



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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20 September 2007

### SOM102612.E

Somalia: Prevalence of forced or arranged marriages in Somalia; consequences for a young woman who refuses to participate in a forced or arranged marriage  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Although non-arranged marriages have become more common in Somalia (SAPA/AP 30 Oct. 2006; *Public Agenda* 31 Oct. 2005), sources consulted by the Research Directorate indicate that arranged marriages, including forced marriages, still take place in the country (Canada 22 Aug. 2007; *Womankind Worldwide* n.d.; Musse Ahmed 2004, 53; Musse 2004, 77; Denmark Mar. 2004, 53).

Cited in a joint Danish, Finnish, Norwegian and British report on human rights and security in central and southern Somalia, lawyer Hassan Isak provides a description of two types of marriages in Somalia (Denmark Mar. 2004, 53). According to Isak, one type of marriage is a marriage that is arranged by the parents, either with or without the knowledge of the couple (*ibid.*). Another type of marriage is a marriage that occurs without the knowledge of the parents (*i.e.*, where a couple secretly elopes) (*ibid.*; Musse Ahmed 2004, 54).

According to an article on marriage traditions in Somalia published in a 2004 book entitled *Somalia - The Untold Story: The War Through the Eyes of Somali Women*, elopement is a common way for a Somali woman to avoid an arranged marriage (*ibid.*; see also Gardner and El Bushra 2004, 148). However, the practice is frowned upon in Somali society and a woman who elopes may be "risking her family's wrath" (Musse Ahmed 2004, 54). In October 2006, Islamic leaders in Somalia reportedly banned this type of marriage, known as *masafo*, saying that it "violate[d] islam" (SAPA/AP 30 Oct. 2006). Further information on the banning of *masafo* could not be found among the sources consulted by the Research Directorate within time constraints.

The article on marriage traditions in Somalia indicates that in cases where a marriage is arranged without the consent of the couple, the girl may be able to refuse the marriage if she gains her mother's support (Musse Ahmed 2004, 53). However, to avoid this situation, the father or male relative of the girl may try to formalize the union without advising the family (*ibid.*). The author notes that although a 1975 Family Law states that a father must not arrange a marriage without the consent of his daughter, this law is no longer applied in the country (*ibid.*). Still, some women living in urban areas of Somalia who are aware of the

law continue to refer to it (ibid.).

A 2004 report by the Danish Refugee Council (DRC) similarly indicates that a woman can be forced into a marriage arranged by her father or male guardian (21 Aug. 2004, 10). The father or guardian may justify the arrangement, believing that he is looking out for the woman's welfare (ibid.). A prior *xeer* [customary law (Denmark Mar. 2004; UN 10 May 2007)] agreement between two tribes may also be used to encourage a union (DRC 21 Aug. 2004, 10). In such cases, the woman's family must agree to give her in marriage to another tribe because of "a precedent case where the girl's male relative or kin was able to marry from her suitor's tribe in a similar manner" (DRC 21 Aug. 2004, 10). Large bride prices are often used to bribe the father (ibid.).

Arranged marriages in Somalia can also take place through the exchange of women between warring tribes, which is viewed as sealing a peace agreement (Gardner and El Bushra 2004, 147; Musse Ahmed 2004, 54; Ibrahim 2004, 167). Referred to as *godob reeb* in northern Somalia and *godob tir* in the south (Gardner and El Bushra 2004, 147), this type of marriage is usually arranged without the consent of the woman or the man (Musse Ahmed 2004, 54). According to the article on marriage traditions in Somalia, if either partner refuses to take part in this type of arranged marriage, then another family member will take his or her place; however, the article also notes that girls who are promised in these types of marriages are usually "very young and find it hard to refuse unless they elope or unless there is some resistance to the marriage within the family" (ibid.).

