Early Marriage and the Campaign against It in Ethiopia

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Ethiopian regional authorities started a campaign against early marriage in 2003. Marriage before the age of 18 years is criminalized by the Family Code of the Amhara National Regional State when it was adopted in June 2003. The present paper explores how the meeting between the forces of modernization and tradition, and state and peasantry, unfolded in the Region and how it was perceived and experienced by state officials on the one hand and local peasants on the other.

Early marriage is a widespread problem in developing countries. In developed countries, most “teen pregnancies” are unintended and unwanted and tend to end in abortion. In Ethiopia concepts and intentions are different from those of the developed countries. In the practice of early marriage, the concern of this paper, children and teens get married with the consent of their parents, families and/or guardians. The extent of the practice is not well known. “Early marriage” in the Ethiopian context may include a number of arrangements, not all of which include sexual unions. The National Committee on Traditional Practices in Ethiopia (NCTPE) has published a leaflet with a very useful list of definitions. The following definitions are given:

- **Promissory marriage**: is an oral agreement between two families to give their children in marriage to one another before or right after the birth of the children
- **Child marriage**: is usually arranged for girls under 10 years of age and the bride is usually placed under the custody of in-laws
- **Early Adolescent Marriage**: it is contracted between the ages of 10 and 14. It is the most common marriage for the majority of rural girls. The bridegroom is usually within the late adolescent age bracket.
- **Adolescent Marriage**: generally takes place when the bride is around the age of 15 years.
- **Late Adolescent**: indicates marriage for girls after the age of 15 years. Late marriage for boys is considered to be after the age of 20.

(NCPTE 2001)

Although it is not always clear what our sources in the present paper include and exclude in the concept of “early marriage”, the group most relevant for our topic is the group of girls around 15 years (“early adolescent to adolescent”). This is also the most common age group which now is confronted with threats of penalties in the face of the new family code. In the Ethiopian case the minimum age for marriage (18 years) corresponds with provisions in the Revised Penal Code, Article 627, “that penalise the

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2 In USA, 750,000 to 850,000 teenage women aged 15–19 become pregnant each year, of which 82% are unintended and more than one-quarter end in abortion (Guttmacher institute 2005).
3 See also NCTPE (1998, 2003), and IRR (2003) for further definitions of early marriage and other harmful traditional practices in Ethiopia.
sexual abuse of children (...) with imprisonment from 13 to 25 years for a man guilty of sexual activity with a child below the age of thirteen, and 15 years imprisonment where the child is between the age of thirteen and eighteen”.

The issue here is how widespread the practice of early marriage is in Ethiopia, and how the rural population responds to the new law and the campaign.

A survey conducted by the Ethiopian Committee against Harmful Traditional Practices, shows that the number of girls who get married early is very high, though the figure varies from region to region. The average age of marriage is 14.2 years for 82% of the girls in the Amhara region, 79% in Tigray, and 64% in Benishangul-Gumuz (WAO 1992:9). The figure for the Amhara region is the highest with an average age of marriage of 14.5 years. The practice of early marriage in Amhara is reported to be widespread in many of the administrative zones and wärädas. The same survey covered four wärädas in West Gojam, South Wälo and South Gondär. According to the survey, 22% of the girls in South Wälo and 30% of the girls in West Gojam are married while they are between 10 to 14 years old. The average age of girls at marriage were reported to be 11.9 for east Gojam, 14.6 for West Gojam, 12.7 for South Gondar and 13.2 for North Gondar (WAO 1992:9). These figures indicate the extent of the practice of early marriage in Ethiopia and in Amhara region in particular.

Among the selected wärädas in Amhara, the age cohort 10 – 14 is the most preferred age of marriage for both sexes (98 for boys and 135 for girls) followed by 15 – 19 for boys (61) and 5 – 9 for girls (84). Mäqét (the wäräda where we focused our qualitative research) also reflects similar trends; the age range of 15 – 19 is the highest figure registered for both married boys (16) and girls (29) in Mäqét followed by the age cohort of 10 – 14 with 5 married boys and 19 girls (WAO 1992:52).

