Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

GIN105613.FE

Guinea: Requirements and procedure to obtain a birth certificate extract, including from abroad; information indicated on the document; incorrect or fraudulent birth certificate extracts (2009-September 2016)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Authorities Who Issue the Birth Certificate Extract

In a telephone interview with the Research Directorate, the President of the Association of Jurists for the Law (Association des juristes en action pour le droit, AJAD), an organization that promotes and raises awareness on the law in Guinea, stated that the civil status officer at the city hall in the applicant’s place of birth may issue a birth certificate extract (AJAD 10 Aug. 2016b). That same source stated that the city hall in the applicant’s place of birth holds the birth registry (ibid.).

In correspondence sent with the Research Directorate, a representative of the Guinean regional office of the National Democratic Institute (NDI), a non-profit organization working to promote democracy and good governance in developing countries (NDI n.d.), stated that the civil status service at city hall or at the sub-prefecture issues the birth certificate extract (ibid. 16 Aug. 2016a).

2. Information on the Birth Certificate Extract

The Guinean Civil Code (Code civil) states the following about the birth certificate extract:

[translation]
Article 183
...
Registry depositories must issue to all applicants indicated above [that is, the public prosecutor, the child, the direct ascendants and descendants, the spouse, the guardian or legal representative] extracts indicating, without additional information, the year, date, time and place of birth, and the gender and given names of the child; and the names, professions and residences of the father and mother, as stated on the birth certificate, and notes in the margins. (Guinea 1983)

Similarly, the NDI representative explained that the birth certificate extract is

[translation]
a document in A5 format, sometimes in A4, containing the child’s surnames, given names and place of birth, as well as their parents’ names, place of birth, profession and place of residence. (NDI 16 Aug. 2016a)
Further information on the format of the birth certificate extract could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, a representative of AJAD stated, without providing further details, that the birth certificate in Guinea contains a statement from the civil status officer, [translation] "information on the father," "information on the mother" and an AJAD signature (10 Aug. 2016a).

Articles 192 to 200 of the Guinean Civil Code, which concern birth certificates (and not birth certificate extracts), are attached to this Response.

3. Requirements and Procedure to Obtain a Birth Certificate Extract

The Guinean Civil Code states the following about individuals authorized to apply for a birth certificate extract:

[translation]

Article 183: Aside from the public prosecutor, the child, direct ascendants and descendants, the spouse, and the guardian or legal representative, no person, if they are a minor or incapacitated, may obtain a true copy of a birth certificate other than their own, without authorization issued at no cost by the president of the civil jurisdiction of the region where the certificate was received and upon written application by the person concerned. (Guinea 1983)

According to the AJAD President, in order to obtain a birth certificate extract, an individual must contact the city hall of their place of birth and, upon presentation of a piece of identity, apply for a duplicate of their birth certificate, also called an [translation] “element of civil status” in Guinea (AJAD 10 Aug. 2016b).

3.1 Auxiliary Ruling

A number of sources state that, in the absence of a birth certificate, the applicant must obtain an auxiliary ruling on the birth certificate (ibid.; UN 2015, para. 35; NDI 16 Aug. 2016a). The Guinean Civil Code states the following about this:

[translation]

Article 193: When a birth is not declared within the legal deadline, the civil status officer may not enter it into the registry without an auxiliary ruling rendered by the competent jurisdiction of the region in which the child was born, and a summary note is made in the margin at birth. If the place of birth is unknown, or if the action may not be carried out, the competent court is that of the applicant's home. (Guinea 1983)

According to the AJAD President, in order to obtain a birth certificate extract, an individual must contact the city hall of their place of birth and, upon presentation of a piece of identity, apply for a duplicate of their birth certificate, also called an [translation] “element of civil status” in Guinea (AJAD 10 Aug. 2016b).

According to the NDI representative, to obtain an auxiliary ruling on a birth certificate, [translation] the applicant must provide to the court of first instance a handwritten letter indicating their filiation, in particular, the surname, given names, profession and place of residence of their father and mother. Proof of identity for the applicant, required by the court of first instance, may include the family booklet, the military booklet or testimony of relatives. (NDI 16 Aug. 2016b)

The Guinean Civil Code states the following about the evidence to provide to register a birth with the civil registry when registers are missing:

[translation]
Article 184: When registers have not been created or they are lost, proof must be provided through certificates and witnesses and, in these cases, marriages, births and deaths may be proved through registries and documents from the deceased father and mother and by witnesses. (Guinea 1983)

Furthermore, according to the NDI representative, the auxiliary rulings are issued two or three weeks after the request, even earlier if the applicant submits to the court of first instance [translation] “a family booklet completed by the health structure that assisted in the birth” (NDI 16 Aug. 2016a). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Requirements and Procedure Abroad

According to the AJAD President,

[translation]

In order to apply for a birth extract from abroad, power of attorney may be given to someone so that they may apply for the birth extract in the municipality of the birth. It is not possible to obtain a birth extract in any other way from abroad. For example, an embassy is not legally authorized to issue a birth extract. (AJAD 10 Aug. 2016b)

According to that same source, the documents required to give power of attorney to someone are: a photocopy of the applicant’s piece of identification and a written declaration from the applicant authorizing the individual to request the birth extract (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Difficulties in Obtaining a Birth Certificate Extract

The US Department of State’s Country Reports on Human Rights Practices for 2015 indicates that, according to UNICEF, in 2015, the Guinean authorities registered only 41 percent of rural births compared with 77 percent of urban births (US 13 Apr. 2016, 23). The UN Committee on the Rights of the Child states in a 2013 report that it [UN English version] “is concerned that only a third of children are registered at birth” (UN 13 June 2013, para. 44).

