

Key Decisions of the House of Federation Regarding Property Rights and Marriage in Ethiopia

Description

By DMLF Team

The House of Federation in Ethiopia plays a pivotal role in adjudicating matters that significantly impact the CONSTITUTIONAL rights of citizens, particularly concerning property rights and marriage. Below is an overview of critical decisions rendered by the House, which elucidate the legal framework governing these issues.

Immovable Property as Common Property

In its ruling under Council of Constitutional Inquiry File No. 1607/2008 and House of Federation File No. 022/08, it was determined that immovable property registered in the name of one spouse is classified as common property. The house asserted that any claims suggesting such property belongs to a third party, based solely on witness testimony, contravene established evidentiary principles and infringe upon the common property rights enshrined in the Constitution.

Personal Property Improvements

According to Council of Constitutional Inquiry File No. 6588/2014 and House of Federation File No. 130/16, improvements made by spouses on personal property registered solely in the name of one spouse do not change its status as personal property (contributions made by spouses towards personal property do not alter its classification as personal property). Even when these enhancements result in a mixture of personal and common property, such improved personal property remains classified as individual property belonging to the spouse in whose name the property is registered.

Unconstitutionality of Conditional Dissolution of Marriage

Under Council of Constitutional Inquiry File No. 473/2003 and House of Federation File No. 49/10, it was ruled that living apart for an extended period does not equate to dissolution of marriage. The federal cassation bench's prior ruling, which treated living apart as a dissolution, was deemed unconstitutional, violating Articles of the Constitution. Similar conclusions were reached in Council of Constitutional Inquiry File No. 1679/2008 and House of Federation File No. 50/10.

Unconstitutionality of Conditional Marriage

Following a court-ordered dissolution of marriage, any subsequent cohabitation under a written agreement does not constitute a valid marriage according to constitutional standards. Initially recognized by the federal cassation bench under File No. 23021, Volume 5, this principle was later reversed by council of constitutional inquiry under file no. 7203/15 and the House of Federation under File No. 804/16, which stated that creating a marriage through legal interpretation is unconstitutional and deviates from recognized forms for establishing marriage.

Wife's Right to Partition Property

As established by Council of Constitutional Inquiry File No. 2490/2009 and House of Federation File No. 471/10, a wife possesses an unequivocal right to partition her husband's estate acquired during their marriage irrespective of her direct contribution to its acquisition or enhancement efforts. This ruling is particularly significant in cases where a husband with multiple wives passes away; it affirms that a wife residing with another wife within a shared household retains rights to partition her deceased husband's assets since assets acquired by husband is considered as communal property, based on Articles 25 and 40(1)(2) of the Federal Democratic Republic of Ethiopia (FDRE) Constitution.

Conclusion

These landmark decisions underscore the commitment of the Ethiopian judiciary to uphold constitutional principles regarding property rights and marital relationships while ensuring equitable treatment for all parties involved.

For further inquiry on the matter, you may contact us at info@ethiolawyers.com

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