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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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30 July 2003

**TZA41762.E**

Tanzania: Prevalence of forced marriage among Christian and Muslim populations  
Research Directorate, Immigration and Refugee Board, Ottawa

A breakdown on the prevalence of forced marriages among the Christian and Muslim populations of Tanzania could not be found among the sources consulted by the Research Directorate.

Generally, however, child and forced marriages are reportedly widespread in Tanzania (BBC 8 Mar. 2001; *Country Reports 2002*, 31 Mar. 2003 sec.5; MS Tanzania Mar. 2001a; National Institute for Medical Research-Tanzania n.d.). According to the BBC, that 26 per cent of young girls between the 15 and 19 years of age are married, either by choice or by force (BBC 8 Mar. 2001). Information posted on the MS Tanzania Website, a member of the Mellemløst Samvirke (MS) organization which is "a Danish members' organisation combining development assistance with both political lobbying and active grassroots"-reveals that one in every three brides in 2001 was under 18 years of age (Mar. 2001b). A legal officer at the Tanzania Women Lawyers Association (TAWLA) reportedly stated that "'there is no free will when a girl below 18 years of age is getting married. The girl is not given a free choice to say whether she wants this man or not, because according to the law it is the father that has to give his consent to the marriage'" (MS Tanzania Mar. 2001a). In the districts of Kisarawe and Masasi, "girls are often forced out of school by their parents in favour of early marriages or confinement at home for initiation rituals into womanhood" (UNESCO n.d.).

A report of the Tanzanian chapter of the Southern Africa Human Rights NGOs Network states that early and forced marriage "infringes on girl's rights to freely make a choice of their lifelong marriage partners" and "jeopardizes their possibilities to get education" since girls who are married are reportedly expelled from school (June 1999). The report notes that this policy affects many girls from the coast and in Zanzibar where the practice of early marriages tends to be more pronounced than in other parts of Tanzania (SAHR June 1999).

According to Tanzania law, however,

88 [...] In marriage, the minimum age for marriage is 15 for girls and 18 for boys as per the Law of marriage Act 1971. The same Act states that a married woman at 15 years and above is no longer a child.

103. Islamic law seems to permit the marriage of individuals who have reached puberty, at which point they are considered to be adults.

104. It also seems to recognize the possibility that girl children may be married before they reach puberty and without their consent. A girl so married has the possibility of repudiating the marriage when she reaches adulthood (United Republic of Tanzania n.d.).

In addition, information posted on the Interpol Website points out that the

age of consent for marriage is eighteen (18) years of age as per SOSPA [Sexual Offences Special

Provision Act] of 1998.

Another applicable law is the Law of Marriage Act no 5 of 1971 whereby the age of consent is fifteen (15) years of age.

In order to avoid contradiction between various legal statutes there is a proposal that the age of consent for marriage should be twenty one (21) years of age (23 July 2003) (n.d.).

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 to refugee status or asylum. Please see below the list of additional sources consulted in researching this Information Request.

#### References

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United Republic of Tanzania. n.d. "At What Age?...are school-children employed, married and taken to court?" <<http://www.right-to-education.org/content/age/tanz.html>> [Accessed 23 July 2003]

#### Additional Sources Consulted

Africa Confidential

Africa Research Bulletin

Dialogue

IRB Databases

Resource Centre. Country File. Tanzania

#### **Internet sources, including:**

Afrol.com

All Africa.com

United Nations Development Fund for Women (UNIFEM)

Women's Human Rights Net

Women's International League for Peace and Freedom (WILPF)

  
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