The survey also presented data on average age of marriage and preferred age for marriage in the future (see table 1).

Table 1: Average First marriage age and future preferred age of marriage

<table>
<thead>
<tr>
<th>Wäräda</th>
<th>Average Age of Marriage</th>
<th>Future Preferred Age</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Oromia</td>
<td>21.8</td>
<td>15.5</td>
</tr>
<tr>
<td>Awabäl</td>
<td>15.2</td>
<td>12.0</td>
</tr>
<tr>
<td>Ankäsha</td>
<td>17.0</td>
<td>12.0</td>
</tr>
<tr>
<td>Aefrata/Gidim</td>
<td>21.8</td>
<td>14.8</td>
</tr>
<tr>
<td>Mäk’et</td>
<td>20.4</td>
<td>12.0</td>
</tr>
<tr>
<td>Dämbia</td>
<td>18.4</td>
<td>12.0</td>
</tr>
<tr>
<td>Region Average</td>
<td>18.6</td>
<td>12.8</td>
</tr>
</tbody>
</table>

Source: WAO (1992:53)

The figures in the table complement the qualitative data we gathered from Mäqét. In Mäqét, all our informants, with the exception of individuals in charge of the wäräda administration, disagreed with the new law that promulgates the age of marriage to 18 for both sexes. We shall come back to this point shortly. Presently we shall note that the

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5 The wärädas were Ankäsha, Awabäl, Aefrata, Dawachäfa, Mäqét and Dämbia.
extent of the practice and the actual preference of the people in terms of girls’ marriages are at odds with the recently approved family law that criminalizes early marriage.

Taken at face value, the law may attract the attention and support of any reasonable person. What could be wrong with a law that helps alleviate the problem of girls? In fact, it seems obvious that one has to encourage the government with its effort in this direction. That is what the NGOs (local and international) were doing during our fieldwork. But why then are parents strongly against it? Are they not expected to be in the forefront for the wellbeing of their children? What is missing here? The question will direct us to look into the relationship between government and rural population in Ethiopia. We will try to see the relations in the process of our discussion.

The issue of early marriage is complex and multifaceted. Different scholars have linked early marriage with economic and political factors, cultural values, underdevelopment etc. It is inevitable to see the share of these factors in the context of marriage, be it the “early type” or otherwise. Alemante, in his MA dissertation on early marriage in Gojam (Alemante 2004), points to the fact that historically, Ethiopian royalty married for political reasons. Alliances were made by marrying daughters or sisters of provincial rulers, both Christian and Muslims. Women of noble families could be married as early as eight or nine years old (Pankhurst 1990:26 cited in Alemante 2004:25). Alemante (2004:25) continues: “Yashi (1995:24) historically traced the royal marriage arrangements of Ethiopia and stated that marriage was established to maintain political power, which was a serious problem during the 19th century in Ethiopia. For instance, she described that Zewditu, the daughter of Emperor Menelik, at the age of six was married to Emperor Yohannes’ son, aged eleven”. A number of other royal alliances are mentioned by Alemante (2004:25-26); among them Ras Hailu’s daughter, Seble Wongeal, who was married with ruling prince, Menelik’s grandson Lij Iyasu, at the age of fourteen. Aleme Eshete (1984:1-3) pointed out that “political marriage was the salient characteristic of the 19th century Ethiopian history from the Zämäne Mäsafint through the reigns of Tewodros, Tekle-Giorgis, Emperor Yohannes and Menelik” (Alemante 2004:26).

This shows that the ruling elite were active practitioners of early marriage. One may also note that the current political establishment is against early marriage, but marriage bonds between families of political elites at higher echelons are also today themes of political gossips in the private news media.

