

# St'Mary's University College

## Faculty of Law

### **DOMESTIC VIOLENCE AGAINST WOMEN IN ETHIOPIA LAW AND PRACTICE**

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*July, 2009*  
*Addis Ababa*

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University College

*July, 2009  
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## Statement of Declaration

I here by declare that the paper is my original work, and I will take full responsibilities for any faller to the convention rules of citation.

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## **Bibliography**

1. Andrew J. Chrlin, Public and Private Families Second Edition, McGraw – Hill higher education a division of the companies, 1996.
2. Davies, Miranda, Women and Violence: Realities and responses world wide London Zed Books, Limited, 1994.
3. Elliot Faith Roberston Gender, Family and society, New York 1996.
4. Fred Adler, Gerhard O.W. Mueyler, Williams. Lauyer, Criminology McGraw-Hill companies New York, 2001
5. Jill Taylor, Sexual and Domestic Violence Help, recover and action in Zimbabwe, 2001
6. Mary Grawford and Rhoda Unger, Women and Gender Feminist Psychology 3<sup>rd</sup> Edition. McGraw. Hill companies 2000.
7. O'Connell, Helen, women and Family, 1994.
8. Roslyn Muraskin. It's a Crime Women and Justice McGraw. Hill companies 2003.
9. R. Sempagala, Domestic Violence publication by the ministry of women in development culture and youth 2000.
10. United Nation Office at Vienna Center for social development and Human train Affairs, Violence Against Women in Family, 1989.

## **Domestic Laws**

1. The constitutional of the federal democratic republic of Ethiopia, Negarit Gazeta year1, No. 1 Addis Ababa 21<sup>st</sup> Aug, 1995.
2. The criminal code of federal democratic republic of Ethiopia proclamation No. 414/2004 Addis Ababa, year 9<sup>th</sup> may, 2005.
3. The Revised family code Proclamation No. 1/2000 Addis Ababa year 4<sup>th</sup> July, 2000.
4. The Ethiopian penal code, 1957.

## **Introduction**

In Ethiopia many women live constantly with the threats of domestic violence. The abuse of wives within the family is widespread and the consequences of such abuse are serious. But it is recently the spouse abuse or victimization and exploitation as wives has come to be recognized as social problems. The main reason for its reorganization as a social problem is that the responses to domestic violence are influenced by social value.

Domestic violence refers to the emotional, physical and sexual abuse committed by one person against another person. It is used to gain power and control because greatest number of victims of domestic violence are women on the other hand domestic violence is sometimes called BATTERING when it takes place between husband and wife. Women usually suffer domestic violence at the hands of men because men are often physically stronger and usually have more power than women in the community.

This paper has three chapters. In the first chapter deals with definition of domestic violence, historical development of domestic violence, and its effects in the second chapter I will discuss on international domination of domestic violence and in the third chapter I will discuss on domestic violence against women in Ethiopia and existing pertinent legal provision. Finally, conclusion and recommendation are given.

# CHAPTER ONE

## 1. General overview of domestic violence

This chapter is designed to introduce the reader about domestic violence in general sense. Under sub-section one an attempt is made to define domestic violence and under-sub section two and three I will try to discuss historical developments of domestic violence and its effects.

### 1.1 Definition of domestic violence

Before looking into the definition of domestic violence, we need to be clear on what violence in general is. There is no consensus among scholars and other who wrote or talked about 'violence: some have defined it morally, limiting it the use of physical force only, while others have attempted to define it in such away as to include other forms of its manifestation.

An unjust or unwanted exercise of force, usually with accompaniment of vehemence, outrage of fury, physical force unlawfully exercises, abuse of force; that force which is employed against common light, against the laws, and against public liberty the exertion of any physical source so as to insure, damage or abused.<sup>1</sup>

Through these types of definition can help identify violence from other types of facts, they tend to mask the existence of physiological abuse, each could have an even grater impact. Another definition sees violence as "any action, use of words or structure that diminished another human being whether or not source is involved.<sup>2</sup> It is true that violence is not in exclusively male phenomenon perpetrated against women-violence occurs in lesbian

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<sup>1</sup> Henery C. Blank, Black's Law Dictionary 6<sup>th</sup> edition P. 1085, 1991

<sup>2</sup> Elliot Faith Robertson Gender, Family and Society p. 146, 1996



and gay relationships and “husband bettering is also recognized phenomenon”.<sup>3</sup>

What then is domestic violence? Domestic violence can easily be defined as violence that occurs in domestic relationships-There have, of course, been controversies as regards the type of relationships to be encompassed by term ‘domestic and also as to whether the term should be used at all.

