

Widow Inheritance and Women's Rights:

The Case of the Boro-Shinasha in Bullen *Woreda*, Benishangule Gumuz Regional State

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**MA thesis submitted to the graduate school of Addis Ababa university in partial fulfillment
of the Requirements for Master of Arts in human rights**

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**Addis Ababa University
College of Law and Governance Studies
Center for Human Rights**

June, 2015

Addis Ababa

DECLARATION

I, the undersigned declare that this thesis is my original work and has not been presented and submitted to any other university anywhere for the award of any academic degree, diploma or certificate. All sources or materials that I used in this thesis have been duly acknowledged.

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Abstract

This study was conducted to understand the effects of widow inheritance marriage on widows among Boro-Shinasha in Benishangul-Gumuz regional state, Metekel zone, Bullen *Woreda*. To address this general objective of the study, the researcher focused on understanding rationales of widow inheritance, process of the widowhood inheritance rites, the challenges faced by widows in the practice, the multifaceted violations of rights widows face and the interventions by different stakeholders. As a way of addressing the rights violations of women this study looked at four major aspects of right namely; right to dignity and equality, right to marriage and form a family, right to access and ownership of the property, right to health and life. The study utilized ethnographic research approach with qualitative research method. The instruments of data collection used in the study were key informant interview, and focus group discussion. The sampling technique employed for the study was non-probability sampling, purposive sampling technique for the selection of participants of the study. Thus, findings of the study show that early marriage and marriage within clan is strictly prohibited in the community. Another finding of the study was the social, economical and psychological challenges are faces widows in Boro-Shinasha socio-cultural practice of ‘Naata’ *marriage*, widow inheritance to their brother in-laws. Again, maladministration and resistance from the elder council is also the basic factors for the continuation of the practice in the community. These challenges are results the violations of widows’ rights. Therefore, study recommended that all the stakeholders could be responsible to solve the problems of widows and the harmful customary practices through effective and efficient awareness creation education among the community on the practices.

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Acronyms

AAA	: American Anthropological Association
AAU	: Addis Ababa University
ACHPR	: African charter on human and people rights
ACRW	: African charter on rights of women
BGRS	: Benishangule Gumuz Regional State
CEDAW	: Convention on Elimination of All Forms of Discrimination against Women
CERD	: Convention on the Elimination of All Forms against Racial Discrimination
CSO	: Civil Society Organization
CSSP	: Civil Society Support and Program
<i>EGLDAM</i>	: <i>Ethiopia Goji Limadawi Dirgitoch Aswogaj Mahiber</i> (elimination of harmful traditional practices association in Ethiopia)
ETB	: Ethiopia Birr
FDRE	: Federal Democratic Republic Of Ethiopia
FGD	: Focus Group Discussion
FGM	: Female Genital Mutilation
HCPs	: Harmful customary practices
HIV/AIDs	: Human Immune Virus/ Acquired Immune Deficiency Syndrome
HTP	: Harmful Traditional Practice
ICCPR	: International Convention on Civil and Political Rights
ICESCR	: International Convention on Economic, Social and Cultural Rights

IHRIs	: International Human Rights Institutions
ILO	: International labour organization
ISS	: institute of social studies
MLWDA	: <i>Mujejeguwa Loka</i> women development Association
NGO	: Non- Governmental Organization
OAU	: Organization of African Union
PAK	: Philosophical Association of Kenya
ROWS	: Resurrection Orphans and Widows Services
SCN	: Save Children Norway
UDHR	: Universal Declaration of Human Rights
UEWCA	: Union of Ethiopian Women Charitable Association
UNESCO	: United Nation Economic and Social Council
UNFPA	: United Nations population fund
UNICEF	: United Nations children's fund
USAID	: United State Agency for International Development
WI	: Widow Inheritance
WRI	: widows rights internationally

Glossary

<i>A'rra</i>	: Self help grouping in the community comprising of five members in a group that engage on performing various activities.
<i>Aso'</i>	: Haricot beans,
<i>Ba'rre Danda</i>	: Bar salt
<i>Baki Ts'tssa</i>	: Blood of Hen
<i>Bakoo</i>	: Hen
<i>Birr</i>	Ethiopian Paper Money
<i>Bora'</i>	: The native name for shinasha
<i>Damyawri</i>	: Taken to
<i>Dawaa</i>	: self help grouping a community level voluntary consisting of 15-30 people who come together to assist each other in different agricultural related or house construction activities (roof thatching, fencing, etc.) for one full day.
<i>Dowaa'</i>	: the major and eldest clan of Boro-Shinasha having various lineage families.
<i>Enasha'</i>	: Elder
<i>Endiwaa'</i>	: the lineage family of <i>Gonga</i> clan of Boro-Shinasha
<i>Enoraa'</i>	: one of the lineage families of <i>Gonga</i> clan Boro-Shinasha
<i>Fala</i>	: the ritual which is the Boro-Shinasha conducts for the purification or cleaning of the couples from their taboo.
<i>Farri Gat'a</i>	: twit their dressing in fronts in the middle of their breasts by the expected inheritor from their brother in- law,
<i>Farri Karcha</i>	: wearing their dress to the waist,
<i>Gambaa</i>	: the trouser /shorts given by the inheritors to widows to declare themselves who take the role of deceased husbands
<i>Godda</i>	: Sickle

<i>Gonga'</i>	: the major and younger clan of Boro-Shinasha constituting two main lineage families; <i>Enorra</i> and <i>Endiwo</i>
<i>Guree Shuka'</i>	: the traditional ritual practice of Boro-Shinasha which is conducted and slaughtering animal at the tip of mountains for purification of evil spirits from the surrounding environment.
<i>Idir</i>	: a voluntary self-help social institution in which members share the grief of those who lost their loved ones and / or assist in kind, finance moral the sick or with other related problems in the people
<i>Iqa'a'</i>	: creator/ God
<i>Jesha</i>	: <i>lead</i>
<i>Jiyya'</i>	: Marriage through Summary procedure,
<i>Kalawaa</i>	: Sin
<i>Kata</i>	: Linseed
<i>Kebele</i>	: the smallest administrative units of <i>woreda</i> or <i>district</i> .
<i>Kefa</i>	: Sesame
<i>Marrowa Shukaa</i>	: traditional ritual practice which <i>is</i> practices in the community for the children to develop with without disease and to prevent children from evil spirits attack; for rehabilitation of wealth, to promote harmonious way of life and productivities in the family
<i>Mayye Awa'</i>	: the day of the deceased people communicated with their creator (Monday)
<i>'Naata'</i>	: Inheritance
<i>'Naata' marriage</i>	: Widow Inheritance marriage
<i>Nuwa</i>	: Niger-seeds
<i>Nuwaa</i>	: Taboo
<i>Puriyya/ Biqaa'</i>	: Marriage through Abduction
<i>Sagursa</i>	: Axe/ Blade

<i>Sheen</i>	: In front
<i>Sheen Jasha</i>	: lead in fronts of the dead body or corpse
<i>Shero</i>	: holy Communion
<i>Shincha</i>	: <i>in Amharic 'Attila'</i> ,
<i>Shodee De'naa</i>	: the traditional practice which the community engaged to prayer when itch and itchiness appear on the external skins of the children.
<i>Taba</i>	: Smalle hoe
<i>Tasker</i>	: mourning
<i>Ts'tsa</i>	: Marriage through Elopement
<i>Ts'tssa' Neheyya</i>	: father of ritual or Father of blood;
<i>Wirra'</i>	: Marriage through Betrothal
<i>Woreda</i>	: <i>Administrative structure which is below zone comprising of smallest administrative units (kebeles)</i>

CHAPTER ONE

1. Background of the Study

Culture plays a significant role in a given community in determining the dynamics of societal structure and recognizing or violating various human rights stated in different international, regional, and national human rights instruments influencing and shaping the life of the society at large.¹ Women are often considered as those who have less power and are assumed to have subordinate positions. Often inheritance practices in most sub-Saharan African countries are believed to privilege men over women.² As Susan Moller stated, women often lose their dignity within their family and the society whereby, “the violations are justified by reference to culture, religion or traditions”.³ Similarly Tripp cited in Moghadam and M Bagheritari (2001: 416) accents; “cultural rationales are used throughout the world to protect the status quo when it comes to advancing women’s rights... even in the United States, which is a democratic country, cultural features prominently in arguments against improving women’s rights.

Widow inheritance is a cultural practice whereby a widow is expected to marry a kinsman or brother in-law or a close male relative of her late husband. Such an inherited marriage is considered in the society as levirate marriage. A “levirate marriage” is a marriage between a man and his deceased brother’s widow.⁴

The question lies whether such cultural trend of forcing women to inherited marriage violates their basic human rights or not. However, dealing with women’s rights would be futile without understanding the culture and tradition of society. Traditional cultural practices reflect the values and beliefs held by members of a community. Every social group in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members,

¹Eleni Tekalign, “The nexus between culture and women’s human rights: the case of ‘ABUSMA’ marriage in Afar”. MA thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in human rights, Center for human rights, AAU, June 2013.

²Valentine M. Moghadam and Manilee Bagheritari, cultures, conventions, and the human rights of women: examining the convention for safeguarding intangible cultural heritage, and the declaration on cultural diversity, SHS papers in women’s studies / gender research No. 1, gender equality and development on cultural section, division of human rights, social and human science sector, UNESCO, France march 2005: P.4

³EleniTekalign,2013 p:1

⁴Remigius N Nwabueze, Securing Widows’ Sepulchral Rights through the Nigerian Constitution, *Harvard Human Rights Journal* / Vol. 23, 2010, p:141

while others tend to be harmful to a specific group, such as women.⁵ Therefore, the essence of this study centers on women rights in widow inheritance marriage among the Boro-Shinasha in Bullen *woreda*, Benishangule Gumuz Regional State. Consequently, the detailed description of widow inheritance marriage with its Process among the Boro-Shinasha is discussed in the subsequent chapters of the main research.

1.1 . Statement of the Problem

Religion and culture are two inseparable and inter-related elements that influence the day to day activities of people all over the world. Accordingly, most of the societal norms and values are often products of cultural and religious doctrines.⁶ These two practices are reflected in different elements of people's everyday life such as in their mode of worship, marriage system, child rearing. Marriage is an age-long practice that unites a man and a woman together as husband and wife.⁷ However, Widows become most of the time victims in instances where by their deceased husbands' relatives, family and other people deprive them of their basic rights.

Marriage is a union of couples' commitment to one another with the hope of stable and lasting cherished relationship, socially recognized and approved.⁸ A marital relationship usually involves some kind of contract, either written or specified by tradition, which defines the partners' rights and responsibility to each other, their children, and relatives.⁹ Thus, Community influence, social context, and individuals attitude plays a major role towards the type of marital union entered between couples (Barber 2004).¹⁰ Gender relations of power constitute one of the root causes of gender inequality in marital life.¹¹ Gender inequality may lead to human rights

⁵Mauleke, MJ., culture, tradition, custom, law and gender equality, 2012 volume 15 no 1.P.E.R

<http://www.saflii.org/za/journals/PER/2012/1.pdf> accessed on Nov 4/11/2014

⁶R A. Shehu, etal, "Health Implications and Educational Media Strategies of Widowhood Practices in Niger State," *Pakistan Journal of Social Sciences* 7(2):101-105, 2010 – ISSN- 1683-8831:P:102

⁷ Ibid

⁸Serkalem Bekele; Divorce: Its cause and impact on the lives of divorced women and their children. Comparative study between Divorced and Intact families, a thesis submitted to the graduate school of Addis Ababa university in partial fulfillment of the requirements for the degree of Master of Arts in social work in department of sociology, AAU, unpublished, 2006

⁹Ibid

¹⁰Johnson Janagan and Shyamala, "Widow Remarriage: A New Dimension of Social Change in India." *International Journal of Humanities and Social Sciences*, ISSN 2250-3226 Volume 2, Number 3/ 2012, p. 195-205,p:195

¹¹Cook, R. J., Dickens, B. M. and Fathalla, M. F. *Reproductive Health and Human Rights: Integrating Medicine, Ethics, and Law*, Oxford: Oxford University Press, 2003

violations, continuation of stereotypes, and exclusion of women from political and socio-economic participation. This also not only leads to human rights violations but may also have implication for the overall development of a nation.

The custom of widow inheritance is a common practice among some communities around the globe who have been practicing it for centuries.¹² This indicates that the cultural practices that directly or indirectly lead the widow to be vulnerable to ill treatments. Widows are also degraded by their family, relatives of their deceased husband, co-wives and communities.

According to Kate Young, widows are often in an anomalous social position where by they are considered as a potential danger to social stability, because they are a single adult woman, whose sexuality is no longer contained within a marital relationship to be controlled by their husband.¹³ In Europe and North America, women enjoy relative economic autonomy and equal rights in law; widows nevertheless often suffer from a considerable diminishment of their social life after the death of their husbands.¹⁴ In South Asian and sub-Saharan African cultures widows are more vulnerable to ill-treatment because of their comparatively lesser bargaining power in the society.¹⁵ As Ike stated in Nigeria widows in some societies are expected to mourn the death of their husbands through acts that inflict them physically, and psychologically. Those acts include violent shaving of hair, drinking the water used to bath the corpse of their deceased husband, or sleep with the corpse alone in a locked room over-night; as those acts are believed communicate the degree of pain their deceased husband's has caused to them¹⁶. Widowhood may result in social stigma, whereby restrictions and taboos associated with it leading to chaste system, graveness and forceful life (Chen, 2000).¹⁷

There are various marriage practices in Ethiopia. The constitution of federal democratic republic of Ethiopia reveals that customary practice which contravenes the constitution has no effects and such practices could be put an end if it has been violating the protection of women human

¹²Ibid

¹³Kate Young, "Widows Without Rights: Challenging Marginalization And Dispossession", *Gender &Development*, 14:2, 2006, 199-209,P:201

¹⁴Ibid Kate Young,2006

¹⁵Ibid Kate Young, 2006

¹⁶BazzaIza Hadiza, "Domestic Violence and Women's Rights in Nigeria: Societies Without Borders", *Department of education University of Maiduguri Received 11 November 2008; accepted 10 January 2009: 175-192:p:183*

¹⁷Nnodim, A. U, Albert, C.O and Isife, B. I, "The Effect of Widowhood on the Income Generation and Well-Being of Rural Women in Rivers State, Nigeria," *Developing Country Studies*, Vol 2, No.11, 2012 ISSN 2224-607X (Paper) ISSN 2225-0565,p:136

rights.¹⁸ It also recognizes that state shall enforce the right of women to eliminate the influence of the harmful customary practices.¹⁹ Accordingly, the revised Benishangule Gumuz Regional State Constitution in 2002, Art (35/2) stated that marriage can be concluded before an officer of civil status, religious marriage, marriage according to customs and marriage celebrated abroad. Beyond these, in the revised Criminal Code of Ethiopia proclamation No.414/2004 has recognized bigamy as crime at article (650) and at article (651) stated that the preceding article shall not to apply where bigamy is committed in conformity with religious or traditional practices recognized by law.²⁰

Among the Boro-Shinasha community, there are five different types of marriage practices: *Wirra* (Betrothal), *Naata* marriage (widow inheritance), *puriyya /Biqaa* (Abduction); *Jiyya* (Summary procedure), and *Ts'tsa* (Elopement).²¹ This study basically emphasizes on the *Naata* marriage practice and women's rights among the Boro-Shinasha in Bullen *Woreda*, Benishangule Gumuz Regional State. The pre-existing studies conducted in Ethiopia, in particularly those studies conducted by graduate students at Addis Ababa University have not addressed the issues of women rights in Benishangule Gumuz Regional State. Thus, those researchers that conducted their studies in the Benishangule Gumuz Regional State are Lackech Kidane (1980), Wolde Sellassie (2002), Meron Zeleke (2005), Getachew Nibret (2007), Sahelu Tilahun (2007), and Messeret Genti (2014). Particularly, those researchers that conducted their studies on Boro-Shinasha community are Moges Woyessa (2004), Tsega Endalew (2005), Wodisha Habte (2010), and Abebe Ano Alula (2012) and Assefa Hirpa (2014). These researchers and studies mainly deal with development, socio-cultural livelihoods of the society, history, conflict resolution mechanism and they also explored the socio-cultural ceremonial system of marriage practices. Hence, there is an observable gap of research on marriage practices, particularly on widow inheritance marriage; *Naata* Marriage practice among the Boro-Shinasha in addressing the aspects of women human rights violation or protection.

By drawing on the existing gap, this study addresses the *Naata* marriage; widow inheritance and women's rights by aiming at understanding whether the widow inheritance practice violates

¹⁸Federal Negarit Gazeta of the federal democratic republic of Ethiopia first year No -1 Addis Ababa -21st August /1995 Art (9/1) and art (35/4)

¹⁹ Ibid

²⁰Proclamation No.414/2004, the criminal code of Ethiopia into force as of the 9th of May, 2005 (Art. 650)

²¹Addisu Adame, *Yeshinasha Tarikena Bhale*, Benishangule Gumuz Regional state, Metekel Zone, Bullen *Woreda*, Part One Unpublished, 1992, p:2

or protects widow rights. While doing this, the researcher explored the cultural rationales of the practice, process and criteria of widowhood rites and inheritance, the manifold challenges the widows' face and impact of the practice on the protection of basic human rights (rights to dignity and equality, marriage and form a family, the ownership of the property, health and life). Hence the study analyzes the widow inheritance practice of Boro-Shinasha in relation to human rights provision. The study addresses the different interventions by government and NGOs targeting the protection of widows' rights among the Boro-Shinasha community in Bullen *woreda*.

1.2. Research Questions

The basic research questions that rose to address the statement of the problem of the study are:

- What are the different socio-cultural justifications of the Boro-Shinasha for practicing widows' inheritance?
- What are the different challenges encountered by widows in widow inheritance marriage?
- What are the major rights of women violated in the practice?
- Does the different socio-cultural practice of the Boro-Shinasha in any way protect the rights of women in the widow inheritance practice?
- What are the different interventions carried out or planned by different stakeholders working in the area.

1.3. Objectives of the Study

1.3.1. General Objective of the Study

The general objective of this study is to understand the effects of widow inheritance marriage practice among the Boro-Shinasha in relation to the basic human rights of the widows'.

1.3.2. Specific Objectives

To address the general objective of the study, the specific objectives are:

- To understand the nature and practice of widow inheritance marriage among the Boro-Shinasha in Bullen *woreda*.
- To explore the multifaceted challenges widows face in widow inheritance marriage

- To examine how socio-cultural practices of the Boro-Shinasha impact the protection or violation of the rights of widows.
- To examine the different intervention initiatives undertaken by different stakeholders.

1.4 . Significance of the Study

The main significance of this study is contributing to the academic gap and to give an insight to the situation of widows in Boro-Shinasha community. Furthermore, by discussing the case of the violations or protections of women’s rights this study sheds some light to scholars, policy makers and human rights advocates as well as those who are interested in further studying the similar case and advocating for the protection of widow’s rights in Boro- Shinasha. The study may also contribute to the rights practitioners by pinpointing at the violations of women’s rights among the Boro- Shinasha. Last but not least it may contribute to the existing body of knowledge and reveal the way for other researchers to conduct further studies on the issues of the protection of widow’s rights and other women rights.

1.5 . Scopes and Limitations of the study

This study was conducted on the ‘*Naata*’ marriage; a widow inheritance marriage and women rights among the Boro-Shinasha in Bullen *woreda*. As a way of understanding whether the widow inheritance practice violates or protects widow’s rights, the researcher paid attention to exploring: the rationales of the practice, the process of widowhood rites and inheritance, challenges the widows face and impact of the practice on the protection of widows rights (rights to dignity and equality, marriage and form a family, the access and ownership of the property, and health and life). Beyond these the study is also emphasized on the intervention mechanisms on ‘*Naata*’ marriage practices taken by governmental and NGOs. Geographically, the study was limited to Bullen *woreda* on the selected three *kebeles* namely Banosh, Dosh and Emanji *kebeles* in the Benishangul-Gumuz Regional State. This because the ‘*Naata*’ marriage practice is widely practicing in the selected *kebeles* based on the socio-cultural practices of the community compared to the remaining *kebeles* of bullen *woreda*. This is in the selected *kebeles* majority settler were Boro-Shinasha. Beside this, conducting the study on all *kebeles* of Bullen *woreda* was unrealistic given the time, resource, financial, and material constraints. These limitations have necessitated the researcher to limit the study on a specific *woreda* in the region and the aforementioned *kebeles*.

These thematic and geographical specifications were informed by three factors. One of the factors is the gap of research conducted on the aforementioned theme on the issues of 'Naata' marriage practice, widow inheritance and women rights. The time and resource constraints were also the other factors that have limited the scope of the study on the theme and research areas mentioned above. Beyond these, another problem the respondents limited themselves to respond their views on the requested question in focus group discussion, particularly, mixed focus group discussion.

1.6. Research Methodology

1.6.1. Design of Research Methodology

This study utilized a qualitative research method with ethnographical research approach to understand the experiences of the widows' in 'Naata' marriage practice. 'A qualitative research aims at describing, making sense of interpreting or reconstructing in terms of the meanings that the subjects express'.²² This research method was used for data collection, analysis and interpretation and it helped the researcher to have an in-depth understanding of the respondents take on the 'Naata' marriage practice. Ethnographical research approach which "is the representation of a culture that not only describes the practices of the culture but also analyzes the functions and purposes of those events, describes the conditions under which particular practices occur, and suggests some greater significance and deeper understanding of the culture of the routine practices within their natural environment"(Scott W et al,2009).²³ So, this approach is appropriate for deeper understanding of the practice of 'Naata' marriage in the natural setting of socio- cultural practices of the Boro-Shinasha.

1.6.2. Sampling Techniques and Sample Size

The study employed a non-probability sampling technique; purposive sampling strategy to identify the specific study area in Bullen *woreda* and to identify key informants and focus group discussants. The reason for the utilization of purposive sampling strategy is to avoid as much as possible the personal bias of the community. Accordingly, the purposive sampling strategy is the most effective one when one needs to study a certain cultural domain with knowledgeable

²²Thyer B.A., *The Handbook of Social work Research Methods*, California: Sage Publications Inc., 2001, p: 257

²³Yitayew Alemayehu and Wondemagegn Tadesse, *Human Rights Research: A practical Guidebook on Methodology and Methods*, Center for Human Rights Addis Ababa University, AAU printed, 2013, .p:124 - 125

expertise.²⁴ Thus, the researcher used this sampling to have the participants who have knowledge and expertise on the socio-cultural practices of the society for the relevant and reliable information of the study. The study focused on three *Kebeles* in Bullen *woreda* namely Dosh, Banosh and Emanji *kebeles*.

1.6.3. Data Collection Instruments

The Primary and secondary sources of data were used for the study. The primary sources of data were collected through key informants' interviews and focus group discussion.

Secondary sources of data were gathered through document analysis and review of related literatures. Such as the opinion and views of prominent scholars, academically published journal articles, books, book chapters, legal instruments, reports and conference papers are also revised for the relevant and reliable of information on the study.

1.6.3.1. Key informant Interview

Key informant interview was conducted with individuals who have expertise and good knowledge of the narratives, symbols, sacred histories and conception of '*Naata*' marriage practice.

The key informants include elders; '*Enasha*', men (inheritors) and widows from the three *kebeles* and state officials; such as the Benishangule- Gumuz Regional State (BGRS) head of Women, Children and Youth Bureau, the BGRS head of Culture and Tourism Bureau, Metekel zone Women, Children and Youth Office Official, Bullen *woreda* Women, Children and Youth Office Official and Bullen *woreda* Justice office Official. Other key of informants of the study are the coordinators of the Boro-Shinasha Development Association and *Mujejeguwa Loka* Women Development Association (MLWDA)²⁵, and Benishangule Gumuz Regional State head of Labour and Social Affair Bureau. Accordingly, twenty six (26) key informants were interviewed,

²⁴Tongco, MDC, "Purposive sampling as a tool for informant selection", *Journal of Ethnobotany research applications*, University of Hawaii Manoa, 2007, p. 147- 158, p:1

²⁵*Mujejeguwa Loka* women development Association (MLWDA) is a local NGO. It is a non-political, non-religious, non-profit making humanitarian and development oriented established in 1996 and licensed by the federal democratic republic of Ethiopia ministry of justice in 2002. MLWDA come into existence in response of poverty and women and children health complications in Benishangul-Gumuz regional state. It has established total of 225 self-help groups with 3793 members and four cluster level of association in six *woredas* in Metekel zone; *Woredas* like Mandura, Dangure, Pawi, Guba, Dibate and Bullen and in Assosa zone; Assosa *woreda* of the Benishangul-Gumuz regional state.

of whom twelve were females and the remaining fourteen are males. Unstructured interviews were conducted by using interview guidelines or checklist. The interview was conducted in the Shinashagna language for elders, inheritors and widows of the study area and in Amharic language for the state officials by researcher. The Elders; ‘*Enasha*’ key informant interviewees are those who have good knowledge about the ‘*Naata*’ marriage practices of the Boro- Shinasha community. Thus, the (6) elders; ‘*Enasha*’ were take as the main informants of the study. This is two elders were taken from each *kebeles* of the study area. Six (6) men (inheritors) and six (6) widows are also included in the study, three inheritors and three widows from each *kebeles* taken as key informants and the remaining eight (8) informants are the aforementioned state officials. Among these informants six (6) are women and two (2) are male. The criteria that the researcher used to select informants were demographic variables i.e. age, experience and *knowledge* about the practices, sex, and marital status. In addition to these, the widows and inheritors key informants were selected based on their Knowledge and Willingness to communicate their knowledge and cooperate to the researcher. These make those informants key informants for the study.

1.6.3.2. Focus Group Discussion (FGD)

A focus group discussion (FGD) as ‘a carefully planned discussion designed to obtain perceptions on a defined area of interest in a non-threatening environment’.²⁶ Hence, the FGD is an appropriate method to obtain different opinion of the respondents which is necessary for deeper understanding of ‘*Naata*’ marriage practices in Boro-Shinasha with the existing justifications. Furthermore, the discussions raised during the FGD were important in looking at elements of contention and agreement on such issues related to the challenges, protection or violation of widows’ rights in ‘*Naata*’ marriage practice.

Four Focus Group Discussions were carried out. The three focus group discussion exclusive conducted with widows and one mixed focus group discussion was conducted inclusively widows and inheritors. One focus group discussion was conducted in each *kebeles* comprising of six members in a group by mixing women who have different age and experiencing ‘*Naata*’

²⁶Greeff, M, *Information collection: Interviewing in De Vos, A.S. (eds) Research at Grassroots: For the Social Sciences and Human Service professions* (2nd eds), Pretoria: VanSchaik Publishers, 2002, pp:306

marriage practice. The focus group discussion at Banosh *Kebele* was conducted on 7 January, 2015 when women were called for meeting on the issues of empowering the women saving habits by the coordinator of *Mujejeguwa Loka* women development association. The Second focus group discussion was conducted at Dosh *Kebele* on 9 January, 2015 on the occasion when the *Kebele* administration called all community for the discussion on the issues of community health and environment protection, and the third focus group discussion was conducted at Emanji *Kebele* on 13 January, 2015 when Emanji *Kebele* health center coordinators call the community for the discussion on malnutrition and health care. Fourth focus group discussion was conducted with widows and inheritors comprising of six members in a group by mixing three (3) widows and three (3) inheritors who have different age and experiencing 'Naata' marriage practice on 15 January, 2015. Thus, all these focus group discussions were conducted by preparing the necessary discussion guidelines on the 'Naata' marriage practice and women rights, asking their consent and interest for discussion and by letting permission from *kebeles* administrations.

