

Immigration and Refugee Board of Canada

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Responses to Information Requests

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13 September 2013

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Senegal: Prevalence of forced marriage, including among educated women living in urban areas, and within the Fulani ethnic group; protection available to women who refuse to marry and resources available to them (2010-September 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

Forced marriage is prohibited by the constitution of Senegal (Senegal 2001, Art. 18) and the family code [*Code de la famille*] (ibid., 1989, Art. 108). According to the family code, [translation] "each of the future spouses, even if the spouse is a minor, must personally consent to the marriage," and the minimum age to marry is 18 for men and 16 for women (ibid., Art. 108, 111). The penal code stipulates a fine of 25,000 to 60,000 francs [CAD\$52 (XE 10 Sept. 2013a) to CAD\$125 (ibid., 10 Sept. 2013b)] and a term of six to twelve months' imprisonment for a civil status officer who has not ensured the consent of [translation] "the fathers, mothers or other persons" at the time of marriage (Senegal 1977, Art. 173). Further, the penal code states that:

[translation]

Any person who consummates a marriage celebrated according to custom by completing or attempting to complete a sexual act with a child under the age of 13 shall be punished by a term of two to five years' imprisonment.

If the child has suffered serious injury or impairment, even temporarily, or if the act has led to violence or the death of the child, the perpetrator shall be punished by a term of five to ten years' imprisonment (ibid., Art. 300).

According to the *Country Reports on Human Rights Practices for 2012* published by the United States Department of State, the law that prohibits the marriage of girls under 16 is generally not enforced in most communities in which marriages are arranged (19 Apr. 2013, 20). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this response.

2. Prevalence of Forced Marriages

In written correspondence sent to the Research Directorate, a representative of the Senegalese Association of Justice Counsel (Association des juristes sénégalaises, AJS), an organization created in 1974 that is based in Dakar and that advocates for women's rights (AJS n.d.), reported that there is no numerical data on the prevalence of forced marriages in Senegal (ibid. 9 Sept. 2013). However, the representative notes that forced marriages [translation] "are a reality" in the country (ibid.). In its final observations on Senegal's third progress report regarding its enforcement of the Convention against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment, the UN Committee Against Torture expressed that, among other acts of violence against women, it is "deeply concerned about the persistence" of forced marriages in Senegal (UN 17 Jan. 2013, para. 14). According to the *Country Reports 2012*, the "traditional practices" prevent women from fully exercising their choices with regards to marriage (US 19 Apr. 2013, 20).

According to the AJS representative, forced marriages are more prevalent in rural areas than in urban areas (AJS 9 Sept. 2013). However, the representative notes that forced marriage among educated women living in urban areas is a "non-negligible reality" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this response.

A 2010 report published by the United States Agency for International Development (USAID) states that the number of forced marriages in the south and south-western part of the country has increased and that 32 percent of victims are under 16 years of age (US June 2010, 13). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this response.

A 2010 article published by the Inter Press Service (IPS) news agency indicates that the practice of forced marriage is [translation] "slowly receding" in Podor, a northern city, where the religious leaders of about 60 of the estimated 300 villages in the region have reportedly committed to abandoning female genital mutilation and forced marriage (18 Nov. 2010). The article indicates that some religious leaders continue to support forced marriage by stating that the practice is an integral part of their customs and Islam (IPS 18 Nov. 2010). A 2013 article by the same news agency reports that, according to the NGO Tostan International, which works "to bring about sustainable development and positive social transformation based on respect for human rights" in Africa (Tostan n.d.), some 427 communities in southern Senegal abandoned the practice of child marriage (IPS 25 Feb. 2013). However, the article notes that marriage before 18 years of age remains "common" in Senegal and that, according to the Senegalese statistics and demographics agency (Agence nationale de la statistique et de la démographie du Sénégal), 16 percent of young girls in the country get married and give birth to a child before they reach 15 years of age (ibid.).

Some Senegalese media outlets report that in May 2013, a 12-year-old girl was abducted from her school and forced to get married by her adoptive parents (*Le Quotidien* 2 May 2013; Leral.net 6 May 2013; APS 5 May 2013). According to the Senegalese press agency (Agence de presse sénégalaise, APS), this incident occurred in Koulinto, the head municipality of a rural community in the Médina Yéro Foula region (in the southern part of the country) (ibid.). In an interview with the APS, an education inspector stated that three cases of forced marriages involving students, including the one in Koulinto, had been reported to the authorities in less than a week (ibid.).

Information on the prevalence of forced marriages within ethnic groups, including the Fulani, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Resources and Protection

According to the AJS representative,

[translation]

A victim of forced marriage may seek assistance and protection from the police and/or judicial authorities, and any person aware of the forced marriage may report it to the competent authority.

Apart from the police and the judicial authorities, there are structures that advocate for human rights, particularly the rights of women and children, and they may be contacted for legal assistance in the case of forced marriage (9 Sept. 2013).

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

The AJS representative stated that her organization conducts advocacy activities, organizes open houses, talks and training, and offers a helpline to raise the awareness of members of vulnerable groups with respect to their rights (AJS 9 Sept. 2013).

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.

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Additional Sources Consulted

Oral sources: Attempts to contact the following organizations were unsuccessful: Association sénégalaise pour le bien-être familial; Comité de lutte contre les violences faites aux femmes; Réseau Siggil Jigeen; SOS Équilibre; Union des réseaux du progrès des femmes en milieu urbain. A representative of the Association pour la promotion de la femme sénégalaise was unable to provide information within the time constraints of this response.

Internet sites, including: Dakaractu.com; ecoi.net; Freedom House; *La Gazette*; Human Rights Watch; infosen.net; Minority Rights Group International; Nettali; *L'Office*; Panapress; PressAfrik; Radiodiffusion télévision sénégalaise; Rencontre africaine pour la défense des droits de l'homme; Rewmi Quotidien; Sen24heures.com; Senegal – Agence nationale de la statistique et de la démographie, Gouvernement du Sénégal; Senego; Seneweb.com; Slate Afrique; *Sud Quotidien*; United Kingdom – Border Agency; Walfadjiri.

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