The term domestic violence is used to describe a variety of actions and a mission that occur in different relationships<sup>4</sup> the term is used narrowly to cover incidents of physical attacks perpetrated against the victims, such as punching, stabbing, throwing boiling water or acid, the result of which can range from bruising to killing. And what may often start out as apparently minor attacks can escalate both intensity and frequency.<sup>5</sup> The term domestic violence, which can consist of repeated verbal abuse, harassment, confinement and deprivation of physical, financial and personal resources<sup>6</sup> Contact with family members and friends may be controlled. Domestic violence also includes sexual violence, such as marital rape. Whatever form it takes, domestic violence has been defined as marital rape. Whether from it takes, domestic violence has been defined as a pattern of behavior used by one intimate partner or abuse to control the other, in the process of which the one singular aim as the abusing partner is to dominate.<sup>7</sup>

However, even though domestic violence assumes both physical and physiological forms, more emphasis is given to physical violence understood in this wider sense, domestic violence includes

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<sup>3</sup>. O’Connell, Helen, women and family, P. 79, 1994

<sup>4</sup>. Miranda, Davis, women and Violence realities and response world wide. P. 1, 1994

<sup>5</sup>. Ibid

<sup>6</sup>. Ibid p. 2

<sup>7</sup>. Belen Gizaw Some Reflection on Criminalizing Domestic Violence with Emphasize on Ethiopia, p. 29, 2002

child abuse, be it physical, physiological or sexual; violence among siblings; abuse or neglect of the elderly and abuse of children by parents.<sup>8</sup>

## **1.2 Historical development of domestic violence**

The recent attention to highly publicized cases of child abuse and wife battering is not the first outpouring of public concern about domestic violence, rather the history of domestic violence in the world shows that the short period of attention has had less to do with the prevalence of violence than with the power of various political and social groups.<sup>9</sup>

The political models of domestic violence during the twentieth century, were two ways of thinking about domestic violence that have emerged. First, the very definition of what constitutes unacceptable domestic violence and appropriate responses to it, develop and they vary according to political moods and the force of certain political movements.

Second, domestic violence among family members usually arises out of power struggles in which individuals are contesting real resources and benefits. These contests arise not only from personal aspirations but also from changing social norms and conditions.

The struggles are usually about men's power to control the behavior of women. Resorting to force is a way for a husband to compel his wife to behave as the husband wishes. Traditionally, social structure has supported men's control over women through law and social customs. In old English law, husbands were allowed to use physical force against their wives. The political model implies that domestic violence is deeply rooted in laws and customs that

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<sup>8</sup>. Ibid No. 6

<sup>9</sup>. Andrew J. Chrlin, Public and Private Families p. 335, 1999

reinforce male dominance and is unlikely to be ended without political action by women's groups and their allies.<sup>10</sup>

The medical model of domestic violence the second way of thinking is the medical model, under which domestic violence is seen as an illness and sources of injuries.<sup>11</sup>

The first two decades of the twentieth century were a time when domestic violence relations courts, with treat family disputes not as social welfare cases as is criminal cases, were stated through the state.<sup>12</sup>

The history of domestic violence as a social issue shows state of concerned neglect throughout history. The puritans who took a strong stand against domestic violence passed the first western laws against it. Both a medical model and a political have been used as ways of thinking about domestic violence. The current interest and activity are largely result of political and social welfare professionals.<sup>13</sup>

The history of social public against domestic violence has been one of persistent even inherent conflict between protecting the victim and preserving the family for victims of abuse.

The mid-1970s this often dormant conflict has surfaced of again, yet there is a subtext to protect the victim versus preserve the family discourse, public polities that protect the victim restrict men's use of their superior physical force and therefore decrease the power of better women to the public's attention, to create crises centers shelters and support services, and to modify the law inherent out states.

