

Immigration and Refugee Board of Canada

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Responses to Information Requests

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22 July 2013

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Benin: Forced marriage, including the frequency, the practice and the groups involved; legislation; protection and assistance provided by the state and civil society (2010-July 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Frequency of Forced Marriages

According to data from UNICEF, in 2011, the population of Benin was 9,100,000, 4,568,000 of whom were less than 18 years old (UN n.d., 6). Between 2002 and 2011, eight percent of children were married by 15 years of age, and 34 percent were married by 18 years of age (ibid., 9). The same data shows that, from 2002 to 2011, 2 percent of adolescent boys and 22 percent of adolescent girls were married or living common law (ibid., 11).

In a report published in September 2010 following a survey of [translation] "more than ten thousand (10,000) cases of children exposed to various situations," who used the services of community organizations between January 2007 and September 2008 (Benin Sept. 2010, 5, 11), including victims of forced marriages, the government of Benin stated the following:

[translation]

The data collected accurately counted 78 female victims of forced or early marriage, that is, 0.8 percent of the 10,440 children involved in the data collection. In 71 percent of cases, marriage was often early and forced. It was early in 12 percent of cases and forced for 15 percent of children. (ibid., 48)

The report also contains the following information about the extent of the forced marriage phenomenon:

[translation]

This phenomenon exists in all departments of Benin. The distribution of female victims in Benin, in order of significance, is 24 percent from the department of Mono, 19 percent from Zou, 13 percent from Atacora, 13 percent from Borgou and 10 percent from Littoral. For the rest of the departments, there was between five and one percent recorded.

With respect to the type of marriage, the department of Mono (44 percent) has the most girls in early marriage, followed by the department of Borgou (22 percent). Cases of forced marriage are most frequently encountered in the department of Zou (33 percent), followed by Mono and Ouémé, which each recorded 25 percent of female victims during the data collection period. Considering the two types of marriage (early and/or forced), the department of Mono had the most female victims (22 percent), followed by Zou (18 percent), Atacora (18 percent) and then Littoral (15 percent). (ibid.)

The report also notes that, in the city of Cotonou, which is very urbanized, [translation] "tradition is losing speed ... most (seven out of eight girls recorded) cases are of attempted and suspicion of forced

marriage by the parents" (ibid., 48-49). The report states that victims were between 6 and 18 years old (ibid) and that, in ethnic groups,

[translation]

early or forced marriage can be found most in the Aïzo (department of Ouémé) and Boko (department of Atacora/Donga), and early marriage is found most frequently in the Adja (department of Mono/Couffo), followed by the Boko (department of Atacora), the Otamari (department of Donga/Atacora) and the Xwla (department of Mono and Ouémé). However, the practice of forced marriage is also notable in the Boko (Atacora), followed by the Partago (Atacora) and Adja (Mono-Couffo). (ibid., 49-50)

With respect to the frequency of forced marriage in Benin, the Executive Director of the NGO *Autre Vie*, a Beninese organization founded in 1996 that works to promote and protect the rights of children, youth and women (*Autre Vie* n.d.), stated in 22 July 2013 correspondence sent to the Research Directorate that [translation] "Benin has no official and specific statistics concerning forced marriage. However, the phenomenon is very popular and affects about one in ten girls between the ages of 11 and 17." He also stated that forced marriage [translation] "can be found in large proportion in Atacora/Donga and in the Ouémé Plateau" (*Autre Vie* 22 July 2013).

The Report of the Working Group on the Universal Periodic Review on Benin states that Belarus was [UN English version] "concerned at ... the high incidence of forced marriage" in Benin (UN 11 Dec. 2012, 14).

2. Types of Forced Marriage in Benin

The periodic report of Benin submitted to the Committee on the Elimination of Discrimination Against Women in 2012 mentions three types of forced marriage in Benin:

[Benin English version]

- Simple forced marriage: The wife-to-be is not consulted at all on the choice of her husband, who is quite simply imposed on the woman by her father or family. She is not required to consent
- Marriage by barter: This is a practice that is current in some regions of northern Benin, in particular Coby and the surrounding area. Such marriages take place between two families who exchange their children. One family gives a daughter in marriage while the other promises to give a daughter in marriage in return. A debt is thus incurred in the form of the young woman and the need for a settlement perpetuates the institution of marriage by barter
- Marriage by abduction: The family of the husband-to-be, with the agreement of the young woman's relatives, abducts the woman for the consummation of the marriage. This form of marriage without consent is still rife in western Benin (Benin 21 Mar. 2012, 7).

