# Shumsheha site-specific topic: Consequences of the enforcement of the legal age of marriage

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## FGD: 5 male and 5 female respondents (students)

### Members

IN: She is a member of the students’ parliament and acts as minister of justice. She deals with cases on any quarrel that could be created between teachers and students. The students believed her in solving some problems and that is the main reason for her appointment.

II: she is a member of the children’s security council, which was established in 2008. They are trying to abolish underage marriage and make girls successful in their education. They have a meeting every month on the 29th day. The members are 20 and only one of them is a male. If there is any rumour about infringement of that basic right, the reporter shall inform the council head. The teachers investigate the case. Soon two persons, one from the council and another from the teachers, is sent to her family’s house. According to the gravity of the case, there are measures from police arrest to advocacy measures.

SB: in 2011 4 children were informed on by some students because of the rumours about their status and rights. A 14 year old girl was supposed to marry a man. On the verge/eve/ of the ceremonies with all the food and drinks, police and the teachers prohibited the family from having the ceremony. Currently she is an 8th grade student. A teenager girl called TF is 14 years old and she is a 4th grade student. She was supposed to get married off by her parents’ arrangement particularly her father. However, her marriage was cancelled by the teachers and student committee investigation.

Groups (male and female): A girl should get married after the age of majority, 18 years. Underage marriage damages her body and even might kill her in time of birth. Moreover, serious problems could occur such as fistula. The problem for girls is aggravated with all the summation of shouldering home works and exposure to HIV.

UC. Her parents are divorced. She is currently living with her father, who married another woman with a child. The stepmother has a son, who lives with them.

### FGD discussion

* There is a gender issue club in our school. This club assesses wedding ceremony preparations and if they find any, the student will report to the school head teacher. The school head teacher is cooperating closely with the gender club. Then having the information, the school head will talk to the girl about whether she is interested or not in the marriage. After checking some background information about the girl, the teachers’ committee with the kebele police will go to the household and ask the family to terminate the marriage. (Shared by most participants).
* The kebele government checks the age of the girl and sends a letter to the justice office to get a letter of permission to stop the wedding.
* Underage marriage happens every year. There are some cases, a minimum of 6 within a year, that are terminated based on the student club information. There are also some other cases that are not successful in being controlled, and because of these girls dropped out from school.
* After the government’s legal marriage law, the community started to use different strategies to prepare weddings of underage girls.
* There are families who are found using their elder daughters’ test results for the age of 13-17 year old girls.
* They prepare the wedding in the name of a memorial party for death, Mehaber, and some other cases.
* Mostly marriage arrangement takes place during the harvesting.
* The kebele women and youth affairs office is working on an awareness creation programme in the community.
* Men have full rights to choose the marriage partner whom they like most. They choose educated women, mostly above grade 8, beautiful and rich.
* The female does not have the experience of choosing her partner most commonly. However, recently girls also started choosing their preference, especially those girls who got the chance to join high school could choose according to their interests.
* However, the girls from the rural part have no power to choose their partners.
* Mostly, it is the father who proposes the marriage as fathers want to create bonds with other families for many reasons. It could be wealth, land or honour related reasons for which fathers want to marry off their daughters. Mothers are not that interested to marry off their children since they think girls are the ones who look after the household work when the mother gets sick or faces some other responsibilities. (Most of the participants agree with this idea).
* Mothers are the most interested ones since they need to see their grandchildren in their good age. They get pride by marrying off their children and preparing a huge wedding. (Shared by some participants).
* Girls are the group most disadvantaged by the marriage. They get pregnant and give birth without maturity which may lead them to different health problems including fistula. They lose the chance of getting education and become dependent on the husband’s income only. A girl loses her decision power as she is immature and dependent on her husband’s shoulder. (shared by all)
* Boys also become short-sighted. They will take the responsibility of the family without having the level of maturity though he is above 18 years old. He will lose education chance and will stick with the family economic tradition which is farming and livestock herding. Life could not improve and be different from the parents’ as boys also get married without having the outstanding education background and work experience. (Shared by all).
* Divorce will become the major problem which could mostly hurt the woman as she did commonly expect to have children and be dependent on her husband’s income. This creates instability and and an irresponsible generation as the children will lose their family’s love and care. Children born from them will not get the chance of education as the separated spouses could not handle their economy for different reasons.
* However, the legal age could give the chance to women to choose her partner as she reaches the age of maturity. She could go to college by the age and get time for decision on her own future career which is different from a farmer’s life. She could get an independent life so that it could help her to manage her life even if divorce happened. (Shared by all.)
* It will prevent her from having fistula or some other related pains. (Shared by all participants.)
* The law is equal to all. Both girls and boys should be above 18 when they want to get married or decide by themselves. However, the law is not working since the community tradition is very dominant.
* The community is chasing over the government. In the meetings or awareness creation programmes, every farmer seems very welcoming to the entire government programme. They could also say that it is a really useful intervention for development but in practice they contradict or deny it.
* The government is trying its best to create a fitting atmosphere for girls’ education, marriage rights, economic independence and political participation. The government is trying to cultivate students from the lower grades by introducing the student parliament, appointing students as different sector ministers, women’s affairs and so on. This helps us to hold the burden of responsibility which is positive to our future career.

