



Cote d'Ivoire: Researched and compiled by the Refugee Documentation Centre of Ireland on 31 March 2011

Can a “customary” or “religious” marriage be legally recognised; Is there an authority which verifies the authenticity of traditional or customary marriages; Are polygamous marriages valid?

A report from *Social Institutions and Gender Index* titled ‘Gender Equality and Social Institutions in Cote d'Ivoire’ states under the heading Family Code:

“Women in Côte d'Ivoire have a moderate degree of legal protection with regards to family matters. The state recognises only marriages that are performed by a registry, and the law prohibits the payment and the acceptance of a bride-price. Legislation regarding the age of marriage is quite strict: the law forbids the marriage of men under the age of 20, of women under the age of 18, and of any persons under the age of 21 without parental consent. Still, the incidence of early marriage is very high. A 2004 United Nations report estimated that 25 per cent of girls between 15 and 19 were married, divorced or widowed. The Demographic and Health Survey suggests that this figure should be even higher: it reports that 44 per cent of women now between 25 and 29 years were married before the age of 18. Traditional marriages with girls as young as 14 years of age remain common in the conservative northern communities. On a national scale, some 15 per cent of girls are already married at age 15.

Polygamy was abolished by the Civil Code in 1964, and is now punishable by a fine of CFA 50 000 to CFA 500 000 (USD 80 to USD 800) or by six months to three years imprisonment. Under transitional provisions, the law does recognise polygamous marriages that were entered into prior to 1964.”
(*Social Institutions and Gender Index* (undated) *Gender Equality and Social Institutions in Cote d'Ivoire*)

Page 15 of a report from the International Displacement Monitoring Centre states:

“If their rights are contested, women hesitate to protest on a local or legal level – even if the positive legal system would no doubt justify them – for fear of suffering the community’s disapproval, being marginalised or even accused of witchcraft²⁵. Furthermore, their rights of succession may be affected if the judge applies the law strictly²⁶, considering that only civil unions are deemed valid. The vast majority of marriages in rural areas are based on customary law, which authorises polygamy, thus complicating successions. Customary wives would however have an interest in taking advantage of the law, which recognises legitimate and illegitimate children on an equal standing in matters of succession (for fear that they have not been recognised by their father). The law thus permits customary wives to obtain the control of property for their children until they come of age and allows girls to inherit on the same grounds as boys. Customary wives without children remain however without any legal protection in terms of succession.” (Internal Displacement

Monitoring Centre (October 2009) Côte d'Ivoire: "Whose land is this? Land disputes and forced displacement in the western forest area of Côte d'Ivoire")

Page 32 of the same report under the heading 'Notes' lists number 26 as stating:

"Law 64-379 of 7 October 1964 relating to successions provides that: "seul le mariage célébré par un officier de l'état civil a des effets légaux" ("only a marriage celebrated by a Registrar General has legal value")." (ibid)

The *US Department of State* 'Country Report on Human Rights Practices' noted under the heading Women:

"Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. For example, polygyny is illegal, although it remained a common cultural practice. Women's organizations also campaigned against legal provisions that discriminated against women." (US Department of State (11 March 2011) *Cote d'Ivoire: Country Report on Human Rights Practices – 2009*)

Under the heading Children the report noted:

"The law prohibits the marriage of men under the age of 20, women under the age of 18, and persons under the age of 21 without the consent of their parents. The law specifically penalizes anyone who forces a minor under 18 years of age to enter a religious or customary matrimonial union. However, in conservative communities--particularly those in the north--traditional marriages were commonly performed with girls as young as 14 years of age." (ibid)

A report from *Every Culture* under the heading 'Marriage, Family and Kinship' states:

"Marriage. Ivoirian marriages center on the combining of two families. The creation of a new household is significant to wedding rituals. The government abolished polygamy in 1964, and set the legal marriage age at eighteen for boys and sixteen for girls, although polygamy is a widely accepted lifestyle among many native ethnic groups. Additionally, the government does not recognize forced marriage or dowries ("bride prices") paid to the mother's family to legitimize the marriage. Although marriage customs are changing and becoming more Westernized, a large majority engage in traditional native wedding rituals. Divorce, although not common, is socially acceptable among most ethnic groups." (Every Culture (undated) *Countries and their Culture – Cote d'Ivoire*)

References

Every Culture (undated) *Countries and their Culture – Cote d'Ivoire*
<http://www.everyculture.com/Bo-Co/C-te-d-Ivoire.html>
(Accessed 31 March 2011)

Internal Displacement Monitoring Centre (October 2009) *Côte d'Ivoire: "Whose land is this? Land disputes and forced displacement in the western forest area of Côte d'Ivoire"*

[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/7E1539A6C2849755C125767E0051B518/\\$file/CDI_SCR_Nov09.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/7E1539A6C2849755C125767E0051B518/$file/CDI_SCR_Nov09.pdf)

(Accessed 31 March 2011)

Social Institutions and Gender Index (undated) Gender Equality and Social Institutions in Cote d'Ivoire

<http://genderindex.org/sites/default/files/pdfs/CIV.pdf>

(Accessed 31 March 2011)

US Department of State (11 march 2011) *Cote d'Ivoire: Country Report on Human Rights Practices – 2009*

<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135949.htm>

(Accessed 31 March 2011)

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.

Sources Consulted:

Amnesty International
BBC Monitoring
BBC News
Committee to Protect Journalists (CPJ)
Ethnologue
Danish Immigration Services
European Country of Origin Information Network
Google
Human Rights Watch
Immigration and Refugee Board of Canada
IRIN
Lexis Nexis
Refugee Documentation Centre Query Database
Relief Web
UNHCR Refworld
UK Home Office
US Department of State