

**THE ROLE OF ETHIOPIAN WOMEN LAWYER'S
ASSOCIATION (EWLA) IN THE IMPLEMENTATION OF
THE REVISED FAMILY LAW, AND PROTECTION OF THE
RIGHTS OF WOMEN AND CHILDREN**

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**The Role of Ethiopian Women Lawyer's Association (EWLA) in
the Implementation of the Revised Family Law, and Protection of
The Rights of Women and Children**

**A Thesis Submitted to School of Graduate Studies
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**In Partial Fulfillment to the Requirements of the Degree of Arts
in Social Works**

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November, 2013

DECLARATION

I hereby declare that the Dissertation entitled **“The Role of Ethiopian Women Lawyers Association (EWLA) in the Implementation of the Revised Family Law and Protection of the Rights of Women and Children”** submitted by me for the partial fulfillment of the M.A in Social works Indira Gandhi National Open University (IGNOU) is my own original work and has not been submitted earlier to IGNOU or to any other institution for the fulfillment of the requirement for any course of study. I also declare that no chapter of this manuscript in whole or in part is lifted and incorporated in this report from any earlier work done by me or others.

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CERTIFICATE

This is to Certify that Wzt. Meron Girma student of MSW from Indira Gandhi National Open University, Addis Ababa was working under my supervision and guidance for her project work for the Course MSWP-001. Her Project Work entitled THE ROLE OF THE ETHIOPIAN WOMEN LAWYERS ASSOCIATION IN THE IMPLIMENTATION OF THE REVISED FAMILY LAW AND PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN, which she is submitting in her genuine and original work .

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LIST OF ABBEREVATIONS

ACHP	African Charter of Human and People's Right
CEDAW	Convention on the elimination of all forms of Discrimination against women
CSA	Central Statistical Authority
EWLA	Ethiopian Women Lawyer's Association
FDRE	Federal Democratic Republic of Ethiopia
HTP	Harmful Traditional Practices
RFL	Revised Family Law
UN	United Nations
UK	United Kingdom
UNECA	United Nations Convention on the illumination of all forms of discrimination against women
TGE	Transitional Government of Ethiopia

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ABSTRACT

As is known, women have suffered different unfavorable conditions starting from their childhood. Their situation gets worsened when they get into marital lives as they don't have the proper insight and knowledge on how to solve the problem they are facing. Established to solve the problem these women are facing, the Ethiopian Women Lawyers Association (EWLA), has started functioning in 1995. From the time of its establishment onwards, the Association has dealt with several issues concerning the Discrimination of Women, making Familial Issues its main concern. Analyzing the facts, gave rise for the need to conduct the study in the area. Thus a combination of Qualitative and Quantitative Methodologies, were used and a total of 63 persons were involved. 59 persons were selected to gather data in the quantitative aspect, with a Non-probability Quota Sampling Manner. Of these 50 were clients that comes to the Ethiopian Women Lawyers Association with familial cases where as where as 9 were professional that work in EWLA in full and part-time basis. Moreover, 5 people were also selected in a Non-Probability manner so as to supplement the response that was gained in quantitative method. The findings of the study indicated that EWLA is giving different services as Legal advice, Legal aid to the women that comes to the association. However it was also indicated there was problem in the perception of the people regarding EWLA's work that need to be corrected by EWLA by focusing on the promotion, advertisement, public awareness raising aspects.

1. INTRODUCTION

1.1. Back ground of the study

Family is the basic component of any society and a foundation for bigger community of a country. However, its constitution and establishment vary from country to country and from culture to culture the meanings and interpretation given to it is dependent upon the contextual meanings of societies (Berchi, 2000). To some extent ,a group of people living in a given house a family is called families whereas while in other, restrictions are made on how to classify family groups based on the blood connections they had. Be the case one or the other life experiences have taught us, the institution is given a due importance irrespective of all cultures, civilizations, knowledge and beliefs and the like. (Berchi, 2000)

Ethiopia is one of the countries that gives much attention and emphasis for familial issues. In this country the issue of kinship, decent, family and marriage is given a major importance and considered as a core unit with which the larger family unit is built up (Emebet Mulugeta, 2002). At this point one can and would ask what family is? According to (Planiol, 1997, p.220) a family is defined as “Irreducible nucleus, in which the whole is worth when it is worth, while impaired or dissolved all the rest crumbles”. Through the definitions, Planiol, tried to express his understanding, of the term by saying a family may contain only few people, but has greater impact on the whole society, and the factors affecting a single family will later on have the effect on the whole society.

