



COI QUERY

Country of Origin	GUINEA
Main subject	<u>Forced marriage</u>
Question(s)	<ol style="list-style-type: none">1. <u>Prevalence of forced marriage (2019-2021)</u>2. <u>Legislation on forced marriage and response by the state</u>
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COI QUERY RESPONSE – GUINEA

Forced marriage

1. Prevalence of forced marriage (2019-2021)

Based on the latest 2016 Multiple Indicator Cluster Surveys (MICS) conducted by the Guinean National Institute of Statistics and UNICEF, 21.1 % of women in Guinea are married before the age of 15, and 54.6 % are married before the age of 18.¹ Although, no official statistics on the prevalence of forced marriage in Guinea could be found, sources reported that the number of early/forced marriages in Guinea is one of the highest in sub-Saharan Africa, with a prevalence rate of nearly 63 %.² Despite being prohibited by law, early and forced marriages remained common practice during the reporting period.³

The level of poverty of a girl's family and the risk of pregnancy outside marriage, which would induce dishonour to the family, are mentioned as some of the factors that contribute to prevalence of early marriage in Guinea.⁴ According to Guinea's 2019 National Report submitted to the United Nations (UN) Human Rights Council for the Universal Periodic Review (UPR), 'more than one fifth of all girls in rural areas are married before the age of 15 and more than half are married before the age of 18. This exposes girls to violence and abuse, prevents them from leading their lives as they wish and considerably reduces their chance of a better future'.⁵

According to the 2019 Summary of Stakeholders' submissions to the UN Human Rights Council for the UPR, four Guinean non-governmental organisations⁶ noted that 'the retention rate of girls in school remained low on account of early and/or forced marriage and girls being used to perform domestic tasks (i.e. cooking, sale of food)'.⁷

USDOS noted that in 2019 a total of 232 communities abandoned the practice of child marriage. The same source reported that since January 2020 an additional 66 villages declared that they have abandoned the practice of child marriage'.⁸

With regards to the possibility by girls of refusing forced marriage, a 2019 article by Podcast Journal indicated that 'in the event of opposition to the parental choice, a girl inflicts humiliation on her

¹ Guinea, Institut National de la Statistique de Guinée (INS) MEASURE DHS- ICF International Enquête Démographique et de Santé et à Indicateurs Multiples (EDS-MICS-IV)- Guinée 2016, July 2017, [url](#) p. xi

² Statista, Society: Demographics: Countries with the highest share of married girls 2021, April 2021, [url](#); Le Monde, "Stop violence against women": the cry of resistance from an 18-year-old Guinean 9 April 2018, [url](#); Plan International, Le Club Des Jeunes Filles Leaders De Guinée Se Bat Contre Les Mariages Forcés, 28 August 2018, [url](#)

³ Freedom House, Freedom in the World 2021 - Guinea, 3 March 2021, [url](#); Freedom House, Freedom in the World 2020 - Guinea, 4 March 2020, [url](#); USDOS, 2019 Country Report on Human Rights Practices 2019 - Guinea, 11 March 2020, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Guinea, 30 March 2021, [url](#)

⁴ Le Podcast Journal, Les mariages précoces et forcés des filles/femmes en Guinée, last updated 2 August 2019, (Informal translation by EASO), [url](#); France, OFPRA, Rapport de mission en Guinée, 2018, (Informal translation by EASO), [url](#)

⁵ UNGA, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21-Guinea, 11 November 2019, [url](#), para. 62

⁶ Joint Submission 7: WAFRICA Guinée, Tostan, Korassy pour l'autonomisation des femmes en Guinée (KAFEG) and Coalition nationale pour le droit et la citoyenneté des femmes (CONAG DCF) see UNGA, Summary of Stakeholders' submissions on Guinea, 5 November 2019, [url](#), p. 9

⁷ UNGA, Summary of Stakeholders' submissions on Guinea, 5 November 2019, [url](#), para. 40

⁸ USDOS, 2020 Country Reports on Human Rights Practices: Guinea, 30 March 2021, [url](#)

parents for the bad manners they provided her with. Thus, many girls accept their parents' choice so as not to dishonor the family'.⁹

2. Legislation on forced marriage and response by the state

Guinea has ratified the UN Convention on the Elimination of All Forms of discrimination against women (CEDAW) on 9 August 1982, the UN Convention on the Rights of the Child (CRC) on 13 July 1990,¹⁰ the African Charter on the Rights and Welfare of the Child on 21 January 2000,¹¹ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of women in Africa (Maputo Protocol) 16 April 2012.¹²

