

Flygtningenævnets baggrundsmateriale

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Information on the situation regarding forced/arranged marriages and the availability of help from State or non governmental organisations when a girl refuses to agree to the forced marriage.

Paragraph 22 of a June 2010 *UN General Assembly* report, states:

“The strategy for the elimination of harmful traditional practices and stereotypes is based on the application of repressive laws, on the one hand, and on the implementation of awareness and education mechanisms and programmes regarding issues such as early marriage and female genital mutilation, on the other. Perpetrators of female genital mutilation can be sentenced to life imprisonment or even death.” (UN General Assembly (14 June 2010) *Report of the Working Group on the Universal Periodic Review; Guinea*, p.5)

A May 2010 *Child Rights Information Network* document, under the heading ‘Difficulties and constraints’ notes:

“-Problems with customary practices: forced and early marriage, mutilation, violence against children, infibulation. Modern law and customary law are incompatible on questions such as heritage, marriage and child protection. Problems are often discussed in informal settings.
-The harmonisation between international instruments and domestic law is not completed
-A lot of children do not have birth certificates. A new national service has been created to promote the registration of births.” (Child Rights Information Network (4 May 2010) *Guinea: "Child Rights References in the Universal Periodic Review"*)

Section 6 of the *United States Department of State* Country Report on Human Rights Practices for Guinea, under the heading ‘Children’, notes:

“The number of men and women opposed to FGM continued to increase. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure. The NGO TOSTAN was successful in bringing together many communities to declare their intention to abandon FGM and early or forced marriage. Recognizing traditional practices that encouraged FGM, TOSTAN helped establish binding social contracts in which families agreed to accept a woman who had not undergone FGM to marry one of their sons. Continued efforts by NGOs to persuade communities to abandon FGM resulted in thousands of families ending the practice. For example, in June a total of 67 communities in the N'Zerekore region declared an end to FGM, and by year's end approximately 364 communities throughout the country had publicly declared an end to FGM, underage and forced marriages, and other harmful traditional practices.

The legal age for marriage is 21 years for men and 17 years for women. Although there were no official reports of underage marriage, it was a problem. Parents contracted marriages for girls as young as 11 years of age in the Fouta and Forest regions. During the year six young female inmates, who claimed in 2008 to have murdered their husbands in Kankan after having been forced into marriage, were convicted. No further information was available at year's end. The CPTAFE, in conjunction with the government, local journalists, and international NGOs, continued to run an education campaign to discourage underage marriage and reported lower rates than in previous years. According to the CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school." (United States Department of State (11 March 2010) *2009 Human Rights Report: Guinea*)

Paragraph 50 in Section III.A.9 of a March 2010 *UN General Assembly* report, under the heading 'Respect for the human person', notes:

"The Criminal Code makes provision for offences against human life and the person and establishes criminal penalties for these offences in accordance with the principle that "no-one shall be subjected to torture or cruel, inhuman or degrading treatment of either their body in general or the reproductive organs in particular". In addition to the legal prohibition, steps are being taken to effectively combat all forms of violence, including female genital mutilation, early marriage, domestic violence and sexual abuse. However, abuses by law enforcement officers are rarely punished." (UN General Assembly (3 March 2010) *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1; Guinea*)

A March 2007 *Immigration and Refugee Board of Canada* response refers to State Protection available to victims of domestic abuse and forced/early marriage as follows:

"The International Center for Research on Women (ICRW) maintains that child marriage increases the likelihood of young girls being "beaten, slapped or threatened" by their husbands (ICRW 2006). In Guinea, the legal age of marriage is 21 years for men (US 8 Mar. 2006, Sec. 5) and 17 years for women (ibid.; ICRW 2006). However, the ICRW reports that the percentage of girls who are younger than 18 when married in Guinea is 64.5 percent, which ranks Guinea as the country with the fifth highest rate of child marriage in the world (ibid.); half of all girls in Guinea, according to the study, give birth before they turn 18 (ibid.). The US State Department notes that parents have reportedly arranged marriages for children as young as 11 years old in the Forest Region (8 Mar. 2006, Sec. 5) of Southern Guinea (UN 10 Jan. 2005), where traditional religions are most common (US 8 Nov. 2005). The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (Cellule de Coordination sur les Pratiques Traditionnelles Affectant la Santé des Femmes et des Enfants, CPTAFE) continued its educational campaign to "discourage underage marriage" with the assistance of the government, the media and international NGOs (US 8 Mar. 2006, Sec. 5). According to the CPTAFE, the campaign had resulted in lower rates of child marriage than in previous years (ibid.).

Information on protection services available to the children victims of domestic abuse could not be found among the sources consulted by the Research Directorate; however, UNICEF highlights the government's "continued inability ... to provide basic social services" (UN 2007). In a background factsheet on Guinea, the children's agency notes that one third of Guinean children are stunted due to malnutrition (ibid. n.d.), while the US State Department, referring to reports by UNICEF and the International Rescue Committee (IRC), notes that foster families do not provide adequate food, lodging or clothing to children in their care (8 Mar. 2006, Sec. 5). As a result, children are forced to engage in street work, including prostitution, in order to survive (US 8 Mar. 2006, Sec. 5). In addition to foster children, thousands of Guinean children are reportedly orphaned because their parents have died of human immune deficiency virus/acquired immune deficiency syndrome (HIV/AIDS) (UN n.d.), forcing many to work in order to survive (ibid.). UNICEF points out that children who become separated from their parents are vulnerable to "violence, abuse, exploitation or trafficking" and could be recruited by militias (ibid.)." (Immigration and Refugee Board of Canada (7 March 2007) *Guinea: Domestic child abuse; state protection available to victims (2005 - February 2007)*)

References:

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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International Federation for Human Rights (FIDH)
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