Corroborative sources state that Beninese children are still victims of forced marriage, marriage by barter and marriage by abduction (US 19 Apr. 2013, 6; UN 18 June 2013).

The periodic report on Benin also notes that the practice of levirate (when a widow is forced to marry a relative of her husband on his death) continues [Benin English version] "especially in regions where dowries before marriage are required" (Benin 21 Mar. 2012, 7-8).

3. State Protection

3.1 Legislation

A new family code came into effect in Benin in 2004 (US Oct. 2012, 14; Freedom House 2013). Law No. 2002-07 of 24 August 2004 on the Code of Persons and the Family [*Loi n°2002-07 du 24 August 2004 portant Code des personnes et de la famille*] states the following:

[translation]

Article 119: Each future spouse, even if a minor, must give their consent to the marriage.

Article 120: A minor under 18 years old cannot marry without the consent of the person exercising parental authority over them. This consent must include the identity of the two future spouses. The consent should be given either by the statement made to an officer of civil status or to a notary, prior to the marriage and it is valid even if it is given during the celebration.

Article 121: Any parent may apply to the judge of the marriage celebration if they are of the opinion that the refusal for consent is based on reasons that are non-compliant with the interest of the minor. After duly summoning within the adjournment time limit the person who refuses to consent, the person who applied and any other person for whom the hearing could be useful, the judge may decide by giving a ruling. This ruling is

not open for recourse to maintain the refusal or, on the contrary, to authorize the marriage celebration. The procedure takes place in the judge's chambers, in a non-public hearing, even when the ruling is made.

Article 122: For reasons of relationship or alliance, a person may not marry:

- ancestors or spouse's ancestors;
- descendants or spouse's descendants;
- to the third degree, the descendants of their ancestors or of their spouse's ancestors.

However, when the union that resulted in the alliance is dissolved by the spouse's death, the marriage between the brother-in-law and sister-in-law must be authorized by the prosecutor of the Republic, for serious reasons.

Article 123: The marriage may be contracted only between a man who is at least 18 years old and a woman who is at least 18 years old, unless an exception is granted on grounds of age by order of the presiding trial court on motion by the Crown. ...

Article 142: The dowry has a symbolic significance.

Article 143: Only monogamous marriages are recognized (Benin 2004).

In its annual report, Freedom House pointed out that this law has not yet been "well enforced" (2013). The Executive Director of the NGO *Autre Vie* wrote that [translation] "forced marriage of children has been punished by law since 2004. Nevertheless, it continues ... and laws on paper do not seem to have any impact on the realities of life" (22 July 2013). Further information on the implementation of the new code could not be found among the sources consulted by the Research Directorate within the time constraints.

Law No. 2011 of 9 January 2012 on the Prevention and Repression of Violence Against Women [*Loi n° 2011 du 09 janvier 2012 portant prévention et répression des violences faites aux femmes*] defines forced marriage as [translation] "any marriage or cohabitation contracted or decided upon without the free and informed consent of the two parties involved" (Benin 2012, Art. 3) and is punishable by "imprisonment for one to three years and a fine of 500,000 francs [about C\$1,039 (XE 19 July 2013)] to 2,000,000 francs [about C\$4,154 (XE 19 July 2013)]" not only for those who are convicted or complicit in a forced marriage but also for those who are "complicit in the planning and/or execution" of such a union (Benin 2012, Art. 31). In its national report presented to the Human Rights Council, Benin states that the head of state launched an official program that makes this law accessible to the public in March 2012 (6 August 2012, paragr. 69). The Executive Director of *Autre Vie* stated that [translation] "since Members voted for this law, no action has been implemented by the government authorities to foster the effective implementation of the law" (22 July 2013). Corroborating information or information about the implementation of this law could not be found among the sources consulted by the Research Directorate within the time constraints.

