

# 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](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

27 June 2012

### MRT104131.E

Mauritania: Prevalence of forced marriage; information on legal status, including state protection; ability of women to refuse a forced marriage

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Prevalence of Forced Marriage

In 20 June 2012 correspondence sent to the Research Directorate, the president of the Mauritanian Association for the Health of Mothers and Children (Association mauritanienne pour la santé de la mère et de l'enfant, AMSME) indicated that there are three kinds of forced marriages in the country:

1. A girl is forced to marry her cousin, in a practice known as *maslaha*, even if she does not love him, so that she will be well supported by him.
2. A girl from a poor family is forced to marry a rich man for financial purposes, even if she does not love him.
3. A girl is forced into a polygamous relationship with an influential man, such as a notary, a nobleman, or a marabout.

According to the president of AMSME, marriages in Mauritania are based mainly on the practice of *maslaha* (20 June 2012). This statement was confirmed by a coordinator of the UN Entity for Gender Equality and the Empowerment of Women (UN WOMEN) in Mauritania in a telephone interview with the Research Directorate, who indicated that most forced marriages take place between cousins (Coordinator 20 June 2012).

The president stated that forced marriage is only present in some ethnic communities and is not a generalized practice throughout the country (AMSME 20 June 2012). However, the Coordinator indicated that forced marriage is generally practiced throughout Mauritania, although there are areas where the practice is more prevalent, such as Gorgol (16 June 2012). She also indicated that forced marriage occurs in all ethnic communities but tends to be more common in rural areas and among families with low levels of education or income (Coordinator 16 June 2012), and that most of these marriages are not registered due to geographical isolation (ibid. 20 June 2012). A 2007 report on violence against women by the UN Population Fund (UNFPA) indicates that 43 percent of marriages in Mauritania are arranged and that "kinship marriages are widespread" (2007, 1).

According to Africa for Women's Rights (AWR), [translation] "nefarious" traditional practices such as forced and early marriage, female genital mutilation, violence against women, and slavery are "persistent" in Mauritania (AWR 5 Mar. 2010). AWR is a campaign launched by regional and international humanitarian organizations, including the International Federation for Human Rights, the African Centre for Democracy and Human Rights Studies, and Women's Aid Collective, to advocate for the ratification of women's rights protection instruments in Africa (ibid. n.d.). On a mission to Mauritania in 2009, the UN Human Rights Council

Special Rapporteur on Contemporary Forms of Slavery heard reports about practices such as forced early marriage, serfdom, and slavery of women (24 Aug. 2010, para. 37). The Special Rapporteur also reports cases of girls trafficked to other countries for forced marriages (UN 24 Aug. 2010, para. 47). According to Intersos, a humanitarian organization that provides assistance to people in danger and victims of natural disasters and armed conflict (Intersos n.d.), forced early marriages of children are a "visible threat" in refugee camps in Mauritania (31 May 2012).

## 2. Legislation

The UNFPA document indicates that in 2001, the Mauritanian government enacted into law the Personal Status Code (*Code du statut personnel*, CSP) (2007, 1-2). The CSP regulates "all matters related to marriage, divorce, family and inheritance issues" (UN 2007, 2). Articles 5, 6, 9 and 26 of the Code state:

[Translation]

Article 5 - For a marriage to be contracted, the following elements must be present: two spouses, the guardian [*weli*], the dowry and the consent.

Article 6 - Any person of sound mind who is at least 18 years old shall be able to marry. A disabled person may be married by her guardian [*weli*] if the guardian approves of the marriage.

Article 9 - Guardianship [*wilaya*] is exercised in the interests of the woman. A woman who has reached the age of majority cannot be married without her consent and the presence of her guardian [*weli*]. Consent can be implied by silence.

Article 26 - A marriage is contracted by the consent of the parties, expressed in sacred words or using any expression acceptable by usage. If a person is unable to express himself/herself, valid consent can be expressed either in writing or by any sign expressing willingness in some way. (Mauritania 2001)

According to AWR, Mauritanian legislation is [translation] "profoundly discriminatory," especially in all matters related to family law (5 Mar. 2010). AWR indicates, for example, that the CSP is [translation] "discriminatory" against women given the nature of Articles 6 and 9 (5 Mar. 2010). AWR states that given the nature of patriarchy of Mauritanian society, women continue to be placed in a position of "inferiority" (5 Mar. 2010).

A 2009 report by the UN Committee on the Rights of the Child indicates that despite the provision of the minimum age for marriage, judges can still marry underage persons according to their discretionary powers (17 June 2009, para. 27). Once divorced, a woman can lose the custody of her children (AWR 5 Mar. 2010; US 24 May 2012, Sec. 6). The Coordinator noted that most employees of the justice sector do not know how to apply the CSP properly and that most judges are males (20 June 2012). The US Department of State's *Country Reports on Human Rights Practices for 2011* also indicates that before the law, women are treated unequally when compared to men (US 24 May 2012, Sec. 1e), and the government "favoured individuals on the basis of racial and tribal affiliation, social status, and political ties" (*ibid.*, Sec. 6).