Supporting his view Murdock (2003, p16) has added to the definition saying a family is *“Social group characterized by common residence, economic cooperation, and reproduction, includes, adults of both sexes, at least two of whom maintain a socially approved sexual relationship, having one and more children, own or adopted, of the sexually cohabiting adults”*.

However, while raising the issue of families, it is also good to note that the idea is not supported by all as there are contrary views to it. Among the prominent figures was (Federic Engels 1984). According to him, a family is considered not as a unit that contributes for social stability but as a means that reflects inequality in wealth and power. When expressed it in his own words “it is an institution that signifies the male dominance, encourage the suffering of sisters, and an economic unit that encourages social injustice”

Though the availability and commitment of many marriages seem to disprove his view, there was a tendency to believe what he said is true when seeing many houses and couples scattered, not able to handle the difference between them (EWLA, 1997). The need for drafting the first family law was because of this reason. Being a country that cared for the familial lives of her citizens, Ethiopia set the first family law in 1960. However, as it is proved to be in short of addressing some of the issues as the management of common property of the spouses, dissolution of marriage and partitioning of property, arbitration by family counsels etc, its provision proved to lead the women to further oppression by men (Redai, 1999).

Thus, it was a must to revise the 1960s law to change some of its provisions. By doing so the 1995 FDRE Constitution, had revised the set family law repealing all the discriminatory provisions and trying to give better protection, guaranteeing special protection to children and women (Redai, 1999). Being one of the organizations that advocates for the rights of women and children, The Ethiopian Women Lawyers Association (EWLA), had taken active role for the revision of this family law. Established by few likeminded women legal professionals, it was the intention of this organization to focus on areas as economic, social and political rights of women through the use of the law.

Thus, as the violation of their rights have connections with their familial lives, especial emphasis was given in the role this organization is playing in assisting women that come with familial issues through the process of legal aid, legal advice and public awareness services.

1.2 Statement of the Problem-

Being an essential component in one's life, everyone wants to establish and maintain a family. Though needed by everyone, from the realities of life, it is very easy to understand that the women had a vital role to play in its establishment and maintenance as they are responsible for its up keeping. Starting from taking care of household chores and involve in child raising activities, the women had an important role to play in the support of her husband and updating his status. She can share her emotion and affection, device the mechanisms in which he can reach to his objectives as there is a saying "besides every great man there is a mind and attribute

of a great women”. Though the role is said to be greater, realities of life experiences have shown us there are many hindrances for the women to be recognized and acknowledged. The cultural factors that prevail in Ethiopia is among one of the factors. Especially in the rural side it is very acceptable for the women to get married at early age, shaping her to be a good wife, train her to excel in household chores and bear abusive situations that come from the husband (Kharono, 1999). As the husband is the “bread winner” of the family, the overall decision regarding the household management is his, can have two or three wives at a time, send her and marry another one, if he has the financial capacity. Things wouldn’t be the same for the women if she doesn’t want to live with the man. Unless she changed a place to live in, she cannot leave the husband peacefully as she doesn’t have the right to make such decisions and if she does she will be forced by her parents to be back to his house. Even if she succeeded to convince her husband that she doesn’t want to live with him, she will be allowed to go bare handed to her parents house taking her belongings only. In coming to the urban case, one may find the situation different as the women in the urban had the liberty to get the person they wanted and are not forced to get into marital life as early. However, from experiences, it is noted that most can not be happy as they don’t have a say in their household management and decision making in child raising practices. Though some struggled to do that, most have quitted as they face un-enjoyable situations in their marriages.

