information on, for example, their health and HIV prevention, not to mention LGBTI people themselves. (23 May 2017, 9-10)

2.1 Enforcement of the Law

Country Reports 2016 of the US Department of State indicates that, although the law criminalizes consensual same-sex sexual activity, there have been no known prosecutions (US 3 Mar. 2017, 24). Freedom House notes that although legislation criminalizing same-sex sexual activity is rarely enforced, some LGBT people have been arrested "on lesser charges" (12 July 2017).

Country Reports 2016 adds that the Office for Protection of Women, Children, and Morals (OPROGEM), which includes a unit for investigative morals violations, including same-sex sexual activity, did not report that authorities arrested cross-dressing men in nightclubs on public nuisance charges, unlike in the previous year (US 3 Mar. 2017, 24).

However, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), states that sexual orientation-based arrests were documented in Guinea in the last three years (May 2017a). Similarly, Amnesty International states in its 2015/2016 report on Guinea that [Amnesty International English version] "[a]t least" three people were arrested during this period "because of their perceived sexual orientation" and that two of them were sentenced to three months' imprisonment, a month after their arrest (24 Feb. 2016).

The ILGA states that the Guinean government provides no protection to members of sexual minorities (May 2017b). Sources state that the anti-discrimination laws in Guinea do not apply to members of sexual minorities (Freedom House 12 July 2017; US 3 Mar. 2017, 24). The CGRA reported in June 2015 that, according to a Guinean human rights association, [translation] "it is difficult for a homosexual to be protected by the state, not because of their homosexuality, but because of the state's limited means" (Belgium 22 June 2015).

3. Treatment of Sexual Minorities

According to the *Country Reports 2016*, there were no reports of discrimination based on sexual orientation or gender identity but "societal stigma likely prevented victims from reporting abuse or harassment" (US 3 Mar. 2017, 25). According to MIDI, [translation] "[m]embers of sexual minorities are sometimes victims of crimes and stigmatization, although there has been no reports of conviction" (Quebec 2017, 31). The CGRA states that [translation] "homosexuals may be victims of isolated acts of violence by those around them or by law enforcement when they disrupt social order" (Belgium 22 June 2015).

The CGRA also reports that there is [translation] "segregation" of homosexuals socio-economically, especially in terms of finding employment (*ibid.*). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Some Guinean media report reactions from the public when in October 2015, two homosexuals were caught by the authorities [translation] "in the midst of a sexual act" in Conakry (APA 31 Oct. 2015; Mosaïqueguinée 30 Oct. 2015; Africa Guinée 1 Nov. 2015). According to Africa Guinée, a Guinean news website, their questioning [translation] "was not sufficient to calm the local population's anger. It [hopes] that the two suspects are subjected to popular justice" (*ibid.*). The Agence de presse africaine (APA) reports that inhabitants [translation] "could demand that the two suspects be handed over, no doubt in order to settle the score" (APA 31 Oct. 2015). The same source adds that the issue received widespread attention in the media, the city and on social networks (*ibid.*). Sources state that the spokesperson of the national gendarmerie had to encourage the population to stay calm (*ibid.*; Africa Guinée 1 Nov. 2015). Guinée Matin, a Guinean news and opinion website (Guinée Matin 1 July 2014), reports that following those events, the Communications High Authority (Haute Autorité de la Communication) [whose mandate includes issuing the professional press card in Guinea (Guinée n.d.)] suspended a journalist from his duties for three months and demanded that the news site Mosaïqueguinée make public apologies for revealing the identity of one of the two homosexuals and publishing his photograph (Guinée Matin 3 Nov. 2015).

On 7 October 2016, according to Afrinews, a Guinean news website, two young militants wearing t-shirts stating: [translation] "Collective for the Defense of Homosexuals," were arrested in Conakry, after being attacked by some youths (Afrinews 9 Oct. 2016). According to that same source, their awareness campaign was identified by these youths as [translation] "[o]bscene and contrary to customary and religious values" of Guinea (*ibid.* 9 Oct. 2016).