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<sup>10</sup> . Ibid P. 336

<sup>11</sup> . Ibid P. 337

<sup>12</sup> . Ibid P. 338

<sup>13</sup> . Ibid P. 39

Husband admitted to engaging in violence suggests that they are female often the victims that the aggressors, sexual; violence is often linked of physical violence against their wives in the previous fear. Although wives also engage in violence show that – cultural studies show that assaults against wives occur in most societies. Societies with less violence against women tend to be more it egalitarian and to encourage invention in family disputes.<sup>14</sup>

### **1.3 Historical developments of domestic violence in the developing countries**

Anthropologist Davis Levinson examined the massive human relations area files for information on domestic violence in 90preliterate and peasant societies.<sup>15</sup>

Human Relations Area Files (HRAF) archive, created by anthropologist George Murtoiks in the 1940s now contains hundred of thousand of pages of documents about domestic violence. David Levinson found that domestic violence occurred 1940s up to now 85 percent of societies living in the developing countries were domestic victims it was sometimes service enough to cause permanents injury of death.<sup>16</sup>

People in the society's advance three main reasons for domestic violence, Levision found. The first was sexual jealousy violence was a punishment for the adultery or the suspicion that ones wife had been unfaithful.<sup>17</sup>

The second reason was “for cases”. A husband could beat his wife he had what was culturally understood as a good reason, typically her

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<sup>14</sup>. Ibid P. 339

<sup>15</sup>. Ibid P. 556

<sup>16</sup>. Ibid

<sup>17</sup>. Ibid

failure to perform her duties or to threaten her husband with the respect she expected.<sup>18</sup>

The third and the most common reason predominating in 39 societies, was domestic violence “at will” the beliefs that it is a husband right to beat his wife for any reason or no reason at all.<sup>19</sup>

Traditional, social structure has supported men’s control over women through law and social customs. Laws that allowed husband to use physical force against their wives. The most interesting question in HRAF staff characteristics different societies where wife beating is common from societies where it is unusual or absent. Levinson found that the extent of economic equality between the husband and wife made a difference. Wife beating was more likely to occur in the societies in which men controlled the allocation of food or cash to the household it was more likely where women could not access or control wealth as by earning an independent income or owning a dwelling and it was more likely where men had the final say in household decision making. Where man’s economic power over women was greater, they had little to lose by alienating a wife of her kin through excessive violence because the wife controlled fewer resources. Therefore, husband had less incentive to restrain their violent impulse beating been less common where female were groups with could support to abuse wives existed.<sup>20</sup>

What of the larger societies that have undergone economic development and urbanization in recent decades: several authors have suggested that urbanization and development might increase level of domestic violence initially. The increase supposedly would occur because traditional social controls would break down as

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<sup>18</sup> . Ibid

<sup>19</sup> . Ibid

<sup>20</sup> . Ibid

urbanization and industrialization proceeded that answer social control were developed domestic violence might decrease again.

## **1.4 Effect of domestic violence**

Domestic violence has many devastating effects. It has negative implementations for the individual women, her children and the society in general. Most of the effects are summarized below.

### **1.4.1 Physical and psychological injury to women**

Domestic violence frequently results in severe physical injury at time culminating in death. The physical effect include bodily wounds that leave permanent and unwanted marks and physical disabilities studies suggest that battered women are more likely to have unsuccessful pregnancies because they are often attacked while pregnant suicide time as like at to be attempt by a women who is to abuse than by one who has not been.<sup>21</sup>

Wife assaults at home are serious act including, punching, kicking, checking, beating or threatening with a knife, stick, or gun. As result many women have been faced with the risk of either short term or long term physical injury.<sup>22</sup>

Other than its physical injury on the individual women, domestic violence has tremendous negative impact on the victims' physical condition. Confuse state of mind which makes women unable to live a normal life with their families physical & mental illness and psychological injuries that result from domestic violence<sup>23</sup>

Researcher findings that examined the emotional and professional health problem of assaulted wives shows significantly higher level of anxiety depression and domestic complaints than women who

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<sup>21</sup>. Unicef Innocent Research Center Florence Italy, Domestic Violence Against Women p. 28, 2000

<sup>22</sup>. Ibid p. 29

<sup>23</sup>. Ibid

have not suffered abuse often abused paralyzing terror that argument by the stress often ever present threat of attack.

