Migration Review Tribunal
AUSTRALIA

MRT RESEARCH RESPONSE

Questions
1. Please provide information on the situation in Danane, Ivory Coast, in 2004, and in particular on any bombing that occurred there.
2. Is there any evidence of a usual practice, or a recognised custom, in the culture of either Ivory Coast or Guinea involving adoption of a niece by an uncle (in circumstances where the niece's mother is deceased)?
3. Please provide advice on whether formal adoption is available in Guinea and Ivory Coast, and the processes involved.
4. Please provide information on the practice in Guinea with regard to the recording of deaths.
5. Do the authorities in Guinea issue death certificates in relation to deaths in the country?

RESPONSE

1. Please provide information on the situation in Danane, Ivory Coast, in 2004, and in particular on any bombing that occurred there.

Danane is located approximately 27 kilometres west of the Liberian border (see UN Map No. 4312 2009, Cote D'Ivoire June, Attachment 1). The country had been host to a large contingent of UN personnel since June 2003, initially in a political and human rights observer capacity and subsequently as UNOCI (United Nations Operation in Cote d'Ivoire) from February 2004. The peacekeeping force consisted of '6,000 UN blue helmets backed by 4,000 more heavily-armed French troops belonging to Operation Unicorn (Licorne)'. These operated in an 'east-west buffer strip between the opposing Ivorian forces known as the Zone of Confidence' (Human Rights Watch 2005, *Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire,* 3 May - Attachment 2).

At the end of October 2004, the New Forces rebel movement which occupied a large part of the north of the country declared a state of emergency, effectively putting an end to the Accra peace agreement signed in July of that year, one of whose aims had been to ensure disarmament and demobilization. Relying on information from an IRIN report, the UK Home Office reported at the time;

> **2.8** On 28 October 2004, IRIN reported that the rebel movement declared a state of emergency. "Disarmament is no longer a live issue, because the war isn't over yet. It is going to resume shortly," rebel leader Guillaume Soro told a press conference in Bouake, the rebel capital. He said the New Forces rebel movement had ordered its seven ministers in the unity government to return to Bouake immediately for consultations. Colonel Soumaila Bakayoko,

the rebel military commander meanwhile announced the imposition of a state of emergency and a curfew in all rebel-controlled areas. Following the discovery of a large consignment of weapons and ammunition hidden in a commercial truck entering Bouake on 26 October 2004, "all vehicles would be searched as they entered the rebel zone, including UN vehicles and the vehicles of humanitarian organisations", he added. **[1d]** (UK Home Office 2004, *Country Information Bulletin – Ivory Coast*, November - Attachment 3).

A few days later, on the 4th November, the army commenced attacks on a number of northern cities;

> On November 4, 2004, despite considerable political investment by the United Nations, France and the African Union to bring about a negotiated settlement to the conflict, President Gbagbo's government launched bombing raids on rebels in the north, shattering an 18-month-long cease-fire. French and UNOCI forces did not respond to the attacks until nine French soldiers were killed in an air attack on Bouaké on November 6, 2004. French aircraft immediately destroyed two Ivorian Sukhoi 25 fighter-bombers, the kernel of the country's tiny air force, on the ground at Yamoussoukro, the political capital of Côte d'Ivoire, in retaliation.
>
> The French attack against the Ivorian Air Force triggered a stream of invective against France and foreigners from Ivorian state broadcasters and pro-government newspapers which urged "patriots" to take to the streets to defend the nation. French homes, businesses and institutions were looted and torched prompting the biggest evacuation of foreigners in the country's post-colonial history. Some 8,000 people from 63 countries left Côte d'Ivoire in November 2004 (Human Rights Watch 2005, *Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire,* 3 May - Attachment 2).