In 2015, Guinée Matin reported on the speech of Oustaz Ramadan, an imam from the large mosque of Koloma, who stated the following when talking about homosexuality: [translation] "it is something to be avoided. People must condemn any person caught doing these types of things. The authorities must also make arrangements to penalize these people" (Guinée Matin 24 Nov. 2015). In 2017, on International Day Against Homophobia and Transphobia, Guinée Matin reported the following statements made by the imam during an interview:

[translation]

"[A]s a Muslim, although we are in a secular country, we must stand up against these acts. [...] Muslims must understand that it is prohibited and that every Muslim must beware of such acts, which are savage acts" (*ibid.* 18 May 2017).

4. Support Services

The CGRA notes that the taboo surrounding homosexuality pushes Guinean homosexuals to conceal their sexual activities from health personnel, but that

[translation]

since 2012, the association Afrique Arc-en-Ciel Conakry has noted a significant improvement in the situation of homosexuals in this respect. Through the National Committee to Combat AIDS (Comité national de lutte contre le sida, CNLS), certain programs in favour of homosexuals have been applied within the Ministry of Health (Belgium 22 June 2015).

In May 2016, Amnesty International, stated the following:

[Amnesty International English version]

The Guinean government acknowledges and takes account of the existence of LGBTI people in Guinea, for example in the 2013-2017 National STI/HIV/AIDS Strategic Framework, and in particular through the action of the National AIDS and STI Committee. But as long as sexual acts between consenting adults of the same sex remain a crime, LGBTI people will have to live their lives in secret and many of them will thus not have access to health services (23 May 2016, 10-11).

According to the *Country Reports 2016*, there are no active LGBTI organizations in Guinea (US 3 Mar. 2017, 25). In June 2015, the CGRA mentioned that the association Afrique Arc-en-Ciel Conakry (AAEC) was legally recognized in Guinea and that it acknowledged that it was the only active association (Belgium 22 June 2015). According to its website, AAEC was created in 2007 by some African homosexuals to [translation] "create sharing, meeting and welcoming conditions by organizing workshops" to "enhance the vitality of the sub-Saharan homosexual population" and "develop engagement" (30 Jan. 2013). Information on the actual activities of this organization could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] In its 2017 information guide, MIDI states that its analysis for Guinea is based on reports from Amnesty International, Guinée Assistance et Développement and the United States Department of State, as well as on articles prepared by the following authors: Fatou Mariam Dram *et al.* and Boniface Dulani, Gift Sambo and Kim Yi Dionne (Quebec 2017, 31-32).

References

[Afrique Arc-en-Ciel \(AAEC\). 30 January 2013. "Accueil."](#) [Accessed 6 Sept. 2017]

Africa Guinée. 1 November 2015. Ahmed Tounkara. "[Guinée : les populations réclament deux homosexuels à Conakry.](#)" [Accessed 12 Sept. 2017]

Afrinews. 9 October 2016. "[Guinée : des jeunes militants pour la cause des homosexuels arrêtés sur une plage à Conakry.](#)" [Accessed 12 Sept. 2017]

Afrobaromètre. 1 March 2016. Boniface Dulani, Gift Sambo and Kim Yi Dionne. "[Bons voisins? Les Africains démontrent un sens élevé de la tolérance envers beaucoup, mais pas tous.](#)" Dépêche N° 74. [Accessed 6 Sept. 2017]

Agence de presse africaine (APA). 31 October 2015. "L'interpellation de deux homosexuels dans la banlieue de Conakry fait débat." (Factiva) [Accessed 12 Sept. 2017]

Amnesty International. 23 May 2016. "[Guinée. Projet de loi en étude à l'Assemblée nationale : des opportunités et des menaces majeures pour la protection et le respect des droits humains.](#)" [Accessed 6 Sept. 2017]

Amnesty International. 24 February 2016. "Guinée." [Rapport 2015/16](#). [Accessed 7 Sept. 2017]