Among the areas that have been a threat for the development of a country, familial life is known to take a major component as it produces future heirs and responsibility takers. To do this, the effort and assistance of both parents is needed, to cultivate and produce responsible citizens. The reverse would happen in an environment where there is lack of understanding

between couples revealing itself in the form of abuse, argument, violence and life threatening activities as it has an effect in the lives of the children. As they are the first ones to see their mothers suffering and are unable to help them. Most will run out of their houses, being vulnerable to various hazardous activities contributing for economic deterioration of a country

The fact that the problem had a long existed nature makes the solution very difficult that can not be solved with the effort of a single individual. The acceptance of the situation by the women due to various situations is what makes it worse. Thus there was a must to look for a legalized body, that can assist the women legally to address their situations. Being one of the organization that was established to assist that women, the Ethiopian women Lawyers Association have started functioning in 1995 having a set of objectives. These are :

- Giving public awareness, familiarization of the women with the necessary legal procedures
- Giving legal advice, legal aid services for the women
- Removal of Discriminatory Norms and Applications Against the Women , Concerning Pension Employment and Land Tenure.
- Illumination of Violence Against Women
- Removal of Discriminatory Norms and Applications Against Women
- Improvement of the Women's right Under the Ethiopian Penal Code
- Establishment of the System of Family Arbitrators Under the Ethiopian Civil Code

However, there is no research work undertaken to assess how much EWLA is contribution its part in the proper implementation of the Revised Family Law in the country.

1.3 Research Questions

- What major role EWLA has contributed in giving legal support for victimized women in their familial lives from its establishment to date?
- Is the Ethiopian Women Lawyers association successful in protecting the rights of women that comes to it looking for its assistance?
- What challenges were faced by EWLA in its role in the protection of the rights of women and children?

1.4.Objectives of the study

1.4.1. General objective- assess the Role played by Ethiopian Women Lawyer's Association in the implementation of the Revised Family Law and the protection of children and women's right.

1.4.2. Specific objectives

- Assess the work of EWLA in giving Legal Aid and public awareness raising programs for the protection of the women's right especially in their familial lives.
- Assess the success of EWLA in protecting the right of the women coming looking for its assistance.
- Trace the challenges faced by the organization in the implementation of the revised family law and protection of the women's right.

1.5 Scope of the study- The Scope of the study focuses on women that have come to the organization in search of legal assistance, the staffs of the service giving agencies as the staffs of Ethiopian Women Lawyers Association, and other Associations that have advocated for the Revision of Family Law, the implementing agencies as lawyers, judges, police officers and others that have direct and indirect connections for the conduction of the study.

1.6 Significance of the study assist the association to evaluate its work and predict its gaps and shortcomings, the study believes conducting the research would have a for most significance for the Ethiopian women lawyers association, Other than EWLA, the research will also have significance for other stake holders, as the Net Work of the Women's Association, Women and Youth Affairs, Officials of the Wereda and Kifle ketema information desks, Professionals that are concerned legally as Lawyers, Attorneys and Judges that work on the Rights of the Women in general as an indication of the evaluation of their work and for devising further mechanism for the protection of the Women's Right.

1.7 Organization of the study The thesis is organized in Five Chapters. The First Part deals with Introduction and Background Information's about the study, where as The Second Chapter deals with Review of the Related Literature and refers the other work's done regarding Families and Family Law. The Third Chapter deals with Research Methodologies, and discusses the Methods used for Conducting the Research. The Fourth Chapter deals with the Discussion and Result, and the outcomes gained using the research methodologies are discussed. Chapter Five deals with Summary and Conclusion and Recommendation part of the Study.

CHAPTER TWO: REVIEW OF THE RELATED LITRATURE

2.1 Origin and Definition of Families

The term family is used among societies that are found in all walks of life (Bainham, 1995), be them poor or rich, educated or uneducated, civilized or uncivilized all have an idea to share as to what the term family is (Gashahun,2004). From past experiences, and realities of life one can easily understand that people can easily form and be involved in familial life as it is a natural process, in some cases giving it much concern and thought, while in other without much worrying and concern. Be it in one way or the other, it is noted that the idea of families is most favored among societies that it is considered as a fundamental unit of a society (Morrow, 1998). Though, considered as a fundamental unit, it was still difficult to define and explain it in a structured form as it has different perceptions, attitudes, perspectives cultural variations, given by different people and culture (Daniel, 2000). Conducted researches and studies, have indicated, it was after the publication of a book entitled “Origin of families, State and Private properties by Karl Marks, that some evidences were presented to be referred as a sources that can serve as an instrument to track the origins (Veitch, 1976). Though one would argue in the present day, that these evidences wouldn’t have much idea to support one cannot deny the contributions they made for the present study(Rayan, 2005).