1.7. Data Interpretation and Analysis

The contents of published materials used in the study were used in the process of data analysis and triangulation. The opinion and views of prominent scholars published in various relevant academic journal articles, books, book chapters, reports, thesis and legal instruments have been revised and used in the process of data analysis. Again, the response and experience of the participants of the study was interpreted and analyzed clearly and carefully to avoid potential bias of information.

1.8. Ethical Considerations

The researcher followed ethical principles of scientific research in the processes of data collection, data presentation and analysis. Therefore, the researcher kept the confidentiality of the selected key informants and discussants in most instances as per the interest of the informants of the research who prefer to stay confidential. The researcher asked the consent and interest of the discussants and key informants to record their sound and capture their image while conducting focus group discussion and in-depth-interview.

CHAPTER TWO

Definition of Key Concepts and Review of Related Literature

Introduction

This chapter presents review of related literatures in relation to socio-cultural practices of widow's inheritance and women's right in the widow inheritance practice. The reviews were made as a way of helping the researcher to build a foundation for the study and to identify the existing gaps. Furthermore, this chapter also presents the definition of key terms used in the study as widow, widowhood, widowhood ritual, widow inheritance and culture. Another emphasis are of review of related literatures are the multifaceted challenges of widow inheritance faced by widows, theoretical explanation of culture as human right and normative frameworks of human rights (international, regional, national and state level human rights instruments) in the protection of women rights.

2.1. Definition of the Key Terms

2.1.1. Widows, Widowhood and Widowhood Rituals

Widow is women who have been married and whose husbands have died. Beyond that, there is such a great heterogeneity among widows that there is no way of predicting the lifestyle, support systems, and identity of any one woman.²⁷

Therefore, the state of having lost one's spouse to death is termed as widowhood. Widowhood is sets of expectations as to actions and behavior of the widow, action by others towards the widow.²⁸ Widowhood is a nervous mourning and grieving period in the life of a female spouse who loses her husband (Aderinto, 2001; Fasoranti and Aruna, 2007).²⁹ A reaction to the death of a man as husband or a woman as wife is culturally determined and each culture determines the

²⁷ Encyclopedia of Death And Dying Vi-Z: <http://www.deathreference.com/Vi-Z/index.html#ixzz3bOz9HdXB>
_accessed on 27/5/2015

²⁸Chima Jacob KORIEH, "Widowhood among the Igbo of Eastern Nigeria", MA thesis submitted for the Degree of Master of Philosophy in History University of Bergen, Norway Bergen Spring, 1996.

²⁹Michael Onyedika Nwalutu, "Healing Bereavement through Rituals: A Review of the WeppaWanno Widowhood Purification Practices", *Sociology Mind*, Vol.2, No.3, 2012, 313-324;P:318

rationality of practices relating to widowhood and mourning rites.³⁰ This is followed by rituals performed by or on behalf of the widow from the time of the death of her husband³¹ which is called widowhood ritual.

Upon the death of a husband, rituals for the surviving widow can be harsh; such rituals can lead a widow to shave her hair off, casting off the cloths and the Jewelries that the widows wore during her husband's life time, and often she has to undergo rituals.³² Widows are forced by tradition to undergo extremely distressing rites such as drinking the water used to wash the dead body, denied sleep, food and appropriate care.³³ Widows are also prohibited from keeping their personal hygiene and are often isolated without a freedom of movement which predisposes the widow to overweight and different varieties of cancer.³⁴ The widows are often inherited by their brother in-laws or close male relatives of their late husbands.

Accordingly, my operational definitions of widow, widowhood and widowhood rituals are; widow is one who lost the male spouse because of death. Widowhood is the status of an individual who is married with someone and lost the spouse due to death. In widowhood period starting from the death of a spouse up to mourning ceremony there are some actions which are expected from widows or widowers in accordance with their socio-cultural practices. This is referred to as widowhood ritual. It is also most of the time conducted symbolically for the fulfillment of the cultural practices of the society or actual degrading the widows and widowers in expense of recognizing and preserving the cultural practices of the community.

³⁰Fasoranti O.O. and Miss J.O. Aruna, "A Cross-Cultural Comparison of Practices Relating to Widowhood and Widow-Inheritance Among the Igbo and Yoruba in Nigeria", *Journal of World Anthropology: Occasional Papers: Volume III, Number 1, n.d.;p:53*

³¹supra note.29, Chima Jacob KORIEH, 1996

³²Kate Young, 2006, P:200

³³United Nations Division for the Advancement of Women United Nations Economic Commission for Africa; Expert Group Meeting on good practices in legislation to address harmful practices against women United Nations Conference Centre Addis Ababa, Ethiopia 25 to 28 May 2009,P:5

³⁴Nzewi Esther, "Widowhood Practice: A female perspective. Paper Presented at a workshop Widowhood practices in Imo State". Owerri, June 6-7, 1989,

2.1.2. Widow Inheritance (WI)

Widow inheritance refers to conditions whereby a brother marry a widow's sister-in-law or when the husband's dies, his wife is obliged to marry her brother in-law.³⁵ Widow Inheritance is a customary practice whereby a relative of a deceased husband inherits the widow as his wife without considering any act of marriages under the marriage act.³⁶ In Some customs Widow Inheritance recognises what is known as "levirate unions" by which the widows cohabit with a brother or other relative of her deceased husband. In this case any children resulting from the union are regarded as those of the deceased husband.³⁷ Thus, traditionally, wives of the deceased were part of his property and could be inherited by somebody too old or too young at times by someone who is younger than her or their own son.³⁸ The 'brother' who takes up the role of her late husband is to be as inheritor.³⁹ The wedding album 'is the cohabitation of a widow with her brother in-law in which the brother in-law relates to the widow as a substitute of her deceased husband' (Kirwen, M.C, 1979).⁴⁰ 'Brother' in this context has wider meaning - brother of the deceased or a paternal first cousin or a clan cousin or an adopted stranger (Wilson, 1961, 120-122).⁴¹

According to Nyambedha and Aagaard-Hansen (2003) among the Luo, a patrilineal ethnic group in western Kenya, husbands are the traditional breadwinners and the women and their children belongs to the entire kin group.⁴² This marriage arrangement has its roots in the traditional marriage practices and the fact that bride wealth payment upon marriage was the responsibility of husbands' family or kin family.⁴³ They further revealed that the payment of bride wealth guaranteed children and their mothers the right to resources within the kin group and a place within the kinship structure. While, the husband had sole matrimonial rights over the wife, their

³⁵Ye Ethiopia Goji Limadawi Dirgitoch Aswogaj Mahiber (EGLDAM), *Harmful Traditional Practices, Reproductive Health and Gender training manual*, 2ndeds, save children Norway (SCN),2012,P:24

³⁶Widow inheritance <http://lawschoolnerds.blogspot.com/2012/03/widow-inheritance.html> accessed on 5 Dec,2014,p:1

³⁷Ibid.

³⁸Familusi,O.O, "African Culture and the Status of Women: The Yoruba Example", *The Journal of Pan African Studies, university of Ibadan, Nigeria* ,vol.5, no.1, March 2012,p:301.

³⁹Nyarwath Oriare, "The Luo Care for Widow's (Lako) and contemporary challenges", *Thought and Practice. A Journal of the Philosophical Association of Kenya (PAK) New Series, Vol.4 No.1, 2012. pp: 91-110, p. 94- 95.*

⁴⁰Nyarwath Oriare, 2012, p: 95.

⁴¹Nyarwath Oriare, 2012, p: 95.

⁴²Nyambedha Erick Otieno, "Change and Continuity in Kin-Based Support Systems for Widows and Orphans among the Luo in Western Kenya", *African Sociological Review*, 8, 1, 2004, pp.00-00.

⁴³Nyambedha Erick Otieno, 2004.

children were considered to belong to the entire community and socialization was its responsibility (Kayongo-Male and Onyango 1991:19).⁴⁴ As Oke (2001:52) described that in Yoruba people if a man dies without having a son his belongingness goes to his brother or uncle, and his name is believed to have been lost.⁴⁵ So, among Yoruba people having a male child is sacrosanct and the relevance of his name is not lost due to this a women may not inherit rather she could be inherited.⁴⁶

The practice of WI can be categorized in terms of the inheritor and the purpose of inheritance. Inheritors can be brothers or cousins to the widow's late husband (brothers are traditionally preferred), or someone who is not related to the husband.⁴⁷ Broadly, widows may enter into inheritance contract either for companionship or for sexual ritual performed to cleanse the widow after the burial of the husband (Ambasa-Shisanya CR, 2007).⁴⁸ They further stated that Widow Inheritance for purposes of companionship and support is generally for long-term and either monogamous or one in which an inheritor is shared only with his wife/wives. On the other hand, widow inheritance conducted for the purposes of fulfilling a sexual ritual is generally short-term and may involve different inheritors on different occasions (Agot EK, 2005, Okeyo TM, Allen AK 1994).⁴⁹ Widows' inheritance is informally entered or exited and therefore spouse status is contestable for disputes.⁵⁰

Therefore, my operational definition of widow inheritance and its descriptions as follows. Widow inheritance is the customary way of marriage which refers to the remarriage of widows to their brother in-law or close male relatives of the late husband's as well as for the adopted person in the family. Widow inheritance can be based on the socio-cultural practices of the society. In widow inheritance, the issues of consent, interest and age of the widows and inheritors could not be considered to conduct the inheritance marriage. The central issue in inheritance marriage is protecting and preserving cultural practices based on the cultural consent

⁴⁴Nyambedha Erick Otieno, 2004.

⁴⁵Familusi,O.O, 2012,p:301.

⁴⁶Familusi,O.O, 2012,p:301.

⁴⁷Agot E.etal, "Widow Inheritance and HIV Prevalence in Bondo District, Kenya: Baseline Results from a Prospective Cohort Study", *PLoS ONE* / www.plosone.org , / Volume 5 / Issue 11 / e14028, November, 2010, p:2

⁴⁸Agot E.etal, 2010.p:2.

⁴⁹Agot E.etal, 2010.p:2.

⁵⁰Cooper Elizabeth, Women and Inheritance in five (5) Sub-Saharan African Countries: Opportunities and Challenges for Policy and Practice Change, 2010, p: 5.

of the community. Its legality is conducting the remarriage of widows to their brother in-law or close male relatives of the late husband's as well as for the adopted person in the family; in front of elders and the family of both widows and inheritors making as witness. Thus, its end result may protect or violate the basic rights of widows, inheritors and co-wives in a particular and the community at large.

2.1. 3. The Concept of Culture

Culture has various meaning and definitions given by various scholars. Culture is the whole distinctive spiritual, material, intellectual and emotional features that characterize a society or a social group; includes modes of life, the fundamental rights of the human being, value systems, traditions and beliefs.⁵¹

Dana on her part defines it as "Culture is skills, norms, and ideological outlook which together constitute the individual which are generally understood as the product of membership in society."⁵² The classical cultural Anthropologist defines it as being "that complex whole which includes knowledge, belief, art, law, morals, custom, and any other capabilities and habits acquired by man as a member of society."⁵³ Kroeber and Kluckhohn stated that "culture consists of patterns, explicit and implicit of and for behaviors acquired and transmitted by symbols, constituting the distinctive achievement of human groups, including their embodiment in artifacts; the essential core of culture consists of traditional ideas and especially their attached values".⁵⁴ 'Culture is the set of attitudes, values, beliefs, and behaviors shared by a group of people, but different for each individual, communicated from one generation to the next.'⁵⁵ 'Culture is a set of basic assumptions and values, orientations to life, beliefs, policies, procedures

⁵¹The Twenty First Plenary Session Of The General Assembly Cultural, Educational And Social Affairs Committee Report On "The Role Of Culture In The Development Of The BSEC Region" ,Rapporteur: Mr. Georgios Kalantzis (Greece), Text approved by the Twenty First General Assembly in Chisinau on 12 June 2003, Parliamentary Assembly Of The Black Sea Economic Cooperation Doc.GA21/CC20/REP/03, www.pabsec.org/pabsec/aksisnet/file/pdf/rep.70.pdf accessed on12/oct /2014.

⁵²Irina Dana, "a culture of human rights and the right to culture", *Journal for Communication and Culture 1, no. 2, Institute for Communication and Culture (Winter 2011): 30-48,,p:35.*

⁵³Edward, B. Tylor, *Primitive Culture: Researches into the Development of Mythology, Philosophy, Religion, Art, and Custom*, London: Gordon Press, 1974

⁵⁴Irina Dana, 2011.p:35.

⁵⁵Matsumoto, D, *Culture and Psychology*, Pacific Grove, CA: Brooks/Cole, 1996, p:16

and behavioral conventions that are shared by a group of people, and that influence each member's behavior and his/her interpretations of the 'meaning' of other people's behavior.⁵⁶

Culture is the sum of a people's way of life. This includes norms and values of a society, their religion, politics, economics, technology, food habits, dressing style, medicine, rules of marriage, the performing arts, law and so on.⁵⁷ Culture is not static by its nature. It is constantly transformed by overarching changes.⁵⁸ Social Change is very fast due to the growing globalization; in few areas the cultural practices remain unchanged, and one of the areas where the change is very slow is the marriage.⁵⁹

Accordingly, considering the aforementioned meanings of culture defined by various scholars; my working definition of the culture is that it is the way of life of an individual or a community, and a socially learned experience of human being that consist of both material and non material elements.

2.2. The Multifaceted Challenges faced by widows in inheritance marriage

2.2.1. Psychological Problem

Normally, widowhood ought to call kindness and support from others. However, the situation of widows in Africa is full of disturbing experiences they encounter because of their husbands death.⁶⁰ In addition to the common experience of loss, they have had to put up with other challenges such as deprivation of resources, helplessness, and hopelessness brought by harmful cultural practices.⁶¹ Nwachukwu (1993) viewed a widow as a person who by certain circumstances lives in distress life. Thus, to her a widow is one who finds herself in the middle of the ocean of life and struggling to survive.⁶² It also often leads the widows to constantly

⁵⁶ Spencer- Oatey, H, *Culturally Speaking. Culture, Communication and Politeness Theory*, 2nd edition. London: Continuum, 2008,p:3

⁵⁷Kimani Njogu, *Culture, Entertainment and Health Promotion in Africa*, Nairobi: Twaweza Communications, 2005

⁵⁸Oluoch Asewe Elizabeth, and Wesonga Justus Nyongesa; "Perception of the Rural Luo Community on Widow Inheritance and HIV/AIDs in Kenya: Towards Developing Risk Communication Messages," *International Journal of Business and Social Science Vol. 4 No. 1, January 2013, p: 213.*

⁵⁹Johnson Janagan and Shyamala, 2012, p: 196.

⁶⁰DUROJAYE Ebenezer, "Woman, but not Human: Widowhood Practices and Human Rights Violations in Nigeria", *Civilistica.com// a. 2. n. 3. 2013 //, p: 2 accessed 29/8/2014.*

⁶¹Ibid, DUROJAYE Ebenezer, "Woman, but not Human": Widowhood Practices and Human Rights Violations in Nigeria", *Civilistica.com// a. 2. n. 3. 2013 //,p:2 accessed 29/8/2014.*

⁶²Oniye Olayinka Abdulraza, *Widowhood Practices in Nigeria and support Systems: Challenge to Counseling for National Integration:*

reflect back to memory of the happy past and their hopelessness regarding the future widowhood period in which the emotional trauma and psychological stress is very devastating for widows.⁶³ As Goldman and Lord (1983) stated, mourning and widowhood are opposite sides of the same coin with wide range of implications for those affected.⁶⁴ Gbenda (1997) has observed that widowhood affects women more than men. He noted that over the long-term women are affected more severely than men, psychologically, socially financially and sexually.⁶⁵

To sum up psychologically, beyond losing of their lovely husbands, in most circumstances widow are forced to live in deprivation, hopelessness and loneliness as well as emotional stress. Thus, widows continuously fall back to memory of their cheerful past and satisfactory living condition being with dependent children.

2.2.2. Social pressure and stereotypes

Socially, the impact of widowhood is multifaceted. It does not only affect the widows, but also their family and to a large extent the society. Its impact varies from bad to worst though depending on the status of the family affected with the capability of causing socio-economic dislocations that could impact negatively the well-being of the family.⁶⁶ Stein.H describes the stigma attached to widows as follows:

*Widowhood which the single person must learn to overcome . . . The role of the widow in the society is one without definition: she is socially and culturally ignored . . . Having to reach out for new roles and greater social mobility after overcoming her grief, the widow generally has difficulties in cultivating new relationships and in acquiring new companionships. She also sees herself as an outsider, a fifth wheel of the carriage. She feels every reason to be unmotivated in reaching out socially.*⁶⁷

[WIDOWHOOD%20PRACTICES%20IN%20NIGERIA%20AND%20SUPPORT%20SYSTEMS%3A%20CHALLENGE%20TO%20COUNSELLING%20FOR%20NATIONAL%20INTEGRATION%20Cpdf&category=web](#)

accessed on 12/4 2014.

⁶³Shehu R. A, etal, 2010, P: 102.

⁶⁴Oniye Olayinka Abdulraza, accessed on 12/4 2014.

⁶⁵ Ibid

⁶⁶Nnodim Ukachukwu. A., etal, "The Effectiveness of Widow Support Systems in the Rural Areas of Rivers State, Nigeria", *Study Tribes Tribal's*, 11(1), 2013), p. 49-53, p:1.

⁶⁷Stein.H, *Widowhood: From grieving to healing*, A dissertation Submitted to the Faculty of the California Institute of Integral Studies in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in Humanities With a concentration in East-West Psychology, California Institute of Integral Studies, San Francisco, CA, 2005, p:11.

Maryam and Nzewi (1998) cited in Shehu A.R, etal asserted that widowhood is a disgusting situation which allocates to the widow a position of societal disrespect and renounce permanent membership in the community.⁶⁸

Widows in Tanzania are regarded as bringing bad luck and hence they are frequently accused of inflicted their deceased husbands with an evil eye.⁶⁹ To avoid such suspicion the widows must demonstrate her grief and penance by wearing special clothes, avoid from people and all social occasions such as weddings and parties.⁷⁰ In Senegal, a widow may have to spend all she has on treating a dying husband and on the subsequent funeral rites.⁷¹

Meara (2008) described that widowhood as both a crisis as a result of its suddenness and the sea of changes that it wrought in the life of a woman and a problem as the woman tries to cope with the implications, which are almost always economic.⁷² Owen explained that widows are living in poor nutrition, inadequate shelter, a lack of access to health care and vulnerability to violence are very likely to suffer not only physical ill-health and it also in stress and chronic depression as well.⁷³

The challenges that widows face in the society because of being a widow and living in widow inheritance marriage, are negative outlooks and stigma by the community considering widows as those with malign spiritual powers that killed their husbands.

2.2.3. Economic Problems

Economically, poverty is not all about income alone. When one is poor his/her good life or well-being becomes multidimensional, including material and psychological dimensions. Thus, well-being is peace of mind, health, belonging to a community; safely freedom of choice and action, dependable livelihood and steady source of income and food (World Bank, 2000).⁷⁴

⁶⁸Shehu A.R etal, 2010, p: 102.

⁶⁹Widows, Aids, Health and Human Rights in Africa, Vanessa Von Struensee, JD, MPH [http://www.heart-intl.net/HEART/050107/Widows, AIDS. pdf](http://www.heart-intl.net/HEART/050107/Widows,_AIDS.pdf) accessed on 23/10/2014.

⁷⁰Ibid, accessed on 23/10/2014.

⁷¹Ishrat S, *Child Trafficking and HIV/AIDS*, Dhakar, Centre for Women and Children, 2000.

⁷²Nnodim A. U, Albert C.O and Isife B. I, 2012, p: 135.

⁷³Owen, Margaret. Widows: Life after death. *Index on Censorship*, 28(2), 1998,p: 15-17.

⁷⁴Oniye O. A, "Widowhood practices in Nigeria and support systems: Challenge to counseling for national integration the Counselor,2008: <http://.www.sistscience dev.net/ing/bibliography>

In developed countries, widowhood is experienced primarily by elderly women. In developing countries it also affects younger women and many of widowed are still rearing children and girls become widows before reaching adulthood.⁷⁵ Some of the multifaceted challenges of widows include: hunger and starvation during mourning period, ill treatment and denial of husband's property by their late husband's relatives and it could result physical health problem.⁷⁶ Although social rules differ greatly, all cultures have rules which govern the society's life in general and that of women in particular. Across cultures, widows are subject to patriarchal customary and religious laws and confront discrimination in inheritance rights.⁷⁷ Widows and female children in Tanzania traditionally have had little right to inherit property from their husbands' assets even when the property was acquired during the marriage.⁷⁸ As a result, Tanzanian women and their children are left destitute and homeless upon the death of their spouses.⁷⁹

In Ethiopia marriage by inheritance is also experienced in Oromia region among Muslim of Arsi East and west of Harriage zone. This is because of the existing cultural explanation that significant dowry has been paid to the bride's family and if the deceased husband has lands and other assets the kinship decided not to transfer the assets to another household or family.⁸⁰ Thus, the family and relatives of the late husband's is allowing the widowed lady to marry another person expect the brother of the deceased husbands.⁸¹ The characteristic of African customary law is the dominance of male members over property and lives of women and their juniors. As it allied to this the centralities of the family as opposed to the individual and the definition of the family in expansive terms may include the ascendants and descendants and more than one wife in polygamous union.⁸²

⁷⁵Edwirna Sendye, "widowhood: invisible women, secluded or excluded", women2000,' *published to promote the goals of the Beijing declaration and platform for action, December, 2001, p: 2.*

⁷⁶Shehu A .R, etal, 2010, P: 102.

⁷⁷Edwirna Sendye, 2001,p: 2.

⁷⁸Widows, Aids, Health and Human Rights in Africa, Vanessa Von Struensee, JD, MPH http://www.heart-intl.net/HEART/050107/Widows_AIDS.pdf accessed on 23/10/2014.

⁷⁹Ibid

⁸⁰*Ye Ethiopia Goji Limadawi Dirgitoch Aswogaj Mahiber (EGLDAM), Harmful Traditional Practices, Reproductive Health and Gender training manual, 2ndeds, Save Children Norway (SCN),2012,p: 24.*

⁸¹EGLDAM), 2012, P: 24.

⁸²Mbote Kameri, "Gender dimensions of law, colonialism and inheritance in east African, Kenyan women's experiences", *international environmental law research centre, published in 35/5 verfassung und ubersee, 2002.p:4.*

According to Shehu et al (2010) the widow's inability to feed and provide the basic human needs for herself and her children could lead to malnutrition and diseases.⁸³ The biggest challenges' facing widows' loneliness, which may last beyond the normal period of mourning and it can result to depression and decreased life satisfaction.⁸⁴

As the aforementioned review of literature attest, the economic challenges widows' face most of the times emanates from socially constructed idea of gender for widows in inheritance marriage. In the idea of gender, the communities believe that women cannot inherit the resources and are unable to manage family and property. This idea exposes widows to be culturally influenced and end up being inherited by their brother in-law or close male relatives of the late husbands or the adopted person in the family. In this system, they can highly experience malnutrition, poverty and starvation with their children because the inheritors are the ultimate power holder in administration of their home and resources.

2.2.4. Intra martial disputes

Marriage is a human universal that unites males and females in socially-recognized reproductive units (Murdock GP, 1949).⁸⁵ A marriage has wide significance beyond reproduction and is a fundamental cornerstone for economic, social, and kinship networks of the society.⁸⁶ Marriage is a remarkably imperative occasion in the existence of women; in particular a compromise marriage is a greeting and salutation for the security of women but a marriage by pressure is not good for women.⁸⁷

Polygamy is not the barely a marriage of choice but a value system that inspires and shapes family relations.⁸⁸ And as a value system, it has been in constant tension with and is flexible to

⁸³Shehu A. R, etal, 2010, p: 102.

⁸⁴Browning, C. J. & Wells, Y. D, Widowhood: *Encyclopedia of Public Health*, 2002.

⁸⁵Walker. S, R, etal, "Evolutionary History of Hunter-Gatherer Marriage Practices", *PLoS ONE* / www.plosone.org, / Volume 6 / Issue 4 / e19066, April, 2011, p: 1.

⁸⁶Walker. S, R, etal, 2011, P: 1.

⁸⁷Mina Uprety and Sikshya Adhikary, "Perceptions and Practices of Society towards single women in the context of Nepal", *Occasional Papers, Vol, 11, n.d, p: 246*.

⁸⁸Jonas Obonye. "The practice of polygamy under the scheme of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa": a critical appraisal: *Journal of African Studies and Development Vol. 4(5),2012, p. 142-149, P:142*.

import matrimonial ideology of monogamy.⁸⁹ Moore (1988) explains that in African patriarchal society, marriage by bride wealth payment is the common types of marriage.⁹⁰

The way patriarchy defines women is such that their full and wholesome existence depends on getting married, producing children and caring for their family (in Cf. K.T. Hansen, Eds 1992).⁹¹ Furthermore, women in Africa continue to bear a much greater burden of HIV infection relative to their male counterparts, calling for targeted interventions that address women's vulnerabilities ill treatment which may vary as a function of cultural and economic factors within each country and community.⁹² According to Owen, the widows' reproductive and sexual needs are often ignored. And the fact that widows could be sexually active, they often become victims of rape which are usually overlooked.⁹³

United Nation Division for the Advancement of Women (2001) reported that African Widows are vulnerable to HIV/AIDS infections due to ignorance in most cases about the cause of their husbands' death in many traditional societies, mourning rites may involve sexual relationship with husband's male relatives, or forced into levirate or second marriage with an infected heir or brother in-law. Among the Igbo of eastern Nigeria during a levirate marriage is practiced the widow's opinion or consent is not required; it is given to her as a condition for remaining in the family and for receiving assistance from the family.⁹⁴ There is much more pressure to conform to social expectations that women should be good wives and mothers.⁹⁵ In such contexts, widowhood creates an anomalous social situation, in which the widow is no longer under the direct control of her husband, within the marital family, nor can she return to the status of daughter in her natal family.

In conclusion Intra martial disputes can arise due to the lack of consent, interest and age- gap among widows and inheritors while in establishing inheritance marriage. The intra martial disputes may rise in most widow inheritance marriages involving polygamous union. Thus, the

⁸⁹Jonas Obonye, 2012, p. 142-149, P: 142.

⁹⁰Meron Zeleke, "The Socio-Economic Role and Status of Gumuz Women", MA thesis in partial fulfillment of the requirement for the degree of master of arts in social anthropology, Addis Ababa university, 2005, p:74.

⁹¹Tamale Sylvia, "Gender trauma in Africa: Enhancing women's links to resources". *Journal of African Law*, 48, 1 School of Oriental and African Studies. Printed in the United Kingdom, 2004, p. 50-6 1, p: 51-52.

⁹²Oluoch Asewe Elizabeth and Wesonga Justus Nyongesa, 2013, P: 214.

⁹³Owen, Margaret, 1998, P: 15-17.

⁹⁴Hadiza Iza Bazza, "Domestic Violence and Women's Rights in Nigeria", *Societies without Borders* 4 (2009) 175–192, p: 183.

⁹⁵Kate Young, 2006, p:202

combination of lack of consent, interest, the existence of age-gap and polygamous union among the widows and their inheritors may lead to widow to look outside to satisfy their sexual pleasure. This is another issue beyond conflict that paves the way for the exposure and expansion of HIV/AIDS transmission and destabilized the family and community at large.

2.3. Theoretical Frameworks of Human Rights

In this section the researcher deals with the review of relevant literatures focusing on culture as human rights and the two schools of thought of Universalism and Cultural Relativism. As both schools of thought offered their own justifications on whether culture and human rights are mutually reinforcing or not in the protection and promotion of human rights at the world and particularly women rights.

