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Guinea: Protection, services and legal recourse available to women who are victims of domestic violence (2004 - February 2007)

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A 2004 report on the situation of women's rights in Guinea by Women, Law and Development in Africa (WiLDAF), an African regional network of organizations committed to the promotion of women's rights (WiLDAF 8 June 2005), identifies a number of ongoing practices that are harmful to women including physical and psychological violence, rape, sexual harassment and sexual exploitation (*ibid.* 17 Mar. 2004). Reporting on the situation of women one year later, both the United States (US) Department of State and Freedom House were more specific, describing occurrences of domestic violence in Guinea as "prevalent" (Freedom House 2006) and "common" (US 8 Mar. 2006, Sec. 5).

Although an original copy of the Guinean penal code could not be found by the Research Directorate within the time constraints of this Response, sources provide some information on its provisions with respect to domestic violence (WiLDAF 17 Mar. 2004; UN 27 Feb. 2003; US 8 Mar. 2006, Sec. 5). WiLDAF indicates that Articles 295 to 303 condemn all forms of violence against women (WiLDAF 17 Mar. 2004); however, the US Department of State points out that spousal abuse is not specifically addressed by the law (*ibid.*). Nevertheless, both Freedom House and *Afrol News* indicate that spousal abuse is a criminal offence (Freedom House 2006; *Afrol News* n.d) and that it constitutes grounds for divorce under civil law (*ibid.*). The US State Department suggests that domestic violence is addressed through the law's provisions against assault and premeditated assault, which carries a sentence of two to five years imprisonment and a financial penalty of between USD 22 and USD 66, and constituting grounds for divorce under civil law (US 8 Mar. 2006, Sec. 5). WiLDAF cites Article 303 of the Guinean penal code as an instance of provisions specifically prohibiting violence against women (17 Mar. 2004; see also Guinea 7 Sept. 2005, 13). According to WiLDAF, the penal code provides a jail sentence of two to five years and a fine for injuring a pregnant or nursing woman (17 Mar. 2004). Sexual violence is reportedly criminalized by Articles 285 to 287 of the penal code (UN 27 Feb. 2003, para. 298); but spousal rape is reportedly not regarded as a criminal offence and consequently is not punished (US 8 Mar. 2006, Sec. 5).

The US Department of State refers to one case in 2005 involving a woman's death as a result of a beating by her husband, in which the husband had been arrested and was awaiting trial at the end of the year (*ibid.*). Generally, however, sources indicate that police "rarely" get involved in domestic conflicts (*Afrol News* n.d.; US 8 Mar. 2006, Sec. 5; UN 27 Feb. 2003, para 299; Freedom House 2006).

In its combined fourth, fifth and sixth periodic reports to the United Nations (UN) Committee on the Elimination of Discrimination Against Women, the Guinean government acknowledges that "[t]he legal equality that women enjoy does not necessarily translate into factual equality" (Guinea 7 Sept. 2005, 26). Though it made no specific reference to domestic violence, the government's report did note that women suffer "many" forms of violence and suggested that violence is connected to social and cultural practices (*ibid.*).

Information on protection services, such as shelters for battered women and non-governmental organizations providing services to battered women, could not be found by the Research Directorate within the time constraints of this Response.

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 additional sources consulted in researching this Information Request.

References

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_____. 17 March 2004. "Situation des droits des femmes en République de Guinée." <http://www.wildaf-ao.org/fr/print.php3?id_article=44> [Accessed 15 Feb. 2007]

Additional Sources Consulted

Oral sources: The Mano River Women's Peace Network (MARWOPNET) did not provide information to the Research Directorate within the time constraints of this Response.

Internet sources, including: AllAfrica; Amnesty International (AI); European Country of Origin Information Network (ecoi.net); Guinea Development Foundation; Human Rights Watch (HRW); Newfield Foundation; The Panos Institute; United Nations (UN) Integrated Regional Information Networks (IRIN); UN Office of the High Commissioner for Refugees (UNHCR); World Health Organization (WHO).

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