## Recently married woman who passed age examination

None

## Unmarried woman because she failed age examination

Her interview is included in the FGD discussion as she refused to speak about her case. (Even in the FGD, she didn’t give relevant information except some of the general things which are similar to her friends’ opinions.) (NB: she is a daughter of the peace and security administrator.)

## Community member – rich –male

The man is 48 years old and illiterate. He is a farmer and bases his life on agriculture and livestock. He also cultivates vegetables using irrigation. He is participating in HTP committees. He is a party member and model farmer and health package model. He is among the richest families in the community. He has 5 children and two of them are girls. He said, in 2009 he married off his 23 year old son through parental marriage arrangements. His son got married to an 18 year old girl who passed the age examination at the hospital level. However, the girl who married his son dropped out before joining the high school because of her marriage. He had prepared an average wedding feast ceremony.

In their experience they had been taught from the forefathers that a daughter is a success when she is in marriage because she is the value of two families’ relationship in society. For men in particular, the success of their girl children is determined in their married life and it also shows the pride and honour of the family, especially the father, in community status since it is the marriage of his daughter that creates the linkage with another family. However, the government and NGOs have reformed the traditional age of marriage and approved the legal age of marriage as 18 for both sexes. For this respondent the law by itself does not have negative impact and moreover it would be very meaningful if the community took the initiative and implemented the law as they received many trainings on it; however, the wereda and kebele administrators, legal bodies, youth and women’s associations, school administrators, and local leaders are taking more enforcement action following the awareness creation on the law. As to him, this action is still positive but he believes a lifetime’s history cannot be changed overnight so that it needs a long time of training rather than the forceful mechanism. He does not appreciate the hospital age examination as the consequence is bad. As a result of this, the community concern is about a girl becoming pregnant out of wedlock; this is the major problem resulting following the action. Unlike the past, now the limitation has brought an influence and consequence of premarital sex and rape among adolescents girls.

## Community member – rich – female

The woman is 38 years old and is illiterate. She is a woman’s association member and political party member. She sometimes attends meetings of both associations.She herself got married at the age of 13 and gave birth to 4 children and two of them are female. The two boys are helping the family in the agricultural labour but her two daughters attend school and one joined TVET College in 2011 and the other is studying at grade 6. The household’s main activities are agriculture, livestock and beehives. They are a rich family in the community. There are six members of the household.

As she reported, the customary age was not limited but it was very common to marry off girls whose age started from 8 years old. And in her time, 13 years old was very common as she got married at 13. However, the current practice in the community is that the female who wants to get married has to be checked whether her age is above 18 or not. On the basis of this law, the kebele has to investigate a family who is proposing a wedding arrangement in the community. If the committee found any, the proposed girl will be checked whether her age is enough for marriage or not. Then, the kebele will send an authentication document to the wereda and the wereda would pass the case to the hospital for the medical age examination. The hospital will examine the girl by checking her physical appearance and will send a recommendation letter to the wereda and kebele office.