Cultural rights “refers to the rights of an individual or a community that requires expression, maintaining and transmitting their cultural identity” (Parekh, 2000, p. 211). Since culture is an integral part of an individual’s sense of identity and well-being, culture is part of human rights.⁹⁶ The debatable question arises as to whether the promotion of cultural rights, which emphasizes the value of different cultures and endorse specificities, implies some form of cultural relativism. To what extent can the promotion and protection of cultural rights be consistent with the notion of the universalism of human rights? This is the cultural rights and universalisms do not have to be mutually exclusive (Melville, 1973)⁹⁷.

For Universalists, human rights are universal for all human being; it is attached to an inherent in every individual irrespective of culture, race, ethnicity, gender, age ...etc. Therefore, international principles can enforce basic human rights and compel states to alter their norms and treatments of citizens in order to obey with human rights.⁹⁸ While those ascribing to a universal belief of human rights may acknowledge that cultures are different and counter those similarities amongst individuals should prevail over cultural

⁹⁶Dwivedi O. P, “The Challenge of Cultural Diversity for Good Governance, United Nations Expert Group Meeting on Managing Diversity in the Civil Service”, United Nations Headquarters, New York, 3 - 4 May 2001,p:1.

⁹⁷Herskovits, Melville, *Cultural Relativism: Perspectives in Cultural Pluralism*. New York: Vintage Books, 1973.

⁹⁸Nayak Shankar, “Challenges of Cultural Relativism and the Future of Feminist Universalism”, *Journal of Politics and Law; Published by Canadian Center of Science and Education, Vol. 6, No. 2; 2013 ISSN 1913-9047 E-ISSN 1913-9055 p:84.*

differences as human rights are mainly individual rights (Bell, et. al, 2001).⁹⁹ In contrary, relativists' criticism for the universal human rights law is alleged to its non-conformity "with the extreme diversity of cultural and religious practices found around the world".¹⁰⁰ Due to this effect, despite extensive IHRI that stipulate for gender equality there is different practices revitalized by religious and diverse cultural practices in protection of human rights. Higgins explains cultural relativism as:

*Generally speaking... cultural relativists are committed to one or both of the following premises: that knowledge and truth are culturally contingent, creating a barrier to cross cultural understanding; And that all cultures are equally valued. Combined with the empirical observation of cultural diversity worldwide, these two premises lead to the conclusion that human rights norms do not transcend cultural location and cannot be readily translated across cultures.*¹⁰¹

In addition, one must also recognize that though human beings are members of a particular cultural group, they are also 'members of an international or global community in which they have been recognized as bearing certain human rights' (Peach, 2001).¹⁰² Consequently, the universal-relative debate forwarded by Donnelly is 'relative universality' he asserted that universality of human rights is shown in "functional, international legal and overlapping consensus universality."¹⁰³ In this argument he focused on the "limits of the universality" since some states contend that the UDHR doesn't represent them.¹⁰⁴

In the nature of such tensions and allegations, and response of the defenders as well as after appreciating the existing standards at international arena, Donnelly come up with relative universality as an ideal theory to ensure the implementation of international human rights standards both at international and domestic spheres. He also says that: we must recognize the validity of claims of traditional values and institutions, as well as the rights of modern nations

⁹⁹Nayak Shankar, 2013, P: 83.

¹⁰⁰Elizabeth M. Zechenter, "In the Name of Culture: Cultural Relativism and the Abuse of the Individual", *Journal of Anthropology Research*, university of new Mexico, Autumn 1997, vol.53, No.3, p.319- 347, p:319-323.

¹⁰¹Claire Charters, "Universalism And Cultural Relativism In The Context Of Indigenous Women's Rights": http://www.victoria.ac.nz/law/centres/nzcpl/publications/human-rights-research_journal/publications/vol-1/Charters.pdf accessed 12/11/2014

¹⁰² Nayak Shankar, 2013.p:84.

¹⁰³Donnelly, "The Relative Universality Of Human Rights", *Human Rights Quarterly*, 2007, vol,29,p: 281

¹⁰⁴Donnelly,2007,P:281

and states to choose their own destiny. At the same time, though, we feel a need to keep these choices restrained within acceptable bounds and reject an anything-goes attitude.¹⁰⁵

The fact that cultural rights pay special attention to the cultures of individuals and communities does not stand in the way of the norms as such having universal value. It is generally accepted that the universal value of human rights does not necessarily involve the universal implementation of these rights.¹⁰⁶ While human rights norms have a universal character and apply to everyone on the basis of their human dignity, the implementation of these rights does not have to be uniform and as a result, cultural rights should be universally applicable to all communities and individuals, regardless of their geographical place or specific background, on the ground that culture is an important element of human dignity.¹⁰⁷

When Cultural freedom is properly interpreted, it helps individual freedom to flourish because all core individual rights are exercised within the social context.¹⁰⁸ In this context, collective rights and cultural freedoms exist for additional protection of individual rights and Freedom. Individual rights are actually entitlements that require corresponding obligations and duties however the movement for human rights unable to create a regime for duties and obligations, including the respect for cultural freedom.¹⁰⁹

The premise of universalism focused on emphasizing the point those human rights has to be universal moral standards and each and every world communities are responsible to protect and promote it without regarding cultural variation. It also believed that there are socio-cultural practices that are obstacle for the protection of human rights, particularly, women rights. Cultural relativism on the other hand states that culture is the base for each and every community used to lead way of life and protect human dignity within the community they are living. The idea of human rights is described by absolute cultural relativists as being euro-centric phenomena that aimed to diminish the cultural value of developing countries.

¹⁰⁵Preis, S. Ann - Belinda, "Human Rights as Cultural Practice: An Anthropological Critique" *Human Rights Quarterly, the Johns Hopkins University Press, Vol. 18, No. 2 (May, 1996), pp. 286-315: P: 292.*

¹⁰⁶Donders Yvonne, "Do cultural diversity and human rights make a good match?" *International Social Science Journal, Amsterdam Center for International Law, November 25, 2010pp. 15-35, p:16*

¹⁰⁷ Donders Yvonne, 2010, p:16

¹⁰⁸Dwivedi O. P, 2001, p:1

¹⁰⁹Dwivedi O. P, 2001, p:1

Therefore, even if the premises of the theories are differently explained they are dedicated to protect the well being of the individuals and the societies. Cultural relatives strictly focusing upon the culture of the community could not be judged based on the reference to one's own culture. However, even if it cannot be judged mean that it is not mean that all cultural practices are important to protect the human liberty and security. For example in widow inheritance is customary cultural practices which is conducted based on the socio-cultural practices of the community, that the widowhood burial rituals and practices are inflicted widows physically dignity and psychologically as well as economically. Thus, as widows are human being they have universal human dignity and have recognized rights as universal human being. Hence, when people apply cultural practices and values in protection of human dignity they need to give great attention to the socio- cultural practices and their interpretation unless we could not always recognized all cultural practices as harmonious in respecting humanity.

2.4. Some of the Relevant Normative Frameworks on Protecting the Rights of Women

In this part the researcher reviewed the basic women's rights such as the right to dignity and equality, the right to access and ownership of the property, the right to marriage and form a family, and the right to health and life pertaining to the international, regional, national and states level human rights legal instruments.

2.4.1. Right to Dignity and Equality

The Universal Declaration of Human Rights (UDHR) asserts that: everyone is entitled to all rights and freedoms set forth in Declaration, without any kind of distinction such as race, color, sex, language, religion, political opinion, national or social origin, property, birth or other status”¹¹⁰, “everyone has human right to be recognized everywhere as a person before the law”.¹¹¹ It also states that “everyone has the rights to equality before the law and to equal protection of the law”¹¹², “Everyone, as a member of society . . . is entitled to realization . . . of the economic, social and cultural rights indispensable for his dignity and the free development of

¹¹⁰Universal Declaration of Human Rights(UDHR) Article(2)

¹¹¹UDHR Article(6)

¹¹²UDHR Article (7)

his personality”¹¹³, “Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”.¹¹⁴

The international convention on civil and political rights (ICCPR) and international convention on economic, social and cultural rights (ICESCR) elaborate and codify the rights articulated in the UDHR, and also explicitly recognize the right to equality between women and men and the right to non-discrimination. The ICCPR states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.¹¹⁵ Accordingly, the preamble part of convention on the elimination of all forms of discrimination against women (CEDAW), paragraph seven (7) remarks that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women on equal terms with men in the political, social, economic and cultural life of their countries. This hampers the growth of the prosperity of society and the family and affects the full development of the potentialities of women in the service of their countries and of humanity. Hence, the convention on elimination of all forms of discrimination against women states that women have the right to dignity and equality with men. It utters that the states parties shall modify the appropriate laws and rule that help to protect the equality of women with men. Furthermore, it is stated that States Parties shall “take all appropriate measures to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women”¹¹⁶; And “modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women”.¹¹⁷

The women protocol Peculiar features in light of Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) covers gender based violence, bad cultural practices, early marriage, widow rights, property inheritance and reproductive health rights. The protocol of African charters on people and human rights to the rights of women provides for the elimination of HTPs.¹¹⁸ The African protocol on the rights of women also expressed that “Every woman shall have the right to dignity inherent in a human being, the recognition and

¹¹³UDHR Articles(22)

¹¹⁴UDHR Article (27)

¹¹⁵International Convention on Civil and Political Rights(ICCPR) Article 10(1)

¹¹⁶Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) Article (2(b))

¹¹⁷CEDAW Article (2(f))

¹¹⁸ Protocol of African Charter on the Rights of Women Article (5)

protection of her human and legal rights”.¹¹⁹ “Every woman shall have the right to respect as a person and to the free development of her personality”.¹²⁰

Consequently, the federal democratic republic of Ethiopia (FDRE) Constitution, Article (35/1) and Benishangule Gumuz regional state constitution article (36(1 and 2)) stipulates that “Women shall, enjoyment all rights and protections provided by these Constitution, have equal right with men.” The Benishangul-Gumuz regional state constitution article 25(2 and 3) stated that Everyone has the right to respect for his human dignity and reputation, and Everyone has the right to free development of his or her personality in a manner compatible with the rights of other citizens respectively.

2.4.2. The Right to Marriage and Form a Family

The UDHR explained that all adults have the human rights to marry and form a family. Women and men have equal human rights to marry, stay within marriage and its dissolution.¹²¹ The International Covenant on Civil and Political Rights (ICCPR) recognized that the family as “the natural and fundamental group of units of the society that entitled to protection by society and the state.”¹²² The (ICESCR) and ICCPR also provide marriage should be entering into with free and full consents of the intended spouses.¹²³

CEDAW article (16) sub article (1) stated that States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: the same article sub-article (a) stated that the same right to enter into marriage, sub article (b) ensure that the same right freely to choose a spouse and to enter into marriage only with their free and full consent. And sub-article (c) provided that the same rights and responsibilities during marriage and at its dissolution.

¹¹⁹African protocol on the rights of women Article (3(1)

¹²⁰African protocol on the rights of women Article (3(2))

¹²¹UDHR Article(16)

¹²²ICCPR Article (23(1)

¹²³ICESCR Article (10(1) and ICCPR Article (23(3)

The protocol of the African charter on the rights of women at article (6) sub-article(a) stated that no marriage shall take place without the free and full consent of both parties¹²⁴ and the minimum age of marriage for women shall be 18 years¹²⁵, monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including polygamous marital relationships are promoted and protected¹²⁶, every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognized¹²⁷, the husband and wife shall by mutual agreement choose their matrimonial regime and place of residence.¹²⁸

Again specifically, the African protocol on rights of women has provided the Widows right which stated that according to most customary laws in Africa, a woman becomes part of the estate of her deceased husband upon his death to be inherited by his brothers. So, the protocol provides that “a widow shall have the right to remarry any person of her choice.”¹²⁹

In corresponding to these, FDRE Constitution separately provides women’s rights under Articles (34) stating that they have equal rights while entering into, during marriage and at the time of divorce. Again the family law of Ethiopia article (8(2)) ensures that in the collateral line a man cannot conclude marriage with his sister or aunt; similarly, a woman cannot conclude marriage with her brother or uncle.

The family law Article (9/1) prohibited marriage between persons related by affinity in the direct line. The same article sub-article (2) stated that in the collateral line, marriage between a man and the sister of his wife, and a woman and the brother of her husband is prohibited. The Ethiopian criminal law article (650) also has criminalized polygamous marriage and article (651) stated that exceptional, article (650) shall not apply where bigamy is committed in conformity with religious or traditional practices recognized by law. In like manner, the Benishangule Gumuz regional state family law also recognized marriage has to be in various forms and it should be registered unless it is invalid.

¹²⁴Africa protocol on the rights of women, Article (6/a)

¹²⁵Africa protocol on the rights of women, Article (6/b)

¹²⁶Africa protocol on the rights of women, Article (6/c)

¹²⁷Africa protocol on the rights of women, Article (6/d)

¹²⁸Africa protocol on the rights of women, Article (6/e)

¹²⁹Africa protocol on the rights of women, Article (20(c))

2.4.3. The Right to Access and ownership of Property

The property rights is concern, the UDHR stated that everyone has right to equality with respect to marriage and own property.¹³⁰ The CEDAW stated that the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.¹³¹

The African protocol on rights of women has specifically provided the Widows right: a widow shall have the right an equitable share in the inheritance of her husband's property".¹³² It also stated that a "widow shall have the right to continue to live in the matrimonial house". "In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it".¹³³

Federal democratic republic of Ethiopia and the Benishangul-Gumuz regional state constitution Article (35/7) and (36(8)) stated that "Women shall have the right to acquire, administer, control, use, and transfer property, In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance of property respectively."

2.4.4. The Right to Health and Life

The Universal Declaration of Human Rights asserts that everyone has the Right to an adequate standard of living.¹³⁴ The ICESCR instrument widely considered the protection for the right to health, and recognizes "the rights of everyone to the enjoyment of the highest attainable physical and mental health".¹³⁵ Article (12(c)) stated that state parties shall the prevention, treatment and control of epidemic, endemic, occupational and other diseases.¹³⁶

CEDAW Article (11) sub-article (1/f) stated that state parties shall protect health and safety in working conditions; including the safeguarding of the function of reproduction and the same convention at article (12/1) stated that states Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis

¹³⁰ UDHR Article (16 and 7)

¹³¹ CEDAW Article (16/h)

¹³² Africa protocol on the rights of women, Article (20(c))

¹³³ Africa protocol on the rights of women, Article (21(1))

¹³⁴ UDHR Article (25)

¹³⁵ ICESCR Article (12(1))

¹³⁶ ICESCR Article (12(2/c))

of equality of men and women, access to health care services, including those related to family planning.

The African protocol on the rights of women has also given due attention to Health and reproductive rights of women. It provides “the right to control their fertility, to be informed of their health status and of the health status of their partners, to decide whether to have children, to choose any method of contraception, and the right to family planning education.”¹³⁷ Consequently, corresponding to this the Federal Democratic Republic of Ethiopia constitution article (44) sub- article (1) stated that all persons have the right to a clean and healthy environment. The same constitution and Benishangule Gumuz Regional State constitutions at article (15) and article (16) stated that every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by law respectively.

In general, the various international, regional, national and state levels of human rights instruments such as UDHR, ICCPR, ICESCR, CEADW, African protocol on the rights of women, FDRE and Benishangule Gumuz regional state constitutions and family laws are considered the foregoing rights as basic human rights. Therefore, they suggested that the state, community and every individual must protect those rights from violations in day to day activities of human beings. However, there are some provisions which contradicted with each other in protecting human rights. For example the African protocols in protecting the rights of women at article (6) sub-article (c) stated that monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including polygamous marital relationships are promoted and protected.

Thus, in one side it considered polygamous marriage as harmful traditional practice and has to be criminalized. In another side it encourages and promotes polygamous marital relationships. The second fallacy in provision and protection of women rights is that the Ethiopian criminal law article (650) also has criminalized polygamous marriage and article (651) stated that exceptional, article (650) shall not apply where bigamy is committed in conformity with religious or

¹³⁷African protocol on the rights of women Article (14)

traditional practices recognized by law. In this sense the bigamy can be allowed for the communities which considered as their cultural practice.

Consequently, widow inheritance practice is socio-cultural practice being experienced by some societies. In this context, when the societies recognized widow inheritance as their socio-cultural system, the law of state can also allow the practice to be experienced in the community. However, widow inheritance is a practice which violates the basic human rights of widows. Therefore, governments of states must provide clear cut provisions on the practices highlighting the impacts of the cultural practices in protecting or violating the well-beings of societies.

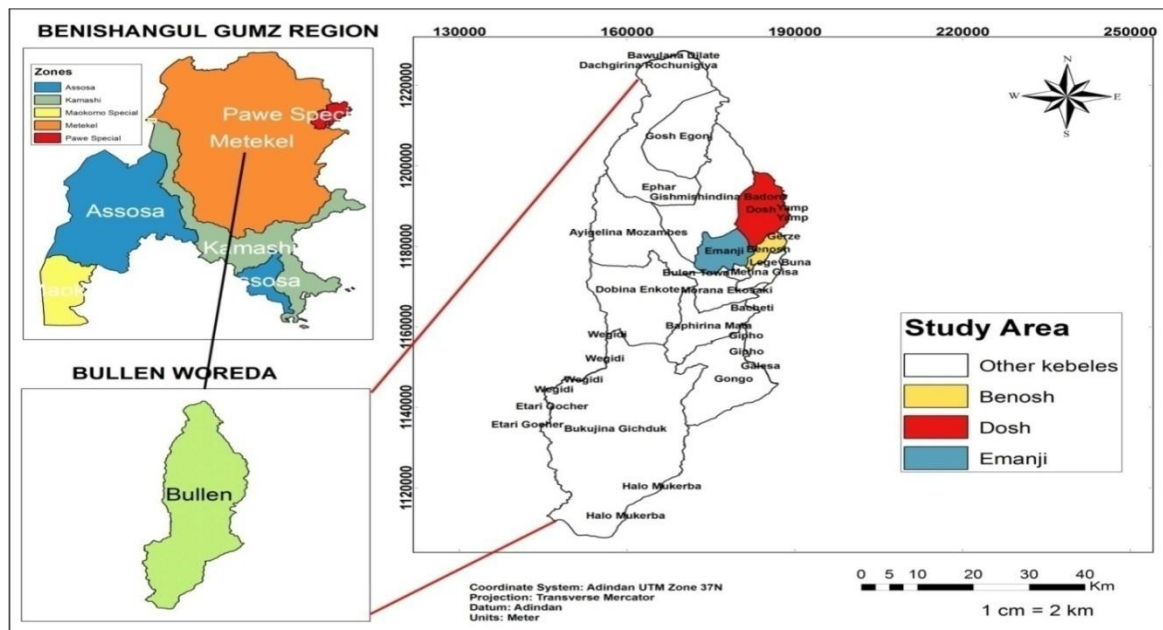
CHAPTER THREE

Description of the Study Area

This study is conducted in Bullen *woreda*, Benishangule- Gumuz Regional State. This chapter gives a brief description of the study area. The information provided in this chapter include: background information on the geographical setting and climatic conditions of the study area; brief historical background of the Shinasha; major livelihood strategies; some background on socio – cultural systems of Boro-Shinasha community.

3.1 Geographical Setting and Climatic Condition

The Benishangule- Gumuz Regional State is one of the regional states of the Federal Democratic Republic of Ethiopia, (FDRE). Geographically, the region is estimated to cover a total area of 50,380 km². It is located between 8.9⁰ N and 12.01⁰ N latitude and 34.10⁰E and 37.04⁰E longitude. The region accounts to about 4.48% of the total land area of the country. It is bordered by Amhara regional state in the north and north east; with Oromia regional state in east and south east; Gambela regional state in the south and with Sudan and south Sudan in the west and south east.¹³⁸



Source: Ethiopia Central Statistical Agency, 2007

¹³⁸BGRS Communication Bureau, Facts about Benishangule Gumuz Regional State, 2013

The mean annual temperature of the region ranges between 23-33⁰c in the low land and 10- 15⁰c in the highland with a slight variation of temperature by months. The months from February to May are the hottest months of the year while the time between June up to January tends to be the coldest months. The rainy season of the region starts in May and runs up to end of October with the highest rain concentration being in June-August.¹³⁹

According to the national census result of the population projection figures in July 2012 there are 982,004 people residing in the region. Of this total number 499,004 are male and 483, 000 of them are female.¹⁴⁰ There are different ethnic groups residing in the regional state .Notwithstanding the recognition of other peoples living in the region, the BGRS constitution at article (2) proclaimed that the indigenous nation nationalities of the Region are Berta, Gumuz, Shinasha, Mao and Komo.¹⁴¹ Administratively; the region has three administrative zones namely; Metekel, Assosa and kamasshi zones. These zones are sub structured into nineteen (19) *woredas*, one special *woreda* (Mao-Komo), one city administration and four hundreds seventy five *kebeles*. The capital city of the region; Assosa is located West of Addis Ababa at a distance of 752 kilometer.

Metekel zone is located in northwestern part of the country. The zonal capital city is Gilgalbiles located at a distance of 547 km to west of Addis Ababa and 378 km to the East of the regional capital, Assosa. The total size of the zone is 26, 303.07 Square kilometer. The climatic conditions of the zone include *Dega*, *Qola*, and *Weyna Dega* climatic conditions. It is structured into seven *woredas*; namely Bullen, Dibate, Wonbera, Guba, Dangur, Pawi and Mandura and one hindered sixty seven *kebeles*.¹⁴² It is bordered Amhara regional state north and north east; Kamasha zone in south; north Sudan and Blue Nile in west and Oromia regional state in southeast and east.¹⁴³

¹³⁹Ibid.

¹⁴⁰Population Census of Central Statistical Agency(CSA), the population projection figures, July 2012, P:23

¹⁴¹The proclamation No.31/2003 revised constitution of Benishangule Gumuz regional state (BGRS) Article (2).

¹⁴²Magazine prepared by Benishangule Gumuz regional state for the celebration of the 9th Ethiopia nation, nationalities and people day publication and documentation published by Brahainena Selam press on December 7/2014:4.

¹⁴³Ibid.

The total population of Metekel zone is 346,112. Of this, there are 174,105 male and 172,007 Females.¹⁴⁴ The recognized native ethnic groups of Metekel zone are Shinasha and Gumuz ethnic groups. However there are large numbers of other ethnic groups residing in the zone for long time.¹⁴⁵

Bullen *woreda* is one of the *woredas* found in Metekel zone where the study is carried out. The *woreda* is located to east of Giblebiles, Northwest of Addis Ababa at a distance of 590 kilometer, East of Assossa at a distance of 469 k/m. Bullen *woreda* is mostly mountainous and the average elevation ranges from 900 to 2300 meters above sea level. Its climatic condition is comprised of 85% *Qola*, 10% *Weyna dega* and 5% *Dega*.¹⁴⁶ Bullen *woreda* is structured into 19 *kebeles* and the total number of its population is 57,122(Male 29,300 and Female 27,822).¹⁴⁷ Names of *kebeles* of Bullen *woreda* are Dosh, Banosh, Emanji, Apare, Addis Alem, Saga, Baruda, Dobe, Mora, Ayegalli, Chelaqo, Bullen Quter Ande, and Bullen Quter Hulet, Meti ena Gisa, Bakuji, Gongo, Dora Qela, Dora Jelja and Mata.

Among these *kebeles* of Bullen *woreda* Dosh, Banosh and Emanji are locations where the study was specifically carried out. The two largest ethnic groups residing in the study *kebeles* are Boro-Shinasha and the Gumuz.

3.2. Brief Historical Note of the Boro-Shinasha

Every community has its own origins, traditions and settlements patterns. The *Gonga* peoples relate their traditions of origin mainly to the Middle East. The word *Gonga* is familiar to the Boro-Shinasha. *Gonga* is commonly used for many centuries by the Shinasha people from various localities of the Shinasha settlement area. However, different historical documents described that the term *Gonga* was used by the people of Ennarya as far as Kafa to the south (Werner, 1982).¹⁴⁸ Therefore, *Gonga* seems to be a common term representing Kafa, Sheka, Boshia and Hinnaro dialects of the southwestern region as well as the Anfillo and Shinasha

¹⁴⁴Population census of CSA, 2012, P: 23.

¹⁴⁵Magazine entitled “*Keleliachen*” prepared by BGRS for the celebration of the 9th Ethiopia nation, nationalities and people day publication and documentation on December 7/2014:4 published by Brahainena Selam press, 2014,P:4.

¹⁴⁶Ibid.

¹⁴⁷CSA, 2012:23.

¹⁴⁸Abebe Ano Alula, “the shinasha relation with other *Gonga* people”, *Star Journal*, July-sep 2012,1 (3),115-125,p:116-117.

languages.¹⁴⁹ This further reaffirms that the people to people relation or the forum of *Gonga* people which was conducted among Boro-Shinasha, Kaffa and Sheka in 2008 to strengthen the economic, social, and cultural relation which was interpreted relation among them by various factors for more than four thousands of years. On the other hand, there is a place name *Gongo* in the districts of Bullen and in close proximity to Galasa area and also there is a name of Shinasha clan known as *Gonga*. Thus, these accounts suggest the long use of the term *Gonga* in the Shinasha localities based on one of their clan named *Gonga*.

Similarly, the Shinasha claim their original homeland to be Biblical Canaan.¹⁵⁰ According to oral and historical accounts of the Shinasha, they were led by one of their ancestral fathers called Hamati who was believed to be one of the sons of Canaan.¹⁵¹ According to Tsega, Hamati was instrumental in leading the Shinasha to cross a river known as *Walel* which they associate with the Red Sea. Similar to the Israelites who crossed the Red Sea after it was divided and laid open by God during the Exodus led by Mosses, the Shinasha crossed the *Walel* (Red Sea) led by Hamati and entered Egypt.¹⁵² They are said to have left their country in search of pastureland and moved first to Egypt where they lived for a time and moved on to Ethiopia until they reached and settled in Shawa.¹⁵³ According to Taye (1987) cited by Wudesha Habte, in 3679 B.C the Shinasha entered Ethiopia via Blue Nile and settled to the north and south of the Blue Nile, Wellega, Gojjam and Gondar.¹⁵⁴

However, it was stated that their clan chiefs, notably Shao, led and directed all the Shinasha to settle in Shewa. Shao was said to have ruled the Shinasha in Shewa for about two decades before they were dispersed on both sides of the Abbay River and formed the Kingdom of Gonga that includes other Omotic speaking groups in the south-western territories.¹⁵⁵ In these dynamics of movements they claim their founding father to be one Shao, who begot Ashinao,

¹⁴⁹Abebe Ano Alula, 2012, P: 117.

¹⁵⁰Tsega Endalew; "Christian Influences on Shinasha oral traditions", *HAAP* 3;2005, p:6 .

¹⁵¹Tsega Endalew 2005, p: 6.

¹⁵²Tsega Endalew; 2005, p: 6.

¹⁵³Tsega Endalew; 2005, p: 6.

¹⁵⁴Wudesha Habte; "*Nema*: Traditional conflict resolution mechanism of the boro-sinasa people Northwest Ethiopia: challenges and prospects". MA thesis submitted to the school of graduate studies in partial fulfillment of the requirement for the degree of master of art in peace and security studies AAU, 2010, p: 29.

¹⁵⁵Tsega Endalew, 2005, P: 6.

Assibo, Boro and Gongo.¹⁵⁶ These descendants of Shao are said to have divided Gojjam among themselves with Ashinao taking Shashina; Assibo taking Assi; Boro Occupying Bure and Gongo settled in Gwangua.