To illustrate how culture influences marriage arrangements, one can find cases from different socio-cultural groups where early marriages are consummated even against the will of the parents. In such contexts marriages can be related to socio-cultural dynamics such as conflict and reconciliation. For instance in one of the forms of Gumuz exchange marriages elopement and kidnapping, known in Gumuz as mətasəhua, are consummated by the choice of the couples without the consent of the bride’s parents and without arranging immediate reciprocation or exchange. Such practices are usually causes for intra-ethnic conflicts and dealing with the issue of obtaining a female relative for the exchange becomes a matter of urgency for the family and that of the lineage of the groom. In such contexts avoiding the pending conflict will be the focus of the family and the brides who are exchanged to settle the mətasəhua are new to the arrangement and may not have much option to choose their partners. Sometimes the girl exchanged to settle mətasəhua could be too young to get married and may not understand the deal.

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6 This was apparently the basic premise for a documentary which was produced and shown by Norwegian Broadcasting Corporation in 2006 (NRK 2006).
Such instances are related to the cultural practices instituted in the society, more than economic and political factors.

Thus the issue of early marriage involves diverse factors and as a result the solution will call for the careful consideration of these factors. The qualitative data that we gathered from the field reveals the societal perspective on the issue of early marriage. We will mainly narrate the views of two key informants who reflect divergent views on the subject.

W/ro Täjitu Alämu Täsäma in Tiweha qäbälé (Mäqét wäräda) was an elderly woman who herself had experienced marriage at a very early age. She narrated her story as follows:

I married my first husband when I was 10 years old. My husband was about twenty years old. I lived for a year with my first husband and got divorced. Then I married Ato Chane after a month. I gave birth for my first child at the age of eighteen.

Now the law (through what they call conference – konkurânce) is prohibiting girls' marriage before the age of 18. When they are 18, they come home with diqala [children out of marriage].

This year we were planning to marry our 22 years old son (Dästaw Chane) with a girl in our neighbourhood. He has passed the wäräda age assessment but his bride's age is estimated to be only fifteen and as a result they did not allow us to proceed with the marriage.

What we call a good bride is thirteen years old and she can marry a 20 year old boy. If the bride is too young, we believe the husband will split [yifäräkəsata] the bride. His parents will warn him of the danger of splitting her and tell them to sleep separately.

Girls of thirteen and fourteen years old will not face such danger of being split during sexual relations. The danger of split occurs because people give children of seven years old for marriage.

The law prohibits the marriage on the ground that girls will rather attend school than marrying at early age. When both become 18 and above, they have to decide by themselves whom to marry by their own choice.

When the girls are asked at the wäräda whether they wanted to marry or not, they become at odds with parents.

Here our neighbour Kassahun Gwangul had planned a wedding for his son, Getnät Kassahun. The boy is old enough to marry even by the legal age assessment but he was fined 200 birr for not consulting the qäbälé committee.

I know a case in our village where a woman was married while she was very young. She was split and was hurt. But her mother-in-law killed a goat and nourished and treated her well and she recovered. She gave birth to six children afterwards and lives well with her husband.

These days children get mature quickly and children of nine and ten years old know a lot of stuff.

For boys the age of marriage should be 18 if the parents feel "we have to wed our son before we die" (salmot lijën lidar lalälä).

Even after the age of the prospective bride and groom is known, the wäräda is ordering us to go to either to Wälïdiya or Näfasmäwuća for medical check ups and causing us additional expenses. This much expenses at a time we plan a wedding celebration cannot be affordable in Mäqét.

Our worry is that the girls may get pregnant before the age of eighteen. As a result the family may express discontent and beat them and this may lead the girls to go to town to abort and disposes the fetus in the bushes.
When men were gathered at the conference, they advised us to reduce our expenses for the wedding ceremony, and people who fire their guns will be punished.

The people do not accept the government decision of the age of girls' marriage at eighteen. It is because of the fines that people have refrained. Even when the parents lied the age of their children, the wäräda refused to approve by assessing the age of the girls.

When the girl is 18 she may not be virgin the boy (the prospective husband) may not be interested any more. Since we do not have other choices, we are going to look for a girl of eighteen years old for our son.