#### **1.4.2 Effects of children**

Children in families where violence exists may risk being themselves physically attacked, or they way even get killed. This may occur accidental or when they get involves in the incident to protect their challenges their authority anticipation unborn baby may die if the mother was beaten when close to giving birth. <sup>24</sup>

Child abuse is more common in families where wife bettering present. Delinquency and criminality in children in such families more and that child of violent families are more to establish violent families of their own research has shown consistent that the majority of those then who a battered witness some kind of violence in their homes as they were growing up.<sup>25</sup>

Children from homes where their mothers have been abused suffer significantly more behavioral problems and look greater social competence. It is suggested that found men learn to better their wives of abuse because of the responses of their mothers. More over children can be adversely affected logically, and economic if wife abuse leads the women to leave the home.<sup>26</sup>

#### **1.4.3 Effect on economic and social development**

Domestic violence against women affects every aspect of their lives. The well-being of women, their full participation in their countries plans, policies and programs are essential if development is to take place that will really benefit the whole of the population. There will be peace, no stable environment, no educational progress if wives

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<sup>24</sup> . Ibid

<sup>25</sup> . Ibid

<sup>26</sup> . Ibid

are and are suffering physical and emotional abuse from their partners for the stability of marriage the quality of family life and the death on socialization of children.

Wife battering is hidden obstacle to economic and social development. It saps women energy undermines their confidence; comp remises their health and deprives a society the full participation of women in development activities. As the United Nations found for women recently observed, women can not lend their labor or creative it's as dully if they are batterned with the physical and psychological scares of abuse.



## CHAPTER TWO

### **2. International dominant of domestic violence against women**

Domestic violence against women is present in every country, cutting across boundaries of culture, class, education, income, ethnicity and age even though most societies proscribe violence against women the reality is that domestic violence is against women's human rights and is often sanctioned under the grab of cultural practices and norms, or through misinterpretation of religious. Moreover, when the violation takes place within the home as is very often the case, the abuse is effectively condoned by the tacit silence and passivity displayed by the state and the law-enforcing machinery.<sup>27</sup>

Domestic violence is a much more frequent and serious social problem in the world. In fact, it has been argued that terms such as partner abuses, spouse abuse obscure the central issue of domestic violence of men physically harming women.

Feminists point to practical structure of society as encouraging and supporting domestic violence. For instance, it has been suggested that a woman's second-class status in society makes her more likely to be economically dependent and unable to live in an abusive situation.<sup>28</sup>

Social acceptance of domestic violence has been common in the world until recent years. People with more traditional attitudes towards male and female roles tend to blame the victim more and the perpetrator less for domestic violence.<sup>29</sup> Moreover, clergywomen often had traditional attitudes that blame women

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<sup>27</sup>. Ibid P. 2

<sup>28</sup>. Roshn Murrskin, *It's a Crime Women and Justice*, P. 398, 2003

<sup>29</sup>. Ibid P. 399

For their abuse there is some evidence that attitude theta support domestic violence in the world. The situation is not as optimistic in some countries where particular views are stronger. For men and women in Israel, the West Bank, in the Gaza strip, acceptance of particular values is so associated with acceptance of domestic violence.<sup>30</sup>

Finally, the global dimensions of this violence are alarming, as highlighted by studies on its incidence and prevalence. No society can claim to be free of such violence, the only variation is the patterns and trends that exist in countries and religiously specific groups of women are more vulnerable, including minority groups, indigenous and migrant women, and refugee women in those institutions of armed conflict women in institutions.<sup>31</sup>

## **2.1 Domestic violence against women in the United State**

Social acceptance of domestic violence against women has been common in the United States until recent years. The United States police say women 21, is injured by her husband. Headlines like this frequently appear in the news. In fact, domestic violence is one of the most common causes of injuries for women in the United States.<sup>32</sup> It is estimated that one third of women will, be battered at some time in their lives.

Most researchers agree that domestic violence is probably under reported due to shame, guilt and the belief that domestic violence is normal part of marriage.<sup>33</sup> Women's, who have children by the age

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<sup>30</sup> . Ibid

<sup>31</sup> . Freda Adler, Gerrerd O.W, Mueller and Williams Lauder, *Criminology* P. 298, 2001

<sup>32</sup> . Ibid p. 299

<sup>33</sup> . Ibid p. 401

21, are two times more likely to be victims of domestic violence than are women who are not mothers.

In the United States one-half of incidents of domestic violence are not reported. The most common reason given for failure to report domestic violence to the police was that the victim considered the incident a private matter.<sup>34</sup> Victims who reported such incidents to the police did so to prevent future assaults.