Due to population pressures from south of Abbay many Gonga groups seem to have moved to the north of the River and joined the Gongas there. They continued their move into Metekkel forced by the military expeditions from the Christian kingdom and the Shinasha reference to Canaan and Shewa indicates very early contacts with the Christian Kingdom.¹⁵⁷ However, the people were given various names at different areas. These names stated in different literatures are the Boro; Dangao; Gonga, Sinicho, Seentyo, Simittichos, Sinetjo, Sinasa, Scinascie and Xinax however, the name shinasha is their most commonly used name.¹⁵⁸

The term seems to be a non-derogative Amharic designation, derived from *shi-ena-shi* which means thousands and thousands indicating the multitudes of people who fled to and settled in the north of Abbey River (Ali, 1991).¹⁵⁹ Again others relate the etymology as originating from Sinicho, an Oromo appellation for the same people. According to the tradition collected by Tesema Ta'a in western Wellega, these people strongly resisted the Oromo expansion into the area, and it was most probably due to their stiff resistance that the Oromo associate the people with a very hot pepper 'Sinicho' in Oromo language and the Shinasha resistance seems to be too bitter and burning like Sinicho (pepper) and hence the Oromo called them still 'Sinicho'.¹⁶⁰

Before these names were given to the community, the native name for Shinasha according to local narratives was 'Boro' as they are called nowadays Boro- Shinasha.¹⁶¹ Perhaps, various scholars explained that Shinasha people originally inhabited the Ethiopian Highlands and were alien to Benishangul-Gumuz until recently due to Population pressure and military expeditions of

¹⁵⁶Tsega Endalew, "Conflict Resolution through Cultural tolerance: Analysis of the Micu institution in Metekkel region, Ethiopia", *social science research report seriesno.25; 2002*.

¹⁵⁷Tsega Endalew; 2005, p: 6.

¹⁵⁸Wudesha Habte; 2010, p: 20.

¹⁵⁹Abebe Ano Alula, "The Luba Basa Institution: The Challenge on Shinasha Identity", *star journal* April-June 2012;P:102, Department of History and Heritage Management, College of Social Sciences, Wollega University, Gimbi, Ethiopia and Tsega Endalew, Christian Influences on Shinasha Oral Traditions, HAAP, 2005, P:3.

¹⁶⁰Abebe Ano, 2012; P: 102.

¹⁶¹Addisu Adame, *Yeshinasha Tarikena Bahale*, 1992, p: 2.

Christian highland kingdoms in 16th c and search of pastureland are still the driving forces behind the move into Gojjam and adjacent territories on both sides of the Abbay.¹⁶²

The Shinasha/Gonga people living on both sides of the river had lost their independence by the early eighteenth century and most of them moved to the remote lowland parts of Metekkel (Lange 1982, 12).¹⁶³ The Shinasha are today a very small group that once was part of a big kingdom broken apart by assimilation and war and today the ‘remaining’ Boro- Shinasha seem to have a quite strong position in society¹⁶⁴ who are living in Benishangul-Gumuz regional states in Metekel zone. But, this does not mean that Boro- Shinasha are mainly limited to the Benishangule regional states in Metekel zone rather it is related to the fact that they are recognized by the regional government and are considered as native ethnic groups who have resided in the region for a long period of times. According to Addisu Adame, 1992 and legendary about Boro-Shinasha people stated that even if they could not protect and preserve socio-cultural practices (language, custom, tradition and beliefs) due to various influences, the Shinasha are still residing in large numbers in places located in Wollega around Amuru, Nejjio and Horro Guduru, Gondar, and Kaffa.

However, as Tsega Endalew cited Antoine D’Abbaddie and Charles Beke, Gonga is described as a language spoken on both sides of the Abbay as far as Kafa to the south. The Gonga languages include Anfillo, Dawaro, Garo, Kafa, Mao, Shinasha, Sheka, Yam and Walayta which form a homogeneous language cluster and may be divided into three main branches: Southern Gonga including among others Kafa, Sheka and Bosha spoken in south-western regions in the vicinity of the Gojeb river, Central Gonga representing Anfillo /Anfillo spoken in western Wallaga and, and the Northern Gonga comprising Shinasha. Moreover, some historical evidences show that

¹⁶²Ruibal González- Alfredo and Martínez Fernández Víctor M, “Exhibiting Cultures Of Contact: A Museum for Benishangul-Gumuz, Ethiopia,” Stanford Journal of Archaeology Departamento de Prehistoria, Universidad Complutense de Madrid:<http://database5.com/e/exhibiting-cultures-of-contact-a-museum-for-benishangul-w37646.htm> accessed on 12 Nov, 2014.

¹⁶³Tsega Endalew, 2002.

¹⁶⁴Rakotondrainy Sophie Küspert, Language Policy and Identity in a Diverse Society: *The Impact of Language of Instruction on Social Group Identity. A Comparative Case Study from Ethiopia*, Institute for Educational Research, University of Oslo, April 2013, P: V.

the Boro-Shinasha belongs to the northern Omotic speaking groups of Ethiopia (Bender, 1976).¹⁶⁵

The Shinasha people moved into Benishangule Gumuz regional state in Metekkel zone due to forced military expeditions from the Christian kingdom in 16thc and Oromo population expansion. These historical developments in Ethiopia have a profound effect on their socio-cultural system and identity as well as decreasing of their population number in Ethiopia.¹⁶⁶ As the result of these historical events a majority of the Boro-Shinasha were assimilated in northern Wallaga and southern Gojjam. They were subsumed into the Amharic, Agaw and Oromo speaking groups.¹⁶⁷

Moreover, other challenge that the Boro- Shinasha faced was related to the Oromo expansion and resulting cultural assimilation. Right from the beginning of their expansion the Oromo had at their disposal various institutions and mechanisms of establishing relationships with the people they conquered.¹⁶⁸ One among such institution by which the Oromo assimilated, incorporated and subdued peoples into their society was called the Luba Basa institution. It was this incorporation Process or mechanism applied in Wonbera to the Shinasha.¹⁶⁹ As to how and why the Oromo devised and evolve this institution remained controversial. However, Mohammad Hassen, tracing its emergence back to Buffole Gada (1546-1554) argues that it was one of the strategies devised for the sake of administration the subject peoples.¹⁷⁰ Assimilating the subdued people through adoption Luba Basa was, therefore, one of the strategies of administration. Therefore, this evidence shows that as the Luba Basa institution plays a greater role on Boro-Shinasha people to lose their identity and result the increments of Oromo population in the vicinity of Wonbera *woreda* in Metekel zone.

Now days the people are widely settled in Metekel Zone mainly in Bullen, Dibate, Wonbera and Dangur *woredas*. Mostly, there are also Gumuz, Amhara, Oromo and Agaw people living with them. There is high flow of internal migrants from neighboring regional states, particularly;

¹⁶⁵Wodisha Habte, 2010, P: 29.

¹⁶⁶Tsega Endalew, 2002.

¹⁶⁷Tsega Endalew, 2005, p: 6.

¹⁶⁸ Abebe Ano, 2012, p: 102.

¹⁶⁹Abebe Ano, 2012, p: 102.

¹⁷⁰Abebe Ano, 2012, p: 102.

majorities of them from the Amhara regional state to the study area due to several economic and socio-cultural factors. Most of the factors that attract migrants included land availability in the destination areas, the need to control lucrative land; peer and kin relation, the need for better life; geographical proximity of the migrants and scarcity and degradation of the land at the migrant's localities (Wodiesa and Taye, 2009).¹⁷¹

3.3. Livelihood System: Socio- Economic activities of Boro-Shinasha

Agriculture has been the main economic activities of the people of Metekel. Much of the land is fertile and productive which made the area attractive to different settler communities following the Amhara conquest of the region and resettlement program. Metekel zone is a place where the resettlement program was experienced in Ethiopia during the time of the devastating famines in the 1970s and 1980s. Beginning in late 1984, with the view to avert the famine, the government launched an emergency resettlement program and relocated about 600,000 people from drought-affected and over populated regions to different part of the country supposed to be fertile and sparsely populated area.¹⁷² Of this total, 82,000 people moved to Metekel, northwestern of Ethiopia. This area was originally inhabited by the Gumuz and Shinasha shifting cultivators¹⁷³. The Boro-Shinasha livelihood strategy is mainly related to agriculture where by plough farming and shifting cultivation are adopted by the local residents of the zone at large. Shifting cultivation is the predominantly common agricultural activity among the indigenous ethnic groups however; the Boro-Shinasha people are primarily oxen plow cultivators (Ayana and Yared 2008).¹⁷⁴ The Boro-Shinasha uses simple agriculture tools such as *Taba*; smalle hoe; *Godda*, *Sickle* and *Sagursa*; axe.¹⁷⁵

According to key informants from the Boro-Shinasha specifically elders, there were different crop produced by Boro- Shinasha in the districts of Metekel zone. These include cereals, oil seeds and food crops. The well-known food crops are finger-millet; sorghum and maize. Among these food crops sorghum has been the main staple for the Boro- shinasha. According to Abebe Ano and Addisu Adema (2015) the farmers of Boro-Shinasha cultivated different crops which

¹⁷¹Wudesha Habte, 2010, p: 30.

¹⁷²Gebre Yntiso, "From tractors to draft animals: Resettlement, foreign aid, and changes in metekel, Ethiopia", *Ethiopian journal of development research vol, 28, No 1, April, 2006, P: 36.*

¹⁷³Gebre Yntiso, 2006, P: 36.

¹⁷⁴Wudesha Habte, 2010, P: 35.

¹⁷⁵Abebe Ano and Addisu Adame; short history and culture of Boro-Shinasha people, Assosa, unpublished, 2015, p: 101.

had been essential types of food sources of the society are *Aso*’; haricot beans, *Epo*’, and peas. In addition to these they also explained that oil seeds indispensable types of food production and crops by the Boro- Shinasha people. Such as *kefa*; sesame, *Kata*; linseed and *Nuwa*; Niger-seeds are the major one. Besides the aforementioned types of crops, key informants have explained that the Boro-Shinasha cultivated products like barely, wheat and cotton. Thus, the agricultural tools that they used lead to limit their farm land and productivities of their crop productions. However, gradually they increased their agricultural land and the quantity of the production for their means of subsistence. Informants revealed that the Boro-Shinasha people adopted the culture of plowing from other neighboring ethnic groups of Ethiopia; such as Agaw and Amhara. Like Among the Boro-Shinasha both men and women participate in agricultural activities. Men are mainly involved in plowing while women engage much with weeding and harvesting the crops.

They are also well known by livestock herding and craftwork which they use to generate additional income. The Boro- Shinasha society also owned sheep, cow, box; goat and hens. However, the cattle rearing habits of Boro-Shinasha was hindered by the sporadic cattle diseases and epidemics that happened in the area. According to Gebre Yntiso, long before the plowing becomes being part of Boro- Shinasha and Gumuz farm tradition, Tse-tsefly has been a major animal disease in Metekel that endangered the existence of cattle in the region during resettlement program between 1986 and 1991¹⁷⁶. But, as the informants asserted now days herding of livestock in Metekel area and among Boro- shinasha people of the study areas is better due to the development of medicine of animal vaccination that wipe out Tse-tsefly from the zone.

The land tenure system according to the tradition of Boro-Shinasha society is classified to two as personal and communal land tenure system. As informants explained, in the individual land tenure system “members of the individuals had the right to use the land either for cultivation or leave as fallow and communal land tenure system in which all members of Boro-Shinasha people owned communal such as virgin land, forest land area, grazing land and river banks were owned by the society as a whole that provide supplementary resource to the collectivity or shifting cultivation”.¹⁷⁷ The crop production and its productivity is still at low level in Metekel zone in a

¹⁷⁶Gebre Yntiso, 2006, P: 55.

¹⁷⁷Elder key informants interview at Dosh, Emanji and Banosh kebeles conducted on ,5, 10 January and on 2

particularly and in the region in general. The basic factors attributing in the area to the low levels of the productivity include the use of rudimentary labor- intensive farm tools, prevalence of crop disease, pests and weeds, inadequate use of improved inputs and erratic rainfall....etc.¹⁷⁸

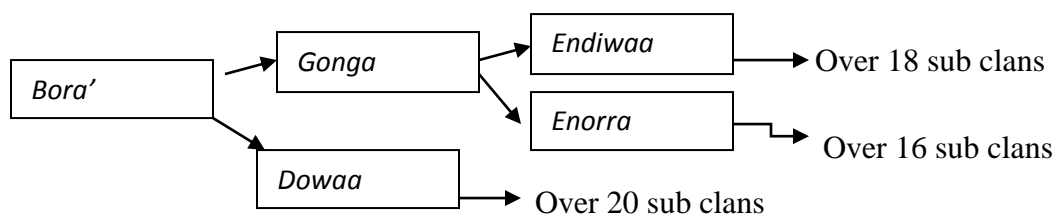
3.4. Socio –Cultural Organizations of the Boro-Shinasha

The Boro-Shinasha has their own socio-cultural organization which helps them to interact with their community as well as other ethnic groups of their surroundings. In the community the socio-cultural arrangement is attached to the strong clan structure and other self-help social groupings as to be discussed in the following sub-section.

3.4.1. Social- Organization in Boro-Shinasha

The Boro-Shinasha has various social-organizations. The people have multifaceted clan system which highly shapes their day to day activities; such as marriage practice, conflict, and conflict resolution. The key informants asserted that the Boro-Shinasha people have two main clan groups; namely “Gonga” and “Dowaa”. The Gonga clan is also referred to as “Enoraa” and “Endewaa”. Moreover, these are also further classified into various the small lineage families. The “Dowaa” has also the main clans system is divided into more lineage and sub lineage families where endogamous marriages among the clan families or lineage families are strongly prohibited. Among the Boro-Shinasha clans have lineage and lineage family structures having own prerogatives in marriage practice and conflict resolution. As the elderly key informants explained, the lineage families are morally and ethically competent and respected in marriage and other related issues in the community.

Clans classifications in Boro-Shinasha



Source: Wodiesa Habte; 2010:34 and elders informants’ of the study area (Dosh Kebele) aged 69 and 74years old, February, 2015

February, 2015.

¹⁷⁸Wudesha Habte, 2010, p: 35-36.

Accordingly, marriage in the society is understood as social systems which consolidate cohesion; it is also perceived as a bond that firmly fixed and makes the interplay more cheerful.

*Therefore, it is considered as a means to an end (peace), though, peace is also the means and end to cheerful interplay in the community. In effect, it encourages smooth communication and interplay among the groups. In addition, the society perceived the benefits of marriage to not only to the marriage couples but also to the society.*¹⁷⁹

Beyond the aforementioned advantages of clan based social organization another benefit is related to the ritual leadership. The clan leaders give their blessings in various social occasions including marriage, conflict resolution and to preserve and transfer their culture for next generation. According to George Murdock, the basic functions of family as social institution are sexual regulations, reproduction, economic cooperation and socialization/education.¹⁸⁰ Likewise the Boro- Shinasha uses their clan pattern as a mechanism of conflict resolution among the clan in order to create peace and security in the surrounding environments. Even though, the clan classification exist in Boro-Shinasha community there is no hierarchy defining the different clans groups as being superior and/or inferior hence the existing social organization system offers equal voice and peaceful co-existence.

In addition to clan based social- organization, the people have their own traditional self-help social grouping around their surrounding communities. As informants explained, the Major traditional self- help social groupings found in the area include *Dawaa*, *A'rra* and *Idir*. “Dawaa” is a community level voluntary self help association consisting of 15-30 people who come together to assist each other in different agricultural related or house construction activities (roof thatching, fencing) for one full day. “A'rra” is also the same as “Dawaa” the only difference is in the number of membership which is limited to a total number of up to five (5) individuals. “Idir” is a voluntary self-help social institution in which members share the grief of those who lost their loved ones and / or assist in kind, finance or moral the sick or with other related problems in the people.

¹⁷⁹Wodiesa Habte, 2010, p: 34.

¹⁸⁰The social functions of the family http://euromentor.ucdc.ro/2012/vol3n22012/en/12_the-social-functions-of-the-family.pdf accessed on 5 March 2015.

3.4.2. Traditional and Universal Religion in Boro-Shinasha

The Boro-Shinasha people believe in super natural power and their creator called “Iqa’a”; God. They believe that “Iqa’a” is the supernatural being which created everything; earth; moon; stars; and sun. Accordingly, the informants at Banosh *Kebele*, to the Boro-Shinasha people “Iqa’a”; God is not seen and touched but he can see; listen and know everything and different issues that the people engaged on. Thus, there is one belief that is a higher power that presides over the universe, the cosmos, human affairs, and the earth.¹⁸¹

Before accepting Orthodox Christianity, they had their own traditional belief system inherited from the Old Testament. This religious tradition has elements which prescribe praying for the prevention of disease and starvation within the community and their surrounding; praying for prosperous rain not followed with flooding and erosion; praying for the river never to dry... etc. These praying systems are still done in Boro-Shinasha community.¹⁸² In connection to this, the elderly key informants mentioned that in the early period the Boro-Shinasha used to address their prayers to their creator “Iqaa”; God there are various prayer rituals. Among these some are ‘*Guree Shuka*’¹⁸³; is a prayer ritual for preservation of their locality through slaughtering Animals by calling the name of God being at the tip of the mountains. On other hand, other belief system in the people is “*Shodee De’naa*.” This praying and slaughtering system in Boro-Shinasha community is called “*Marrowa Shukaa*”; slaughtering for evil spirits.¹⁸⁴its aim is for the children to develop without disease and to prevent children from evil spirits attack; for rehabilitation of wealth; to promote harmonious way of life and productivities in the family; ...etc.¹⁸⁵ These praying and slaughtering system was done by the recognized elder from the main clans of the people those who are highly aged as well as considered their pray and bless can reached to God.¹⁸⁶

¹⁸¹The introduction and on section of Christianity by Christine Breese, D.D, PHD; world religion <http://umsonline.org/PrinterFriendly/WorldReligions.pdf> accessed March 24, 2015.

¹⁸²Abebe Ano and Addisu Adema; 2015:101.

¹⁸³*Guree Shuka*’ is traditional belief or prayer ritual which is done to protect and promote peace and security among the community and the surrounding environment. For this each and every body contribute money to buy Ox as his or her ability allowed and taken to slaughter at the tip of the mountain.

¹⁸⁴The Bensigule Gumuz Regional State youth; sport and culture bureau (BGRSYSCB); the short survey of Shinasha culture; Assosa, unpublished, 2004: 13-15.

¹⁸⁵BGRYSCB 2004: 13-15.

¹⁸⁶BGRYSCB 2004: 13-15.

Accordingly, religion is all about beliefs - beliefs about creation, purpose, destiny, life, and love. What people believe in or disbelieve and the world affects all aspects of their being, including their day-to-day behavior.¹⁸⁷ Hence, the universal religions which are the majority of the world people follow and believing are Christianity and Islam. Christianity was introduced in Ethiopia around 4th Century A.D during the reign of king Ezana. It was followed by Islam which was introduced 7th A.D after the exile of Prophet Mohammed from Mecca to Medina (Hejera in 632 A.D). According to Tsega Endalew the Boro-Shinasha people accepted Orthodox Christianity in 19th Century when King Takel Haymnot expanded his territorial to Gojjam, the people of Metekkel accepted the religion including the Boro-Shinasha people.¹⁸⁸

Consequently, the informants forwarded that expansion of Orthodox Christianity religion led to dramatically changes in their own traditional worship style such as *Guree Shukaa*; *Shodee De'naa*, *Marrova Shukaa*...etc. However, the traditional belief system is active in various districts of Bullen and Wanbara *woredas* among the Boro-Shinasha community. Again in recent time in addition to the orthodox Christianity a few Boro-Shinasha people have adopted Protestants and Islam religion but the majorities of Boro-Shinasha people are the followers of the orthodox Christianity religion.

3.4.3. Brief overview of Marriage Systems among the Boro-Shinasha

Marriage is considered as an institution entered by individuals or couples who have power to lead their livelihood and their community. Hence, the community has a strong opinion that couples must be matured enough to enter into such a contract. As the key informants explained:

It is through our marriage rites that the adult world is entered, controlled, shaped and lived and it is the central institution that sets the tone for our whole society.¹⁸⁹ Without marriage, we would be people without roots (like tree without root), without stability, and without responsibility.¹⁹⁰ We would be little better than animals that breed promiscuously. This is why marriage is the concern of more than just the bride and the groom - it is the concern of the lineal families of both partners.¹⁹¹

¹⁸⁷Religion welfare of animal context http://worldanimal.net/documents/4_Religion.pdf accessed march 24, 2015.

¹⁸⁸Tsega Endalew, "The Oromo of Wanbara: a Historical Survey to 1941". M.A Thesis in history, Addis Ababa university school of graduate studies, 1997:57.

¹⁸⁹Key informant interview Information from elders (ages 65 and 74) conduct at Emanji on 10 January, 2015.

¹⁹⁰Ibid.

¹⁹¹Ibid.

Hence, the marriage institution among the Boro-Shinasha is mostly conducted and protected by their socio-cultural system. The traditional value of the Boro-Shinasha defines marriage to be exogamous and not to be conducted among the same clan members. The Boro-Shinasha has five traditional ways of marriages. These are *Wi'rra*; Betrothal, '*Ts'tsa*' (elopement); *Naata* marriage; widow inheritance, *Biqaa'/puriyya* (Abduction) and '*Ji'yya*'; summary procedure marriages.¹⁹² This section gives brief information about the aforementioned marriage types and the detail of the widow inheritance marriage is provided in the following chapter.

3.4.3.1. Marriage through *Wi'rra* (Betrothal)

Most of the time in the Boro-Shinasha community marriage through *Wi'rra* (betrothal) is considered as customs and rules. It is practiced largely in the community. So, *Wirra'*; Bethortal is a formal marriage mostly arranged by the parents of the bride and groom with a great deal of negotiation. Traditionally the groom's parents search a bride for their son. Before they make any contact with the bride's parents, the groom's parents research about the background of the girl by counting back to the seventh generations to make sure that the families are not related by blood. Once this has been done, the boy's parents contact the girl's parents through a mediator. The mediator goes to the home of the girl's parents and asks their daughter for marriage. The mediator will communicate with girl's parents on the issues and take the message to the boy's parents, and then arrange a date for both parents to meet at a mutually convenient location. When the parents have reached an agreement, the man and woman get engaged (Betrothed). The parents then set a wedding date and they meet all the wedding expenses. However, nowadays searching for girls is done by the boys themselves with their friends. It is also often based on the consent of both future spouses and their parents. Betrothal has bride wealth payment and as a result it usually believed to create strong social bonds that integrate the partners and their relatives.¹⁹³ So, the father and mother of boys encourage their sons to plow their own land and own property. This is aimed to let the boys own initial capital that will allow them to start a family by paying for the bride wealth payment. Hence, the boys have to actively engage in production and accumulation of property that will allow them to buy their own cattle, land and property at large. Moore (1988) explained that in African patriarchal society, marriage by bride

¹⁹²Addisu Adema, 1992:23 and Wudesha Habte, 2010: 34.

¹⁹³Wudesha Habte, 2010, P: 35.

wealth payment is the common types of marriage.¹⁹⁴ The amount of bride wealth payment in *Wi'rra*; betrothal marriage depends upon the wealth capacity of the boy and his families however there is the minimum requirements in the socio-cultural practices of the community.¹⁹⁵ As to one elder informant at *Dosh Kebele* explained that in early period the bride wealth payment that was paid/ provided for the girls used to be three gold for ear and one gold necklace, suit for the father, dress for the mother in-law to be. Furthermore the man needs to provide ten (10) to thirty (30) kilograms of honey for local Beer, one (1) kilogram of Coffee, two (2) bars of Salt, 200 to 500 birr for Jewellery and blessing. But, now days the amount of bride wealth payment has became huge in amount. The minimum amount being eight (8) grams of gold to ear and thirteen (13) and maximum up to twenty six (26) gram gold to neck with full tuxedos and for bride parents fifty (50) kilo grams Honey for local Beer, two (2) up to four (4) kilo grams of Coffee, One Ox, two Bar Salts; 5000- 10,000 Birr for jewelry and blessing.

Dosh, Emanji and Banosh Kebeles elders' key informants explained that the bride wealth payment should be consumed with the relatives of the girls and other community by making the feast. They forwarded this as:

*In the community bride wealth payment has great value. So, the bride wealth payment paid for the girl parents is to make the feast in order to bless the bride and their relatives by their neighborhood and other community. This is the community believed that the voices of the relatives and other neighborhood has its contribution for the couples to establish stable and long lasting cherished relationship.*¹⁹⁶

Again the other fact that *Ba'rre Danda*; the bar of salt provided as bride wealth payment for blessing the brides should be shared between all the close relatives of the parents of girl after the wedding ceremony. This is because they believed that the voice of relatives has a great power to the newly married girls to live with their husband's in conducive and prosperous life.

3.4.3.2. Marriage through *Ts'tsa*; Elopement and *Puriyya*; Abduction

Ts'tsa is ways of marriage concluded by the consent of the brides and bridegroom secretly in Boro-shinasha. According to Abebe Ano and Addisu Adema the reason for such marriage are

¹⁹⁴Meron Zeleke, 2005, p: 74.

¹⁹⁵Addisu Adema, 1992; P: 24.

¹⁹⁶Elders key informants interview results(age 69 and 74) conducted at *Dosh Kebele* on 5 January , (age 65 and 74) at *Emanji Kebele* on 10 January and (age 56 and 63) at *Banosh Kebele* on 2 February ,2015.

often conditions where by the two couples loved each other but when the family disregards their affair , or on those conditions whereby the family questions the economic status of the husband to be ...etc.¹⁹⁷ The process of this marriage is concern; the key informants asserted that the condition of this form of marriage is informally the future male couple's deals with the behavior and family of the girls in very well manner as the girl is free relative (exogamous). Then inform for the woman who is accountable, confidential and close neighbor of the girl to ask and explain the condition of boy. In such away if the girl is revealed her consent like the boy she has to decide the date of meeting and discussion about their issues of marriage together and decided on the issues of tuxedos and Jewelery.

Lastly, they decided the date; place and time of marriage. Thus, based on their decision the boy prepared all the tuxedos and Jewelery; and goes with his a few friends taken the girls to his house and marred. After this the family of boy sends elders to the parents of girls as the girls with them and in order to pay the bride wealth payments. In such way the *ts'tsa* marriage is conducted. So, like marriage through *Wi'rra* (Betrothal) it is also common form of marriage in Boro-shinasha.

As elders key informants from the study sites forwarded that Marriage through *Biqaa' / puriyya'*; Abduction is another form of marriage in Boro-Shinasha which is pro conflict and bloodshed among the couples family and clans. The factors for *puriyya/Biqaa'* are similar with marriage through *Ts'tsa* except its clandestine for girls and their families as well as no one considered the consent of girls.

Profoundly, the basic factors for such kind of marriage is the lack of economic capacity to pay the bride wealth payment. So, in such situation the friends of the boy cooperate with him to abduct the girl. After the abduction of the girls like Marriage through *Ts'tsa*; Elopement the family of the bridegroom sends elders with *Ts'tssa' Neheyya*; father of rituals to the family of girl's. The reasons for sending elders with *Ts'tssa Neheyya'*; to neutralize the condition of Abduction because *Tss'tsa' Neheyya'* in Boro-Shinasha community are highly respectful persons unless the parents of girls may be kill the elders which is sent by the family of boy's. Then if they accept the Elders; the elders communicate with the bride family and decided the date of

¹⁹⁷Abebe Ano and Addisu Adema ,2015, p:106

meeting to together with the father of boys to pay all the requirements of marriages as their ability allows.

However, Marriage through *puriyya/Biqaa*'; Abduction among the Boro-Shinasha is on the way of elimination because of its serious impacts upon the couples and the community at large. Similarly; the same source revealed its impact still today resulted in reality the low enrollment rate of Boro-Shinasha female students in high schools and even in higher institutions.