According to a study published by UNICEF in March 2014 and cited by the same organization in a 2015 report, Guinea has more children without birth certificates than unregistered children (according to the study estimates, about 3.5 million and 2.5 million respectively in 2014) (ibid. 2015, para. 34). That same source states that, in Guinea, [UN English version] “to be registered without having a birth certificate is almost equal to not being registered at all” (ibid.). Country Reports 2015 states that authorities do not permit children without birth certificates to attend school or access health care (US 13 Apr. 2015, 23).

Sources state that the cost incurred to obtain a birth certificate, as well as the difficult access to registration centres due to their location, constitute obstacles to registering births in Guinea (US 13 Apr. 2016, 23; UN 13 June 2013, para. 44). Sources state also that among the obstacles to birth registration are births outside health structures because of the isolation of villages in relation to the health centres, the lack of qualified staff to fill out records in the villages (UN 2015, para. 35) and illiteracy (US 13 Apr. 2016, 23).

Furthermore, according to the President of AJAD, [translation] “in Guinea, archives are often defective and, in most cases, the city hall does not have the birth certificate” (AJAD 10 Aug. 2016b). Similarly, the UNICEF report mentions [UN English version] “serious concerns ... about ... the care taken in the archiving of records for permanent keeping” (UN 2015, para. 34).

5. Incorrect and Fraudulent Birth Certificate Extracts

In a report by the joint mission in Guinea, conducted in 2011, the Belgian Office of the Commissioner General for Refugees and Stateless Persons (Commissariat général aux réfugiés et aux apatrides, CGRA), the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides, OFPRA) and the Swiss Federal Office for Migration (Office fédéral des migrations, ODM) point out that there are [translation] “serious malfunctions” in the Guinean administration and therefore, a certain number of documents of civil status, “while authentic,” may contain “blatant anomalies” (Belgium, France and Switzerland Mar. 2012, 21). Similarly, the UNICEF report mentions [UN English version] “serious concerns both about the current quality of registration, as well as about errors in the filling out of forms (because of a lack of checks)” (UN 2015, para. 34).

In addition, the joint report of CGRA, of OFPRA and of ODM states the following about obtaining fraudulent civil status documents:
[The lack of material means affecting all government officials exposes civil status officers ... to corruption. Civil status documents ... may therefore, while authentic because they are regularly issued by the competent authorities, have been obtained fraudulently ....

...]

[The auxiliary rulings on birth registration are, altogether, deemed doubtful to the extent that they are issued "on demand," without any verification, only on the basis of the testimony of two people. ...]

The interlocutors unanimously stated that all of the documents, whether they are from justice, the police or they relate to civil status or identity, may be purchased in Guinea. (Belgium, France and Switzerland Mar. 2012, 21-22)

Similarly, according to the President of AJAD, [translation] "certain civil status documents are issued illegally" (AJAD 10 Aug. 2016b).

Moreover, the joint report of CGRA, of OFPRA and of ODM states the following about the counterfeit documents:

In addition to the [authentic documents obtained fraudulently], there are also documents that are simply false and circulate in very large quantities in the country. Many agencies specialize in this business in the capital. According to the lawyers, police officers, magistrates and diplomats met, all of the stamps, signatures and headers may be reproduced. (Belgium, France and Switzerland Mar. 2012, 22)

Similarly, an article published in February 2015 by the Guinean news portal Aminata reports that the ambassador of Guinea in France, urged his compatriots not to be [translation] "complicit in the forgery" of falsified documents, including falsified "birth extracts" (Aminata 24 Feb. 2015).

With respect to checking the authenticity of the documents, the following is indicated in the joint report of CGRA, of OFPRA and of ODM, which is based on an interview with individuals in charge at the civil status office in the Matoto commune in Conakry:

There is no or little possibility to check the authenticity or the regularity of the procedure for obtaining documents from the authorities. On the one hand, the registers, when they exist, are not computerised, and the archive system is non-existent or faulty. On the other hand, requests of this nature addressed to the various administrations involved often remain unanswered. (Belgium, France and Switzerland Mar. 2012, 23)

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.

**References**


Association des juristes en action pour le droit (AJAD). 10 August 2016a. Correspondence from a representative to the Research Directorate.

Association des juristes en action pour le droit (AJAD). 10 August 2016b. Telephone interview with the President.


**Additional Sources Consulted**

**Oral sources:** Coalition nationale de Guinée pour les droits et la citoyenneté des femmes; Guinea – Embassy in Ottawa; Ligue guinéenne des droits de l’homme; Mêmes droits pour tous.

**Internet sites, including:** ecoli.net; Factiva; Freedom House; UN – Refworld.

**Attachment**


Tips on how to use this search engine.