However, the problem is not about the law but the way the officials try to implement it which is very wrong from the way she sees it. Because, she said, the examiner could not identify the exact age of the girl by looking at her physical appearance. As the respondent mentioned, the genetic/ the biological hormones could not fit equally with different individuals and we may not find equal level of physical progress though the age is equal. Keeping this fact in mind, the experts could fail to prove one’s age by looking at the physical unless there is another option of medical testing methods which could have a link with the blood or some technical alternatives. And she said, there were some practical related facts in the community. As a result of this problem, the community is experiencing bad consequences including early age pregnancy and HIV/AIDS.

## Community member – medium wealth – male

He is 40 years old and illiterate. He is a militia in the kebele. He has three children and the household size is 5. The household income is from agriculture and livestock.

Marriage of girls at a young age is their traditional life experience. The majority of the mothers in the community were married when they were 8 or 9 years old. At that time, things were not that complex though it actually reduces access to the external world like schooling and employment out of farm/domestic. They were able to manage the household successfully and socialise. However, now the law makes marriage for girls younger than 18 illegal and the community is receiving frequent lessons on it. However, the problem is not about the limitation of knowledge of the community but the inappropriateness of the law enforcement since the consequences in practical life are negative. There are many women who are above the age and failed the examination. Among them, some of the girls faced a serious challenge like rape and premarital sex which exposes them to sexually transmitted diseases.

## Community member – medium wealth – female

The middle class woman whose age is 32 dropped out from grade 4. She married when she was 16. She is living by means of agriculture with her 5 family members.

The women’s association is struggling to avoid underage marriage. However, any female who wants to get married has to be checked to see whether her age is above 18 or not. As the consequence of this law, the kebele has to investigate a family who is proposing a wedding arrangement in the community. Hence, the kebele should send a confirmation document to the wereda and the wereda would pass the case to the hospital. The hospital will examine the girl by checking her physical appearance and will send a recommendation letter to the wereda and kebele office. During this process, the examiner could not identify the exact age of the girl. Thus he/she might reject the marriage proposal of the girl whose age is above 18 and could pass the marriage proposal of the girl whose age is below 18. This is not sound as it creates another chaos in the community. To improve this, further awareness creation is required rather than the enforcement.

## Community member – poor – male

He is 47 years old and illiterate. He is the peace and security affairs administrator of the kebele. He is poor in his wealth status and his main livelihood activity is smallholder agriculture. He married his first wife at the age of 15 and he was about 23 years old. And his second wife was at the age of 25. He has 6 children of whom 4 are girls. He sends some of his children to school.

He prepared a very small wedding feast ceremony to marry off his 14 year old girl in 2011. The marriage arrangement was made based on his will. He decided to marry off his daughter because she couldn’t live with her stepmother fairly. They quarrelled every day and the family could not get peace because of them. The other thing is that as he is poor he cannot manage the family with his income. Having these two reasons, he said he decided to marry off his daughter to a better off family. He was arranging the marriage by reporting that his daughter was above 18 but did not send her for the age examination. However, as the girl was a student she reported to the school through her friends by saying that her age is not 18 and she didn’t want to get married. Then the school committee went to his home on the eve of the wedding and stopped the arrangement. Then his girl went to wereda a for physical evaluation to determine her maturity for marriage and the doctors estimated her to be 17 or below. Now the girl is living with relatives and attending school at grade 4. He has not fully accepted the legal age but as a policy of the wereda he just accepted it having not internalised it. However, according to him the policy itself cannot bring a fruitful change as he sees many underage girls are having boyfriends from school and start unprotected sex which exposes them to early pregnancy and sexually transmitted diseases. The traditional community culture was more secure in the social values. Now, the freedom is creating instability among the teenagers.