3.4.3.3. Marriage through *Ji'yya*; Summary Procedure

This type of marriage takes place when the family of the boy decides to appeal to conclude marriage through *Ji'yya*' / summary procedure and it is usually appeal to the girls who already in Betrothal. As the elderly informants at Emanji *Kebele* discussed, the name of this form of marriage is derived from the stick of spear named as "*Ji'yya*" that the husbands places at the main entrance of the house of the bride's family. According to Bayissa and lemmessa (2004) the common factors that leading to appealing the '*Ji'yya*' is mostly the unduly extending date of marriage by the family of the bride against the interest of the boy and his families.¹⁹⁸

The process of marriage through "*Ji'yya*" starts with an instance where by the future husband together with his friends being accompanied by some members of his colleagues appear at the main gate of the family of the bride at the morning and wait until the door is opened. Then as soon as the door is open, they enter into the main house and sit at the kitchen as a way of signaling that they are begging for the good will of the parents of the girl. Unless there is sufficient cause to behave otherwise, the bride families will allow negotiation. Through "*Ji'yya*" marriage, the date of the wedding party tends to be arranged for a short period of time on an average of three to seven days. Therefore, except the marriage through *Wi'rra*; Betrothal the bride wealth payment depends on the economic capacity of the boy and their family. Marriage through '*puriyya*'; Abduction and '*Ji'yya*'; summary procedure are becoming less common in Boro-Shinasha because they are conflict oriented and resulted bloodsheds among the community. One common element to the different marriage types discussed above relates to the fact that the marriages should be strictly exogamous and endogamous marriage is not recognized.

¹⁹⁸Wudesha Habte, 2010, P: 34.

CHAPTER FOUR

4. Introducing the Marriage practices and ‘*Naata*’ (widow inheritance) among Boro-Shinasha

This chapter presents findings of the study along with an explanatory analysis and summary of the qualitative data in connection to the objectives and the basic research questions addressed in the study. The study specifically, focused on ‘*Naata*’ Marriage practice (widow inheritance) and women’s rights among the Boro-Shinasha. One of the objectives of this study, as clearly stated in chapter one, is to understand the ‘*Naata*’ marriage practice among the Boro-Shinasha. So, as a way of addressing this objective, this chapter starts by giving general background information on marriage system among Boro-Shinasha, discusses the rationale of ‘*Naata*’ marriage practice, and presents the process of widowhood rites and inheritance. These are the major elements this chapter focuses on as a way of understanding the ‘*Naata*’ marriage practice among the Boro-Shinasha.

4.1. ‘*Naata*’ Marriage practice among Boro- Shinasha

In socio-cultural practices of the Boro-Shinasha community, intra-clan marriage is not allowed and is defined as an incest marriage. When marriage is proposed, as a way of avoiding such intra clan marriages they have to count the blood trees up to seven bloodlines. Unless the marriage proposal could not be approved by *Tss'tsa' Neheyya*¹⁹⁹; the ritual fathers for the expected couples.²⁰⁰ The informants also revealed the reasons for banning intra-clan marriage among Boro- Shinasha community. First it is banned to avoid chances of giving birth to child with disability. Secondly intra clan marriage is believed to cause unwanted death within the family, and thirdly divorce is not recognized in the socio-cultural system of Boro-Shinasha.²⁰¹ This is Establishing marriage within intra-clan is considered as taboo; ‘*Nuwaa*’ in community. The informants expressed the results of intra-clan marriage as follows:

¹⁹⁹*Tss'tsa' Neheyya* is an elders who make an oath of clearing the sin among the couples who are married within intra-clans or people who are killed each other. This is to create the harmonious relationship and stability among the society and not to revenge each other.

²⁰⁰Wodisha Habte, 2010,p: 34.

²⁰¹Inheritors key informant interview result (age 39 and 48) and elders (age 69 and 74) at Dosh *Kebele* conduct on 5 January, 2015.

*Children born among related couples cannot grow properly. Even, the couples are physically inflicted and they give birth to children child who has biological defects as lacking bone, being physically impaired and disabled. Even if they give birth to abnormal child, it will die at a very infant stage or later in his/her life.*²⁰²

In case related people end up in marriage, they face extreme social ostracisation and the family and relatives of the two couples could no longer eat, live and drink together as usual unless they get divorced through *Tss'tsa' Neheyya* by performing the ritual of *Fala*²⁰³. *Fala* is the ritual which the Boro-Shinasha conduct for the purification or cleaning of the couples from their taboo; 'Nuwaa'. Hence, in the tradition of Boro-Shinasha community to purify marriage and to avoid the potential of harms that results from incest marriage, the community counts the bloodline of the couples up to seven generation before establishing marriage. Accordingly, Marriage is union of couples commit to one another with the hope of stable and lasting cherished socially recognized and approved relationship.²⁰⁴ A marital relationship usually involves some kind of contract either written or specified by tradition, which defines the partners' rights and responsibility to each other, their children, and relatives.²⁰⁵ The Community influence, social context and individual attitudes play a major role toward marriage (Barber 2004).²⁰⁶ Marriage is a universal practice that unites male and female in socially-recognized reproductive units (Murdock GP, 1949).²⁰⁷ Marriages have wide significance beyond reproduction and are a fundamental cornerstone for economic, social, and kinship networks.²⁰⁸ Thus, marriage is a remarkably essential occasion in the existence of women; in particular a compromise marriage is

²⁰²Inheritors and elders key informant interview results conduct at Dosh *Kebele* on 5 January, 2015.

²⁰³*Fala* is the ritual that conducted for purification or cleaning of the couples from their taboo; 'Nuwaa' while unknowingly marriage established among intra-clans in Boro-Shinasha community.

²⁰⁴Serkalem Bekele, "Divorce: Its cause and impact on the lives of divorced women and their children. Comparative study between Divorced and Intact families", MA thesis submitted to the graduate school of Addis Ababa university in partial fulfillment of the requirements for the degree of Master of Arts in social work in department of sociology, Addis Ababa University, 2006,p:10.

²⁰⁵Serkalem Bekele, 2006, p: 10.

²⁰⁶Johnson Janagan and Shyamala, "Widow Remarriage: A New Dimension of Social Change in India." *International Journal of Humanities and Social Sciences*, ISSN 2250-3226 Volume 2, Number 3/ 2012, pp. 195-205, p:195.

²⁰⁷Walker S. R, etal, "Evolutionary History of Hunter-Gatherers Marriage Practices", *PLoS ONE* |www.plosone.org, April 2011 | Volume 6 | Issue 4 | e19066, p: 1.

²⁰⁸Ibid.

a greeting and salutation for security of women but a marriage by pressure is not good for women.²⁰⁹

The principle of marriage in Boro-Shinasha community complements with the confession of family law of Ethiopia which stated about marriage with consanguinity at Article (8) sub-article (1) ensures that Marriage between persons related by consanguinity in the direct line between ascendants and descendants is prohibited. The same article (8) sub article (2) stated that in the collateral line a man cannot conclude marriage with his sister or aunt; similarly, a woman cannot conclude marriage with her brother or uncle.

Polygamy is also common among the Boro-Shinasha community. The basic rationales for entering in to polygamous marriage are the need to have more children and the child sex preference whereby in those instances whereby the wives give birth mainly to female or male and vice versa. Another reason is when the former wife is unable to perform the household activities and when the family is economically advanced in wealth but not have children.²¹⁰ Informants also expressed that divorce is rarely practiced among Boro-Shinasha because their socio-cultural system could not recognize and accept divorced couples. In connection to divorce in Boro-Shinasha the elders, inheritors and widows' key informants stated that:

Those divorced women and men are considered in the community as the individual who act unethical, irresponsible, those who are unable to perform the activities, and being those who lack social skill in social life. So, due to this social pressure the divorced couples stays for long period of time without remarriage.

Basically, this is most of time the community influenced the couples for the purpose of establishing socially and culturally stable community due to divorce is social problem that creates instability within the community but it is an inevitable. Divorce is one of social problem challenging family, which is the fabric of society but regardless of all efforts made by the family, community and state to protect marriage and it is unavoidable reality for many families in the world.²¹¹

²⁰⁹Mina Uprety and Sikshya Adhikary, "Perceptions and Practices of Society towards single women in the context of Nepal", *Occasional Papers*, Vol 11, n.d, p: 246.

²¹⁰key informants interview results age 69 and 74) conducted at Dosh Kebele on 5 January , (age 65 and 74) at Emanji Kebele on 10 January and (age 56 and 63) at Banosh Kebele on 2 February ,2015.

²¹¹Serkalem Bekele, 2006, p: 16.

Widows and widow inheritance is concern, Widows are women who have married and lost their husbands because of death. 'Naata' marriage, widow Inheritance, is the customary way of marriage which refers to the remarriage of widows to their brother in-law or close male relatives of the late husband as well as the adopted person in the family. Widow inheritance can be practiced based on the socio-cultural practices of the society. In fact, 'Naata' marriage practice is one of the different marriage systems among the Boro-Shinasha. The 'Naata' marriage happens only when husbands die and there are widows to be inherited.²¹² As key informants explained the Boro-Shinasha understanding of 'Naata' marriage practice is:

While individuals marry, there is the implicit agreement that this relationship will continue even after the death of the husbands. The man's families promise to carry on the marriage by caring for the wife and children in the event of the husband's death. This is a very consecrated part of Boro-Shinasha marriage. This is the reason for the families of the boys' and girls' families that the partners are properly selected and carefully pore over prior to any accord for marriage.²¹³

In socio-cultural practice of the Boro-Shinasha the death of husbands usually gives a way widows to 'Naata' marriage practice whereby they are often inherited by their brother in-laws or close relatives of late husbands.²¹⁴ The same discussants revealed that the closeness one has to the deceased husband; determine the potential inheritor and whether the younger or elder brother is preferred to inherit the widows. In those instances where the elder brother is dead the younger brother is the right person to inherit the widows' vice-versa. Historically, the oral accounts and informants revealed that 'Naata' marriage is experienced in Boro-Shinasha community for long period of time. In connection to 'Naata' marriage practice of Boro-Shinasha the husbands have marital rights over wives but caring for their children is the responsibilities of the enter families and relatives. Thus, after death of husbands the widows are inherited by their brother in-laws or close relatives of their late husbands. In those conditions where by their husbands do not have brothers or close male relatives, the widows are inherited by a person adopted by the deceased

²¹²Inheritors key informant Interview results (age 39, and 48) and elders (age, 69 and 74) at Dosh Kebele conducted on 5 January, 2015.

²¹³Elders key informant results (age 69 and 74) conducted at Dosh Kebele on 5 January , (age 65 and 74) at Emanji Kebele on 10 January and (age 56 and 63) at Banosh Kebele on 2 February ,2015.

²¹⁴FGD widows discussants results conducted at Banosh Kebele conducted on 7 January; 2015.

husbands' family. In socio-cultural practice of the community, children born of the inheritance are named after the first husband.²¹⁵ This is justified as a way of keeping his name alive.

Basically; this naming of children fathers is applicable for those husbands who were deceased without giving birth.²¹⁶ Widow Inheritance in some customs for example recognises what is known as "Levirate unions" by which the widows cohabit with brother in-law or other relative of their deceased husband.²¹⁷ In case a new child is born out of this marriage, it is regarded as those of the deceased husbands.²¹⁸ In these cultural settings, wives of the deceased are considered to be part of his property and hence widows could be inherited by somebody too older or younger than their son.²¹⁹ The 'brother' who takes up the roles of their late husband is to be as inheritor²²⁰ and "..... the brother in-law relates to the widow as a substitute of their deceased husband" (Kirwen, M.C, 1979).²²¹ 'Brother' in this context would be wider in meaning, brother of the deceased or a paternal first cousin or a clan cousin or an adopted stranger (Wilson, 1961, 120-122).²²²

This dominates practice among the Boro – Shinasha is similar to the numerous African cultures. Accordingly, Nyambedha and Aagaard-Hansen (2003) stated that among the Luo, a patrilineal ethnic group in western Kenya, husbands are the traditional breadwinners and the women and their children belonged to the entire kin group.²²³ While the husband had sole matrimonial rights over the wife, their children were considered to belong to the entire community and socialization was its responsibility (Kayongo-Male and Onyango 1991:19).²²⁴ Oke (2001:52) studying Yoruba people in Nigeria indicated that if a man dies without having a son, his belongings go to

²¹⁵Inheritors key informants (age 39, and 48) conducted at Dosh on 5, (age 27, and 45) at Emanji on 10 January and (Age 29 and 52) at Banosh *Kebeles* on 2 February, 2015.

²¹⁶Inheritors key informants (age 39, and 48) conducted at Dosh on 5, (age 27, and 45) at Emanji on 10 January and (Age 29 and 52) Banosh *Kebeles* on 2 February, 2015.

²¹⁷Widow inheritance <http://lawschoolnerds.blogspot.com/2012/03/widow-inheritance.html> accessed on 5 December, 2014, p: 1.

²¹⁸Ibid.

²¹⁹Familusi O.O, "African Culture and the Status of Women: The Yoruba Example", *The Journal of Pan African Studies, university of Ibadan, Nigeria*, vol.5, no.1, March 2012,p:301.

²²⁰Nyarwath, Oriare, "The Luo Care for Widow's (Lako) and contemporary challenges", Thought and Practices, *A Journal of the Philosophical Association of Kenya.(PAK) New Series, Vol.4 No.1,2012.pp.91-110, p. 94- 95.*

²²¹Nyarwath, Oriare,2012,p:95

²²²Nyarwath, Oriare,2012,p:95

²²³Nyambedha Erick Otieno, "Change and Continuity in Kin-Based Support Systems for Widows and Orphans among the Luo in Western Kenya", *African Sociological Review*, 8, 1, 2004, pp.00-00.

²²⁴ Nyambedha Erick Otieno, 2004.

his brother or uncle, and his name is believed to have been lost.²²⁵ So, among Yoruba people having a male child is sacrosanct and the relevance of late husband's name is not lost. Thus, a woman may not inherit rather she could be inherited.²²⁶

4.2. Underlying principles and Justifications for 'Naata' marriage Practice

The 'Naata' practice is often justified in terms of the need to administer the property of the deceased man and the need to look after the widows and children of the deceased. Informants explained that 'Naata' marriage practice is a means by which the Boro-Shinasha community attempt to cope with death and its adverse socio-economic and psychological implications on widows. It is also believed to fill the gaps and check the disruptive consequences created by the death of a husband, for the provision of care and protection of the children, properties of the late husbands' and widows rather than its sexual purpose.²²⁷ The participants of the FGD also revealed that in Boro-Shinasha community divorce is not recognized. Like this if widows are not remarried to the brother in-law or close male relatives of their late husband's they are not recognized not merely by the relatives of their late husband's but also in the community. The discussants put this as:

If we reject the 'Naata' marriage, People offend us by saying that women who could not prove their virtue of distress to their late husband's through widowhood rites and inheritance. People also refer to us as women who are living with Kalawaa²²⁸; sin and dirty. Again when the relatives of husband show disinterest to inherit widow the same connation is given for them in the community. These issues lead us to be inherited.²²⁹

The practice of 'Naata' marriage is so central in the Boro-Shinasha that it is considered as an offence and taboo; *Nuwaa* to violate it in the community.²³⁰ Its violation is believed to bring serious misfortune among the family, children and wealth. However, in Boro-Shinasha socio-cultural practices of widowhood rites widows are not be forced and threatened to drink the water

²²⁵Familusi O.O, 2012, p: 301.

²²⁶Familusi O.O, 2012, p: 301.

²²⁷FGD widows discussants results conducted at Banosh *Kebele* conducted on 7 January, 2015.

²²⁸*Kalawaa* is synonymous word for Sin in shinashagna language.

²²⁹Mixed FGD conducted with Widows and inheritors on 15 January, 2015

²³⁰The inheritors key informants interview results (Age 28 and 52) conducted at Banosh *Kebele* on 2 February, 2015.

used to wash the dead body, and nor are they forced to abstain from sleep and food.²³¹ The aforementioned rationales obliges widows to be submissive and to be inherited by brother in-laws with oath performed by the three elders from the major clans of Boro-Shinasha community to protect widows with their children as well as resources.²³² This ensures to continue family stability by providing the inheritors to the widows of let passed roles and duties of a dead husband.

‘*Naata*’ marriage practice in Boro-Shinasha community is preferred for the care and development of children. Furthermore it is believed to maintain a strong bond among the primordial relatives of the family, sustaining and continuing the clan system that in return contributes to preserving the Boro-Shinasha community.

Accordingly, widows in Nigeria are forced by tradition into a process of proving their virtue of grief. They must undergo extremely distressing rites such as drinking the water used to wash the dead body, abstain from sleep, food and health care.²³³ Widowhood practices in Imo state, restraining from taking care of one self and one’s own personal hygiene and element of isolation of widow without movement at all time could predispose the widow to overweight and cancer.²³⁴ Nwachukwu (1993) viewed a widow from the perspective of her troubles as a person who by certain circumstances living in distress life. Thus, to her a widow is one who finds herself in the middle of the ocean of life, and struggling to survive.²³⁵ Beside this, in the opinion of Goldman and Lord (1983) mourning and widowhood are opposite sides of the same coin with wide range of implications for those affected.²³⁶

²³¹The FGD widows’ discussants, inheritors and Elders key informants at Dosh Kebele conducted on 9 and 5, January, 2015.

²³²Elders key informants interview results (age, 69 and 74) at Dosh conducted on 5 February, 2015.

²³³United Nations Division for the Advancement of Women United Nations Economic Commission for Africa; Expert Group Meeting on good practices in legislation to address harmful practices against women United Nations Conference Centre Addis Ababa, Ethiopia 25 to 28 May 2009, P: 5.

²³⁴Nzewi, Esther, “Widowhood Practice: A female perspective, Paper Presented at a workshop, Widowhood practices in Imo State”, Owerri, June 6-7, 1989.

²³⁵Oniye Olayinka Abdulraza, “Widowhood Practices in Nigeria and support Systems: Challenge to Counseling for National Integration”

[,WIDOWHOOD%20PRACTICES%20IN%20NIGERIA%20AND%20SUPPORT%20SYSTEMS%3A%20CHALLENGE%20TO%20COUNSELLING%20FOR%20NATIONAL%20INTEGRATION%20Cpdf&category=web](#)

accessed on 12/4/ 2014.

²³⁶Ibid, accessed on 12/4/ 2014

The aim of 'Naata' marriage practice among the Boro-Shinasha is justified for its value to protect the socio-cultural value of the society in accordance with their surrounding communities: such as protecting widows from societal taboo, protecting children from violence, to increase the social bond between the partner families and their relatives, to have more children in those circumstances whereby the widows are at productive age.²³⁷

The basic question raised here is what would happen if the widows marry other husbands after the death of their husband's? If widows marry other husbands by rejecting the 'Naata', this will be considered as having higher economic implications on the family of late husband's because the late husband and his families' were the ones who have paid the bride wealth during their wedding. Informants revealed these as:

*During their initial marriage, the family of husbands has paid huge amount of bride wealth payment for the family of girls. So, if the widows are not remarried for their brother in-law or close relatives of the late husband's is economic crisis for the husbands' families. This is for the family of husbands losing widows means that losing the resources of their son in addition to the death that causes the pain for them.*²³⁸

Furthermore, the participants of the FGD revealed that marriage of widows and other husbands creates the social disruptions due to children born from the previous marriage; the Children whether a son or a daughter born between the widows and their late husband's.²³⁹ As the discussants forwarded, it can result in other marriage to occur between the husbands who married widows and the children of the widows.²⁴⁰

Thus, no matter how the people rationalized the practices, widows' key informants expressed that the basic causes that leads the widows to be inherited by their brother in- law or close relatives of the late husbands are because of bride wealth payment paid for bride families during widows' marriage with late husbands.²⁴¹ In view of that, Kayongo-Male and Onyango

²³⁷Inheritors key informants (age 39, and 48) conducted at Dosh on 5, (age 27, and 45) at Emanji on 10 January and (Age 29 and 52) Banosh Kebeles on 2 February, 2015

²³⁸Ibid, conducted at Dosh; Emanji and Banosh Kebeles conducted on 5&10 January and on 2 February, 2015 respectively.

²³⁹FGD widows discussants, inheritors and Elders key informants conducted at Dosh Kebele conducted on 9 and 5, January 2015 respectively.

²⁴⁰FGD widows discussants, inheritors and Elders key informants conducted at Dosh Kebele conducted on 9 and 5, January 2015 respectively.

²⁴¹Widows' key informants (age 29 and 41) conducted at Banosh Kebele on 25, January, 2015.

(1991:19) stated that in Luo community in western Kenya, marriage arrangement has its roots in the traditional marriage practices whereby the bride wealth payment upon marriage was the responsibility of husbands' family.²⁴² As Nyambedha and Aagaard-Hansen cited in Nyambedha Erick Otieno further revealed, the Payment of bride wealth guaranteed children and their mothers the right to resources within the kin group and a place within the kinship structure.

4.3. The process of widowhood Rite and 'Naata' Marriage practice

Widowhood ritual is a customary burial rite and practice that is performed by widows and widowers starting from the death of husbands or wives up to mourning ceremony in accordance of their socio-cultural systems. The burial rite is socio-cultural practice performed by individuals in the community where the person has died from. Consequently, there are burial rite that is practiced by both widows and widowers when husbands or wives are dead. However, the extent of rite and mourning days are different between widows and widowers. Accordingly, when the wife is dead the "rite" performed by husbands or widowers are as follows:

When wives die, 'Barri Qutsa'; husbands should shack their face by using cloth, start crying and sit in front of house, shave their hair; and wear condolence cloth. If these burial rites are not performed by the widowers' the community believes that the evil spirits may attack the family and their children. Furthermore, failure to carry out the burial rite is believed to cause misfortunes in business in those instances whereby the families are engaged in farming or trade. In accordance with the socio-cultural practices of the Boro-Shinasha community, the widowers are not accepted and respected if they do not pass through the rites.²⁴³

However, for widowers there is no specific mourning period. In fact, widowers may remarry within short period of time after the death of their wife unlike widows. The reason mentioned is related to having a woman around to perform household activities.²⁴⁴

On the other hand the practices of the burial rite that are conducted by widows are different from widowers' when their husbands passed away. Consequently, the FGD widow discussants explained that the widows' rites as:

²⁴²Nyambedha Erick Otieno, 2004.

²⁴³FGD widows' discussants conducted at Banosh *kebeles* on 7 January, 2015.

²⁴⁴FGD widows' discussants results at three *kebeles* conducted at Banosh on 7, at Dosh on 9 & at Emanji *kebeles* on 13 January, 2015

Initially, “Tsoole Beshibeyya”; widows are expected to sit on the left sides of their husband’s bed when the husbands struggle to die. They are expected to sit until husbands die, then after they pass away “Farri Gat’a”; twitting widows dress by the expected inheritors, “Farri Karcha”; wearing their dress to their waist, then widows round the house counting up to four by wearing their jacket. The widows also repeat rounding of the house when the corpse is taken to burial place. At this stage “Sheen Jesha”; widows lead in front of the corpse, widows necked white ribbon until the day of “shero”; the day of Holy Communion. Again, on the day of “shero” widows will repeat all the rites. Also widow could not be allowed to use cosmetic and not wear their usual Jewelery until the day of tasker; mourning ceremony. Lastly, inheritance practice will be conducted on the day of ‘tasker’; mourning.²⁴⁵

The necessity of these burial rites in the Boro-Shinasha community is believed to protect the family from evil spirits and from death. Furthermore, it is part of fulfilling the cultural practices but not deliberately conducted for degrading the widows.²⁴⁶ Hence, the community considers the cultural practices, particularly burial rites and ‘Naata’ marriage practice as fixed entity and a cultural trait that cannot be changed because of the spiritual value it has and the fear of affliction to be caused by evil spirits that may attack the family. However, both widowers and widows can eat food and drink water before or while the corpse buried and at home.²⁴⁷

Every woman who lost their husbands must pass through the widowhood rites and inheritances whether they are at stage of productive or menopause, economically wealthy and different clan in Boro-Shinasha.²⁴⁸ As elder’s informants and FGD participants asserted, widowhood rites and inheritance practice for widows is not defined and set by age, clan and economic status but rather it is socio-cultural practice of the Boro-Shinasha which appeals to people from different walks for lives.

Despite these facts, the irrefutable interesting issues in the process of the burial rituals in Boro-Shinasha community are the widows and widowers can equally eat food and drink water. This partially complements with the provision of human rights protection which is the right to food security at article 15 of the CDESCR and there is no sexual cleansing of widows by the professionals or elders who make oath of inheritance of widows to the inheritors.

²⁴⁵FGD conducted on 7,9 &13 January,2015

²⁴⁶Inheritors key informants (age 27 and 45) conducted at Emanji Kebele on 10 January,2015

²⁴⁷Inheritors key informants (age 27 and 45) conducted at Emanji Kebele on 10 January,2015

²⁴⁸Mixed FGD conducted with Widows and inheritors on 15 January,2015

The other inputs of this study revealed the existence of gender inequality in the widowhood rites and mourning periods between the widows and widowers in the Boro-Shinasha community. This is the mourning period for widowers are short and they can marry other wives within short period of time due to or for the purpose of domestic care and household activities. Thus, in this case women's responsibilities are attached to domestic care and household activities, and the widows experienced mourning period and widowhood rites until the celebration of mourning day, '*Tasker*'. In the widowhood period the widows are not allowed to keep their personal hygiene and beauty as usual until the celebration of '*shero*', Holy Communion and mourning of the late husbands.

In Boro-Shinasha community, the day of celebrating '*Tasker*' mourning must be on Monday and officially widows are inherited to inheritors on Tuesday morning.²⁴⁹ The reason for conducting '*Tasker*'; ceremony of mourning on Monday is that the Boro- Shinasha believed that Monday is a day in which the spirits of dead people communicate with their creator (God).²⁵⁰ Thus, the day, Monday is called as '*Mayye Awaa*' (*the day which is the deceased people communicate with their creator*).²⁵¹ The mourning, '*Tasker*' is a ceremony which is conducted six month up to one year after the death of husbands.²⁵² It is also ceremony that the widows are inherited to their in-law publically with the presence of the parents of widows and their late husband's family as well as three elders from the major clans of Boro-Shinasha community; namely '*Endewaa*', '*Enoraa*' and '*Dowaa*' clans.²⁵³ The three major clans would give the oath of inheritance and pass the inherited widows to the inheritors and given the mandate of administration of widows as their wives by taking due care of the resources of the late husbands and children.²⁵⁴

Likewise, "in Gumuz community inheritance of widowed women by their husband's brother or close male relatives is a common practice; in most cases unmarried brothers of her deceased husband inherit a woman. The inheritance has to wait until the *tasker* for the deceased is held.

²⁴⁹Inheritors key informants (Age 29 and 52) conducted at Banosh *Kebele* conducted on 2 February, 2015.

²⁵⁰Ibid.

²⁵¹Ibid.

²⁵²Elders key informants results conducted at Dosh on 5 & at Emanji on 10 January and at Banosh *kebeles* on 2 February, 2015.

²⁵³Elder key informants conducted on 5 at Dosh & at Emanji 10 January and at Banosh *kebeles* on 2 February, 2015.

²⁵⁴Ibid, conducted on 5 &10 January and on 2 February, 2015 respectively

Part of the reason for such a pattern of levirate marriage in Gumuz community is for the security and well being of the children if there are any”.²⁵⁵

In socio-cultural practices of Boro-Shinasha, there is an idea of believing that if there is abusing and misusing of the dead Person resources, the spirits of dead person could not live in the tomb and not enter into heaven properly.²⁵⁶ Accordingly, the oral tradition and magazine entitled *Tuba Hagerachen Enwoqe* special publication *Tuba no.19* stated that the people believe that there is life after death.²⁵⁷ So, in due course if the late husband’s has resources and was infertile or did not have children who are ready to administer his property, the elders who give the oath of inheritance warn that the resources must be preserved and protected until the children grow.²⁵⁸

Then, after these processes, the inheritors of widows do all the rituals and declare themselves as the husbands of widow, having received the oath of inheritance from the major clans by giving their *Gambaa*²⁵⁹; trouser or shorts to the widows and the widows also declare themselves as the wife of inheritors with the “*Gambaa*” as night pillow.²⁶⁰ However, widows’ informants from the three *kebeles* revealed, if inheritors or widows could not agree on the inheritance, it is the right time for both of them to reveal their view during the widow inheritance process.²⁶¹ If widows could not reflect consent and interest with the inheritors it is the right time to select other inheritors from their direct brother in-law or close male relatives of their late husband’s in front of the elders. Hence, the chance of selecting the inheritors for widows are not merely restricted to the family but also discriminatory among the widows those who are at productive and menopause stages.²⁶²

Again, if the culturally recognized inheritors are unable to administer and manage the resources of their late brother or lack capacity to protect widows with their children they must inform for the elders as the widows to choose other inheritors from their remaining brothers by giving two

²⁵⁵ Meron Zeleke, 2005, P: 70.

