

Challenges and violations of women rights in 'Naata' (widow inheritance) marriage practice among boro shinasha in Benishangul Gumuz regional state, Ethiopia

Abstract

This study was conducted to understand the Challenges and Violations of women Rights in 'Naata' (widow inheritance) Marriage Practice in Boro-Shinasha in Bullen Woreda, Metekel zone, Benishangul-Gumuz regional state, Ethiopia. To address this general objective of the study, the researcher focused on understanding the challenges faced by widows in the practice, the multifaceted violations of rights widows face and the interventions by different stakeholders. The study utilized ethnographic research approach with qualitative research method. The instruments of data collection used for this study were informant's interview, and focus group discussion. The sampling technique employed for the study was non-probability sampling; purposive sampling technique. Thus, findings of the study show that the social, economic and psychological challenges were 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 for the practice. These challenges are resulted the violations of widows' rights. Therefore, study recommended that all the stakeholders could be responsible to solve the problems of widows through effective and efficient awareness creation education among the community on the practice.

Keywords: Culture, Human Rights, Widows, Widowhood and Widowhood Rituals

Volume 8 Issue 1 - 2019

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Received: February 04, 2019 | **Published:** February 15, 2019

Introduction

Marriage is a union of couples' commitment to one another with the hope of stable and lasting cherished relationship, socially recognized and approved.^a 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.^b Thus, Community influence, social context, and individuals attitude plays a major role towards the type of marital union entered between couples.^c 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.^{1,2} A "levirate marriage" is a marriage between a man and his deceased brother's widow.^d Every social group in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others tend to be harmful to a specific group, such as women.^e Hence, Boro Shinasha is one ethnic group among nation, nationalities and

^aSerkalem 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, AU, unpublished, 2006.

^bIbid.

^cJohnson 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.

^dRemigius N Nwabueze, Securing Widows' Sepulchral Rights through the Nigerian Constitution, Harvard Human Rights Journal/Vol. 23, 2010, p:141.

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

people of Ethiopia that practice 'Naata' (widow inheritance) marriage practice as socio-cultural system. Thus, this study was conducted to understand the Challenges and Violations of women Rights in 'Naata' (widow inheritance) Marriage Practice in Boro-Shinasha in Bullen Woreda,³ Metekel zone, Benishangul Gumuz regional state, Ethiopia. To address this general objective of the study, the researcher focused on the challenges faced by widows in the practice, the multifaceted violations of rights widows face and the interventions that are taken by different stakeholders on the practice.

Research design and methods

The study utilized ethnographic research approach with qualitative research method. The source of data are both primary and secondary sources. The primary data was collected through informant's interview and focus group discussion, and secondary data were collected through document analysis.⁴⁻⁶ Thus, the instruments of data collection used for study were informant's interview, focus group discussion and document analysis. The sampling technique employed for the study was non-probability sampling; purposive sampling technique for selecting the study area and participant of the study. So, the collected data from secondary and primary sources was interpreted and analyzed through cross-sectional and triangulation techniques of data analysis.

The 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 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'^f in the community and 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.⁷ Thus, this socio-cultural justification sets the initial challenges 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 above in those instances where by the husbands could not bequest inheritors, there is pressure from the family of late husband's, elders and parents forcing widows to enter 'Naata' 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.^g

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 consent of widows and vice versa. Three widow's 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 the above respective ages without their consent and interest.^h 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 challenges 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.ⁱ In this view, 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.^{j,8-10}

The health hazard is the other challenges 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.^k 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.^l Perhaps, it paves the way for conflicts among widows, inheritors' and co-wives, and highly exposing those to medical complications like HIV/AIDS.^m These challenge related 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.ⁿ The other challenges accented by informants are 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.^o At a time the anxiety also results from the large family size, the new position of co-wifeness and related acts of discrimination; it also partly relates to economic crisis and the lack of freedom of choice and action, and sexual pleasure.^p However, one widow key informant at Banosh Kebele¹¹ 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 and housing. So, I always reflected back at the past bright future with my late husband and his care about me and our children.^q

In some circumstances this psychological distress leads the widows to commit homicide as it was 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.^r

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, have had to put up with other challenges such as deprivation, helplessness, and hopelessness brought by harmful cultural practices.^s 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

^fNuwaa is the synonymous word for taboo in Shinashagna language.

^gEleni 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.

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

ⁱFGD widows' discussants results at three kebeles conducted on 7, 9 & 13 january, 2015.

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

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

^lInheritors Key informants interview results (age 27 and 45) and elders (age 65 and 74) conducted at Emanji on 10, January, 2015.