W/ro Täjitu’s story raises a number of important points. She based her argument on her own personal experience and argued against the new law. The new law does not consider the wellbeing of the girls because it does not address the issue of sexuality that may cause the girls to take individual actions and perhaps harm themselves and the fetus as a result of premarital relations. If we for a moment compare with developed countries, the problem of teenage pregnancy and childbearing will not go away easily with simple legal statements. Changing the legal age of marriage without addressing the issue of sexuality is shifting the problem from having socio-culturally accepted teen pregnancy and birth to socially ostracize teen mothers and children with its own complicated social, cultural, psychological and economic problems, both for the mother and the child.

Let us consider another view from an informant, qés Abäbaw Mälkamu (age 46), who held a post of social court judge at the Tiweha qäbälé administration. Qés Abäbaw said that at the time of our field visit (January 2006) that there were no active cases related to early marriages. In 1996 EC ten individuals were charged and six of them were fined 200 birr each. Four of them had not paid since they were not in the area during that time. According to qés Abäbaw, the size of the fine was decided by the public at the annual conference. Any propositions initiated by the region will be discussed with the public, he explained. Then the proposition will be reviewed based on the discussion. The public’s opinions and supplemented comments will be considered and become bylaws for the wäräda. In 1997 EC two girls filed applications to consummate their marriage. One had passed the wäräda age assessment and had married while the wäräda decided to refuse the request for the second one as she was assessed to be under the age limit for marriage.

Why do people want to wed their young children? Qés Abäbaw explained that when people earn money (wealth), they want to celebrate the wedding of their children. Accordingly qés Abäbaw listed the last few production years and the marriage permission requests for each year. As can be seen from the table

A similar point was reflected by wäräda officials at Däbrä Tabor, South Gondär. Wäräda officials said that in wealthy wärädas the number of weddings is high. They also saw a connection between low school enrolment and high incidence of early marriage.

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7 This issue of teenage pregnancy is beyond the immediate focus of this paper. However, the issue of sexuality brings the two contexts (the problem of early marriage in Ethiopia and teenage pregnancy in the developed countries) closer. In fact it does not require a scientific analysis to assume that teenage girls can have sexual encounters that may result in unwanted pregnancy which eventually complicates the lives of young girls.
Table 2: Production and Marriage Requests in Tiweha qäbälé

<table>
<thead>
<tr>
<th>Year-EC</th>
<th>Production</th>
<th>No Marriage Requests</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>Better</td>
<td>24 (waiting for decision)</td>
</tr>
<tr>
<td>1997</td>
<td>drought</td>
<td>2</td>
</tr>
<tr>
<td>1996</td>
<td>Better</td>
<td>11</td>
</tr>
</tbody>
</table>

Source: Fieldwork in Tiweha 21 January 2006

Qés Abäbaw in Tiweha also said: “we (the rural people) have no good knowledge of life, we have a problem to live according to plan.” (This should perhaps not be taken literally – it was rather a shrewd way of saying that sexual behaviour cannot be regulated by law). He further said that girls are not allowed to marry under the age of fifteen (note the age) since the time of Adam and Eve. He also noted several negative factors that worked against marriages at young age in the current context. These are, according to qés Abäbaw:

- girls lack adequate food and nutrition
- early marriage causes both physical and mental damages
- children are born smaller than expected and are not born with “full blood”

Qés Abäbaw’s statements were in direct contradiction with W/ro Täjitu’s perception of girls’ early maturity. In her view: “These days children mature early and children of nine and ten year olds know a lot of stuff” - while Qés Abäbaw believed children lack adequate nutrition and as a result are less mature than in earlier times. Qés Abäbaw’s statement represents the official view which the government disseminates among the public to address the problem.