A report published by Voice of America on 6th November 2004 specifically referred to Danane as having been one of the cities which had seen substantial army movement during "Operation Dignity";

> The two Ivorian military planes that are now destroyed had been carrying out raids since Thursday, seeking to disarm rebels, who have been in control of northern Ivory Coast since September 2002. The Ivorian military said the air raid on the French base was a mistake.
>
> Saturday, there were also reports of clashes between the military and rebels, and troop movements across front lines near the western city of Danane.
>
> The rebels have refused to disarm, accusing President Gbagbo of blocking implementation of key political reforms included in repeated peace deals since January 2003.
>
> More than 10,000 French and United Nations peacekeepers are on the ground, trying to prevent the renewed start of all-out civil war ('Ivory Coast military fires on French Troops' *Voice of America*, 6 November, http://www.voanews.com/english/archive/2004-11/French-Troops-in-IvoryAttachment 4-06 - Accessed 6 August 2009 – Attachment 4).

Another report on 7 November 2004 provided further information;

> Rebel officials said government troops had moved into the confidence zone and were at Sakasso, a town 40km south of the main rebel base of Bouake. Ivorian military sources said their forces were only 10km from Bouake.
>
> The UN in Ivory Coast said it had no information about the army crossing into the confidence zone.

Aid workers in the rebel-held western town of Danane, 27km from the border with Liberia, said they feared an imminent attack.

"They have got through the confidence zone near Danane to attack us. We are pushing them back now," said Sidiki Konate, spokesman for the rebel New Forces.

In the north-western town of Man 1,000 protesters hurled petrol bombs at French forces, venting anger at what they saw as France's slowness to intervene to stop the government offensive.

French Defence Minister Michele Alliot-Marie said yesterday the United Nations may beef up the mandate of the peacekeeping troops to prevent fighting between government forces and rebels.

"The secretary general will be left with no choice but to give the forces specific rules of engagement that will allow them to deal with the situation," UN spokesman in Abidjan Jean-Victor Nkolo said.

The air raids have so far targeted Bouake and at least three towns to the east and west. The United Nations said 20 civilians and two rebels were killed in yesterday's strikes alone ('Ivory Coast army kills eight French soldiers' 2004, *The Age* [source: Reuters], 7 November, http://www.theage.com.au/articles/2004/11/07/1099781230121.html?from=storylhs# - Accessed 25 August 2009 - Attachment 5).

The US Department of State included the following summary in its annual report on human rights practices for 2004:

On November 4, the army carried out "Operation Dignity" and mounted surprise attacks on Bouake, stronghold of the NF and the largest city in the north, thus shattering an 18-month ceasefire. The Government cut off electricity and water supplies to the north the day before the attacks. They remained off for about a week.

In Abidjan, loyalist mobs attacked unarmed U.N. personnel and burned two of their vehicles. Crowds also attacked the offices of at least three opposition newspapers, as well as the headquarters of the two main opposition parties and the homes of several senior opposition party members (see Sections 1.c. and 2.a.). On November 6, Licorne peacekeeping troops destroyed most of the air force on the ground in retaliation for a bombing of the French military base in Bouake, which left nine French peacekeepers and one foreign citizen dead. Serious unrest began in Abidjan and hate messages broadcast on state radio and television by the leaders of the FPI and the leaders of the Young Patriots fomented anti-French feeling. Thousands of irate citizens took to the streets, attacked homes, businesses, and schools of French citizens, other expatriates, and some citizens in Abidjan and elsewhere. More than 8,000 French and several thousand non-French expatriates fled the country.

French troops moved into the city to secure major junctions, the bridges, the airport as well as the Hotel du Golf and the Hotel Ivoire where many French persons and opposition leaders and ministers had taken refuge. The French troops fired on several occasions, killing over 57 civilians and military personnel and injuring more than 1,300. In the rebel-controlled north, according to the NF, more than 80 civilians were killed during the bombings in November (US Department of State 2005, *Country Reports on Human Rights Practices for 2004 - Cote d'Ivoire*, March, Section 1g - Attachment 6).

