



**Ethiopia : Researched and compiled by the Refugee Documentation Centre of Ireland on 29 August 2011**

- 1. Polygamous marriages are recognised in Ethiopia.**
- 2. If traditional marriages are recognised in Ethiopia (without the need for a civil ceremony or registration process)**
- 3. Whether a Talaq pronounced by a wife in an adjoining country (Kenya) would be recognised in Ethiopia.**

A report by *Emory Law* states:

“Notable Features: The Civil Code sets the minimum marriage age at 18 years for males and 15 for females, regardless of whether the marriage is contracted under civil, religious or customary law, though the new Family Law may have changed the minimum age to 18 for both males and females. Both the Constitution and the Civil Code state that consent to marriage obtained by violence renders marriage invalid, but the Civil Code provides that consent granted due to "reverential fear" of an ascendant or other person is not equivalent to consent obtained by violence.” (Emory Law (Date Unknown) *Ethiopia, Federal Democratic Republic of*)

It also states:

“Polygamy is abolished, backed by sanctions provided in the Penal Code.” (ibid)

And

“Talaq: abolished; under Civil Code, all divorce law is uniform regardless of whether marriage was civil, religious or customary” (Ibid)

A report from the *OECD Social Institute & Gender Index* states:

“Polygamy has been abolished, backed by sanctions outlined in the Penal Code. No information was available on whether it is currently practised or generally accepted.” (OECD Social Institute & Gender Index (No Date) Gender Equality and Social Institutions in Ethiopia)

A report from *the African Rights Monitor*, in the section titled Marriage and Family, states:

“Polygamy data from the 2005 DHS show that although this trend has decreased slightly since 2000, the prevalence of polygamy ranges from 3% in Amhara and Addis Ababa, to 27% in Gambela, with a national average of 12% (this number was 14% in 2000). There is also variation when women are stratified by education level, with only 3% of women who have received some

secondary or higher education in polygamous marriages, compared to 13% of women who have no education.” (African Rights Monitor (July 2011) *Ethiopia: "Submission from African Rights Monitor to the Committee on the Elimination of All Forms of Discrimination Against Women, July 2011, New York; Ethiopia"*)

A 2010 report from *Country of Origin Research and Information* states:

“In 2001, the Ethiopian government passed a new Family Code which revised many discriminatory laws of the previous 1960 Civil Code.<sup>596</sup> However its effect is still limited as six out of the nine regional governments continue to apply the previous laws.<sup>597</sup> According to the Network of Ethiopian Women Association and the Ethiopian Women Lawyers Association the revised law includes no provision for post divorce maintenance and two regions appear to tolerate the practice of polygamy” (Country of Origin Research and Information (January 2010) *CORI Country Report: Ethiopia* )

A report by the *UN Committee on the Elimination of Racial Discrimination (CERD)* under the heading ‘Right to marriage and choice of spouse’ states:

“According to the FDRE Constitution all men and women who attained marriageable age (18) have the right to marry and found a family without distinction as to race, nation, nationality or religion. Marriage of an Ethiopian national of either sex to a foreign national shall not annul his/her Ethiopian nationality. A marriage conducted outside of Ethiopia is also recognized under Ethiopian law so long as it does not infringe public morality. The Constitution also recognizes religious and customary marriages so long as they do not contradict the Constitution including its basic principles of human rights. Since family matters are left to regional states, new family codes have been adopted by the regional states in addition to the Federal Family Code. Marriage across the different ethnic groups is very common in Ethiopia” (UN Committee on the Elimination of Racial Discrimination (CERD) (11 March 2009) *Reports submitted by States parties under article 9 of the Convention : International Convention on the Elimination of all Forms of Racial Discrimination : reports of States parties due in 2007 : Ethiopia -pg.31*)

*The Proclamation on Ethiopian Nationality, No. 378 of 2003* under the heading ‘Cases of Marriage’ states:

“A foreigner who is married to an Ethiopian national may acquire Ethiopian nationality by law if:

1. The marriage is concluded in accordance with the Ethiopian laws or in accordance with the laws of any other country where the marriage is contracted:
2. There is a lapse of at least two years since the conclusion of the marriage:
3. He has lived in Ethiopia for at least one year preceding the submission of his application: and
4. He fulfilled the conditions stated under Sub-Articles (1), (7) and (8) of Article 5 of this Proclamation.” (Federal Democratic Republic of Ethiopia (23 December 2003) *Proclamation on Ethiopian Nationality, No. 378 of 2003*)

*The Revised Family Code of 2000* in a section titled 'Chapter One Conclusion Of Marriage' states:

"Article 1. — Various Forms of Marriage.

1) Marriage may be concluded before an officer of civil status.

2) Notwithstanding the provisions of Sub-Article (1) of this Article, marriage may be concluded in accordance with the religion or custom of the future spouses.

Article 2. — Marriage Concluded before an Officer of Civil Status.