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

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

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

^pkey informants interview result from Boro-Shinasha development association coordinator at Assosa conducted on 26 December, 2014.

^qWidows key informants (Age, 35) conducted at Emanji on 16 January, 2015.

^rWidows key informants (age 29 and 35) interview result at Emanji Kebele conducted on 16 January, 2015.

^sDUROJAYE 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.

and psychological stress become inevitable and very devastating.¹

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.⁹

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, Maryam¹² cited in Shehu. 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.⁹

Another challenges 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.

The psychological stress happened at Dosh Kebele where the inheritance practice was conducted in 2012.¹³ 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.⁹

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 additional 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

¹Shehu A.R, et al, "Health Implications and Educational Media Strategies of Widowhood Practices in Niger State," *Pakistan Journal of Social Sciences* 7(2):101-105, 2010,P: 102.

⁹Widows key informants (Age, 35) conducted at Emanji on 16 January; 2015.

¹²Shehu A.R, et al, 2010,p: 102.

¹³Widows key informant (Age 25 and 33) at Dosh Kebele conducted on 18 January, 2015.

by the resources and properties of the widows without letting the permission and consents of widows.³

This indicated that the practice make 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 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 CO¹⁴ 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 as a problem that woman tries to cope with the implications, which are almost always economical.⁹

The stigma and ill treatment are another challenges 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 merely recognized 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,¹⁵ sin and dirty.^{aa}

The ill treatments from their family in-law also relates to the resource without asking widows' permission.¹⁵ 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.^{ab} Beside these another 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 that 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 and inheritance are 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 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

³FGD widows discussants results conducted at Banosh Kebele conducted on 7 January; 2015.

¹⁴Nnodim 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.

¹⁵Kalawaa is synonymous word for sin in shinashagna language.

^{aa}FGD widows discussants conducted at Emanji Kebele on 13 January; 2015.

^{ab}Widows key informant results conducted at three kebeles on 16 at Emanji, on 18 Dosh and on 25 Banosh kebeles, January, 2015.

'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 disadvantaged based on marital status.^{ac} As Gbenda¹⁵ stated widowhood is an issue that affects more women than men. Hence, the evidence that he noted was related to the fact that over the long-term women's are affected more severely than men socially, financially, psychologically and sexually.^{ad} This also related 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.^{ae} According to Stein H;¹²

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.^{af}

This issue also cross-ponding to 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 suspect for death.^{ag} 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.^{ah,16}

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 in examining how 'Naata' marriage 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. Thus, the basic women rights that was discussed in this section are the 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.

The right to dignity and equality

In the inception of these rights, the basic issues discussed are

^{ac}Lauren 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.

^{ad}Oniye Olayinka Abdulraza, Widowhood Practices in Nigeria and support Systems: Challenge to Counseling for National Integration: 2014.

^{ae}Nnodim Ukachukwu. A., etal, "The Effectiveness of Widow Support Systems in the Rural Areas of Rivers State, Nigeria", *Study Tribes Tribals*, 11(1) (2013),49-53, p:1.

^{af}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, CA, 2005, p:11.

^{ag}Widows, Aids, Health and Human Rights in Africa, Vanessa Von Struensee, JD, MPH. 2014.

^{ah}Ibid.

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.^{ai} 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.^{aj} 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 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".^{ak} She also expressed that history and functional indispensability of the custom is necessary to maintain culture and protect the women rights.^{al} Based on this the criteria that the communities applied to protect the widows and their rights in the community the priority value is given for socio-cultural system rather than the individual 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 parts 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.^{am}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

^{ai}Elders 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.

^{aj}Ibid, conducted on 5& 10 January and on 2 February, 2015.

^{ak}Ellen Messer, "Anthropology and human rights"; *Annual Review of Anthropology*, vol,22(1993),p.221-249:pp:234

^{al}Ellen Messer.1993.p:234.

^{am}Ellen messer.1993.p:232.

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.

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^{an}, "everyone has human right to be recognized everywhere as a person before the law"^{ao} everyone has the rights to equality before the law and to equal protection of the law,^{ap} "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"^{aq} "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"^{ar} 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.^{as}

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"^{at} and "Every woman shall have the right to respect as a person and to the free development of her personality"^{au} The FDRE Constitution, Article (35/1) and Benishangul-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.

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.^{av}

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.^{aw} 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.^{ax}

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 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.^{ay}

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-

^{an}UDHR Article(2).

^{ao}UDHR Article(6).

^{ap}UDHR Article (7).

^{aq}UDHR Articles(22).

^{ar}UDHR Article (27).

^{as}ICCPR ,Article 10(1).

^{at}African protocol on the rights of women Article (3(1)).