Later that month it was reported that many refugees who had been displaced during fighting in preceding weeks were already returning home from Liberia;

> While the influx into Liberia has ground to a halt, the UN High Commissioner for Refugees (UNHCR) and its partners continue to monitor and to provide assistance in the border areas. Last week the agency estimated that 19,000 Ivorians had fled the recent violence into Liberia, itself recovering from 14 years of civil war and violent anarchy.
>
> In the western part of the country, UN peacekeepers recovered and then destroyed a cache of arms and ammunition in a church at Danane ('Cote d'Ivoire: Tension ease in latest Côte d'Ivoire Violence, Some Refugees Return – UN' 2004, *All Africa* [source: UN News Service], 29 November, http://allafrica.com/stories/200411291058.html - Accessed 24 August 2009 – Attachment 7).

2. Is there any evidence of a usual practice, or a recognised custom, in the culture of either Ivory Coast or Guinea involving adoption of a niece by an uncle (in circumstances where the niece's mother is deceased)?
3. Please provide advice on whether formal adoption is available in Guinea and Ivory Coast, and the processes involved.

On 7th August 2009, questions 2-5 were referred to DFAT, however due to the current country situation, it was not possible for DFAT to obtain answers and a report was received to this effect on 18th December 2009 (Department of Foreign Affairs and Trade 2009, *DFAT Report 1087 RRT Information Request: GIN35316*, 18 December – Attachment 12).

> Post regrets it has been unable to obtain any information from Canadian officials in Côte d'Ivoire and Guinea pursuant to Migration Review Tribunal (MRT) request GIN35316. Canada is represented by an honorary consul in Conakry (Guinea). Post approached the honorary consul in September for assistance with this request. However in view of the extremely precarious situation in Guinea (DFAT notes that France and the UK have advised their citizens to leave the country, while DFAT's current advice is at the highest level of 'do not travel'), the honorary consul has been unable to provide Post with a response. We note there was a military coup in Guinea in late 2008, and in September 2009 the military shot over 150 civilians who were demonstrating against the regime. Most recently, an assassination attempt was made upon Guinea's military leader Captain Dadis Camara. Logistically it is very challenging to get information out of the country (even phone lines are unreliable), so Post's opportunities to access on the ground information are extremely limited.

Some very limited information concerning adoption in each of the two countries was found.

Guinea

According to a US State Department summary last updated in 2008, there were two types of adoption in Guinea – "simple and pleniere, or full adoption. Simple adoption, which transfers legal guardianship, does not sever the bonds between the adopted child and his/her birth family, and is revocable." (US Department of State 2008, 'Guinea – Country Information', July, http://adoption.state.gov/country/guinea.html
- Accessed 20 August 2009 - Attachment 13).

In a UN Committee on the Rights of the Child report published in 1997 Guinea provided information relating to adoption:

G. Adoption

85. This is also one of the measures for the protection of children. Adoption is a form of placement requiring a receptive family environment for the child which must be complemented by protection and appropriate special help by the State. Efforts were made to regulate adoptions in the Republic of Guinea well before the ratification of the Convention on the Rights of the Child. The Guinean Civil Code in its articles 381 to 394 has foreseen provisions for adoption. It provides for perfect adoption and simple adoption.

86. In practice and traditionally, custom allows that a child without a parent be entrusted to a member of the family or a friend of the family. The latter has the responsibility for caring for it as if it were his own child, and providing for its material and social needs. After ratification of the Convention on the Rights of the Child, additional efforts must be made by the State to complete Guinean legislation in the matter especially in the follow-up of adopted children. Our legislation favours transnational adoption. But the policy is that national adoption is the priority and transnational adoption is only done in the higher interest of the child by the competent services.

…

Periodic review of placement

89. There has been no law, decree or order fixing the periodicity of the placement. But in practice, the National Directorate for the Promotion of Children makes unscheduled domiciliary visits to the families with which partnership has been established. Registers are created for this purpose for the identification of the children and families that give moral guarantees by undertaking to care for the children taken in as good family fathers and mothers. Proofs of identity are required to benefit from placement. After a period for observation and social inquiry which may last from 3 to 6 months, a decision is taken by the territorially competent court whether or not to entrust guardianship of the child to the family requesting it. In any case, a name must be given to the child. The procedure terminates with simple or perfect adoption before the courts. A copy of every adoption decision is filed in the individual child's dossier kept at the Directorate for the Promotion of Children (United Nations Convention on the Rights of the Child 1997, *Examination of Reports Presented by States Parties in Conformity with Article 44 of the Convention,* Section IV G. para 85-86; 89; http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.48.En?OpenDocument – Accessed 22 December 2009 – Attachment 14).