The new penal code adopted in 2016 sets the legal age for marriage at 18 and criminalises early and forced marriage (Articles 319 – 322),¹³ 'with aggravating circumstances when the child involved was under a certain age'.¹⁴ However, the USODS noted that 'ambiguity remains' as the new Penal Code 'refers to customary marriages for minors',¹⁵ under the condition that both their parents or their legal guardian have consented to their marriage.¹⁶ In its 2019 Concluding Observations on Guinea, the UN Committee on the Rights of the Child (CRC) urged the state to 'expeditiously amend its legislation to remove all exceptions that allow marriage under the age of 18 years, in line with the Convention and with the African Charter on the Rights and Welfare of the Child'.¹⁷

Additionally, the new Civil Code of 2019 also sets the minimum legal age for marriage at 18 for both girls and boys (Civil Code, Art. 241).¹⁸ Forced marriage is prohibited under the Civil Code (Civil Code, Art. 281-283).¹⁹

In 2009, the Guinean government set up a National Office for the Protection of Gender, Childhood and Morals (OPRGEM) under the Ministry of Security.²⁰ According to the Guinean government:

'The Office [OPRGEM] is a specialized police unit responsible for investigating crimes committed against children and women and compiling the related statistics. Its mission is primarily to crack down on domestic violence, trafficking, rape, abduction, female genital mutilation and forced marriage. The Office provides legal and psychological support to

⁹ Le Podcast Journal, Les mariages précoces et forcés des filles/femmes en Guinée, last updated 2 August 2019, (Informal translation by EASO), [url](#); For more information on this topic, see also: Canada, IRB, Guinea: Single women without family support; their ability to live on their own and find housing and employment without requiring a man's approval (2013-March 2015), 24 April 2015, [url](#)

¹⁰ UN Treaty Body Database, Guinea, n.d., [url](#)

¹¹ ACHPR, Ratification Table: African Charter on the Rights and Welfare of the Child, Guinea, n.d., [url](#)

¹² ACHPR, Status List: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 16 October 2019, [url](#)

¹³ AI, Guinea: Red flags ahead of the 2020 Presidential Election, November 2019, [url](#); Freedom House, Freedom in the World 2021 - Guinea, 3 March 2021, [url](#); Freedom House, Freedom in the World 2020 - Guinea, 4 March 2020, [url](#); Republique de Guinea, Penal Code, 26 October 2016, [url](#)

¹⁴ UNGA, Report of the Working Group on the Universal Periodic Review-Guinea, 24 March 2020, [url](#), para. 112

¹⁵ USDOS, 2020 Country Reports on Human Rights Practices: Guinea, 30 March 2021, [url](#)

¹⁶ AI, Guinea: Red flags ahead of the 2020 Presidential Election, November 2019, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Guinea, 30 March 2021, [url](#)

¹⁷ UN CRC, Concluding observations on the combined third to sixth periodic reports of Guinea, 28 February 2019, [url](#), para. 16

¹⁸ UNGA, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21- Guinea, 11 November 2019, [url](#), para. 63; Republique de Guinea, Code civil de la République de Guinée in Journal officiel de la République, 5 September 2019, [url](#)

¹⁹ OECD and SIGI, Guinea, December 2018, [url](#), p. 2; Republique de Guinea, Code civil de la République de Guinée in Journal officiel de la République, 5 September 2019, [url](#)

²⁰ UN Women, Global Database on Violence against Women, n.d., [url](#)

victims and refers them to agencies that can provide them with the care and rehabilitation they need.’

The same source reported that between 2016 and 2017 the OPRGEM had dealt with 23 cases of forced marriage.²¹ No other sources could be found to corroborate this information.

In a May 2018 report on forced marriage in Guinea, the German Section of Amnesty International (AI) noted that, by that time, ‘not a single case is known in which a forced marriage was punished under criminal law’.²²

In its report published in March 2020, Freedom House also noted that ‘women face pervasive societal discrimination and disadvantages in both the formal and traditional justice systems’.²³

In a March 2021 report, USDOS noted that the Ministry of Social Action for the Promotion of Women and Children ‘developed and began to implement a national strategy for the 2020-24 period to promote the abandonment of child marriage’.²⁴

²¹ UN Human Rights Committee, List of issues in relation to the third periodic report of Guinea, Replies of Guinea to the list of issues, 26 September 2018, [url](#), para. 55

²² AI, Auskunft über Zwangsverheiratung in Guinea, 29 May 2018, (Informal translation by EASO), [url](#), p. 2

²³ Freedom House, Freedom in the World 2020 - Guinea, 4 March 2020, [url](#)

²⁴ USDOS, 2020 Country Reports on Human Rights Practices: Guinea, 30 March 2021, [url](#)

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