## **2.2 domestic violence Vietnamese Immigrants in the United States**

In this title we examine the immigration context of domestic violence among Vietnamese immigrants in the United State. The traditional Vietnamese culture, family and gender relation where modeled on Confucian teachings that stressed the subordination to women to men. The rule of three obedience's dictated that women obey their fathers, husbands, and sons.<sup>35</sup>

Vietnamese lives were oriented toward the family and motherhood was the height of women ambitions. Typical women were expected to be married and bring to the world as many children as possible and devote her life to serving her husband and children.<sup>36</sup>

The impact of immigration and cultural translation on family dynamic has been seen as central to the assessment of domestic violence in immigrant families. Because domestic violence is rooted in an unequal power relationships between men and women.

Domestic violence against women has been viewed as rooted in particular. The core dynamics of domestic violence are male dominance and the quest for control and power in intimate relationship. However, the ways in which those power dynamics are

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<sup>34</sup> . Ibid

<sup>35</sup> . Ibid

<sup>36</sup> . Ibid

constructor and manifested are influenced by structural and cultural factors.<sup>37</sup>

The majority of Vietnamese in the United state are first generation immigrants and likely to be influenced by Vietnamese culture values and practice. Vietnamese women are expected to be subordinate to men calling the police to have one's husband arrested would be "unthinkable" for many Vietnamese. Most women's victims of domestic violence did not call the police. When violence occurred although they had positive attitudes towards domestic violence. Laws in the United States and favors government, intervention should intervene to protect women.<sup>38</sup>

Most women's agreed with the statement "Domestic violence should not be seen as a private matter and the government should intervene to protect women" one abused women under Vietnamese family traditions husband and wife should protect each other and family matter should be solved by family members, not outsiders.<sup>39</sup>

### **2.3 Domestic violence against women in Uganda**

In Uganda women too are among the victims of domestic violence at the hands of their husbands, brothers and father or in-law.<sup>40</sup>

In Uganda husband beats, slaps, kicks, physically abuses his wife. Sometimes a husband may use dangerous objects to a result a wife. As a result, some women have lost their lives and others have become physically handicapped. Sometimes the relatives as a man may joint together and beat up his.

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<sup>37</sup> . Ibid

<sup>38</sup> . Ibid

<sup>39</sup> . Ibid

<sup>40</sup> . R. Sempagala, Domestic Violence, p. 8, 2003.

Sometimes the abuse may not be physical. A husband may deny a wife basic necessities of life such as food, clothing, shelter or medical attention.

Some women believe that a man who does not beat his wife does not love her. And some men believe that they have a right to beat a wife because they have paid bride price. This is taken to mean that a man buys a woman.<sup>41</sup>

The constitution of Uganda treats women as a human being in her own right. Under a Ugandan law, all forms of violence are not allowed.<sup>42</sup> The penal code provides punishment for all forms of violence including domestic violence. The reason for the rights of women provided by the constitution of Uganda and the penal code. Domestic violence is one of the most problems that is now on the increase in Uganda. Although it has often resulted in the loss of life, limb of the victim, it is taken lightly and has received little or no attention especially from the authorities. Yet these authorities are established to solve problems and to assist the victims of domestic violence.<sup>43</sup>

## **2.4 Domestic violence against women in Zimbabwe**

In Zimbabwe domestic violence must always be of the type that is not easily detected by the night hours. As long as the community does not see the tell signs of domestic violence as long as the wife is not bed ridden as a result of being battered. The husband hits his wife to show his love for her.<sup>44</sup>

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<sup>41</sup> . Ibid p. 11

<sup>42</sup> . Ibid p. 13

<sup>43</sup> . Ibid

<sup>44</sup> . Jill, Taylor and Sheelagh Stewer Sexual and Domestic Violence Help Recovery and Action in Zimbabwe p. 43, 2001

In Zimbabwe culture the first beating must be occur soon offer the weeding in other words, the sooner it is done the better. This is seen as a way of stabilizing the marige.

