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Immigration and
Refugee Board of Canada

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

Guinea: Prevalence of forced marriage; legislation affecting forced marriages; state protection; ability of women to refuse a forced marriage (2009-Sept. 2012)

1. Prevalence of Forced Marriage

According to Landinfo, the Norwegian Country of Origin Information Centre, which led an information gathering mission in Guinea in March 2011, the prevalence of forced marriage in Guinea is unknown, but there is [translation] “no doubt” that the practice continues (Norway 25 May 2011, 2). In a telephone interview with the Research Directorate, the Executive Director of the Inter-African Committee on Traditional Practices (IAC), an international organization that promotes gender equality and the removal of harmful traditional practices (IAC n.d.), stated that forced marriage is still going on in Guinea and that it is “far from being eliminated” (ibid. 21 Sept. 2012).

However, the interlocutors interviewed by Landinfo during the Norwegian mission, including a representative of the National Coalition of Guinea for the Rights and Citizenship of Women (CONAG - DFC) and a representative of Tostan, an NGO that promotes sustainable development and human rights in Guinea as well as in other African countries (Tostan n.d.), were of the view that [translation] “the number of forcibly married women has declined” (Norway 25 May 2011, 4). An imam and a sociologist consulting for the United Nations Development Program interviewed in Conakry by the members of a joint fact-finding team in Guinea by Belgium, France and Switzerland in October and November 2011 reported that the practice of forced marriage involving physical or psychological violence has [translation] “become marginal in Guinea and practically nonexistent in urban areas” (Belgium, France and Switzerland, March 2012, 17).

According to the sociologist interviewed by the Belgian, French and Swiss researchers, the main victims of forced marriage are very young girls from rural and conservative areas (ibid.). Similarly, Landinfo indicates that forced marriage mostly affects girls whose families are conservative and have a low level of education, but that it also takes place in consanguineous marriages (Norway 25 May 2011, 3). However, the Executive Director of the IAC stated that while forced marriage is a little more common in rural than in urban areas, there is little difference between them (21 Sept. 2012). He added that older women are sometimes also forced to marry because of “psychological and social pressure” (IAC 21 Sept. 2012).

The executive director of the IAC stated that the practice is common in all ethnic groups (ibid.). However, the representative of Tostan who was interviewed by Landinfo stated that it is particularly common among the Peul and Toutcouleur, somewhat common among the Malinke and the forested Guinea minorities, and rare among the Susu (Norway 25 May 2011, 3). Other sources also report that forced marriage is more common in the Peul community (Belgium, France and Switzerland, March 2012, 17; IAC 21 Sept. 2012).

Landinfo notes that the distinction between forced marriage and arranged marriage [translation] “can be somewhat unclear” (Norway 25 May 2011, 3). The report from Belgium, France and Switzerland indicates that the practice of arranged marriage is widespread in Guinean society, and according to several interlocutors cited in the report, a young girl must give consent to an arranged marriage (March 2012, 16). However, a manager from the ministry of health explains in the same report that a young girl

[Translation]

often ends up agreeing to get married because of the considerable social and psychological pressure put on her, because there are financial interests at stake or because she wants to protect her mother from the potential repudiation she would face if she were to refuse (Belgium, France and Switzerland, March 2012, 16).

Similarly, the representative of Tostan interviewed by Landinfo explained that the consequences of refusing to accept an arranged marriage are such for the young girl and her family, and particularly for her mother, that she feels obligated to accept (Norway 25 May 2011, 3).

The Country Reports on Human Rights Practices for 2009 published by the United States Department of State indicate that six young girls who were forcibly married were convicted in 2009 for killing their husbands (U.S. 11 March 2010, sec. 6). An article from the news site Guineelive reports that a young girl was forced by her family to marry her sister’s widow under [translation] “the weight of tradition” (28 July 2010). In April 2012, the news site Aminata.com reports that a 19-year-old woman killed her husband in Kankan, Upper-Guinea, after she was forced to marry him (10 Apr. 2012). Additional details on these matters could not be found among the sources consulted by the Research Directorate.

2. Legislation

According to the Civil Code of the Republic of Guinea, only civil marriage is legally recognized, and both spouses must give their consent in order for a marriage to be legal (Guinea 1983, art. 201, 213). In addition, according to the Guinean penal code, a civil status officer who [translation] “has not ensured the consent of the fathers, mothers or other persons where required by the law to validate a marriage” may receive a term of imprisonment of one to three months and a fine of 50,000 to 100,000 Guinean Francs [CAN\$7-14 (XE 28 Sept. 2012)] (Guinea 1998, art. 205). However, sources report that many weddings in the country are religious: civilian authorities do not intervene and no official certificate is prepared (Norway 25 May 2011, 1; CI-AF 21 Sept. 2012). The Belgian, French and Swiss report explains that, generally, [translation] “religious

marriage, which is most important to Guineans, comes before civil marriage, which is sometimes not even celebrated” (March 2012, 16).