²⁵⁶Supra note.260, conducted on 5 &10 January and on 2 February, 2015 respectively

²⁵⁷*Tuba Hagerachen Enwoqe; Magazine special publication Tuba no. 19*; November, 2007:47.

²⁵⁸Supra note.262, conducted on 5 &10 January and on 2 February, 2015 respectively.

²⁵⁹*Gambaa*’ is the cloths such as tourther or shorts that the inheritors give for widows to declare themselves as who replace the role of late husband’s.

²⁶⁰Mixed FGD conducted with Widows and inheritors on 15 January,2015

²⁶¹Inheritors key informants (Age 29 and 52) conducted at Banosh *Kebele* conducted on 2 February, 2015.

²⁶²Ibid conducted on 2 February ,2015

Birr(2ETB) for widows.²⁶³ The reason behind giving *Birr* is to indicate their inability to administer and manage the resources of their late brothers' and widows with their children to be free from sin.²⁶⁴ These all practices were done when the late husband's could not bequeathed the inheritors of widows before their death.²⁶⁵

Therefore, in Boro-Shinasha socio-cultural practices there is the possibility of the husbands to give their consent of bequest for their elder or younger brothers who have power to help and manage their wives, property and children when they are seriously sick and near to death.²⁶⁶ In such case the inheritance practice were made symbolically and widows were given for the bequeathed inheritors by their husbands.²⁶⁷ Accordingly, Mbote Kameri stated that the hallmark of African customary law is the dominance of male members over property and lives of women and their juniors and the centralities of the family as opposed to the individual and the definition of the family in expansive terms may include the ascendants and descendants and more than one wife in polygamous union.²⁶⁸ The informants expressed that widowhood rites and widow inheritance is free from any beliefs and religious affections rather than the cultural practices of Boro-Shinasha.²⁶⁹

Despite the fact that, however the process and criteria of widowhood ritual and widow inheritance in Boro-Shinasha indicated that as it has relation with the traditional religious beliefs which related with the Old Testament revelations that stated providing scarification to God for the forgiveness of their sin through slaughtering animals.²⁷⁰ Furthermore the widows' inheritance marriage practices can be reaffirmed in Bible which was established between Boeth and Ruth.²⁷¹

²⁶³Ibid conducted on 2 February ,2015

²⁶⁴Ibid conducted on 2 February ,2015

²⁶⁵widows FGD conducted on 7,9 &13 january,2015

²⁶⁶Ibid, FGD conducted on 7,9 & 13 january,2015

²⁶⁷Mixed FGD conducted with Widows and inheritors on 15 January,2015

²⁶⁸Mbote Kameri, "Gender dimensions of law, colonialism and inheritance in east African, Kenyan women's experiences", *international environmental law research centre*, published in 35/5 *verfassung undubersee*,2002.pp:4

²⁶⁹Elders key informants results from three *kebeles* conducted on 5 January at Dosh, on 10 January at Emanji and on 2 at Banosh *Kebeles* February,2015

²⁷⁰Leviticus 1: 1-17

²⁷¹Ruth 4:1-12 old testaments

'*Naata*' marriage practice is actively put into effect within the community because is part of Boro-Shinasha culture that the community applied to cope up with the sever impacts of death and to protect the widows from wildness feeling, depression and caring and protecting the children of the deceased husbands.²⁷² However, informants expressed that there are some factors that are contributing towards its decline such as awareness rising by different stakeholders, education on customary practice, and HIV/AIDS, health and environment protection and religious teachings, occasionally by state and non- state actors, and religious leaders.²⁷³

²⁷²Supra note. 275, conducted on 5 &10 January and on 2 February,2015 respectively

²⁷³ Ibid, conducted on 5 &10 January and on 2 February,2015 respectively

CHAPTER FIVE

5. Challenges and Violations of Rights in ‘*Naata*’ Marriage Practice

This chapter presents findings of the study regarding the challenges and violation of rights encountered by widows in ‘*Naata*’ marriage of Boro-Shinasha socio-cultural system. Furthermore the chapter presents to the readers of the work the interventions carried out by different stakeholders.

5.1. The Multifaceted Challenges Women face in ‘*Naata*’ Marriage practice

In context of this study, challenge is defined as the multitude of problems that widows encounter in ‘*Naata*’ marriage. The discussion in chapter four indicated the factors accounting for the ‘*Naata*’ marriage practices in Boro-Shinasha is related to valuing the socio-cultural practices, valuing the amount of bride wealth paid for brides families during their marriage with late husbands, the taboos associated to the widows, i.e. ‘*Nuwaa*’²⁷⁴ in the community and the related negative social perceptions towards widows.

Accordingly, ‘*Naata*’ marriage practice of Boro-Shinasha is conducted to cope with the death and to maintain social normalcy as a means of checking the disruptive consequences of death. Thus, this very socio-cultural justification sets the initial challenge widows face in being forced to inheritance without their will. Certainly, the evidence confirmed that there is a situation that husbands give their consent of bequest to inherit or transfer their wives to their brothers while they are about to die. As it has been discussed in chapter four above in those instances where by the husbands could not bequest inheritors, there is pressure by the family of late husband’s, elders and parents to widows forcing them to enter into marriage with their brother in-law or close male relatives of their late husband’s. This relates to Klore point that, in forced marriage a woman can be matched or sold or traded to her new husband for a value.²⁷⁵

The other challenge is pertaining to the unequal age between the inheritors and widows. In most instances, the inheritors are not age equivalents and the marriage often happens without the

²⁷⁴*Nuwaa*, is the synonymous word for taboo in Shinashagna language

²⁷⁵Eleni Tekalign, “The nexus between culture and women’s human rights: the case of ‘ABUSMA’ marriage in Afar”, MA thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in human rights, center for human rights, AAU, June 2013:P:57

consent of widows and vice versa. Three widow' key informants asserted that their husbands died when they were twenty five (25), twenty nine (29), and thirty five (35) years old respectively. Because of the pressure of elders and families they were forced to be inherited by men who are forty eight (48), fifty two (52) and twenty seven (27) years old with respective age without their consent and interest.²⁷⁶ The interest of widows, inheritors often end up in contention leading into conflict between widows and inheritors. In those circumstances, widows will often end up in a situation whereby they will be inherited twice or more. The third line of challenge often encountering widows relates to the fact that socio-cultural practice of the Boro-Shinasha community allows polygamous marriage. This opens the ground for the inheritor to marry other wives if they inherited widows while they are at young age. As a result the widows mentioned that they often suffer from the burden of raising a family and with those dependent children. This reaffirmed that in several African states Polygamy is not the merely a marriage of choice but a value system that inspires and shapes family relations. They also often perceive their main reason for going on with life being the responsibility of raising their children.²⁷⁷ In view of this, Merry Engle stated that in all nations the most significant factors that inhibiting women's ability to participate in public life have been the cultural frameworks of values and religious beliefs, lack of services and men's failure to share the tasks associated with the organization of the household with the care and raising of children.²⁷⁸

The health hazard is the other challenge often encountered by widows. Informants explained that most of the time in 'Naata' marriage practice, there is no prior medical examination for HIV/AIDS and other related uncured sexually transmitted diseases.²⁷⁹ The other challenge relating to 'Naata' marriage practice is the fact that it can lead the widows to engaging in series of relationships with other men beyond their inheritors to meet their sexual pleasure because due to the age gap, polygamy or co-wife marital relationship with their inheritors and vice versa.²⁸⁰ Perhaps, it paves the way for conflicts among widows, inheritors' and co-wives, and highly

²⁷⁶Widows key informants (age 25 29 and 35) conducted at Dosh, Banosh and Emanji *Kebele* on 16, 18 and 25, January, 2015 respectively.

²⁷⁷FGD widows' discussants results at three *kebeles* conducted on 7, 9 &13 january,2015

²⁷⁸Merry Engle, Human Rights and Demonization of culture (And Anthropology Alone the Way)", *Polar, Vol.26.No.1,AAA.May 2003:PP:62*

²⁷⁹Key informant interview results from Metekel zone women, children and youth office official conducted, at Gilge Belse on 7 February, 2015.

²⁸⁰Inheritors Key informants interview results(age 27 and 45) and elders (age 65 and 74 conduct at Emanji on 10,January,2015

exposing them to medical complications like HIV/AIDS.²⁸¹ This challenge relates to the Widows rights internationally (WRI) which grew out of the work of Margaret Owen, a British advocator of the rights of widows and has actively supported widows' groups since 2001. According to Owen, the widows' reproductive and sexual needs are often ignored, and the fact that widows could be sexually active, they often become victims of rape, which are usually overlooked.²⁸²

The other challenge accented by informants is related to the psychological distress, which results from 'Naata' marriage. Widows can get into emotional distress resulting from 'Naata' marriage as it is based on cultural consents because the practice is conducted without interest and age-inequalities.²⁸³ At times the anxiety also results from the large family size, the new position of co-wifhood and related acts of discrimination; it also partly relates to economic crisis and the lack of freedom of choice and action, and sexual pleasure.²⁸⁴ However, one widow key informant at Banosh Kebele mentioned:

*Even if I am living with my inheritor in 'Naata' marriage, I always feel hopelessness and distress. This is because my inheritor could not see my problems such as sickness, and he does not respond to my basic needs as clothing, housing. So, I always reflected back at the past bright future with my late husband and his care about me and our children.*²⁸⁵

In some circumstances this psychological distress leads the widows to commit homicide as has happened at Emanji Kebele:

*In Emanji Kebele there was a widow inherited in 2007. The widow was not interested in the marriage and she was forced to be inherited even though she tried to object it Her martial life was full of stress and at a point the only solution she thought of as a way of getting away from the marriage being killing her inheritor. Accordingly she poisoned her husband. As the case was investigated the investigation results showed that she was guilty.*²⁸⁶

Normally, widowhood ought to call to mind kindness and support from others. However, in addition to the common experience of loss, widows in Igbos of the south-eastern part of Nigeria,

²⁸¹Key informant interview results from Metekel zone women, children and youth office official conducted ,at Gilgle Belse on 7 February,2015

²⁸²Owen Margaret, 'Widows: Life after death'. *Index on Censorship*, 28(2), 1998, 15-17

²⁸³Key informant interview results from Metekel zone women, children and youth office official conducted ,at Gilgle Belse on 7 February, 2015

²⁸⁴key informants interview result from Boro-Shinasha development association coordinator at Assosa conducted on 26 December,2014

²⁸⁵widows key informants(Age, 35) conducted at Emanji on 16 January;2015

²⁸⁶widows key informants(age 29 and 35) interview result at Emanji Kebele conducted on 16 January,2015

have had to put up with other challenges such as deprivation, helplessness, and hopelessness brought by harmful cultural practices.²⁸⁷ The case study in Niger widow inheritance often leads widows to constant reflection back to memory of the happy past and they lose happiness and hope regarding the future widowhood period in which the emotional trauma and psychological stress become inevitable and very devastating.²⁸⁸

In the Boro-Shinasha community, the social perceptions and attitudes towards widows depend upon widows' behavior. Widows' key informants explained the point as follows:

*Widows, who have respect and who protect the traditions and values of community, can live harmoniously with the community. This is widows must passing through widowhood rites and inheritance. So, the community does often give support for those widows during sickness, economic problem, and lends them hand on those occasions when they harvest crop, build house...etc. However, those widows who do not respect the traditions and values of community do not get any positive social recognition and support.*²⁸⁹

As children are influenced by cultural values of the community they do not give recognition and respect to their mothers if their mothers do not fulfill the expected tradition and customary practices which is widowhood rites and inheritance in the community. Accordingly, Maryam and Nzewi (1998) cited in Shehu A.R, etal asserted that widowhood is a disgusting situation which merely allocated to the widow a position of societal scorn and renounce the permanent membership of widows in the community and that painful loss of husband experienced by widows.²⁹⁰

The other challenge related to the widow inheritance practice is the case where by the fights breakout between co-wives and between the inheritor and his first wife. The marriage practice in some circumstances destabilizes the family life leading to divorce and in situations where by inheritors often abandon their first wives and their children in favor of their new marriages. This case that took place in one of the study *kebeles*, Dosh shows at best how such 'Naata' marriage practice destabilized family in stable marital relationships.

²⁸⁷DUROJAYE Ebenezer, "Woman, but not Human': Widowhood Practices and Human Rights Violations in Nigeria", *Civilistica.com*// a. 2. n. 3. 2013 //,p:2 accessed 29/8/2014

²⁸⁸Shehu A.R, etal, "Health Implications and Educational Media Strategies of Widowhood Practices in Niger State," *Pakistan Journal of Social Sciences* 7(2):101-105, 2010,P:102

²⁸⁹widows key informants(Age, 35) conducted at Emanji on 16 January;2015

²⁹⁰Shehu. A.R, Etal, 2010,p:102

The psychological stress happened at Dosh Kebele where the inheritance practice was conducted in 2012. So, the inheritor moved to the widow abandoning his former wife with her children. This has left the former wife in disadvantaged position where she has to raise her kids in poverty. As the husband bigoted new children from the wife he has inherited and as he is responsible to raise her children born from her deceased husband, he could not provide his first wife and his kids with the basics. As a result following up their separation the single mother of four had to take a difficult construction job in a construction site located at 2 hours walking distance from her village.²⁹¹

As this case illustrates, there is no prior discussion between the inheritors and their former wife on the planned ‘*Naata*’ marriage even though the cultural values allow the inheritors to inherit widows. The case also reflected that no one pays attention to the views of widows and co-wives in the process. So, the practice often victimizes’ widows, and co-wives in the community.

The other challenge is of the economic nature. The FGD participants elaborated that ‘*Naata*’ marriage has a devastating consequence on the widows’ economic well-being. One widow who participated in the FGD conducted at Banosh *Kebele* stated that:

The inheritors inherit the widows not to protect rather to have share of their resources. So, she expressed that most of the time the inheritors’ feeds and takes care of the co-wives and their children by the resources and properties of the widows without letting the permission and consents of widows.²⁹²

This indicates that the practice makes the inheritors to take the ultimate power holder over and use the resources of the widows without the consent and willingness of the widows. It also could not be recognized the widows as the owner of the properties and administrator of the family.

Another economic crisis that widows face is the one that happens to them when they reject the widowhood rites and inheritance to their brother in-law or close male relatives of the late husband’s. In those circumstances often they are evicted from their homes and have to return back to their families place without sharing any property. In a similar manner as Meara cited in Nnodim A. U, Albert C.O & Isife B.I (2012) described that widowhood as both a crisis as a

²⁹¹widows key informant (Age 25 and 33) at Dosh Kebele conducted on 18 January,2015

²⁹²FGD widows discussants results conducted at Banosh *Kebele* conducted on 7 January; 2015

result of its suddenness and the sea of changes that it wrought in the life of a woman as a problem that woman tries to cope with the implications, which are almost always economical.²⁹³

The other challenge is related to the stigma and ill treatment widow's face from their in-laws, families, relatives and the community at large. Widows' key informants and discussants also revealed that in the Boro-Shinasha community divorce is considered as a taboo and divorcees are often ostracized. If widows are not remarried to the brother in-law or close male relatives of their late husband's they are not recognized not merely by the relatives of their late husband's but also by the community at large. They forwarded this as:

If we reject the 'Naata' marriage People offend us by saying women who could not prove their virtue of distress to their late husband's through widowhood rites and inheritance are not worth to be considered as human beings. In those instances the society refers to such widows as women who are living with Kalawaa;²⁹⁴ sin and dirty.²⁹⁵

The ill treatments from their family in-law also relates to the resource without asking widows' permission. Such unrecognized and loss of power by the family of their deceased husbands often forces the widows to live in 'Naata' marriage for the sake of their family prestige and community.²⁹⁶ The other element of challenge relates to the difference of the practice whereby widowhood rite to widows and widowers vary to a great extent. The burial rites and mourning periods of widows are longer than widowers. Furthermore another aspect of cultural gendered inequality can be inferred from the very practice whereby Widowers are allowed to marry another wife within short period of time for domestic care and household activities unlike widows. However, as the widow FGD participants and key informants revealed, these stigmas, stereotypes and ill treatments vary from those widows who are barren, to those widows who have child, to those widows who are at the stages of menopause. Thus, for all widows passing through widowhood rites, inheritance is common. Those women who experienced widowhood at the stage of menopause is mandatory to pass through the widowhood rites and inheritance symbolically and can live with their children. They also receive the necessary protection from

²⁹³Nnodim A. U, Albert C.O & Isife B. I, "The Effect of Widowhood on the Income Generation and Well-Being of Rural Women in Rivers State, Nigeria", *Developing Country Studies*, Vol 2, No.11, 2012 ISSN 2224-607X (Paper) ISSN 2225-0565,pp:1

²⁹⁴*Kalawaa* is synonymous word for sin in shinashagna language.

²⁹⁵FGD widows discussants conducted at Emanji *Kebele* on 13 January; 2015

²⁹⁶widows key informant results conducted at three kebeles on 16 at Emanji, on 18 Dosh and on 25 Banosh *kebeles*, January,2015

all community. But, those widows who have children and at productive ages and widows who are productive but do not have child are seriously forced to live in ‘Naata’ marriage. This is because it aimed to give the remaining birth for the inheritors and care for children not to forget the name of the late husband’s unless the aforementioned problems can face the widows in their day to day activities in the community. Accordingly, all women are not chased off; only the widows of deceased men with a claim to the inheritance. Similarly, if widows are allowed to inherit property with restrictions placed on their ownership if they remarry, then those restrictions are disadvantages based on marital status.²⁹⁷ As Gbenda (1997) stated widowhood is an issue that affects more women than men. Hence, the evidence that he noted is related to the fact that over the long-term women’s are affected more severely than men socially, financially, psychologically and sexually.²⁹⁸ This also relates to impact of widowhood does not only affect the widows but their family and the society at the large. Its impacts vary from bad to worst depending on the status of the family affected with the capability of causing socio – economic dislocations that could negatively affect the well-being of the family.²⁹⁹ According to Stein.H;

Widowhood which is the single person that learns to overcome The role of the widow in the society without definition: she is socially and culturally ignored Having to reach out for new roles and greater social mobility after overcoming her grief the widow generally has difficulties in cultivating new relationships and in acquiring new companionships. She considered herself as an outsider, and feels every reason to be unmotivated in reaching out socially.³⁰⁰

The other element is Widows in Tanzania are regarded as bringing bad luck and they are frequently accused of having used their evil eye to kill their husbands and the husbands are

²⁹⁷Lauren K. Gibb and Margaret Owen, “Differentiating the Triple Discriminations Widows Face,” Global action on widowhood, In Research for Overseas Development Institute and Chronic Poverty Research Centre, Roundtable, October 11, 2010,P:2

²⁹⁸Oniye Olayinka Abdulraza, Widowhood Practices in Nigeria and support Systems: Challenge to Counseling for National Integration:
[,WIDOWHOOD%20PRACTICES%20IN%20NIGERIA%20AND%20SUPPORT%20SYSTEMS%3A%20CHALLENGE%20TO%20COUNSELLING%20FOR%20NATIONAL%20INTEGRATION%2Cpdf&category=web](#) accessed on 12/4 2014

²⁹⁹Nnodim Ukachukwu. A., etal, “The Effectiveness of Widow Support Systems in the Rural Areas of Rivers State, Nigeria”, *Study Tribes Tribal’s*, 11(1) (2013),49-53, p:1

³⁰⁰Stein.H, “Widowhood: From grieving to healing”, A dissertation Submitted to the Faculty of the California Institute of Integral Studies in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in Humanities With a concentration in East-West Psychology, California Institute of Integral Studies, San Francisco, CA, 2005, p:11

suspect for death.³⁰¹ To avoid such suspicion widows must demonstrate their grief and penance by wearing special clothes, excluded from people and all social occasions such as weddings and parties.³⁰²

5.2. The Violation of Rights in ‘Naata’ Marriage Practice

This section presents the violation of rights in connection to ‘Naata’ marriage practices in Boro-Shinasha. This is to address the specific objective of the study to examine how socio-cultural practices of the Boro-Shinasha impact the protection or violation of the rights of widows. As a way of paying attention to specific domains of rights considered as basic human rights in various international, regional, national and states level of instruments of human rights, the findings of the study to be discussed in this section are rights to dignity and equality, the right to marriage and form a family, the right to the ownership of property, and the right to health and life.

5.2.1. Right to Dignity and equality

In the inception of these rights, the basic issues discussed are equality before law, non-discrimination, decision-making and expression of opinion as human person., The elderly key informants revealed that basically ‘Naata’ marriage is conducted in the community for the purpose of protecting the widows and their children as well as resources of the late husband’s from misuse and unwise use.³⁰³ They also revealed that the practice protects widows from any wild outlook from the community such as sexual relation with outsider and unwise use of resource.³⁰⁴ This statement contradicts with the views of widows who participated in the FGD stating that the practice is really exercised to protect the prestige and self respect of their late husband’s family, clan and male’s prestige. The Fact that the family and clan system gave due recognition for protection of the rights of widows to safeguard their wellbeing and that of the family is the factor that accounts for the existence of the practice. .

Some practices associated to ‘Naata’ marriage raise contentious issues with regard to violation of widows’ basic human rights of equality and dignity. According to Messer arguments one need to

³⁰¹ Widows, Aids, Health and Human Rights in Africa, Vanessa Von Struensee, JD, MPH http://www.heart-intl.net/HEART/050107/Widows,_AIDS.pdf accessed on 23/10/2014

³⁰²Ibid

³⁰³Elders and inheritors key informants interview results conducted at Dosh Kebele on 5 January , Emanji Kebele on 10 January and Banosh Kebele on 2 February ,2015

³⁰⁴Ibid, conducted on 5& 10 January and on 2 February ,2015

look into core ‘function’ of cultural practices before arguing its “functional indispensability”. As she stated that “the reflection of the individual themselves are important; functional-cultural relativist insist that the people affected should be allowed to decide how to maintain their culture, even if this infers with the survival of some individual; that the essential customs should not be removed”.³⁰⁵ She also expressed that history and functional indispensability of the custom is necessary to maintain culture and protect the women rights.³⁰⁶ Based on this the criteria that the communities applied to protect the widows and their rights in the community are valuing socio-cultural system rather than the human person. Again in the practice widows have no opportunities to decide, express their opinion and equally participating in the process of ‘Naata’ marriage for better protection of their dignity as human person. Consequently, in the process and conception of ‘*Naata*’ marriage practice in Boro-Shinasha husbands have a power to bequest the inheritors of their wives while they are at their death bed. So, the process and concepts of ‘*Naata*’ marriage practice as indicated in the preceding chapter shows that wives are considered as being the personal property of husbands. This really undermined the women dignity lower than the value of property. Therefore, the practice has negative effects upon the protection of the dignity of widows’ as human person. Subsequently, the cultural practices emphasize to protect socio-cultural practices of the Boro-Shinasha community through the expense of widows without safeguarding widows’ rights. Hence, widows are accepted and recognized in the community as human beings when they accept the socio-cultural system of the community and they have no say in contending or objecting the proposed marriage. In contrary, the protection of widows’ dignity most of time depends on external rationales which has attachments with the family and kinship networks rather than considering their human personality. As stated by Messer, the removal of the narrower idea of rights- duties, personal roles, and community and acceptance of a broader human rights framework may be necessary for culturally or religiously diverse polity towards as unified nations.³⁰⁷ The practice is not as such enforced in accordance with the minimum requirements of the provisions of human rights rather than the socio-cultural practices of the Boro- Shinasha community. This violates the provisions which stated that women to be recognized everywhere as a person before the law and is entitled to realize the economic, social and cultural rights indispensable for their dignity and the free development of their personality.

³⁰⁵Ellen Messer, “Anthropology and human rights”; *Annual Review of Anthropology*, vol,22(1993),p.221-249:pp:234

³⁰⁶Ellen Messer.1993.p:234

³⁰⁷Ellen messer.1993.p:232

The practice contradicts the various human rights instruments such as the Universal Declaration of Human Rights asserts that: everyone is entitled to all rights and freedoms set forth in Declaration, without any kind of distinction such as race, color, sex, language, religion, political opinion, national or social origin, property, birth or other status”³⁰⁸, “everyone has human right to be recognized everywhere as a person before the law”, ³⁰⁹everyone has the rights to equality before the law and to equal protection of the law³¹⁰, “Everyone, as a member of society . . . is entitled to realization . . . of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”³¹¹, “Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”.³¹²

Similarly, ICCPR and ICESCR elaborate and codify the rights articulated in the UDHR, and also explicitly recognize the right to equality between women and men and the right to non-discrimination. The ICCPR stated that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.³¹³

Beside these, the African protocol on the rights of women also expressed that “Every woman shall have the right to dignity inherent in a human being, the recognition and protection of her human and legal rights”³¹⁴and “Every woman shall have the right to respect as a person and to the free development of her personality”.³¹⁵ The FDRE Constitution, Article (35/1) and Benishangule Gumuz regional state constitution article 36(1 and 2) stipulates that “Women shall, enjoyment all rights and protections provided by these Constitution, have equal right with men.” The Benishangul-Gumuz regional state constitution article 25(2and 3) stated that Everyone has the right to respect for his human dignity and reputation and everyone has the right to free development of his/her personality in a manner compatible with the rights of other citizens respectively.

³⁰⁸UDHR Article(2)

³⁰⁹ UDHR Article(6)

³¹⁰UDHR Article (7)

³¹¹UDHR Articles(22)

³¹²UDHR Article (27)

³¹³ICCPR ,Article 10(1)

³¹⁴African protocol on the rights of women Article (3(1)

³¹⁵ African protocol on the rights of women Article (3(2))

5.2.2. The Right to Marriage and Form a Family

In views of rights to marriage the study paid attention to the issues of age, consents and choice, and also interest among Boro-Shinasha 'Naata' marriage practice. In Boro-Shinasha early marriage is not a common practice. The following interview couplet explains this issue further:

*Basically, in the Boro-Shinasha community marriage is considered as an institution that is established by grown up and informed individuals who have the capacity to lead their livelihood and that of their community. Hence, marriage is often established when the couples are matured enough.*³¹⁶

So, the informants and participants of the FGD stated that among the Boro-Shinasha community the minimum age of marriage is twenty (20). But, due to the growing exposure of young children to technology, these days it has become common to see young children as young as 16 entering into the sphere of love and marriage.³¹⁷ Accordingly, the various human rights instruments such as UDHR; ICCPR, ICESCR, CEDAW; ACHPR; ACRW; FDRE constitution, family law, Benishangule regional state constitution and family law recognized the marriageable age could be eighteen years old. Thus, perhaps the age reference and condition to marriage in Boro-Shinasha community is an aspect that least violates the rights of young girls.