## Community member – poor - female

She is 32 and illiterate. She is divorced and has three children. She is a daily labourer and PSNP beneficiary. She doesn’t have agriculture since her land was taken over by airlines. She is poor in her wealth status.

Though she agrees with the government policy as it secures women’s rights in general she also gives the opinion that girls who are not going to school and become dependent on the family might need marriage and in this regard it might be the right thing to decide to get married only if she has interest to do so and is capable of making a family which might be at the age of late 15 which does not have much difference from the age of 18. As for her, this decision maybe would help to prevent sexually transmitted diseases and early age pregnancy.

## Community member – law graduate

He is 35 years old and graduated in law. He has been working for the last 8 years in the profession. This programme is run by legal experts throughout the kebele meetings.

Looked at in historical perspective, the role of government in marriage is a relatively recent development. After the Derg regime, the EPRDF constitution over marriage has announced the legal age of marriage. However, culturally, in Amhara region marriage has been taking place from an early age especially from the early age of the girl.

Under the regional law, the individual states regulate marriage. As a result of this the regional family law requires that individuals must be 18 years and above of age before they can marry. Persons below that age must obtain an age examination. To obtain marriage permission, the wereda requires individuals to undergo a physical test to identify their age and as well there is a blood test which indirectly intends to prevent sexually transmitted diseases and raise the consciousness of the community from this angle. However, most of the community members are rejecting the issuing of the license of legal age of marriage which the wereda is enforcing so that the marriage must be formalised with the legal age of marriage before a qualified official in either a religious ceremony or a civil wedding. However, the age examination is only taking place with the girls so far.

The wereda court tries to teach the community in partnership with the other sectors. The main objective of the education programme is to create awareness in the community on the basic concepts of law and cause the people to know about their rights, duties and privileges. For instance, the experts teach about children’s and women’s rights in the cases of underage marriage, abduction and rape, which are prevalent in the community. To succeed with the objective, the wereda court works in partnership with the kebele social court which is composed of the peace committee, religious leaders and elders’ leaders.

However, the wereda is still not as successful as expected in controlling underage marriage. Though there is a change it is not significant. The community is not really accepting the education they are given. However, the wereda strictly indicates that "any one found committing underage marriage will be punished both in cash and imprisonment". Fearing the law, the community has start practicing it in masked ways. Underage marriage is more problematic in Shumsheha. Moreover, rape is the main problem in the kebele.

With the purpose of solving this problem, the wereda has begun to enforce age examination through hospital. Based on this, many families, particularly fathers, bring their children to the wereda hospital for the age screening. According to the expert, when many of the girls are found to be below 18 years old the family become pessimistic because they perceive that wealth, property, or a hereditary title are to be passed on from one generation to the next through marriage; as a result of this the family will become more upset, and especially in response to the act fathers often become nervous. This is the most dominant factor for girls to agree with the marriage proposal made by their family. However, when the wereda experts personally discuss with the proposed girls; they would prefer to die than to marry.

On the other hand, after the marriage takes place; most spouses want to get divorced within 6 months. This time, the husbands would arrange to withdraw their assets. Because of this, most of the women become unable to access their property. As a result women became deprived of their property rights. As much as possible, the wereda court tries to enforce the law unless there is a limitation to the contrary.

## Wereda women’s association leader

Women’s Affairs, Justice and Police Offices started to work and teach in cooperation in the months from November to January in schools, churches and other places where the community gathered to create awareness because it is the common marriage date. Beside this, the wereda women and youth affairs are also working hard to abolish violence against women and traditional practices. The main objective of the sector is to make women better beneficiaries of every opportunity. To investigate whether the law is becoming practiced they went to each bureau with a checklist. Even though the underage marriage rate is decreasing in these five kebeles there are also many implications that shows the reduction is not as it was expected. But compared to Lasta wereda, Lalibela is in a better position. The regional family law strictly states that both female and male people whose age is above 18 years old could get married with their consent. Every concerned government body is working to make the law practiced by awareness creation programmes within the community. The women’s community are being told to inform the gender issue and youth affairs office at the nearby kebele whenever there are violent actions towards them. The awareness creation programmes include preparing flyers and other written materials.