Qés Abäbaw seemed, however, to agree with the general view of the rural public that fifteen years is the preferred age for girls’ marriage. In fact he went back to Adam and Eve to make his point. Many informants seemed to favour this age as an ideal age for marriage. The new family law also has left an opening to reduce the age limit by two years, a right left in the hands of the courts. There are no convincing reasons why this is not left for the family instead of the courts. If the courts can decide marriages at earlier ages, it implies that the biological and physical immaturity argument looses its ground. This is one of the discrepancies and patronizing elements of the new family law. The family code of Amhara Region states in article 18.1 that "neither a man nor a woman has not attained the full age of eighteen years shall conclude marriage". Article 18.2 grants special rights to courts and states that "Justice Bureau of the Region may, on the application of the future spouses, or the parents or guardian of one of them, for serious cause, grant dispensation of not more than two years". What constitutes “serious cause” and how the Justice Bureau is to determine the seriousness of the cause is left open and vague. In many of the arguments about early marriage the parents are considered as accomplices to the (illegal) arrangements and one function of the new law is that authorities interfere with the decisions of the parents and guardians. But seriousness of causes is determined upon the application of the parents or guardians, which in essence is a contradiction in terms. There is no explanation how the biological gap that is used as a justification for the new law is bridged. Rather it further strengthens the point that the government has taken the liberty to makes decisions on behalf of the rural population.

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In fact this making of decisions on behalf of the rural people appears to be a general trend. A consensus seems to exist in Ethiopian politics to assume that the rural population is less aware of what is good and important for itself, hence the decisions from the top. While we were discussing about individuals who paid fines for not complying with the age assessment with the Tiwah qäbälé administrator, he noted that one of those who paid the fines, Kasahun Gwangul, was charged and fined not because the age of the groom was under 18 but because he had not followed the orders of the authorities. He further said that one intended aim of the age assessment procedures is also to test the bride and the groom for HIV/AIDS. The authorities decide what is good for the peasant. Instead of educating and helping the rural population to make an informed decision, they choose to decide on their behalf. This is one source of mistrust between government institutions in general and the rural population at large. At face value both ideas, i.e. dealing with early marriage and HIV/AIDS, are nothing to complain against. But in reality there are indications that these causes have been used as tools to control the rural population rather than serving them. The following Amharic placard posted on the side of the road from Bahir Dar to Sali (a small town in Gaint wärdä) tells a lot about the campaign the government has been doing before the issue of early marriage got priority over all other issues (see the photograph below).

“A small rugged hut decorated with twelve tops”
“When the land refrains from giving good produce the bed becomes reproductive”
“It is not proper to prepare a marriage ceremony while living on aid”

These statements explain the local government’s position and partly its action concerning marriage ceremonies – a tricky position where wedding celebrations signal affluence in areas that more or less continuously have received food aid for the last twenty years. The rural people have been struggling to find ways to evade such impositions. The issue of early marriage became a noble idea to incorporate all these previous efforts with a much stronger support from both NGOs and the international community.

One should not miss the point though. Early marriage is a real problem and the people know this very well. W/ro Täjitu’s expression of “The danger of split occurs because people give children of seven year olds for marriage” explicitly shows that the problem exists. The society has been struggling in its own way as in the case mentioned in W/ro Täjitu’s story. The data we gathered on fistula cases at Bahir Dar Hamlin Fistula Centre during our fieldwork also confirms the magnitude of the problem.

Since its establishment in February 2005, the Bahir Dar Hamlin Fistula Centre (a branch of Addis Ababa Fistula Hospital) has seen 464 patients in one year of which 400 were fistula cases. According to Sister Wudé Fantahun and Sister Abaynesh Guade at the centre 48% of the women who seek medical assistance in Amhara Region have fistula related problems. Some of the records of the Centre show that the patients are between seven and more than fifty years old. Table 3 below shows the age categories and number of patients in each cohort.

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The patients above 50 years had more than thirty years of suffering behind them, Sister Wudé told us. Among the patients listed, five had been raped and two had damages caused by genital mutilation.

According to our informants the fistula centre does not report the cases to the police. (The main reason for not reporting is patient-doctor confidentiality and concern that patients shy away from seeking treatments for fear of incriminating their family members.). Instead they are engaged in interventions that will help to tackle the problems with different mechanisms; preventive, by teaching patients at the main hospital at Bahir Dar, and curative, by offering free treatment for patients, pay transportation and some money for allowances, and accompany the patients to their places.

The major reasons for fistula, according to the centre’s staff, are difficult births with prolonged labour, lack of money or poor economic conditions, cultural domination, and lack of appropriate knowledge about the sickness and the treatment. The development of fistula centres is positive and helps girls who are in need of the service and at the same time contributes to educate the public.\(^{11}\) Rhetorically the government also claims its effort in awareness creation. But in practical terms it turned schools and other offices as information gathering centres on the rural population to take measures to enforce its laws. According to our informants, the government has established several committees to tackle the problem of early marriage.

