

Immigration and Refugee Board of Canada

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> Responses to Information Requests

Responses to Information Requests

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 Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca.

23 December 2014

CMR105020.FE

Cameroon: The practice of levirate marriage, including the regions of Cameroon where this tradition is widespread and the ethnic groups that practice it; the consequences if a widow refuses to take part in this practice, recourse and protection available, including police intervention in the cities of Douala and Yaoundé (June 2013-December 2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Practice of Levirate Marriage in Cameroon

Levirate marriage is a practice whereby a widow marries the brother of her deceased husband (Cameroon 11 May 2009, para. 54; ALVF May 2010; Associate Vice-President 8 Dec. 2014). Sources report that, in some cases, another member of the deceased husband's family may marry the widow (ibid.; CDJP 16 Dec. 2014), such as a son of the late husband's from another marriage (ibid.).

In correspondence sent to the Research Directorate, the coordinator of the Garoua [capital of the northern region] office of the Diocesan Justice and Peace Commission (Commission diocésaine Justice et Paix, CDJP), a human rights NGO, explained that

[translation]

Among peoples in the west, the son and heir [of the chief] takes all of his deceased father's widows as his wives. Among certain peoples, the eldest son may take one of his deceased father's young wives as his wife, while in other groups, only the deceased's brothers may do so (ibid.).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources confirm that the practice of levirate in Cameroon stems from the perception that women are the "property" of their husbands (Executive Director 7 Dec. 2014; Associate Vice-President 8 Dec. 2014). Sources state that women are part of their husband's estate and that they may be bequeathed to other family members (ibid.; ALVF May 2010). In a report submitted to the United Nations Human Rights Committee to demonstrate the advancement of its obligations under the International Covenant on Civil and Political Rights, the government of Cameroon explained that levirate is practised

[Cameroon English version]

under the premise that the bride price is paid by the husband's family. Once bride price is paid on the woman, she becomes not only the wife of her husband but family property and so even if her husband dies, she is bound to marry one of her deceased husband's brothers. (Cameroon 11 May 2009, para. 54).

For further information on dowries in Cameroon, see Response to Information Request CMR105000.

2. Regions and Ethnic Groups

In its report submitted to the United Nations Human Rights Committee, the Government of Cameroon stated that [Cameroon English version] "levirate is especially practiced amongst the people of the North-West and Western Provinces" (ibid.). In correspondence sent to the Research Directorate, the Executive Director of Reach Out Cameroon (REO), a women's rights NGO headquartered in Buea [the capital of southwestern Cameroon] (REO n.d.), stated that the practice of levirate was "rampant" in the Western region (Executive Director 7 Dec. 2014).

However, in correspondence sent to the Research Directorate, a professor of social demography and anthropology at Carleton College in Minnesota, who conducts field research on issues related to the role of women in Cameroon, stated that "levirate is practiced by many groups throughout Cameroon, each with variations" (Professor 6 Dec. 2014). According to the Professor, "the same practice can have different meanings in different cultural, political, and historical contexts" (ibid.). In addition, in correspondence sent to the Research Directorate, the Associate Vice-president of the Federation of Women Lawyers in Cameroon (Fédération internationale des femmes juristes pour le Cameroun, FIDA Cameroon) stated that levirate is practiced in "most regions" (Associate Vice-President 8 Dec. 2014).

According to the coordinator of the Garoua office of the CDJP, [translation] "levirate is common among most peoples in Cameroon, especially Christians and animists" (CDJP 16 Dec. 2014). However, the coordinator noted that, [translation] "among Muslims, after the 40th day of the husband's death, the widow is free to marry again to whomever she wishes" (ibid.). In correspondence sent to the Research Directorate, a postdoctoral researcher at the Free University of Amsterdam, who researches women's rights in Cameroon, stated that "levirate is more of a phenomenon in rural areas, but this would depend on the level of education and social status of a family" (Postdoctoral Researcher 15 Dec. 2014).

3. Consequences of Refusing to Take Part in Levirate

According to the Executive Director of Reach Out Cameroon, "any widow who refuses to be part of this practice is denied the support of the late husband's family, she will undergo all sorts of humiliations and deprivations of her rights. ... She will be considered an outcast and will receive curses" (Executive Director 7 Dec. 2014). The Executive Director noted that, for example, the widow and her children could be thrown out of the family home (ibid.). In addition, the Postdoctoral Researcher stated that a widow who refuses to take part in a levirate marriage "would face harsh economic circumstances as she can no longer count on family support, as well as social pressures and stigma for having resisted a family decision" (Postdoctoral Researcher 15 Dec. 2014). Moreover, the coordinator of the Garoua office of the CDJP confirmed that a widow who refuses to take part in the practice of levirate

[translation]

violates a societal rule, and as a result she could be banished; in any case, she is considered cursed and will no longer be protected by the clan; she is generally forced to seek refuge elsewhere (CDJP 16 Dec. 2014).

The Professor noted that women have been kidnapped or imprisoned by their husband's family or have been raped for refusing to take part in a levirate marriage (Professor 6 Dec. 2014). Some women have also had their businesses taken away from them (ibid.). The Professor added that there can be consequences "even in a context in which other families of the same ethnic group no longer insist on levirate" (ibid.). According to the Professor, "the severe consequences of refusing levirate marriage ... have been most frequent in powerful families (e.g. chiefs or nobility)" (ibid.).