The other variable addressed in this study as a way of detecting the right to marriage in addition to age is the degree of consent of the widows. Widows FGD participants accented the fact that the criteria for conducting 'Naata' Marriage practice mainly depends up on the socio-cultural practices of the community that prefers the direct brother in-law which may be elder or younger brother in-law to inherit widows. They also expressed that in 'Naata' marriage practice, consent, age and interest of widows are not often addressed.³¹⁸

Accordingly, the interest of widows and inheritors concerned, the widows and inheritors key informants aged from 20- 30 explained that having mental bodily pleasure and sexual pleasure is appreciable in marriage, those widows and inheritors aged from 31-40 revealed that basically child care, wealth and sexual pleasure makes individual to live in conducive way of life in

³¹⁶The three *kebeles* key informants and FGD discussants result conducted in on 5, January up to on 2 February, 2015

³¹⁷Ibid

³¹⁸FGD widows' discussants results at conducted Banosh *Kebele* on 7, at Dosh *Kebele* on 9 & at Emanji *Kebele* 13 January, 2015

marriage. Again the widows and inheritors key informants aged from 41 and above expressed that accumulating wealth and care for children makes the marriage to be continued and sustainable. So, the interview results show that the interest and expectation of the marriage varies across respective age groups of widows and inheritors. Therefore, the '*Naata*' marriage practice often forces the widows and inheritors who have different interest and age variation to live in the wife and husband relationships. Beyond this, from three focus group discussion sessions of the study area the three (3) discussants revealed that as they are inter into '*Naata*' marriage based on consent and interest for betterment of their children development and ownership of the resources. This makes them to live conductively with children and resources in the community.

As the informants revealed that the widows are often married to individuals who are not of their age and who often are either younger or way older than them. The conflict of interest and expectation of widows and inheritors often lead to conflict between widows and inheritors. Such marriage with unequal age mates often pushes women to double violations of right in the sense that they often end up in second inheritance which is again committed without their consent. So, this indicates how culture plays a great role in influencing the individuals to suffer as a result of socio-cultural practices of the society. '*Naata*' marriage practice depends on the socio-cultural practice and there is no as such legal registration as it is considered as the continuation of the previous marriage. The practice has customary witness from both sides during inheritance but does not guarantee the protection of widows' rights. Witnesses are most of the time symbolic that no one see and evaluate the way of life of widows after inheritance.³¹⁹

Accordingly, the '*Naata*' marriage practice of Boro-Shinasha contradicts the provision of the rights to marriage and form a family which is stated in various international, regional, national and states level of the instruments of human rights(UDHR, article(16) CEDAW article (16/1) sub article(b), ICCPR article (23(3)), ICESCR article (10(1)), ACRWC article (6(a)) and article(20/C) widow rights, FDRE constitution article (34(2)) and family law article (6), Benishangule-Gumuz regional state constitution article (35(2) and family laws article (26)) marriage shall be established based on the full consent, choice and interest of the couples without the interference of others.

³¹⁹Widows key informant results conducted on 16 at Emanji ; on 18 Dosh and on 25 Banosh *kebeles*, January,2015

The expansion of school and electronic communication technology makes communication easier to the females and males to increase their attachments of love and get into marriage at early age. Certainly, the expansion of school and electronic communication technology is appreciable to erase illiteracy rates in the community in a particularly and a nations at large.

5.2.3. The Right to Access and Ownership of Property

The inheritors and elderly key informants of the study area explained that in the process of '*Naata*' marriage, there is counting of all resources of widows and their late husband. They revealed that this is basically done for widows who have children and those whose children have not reached the age of taking responsibility. It also has witnesses from both families of couples and elders from the major clans of the community. Thus, considering recognizable responsibility of inheritors on the resources in the in front of elders is somehow appreciable practices for effective administrations and managements of widows' resources from corruption and misuse by family in-law, other relatives and outsiders. In reality it could be grateful for the practice regards to the protection of the socio-economic rights of widows in Boro-Shinasha community.

However, as widow informants asserted, the ownership of the property and inheritance of resource is discriminatory for the widows in '*Naata*' marriage practice in Boro-Shinasha. For instance widows who have done the practices and have son that reached at the age of defending their mothers are in a better position to share the inheritance of property of their late husbands. Most of the time widows will have the right and access to inherit property in those instances whereby they have children and when they are willing to pass through the rites. Thus, especially widows who do not have children during the life time of their late husbands are denied such basic rights to access and own property.

Therefore, Widows' right to equal inheritance of property depends on the willingness of the family of the late husband or close male relatives. As it has been discussed in chapter four about the widowhood rites, those widows who do not have child and those who have rejected the burial rites and inheritance marriage are evicted and forced to return back to their family without sharing the resources. Thus, in such situations the whole social groups can support the widows in Boro-Shinasha; such as relatives of their late husbands, friends, co-wife and the community at

large. These supports are offered by the respective social groups mainly when the widows pass through the widowhood rites and inheritance unless no one helps and recognized the widows in the community.³²⁰ So, the protection of widows' ownership of property and sharing of the resources in 'Naata' marriage practice of Boro-Shinasha is determined by the ethical behavior of widows and her willingness to passing through widowhood rites, an act considered as showing due respect to the governing culture of the society at large.

This practice contradicts the different international, regional and national legal instruments. The UDHR stated that everyone has right to equality with respect to marriage and owning property.³²¹ The CEDAW stated that there should be similar rights to both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property.³²² The African protocol on rights of women has specifically provided the Widows right: a widow shall have the right to an equitable share in the inheritance of her husband's property".³²³ It also stated that "a widow shall have the right to continue to live in the matrimonial house". "In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it."³²⁴ Article (35/7) of FDRE constitution and the Benishangul-Gumuz regional state constitution Article (36(8)) stated that "Women shall have the right to acquire, administer, control, use, and transfer property, In particular, they have equal rights with men with respect to use, transfer and administration. They shall also enjoy equal treatment in the inheritance of property."

5.2.4. The Right to Health and Life

The right to Health and Life is of due concern in 'Naata' marriage practice which is often associated with polygamy. Consequently, it also highly overlay the way for the potential exposure of HIV/AIDS for widows, inheritors even for co-wives and community at large. This is because the 'Naata' marriage practice is conducted without medical examination for HIV/AIDS and other related sexually transmitted diseases. As the FGD participants and informants revealed, during burial and mourning period, widows are not allowed to take care of themselves and to

³²⁰Widow key informants (age 35) result at Emanji *Kebele* conducted on 16 January;2015

³²¹UDHR Article (16 and 7)

³²²The CEDAW Article (16/h)

³²³Africa protocol on the rights of women, Article (20(c))

³²⁴Africa protocol on the rights of women, Article (21(1))

look after their beauty and personal hygiene for long period until the celebration of mourning “*Tasker*”. Widow Key informants stated that there is no consideration of widows’ reproductive health such as deciding on their own reproductive rights and the right to give birth and or using contraceptives. This is because from the rationales of ‘*Naata*’ marriage practices indicated that as it is conducted for increasing the number of family and bloodline of the clans by giving the remaining birth to the inheritors in the family. Another violation of rights is the right to life. ‘*Naata*’ marriage is mostly conducted without the consent and interest of widows and results in loss of life or homicide case. Therefore, the practice certainly violates the right to life, the right to health and clean environment and reproductive rights of widows.

Hence, the practice of ‘*Naata*’ marriage is uncomplimentary with the provisions of the right to health and life stated in various human rights instruments on women rights internationally, regionally, and national and at state levels. These are the Universal Declaration of Human Rights asserts that everyone has the Right to an adequate standard of living.³²⁵ The ICESCR instrument also widely considered the protection of the right to health, and recognizes “the rights of everyone to the enjoyment of the highest attainable physical and mental health”.³²⁶ The African protocol on the rights of women also has given due attention on the Health and reproductive rights of women: that it provides “the right to control their fertility, to be informed of their health status and of the health status of their partners, to decide whether to have children, to choose any method of contraception, and the right to family planning education.”³²⁷ Consequently, corresponding to theses federal democratic republic of Ethiopia constitution at article (44) sub- article (1) stated that “all persons have the right to a clean and healthy environment”. The same constitution and Benishangule Gumuz Regional State constitutions at article (15) and article (16) stated that “every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by law” respectively.

³²⁵UDHR Article (25)

³²⁶ICESCR Article (12)

³²⁷African protocol on the rights of women Article (14)

5.3. Interventions on the ‘*Naata*’ Marriage practice

The government of a given state is responsible for elimination of customary practices which affect the well-beings of individuals and the community at large. This responsibility basically focuses on establishing institutional mechanisms and implementing the provision of the instructional mechanisms on the harmful customary practices. Also state should focus on modifying the laws and guidelines which favors for the elimination of harmful customary practices in the region and in the locality.

This section presents the engagements of different stakeholders both state and non-state actors to eliminate the ‘*Naata*’ marriage; widow inheritance practice for better treatments of widows in Boro-Shinasha community and in the region in general. The informants asserted that regional government has prioritized various harmful traditional practices in the region. Those harmful traditional practices are early marriage; exchange marriage; widow inheritance; female genital mutilation (FGM), body cutting, abduction, excluding women in the time of giving birth and period of menstruation, polygamy, exposing women in the society or within family to the workload (Gender inequality).³²⁸ From this list of harmful customary practice, widely practiced among the Boro-Shinasha community are ‘*Naata*’ marriage; FGM and polygamy.³²⁹ The same informants also expressed that different governmental and non- governmental organizations are operating in the region and are working towards eliminating these practices. The principal government bodies working on this issue are the labour and social affairs, culture and tourism, women, children and youth bureaus and office collaborating with other state government bodies and development associations from region up to lower levels of government bodies such as zonal and *woredas* and *kebeles* government offices.

On the other hand there are NGOs operating in the study area which engaged in addressing those HTPs in their different projects. These NGOs those are working on addressing the harmful traditional practices are international and local NGOs. The international NGOs are USAID; Oxfam Canada and British Council; CSSP are operated at the regional level and working with

³²⁸key informant interview results from BGRS Culture and Tourism Head, BGRS women, children and youth head at Assosa and Bullen *woreda* women, child and youth head of office official at Bullen conducted on 25,26 December ,2014 and 30 January 2015

³²⁹Ibid, conducted on 25and 26 December ,2014 and 30 January 2015

regional labour and social affairs, culture and tourism, and women, children and youth bureaus. The Local NGO is Mujejeguwa Loka women development association, Boro-Shinasha development associations, Benishangule Gumuz Development Association and others Development Associations are also the partner organizations. These development association and organizations work in Collaboration with the various regional government agencies to solve the socio-economic problems of the women and to promote positive social change in the region among the community at large.³³⁰

From the above stated NGOs Mujejeguwa Loka women development association and Boro-Shinasha development associations are operating in the specific research area. As its coordinators expressed, Mujejeguwa Loka women development Association (MLWDA) is a local NGO. It is a non-political, non-religious, non-profit making humanitarian and development oriented association established in 1996 and licensed by the federal democratic republic of Ethiopia ministry of justice in 2002. It comes into existence as a way of mainly working towards elimination of poverty, women and children health complications in Benishangul-Gumuz regional state. It has established a total of 225 self-help groups with 3793 members and four cluster level of association in six *woredas* in Metekel zone; namely Mandura, Dangure, Pawi, Guba, Dibate and Bullen and in Assosa zone; Assosa *woreda* of the Benishangul-Gumuz regional state. He also stated that the active partners and donors of the Mujejeguwa Loka women development association project are Japan embassy, Oxfam Canada, Benishangul-Gumuz development association, the union of Ethiopian women charitable association (UEWCA), US Embassy, United Nations population fund (UNFPA) and United Nations children's fund (UNICEF). These partners aid the development association financially and by offering technical training on the project to improve women and children attitudes towards customary practices. The coordinator of Mujejeguwa Loka women development association explained that their project start working at Bullen *woreda* in 2013 by establishing the groups which have 50 members comprising of 25 women and 25 men in each *kebeles*. Those members are responsible to lead the discussion on saving and working on elimination of the HCPs (polygamy, early marriage, widow inheritance, rape...etc) with the surrounding communities under the

³³⁰ Ibid

coordination of Mujejuguwa Loka women development association.³³¹ However, he explained that supports and treatments provided for widows on the behalf of the institution are few except occasional support (financial and education services) offered for orphans.³³² He also stated that the development association is engaged in providing awareness creation education for all women on business skills, leadership, saving and credit accounts as a way of empowering women economically.

According to the coordinator of Boro-Shinasha Development Association (Boro-SAD) the mechanisms established to tackle the harmful customary practices in the region are drafted in consultation with the regional government constitutional provision, family law and criminal code. However, there is no specific plan developed in the region addressing the widow inheritance practices as harmful customary practices.³³³ The same informant forwarded that basically the development association is engaged on empowering women who are economically disadvantaged and are living in impoverished condition without exclusively focusing on widows. Likewise, the main projects of the institutions and organizations are capacity building through mobilizing the community to address HCPs and promoting attitudinal changes to solve the socio-economic problems of women.³³⁴ There is a monthly discussion with women at *Kebele* levels on the HCPs for creation of awareness towards the impacts of the practices on the well-beings of women and the community.³³⁵

Accordingly, Bullen *woreda* justice official forwarded that '*Naata*' marriage is one of the harmful customary practice among the prioritized harmful customary practices in the region which are not harmoniously goes with the well-beings of women. So, it is active customary practice among the Boro-Shinasha and Gumuz community. Thus, as these practices are culturally justified, often the cases are not reported to the police and are accordingly not brought to the court.³³⁶ The other reasons for the continuation of the practice are lack of the societal and

³³¹key informant Interview result conducted with the coordinator of Mujejuguwa Loka women development association at Bullen on 2 February,2015

³³² Ibid

³³³key informant interview result conducted with the coordinators Boro-Shinasha development association at Assosa conducted on 26,2014

³³⁴key informants interview result from Boro-Shinasha and Mujejuguwa Loka women development association coordinators conducted on 26 December,2014 at Assosa and 2 February,2015 at Bullen *woreda*

³³⁵Ibid conducted on 26 December,2014 and 2 February,2015

³³⁶Interview conducted at Bullen *woreda* with justice office official on 27, January, 2015

institutional follow up and responsibility to expose those individuals and society who are engaged in committing this customary practice.³³⁷

The Regional Labor and Social Affairs Bureau head stated that there is a support provided by the bureau for female headed households in the region. The Regional Labor and Social Affairs bureau supported female headed families, those women who are divorced and widows who are living in being left with the responsibility of rising of their children and leading the overall situations of the families alone. As the head of bureau stated, the bureau is providing aid to those female headed families through offering financial aid and giving trainings on business skills. The bureau gets financial and technical supports from UNICEF, British Council; CSSP and ILOs. Thus, this initiative is basically good approach to empower women in the destitute and depressed way of life in the community. However, this support is aided by non-governmental organization which is suspected for termination. This is when the project is terminated the institution will also be terminated together. Again, the informant expressed that Women, Children and Youth Bureau has established various offices at different levels within coordination of the bureau being with those NGOs such as UNICEF, British Council; CSSP, ILOs and USAID to eliminate the harmful customary practices in the region.³³⁸ The established offices are mainstreaming gender and working towards eliminating harmful traditional practices having office of communication and public relation. However, there is a visible gap of working force.³³⁹ Thus, from these narratives of various government bodies in the region indicated the existence of best opportunities to minimize even for the elimination of harmful traditional practices in various locality of the region. Again the institutional and organizational set up of the region has also included the strategies of narrowing and improving the gender disparities and empowerments of women in the spheres of development endeavor. But their implementations are not such remarkable and not touch the widows' inheritance.³⁴⁰ This is due to the existence of maladministration in the region in utilizing the budgets received from the active partners and donors' agencies. Again the regional state institutions projects are established in accordance

³³⁷Ibid

³³⁸key informant interview results of BGRS women, children and youth head conducted at Assosa on 26 December ,2014

³³⁹Ibid, conducted at Assosa on 26 December ,2014

³⁴⁰As the researcher analyzed various documents of the BGRS such as constitution, revised family law and gender mainstreaming guideline, during data collection period, 2015

with the foreign aid directed and supports in the elimination of harmful customary practices and supporting the disadvantaged social groups.³⁴¹

Thus, the regional state institutions and projects should not be designed in accordance with the foreign directed aid and supports. This is because when the aid is terminated the institution will also phase out if it is fully dependent up on by the foreign aid. As the head of labor and social affairs bureau expressed that there are various NGOs terminated with their projects in the region because of their terms. For an example, the terminated institutions with the termination of foreign aids and supports are Resurrection Orphans and Widows Services (ROWS) and Ehtio-Decha Humanitarian development association in the region.

The BGRS gender mainstreaming guideline implementation strategy manual indicated the existence of gap on know how about the socio-cultural cultural practices within the society and institutional weakness. So, it resulted in the violation of the basic human rights of women and children.³⁴² Therefore, these factors really undermine the effective implementations and awareness creation and the overall intervention on harmful customary practices in the region based on the various provisions of human rights instruments. Hence, there are no measures taken on ‘*Naata*’ marriage; widow inheritance practices even at *woreda* or *kebeles* levels except occasional training and awareness creation education. Thus, the existence of institutions and laws are nothing by itself. However, form the above views of the informants the intervention mechanism on the harmful customary practices in the in bullen *woreda* particularly and in the region in general is not effectively cared out. So, all the stakeholders should be responsible and show their commitment to make cultural practices, like ‘*Naata*’ marriage goes harmoniously with humanity and particularly, women’s and children’s. Accordingly, CEDAW stated that the State Parties shall “take all appropriate measures to adopt appropriate legislative and other measures, including sanctions where appropriately in prohibiting all discrimination against women”³⁴³ and “modify or abolish existing laws, regulations, customs and practices which

³⁴¹Interview results conducted with the coordinator of Mujejeguwa Loka women development association at Bullen *woreda* on 2 Feberuary,2015

³⁴²The BGRS Gender mainstreaming guideline implementation strategy manual, published by women, children and youth bureau , Assossa, 2013:7

³⁴³CEDAW Article (2(b))

constitute discrimination against women.”³⁴⁴ Likewise, the African protocol on women rights is stated that the “States Parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect and protect their dignity from all forms of violence.”³⁴⁵ Hence, the protocol of women rights covers gender based violence, harmful cultural practices, early marriage, widow rights, property inheritance and reproductive health rights. Similarly, the FDRE constitution (Art.35/4) ensured that “the State is duty bound to enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited. In the same footing Benishangule regional state constitution at article (36/4) stated that “the State is duty bound to enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.”

5.4. Aspects of changes in the ‘Naata’ Marriage Practice

Despite the fact that, there are occasional awareness creation programmes on the harmful traditional practices by government and NGOs in the region, the ‘Naata’ marriage practice is still common among the Boro-Shinasha community. The widows live together with their brother in-law or close male relatives without witness as the practice is recognized as harmful customary practice and criminalized in various regional and national legal frameworks.³⁴⁶ As a way of resisting to the intervention projects of the government and NGO discussed above, widows cohabit with their brother in-law by keeping very low profile and in an informal manner.

In the sense that widow inheritance can be enter or exit without recognized law and they cannot claim their marital status in ‘Naata’ marriage. However, it is very difficult to say the practice is going smoothly with the dignity of widows as human beings and singles. This is because the marital relationship has involved certain contracts in either written or specified by tradition to recognize the partners’ rights and responsibility with each other. Another factor for the continuation of ‘Naata’ practices is that the resistance of elder council considering the practice as part of their culture to preserve. As Bullen *woreda* justice and women ‘children and youth

³⁴⁴CEDAW Article (2(f))

³⁴⁵African protocol on rights of women Article (3(4))

³⁴⁶Elders and inheritors key informants interview results conducted at Dosh *Kebele* on 5 January , Emanji *Kebele* on 10 January and Banosh *Kebele* on 2 February ,2015

officials expressed the Boro-Shinasha elders highly resisted during trainings provided on the HTPs. They also revealed that while conflicts rose on the issues on 'Naata' marriage the elders locally negotiate and make the widows to live in inheritance marriage rather than reporting it to the *woreda* government bodies. The researcher similarly faced resistance while conducting interview with Boro-Shinasha elders at Dosh kebeles on the issues of the continuation of the practices. This further reaffirmed by Cooper Elizabeth discussion that Widows' inheritance is a customary marriage informally entered or exited and spouse status is contestable for disputes. It is rarely legally registered and therefore women cannot claim Spouse status under statutory laws.³⁴⁷ Informants revealed that 'Naata' marriage is still practicing in the Boro-Shinasha and Gumuz community despite various attempts made to fight the practice in the region.

³⁴⁷Cooper Elizabeth, "Women and Inheritance in five(5) Sub-Saharan African Countries", Opportunities and Challenges for Policy and Practice Change, 2010, p:5

Concluding Remarks

This study deals with understanding the effect of the ‘*Naata*’ marriage in posing challenges and violations of rights of widows among the Boro-Shinasha community. As a way of addressing the core objectives of the study, it has started with the basic questioning of the rationale behind conducting such widow inheritance marriage. As a way of understanding the underlying core values informing the existence and vibrant nature of the practice it has paid attention to the understanding of different process of widowhood rites and inheritance process. It has also paid attention to looking at the multifaceted challenges women encounter from the very death of their husbands to their inheritance. As a way of accenting the multitude of violations of rights of widows resulting from the widow inheritance marriage, it has looked at four dimensions of rights specifically; the right to dignity and equality, the right to marriage and forms a family, the right to access and ownership of the property, and the right to health and life. It has also looked at the different intervention mechanisms adopted by the regional government and NGOs in an attempt to eliminate the practice in the community have been examined. The aspects of change and continuity have been discussed briefly to hint at the hanging faces of the practice.

The finding of the study has shown that establishing marriage within clan and early marriage is prohibited in Boro-Shinasha socio-cultural practices. This complements with the human rights provisions which stated as marriage through consanguinity and age before eighteen is prohibited in various instruments of human rights such as CEDAW at article (16(2)), ICCPR at article (23(2)), ACRWC at article (6(b)), FDRE and Benishangule-Gumuz regional state family laws article (7/1) and article (27)) stated that a man and a woman who are not attained full age of eighteen years shall not conclude marriages. Again, the confession of family law of Ethiopia and Benishangule Gumuz Regional State which stated about marriage with consanguinity at Article (8) sub-article (1&2) and article (28) sub article (1&2) ensures that Marriage between persons related by consanguinity in the direct line between ascendants and descendants is prohibited. The same article (8) sub article (2) stated that in the collateral line a man cannot conclude marriage with his sister or aunt. Similarly, a woman cannot conclude marriage with her brother or uncle respectively. Another finding of the study is that divorce is not recognized in socio-cultural system of the Boro-Shinasha except marriage established within the clan.

The study has also found out that '*Naata*' marriage practices in Boro-Shinasha community is conducted based on socio-cultural pressures forcing widows to be inherited by their brother in-laws or close male relatives as well as the adopted person in the family. The marriage often takes place without any prior medical examination for HIV/AIDS and other related uncured sexually transmitted diseases. Another finding of the study is that widowhood burial rites are inclusive for widowers and widows but the celebration lasts longer for widows than widowers. '*Naata*' marriage practice is not completely violating the rights of widows' if it is based on the genuine consent, interest and consultation among widows and inheritors, and inheritors who are monogamous if it is about protecting humanity. However, the study revealed that in the community the husbands bequest the inheritors to their wives while they are near to die.

Another finding of the study has shown that the respect widows get in the community and the rights they are granted to access and own their properties are highly informed by their willingness to partake widowhood rites. Rejection of this act will potentially result in stigma (exclusion), ill treatments leading them to live their lives in states of depression, hopelessness and loneliness and forcing them to return back to their parents' home without sharing the resources. '*Naata*' marriage practice denies widows the right to choose their partners freely and their right to remarry any person or lead their lives as singles. Hence, the practice contradicts to the African protocol on the rights of women article (20/c) Widows right; which stated that a "widow shall have the right to remarry any person of her choice".

Basically, widows are human beings and they have universal human dignity and recognized rights. As they are a universal human being it is compulsory for all individuals to recognize widows' personality and protect their rights from violation. Hence, when people apply socio-cultural practices and values in protection of human dignity, they need to give great attention to the socio-cultural practices and their interpretation unless it could not always be recognized by all cultural practices as being harmonious in respecting humanity in a particularly widows rights in the case of widow inheritance. The study found out that rationale of '*Naata*' marriage practice of the Boro-Shinasha most of time is rooted in socio-cultural practices which are aimed at boosting and protecting the socio-cultural system. Without doubt, people have the right to put into effect their culture and religious beliefs provided that those cultural norms do not in any way impact the right of an individual in one way or the other.

The findings of the study in relation to the intervention on the practice from government and NGOs in the region points out that there is an existence of maladministration in respective projects, weak mobilization of the community as a way of working towards as 'Naata' marriage, widow inheritance being harmoniously with dignity of the widowed women. Also the institutions which are working on the harmful traditional practices in the region are most of time based on foreign aid and support which makes the continuation of funding existential. Another finding of the study is related to the quintessential role elders have in the continuity of the practices. The elders of the community in most instances refrain from reporting to the legal bodies when conflicts occur in relation to Naata marriage, cases of widow inheritance and rather engage in mediating the negotiation.

Based on the analysis of the findings of this study, the researcher recommends that the Boro-Shinasha and other group of people should adopt the broader Human Rights norm to accommodate the protection of the well beings of widows' and their rights. This is because widows in widowhood period are losing their dignity and live their lives without keeping their personal hygiene and beauty because of widowhood rituals. So, if the community considered the practice as their cultural practices, they have to celebrate the day of widowhood rituals and inheritance practices symbolically. According to Donnelly to ensure the implementation of international human rights standards both at international and domestic spheres, we must recognize the 'validity of claims of traditional values and institutions', as well as the rights of 'modern nations and states to choose their own destiny'. At the same time, community and state feel a need to keep these choices restrained within acceptable bounds and reject anything-goes attitude.³⁴⁸ Ethiopia has ratified the major international and regional human rights instruments for the protection of women's rights and included in its constitution the provisions of human rights considering those instruments as an integral part of the state law. In the same footing the BGRS incorporated in the constitution and family law to invoke the protection of women's rights in the context of harmful cultural practices. Hence, the state should be dedicated to modify and enforce the laws effectively and efficiently to intervene in harmful traditional practices that violate the rights of widows.

³⁴⁸Preis, S. Ann - Belinda, "Human Rights as Cultural Practice: An Anthropological Critique" *Human Rights Quarterly, the Johns Hopkins University Press, Vol. 18, No. 2 May, 1996, pp. 286-315,P:292*

'Naata' marriage practice has repercussion for widows' fundamental rights and freedom. Though, Human Rights framework is devoid of disapproval while the standards at the end is to benefit women's (widows) health, bodily integrity and security, the various cultural division should be in line with well-designed Human Rights frameworks and specifically women's Human Rights framework. This is not means that all cultural practices degrading and violating the dignity of human being but there are some cultural practices that degrade the humanity. I.e. 'Naata' marriage practice is not protecting the personal rights of widows rather than protecting the socio-cultural system of the community. This study alludes that there is a potential to modify the cultural practices as culture is not a static, it is constantly transformed by overarching changes.³⁴⁹ In this globalised world Social Change is inevitable even though in few areas the cultural practices remain unchanged, one of the areas where the change is very slow being marriage.³⁵⁰ The study has found out that that culture is a dynamic entity which changes through time as societies live in a networked world experiencing flow of idea, and communication its changes can impinge on human creature and the protection of human rights.