One such committee is the Girl students’ club, which works to teach the community about early marriage and other harmful traditional practices (HTP); through literary stories, dramas and lecture. Here the idea of girls teaching the community is not without problems – young girls cannot just become experts over night, reversing the established roles, so that the children become more knowledgeable than the parents. This puts a question mark on the effectiveness of the efforts to create awareness. It may also create much social tension that the club members gather information secretly (about early marriage) and passes it to government officials.

Teacher Wäynishet Mamo at Adisgé Elementary School (Mäqét wäräda) believed that people do not know that the school gathers the lists of prospective brides’ parents and pass it to government offices. If they knew this would have negative effects for the teachers and students, she said.

There had been a case in Adisgé of early marriage arrangements (for an eight year old girl) in October 1998 EC. At the wedding day the parents were arrested by the police. The age of the prospective husband was more than 18 years. The school had attempted to intervene before the wedding. The Girls’ student club had sent some of its members to discuss the issue with the parents, but were chased away by dogs deliberately released to scare them off the area. As a result the parents were reported to the wäräda office. The case was still pending at the wäräda at the time of our fieldwork.\(^{11}\)

\(^{11}\) Recently two regional fistula centres have been established, i.e. Bahir Dar Feb 6, 2005; Mekele Feb 7, 2006 and plans existed for expansion to Harar and Yirgalem.
in January 2006. The parents had returned to their village and there was a rumour that the marriage arrangement had been resumed behind the scene. In the new family law people who arrange marriage for children below the age of 13 will be punished up to seven years of imprisonment while for those who wed children aged between 13 and 18 will be punished with up to three years of imprisonment.

The school was commended for taking this action by the wäräda education office, who also notified other schools to follow the model with an official letter which was shown to us.

This shows the extent to which schools and other institutions have played a role of a police rather than learning and teaching arenas. These add to the factors that are commonly mentioned by the informants as reasons for not supporting the government campaign. The reasons are mainly related to mistrust to government institutions and officials, experiences of parents, presence of cultural norms and rules and parents’ supervision of the young couple, regarding economic and sexual matters.

The strategies and steps taken by the government may be one of the causes for people not supporting the new law. First and foremost, the campaign against early marriage lacks clarity and other unexplained objectives are subsumed in it. It appears to lack a proper planning and execution strategy. One can even assume once the government included the issue of early marriage in the family law as a result of pressures from various political and civic groups, it took the early marriage in the forefront to fulfil other agenda that have on the table already, i.e. banning marriage celebrations (mainly thought of as a food security measure). Second, institutions established for other purposes are used to spy on the public, which is contrary to democratic values that many politicians rhetorically claim support among the public. Third, it is patronising and denies the right of the rural population to decide for itself. Fourth, it is an additional economic burden on the poor farmer to periodically expend a substantial amount of the income on transportation and accommodation for the age assessment. This is even against its own effort to reduce the expenses on marriage celebrations. By forcing the peasants to be part of this process, it incurs more expenses on the overall wedding celebration costs. Fifth, it individualizes the problem of sexuality and teenage sexual behaviour by denying the participation of parents in the affairs of their youths. In the traditional system marriage accounts for a significant number of teenage sexual encounters and teenage pregnancy and the children are well integrated to the socio-cultural system. Whereas in the new law what comes following the individual actions of teenagers will be the responsibility of the youngster and the social context will eventually remain unwelcoming, if not hostile.

Finally, and despite the negative effects the campaign has had for many individuals in the Amhara region since it started in 2003, it has undoubtedly raised an awareness and debate in the peasant population about childhood, sexuality, individual rights and marital life. We may see this as a modernization process, although forced and top-down. The sacrifices of the present youngsters and their parents may have effects for young girls and boys in the future.
References:


Women’s Affairs Office, Amhara National Regional State, Bahir Dar.