The penal code prescribes a two to five year term of imprisonment to any person “who consummates a marriage celebrated according to custom by completing or attempting to complete the sex act with a child under age 13.” (Guinea 1998, art. 302).

The Landinfo report states that, despite some efforts made by the authorities to combat forced marriage, [translation] “it is an undeniable fact that the Guinean judicial system functions poorly in this regard and that investigations of forced marriages are not necessarily adequately handled” (Norway 25 May 2011, 5). Similarly, the Executive Director of the IAC stated that the legislation allows NGOs to file complaints on behalf of victims of forced marriage, but that there has still not been one single conviction, largely because of the attitudes of judges (21 Sept. 2012). The Executive Director explained that there is political will, but that the law is not enforced (IAC 21 Sept. 2012).

3. Refusal of a Forced Marriage

According to the Executive Director of the IAC, a young girl may object to a forced marriage, but it is very difficult for her to refuse it (21 Sept. 2012). The Executive Director added that, to escape a marriage, a young girl may flee, which of course forces her to sever ties with her family (IAC 21 Sept. 2012). The authors of the report on the Belgian, French and Swiss mission indicate that it is possible for a woman to flee an arranged marriage and relocate elsewhere under the protection of family members but, [translation] “as a general rule”, they immediately find her a new husband so that they are no longer responsible for her (March 2012, 17). The representative of Tostan who met with Landinfo was of the view that a young girl who has sufficient knowledge of her rights and who has [translation] “the strength of character necessary to confront the family decision” would have a chance to negotiate a marriage refusal with the support of the members of her family or the local authorities (Norway 25 May 2011, 3). However, sources indicate that a large number of family members generally participate in the marriage negotiations (Belgium, France and Switzerland, March 2012, 16; IAC 21 Sept. 2012) and may put considerable pressure on the young girl (ibid.).

According to the Executive Director of the IAC, a young girl who refuses a marriage and the members of her family who support her may face repression, such as social or family exclusion (ibid.). The representative of Tostan interviewed by Landinfo also stated that the mothers of young girls pay the price for rejected marriage plans and may be repudiated or face other sanctions from her spouse (Norway 25 May 2011, 3-4). The report on the Belgian, French and Swiss mission also indicates that the mother may suffer the consequences of a marriage refusal (Belgium, France and Switzerland, March 2012, 16).

3.1 State Protection

Several sources report that a woman subjected to a forced marriage will generally not file a report with the authorities (Belgium, France and Switzerland, March 2012, 17; Norway 25 May 2011, 4; IAC 21 Sept. 2012). According to the representative of Tostan interviewed by Landinfo, such a report breaks with the Guinean tradition that calls for this type of conflict to be resolved within the family (Norway 25 May 2011, 4). The imam interviewed by the Belgian, French and Swiss mission also stated the same (March 2012, 17).

According to the Executive Director of IAC, the government is combating forced marriage and is providing support to NGOs that defend women’s rights (21 Sept. 2012). The report on the Belgian, French and Swiss mission highlighted the cooperation between the NGOs and certain Guinean government departments (March 2012, 17). Landinfo’s report indicates that, in Conakry, there is a police unit that specializes in sex

crimes like forced marriage; they conduct investigations, raise awareness with local police stations and put victims in touch with NGOs (Norway 25 May 2011, 4). There is also a toll-free number for women who fear being subjected to forced married (ibid.).

According to the International Federation for Human Rights (FIDH), women's access to justice in Guinea has "become practically impossible due to the lack of information on the rights and laws that protect women, the high rate of illiteracy in women, and the cost of proceedings being too high" (8 March 2012). According to the Executive Director of the IAC, NGOs have been somewhat successful in combating forced marriage, but social progress is slow and takes time; they must continue to raise public awareness and encourage members of the public to understand (21 Sept. 2012).

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.

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Oral sources: A representative of the Association des mères et enfants de Guinée did not provide information within the time constraints of this Response. Attempts to contact a representative of Plan Guinea were unsuccessful.

Internet sites, including: AllAfrica; Amnesty International; Association des mères et enfants de Guinée; ecoi.net; Factiva; *Le Factuel de Guinée*; Government of Guinea; Ireland Refugee Documentation Centre; *Jeune Afrique*; National Coalition of Guinea for the Rights and Citizenship of Women; Office of the United Nations High Commissioner for Human Rights, Refworld; Plan International.

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