Marriage shall be deemed to be concluded before an officer of civil status when a man and a woman have appeared before an officer of civil status for the purpose of concluding marriage and the officer of civil status has accepted their respective consent.

Article 3. — Religious Marriage.

Religious marriage shall take place when a man and a woman have performed such acts or rites as deemed to constitute a valid marriage by their religion or the religion of one of them.

Article 4. — Marriage According to Custom.

Marriage according to custom shall take place when a man and a woman have performed such rites as deemed to constitute a valid marriage by the custom of the community in which they live or by the custom of the community to which they belong or to which one of them belongs.

Article 5. — Celebrated Abroad.

Marriage celebrated abroad in accordance with the law of the Place of celebration shall be valid in Ethiopia so long as it does not contravene public moral." (Federal Democratic Republic of Ethiopia (4 July 2000) *The Revised Family Code*)

And

"Article 11. — Bigamy.

A person shall not conclude marriage as long as he is bound by bonds of a preceding marriage." (Ibid)

In a section titled 'section 2. Essential Conditions of Marriage' it states:

"Article 25 — Formalities of Celebration.

1) Marriage shall be concluded publicly in the presence of the future spouses and two witnesses for each of the future spouses.

2) The future spouses and the witnesses shall declare, under oath, that the essential conditions of marriage are not violated.

3) The officer of civil status shall inform the future spouses and their witnesses, before taking oath, of the consequences of their declaration.

4) Each of the future spouses shall declare openly to the officer of civil status that they consented to conclude marriage on their own free will.

5) Each of the spouses and their witnesses shall sign in the register of civil status.

6) Upon fulfillment of the formalities prescribed above, the officer of civil status shall pronounce them united in marriage and shall issue a certificate of marriage to that effect” (ibid)

In a section titled ‘Section 5. Other Marriages’ it states:

“Article 27. — Customary Marriage.

1) The conclusion of customary marriage and the formalities thereof shall be as prescribed by the custom of the community concerned.

2) The provisions of this Code relating to the essential conditions of marriage shall be complied with in customary marriage.” (ibid)

In a section titled ‘Section 6. Registration of Marriage’ it states:

“Article 28. — Registration.

1) Marriage shall be registered by a competent officer of civil status irrespective of the form according to which the marriage is celebrated.

2) The officer of civil status who recorded the marriage in accordance with Sub-Article (1) of this Article shall issue a certificate of marriage to the spouses.

3) Any marriage shall have effect from the date of its conclusion.” (ibid)

A report by the *United States Department of State* under the heading ‘Marriage Certificates’ states:

“Available only to those physically present in Ethiopia. Requests should be addressed to the re the marriage was registered. The address is the same as that for birth certificates.” (United States Department of State (Date Unknown) *Ethiopia Reciprocity Schedule*)

In a section titled ‘Divorce Certificates’ it states:

“Note: Civil registration of births, marriages, and deaths is not automatic in Ethiopia. The documentation of these events is relatively new and largely confined to urban areas. A church-issued document, an acknowledgment from one's "kebele", and affidavits from three witnesses, all of which can be had for a price, are sufficient evidence for issuance of certificates. Relationships are rarely investigated for veracity. With the exception of divorce decrees, all certificates are available in Amharic, English, or English-Amharic combinations.” (ibid)

A document on marriage in Ethiopia supplied by the *Ethiopian Embassy* in Dublin in a section titled 'Formalities to register a marriage (article25) and requirements' states:

“6.1 Both applicants should bring documents from their respective Kebeles (local registration office), which conforms that both are single. Such documents obtained 6 months before request to marriage certificate are not valid.

6.2 If one of the applicants has been married before, she/ he should have a document (divorce certificate) indicating that the applicant is legally divorced.

6.3 Whenever Ethiopians living outside the country want to acquire marriage certificate, they should bring a document from the Ethiopian Embassy where they reside, approved by ministry of foreign affairs , indicating that she/he is not married along with renewed passport.

6.4 The future spouses should bring a recently renewed resident ID cards (both the original and copy)

6.5 The future spouses should bring identical passport size photos (3 each)

6.6 Four Witnesses (2 from each side) should be present at the ceremony with their ID cards (both original and copy)” (Embassy of the Federal Democratic Republic of Ethiopia (1 March 2011) *Information about marriage in Ethiopia*)

A report by the *United States Department of State* under the heading 'Women' states:

“The law sets the legal marriage age for girls and boys at 18; however, this law was not uniformly enforced. The 2005 DHS found that among women ages 25-49, 66 percent were married by age 18 and 79 percent were married by age 20. The median age at first marriage among women ages 25-49 was 16.1 years of age, with a range of 14.2 years in Amhara to 21.9 years in Addis Ababa. There was little change in these numbers between the 2000 and 2005 studies, although it appeared that there was a small decline in marriages at the earliest ages.” (United States Department of State (8 April 2011) *2010 Human Rights Reports: Ethiopia*)

## References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.