If she thinks the beating have an acceptable level the wife is supposed to go to her in-law or her husband's elder brother for protection. In special circumstance she may go to her husband sisters if he has beaten because she questioned her husband about adultery.<sup>45</sup>

Only in extreme case does the woman turn to her own father senior male relative. This could belief her husbands family has failed to take action has spoken to them many times about the beatings or it could be if she has been so badly beaten that she can not carry out her daily activities.<sup>46</sup>

The position in customary law was seen moderate beating of a wife is not considered wrong or actionable under customary law. It is comparable to chastisement of the child. If a wife disobeys or neglect and duty husband may punished her by assaulting her but the must not cause her injury.<sup>47</sup>

The recent time Zimbabwe police are slow to answer calls to help women who are being beaten by their husband and sometimes they do not come at all. This reason ranges from fear or being death themselves by the husband. The believe that is acceptable for a men to beat up his wife or his girl friend.<sup>48</sup>

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<sup>45</sup> . Ibid

<sup>46</sup> . Ibid

<sup>47</sup> . Ibid

<sup>48</sup> . Ibid p. 47

## **CHAPTER THREE**

### **3. Domestic violence against women in Ethiopia**

In Ethiopia domestic violence one of the most serious problem. The main reason for the delay in its reorganization as social problem is that the responses of domestic violence are influenced by social values.

Almost all societies consider violence within the family a private place where no one should intervene, even when sever incidents of domestic violence patient in addition, because of the social acceptance of male dominance, women learn from in early age to acquiesce in male demands, many societies living in Ethiopia condone as well, the disciplining of wives and thus perpetuate violence in the family.

A part from this, as the act occurs inside the home, the problem of violence in the family has been kept behind closed doors. And because of gross underreporting of this kind of violence in Ethiopian society as in many others, the scope and dimension of the problem are not known.

Until recently laws, enforcement agencies and policy makes viewed domestic violence as relatively minor social problem. This is positively changing and public awareness about domestic violence is importing No doubt that the FDRE constitution with express the systems political; will and efforts of women organization, including women affairs offices at all federal and regional levels have contributed for the transformation being observed.

As a result of continued effort of concerned actors violence against women general and domestic violence in particular is being recognized as a human right, economic and public health problem

that need to be attended by all sectors of society. Because domestic violence is communal phenomenon observed every-day in all parts of country domestic violence is committed in both urban and rural setting of the country. Strongly indicate that women domestically suffer from acuity of violence committed against them. The prevalence of wife battering, rape, intimidation, insult and show of disrespect, denial of food and lest, forced displacement from home etc. proved that domestic violence is manifested in Ethiopia in all its known global forms.

### **3.1 Cultural attitudes of domestic violence**

Given the fact that domestic violence is so prevalent in Ethiopia, one needs to consider the societies attitude towards acts of domestic violence. People are born either female or male, but they acquire a gender identify when living in a society. A gender identify is constituted by society contracted roles, responsibilities and opportunities attributed to female and male members of a given society. Every society has its own conception of these roles, opportunities and responsibilities. These gender identities determine the socializations of individual members of society, that is, the process by which roles are assigned to children, which they accepted to play as they grow and live in a given society.<sup>49</sup>

In Ethiopia, women are considered inferior, they are viewed as being unable to cope of with “the harsh” realities of life. They are deemed suited only for herself to her assigned roles and appropriate societal position.<sup>2</sup> she is half that her place is at home ands that she should not aspire towards those would be to marry an intelligent, ambitious man and try to influence him.<sup>50</sup>

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<sup>49</sup>. Blen Gizaw some Reflection on criminalizing Domestic Vio0lence Against Women with Emphasize on Ethiopian p. 34, 2002

<sup>50</sup>. Ibid



In personal relationships men are entitled for rule over women's lives. It is believe that once a woman gets marriage, she belongs to her husband. Hence she is expected to be under his control and supervision. In the even of conflict, men are given the prerogative to beat their wives into submission. Even in the absence of any conflict the have the right to vent their anger and frustration on their values by going to the extent of beating them.

In the study conducted on wife beating among the eleven ethnic groups in Ethiopia, it is response that there are many proverbs that degrade women.<sup>51</sup> We should talk note of the fact that there is a significant relationship between language and reality.<sup>52</sup> In this particulate instance, the saying is a mechanism by which people express their values, belief and philosophies and attitudes about women.<sup>53</sup> Hence such denigrating statements as the one above reflect the regard with which women are held in Ethiopia.<sup>54</sup> Domestic violence is perpetuated because of the cultural altitude that men are a specially privileged to dominate women and have a height to vent their anger and frustration on the women in their values.<sup>55</sup>

