



## COI QUERY

<b>Country of Origin</b>	<b>GUINEA</b>
<b>Title</b>	<b>Forced marriage</b>
<b>Reference period</b>	January 2021 to 26 June 2024
<b>Topic(s)</b>	<ol style="list-style-type: none"><li>1. <a href="#">Prevalence</a></li><li>2. <a href="#">Legislation</a></li><li>3. <a href="#">Possibility to refuse</a></li><li>4. <a href="#">State protection</a></li><li>5. <a href="#">Support services</a></li></ol>
<b>Date of completion</b>	27 June 2024
<b>Query Code</b>	Q38-2024
<b>Contributing EU+ COI units (if applicable)</b>	N/A

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## COI QUERY RESPONSE – Guinea

### Forced marriage

#### 1. Prevalence

Guinea ranked 182 out of 191 countries featured in the United Nations Development Programme (UNDP) 2023 Gender Social Norms Index (GSNI),<sup>1</sup> which was based on compilation of data, as of 12 January 2023.<sup>2</sup>

Various sources reported that early and forced marriages were common in Guinea.<sup>3</sup> In a country fact sheet published in December 2022, the International Organization for Migration (IOM) noted that '[s]everal customs and practices justify and perpetuate discrimination and violence against children and women, such as early and forced marriage'.<sup>4</sup>

In a November 2023 joint report by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and the Federal Office for Migration and Refugees of Germany (BAMF), it was noted that levirate marriages (marriage of a widow to her brother-in-law) or sororate marriages (marriage of a widower to his sister-in-law), as forms of forced marriage, remained 'practiced in Guinea' especially in rural areas.<sup>5</sup>

Furthermore, the United Nations Children's Fund (UNICEF) in its Country Office Annual Report on Guinea for 2023 also noted that 'Guinea struggles with rampant gender inequality, amid customary and religious practices such as child marriage', which was described as 'concerningly widespread'.<sup>6</sup>

According to the 2018 Demographic and Health Survey by the National Institute of Statistics of Guinea (Institut National de la Statistique de Guinée – INS), the percentage of women, aged 20-24 years, married or in union before age 15 was 17 %, while the percentage of women (aged 20-24 years) married or in union before age 18 was 46,5 %.<sup>7</sup>

The Global Partnership to End Violence Against Children, a global entity launched in 2016 by the UN Secretary-General focused on ending all forms of violence against children, noted in a

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<sup>1</sup> The Gender Social Norms Index (GSNI) is a report that 'quantifies biases against women, capturing people's attitudes on women's roles along four key dimensions: political, educational, economic and physical integrity'. See: UNDP, 2023 Gender Social Norms Index (GSNI), n.d., [url](#)

<sup>2</sup> UNDP, 2023 Gender Social Norms Index (GSNI), 12 June 2023, [url](#), p. 38

<sup>3</sup> France, OFPRA, Germany, BAMF, Guinea: Sororate and levirate marriage, 2 November 2023, [url](#), p. 11; Marry on chain, Everything you need to know about marriage in Guinea, 17 June 2023, [url](#); PinkNews, Asexual woman fled home over forced marriage and 'corrective rape' threats, 6 April 2023, [url](#); Freedom House: Freedom in the World 2023 - Guinea, 2023, [url](#); CESCR, Concluding observations on the initial report of Guinea, 30 March 2020, [url](#), para. 33

<sup>4</sup> IOM, Guinea: Country Fact Sheet 2022, December 2022, [url](#), p. 6

<sup>5</sup> France, OFPRA, Germany, BAMF, Guinea: Sororate and levirate marriage, 2 November 2023, [url](#), p. 2