^{au}African protocol on the rights of women Article (3(1)).

^{av}The three kebeles key informants and FGD discussants result conducted in on 5, January up to on 2 February,2015.

^{aw}Ibid.

^{ax}FGD widows' discussants results at conducted Banosh Kebele on 7, at Dosh Kebele on 9 & at Emanji Kebele13 January,2015.

^{ay}Widows key informant results conducted on 16 at Emanji ; on 18 Dosh and on 25 Banosh kebeles, January,2015

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. 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.

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.^{az} 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.^{ba} 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.^{bb}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

^{az}Widow key informants (age 35) result at Emanji Kebele conducted on 16 January;2015.

^{ba}UDHR Article (16 and 7).

^{bb}The CEDAW Article (16/h)

of her husband's property".^{bc} 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."^{bd} 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."

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 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.^{bc} 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".^{bd} 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."^{be} 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.

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

^{bc}The CEDAW Article (16/h)

^{bd}The CEDAW Article (16/h)

^{be}UDHR Article (25)

^{bf}ICESCR Article (12)

^{bg}ICESCR Article (12)

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. Thus, 'Naata' marriage; widow inheritance practice is prevalent in Boro-Shinasha being dominate customary practice in marriage system. The informants asserted that regional government has prioritized various harmful traditional practices in the region that negatively affecting the lives of human beings. 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,^{bh} exposing women in the society or within family to the workload (Gender inequality).^{bi} From this list of harmful customary practice, widely practiced among the Boro-Shinasha community are 'Naata' marriage, FGM and polygamy. 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 regional labour and social affairs, culture and tourism, and women, children and youth bureaus. The Local NGO is Mujejejuwa 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.^{bj}

From the above stated NGOs Mujejejuwa Loka women development association and Boro-Shinasha development associations are operating in the specific research area. As its coordinators expressed, Mujejejuwa Loka women development Association (MLWDA) is a local NGO comes into existence as a way of mainly working towards elimination of poverty, women and children health complications in Benishangul-Gumuz regional state. The coordinator of Mujejejuwa Loka women development association explained that this 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 coordination of Mujejejuwa Loka women

development association.^{bk} 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.^{bl} 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.^{bm} 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.^{bn} 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.^{bo} 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.^{bp} The other reasons for the continuation of the practice are lack of the societal and institutional follow up and responsibility to expose those individuals and society who are engaged in committing this customary practice.^{bq} 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,

^{bk}key informant Interview result conducted with the coordinator of Mujejejuwa Loka women development association at Bullen on 2 February,2015

^{bl}Ibid

^{bm}key informant interview result conducted with the coordinators Boro-Shinasha development association at Assosa conducted on 26, 2014.

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

^{bo}key informants interview result from Boro-Shinasha and Mujejejuwa Loka women development association coordinators conducted on 26 December,2014 at Assosa and 2 February,2015 at Bullen *woreda*.

^{bp}Ibid conducted on 26 December,2014 and 2 February,2015.

^{bq}Interview conducted at Bullen woreda with justice office official on 27, January, 2015.

^{bh}key 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.

^{bi}Ibid, conducted on 25and 26 December ,2014 and 30 January 2015.

^{bj}Ibid

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.^{br} 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.^{bs} 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.^{bt} 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 with the foreign aid directed and supports in the elimination of harmful customary practices and supporting the disadvantaged social groups.^{bu}

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.^{bv} 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"^{bw} and "modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."^{bx} Likewise, the

^{br}key informant interview results of BGRS women, children and youth head conducted at Assosa on 26 December, 2014.

^{bs}Ibid, conducted at Assosa on 26 December, 2014.

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

^{bu}Interview results conducted with the coordinator of Mujejeguwa Loka women development association at Bullen woreda on 2 February, 2015.

^{bv}The BGRS Gender mainstreaming guideline implementation strategy manual, published by women, children and youth bureau, Assosa, 2013:7.

^{bw}CEDAW Article (2(f))

^{bx}CEDAW Article (2(f))

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."^{by} 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."

Conclusion

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. In the Boro-Shinasha socio-cultural practice of 'Naata' marriage (widow inheritance) challenges that faced widows are social, economic and psychological challenges. Again, maladministration and resistance from the elder council for the practice are other challenging parts of the practice for widows. '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.^{bz} 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. Therefore, study recommended that all the stakeholders could be responsible to solve the problems of widows through effective and efficient awareness creation education among the community on the practice. 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. 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".^{ca}

^{by}African protocol on rights of women Article (3(4))

^{bz}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, pp: 213.

^{ca}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,P:7

Acknowledgments

None.

Conflicts of interest

The author declares there are no conflicts of interest.

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