The issue of families does not end with tracing back the origins, it also need categorization into various mutually exclusive groups, dynamics and composition patterns (Vietch,1976). For the time, functionalist approach, formalistic approach, and self-definition approach were some of the approaches that form the categorization (Morrow, 1998). A family according to the functionalist approach is defined as an “inclusive unit that refers to individuals who unite for *specific* purposes as child bearing, emotional support, financial support, cohabitation etc”. According to this

approach, emphasis is given on the day today practicalities of families, than their societal contributions. Had the approach continued to be applied, the definition would be confined to give meanings not exceeding than providing security and care for its members, producing children, socializing, providing economic needs and raising children. (Veitch, 1976). Formalistic approach was the other approach that tries to define the institution of families. According to this approach, a family was defined as “family of nucleus, that is a person with in a private or institutional household related as husband and wife, or as parent and never married children related by blood or adoption” (Hantrias & Letablier,1996) . Basically the definition focuses and considers on some kind of observable traits, as the existence of marriage or children. The fact that the definition doesn’t consider, the family members who doesn’t fulfill the formal requirement is the major problem of the approach. Self definition approach was the third approach which tries to view the institution of families. According to this approach, the institution of family is viewed “as any group of people who regard themselves as family members and states that “you are a family if you say you are” (Eekelaar & Nhlapo, 1989) . The benefit of such approach is that it does not stigmatize people as “not family members ” unless they do not wish to be regarded as family members. The difficulty is that if there is no restriction on who can be family it is hard for to seek support to families and or give a family member special rights and responsibilities.

Based on this and other practical realities, in the contemporary times also several attempts have been made by different scholars to define the institution of families to give it a more precise and communicable meaning, the first definition given to the institution is:

“married couples, other group of families/adults who cooperate economically and in the upbringing of children and all or most of whom share a common dwelling which includes

all forms of kin- based house hold, system of accepted norms and procedures for getting some important jobs done, workable and dependable means of paring oneself to conceive and raise children, care for the ill and aged, and carry out certain activities” (Bainham,1995)

“ two or more people related by blood, marriage or adopted and are part of a relationship in which there is commitment, mutual aid and support and often share a residence” (Rusk ,2005)

“ a family is not merely a biological group; rather, it is a social institution where its members are governed by rules and regulations, the behavior of its members is not motivated by instincts but by customs that prescribe the standard of family behavior” (Newman,1998).

From the eyes of the law too, families has been defined and given a meaning. The broader and narrower approach were some of the instruments that used to define the institution (Daniel, 2000) A family according to the broader approach is viewed as: “ collective body of persons who live on one home or management (black’s law) while it is further defined to mean

“a collective body of persons, consisting a parent and children, or other relatives or domestic servants together in one house under the same head” (Francis &Harold, 1960)

The definition includes distant relatives and people living without having any relationship with the family in the category, the availability of a residence element and a head and who has a right to direct and control the family activities at least in a limited way is what is need to be called as families according to this approach. On the other hand the narrower approach views the

institution of families, as “group of persons, that are united by marriage by filiations or even, but very exceptionally by adoption” (Planiol & Ripert,1939) giving a more restricted definition to family members. Basically it denotes, the family type of the modern world, that includes married couples and their natural and adopted children. Compared to the broad definition, the definition applies to a family comprised of small number of persons having the notion of a relationship by blood or marriage.

2.2.. Significance of the Familial Life.