<sup>6</sup> UNICEF, Country Office Annual Report 2023: Guinea, [url](#), p. 2

<sup>7</sup> Guinea, INS, République de Guinée : Enquête Démographique et de Santé 2018, Juillet 2019, [url](#), p. xxxv



publication in July 2021 that ‘one in three girls are forced to marry before the age of 18’.<sup>8</sup> However, UNICEF in its 2022 annual country report on Guinea regarding child marriage indicated that ‘nearly one in two girls is married before age 18’ in Guinea.<sup>9</sup>

Moreover, according to a report by UNICEF, published in April 2023, the percentage of girls married by age 18 during the period 2015 – 2021 was 47 %.<sup>10</sup> According to an article by France Télévisions, a French television and radio broadcaster, published in May 2023, the marriage of underage girls [informal translation] ‘remains a deeply rooted practice in Guinean society’, while [informal translation] ‘63% of married women aged 20 to 24 were married before the age of 18’.<sup>11</sup>

Additional information on the topic of forced marriage in Guinea within the reference period 2019 - 2021 can be found in the EUAA (formerly the European Asylum Support Office, EASO) query response [on forced marriage](#), published on 10 December 2021.

## 2. Legislation

Guinea has ratified the United Nations (UN) Convention on the Elimination of All Forms of discrimination against women (CEDAW) in 1982,<sup>12</sup> the UN Convention on the Rights of the Child (CRC) in 1990,<sup>13</sup> as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of women in Africa (Maputo Protocol) in 2012,<sup>14</sup> and the African Charter on the Rights and Welfare of the Child in 1999.<sup>15</sup>

According to a February 2022 report published by the French NGO, Avocats Sans Frontières (ASF) France, Guinea [informal translation] ‘has strengthened its legal provisions in the fight against [...] early marriage with the revision of the Penal Code in 2016, the Civil Code in 2019 and the Children's Code in 2020’.<sup>16</sup> According to the same source, these legal reforms introduced, among other provisions, the formal prohibition of forced and child marriage.<sup>17</sup> The Global Partnership to End Violence Against Children also noted in a publication in July 2021 that ‘Guinea has strengthened national legislation to end violence against children, creating numerous sectoral action plans and community awareness campaigns to combat the issue. This includes the National Strategic Plan for the Promotion of the Abandonment of Child Marriages’.<sup>18</sup>

Similarly, the November 2023 joint report by the OFPRA and BAMF concerning the practices of sororate and levirate marriage in Guinea, noted that ‘during Alpha Condé’s presidential

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<sup>8</sup> Global Partnership to End Violence Against Children, Guinea becomes a Pathfinding country, 7 July 2021, [url](#)

<sup>9</sup> UNICEF, Country Office Annual Report 2022 Guinea, n.d., [url](#), p. 2

<sup>10</sup> UNICEF, The State of the World’s Children 2023, April 2023, [url](#), p. 180

<sup>11</sup> France Télévisions, "96% des jeunes filles sont excisées ici" : le Prix Liberté récompense une association qui lutte contre les mariages forcés et les mutilations, 30 May 2023, [url](#)

<sup>12</sup> UN Treaty Body Database, Guinea, n.d., [url](#)

<sup>13</sup> UN Treaty Body Database, Guinea, n.d., [url](#)

<sup>14</sup> AU, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 19 September 2023, [url](#)

<sup>15</sup> ACERWC, Ratifications Table, n.d., [url](#)

<sup>16</sup> ASF France, Les droits des femmes en Guinée à l’aune de la transition politique, 25 February 2022, [url](#), pp. 21 – 22

<sup>17</sup> ASF France, Les droits des femmes en Guinée à l’aune de la transition politique, 25 February 2022, [url](#), p. 22

<sup>18</sup> Global Partnership to End Violence Against Children, Guinea becomes a Pathfinding country, 7 July 2021, [url](#)



mandate, Guinean authorities launched significant legal reforms in order to bring in line national rules with international standards'.<sup>19</sup> The same source also noted that '[d]espite the efforts made to implement these reforms, forced marriage and other traditional harmful practices persist'.<sup>20</sup>