Underage marriage is not still solved in the wereda in the rural kebeles especially in Shumsheha. As a result of this, underage female students are forced to quit their education. In earlier times, it was at 7 and 8 years most parents married off their children but now it is 14 and above. However, the government is trying to solve it.

## Kebele women’s association leader

According to the regional family law, a young boy or a girl is free to choose his/her marriage partner but only if they are above 18 years old and willing to marry. However, for long time it was the family who chose and decided on the young people’s marriage, particularly on the girl’s behalf. The more dominant decision maker and interested party in the family is always the father. However, the wereda is trying to control the practice and enforcing the community to stop the reaction towards underage marriage. To make it more functional, the wereda set the directive to have an age examination before the marriage.

## Kebele chairman

In the past, marriage did not concern a personal relationship between two people but a good relationship between the two families. In fact, marriage is one of society’s most important and basic institutions in terms of family relationships. Because marriage serves as a tool for ensuring social reproduction which is a meaningful experience for the family in the community. Food, clothing, and shelter, raising and socialising children, and caring for the sick and elderly are among the elements of social reproduction in the community. In families and societies in which wealth, property, or a hereditary title are to be passed on from one generation to the next, inheritance and the production of legitimate heirs are prime concerns in marriage. However, in today’s generation, marriage functions less as a social institution and more as a source of intimacy and friendship as most of the young people say “yefiqir guadengaye”. This is also appreciated by the government and different non-government organs where it seemed to reduce the consequences of family arranged marriage which are especially problematic and heavy burden to the women. As a result of this, the government is enforcing the legal age of marriage to be above 18 for both individuals.

The kebele leadership have to be assured whether the age of the girl is below or above 18 years old before the wedding, however, if the wedding is found to be below the age of 18 the kebele officials will force the wedding ceremony to be stopped. This incident happens every year. Even after the introduction of the new family law underage marriage is continuing because the community came up with different tactics.

For example:

* They come to kebele office with their elder daughter in order to get the age test result which is above 18,
* They prepare wedding ceremonies with the cover of the death memorial ceremony (Teskar) and other customary communal associations,
* They get false age examination results by sending their elder relative members or friends

The gender issues and youth affairs office is now working with the kebele to identify underage marriage. The kebele get the community to bring their daughter’s photograph who is the real one ready to get marry. Otherwise they put a stamp on the hand of the girl to identify that she has got the selection criteria. This trial is becoming successful and the number of female students who want to check with age is increasing.

Everybody needed to marry their daughters off during the harvesting time. But now it is decreasing.

Men have a full right to choose the girl whom they like most. They choose those who are above 8th grade and who are good looking. The crime, civil and family laws also ensure that everybody has the right to choose his/her future spouse.

## Male teacher

He is 25 years old and he has been teaching in Shumsheha primary school since 2006. He is a graduate in language.

As he explained, the frequency of early marriage has decreased in the wereda. The government bodies and NGOs are involved in this issue in teaching and advising the community not to marry off their daughters before 18 years old without their consent.

The community is very hard; they may convince anyone they have accepted the education and it was because of their ignorance they used to marry off their underage daughters. However, when they go back to their homes they don’t feel the same and they totally do the reverse but in a very concealed way. The government is taking a serious measures against those people who are found breaking the law and marrying off their children. However, the society is reluctant to learn from the others. The school is doing its best to handle the practice.

## Female teacher

She is 24 and an English teacher for grade 4. She has been teaching since 2010. Her means of income is her teaching profession. She is single and living by herself. As she said, the kebele school teachers in collaboration with the other bodies are taking more initiative in teaching the community about early age marriage. Though there is a change it is still needing more effort from every corner. In the kebele, early age marriage is more problematic when it becomes a means to end the education of young girls.