Ivory Coast

Very limited information was found on this subject – it appears as though the Civil Code would provide information on the adoption law in the country, which I had anticipated DFAT would refer to (this was on the basis of preliminary research at the time of request and without access to either a French or English version). The Francophone countries including e.g. Senegal seem to have formal and customary systems with the latter still appearing to survive. There is definitely a strong practice of sending children to live with other families in West African countries – something still occurring in emigrants to UK today. Esther Goody wrote in ~ 1984 that 'the sending of children to grow up with others is very widespread in traditional West African societies and is still current today'. She discussed practices amongst various societies, including e.g. Mossi, Hausa, Gonja, etc. (See 'Parental strategies: calculation or sentiment?'' fostering practices among West Africans' in Medick, Hans & Sabean, David Warren, *Interest and Emotion*, CUP, 1984, p. 267).

An information summary published by the reunite International Child Abduction Centre in July 2005 included the following information on custody:

> **Custody and Guardianship**
> The provisions related to parental authority and guardianship of children are contained in law 70-483 of 1970 on Minority. Parental authority is exercised over individuals who are under the age of 21. Majority can be attained earlier upon marriage. Parental authority consists of the rights and duties of a mother and father regarding their minor children. During marriage this authority is exercised by the father in his role as head of the family. In the absence of a judicial order to the contrary, the mother can exercise this authority if the father has lost his right to parental authority, if he is absent, or if the father gives up this right voluntarily. In the event of divorce or separation, parental authority is exercised by the parent who has been granted custody according to the best interests of the child. If one of the parents is deceased the surviving parent exercises parental authority. In all cases, if it is in the best interests of the child, custody can be exercised by a third person other than a parent.
> Parental authority of children born outside marriage is exercised by the mother if the child has the mother's name and was not recognised by the father during the first year after the birth of the child, otherwise it is exercised by the father (Reunite International Child Abduction Centre 2005, *Ivory Coast*, http://www.reunite.org/pages/ivory_coast.asp - Accessed 22 December 2009 - Attachment 15).

4. Please provide information on the practice in Guinea with regard to the recording of deaths.
5. Do the authorities in Guinea issue death certificates in relation to deaths in the country?

Limited information was found on this subject. According to the World Health Organisation, the registration coverage of deaths in Guinea in 2005 was less than 25% (World Health Organisation 2009, 'Core Health Indicators 2008 - Guinea' http://apps.who.int/whosis/database/core/core_select_process.cfm - Accessed 19 August 2009 – Attachment 8). Vital event statistics for Sub-Saharan African countries generally, especially death registration, are not reliable due to the lack of established systems as has been pointed out frequently (e.g. Mathers, Colin D. et al, 2005, 'Counting the dead and what they died from: an assessment of the global status of cause of death data', *Bulletin of the World Health Organisation*, Vol. 83, 3, March - http://www.who.int/bulletin/volumes/83/3/en/ - Accessed 21 August 2009 - Attachment 9; Rao, Chalapati, Bradshaw, Debbie & Mathers, Colin D., 2004, 'Improving death registration and statistics in developing countries: Lessons from sub-Saharan Africa', *Southern African Journal of Demography*, Vol. 9, No. 2, http://www.commerce.uct.ac.za/Organisations/Demography/SA_Journal_of_Demography/archives.asp - Accessed 18 June 2009 - Attachment 10).

In a 1997 article on the incidence and types of cancer in Conakry, Guinea, the lack of death registration data was also observed:

Death certificates are not used as a source of information: only deaths occurring in hospital are certified, and no system of death registration currently exists (Koulibaly, Moussa, et al., 'Cancer incidence in Conakry, Guinea: First results from the cancer registry 1992-1995' 1997, *International Journal of Cancer*, Vol. 70, p. 39, http://www3.interscience.wiley.com/journal/41611/abstract?CRETRY=1&SRETRY=0 - Accessed 20 August 2009 - Attachment 11).