Following the military coup d'état on 5 September 2021 and the overthrow of the government by the National Committee of the Rally for Development (CNRD),<sup>21</sup> the military junta suspended the 2020 Constitution and adopted a Transition Charter in September 2021.<sup>22</sup> According to ASF France, the Transition Charter [informal translation] 'does not include any specific provisions for the promotion and protection of children's rights',<sup>23</sup> while it 'is silent on the prohibition of female genital mutilation and early/forced marriage of minors'.<sup>24</sup> Article 81 of the Transition Charter states that:

[informal translation] 'Unless expressly repealed, the provisions of the laws and regulations in force that are not contrary to this Charter remain fully applicable'.<sup>25</sup>

The USDOS annual report on human rights practices in Guinea, covering 2023, noted that despite the legal criminalization of early and forced marriage, '[a]mbiguity remained, however, because the law referred to customary marriages for children who received consent from both parents or a legal guardian'.<sup>26</sup>

The 2016 Law on the Penal Code of Guinea, in Section II, stipulated the following concerning forced and early marriage:

[informal translation]

'Article 319: Forced marriage and early marriage are strictly prohibited.

Early marriage is any marriage in which one of the parties is under 18 years of age.

All marriages must be concluded on the basis of the mutual, free and voluntary consent of each of the future spouses of opposite sexes, unless otherwise stipulated.

Article 320: Any person who, by any means whatsoever, forces a person to marry a partner whom she does not desire or before the age of 18, is punished with 3 months' to 1 year's imprisonment and a fine of 500,000 to 2,000,000 Guinean

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<sup>19</sup> France, OFPRA, Germany, BAMF, Guinea: Sororate and levirate marriage, 2 November 2023, [url](#), p. 9

<sup>20</sup> France, OFPRA, Germany, BAMF, Guinea: Sororate and levirate marriage, 2 November 2023, [url](#), p. 2

<sup>21</sup> AI, Amnesty International Report 2022/23, The State of the World's Human Rights; Guinea 2022, 27 March 2023, [url](#); Belgium, CEDOCA, COI Focus Guinée: La situation ethnique, 23 March 2023, [url](#), p. 4; International Crisis Group, Condé's Removal Clears the Way for Army to Regain Control of Guinea, 9 September 2021, [url](#)

<sup>22</sup> France, OFPRA, Germany, BAMF, Guinea: Sororate and levirate marriage, 2 November 2023, [url](#), p. 10; Freedom House: Freedom in the World 2023 - Guinea, 2023, [url](#)

<sup>23</sup> ASF France, La protection de l'enfance en Guinée à l'aune de la transition politique, 8 September 2022, [url](#), p.11

<sup>24</sup> ASF France, Les droits des femmes en Guinée à l'aune de la transition politique, 25 February 2022, [url](#), p. 21

<sup>25</sup> Guinea, Charte de la Transition, 27 September 2021, [url](#)

<sup>26</sup> USDOS, 2023 Country Report on Human Rights Practices: Guinea, 23 April 2024, [url](#)



francs [about EUR 54 to EUR 215] or one of these two penalties only, without prejudice to the payment of damages.

Article 321: Anyone who performs or attempts to perform a sexual act on a child under 16 years of age who has been forcibly married shall be punished by imprisonment for 2 to 5 years and a fine of 500,000 to 3,000,000 Guinean francs [about EUR 54 to EUR 323], or by one of these two penalties only, without prejudice to the payment of damages.

Article 322: Anyone who, in the case of the consummation of a marriage celebrated according to custom, performs or attempts to perform a sexual act on a child aged 16 years, shall be punished by 2 to 5 years' imprisonment and a fine of 500,000 to 3,000,000 Guinean francs [about EUR 54 to EUR 323], or by one of these two penalties only, without prejudice to the payment of damages and interest.