Belgium. 22 June 2015. Commissariat général aux réfugiés et aux apatrides (CGRA). "[Guinée - L'homosexualité.](#)" [Accessed 7 Sept. 2017]

Freedom House. 12 July 2017. "[Guinea Profile.](#)" *Freedom in the World 2017*. [Accessed 6 Sept. 2017]

Guinea. 2016. [Loi No 2016/059/AN portant Code pénal](#). Excerpts translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 4 Sept. 2017]

Guinea. N.d. [Haute Autorité de la Communication. "Présentation."](#) [Accessed 20 Sept. 2017]

Guinée Matin. 18 May 2017. Alpha Mamadou Diallo. "[Oustaz Ramadan sur l'homosexualité en Guinée : 'nos autorités doivent empêcher ça dans notre pays'](#)". [Accessed 13 Sept. 2017]

Guinée Matin. 24 November 2015. Mamadou Alpha Baldé. "[Un imam recommande la traque des 'terroristes' dans les villes et frontières guinéennes.](#)" [Accessed 13 Sept. 2017]

Guinée Matin. 3 November 2015. Saliou Bah. "[3 mois de suspension d'un journaliste ayant révélé l'identité d'un homosexuel!](#)" [Accessed 20 Sept. 2017]

Guinée Matin. 1 July 2014. "[Qui sommes-nous?](#)" [Accessed 13 Sept. 2017]

Human Rights Watch. [October 2016]. "[# Outlawed : 'The Love that Dare not Speak its Name.'](#)" *LGBT Rights HRW*. [Accessed 7 Sept. 2017]

International Committee of the Red Cross (ICRC). N.d. "[National Implementation of IHL - Law on the Criminal Code, 2016 - Loi No. 2016-059/AN portant Code Pénal.](#)" [Accessed 6 Sept. 2017]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2017a. "[Droit à l'orientation sexuelle dans le monde - criminalisation.](#)" [Accessed 7 Sept. 2017]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2017b. "[Droits à l'orientation sexuelle dans le monde - protection.](#)" [Accessed 6 Sept. 2017]

Mosaïqueguinée. 30 October 2015. "[Exclusivité mosaïqueguinée.com : un cas d'homosexualité flagrant à Conakry.](#)" [Accessed 21 Sept. 2017]

Organisation pour l'harmonisation en Afrique du droit des affaires (OHADA). 17 December 2016. Pierre LAMAH. "[Révision du code pénal en Guinée, avec intégration des sanctions pénales relatives aux incriminations d'affaires prévues par les Actes uniformes.](#)" [Accessed 6 Sept. 2017]

Quebec. 2017. Ministère de l'Immigration, de la Diversité et de l'Inclusion (MIDI). "Guinée." [*Réalités juridiques et sociales des minorités sexuelles dans les principaux pays d'origines des personnes nouvellement arrivées au Québec - Guide d'information*](#). [Accessed 6 Sept. 2017]

United States (US). 3 March 2017. "Guinea." [*Country Reports on Human Rights Practices for 2016*](#). [Accessed 7 Sept. 2017]

Additional Sources Consulted

Internet sites, including: *Aminata*; BBC; ecoi.net; Equaldex; Factiva; Global Gayz; Guinea - Supreme Court, official government portal; International Crisis Group; International Federation for Human Rights; IRIN; United Nations - Refworld; Radio France internationale.

Copyright notice: This document is published with the permission of the copyright holder and producer Immigration and Refugee Board of Canada (IRB). The original version of this document may be found on the official website of the IRB at <http://www.irb-cisr.gc.ca/en/>. Documents earlier than 2003 may be found only on Refworld.

Search Refworld

by keyword

and / or country ▼

[Advanced Search](#) | [Search Tips](#)

Countries

- [Guinea](#)

Topics

- [Lesbian, gay, bisexual, transgender and intersex \(LGBTI\)](#)
- [Persecution on the basis of sexual orientation or gender identity](#)
- [State protection](#)