The society attitude in Ethiopian is not at all hostile to domestic violence on the contract; it is condoned, if not altogether encouraged.<sup>56</sup>

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<sup>51</sup> . Ibid p.35

<sup>52</sup> . Ibid p. 36

<sup>53</sup> . Ibid

<sup>54</sup> . Ibid

<sup>55</sup> . Ibid

<sup>56</sup> . Ibid

### **3.2 Problems with regard to criminal intervention**

Large number of women living in Ethiopia admitted that they have experienced abuse by their partners, only certain number of women have reported the abuse to the police. The reason may be divided in to two.<sup>57</sup>

The first reason may be viewed from the individual perspectives of the women themselves. That is, the women may have personal reasons why they want to remain abusive relationships without reporting the bettering to the police. The reason may still love him even though he them. Others may be afraid of further violence, or believe threat wise batting is common in their day-to-day live of every women.

The other reason why women prefer not to contract the police may be matter, the police may be reluctant to intervene. There is also be a tendency of not taking this matter seriously an to lather refer it to the family arbitrators.<sup>58</sup>

Due to the cultural belief that domestic violence is exclusively a family matter, the police may be reluctant to intervene. There is also be a tendency of not talking this matter seriously and to lather refer it to the family arbitrators.

However, inter are instance in which the abuse if reported and a compliant is filled, criminal proceedings are rarely brought against the perpetrators, unless the life of women was endangered.<sup>59</sup>

Even though; once criminal intervention takes place divorce in verbally follows, of the family code of Ethiopia does not consider family violence a serious cause to divorce. Article 75 of the family

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<sup>57</sup> . Ibid p. 37

<sup>58</sup> . Ibid p. 50

<sup>59</sup> . Ibid

code does not consider domestic violence is one of the causes of dissolution of marriage.

### **3.3 Existing pertinent legal provisions**

After having seen the prevalence of domestic violence and the fact that it is treated as a trivial matter despite its numerous far-reaching consequences, this section will now inquire into the existing legal provisions and 1957, penal code that are pertinent to domestic violence. The first part of this section looks at the constitution of the federal democratic republic of Ethiopia (FDRE). The second and third part considers the provisions of the 1957 penal code and 2005 criminal code relevant to the issue at hand.

#### **3.3.1 Relevant constitutional protections**

The 1995 FDRE constitution is the supreme law of the land. Chapter three of the FDRE constitution deals with two parts; the first part fundamental rights and freedoms and the second part democratic rights the FDRE constitution devoted its chapter three (Article 18-44) to the list of rights, which Ethiopian and others within its jurisdiction can enjoy. This list includes all generations of rights. The FDRE constitution two divisions have taken place. One is human rights (Article 14-28) and other democratic rights.

Under division of democratic rights article 35 of the constitution specifically deals with the protection of the right of women. Sub-article of this article states that “women shall, in the enjoyment of the high level protections provided by the constitution have equal rights with men”. This sets the principle that there shall be no discrimination against women in the enjoyment of the rights that have been protected by the constitution. These highest and best protections include the right to the security of person and the right to liberty, as has been provided by article 16 of 17 the constitution.

Domestic violence inhibits women from enjoying these rights on an equal basis with men, since they are specifically victimized because of being women.

Sub article 4 of article 35 is another constitutional provision pertinent to the issue at hand. It provides that the state shall enforce the right of women with a view to eliminating the influences of harmful customs as has been discussed in previous sections of this chapter, women in Ethiopia are considered as being inferior to men, as a result of which are cultural given prerogative to dominate their wives. It is customs art of beat one's wife in to submission or be little her in the event of conflict instate of resolving them peacefully. Dispute I is wide acceptance, domestic violence has numerous negative effects. Hence it can be categorized as harmful custom, to the elimination of which the state has responsibility.

Article 35 (4) further declares. "Laws, custom and practice that oppress or causes bodily mental harm to women are prohibited." A part from the bodily and mental, harm that domestic violence causes to women, it oppresses common because it denies them right to live in freedom. Therefore, this second sentences of article 35(4) of the constitution has outlawed of domestic violence.

### **3.3.2 1957 penal provisions**

Domestic violence could take several forms of physical and psychological abuses. The abuser may use physical force against the women. He could hit her with or without using weapon. He could also stab, chock, slap, or push her. This exertion of physical force may result in injury to the woman's body or it may simply result in physical pain without causing and visible injury. This right to bodily integrity.