If this has resulted in serious injury or disability to the child, even temporary, or if the relations have resulted in the death of the child or if they have been accompanied by violence, the offender shall be sentenced to 10 to 20 years' imprisonment. [...]<sup>27</sup>

The 2019 Children's Code of Guinea<sup>28</sup> noted that:

[informal translation]

'Article 314: Boys and girls over eighteen years of age can enter into marriage.

However, the president of the court of the place of solemnization of the marriage may, after consultation with the public prosecutor, grant age exemptions by ordinance on legitimate grounds.<sup>29</sup>

The same law also stipulated the following concerning child marriage:

[informal translation]

'Article 829: Child marriage is strictly prohibited in the Republic of Guinea.

Any person who, by any means whatsoever, facilitates the marriage of a minor is liable to a prison sentence of 3 months to 1 year and a fine of 1,000,000 to 5,000,000 Guinean francs [about EUR 108 to EUR 538], or to one of these two penalties only.

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<sup>27</sup> Guinea, Loi N°2016/059/AN, Portant Code Pénal, 2016, [url](#)

<sup>28</sup> The Children's Code of Guinea was adopted in 2019 and promulgated and published in the Official Gazette in 2020. See: ASF France, La protection de l'enfance en Guinée à l'aune de la transition politique, 8 September 2022, [url](#), p. 2; End Corporal Punishment, Guinea prohibits all corporal punishment of children, 28 January 2021, [url](#)

<sup>29</sup> Guinea, Loi Ordinaire N° L/2019/0059/AN Portant Code de l'enfant de la République de Guinée, 2019, [url](#)



Article 830: Any civil registrar who has proceeded with the solemnization of the marriage of a child, in full knowledge of the facts, is liable to imprisonment of between 6 months and 2 years and a fine of between 500,000 and 2,000,000 Guinean francs [about EUR 54 to EUR 215], or to one of these two penalties only.

Article 831: Every person is obliged to inform the judicial or administrative authorities of any child marriage brought to their notice.

Failure to inform the judicial or administrative authorities shall constitute a criminal abstention and shall be punishable by 3 months' to 1 year's imprisonment and a fine of 200,000 to 1,000,000 Guinean francs [about EUR 21 to EUR 108], or one of these two penalties only.<sup>30</sup>

The 2019 Civil Code of Guinea also noted that:

[informal translation]

'Article 241: Boys and girls under the age of 18 may not enter into marriage.

However, the president of the court of the place of solemnization of the marriage may, after consultation with the public prosecutor, grant age exemptions by ordinance for serious reasons.

Article 242: Marriage requires the consent of the spouses. This consent must be free and not vitiated.<sup>31</sup>

Concerning marriage between natural ascendants and descendants, the Civil Code includes the following provision:

[informal translation]

'Article 247: Marriage is prohibited:

1. in direct line, between legitimate or natural ascendants and descendants and relatives in the same line
2. in collateral line, between legitimate or natural brothers and sisters, between uncle and niece, aunt and nephew.<sup>32</sup>

### 3. Possibility to refuse

Information on the possibility to refuse forced marriage, as well as the consequences of such refusal, in Guinea could not be found among the sources consulted by EUAA within time constraints of this query.

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<sup>30</sup> Guinea, Loi Ordinaire N° L/2019/0059/AN Portant Code de l'enfant de la République de Guinée, 2019, [url](#)

<sup>31</sup> Guinea, Loi Ordinaire L/2019/035/AN du 04 Juillet 2019, Portant Code Civil de la République de Guinée, 2019, [url](#)

<sup>32</sup> Guinea, Loi Ordinaire L/2019/035/AN du 04 Juillet 2019, Portant Code Civil de la République de Guinée, 2019, [url](#)



## 4. State protection

The African Women’s Development and Communication Network (FEMNET), a pan- African, feminist and membership-based network based in Nairobi, in a report published in September 2022, noted that based on Guinean cultural and traditional norms ‘domestic conflicts should be resolved within the family, so women subjected to a forced marriages will generally not seek legal protection’.<sup>33</sup> The same source also indicated that the judicial system ‘generally has weak response to such situations, and investigations of forced marriages (when complaints are filed) are handled poorly’, while it also noted that there has not been ‘a single conviction around forced marriage, largely because many judges do not consider claims seriously’.<sup>34</sup>