According to the 2004 DRC report, "inherited marriage" is another form of marriage in Somalia in which a woman is unable to choose her husband (DRC 21 Aug. 2004, 10). Inherited marriage includes *dumaal*, the Somali tradition where a man is entitled to "inherit" or marry the widow of his deceased brother or close relative (ibid., 11; UN Dec. 2002, 24). It also includes *higsiisin* [also referred to as *xigsiisan*], where a man is permitted to marry the sister of his deceased wife (ibid.; DRC 21 Aug. 2004, 11).

Traditions of arranged and inherited marriages are said to be "particularly strong" among nomadic pastoralist populations in Somalia (DRC 21 Aug. 2004, 10). The DRC report indicates that women who refuse to participate in these marriages "face strong pressure and sanction" from their family and their in-laws and, in cases of *dumaal*, could also be denied certain rights, including child custody and the management of the deceased husband's property (ibid., 11).

A 22 August 2007 travel report published by Foreign Affairs and International Trade Canada indicates that there have been reports of Canadian citizens in Somalia, mainly women, being forced into marriage. The report states that "[p]arents, relatives and the community may use relentless pressure and emotional blackmail, threatening behaviour, abduction, imprisonment and physical violence to coerce young people to enter marriage" (Canada 22 Aug. 2007). Other "coercive" means used by family members include confiscating the money and passports of Canadian citizens, as well as preventing them from returning to Canada (ibid.).

### **Sexual assault and abduction**

Several sources consulted by the Research Directorate indicate that many women in Somalia who have been raped are forced to marry their rapist

(Peacewomen.org 4 Mar. 2006; Musse 2004, 77; Denmark Aug. 2007, 33). According to a 2004 article on war crimes against women and girls in Somalia, this type of marriage occurs mainly in nomadic pastoral societies where women are valued for their "bride wealth" (Musse 2004, 77). The practice occurs when a suitor feels that a father has demanded a "bride wealth" that is too expensive and then conspires to rape a girl in order to negotiate a lower price (ibid.). A woman who has been raped will generally be forced to take part in such an arranged marriage in order to uphold her family's honour (ibid.; Denmark Aug. 2007, 33). A woman who refuses to marry her rapist can reportedly face "severe consequences from her own family and clan, and ... may be excluded from the clan" (Denmark Aug. 2007, 33).

Another form of forced marriage in Somalia, called *dhabar-garaac*, takes place in nomadic societies where a woman may be kidnapped by "raiders" and forced to marry one of them (Musse 2004, 77). The 2004 article on war crimes against women and girls in Somalia states that this type of forced marriage is "extremely coercive, with the girl being beaten, starved and otherwise physically and psychologically abused until she agrees to marry" (ibid.). Often, a girl will only be allowed to return to her family once she has become pregnant and the marriage cannot be annulled (ibid.). The article notes that although the prevalence of abduction for forced marriage had begun to decline, there has been a resurgence of the practice as a result of the civil war (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 additional sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** The following organizations did not provide information within the time constraints of this Response: Women Living Under Muslim Laws (WLUML); Nagaad Umbrella Organization; We Are Women Activists (WAWA) Network, Somalia.

**Internet sites, including:** Africa Research Bulletin, Afrol, AllAfrica, Amnesty International (AI), British Broadcasting Corporation (BBC), Center for

Reproductive Rights, European Country of Origin Information Network (ecoi.net), Factiva, Foundation for Women's Health Research and Development (FORWARD), Freedom House, Heinrich Böll Foundation (HBF) - Regional Office for the East & Horn of Africa, Human Rights Watch (HRW), Internal Displacement Monitoring Centre (IDMC), International Crisis Group (ICG), Nagaad Umbrella Organization, Office of the United Nations High Commissioner for Refugees (UNHCR), Strategic Initiative for Women in the Horn of Africa (SIHA), United Kingdom Home Office, United Nations Development Fund for Women (UNIFEM), United Nations - Integrated Regional Information Networks (IRIN), United Nations Political Office for Somalia (UNPOS), United Nations - WomenWatch, United States Department of State, U.S. Committee for Refugees and Immigrants (USCRI), Women's Human Rights Net (WHRnet), Women Living Under Muslim Laws (WLUML).

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