3.2 Other Measures

Without giving further details, the report published by the government of Benin states that 32 percent of victims used the Centre for social promotion (Centre de promotion sociale, CPS), and 68 percent used other organizations (Benin Sept. 2010, 49). The CPS is a state-run organization in Benin that offers support services to [translation] "unfortunate" children (OPM July 2010, 45; *Adjinakou* 19 Feb. 2013). The Beninese daily *Adjinakou* states that the CPS in the commune of Bonou was in a state of [translation] "disrepair" (*Adjinakou* 19 Feb. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints.

Without elaborating, the report of Benin submitted to the Human Rights Council states that the government, with the support of partners, implemented programs and projects to promote and protect the rights of women, including fighting against forced marriages (Benin 6 Aug. 2012, paragr. 69). Information could not be found on these programs and projects among the sources consulted by the Research Directorate within the time constraints.

4. Services Offered by Civil Society

According to UNICEF, children who are victims of forced marriage can find refuge at the Maison St-Joseph in Parakou, which opened its doors in 2006 and which usually houses more than 30 children (UN 24 May 2010). Further information on this shelter could not be found among the sources consulted by the Research Directorate within the time constraints.

A report of the US Agency for International Development (USAID) mentions an awareness campaign regarding women's rights conducted by the Women's Legal Rights Initiative throughout Benin after the passage of the new family code in 2004 (US Oct. 2012, 14). *Country Reports on Human Rights Practices for*

2012 published by the United States Department of State states that the government and the NGOs continue to raise public awareness about women's rights, especially with respect to forced or early marriages and polygamy (19 Apr. 2013, 6).

The "Because I am a Girl" campaign was launched in October 2012 in the commune of Kandi in northern Benin (Plan International [11 Oct. 2012]; UN 11 Oct. 2012). According to the Beninese section of Plan International, an organization that has worked to promote children's rights since it was founded over 75 years ago (Plan International n.d.), the campaign aims to promote girls' rights and to fight against gender inequality ([11 Oct. 2012]).

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

Adjinakou [Porto-Novo]. 19 February 2013. Ernest Latoundji. "Commune de Bonou : le centre de promotion sociale dans un état de délabrement total." <<http://www.journal-adjinakou-benin.info/?id=4&cat=5&id2=16463&jour=19&mois=02&an=2013>> [Accessed 19 July 2013]

Autre Vie. 22 July 2013. Correspondence sent to the Research Directorate by the Executive Director.

_____. N.d. "Découvrir Autre Vie." <http://www.ongautrevie.org/?page_id=9> [Accessed 22 July 2013]

Benin. 6 August 2012. *Rapport national présenté conformément au paragraphe 5 de l'annexe à la résolution 16/21 du Conseil des droits de l'homme : Bénin.* (A/HRC/WG.6/14/BEN/1) <<http://www.ohchr.org/EN/HRBodies/UPR/Pages/BJSession14.aspx>> [Accessed 16 July 2013]

_____. 21 March 2012. *Examen des rapports soumis par les États parties en application de l'article 19 de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes. Quatrièmes rapports périodiques des États parties : Bénin.* (CEDAW/C/BEN/4) <<http://www2.ohchr.org/english/bodies/cedaw/cedaws56.htm>> [Accessed 16 July 2013]

_____. 2012. *Loi n°2011 du 09 janvier 2012 portant prévention et répression des violences faites aux femmes* (Law No. 2011 of 9 January 2012 on the Prevention and Repression of Violence Against Women). Translated by the Translation Bureau, Public Works and Government Services Canada. <http://www.offebenin.org/documents/textesdelois/Loi_numero_2011_du_09_janvier_2012.pdf> [Accessed 19 July 2013]

_____. September 2010. Ministère de la Famille et de la Solidarité nationale. *Tableau de bord social : situation de l'enfant vulnérable au Bénin.* <http://www.offebenin.org/documents/politique/tableau_de_bord_social_vi_impression_du_27_aout.pdf> [Accessed 16 July 2013]

_____. 2004. *Loi n°2002-07 du 24 August 2004 portant Code des personnes et de la famille* (Law No. 2002-07 of 24 August 2004 on the Code of Persons and the Family). Translated by the Translation Bureau, Public Works and Government Services Canada. <<http://fjwinstitutafraicainde.asso-web.com/uploaded/code-enfant-au-benin-numero202.pdf>> [Accessed 17 July 2013]