List of Sources Consulted

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Immigration & Refugee Board of Canada http://www.irb-cisr.gc.ca/
UK Home Office http://www.homeoffice.gov.uk/
US Department of State http://www.state.gov/
Non Government Sources
UNHCR Refworld http://www.refworldorg
European Country of Origin Information http://www.ecoi.net
International Crisis Group http://www.crisisgroup.org/home/index.cfm?l=1
Region Specific Links
All Africa.com http://allafrica.com
Search Engines
Hakia http://www.hakia.com
Webcrawler http://www.webcrawler.com
Google Scholar http://www.googlescholar.com
Copernic search engine
Databases:
FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
University of Melbourne Library

List of Attachments

1. UN Map No. 4312 2009, Cote D'Ivoire June. (REFINFO)

2. Human Rights Watch 2005, *Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire,* 3 May. (REFINFO)

3. UK Home Office 2004, *Country Information Bulletin – Ivory Coast*, November.

4. 'Ivory Coast military fires on French Troops' *Voice of America*, 6 November, http://www.voanews.com/english/archive/2004-11/French-Troops-in-Ivory-Coast-Retaliate-Against-Army-After-Attack.cfm?moddate=2004-11-06 - Accessed 6 August 2009.

5. 'Ivory Coast army kills eight French soldiers' 2004, *The Age* [source: Reuters], 7 November,

http://www.theage.com.au/articles/2004/11/07/1099781230121.html?from=storylhs# - Accessed 25 August 2009.

6.   US Department of State 2005, *Country Reports on Human Rights Practices for 2004 - Cote d'Ivoire*, March.

7.   'Cote d'Ivoire: Tension ease in latest Côte d'Ivoire Violence, Some Refugees Return – UN' 2004, *All Africa* [source: UN News Service], 29 November, http://allafrica.com/stories/200411291058.html - Accessed 24 August 2009. .

8.   World Health Organisation 2009, 'Core Health Indicators 2008 - Guinea' http://apps.who.int/whosis/database/core/core_select_process.cfm - Accessed 19 August 2009.

9.   Mathers, Colin D. et al, 'Counting the dead and what they died from: an assessment of the global status of cause of death data' 2005, *Bulletin of the World Health Organisation*, Vol. 83, 3, March - http://www.who.int/bulletin/volumes/83/3/en/ - Accessed 21 August 2009.

10.   Rao, Chalapati, Bradshaw, Debbie & Mathers, Colin D., 2004, 'Improving death registration and statistics in developing countries: Lessons from sub-Saharan Africa', *Southern African Journal of Demography*, Vol. 9, No. 2, pp, 85, 87, http://www.commerce.uct.ac.za/Organisations/Demography/SA_Journal_of_Demography/archives.asp - Accessed 18 June 2009.

11.   Koulibaly, Moussa, et al., 'Cancer incidence in Conakry, Guinea: First results from the cancer registry 1992-1995' 1997, *International Journal of Cancer*, Vol. 70, p. 39, http://www3.interscience.wiley.com/journal/41611/abstract?CRETRY=1&SRETRY=0 - Accessed 20 August 2009.

12.   Department of Foreign Affairs and Trade 2009, *DFAT Report 1087 RRT Information Request: GIN35316*, 18 December.

13.   US Department of State 2008, 'Guinea – Country Information', July, http://adoption.state.gov/country/guinea.html - Accessed 20 August 2009

14.   United Nations Convention on the Rights of the Child 1997, *Examination of Reports Presented by States Parties in Conformity with Article 44 of the Convention,* Section IV G. para 85-86; 89; http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.48.En?OpenDocument – Accessed 22 December 2009.

15.   Reunite International Child Abduction Centre 2005, *Ivory Coast*, http://www.reunite.org/pages/ivory_coast.asp - Accessed 22 December 2009.