The Associate Vice-President of FIDA Cameroon stated that a widow who refuses to take part in a levirate marriage would be forced to repay her dowry "and/or lose her share of inheritance" (Associate Vice-President 8 Dec. 2014). She also stated that "in some cases, if she refuses both options [levirate marriage or repayment of her dowry] her life is in danger as she might be killed by the late husband's family" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Recourse and Protection Available to Women Who Refuse Levirate

In its report to the United Nations Human Rights Commission, the Government of Cameroon states that [Cameroon English version] "the State of Cameroon considers that [discriminatory practices such as levirate] are not only repugnant to natural justice, equity and good conscience but are also contrary to human rights," adding that the practice of levirate is prohibited by law and has been denounced by the country's courts (Cameroon 11 May 2009, paras. 55-57).

According to Article 77 of Ordinance No. 81/002 of 29 June 1951 on Civil Status Registration and Various Provisions on the Status of Individuals (*Ordonnance n° 81/002 du 29 juin 1951 portant organisation de l'état civil et diverses dispositions relatives à l'état des personnes physiques*), amended in 1981,

[translation]

In the event of the death of the husband, his heirs shall have no right over the widow, nor over her freedom or the share of property belonging to her. She may, provided that she observes the period of widowhood of 180 days, freely remarry without anyone laying claim whatsoever to any compensation or material benefit for dowry or otherwise, received either at the time of engagement, during or after marriage. (Cameroon 1951).

However, according to the Associate Vice-President of FIDA Cameroon, this ordinance is not well understood or applied (Associate Vice-president 8 Dec. 2014).

According to the report from the government of Cameroon, [Cameroon English version] "where the levirate is practiced against the widow's will, it amounts to the offence of forced marriage under criminal law and attracts a punishment of up to ten years imprisonment plus a fine of up to FCFA 1,000,000 (one million) [approximately C\$2,175]" (Cameroon 11 May 2009, para. 59). According to the coordinator of the CDJP, despite the [translation] "highly deterrent" provisions of Cameroon's Penal Code (*Code penal*) regarding forced marriage, [translation] "the practice of levirate seems to persist, unfortunately" (CDJP 16 Dec. 2014).

The coordinator stated that [translation] "this fight [against the practice of levirate] is increasingly being led by women's associations, such as the Association to Combat Violence Against Women (Association de lutte contre les violences faites aux femmes, ALVF), which raises awareness and makes denunciations, which have already had an impact" (ibid.). According to a fact sheet [translation] "against the rites of widowhood" published in May 2010 by the ALVF, the NGO offers psychological support and financial assistance to widows in Bafoussam, the capital of the West Region, and raises awareness of levirate (ALVF May 2010). The Executive Director noted that FIDA and the National Commission on Human Rights and Freedoms (Commission nationale des droits de l'homme et des libertés) will intervene when cases of levirate are brought to their attention (Executive Director 7 Dec. 2014). Without elaborating, the Postdoctoral Researcher stated that local chiefs might intervene in cases of levirate (Postdoctoral Researcher 15 Dec. 2014).

5. Police Intervention in Douala and Yaoundé

Numerous sources stated that the police generally do not intervene when a widow refuses to take part in the practice of levirate (Postdoctoral Researcher 15 Dec. 2014; Executive Director 7 Dec. 2014; Professor 6 Dec. 2014). According to the Professor, "Police - whether in small town[s] or in Douala and Yaoundé - will not get involved, or if so, [they] might support the husband's family (especially when it is a powerful family)" (ibid.). The Professor explained that the police generally consider levirate "an internal family matter" (ibid.). The Executive Director also stated that "the police will not intervene in 'family matters'" (Executive Director 7 Dec. 2014).

However, according to the coordinator of the Garoua office of the CDJP:

[translation]

In general, the police have difficulty investigating because victims are often afraid to file a complaint. Most situations come to light following denunciations (sometimes made anonymously); there are not many direct complaints from victims, but when a complaint is recorded, there is usually an investigation. (CDJP 16 Dec. 2014).

The coordinator added the following:

[translation]

But [since investigations] generally lead to the arrest and conviction of close relatives, victims do not dare take this step. That is why human rights associations are generally the ones leading this fight. (ibid.).

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

Associate Vice-President, International Federation of Women Lawyers - Cameroon (FIDA Cameroon). 8 December 2014. Correspondence sent to the Research Directorate.

Association de lutte contre les violences faites aux femmes (ALVF). May 2010. "Cameroun : actions contre les rites de veuvages." <<http://base.d-p-h.info/fr/fiches/dph/fiche-dph-8474.html>> [Accessed 17 Dec. 2014]

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Professor of social demography and anthropology, Carleton College, Northfield, Minnesota. 6 December 2014. Correspondence sent to the Research Directorate.

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Additional Sources Consulted

Oral sources: The following people and organizations could not provide information within the time constraints of this Response: Associate Professor, Department of History, University of Ottawa; Association de lutte contre les violences faites aux femmes; Cameroon – ministère de la Promotion de la Femme et de la Famille.

Internet sites, including: Amnesty International; AllAfrica; Camer.be; Cameroun24; Cameroun Actu; *Cameroon Daily Journal*; Cameroon-Info.Net; Cameroun-Online; Cameroon Online; CameroonWeb; Camer Post; Camnews24; ecoi.net; Factiva; Freedom House; Human Rights Watch; INTERPOL; *Jeune Afrique*; Journal du Cameroun; United Nations – International Labour Organization, NATLEX, Refworld; United States – Department of State.

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