The 1957 penal code contains provisions that are designed prohibit infringement of the right of individual and impose sanitation it these infringement occur.

Book V of the 1957 Ethiopian penal code covers “offense against individuals and the family” chapter 2 of title I of this part of the code deals with “offence against person and Health”. According to article 537(1) “whosoever intentionally or of negligence cause bodily injury to another or impairs his health, by any means is punishable embrace all manner of bodily assault, bellows, wounds, maiming, injuries or harm and all damage to the physical or mental health of in individuals, where their causal relation to the offender. Pre judicial act is established” on the basis of article 24

These are provision that can be availed any individual. They do not make and distraction on the basis of the relationships that exist between individuals. Hence they can be used physical force against her so long of the particular arities are fulfilled according to this provision 1957 Ethiopian penal code doesn't specially show domestic violence.

### **3.3.3 The Ethiopian criminal code**

The basic purpose of criminal law in general is graving due notice in advance with a view of warning individuals not to violate provisions of the law and informing the consequence of non-compliance there with. That means, it is designed to regulated human behavior to action a certain manner where each individuals is required to comply with these predetermined set of rules who failed to comply with predetermined sets of rules, would be subjected to the penalties prescribed under each provision of law that is violated.

Though, the previous penal code of Ethiopia does not provide about domestic violence these provisions are often difficult to use to convict a husband or an intimate partner for many reasons. The male-female relations, social taboos against discussing “private matter” in public are some of the obstacles to implement women’s human rights in the domestic context.

The new criminal codes of Ethiopia do not specifically provide for domestic violence against women. The general law on “violence against a marriage partner or a person cohabiting in an irregular union.” Under these provisions, it is an offence to cause grave or common injury to physical or mental health. (Article 564 of criminal code) the offence is punishable according to the circumstance and the gravity to the injury and mental health. As the law does not define specifically what are the physical injury and does not make distinction on the basis of sex, these provisions apply to all victims of violence, has added nothing new prohibition related to domestic violence against women specifically. Because of the law and social acceptance of domestic violence the problem is complex in Ethiopia.

The absence of a specific law to the effect and the public-private dichotomy militating against the use of general criminal code provisions, have denied protection to the many female victims of domestic violence considering the fact that most women would be reluctant to cause their partner to go to jail.

## **Conclusions and Recommendations**

### **Conclusions**

In Ethiopia domestic violence one of the serious problem. The main reason for the delay in its recognition as social problem is that the responses of domestic violence are influenced by social values.

All most all societies consider violence with in the family is a private place where no one should intervene even when sever incidence of domestic violence parties. In addition, because of the social acceptance of meal dominance, women learn from early age to acquire in male demands many societies living in Ethiopia condone as well the discipline of wives and thus perpetuate violence in the family.

Domestic violence against women is present country, cutting across boundaries of culture, class, education, income, ethnicity and age. The extent of domestic violence against women in the home has been largely hidden and widely denied by communities for fear that admission of its incidence will be on assault one the integrate of the family. How ever, existing reality reflect the pervasiveness. The frequency and the intensity of violence perpetrated against women in all countries in the world.

As the growth many civilizations is linked with the gradual development of a system of legal rules, the law can be regarded as an instrument of social control to protect victims or sanction perpetrators of domestic violence against women.

In this regard, except in the area of family violence, the Ethiopian criminal code does not provide for the above mentions forms of domestic violence against women. However, considering the various countries that may have made significant strives toward improving their legislation Ethiopian's law may seem to lag behind.

In the Ethiopian criminal code domestic violence does not specifically provide. As much as amending laws a major step toward eliminating domestic violence against women, amending laws in the paper alone will not ensure change. Such laws will only be as good as their enforcement. Where there is no mechanism for the regular and effective enforcement of legal rules.

## **Recommendations**

On the basis of this research the following recommendation are thus forwarded to fight domestic violence against women.

- To amend laws to incorporate different forms of domestic violence against women.
- To create public awareness about domestic violence and women's right.
- To implement training programs on gender based violence for the society.
- To document how laws related to domestic violence are implemented, ameliorating the data filing during investigation, prosecutor, judgment and sentence.
- To provide service for victims from both governmental and non-governmental service including shelter, legal assistance, counseling supporter groups.
- To improve women's access to productive resource.
- To contribute some thing the struggle of women's light.