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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

The frequency of forced marriages in Burundi; state protection available [BDI103370.FE]

Frequency

Although they did not provide any numbers, several sources consulted by the Research Directorate reported cases of forced marriage in Burundi (UN 21 Jan. 2010; OMAC 21 Jan. 2010; Ligue ITEKA 20 Jan. 2010).

During a 21 January 2010 telephone interview with the Research Directorate, a representative of the United Nations (UN) Integrated Office in Burundi (Bureau intégré des Nations Unies au Burundi, BINUB) stated that reported cases of forced marriage in Burundi [translation] "are very few " because victims and their circle of close friends and family often remain silent. During a 20 January 2010 telephone interview with the Research Directorate, a representative of the Burundian Human Rights League ITEKA (Ligue burundaise des droits de l'homme ITEKA, Ligue ITEKA) stated that forced marriages are more common in rural areas than in urban settings. The Ligue ITEKA Representative explained that, in some places, influential people force parents to give them their daughters in marriage in exchange for financial or political advantages (Ligue ITEKA 20 Jan. 2010).

According to several sources consulted by the Research Directorate, there have been cases of rape victims forced to marry their attackers as a result of settlements negotiated by their own family outside the formal legal framework (US 25 Feb. 2009, Sec. 5; FIACAT Jan. 2008; AI 9 Oct. 2007). There have also been reports of girls being kidnapped in order to force them to marry (Burundi Tribune 11 Apr. 2009; Kagisye Mar. 2009, Sec. 3.4). Speaking of marriage and of its variants in his final paper for a graduate diploma in law at the University of Burundi, Emmanuel Kagisye wrote the following about marriages resulting from kidnapping:

[translation]

Moreover, in some regions of the country, kidnappings of young girls are common. The practice has been adopted by young boys who have been rejected. They form a gang and kidnap a young girl that one of them has chosen. She is taken to the suitor's house and raped. In most cases, neither the victim nor her family dares to file a complaint. Because the girl's rape brings shame on her and prevents her from finding another husband, it is considered better to negotiate a settlement for marriage through payment of a dowry and moral restitution. (ibid.)

An article published on 11 April 2009 by the Bujumbura daily, Burundi Tribune, reported a case in the Gasenyi hills in the Munzenze area, in which a girl was forced to marry a 23-year-old man after he, with the help of his friends, kidnapped and raped her (Burundi Tribune 11 Apr. 2009).

According to AI, [AI official English version] "girls below the age of 16 who have been the victims of sexual violence are sometimes forced to marry the perpetrator," even though the minimum age for marriage is 18 years

for girls (9 Oct. 2007, Sec. 2). Such was the case of a 15-year-old girl living with her aunt in the Munzenze area who was reportedly pressured by her family to drop out of school and marry a stranger (Burundi Tribune 14 Apr. 2009). When the case was taken to the community administration, it conducted an investigation in order to prosecute those responsible for the crime (ibid.). Information on the outcome of that matter or on the ethnic and religious groups among which forced marriages are common could not be found among the sources consulted by the Research Directorate.

Protection available to victims

According to Amnesty International (AI), [AI official English version] “[t]he failings of the criminal justice system to deal adequately with cases of rape explain in part why victims of sexual violence may be forced to enter into negotiated settlements with the perpetrators” (AI 9 Oct. 2007, Sec. 2).

As for legislation, there is no specific law that punishes forced marriage (UN 21 Jan. 2010; OMAC 21 Jan. 2010; Ligue ITEKA 20 Jan. 2010). Prosecutions for forced marriage are rare (UN 21 Jan. 2010; OMAC 21 Jan. 2010; Ligue ITEKA 20 Jan. 2010). According to the Ligue ITEKA Representative, in general, the authors of forced marriages—whether they are simple citizens, state agents or security services officers—do not worry because the government refuses to intervene and considers forced marriage to be a [translation] “private” matter (Ligue ITEKA 20 Jan. 2010).

However, at the international and regional level, Burundi has signed many agreements on the status of women, namely the Convention on the Elimination of All Forms of Discrimination against Women; the Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the African Charter on Human and Peoples’ Rights; and the Protocol on the Rights of Women in Africa (ACAT / OMCT Jan. 2008, 8).

With regard to the guidance available to victims of forced marriage, the Representative of Ligue ITEKA stated that, through seminars and awareness campaigns, some non-governmental organizations (NGOs) encourage victims to report attackers, file complaints, and seek help offered by international NGOs in certain parts of the country (Ligue ITEKA 20 Jan. 2010).

Information on the forced marriage of boys or men could not be found among the sources consulted by the Research Directorate.

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 a professor from the University of Burundi in Bujumbura who has written articles on forced marriage were unsuccessful.

Internet sources, including: Actualités du Burundi, Afrik.com, Afrol News, AllAfrica.com, British Broadcasting Corporation (BBC), Fédération internationale des ligues des droits de l'homme (FIDH), Freedom House, Human Rights Watch, Institute for Security Studies (ISS), Institut Panos Paris, International Crisis Group, Organisation internationale de la francophonie (OIF), Syfia Grands Lacs.

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