To sum up, the case study of 'Naata' marriage practice presented above poses the general question and tension between cultural rights and the protection or violation of individual rights at best appealing to the general debate between cultural relativists and Universalists. The concept of human rights in current world recognized the interdisciplinary approaches. Thus, even if the practice has values in the protection of the culture of community it overweight's the protection of the socio-cultural values of the community rather than the personal rights of women's. Hence the debate between the cultural relativists and universalists can be best seen with the analysis of the case material at hand as it was also raised by the UNESCO director-general Koichiro Matsuura on the international women's day on 8 March 2004 remarking; "no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope".³⁵¹

³⁴⁹Oluoch Asewe Elizabeth and Wesonga Justus Nyongesa; "Perception of the Rural Luo Community on Widow Inheritance and HIV/AIDs in Kenya: Towards Developing Risk Communication Messages," *International Journal of Business and Social Science* Vol. 4 No. 1, January 2013, pp:213

³⁵⁰Johnson J and Shyamala, "Widow Remarriage: A New Dimension of Social Change in India." *International Journal of Humanities and Social Sciences*, ISSN 2250-3226 Volume 2, Number 3/ 2012, pp. 195-205,p:196

³⁵¹Valentine M. Moghadam and Manilee Bagheritari, "Cultures, Conventions, and Human rights of women: examining the convention for safeguarding intangible cultural heritage, and the declaration on cultural diversity",

Bibliography

Books

- Abebe Ano and Addisu Adame. Short History and Culture of Boro-Shinasha people, Assosa, unpublished, 2015
- Addisu Adame. *Yeshinasha Tarikena Bhale*, Benishangule Gumuz Regional state, Metekel zone, Bullen Woreda, part One Unpublished, 1992
- Browning, C. J. & Wells Y. D. *Widowhood: Encyclopedia of Public Health*, 2002
- Connidis, I. A. *Family ties and Aging*, Toronto, SAGE Publications, 2009
- Cook, R. J., Dickens, B. M. and Fathalla, M. F. *Reproductive Health and Human Rights: Integrating Medicine, Ethics, and Law*, Oxford: Oxford University Press, 2003
- Cooper Elizabeth. *Women and Inheritance in 5 Sub-Saharan African Countries: Opportunities and Challenges for Policy and Practice Change*, 2010
- Edward B. Tylor. *Primitive Culture: Researches into the Development of Mythology, Philosophy, Religion, Art, and Custom*, London: Gordon Press, 1974
- Greeff M. *Information collection: Interviewing in De Vos, A.S. (Eds) Research at Grassroots: For the Social Sciences and Human Service professions (2nd Eds)*, Pretoria: VanSchaik Publishers, 2002
- Herskovits, Melville. *Cultural Relativism: Perspectives in Cultural Pluralism*, New York: Vintage Books, 1973
- Ishrat S. *Child Trafficking and HIV/AIDS, Dhakar*, Centre for Women and Children, 2000
- Kameri Mbote. *Gender dimensions of law, colonialism and inheritance in east African, Kenyan women's experiences*. International environmental law research centre, published in 35/5 *verfassung unduebersee*, 2002
- Kimani Njogu. *Culture, Entertainment and Health Promotion in Africa*, Nairobi: Twaweza Communications, 2005
- Lauren K. Gibb and Owen Margaret. *Differentiating the Triple Discriminations Widows Face, Global action on widowhood*, in Research for Overseas Development Institute and Chronic Poverty Research Centre, Roundtable, 2010

SHS papers in women's studies / gender research No. 1, gender equality and development on cultural section, division of human rights, social and human science sector, UNESCO, France march 2005,P:7

Matsumoto, D, *Culture and Psychology*, Pacific Grove, CA: Brooks/Cole, 1996,

Owen Margaret. *Widows: Life after death*. Index on Censorship, 28(2), 1998

Spencer- Oatey, H, *Culturally Speaking. Culture, Communication and Politeness Theory*, 2nd edition. London: Continuum, 2008

Ye Ethiopia Goji Limadawi Dirgitoch Aswogaj Mahiber (EGLDAM), Harmful Traditional Practices, Reproductive Health and Gender training manual, 2ndeds, Save Children Norway (SCN),2012

Yitayew Alemayehu and Wondemagegn Tadesse. *Human Rights Research: A practical Guidebook on Methodology and Methods*, Center for Human Rights Addis Ababa University, AAU printed, 2013

JOURNAL ARTICLES

Abebe Ano Alula, “The Luba Basa Institution: The Challenge on Shinasha Identity”, *star Journal April-June 2012*, 1(2):101-107

Abebe Ano Alula, “The Shinasha relation with other Gongga people”, *star journal July-sep 2012*, 1(3), 115-125

Agot KE, Vander Stoep A, Tracy M, Obare BA, Bukusi EA, Ndinya-Achola JO, et al, “Widow Inheritance and HIV Prevalence in Bondo District, Kenya: Baseline Results from a Prospective Cohort Study”, *PLoS ONE* / www.plosone.org , Volume 5 | Issue 11 | e14028 November, 2010

Bazza Iza Hadiza, “Domestic Violence and Women’s Rights in Nigeria: Societies without Borders”; Department of education University of Maiduguri Received 11 November 2008; accepted 10 January 2009: 175–192

Diana Ayton Shenker, United Nations Background Note, the Challenge of Human Rights and Cultural Diversity Published by the United Nations Department of Public Information ,March, 1995

Donders Yvonne, “Do cultural diversity and human rights make a good match?”*International Social Science Journal*, Amsterdam Center for International Law, November 25, 2010pp. 15-35,

Donnelly Jack, “The Relative Universality of Human Rights”, *Human Rights Quarterly*, vol, 29 2007

- Dwivedi O. P, “The Challenge of Cultural Diversity for Good Governance, United Nations Expert Group Meeting on Managing Diversity in the Civil Service,” United Nations Headquarters, New York, 3 - 4 May 2001
- Elizabeth M. zechenter, “In the Name of Culture: Cultural Relativism and the Abuse of the Individual”, *Journal of Anthropology Research, university of New Mexico, Autumn vol.53, No.3, 1997, pp.319- 347*
- ESSE'N B, etal, “An anthropological Analysis of the perspectives of Somali women in the West and their obstetric care providers on caesarean birth,” *Journal of Psychosomatic Obstetrics & Gynecology, March 2011; 32(1): 10–18*
- Familusi, O.O, “African Culture and the Status of Women: The Yoruba Example,” *Journal of Pan African Studies, university of Ibadan, Nigeria, vol.5, no.1, March 2012,*
- Fasoranti O.O. and Miss J.O. Aruna, “A Cross-Cultural Comparison of Practices Relating to Widowhood and Widow-Inheritance among the Igbo and Yoruba in Nigeria”, *Journal of World Anthropology: Occasional Papers, Volume III, and Number 1, n.d*
- Gebre Yntiso, “From tractors to draft animals: Resettlement, foreign aid, and changes in metekel, Ethiopia,” *Ethiopian journal of development research vol, 28, No 1, April, 2006*
- Gupta Nidhi, “Women’s Human Rights and the Practice of Dowry in India, Adapting a Global Discourse to Local Demands”, *Journal of Legal Pluralism, , 2003– nr, 48*
- Irina Dana, “A culture of human rights and the right to culture”, *Journal for Communication and Culture’ Institute for Communication and Culture, Vol 1, no. 2 (Winter 2011): 30-48*
- Johnson Janagan and Shyamala, “Widow Remarriage: A New Dimension of Social Change in India”, *International Journal of Humanities and Social Sciences, ISSN 2250-3226 Volume 2, Number 3/ 2012, pp. 195-205*
- Jonas Obonye, “The practice of polygamy under the scheme of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa”: a critical appraisal: *Journal of African Studies and Development Vol. 4(5), 142-149*
- Kate Young, “Widows without Rights: Challenging Marginalization and Dispossession,” *Gender and Development, 14:2, 2006, 199-209*
- Merry Engle, “Human Rights and Demonization of culture (And Anthropology Alone the Way)”, *Polar, Vol.26.No.1, AAA, May 2003*

- Mina Uprety and Sikshya Adhikary, "Perceptions and Practices of society towards single women in the context of Nepal", *Occasional Papers, Vol 11, n.d*
- Nayak Shankar, "Challenges of Cultural Relativism and the Future of Feminist Universalism," Published by Canadian Center of Science and Education, *Journal of Politics and Law Vol. 6, No. 2; 2013*
- Nnodim Ukachukwu A. Nwachukwu Ike and Ekumankama O.O, "The Effectiveness of Widow Support Systems in the Rural Areas of Rivers State, Nigeria", *Study Tribes Tribal's, 11(1), 2013: 49-53*
- Nnodim, A. U, Albert, C.O & Isife, "The Effect of Widowhood on the Income Generation and Well-Being of Rural Women in Rivers State, Nigeria," *Developing Country Studies, Vol 2, No.11, 2012 ISSN 2224-607X (Paper) ISSN 2225-0565*
- Nwabueze, N. Remigius, "Securing Widows' Sepulchral Rights through the Nigerian Constitution", *Harvard Human Rights Journal / Vol. 23, 2010,*
- Nwalutu Onyedika Michael, "Healing Bereavement through Rituals: A Review of the WeppaWanno Widowhood Purification Practices", *Sociology Mind, Vol.2, No.3, 2012, 313-324*
- Nyambedha Erick Otieno, "Change and Continuity in Kin-Based Support Systems for Widows and Orphans among the Luo in Western Kenya": *African Sociological Review, 8, 1, 2004, pp.00-00.*
- Nyarwath Oriare, "The Luo Care for Widow's (Lako) and contemporary challenges," Thought and Practice: *A Journal of the Philosophical Association of Kenya (PAK) New Series, Vol.4 No.1, 2012, p: 91-110*
- Nzewi, Esther, "Widowhood Practice: A female perspective". Paper Presented at a workshop *Widowhood practices in Imo State. Owerri, June 6-7, 1989*
- Oluoch Asewe Elizabeth and Wesonga Justus Nyongesa, "Perception of the Rural Luo Community on Widow Inheritance and HIV/AIDs in Kenya: Towards Developing Risk Communication Messages", *International Journal of Business and Social Science Vol. 4 No. 1, January 2013*
- Preis, S. Ann Belinda, "Human Rights as Cultural Practice: An Anthropological Critique" *Human Rights Quarterly, the Johns Hopkins University Press Vol. 18, No. 2 May, 1996, pp. 286-315*

- Ruibal González- Alfredo and Martínez Fernández Victor M, “Exhibiting Cultures of Contact: A Museum for Benishangul-Gumuz, Ethiopia,” Departamento de Prehistoria, Universidad Complutense de Madrid, *Stanford Journal of Archaeology* <http://database5.com/e/exhibiting-cultures-of-contact-a-museum-for-benishangulw37646.htm> accessed on 12 Nov 2014
- Shehu, A.R, Onasanya A.S, Uthman A.H and Baba A.D, “Health Implications and Educational Media Strategies of Widowhood Practices’ in Niger State”, *Pakistan Journal of Social Sciences* 7(2):101-105
- Tamale Sylvia, “Gender trauma in Africa: Enhancing women's links to resources,” *School of Oriental and African Studies. Printed in the United Kingdom Journal of African Law*, 48, 1 (2004), 50-61
- Tongco, MDC, “Purposive sampling as a tool for informant selection”, *Journal of Ethnobotany research applications* 5, University of Hawaii Manoa 2007, 147- 158,
- Tsega Endalew, “Conflict resolution through cultural tolerance: Analysis of the Micu institution in Metekkel region, Ethiopia”: *social science research report seriesno.25; 2002*
 _____, “Christian Influences on Shinasha Oral Traditions”, *HAAP*, 2005
- Walker. SR, Hill KR, Flinn MV, AND Ellsworth RM, “Evolutionary History of Hunter-Gatherer Marriage Practices”, *PLoS ONE* | www.plosone.org, | Volume 6 | Issue 4 | e19066, April 2011

Thesis and Dissertation

- Afolayan, Gbenga Emmanuel, “Widowhood Practices and the Rights of Women: The Case of South- Western Nigeria”. In partial fulfillment of requirements for obtaining the degree of masters of Arts in development studies, Hague, Netherlands 2011
- Chima Jacob KORIEH*, “Widowhood among the Igbo of Eastern Nigeria”. A thesis submitted for the Degree of Master of Philosophy in History University of Bergen, Norway, Bergen Spring, 1996
- Eleni Tekalign, “The nexus between culture and women’s human rights: the case of ‘Abusma’ marriage in Afar”. MA thesis submitted in partial fulfillment of the requirements for

the degree of Master of Arts in human rights, center for human rights, AAU, June, 2013

Meron Zeleke, “The Socio-Economic Role And Status Of Gumuz Women,” MA thesis in partial fulfillment of the requirement for the degree of Master of Arts in Social Anthropology, Addis Ababa university, 2005

Rakotondrainy Sophie Küspert, Language Policy and Identity in a Diverse Society: *The Impact of Language of Instruction on Social Group Identity. A Comparative Case Study from Ethiopia*, Institute for Educational Research university of Oslo, April 2013,

Serkalem Bekele, “Divorce: Its cause and impact on the lives of divorced women and their children, A Comparative study between Divorced and Intact family”, MA thesis submitted to the graduate school of Addis Ababa university in partial fulfillment of the requirements for the degree of Master of Arts in social work in the department of sociology, Addis Ababa University, Unpublished, 2006

Stein, H, “Widowhood: From Grieving to Healing”, A dissertation submitted to the Faculty of the California Institute of Integral Studies, in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in Humanities With a concentration in East-West Psychology, California Institute of Integral Studies, , San Francisco, 2005

Tsega Endalew, “The Oromo of Wanbara: a historical survey to 1941,” M.A Thesis in history, Addis Ababa university school of graduate studies, 1997

Wudesha Habte; “Nema” traditional conflict resolution mechanism of the boro-sinasa people Northwest Ethiopia: challenges and prospects”. MA thesis submitted to the school of graduate studies of AAU in partial fulfillment of the requirement for the degree of master of art in peace and security studies, 2010

Documents

International Covenant on Economic, Social and Cultural Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966entry into force 3 January 1976, in accordance with article. 27

International Covenant on Civil and Political Rights Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49
Federal Negarit Gazeta of the federal democratic republic of Ethiopia first year No -1 Addis Ababa -21st August /1995
The Revised Family Code Proclamation No. 213/2000 Addis Ababa 4th, Day of July, 2000
The protocol of African charters on people and human rights to the rights of women adopted in 2003 in Maputo
The Proclamation No.414/2004, the criminal code of Ethiopia, comes into force as of the 9th of May 2005
The Revised Benishangule Gumuz Regional State Constitution, November, 2002, Assosa
The revised family code of Benishangule Gumuz Regional State Proclamation No. 63/ 2006
The BGRS Gender mainstreaming guideline implementation strategy manual, published by women, children and Youth Bureau, Assossa, 2013
Population Census of Central Statistical Agency, 2007 and 2012
Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights in Vienna on 25 June 1993
United Nations Division for the Advancement of Women United Nations Economic Commission for Africa; Expert Group Meeting on good practices in legislation to address harmful practices against women; United Nations Conference Centre Addis Ababa, Ethiopia 25 to 28 May 2009
Universal Declaration of Human Rights Adopted By United Nations on December 10th 1948

Magazines, newspapers and training manual

Tuba Hagerachen Enwoqe; Magazine special publication, *Tuba no. 19*; November, 2007

Benishangul-Gumuz regional state communication Bureau, Facts about Benishangule Gumuz Regional State, 2013

Yearly Magazine Published BY Public and International Relation Directorate of ARCCH, June (2013)

Magazine prepared by Benishangule Gumuz regional state for the celebration of the 9th Ethiopia nation, nationalities and people day publication and documentation on December 7/2014:4 published by Brahaine na Selam press

The Aweda *Amate Number Two (2)* Benishangule- Gumuz regional state women, children and youth affairs bureau, Daners printing press, march 2014,

The Bensigule regional state youth; sport and culture bureau (BGRSYSCB); the short survey of shinasha culture, Assosa, unpublished, 2004

Valentine M. Moghadam and Manilee Bagheritari, “Cultures, Conventions, and human rights of women: examining the convention for safeguarding intangible cultural heritage, and the declaration on cultural diversity, SHS papers in women’s studies / gender research No. 1, Gender equality and development on cultural section, division of human rights, social and Human science sector, UNESCO, France march 2005

Integrating Human Rights, Culture and Gender in Programming, UNFPA, participants training manual, 2009

Online sources

Claire Charters, “Universalism and Cultural Relativism in the Context of Indigenous Women’s Rights”:<http://www.victoria.ac.nz/law/centres/nzcpl/publications/human-rights-research-journal/publications/vol-1/Charters.pdf> accessed 12/11/2014

Encyclopedia of Death And Dying Vi-Z:
<http://www.deathreference.com/ViZ/index.html#ixzz3bOz9HdXB> accessed on 27/5/2015

Ebenezer DUROJAYE, “Woman, but not Human: Widowhood Practices and Human Rights Violations in Nigeria”, *Civilistica. Com* || a. 2. n. 3. 2013 || accessed 29/8/2014

General introduction to major trends family as social institution
;<http://www.un.org/esa/socdev/family/Publications/mtintro.pdf> accessed on 5 march 2015

Mauleke .M J, “culture, tradition, custom, law and gender equality” *volume 15 no 12012*”:<http://www.saflii.org/za/journals/PER/2012/1.pdf> accessed on Nov 4/11/2014

Appendix One

1. Interview guidelines for key informants (Elders) of Boro-Shinasha

This research questions designed for an in-depth interview and focus group discussions to conduct a research on widow inheritance and women rights among the Boro-Shinasha in Benishangul-Gumuz regional state, Metekel zone, Bullen *woreda*. This is for the partial fulfillment of MA degree in human rights. So, in order to accomplish this study your opinion and information is necessary. Therefore, the genuine opinions and idea are very important for the following questions. Beside this your confidentiality will kept as the study merely for academic purpose.

Age _____ place of birth _____ the Status in the community _____

1. Please could you describe the marriage situation of the Boro-Shinasha?
2. Do you think that is there consideration of the inherent consent and age of couples to enter in the marriage?
3. What does basic human right mean for Shinasha people in accordance to their socio-cultural system?
4. Is there widow rite during the death of husbands?
5. Who is the right person to inherit the widows?
6. What are the justifications on widow inheritance in shinasha socio-cultural practices?
7. What are the procedures that the Shinasha people follow to inherit widows'?
8. What happen if the widow's reject inheritance?

9. Does a presence of child matter in widow's inheritance?
10. What about a widow who lost her husband before giving birth?
11. Are there age distinctions in relation to widow's inheritance?
12. Do you think that there are problems that widows encounter in widow inheritance?
13. How prevalent is the practices among boro- Shinasha?
14. What do you think are the positive sides of the practice?
15. What do you think are the negative sides of the practice?
16. Is there any mechanism that the elder councils provided for the elimination of widow inheritance in the locality?
17. What do you think that the potential strategies to do away with the practice of widow inheritance for the effective protection of basic rights of widow's that complement with laws?

2. Interview and focus group discussion Guideline for widows and inheritors

Age_____ **Sex**_____ **Marital status**_____

1. Is there a widowhood ritual during husband's death?
2. Is the widowhood rituals are exclusive to widows or widowers?
3. Is the widows' inheritance based on their consent to inherit?
4. How do Shinasha people accept if widows' refuse their inheritance in accordance socio-cultural practices?
5. What happen if the widows rejected inheritance'?
6. What if widows accept the inheritance practice, the protection mechanisms provided for them in the community?

7. Is there any consideration for the protection of basic rights of widows in widow inheritance practice?
8. Does child matter in widows' inheritance?
9. What do you think that the social attitudes towards widow and widows' inheritance practices?
10. Do you think that are there problems that encounter widows in widow inheritance?
11. What about the impacts of the practice on the protection of the basic rights widows' such as Right to dignity and equality, the right to marriage and form a family, the right to access and ownership of the propriety, and the right to health and life)?
12. How about the extent or prevalence of the widow inheritance practices in shinasha people?
13. Are there aspects of change in the magnitude of the practice? If it has become less frequent what cause this?
14. What do you think about the continuity of the practices?
15. What do you think that the potential strategies to do away with the practice of widow inheritance for the effective protection of widows' basic rights that complement with the provisions?

3. Interview Guidelines for Regional women, child and youth Bureau of Benishangul-Gumuz regional state

Position _____ **Sex** ____ **Academic status** _____

1. What are the harmful traditional practices affecting women in this area?
2. Do you consider widow inheritance as a common gender based violence in your area? If yes why?
3. Do you have cases of widow inheritance reported to your office in the last three years? If yes how many of them?
4. What are the mechanisms that are established to eliminate the customary practices in the region, particularly in relation with widow's inheritance?
5. What do you think that the challenges that face the effective implementation of the legal and institutional mechanisms on widow's inheritance?
6. What are the major problems that encounter widows in widow's inheritance?
7. What about the impacts of the widow inheritance practice on widows basic rights?
8. How about the extent of the widow inheritance practices in Shinasha people socio-cultural system?
9. How about the potential strategies to do away with the widow inheritance practices for the effective protection of widow's basic rights that complement with the provisions?

4. Interview Guidelines for head of culture and Tourism bureau of Benishangul-Gumuz regional state

Position_____ **Sex** ____ **Academic status** _____

1. What are the harmful traditional practices affecting women in this area?
2. Do you consider widow inheritance as a common gender based violence in your area? If yes why?
3. What are the mechanisms that are established to eliminate the customary practices in the region, particularly in relation with widow's inheritance?
4. What are the major problems that encounter widows in widow's inheritance?
5. What about the impacts of the widow inheritance practice on widows basic rights?
6. How about the extent of the widow inheritance practices in Shinasha people socio-cultural system?
7. What do you suggest for the potential strategies to do away with the widow inheritance practices for the effective protection of widow's basic rights that complement with the provisions?

5. Interview Guidelines for the labour and social affairs Bureau of Benishangul-Gumuz regional state

Position_____ **Sex** ____ **Academic status** _____

1. What are the harmful traditional practices affecting women in this area?
2. Do you consider widow inheritance as a common gender based violence in your area? If yes why?
3. Do you have cases of widow inheritance reported to your office in the last three years? If yes how many of them?

4. What are the mechanisms that are established to eliminate the customary practices in the region, particularly in relation with widow's inheritance?
5. What are the major problems that encounter widows in widow's inheritance?
6. What about the impacts of the widow inheritance practice on widows basic rights?
7. Please could you describe the potential strategies to do away with the widow inheritance practices for the effective protection of widow's basic rights that complement with the provisions?

5. Interview Guidelines for Metekel zone women, child and youth office official

Position _____ **Sex** ____ **Academic status** _____

1. What are the harmful traditional practices affecting women in this area?
2. Do you consider widow inheritance as a common gender based violence in your area?
If yes why?
3. Do you have cases of widow inheritance reported to your office in the last three years? If yes how many of them?
4. What are the mechanisms that are established to eliminate the customary practices in the Metekel zone, particularly in relation with widow's inheritance?
5. How about the extent of the widow inheritance practices in Shinasha people socio-cultural system?
6. What do you think that the major problems that encounter widows in widow's inheritance?
7. What about the impacts of the widow inheritance practice on widows basic rights?
8. Please could you describe the potential strategies to do away with the widow inheritance practices for the effective protection of widow's basic rights that complement with the provisions?

6. Interview Guidelines for Bullen Woreda women, child and youth office official

Position _____ **Sex** ____ **Academic status** _____

1. What are the harmful traditional practices affecting women in this area?
2. Do you consider widow inheritance as a common gender based violence in your area?
If yes why?
3. Do you have cases of widow inheritance reported to your office in the last three years? If yes how many of them?
4. What are the major problems that encounter widows in widow's inheritance?
5. What about the impacts of the widow inheritance practice on widows basic rights?
6. Is there any mechanism that the office established to eliminate the customary practices in the district of Bullen woreda, particularly in relation with widow's inheritance?
7. How about the extent of the widow inheritance practices in Shinasha people socio-cultural system?
8. Please could you describe the potential strategies to do away with the widow inheritance practices for the effective protection of widow's basic rights that complement with the provisions?

9. Interview Guidelines for Bullen woreda justice office

Position _____ **Sex** ____ **Academic status** _____

1. What are the practices which are legally prohibited by considered harmful customary practices in the region?
2. What is the essence of law in widow inheritance in the region, in particularly with socio-cultural system of society?
3. Is there any case that has been seen in relation with widow inheritance in the last three years?
4. How about the opportunities of widows to avail themselves with their cases before court for the protection of their basic rights?

5. As legal body what are measures that has be taken by court on inheritance marriage?
6. What about the challenges that face the court in effectiveness of law in relation with widow inheritance?
7. Do you think that are there the problems that violates the basic rights of widows in widow inheritance?
8. What about the impacts of the widow inheritance practice on widows basic rights?
9. Please could you describe the potential strategies to do away with the widow inheritance practice for the effective protection of widows' basic human rights that complement with the law?

10. Interview Guidelines for the Bullen *woreda* Muejeleguwa Loka women development association(NGOs) office

Position _____ Sex ____ Academic status _____

1. What are the roles that are played by the institution in elimination of customary practices, in particular for the protection of basic rights of widows' in widow inheritance in *woreda*?
2. What do you think that the attitudes of the society towards the widow inheritance marriage?
3. Do you work with or help widows? If yes how many and how do you select the beneficiaries?
4. What kind of support do you offer for the widows in the districts?
5. What kind of rights of women do you think are violated with widow inheritance marriage?
6. What do you think are the potential strategies to do away with the practices for the effective protection of widow's basic human rights that complement with provisions?

11. Interview Guidelines for Boro - Shinasha development association office

Position _____ Sex ____ Academic status _____

1. What is the basic essence of the Boro-Shinasha development association upon the customary practices
2. What are the major harmful traditional practices in the area in general?
3. What are the harmful traditional practices affecting women?
4. Is there any mechanism established for the elimination of the harmful customary practices?
5. What are the mechanisms that established to eliminate the customary practices by the association in relation with widow inheritance?
6. What about the roles of the established mechanisms in eradication of the practices (widow's inheritance)?
7. What do you think that the challenges for the effective implementation of the mechanisms developed by the development association for better protection of widow's basic rights?
8. How about the extent/ prevalence of the widow inheritance practices in shinasha socio-cultural system?
9. Do you think that are there the problems that encountered widows' in widow inheritance?
10. What about the impacts of the widow inheritance practice on widows?
11. What do you think that the potential strategies to eradicate the widow inheritance practice for the effective protection of widow's basic human rights that complement with the provisions?

Appendix Two
Background of the Key Informants of the three Kebeles

Key informants	<i>Kebeles</i>						Total. No
	Banosh		Dosh		Emanji		
	<u>No</u>	Ages	<u>No</u>	Ages	<u>No</u>	Ages	

Widows	2	29	41	2	25	33	2	29	35	6
Inheritors	2	52	28	2	48	28	2	47	27	6
Elders	2	56	63	2	69	74	2	65	74	6
Total										18

Background of Focus Group Discussants

Focus group discussants	Kebeles						T.No
	Banosh		Dosh		Emanji		
	No	Ages	No	Ages	No	Ages	
Widows	6	29 25 32 40 41 46	6	25 27 29 36 33 41	6	29 24 31 35 39 43	18

Backgrounds of Mixed Focus Group Discussants

s.no	kebeles						Total
	Banosh		Dosh		Emanji		
	s.No	Age	s.No	Age	s.No	Age	

Widows	1	41	1	33	1	29	3
Inheritors	1	52	1	48	1	27	3
Total							6

Backgrounds of the Key Informants of the Government and Non-Government Organizations

s.no	Institutions	Positions	Sex	Academic status
1.	Bensigule-Gumuz regional state culture and tourism bureau	Head	Female	Diploma
2.	Bensigule-Gumuz regional state women, children and youth bureau	Head	Female	MA
3.	Bensigule Gumuz regional state labour and social affairs bureau	Head	Female	Degree
4.	Metekel zone women, children and youth office	Head	Female	Diploma
5.	Bullen <i>woreda</i> women, children and youth	Head	Female	Diploma
6.	Bullen <i>woreda</i> justice office	Head	Female	Diploma
7.	Boro-shinasha development association	Coordinator	Male	MA
8.	Mujejeguwa Loka women development association at Bullen <i>Woreda</i>	Coordinator	Male	Degree
9.	Total			8