An August 2023 study published by the Ministry of posts, telecommunications and digital economy of Guinea, reported that ‘[h]armful practices, including child and forced marriages [...] persist and are rarely prosecuted’.<sup>35</sup>

According to an April 2022 report published by ASF France, disputes concerning forced marriages are frequently [informal translation] ‘settled through mediation or out-of-court settlements, due to the taboo associated with sexual violence, and therefore outside the scope of traditional criminal law’.<sup>36</sup>

According to data reported by ASF France, the Director General of the Office for the Protection of Gender, Childhood and Customs (Office de Protection du Genre, de l’Enfance, et des Mœurs – OPROGEM) reported that during 2021, 51 cases of early or forced marriage were collected, out of which 41 cases were referred, while all the victims identified were minors.<sup>37</sup>

According to the USDOS annual report on human rights practices in Guinea, covering 2022, the Guinean Young Girls Leaders Club (Le Club des Jeunes Filles Leaders de Guinee), an association campaigning for the rights of women and children in Guinea,<sup>38</sup> indicated that it recorded 50 child marriages during 2022, which constituted ‘a drop from previous years’ records’.<sup>39</sup>

Guineematin, a local media source, noted that according to the Director General of the Office for the Protection of Gender, Childhood and Customs (Office de Protection du Genre, de l’Enfance, et des Mœurs – OPROGEM) during 2023 throughout Guinea, and all the 33

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<sup>33</sup> FEMNET, Policy Brief – Guinea Conakry: Policies Inaction: Law reform, and behaviour change, November 2021, [url](#), p. 7

<sup>34</sup> FEMNET, Policy Brief – Guinea Conakry: Policies Inaction: Law reform, and behaviour change, November 2021, [url](#), p. 7

<sup>35</sup> Guinea, Ministère des postes, des telecommunications et de l’économie numérique, Projet régional d’intégration numérique en Afrique de l’ouest (Wardip – Guinee): Cadre de Gestion Environnementale et Sociale (CGES) – Rapport Final, August 2023, [url](#), p. 40

<sup>36</sup> ASF France, Accès à la justice et questions carcérales en Guinée à l’aune de la transition politique, April 2022, [url](#), p. 17

<sup>37</sup> ASF France, Les droits des femmes en Guinée à l’aune de la transition politique, 25 February 2022, [url](#), p. 23

<sup>38</sup> Club des Jeunes Filles Leaders de Guinee, About, n.d., [url](#)

<sup>39</sup> USDOS, 2022 Country Report on Human Rights Practices: Guinea, 20 March 2023, [url](#)



prefectures of the country, 19 cases of forced and early marriage were recorded, out of which 12 cases were referred.<sup>40</sup> According to the same source, the Director of OPROGEM also noted that, in collaboration with NGOs, as well as with the Ministry of Social Action, they have managed to cancel [informal translation] ‘a good number of forced and early marriages in the course of 2023’.<sup>41</sup>

## 5. Support services

Information on support services for women subjected to forced marriage in Guinea could not be found among the sources consulted by EUAA within time constraints of this query.

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<sup>40</sup> Guineematin, Bilan de l’OPROGEM en Guinée : en 2023, il y a eu 205 cas de viols, 43 cas d’enlèvements, 23 cas de séquestrations, 12 cas de mariages précoces..., 30 December 2023, [url](#)

<sup>41</sup> Guineematin, Bilan de l’OPROGEM en Guinée : en 2023, il y a eu 205 cas de viols, 43 cas d’enlèvements, 23 cas de séquestrations, 12 cas de mariages précoces..., 30 December 2023, [url](#)



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