The Coordinator also indicated the lack of awareness of the law by women in Mauritania, particularly the CSP (20 June 2012). According to the Coordinator, there have been information campaigns run by government agencies and NGOs, but the lack of resources poses a problem for their effectiveness (Coordinator 20 June 2012, *ibid.*). The UN Rapporteur indicates that, in the majority of the interviews performed during her visit to Mauritania, women did not consider forced early marriage to be a human rights violation or a form of slavery (24 Aug. 2010, para. 37).

## 3. Refusing a Forced Marriage and State Protection

According to the president of AMSME, the tradition of forced marriage is "very strong and the daughter will have many difficulties refusing a decision made by her father, mother, uncles or cousins" (20 June 2012). The Coordinator similarly indicated that women enter into forced marriage because of family pressure; however, once married, they try to divorce as soon as possible, an action requiring the consent of the husband (20 June 2012).

According to *Country Reports 2011*, "[c]ultural resistance to marriages among members of different castes persisted, and NGOs reported that powerful individuals used the judicial system to intimidate and persecute members of their families who married below their social rank" (US 24 May 2012, Sec. 6). The Coordinator similarly indicated that most marriages are among the same social groups and that mixed marriages are uncommon (20 June 2012).

According to the Coordinator, the state agency responsible for the protection of women in this regard is the Ministry of Social Affairs, Childhood and the Family (ministère des Affaires sociales, de l'Enfance et de la

Famille) (16 June 2012). However, sources indicate that state mechanisms are not effective (AMSME 20 June 2012; Coordinator 16 June 2012) given that this practice is common throughout the country (ibid.) and is culturally acceptable in society (AMSME 20 June 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

Africa for Women's Rights (AWR). 5 March 2010. "Cahier d'exigences: Mauritanie." <<http://www.africa4womensrights.org/?q=mauritanie>> [Accessed 14 June 2012]

\_\_\_\_\_. N.d. "About Us / Qui nous sommes." <<http://www.africa4womensrights.org/pages/Acteurs>> [Accessed 20 June 2012]

Association mauritanienne pour la santé de la mère et de l'enfant (AMSME). 20 June 2012. Correspondence sent to the Research Directorate by the president.

Coordinator. 20 June 2012. UN WOMEN. Telephone interview with the Research Directorate.

\_\_\_\_\_. 16 June 2012. UN WOMEN. Correspondence sent to the Research Directorate.

Intersos. 31 May 2012. "Eight Emergency Schools for the Refugee Children in Mali." <<http://intersos.org/en/bulletin/news/eight-emergency-schools-refugee-children-mali>> [Accessed 8 June 2012]

\_\_\_\_\_. N.d. "Solidarity On the Frontline." <<http://intersos.org/en/about-us>> [Accessed 8 June 2012]

Mauritania. 2001. *Code du Statut Personnel*. Excerpts in English translated by the Translation Bureau, Public Works and Government Services Canada. <<http://www.mauritania.mr/fr/index.php?niveau=6&coderub=4&codsousseus=176&codesousrub=11&codsousseus1=178>> [Accessed 21 June 2012]

United Nations (UN). 24 August 2010. Human Rights Council. *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Causes and Consequences, Gulnara Shahinian*. <<http://www.unhcr.org/refworld/docid/4c96fcf62.html>> [Accessed 8 June 2012]

\_\_\_\_\_. 17 June 2009. Committee on the Rights of the Child. *Consideration of Reports Submitted by State Parties under Article 44 of the Convention*. <<http://www.unhcr.org/refworld/docid/4a8e97805.html>> [Accessed 8 June 2012]

\_\_\_\_\_. 2007. Population Fund (UNFPA). *Ending Violence Against Women*. <<http://www.unfpa.org/publications/detail.cfm?ID=323&filterListType=>>> [Accessed 8 June 2012]

United States (US). 24 May 2012. Department of State. "Mauritania." *Country Reports on Human Rights Practices for 2011*. <[http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186219#wrapper](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186219#wrapper)> [Accessed 5 June 2012]

## Additional Sources Consulted

**Oral sources:** Attempts to contact representatives from Femme Aid, Programme des Nations Unies pour le développement, Paz y Desarrollo, Réseau des jeunes de Nouakchott, and S.O.S. Esclaves Mauritanie, were unsuccessful. Attempts to contact researchers from the University of California were unsuccessful. Researchers from Carnegie Mellon University and the University of Wisconsin-Madison could not provide information for this Response.

**Internet sites, including:** Amnesty International; Human Rights Watch; Fédération internationale des ligues des droits de l'Homme; International Committee of the Red Cross; Organisation internationale de la francophonie; United Nations – Children's Fund, Entity for Gender Equality and the Empowerment of Women, Population Fund.

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