Freedom House. 2013. "Benin." *Freedom in the World 2013.* <<http://www.freedomhouse.org/report/freedom-world/2013/benin>> [Accessed 5 July 2013]

Oxford Policy Management (OPM). July 2010. Anthony Hodges, Damien Mèdédji, Jean-Jacques Mongbo and Clare O'Brien. *UNICEF : étude sur l'état des lieux et les perspectives de protection sociale au Bénin. Partie I : rapport sur l'état des lieux de la protection sociale.* <<http://www.offebenin.org/documents/enquete/Rapport%20etat%20des%20lieux%20de%20la%20protection%20sociale%20au%20Benin.pdf>> [Accessed 19 July 2013]

Plan International. [11 October 2012]. "Benin Talks International Day of the Girl." <<http://plan-international.org/where-we-work/africa/benin/about-plan/news/international-day-of-the-girl/>> [Accessed 17 July 2013]

_____. N.d. "About Plan." <<http://plan-international.org/about-plan>> [Accessed 17 July 2013]

United Nations (UN). 18 June 2013. United Nations Children's Fund (UNICEF). "Bénin : des chefs traditionnels s'engagent à éliminer des pratiques néfastes au bien-être des enfants." <http://www.unicef.org/wcaro/french/4501_7418.html> [Accessed 16 July 2013]

_____. 11 December 2012. Human Rights Counsel. *Rapport du Groupe de travail sur l'Examen périodique universel : Bénin*. (A/HRC/22/9) <<http://www.ohchr.org/EN/HRBodies/UPR/Pages/BJSession14.aspx>> [Accessed 16 July 2013]

_____. 11 October 2012. United Nations Children's Fund (UNICEF). "Bénin : mobilisation des communautés pour mettre fin au mariage de la jeune fille." <http://www.unicef.org/wcaro/french/4501_7098.html> [Accessed 16 July 2013]

_____. 24 May 2010. United Nations Children's Fund (UNICEF). Shantha Bloeman. "Au Bénin, des refuges protègent les enfants des mauvais traitements et de l'exploitation." <http://www.unicef.org/french/infobycountry/benin_53710.html> [Accessed 11 July 2013]

_____. N.d. United Nations Children's Fund (UNICEF). "Bénin : statistiques." <http://www.unicef.org/french/infobycountry/benin_statistics.html> [Accessed 16 July 2013]

United States (US). 19 April 2013. Department of State. "Benin." *Country Reports on Human Rights Practices for 2012*. <<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dld=204089>> [Accessed 5 July 2013]

_____. October 2012. Agency for International Development (USAID). *Ending Child Marriage & Meeting the Needs of Married Children: The USAID Vision for Action*. <http://transition.usaid.gov/our_work/cross-cutting_programs/wid/Ending_Child_Marriage_2012.pdf> [Accessed 5 July 2013]

XE. 19 July 2013. "Convertisseur de devises XE." <<http://www.xe.com/fr/currencyconverter/convert/?Amount=500000&From=XOF&To=CAD>> [Accessed 19 July 2013]

Additional Sources Consulted

Oral sources: Attempts to contact officials of the following organizations were unsuccessful: Plan Bénin; Embassy of Canada in Ouagadougou, Burkina Faso; Réseau pour l'intégration des femmes des organisations non gouvernementales; African associations. Attempts to contact a professor at the Université d'Abomey-Calavi were unsuccessful. A representative of UNICEF did not respond to a request for information within the time constraints.

Internet sites, including: Africa4WomensRights; Afrik.com; AllAfrica; L'aménagement linguistique dans le monde; Amnesty International; Association for Women's Rights in Development; Communauté économique des États de l'Afrique de l'ouest; Enfants solidaires d'Afrique et du monde; ecoi.net; Ethnologue – Languages of the World; Factiva; Fédération internationale des ligues des droits de l'homme; France – Cour nationale du droit d'asile; Freedom House; Gouvernement du Bénin; Human Rights Watch; International Center for Research on Women; *Jeune Afrique*; Minority Rights Group International; Organization for Economic Cooperation and Development – Social Institutions and Gender Index; Oxfam; Oxfam Québec; Plan Bénin; Plan Canada; Plan International; SOS Children's Villages; SOS Children's Villages Benin; United Kingdom – Border Agency; United Nations – Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, ONU Femme, RefWorld, UN Development Program.

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