2.2.1 Arguments in Favor

Family is the foundation of any civil society that not objectively recognized as basic social unit but also subjectively in the minds and imaginations of all peoples and individuals (Husain, 1983) . As an institution that existed in the minds of all, it is believed that there are certain activities that is accomplished by the institution which can be cited as an advantage for those who is having it (Helen, 1994)

- **Procreation** – considered the first and most important function of passing through family life. For societies, to continue and exist, humans must reproduce to replace the dying (Strong & Vault 1992). As the replacement cannot be done without reproduction, procreation is given high value among family members especially in the underdeveloped ones, as the developed ones have used technologies as artificial insemination and vitro fertilization that have diminished the very purpose of family life. (Helen, 1994)
- **Providing personal security and acceptance-** basically a family is considered as a place where the individuals can learn from their mistakes in an environment of

protective security and the place where complimentary relations are fostered than the competitive ones (Aklilu, 1986). Thus it is been argued that the family is among one of the places that emotional security is granted.

- **Ensuring continuity of companionship-** As opposed to friends, neighbors, colleagues and others who may or may not remain close by for more than a few years, in most cases, family associations alone can be expected to endure (David, 1968). In ways not expected outside the family, the continuing presence of sympathetic companions encourages family members to relate the happenings of the day and to share the disappointments and satisfactions of life as they occur (Strong & Vault, 1992).
- **Economic cooperation-** family is also considered as a unit of economic cooperation which traditionally divides its labor along the gender lines i.e between male and female(Strong&Vault,1992) Regardless of what activity men and women do, work is traditionally divided into men's and women's work. This makes the sexes interdependent, cementing their need for each other. (Daniel, 2000) Some argue that nowadays such division of labor has disappeared at least in developed society and the function is eroded or lost. While others; assert its maintenance, no matter what. According to the latter argument, in modern world husband and wife each with special skills, considering themselves as partners contribute definite service to the marriage partnership which in effect serves as economic cooperation.
- **Providing social placement and socialization.** - virtually in every society individuals learn what is expected of them , where they fit in the social hierarchy through their families (William, 1950). At birth, a child automatically acquires his family's status by virtue of the genetic, physical, ethnic, national, religious, cultural, economic, political

and educational heritage unique to his parents and perhaps their kin. The family act as the transmitter of the cultural heritage from one generation to the next and performs the task of interpreting to its members the meaning of the many situations of which they are a part. It is generally agreed that although later experiences outside the home also have important influence on the developing child, the availability of these experiences to him and the way he uses them are strongly affected by what he has learned in his home

2.2.2 Arguments against

- Familial life can be a major cause of abuse and exploitation for women and weakest member of the society. (Alderson, 1993). A research made by Home Office (2000), the number of women that is been abused in their marital life have was 17-28% . Gittens, (1993) indicated that *the number of abused women have reached almost a quarter indicating of the appalling abuse of women and children under the screen of familial life.
- Familial life can be an accelerated source of the women's oppression as argued by (Delphy and Leonard, 1992).

“ we see men and women as an economic class with one category , as a class subordinating the other and exploiting its work, especially in the family system, we see men exploiting women's practical emotional sexual and reproductive behavior. For us , “ men” and “women” are not two naturally given groups which at some point in history fell into a hierarchical relationship rather the reason why the two groups are distinguished socially is because one dominates the other in order to use its labor” Holding the argument that not every family

involves oppression but that the structure of family life enables oppression to occur.

- Familial life encourages the values of selfishness, exclusiveness and the pursuit of private interest that brings altruism and community pursuit of public good. (Barret and MacIntosh, 1991). Supporters of the view have argued as if the family has drawn comfort and security into itself and left the outside world a bereft.

Though the argument continues unable to reach on a certain consensus, experiences and realities of life have witnessed that a families serve as agent of instrument that enable an individual to get connected with the larger society, as expressed in the words of Durkneim

“ a family is the germ from which a society is born, we should be able to find society in an abridged form, and in fact it has tissues and organs , the family has protective, defensive institutions, economic an Economic structure, an industry and an intellectual life that enables the individuals connection to the rest of the world.”

2.3 Constitutional Protection Granted to Families

Before talking about the legal protection that is granted to families, it is better to talk about the views that explains the emergence and maintenance of the family. The first view states that family and marriage are the Divine and Holy institutions created and maintained by God , holding marriage is centered in religious obligations and the overall authority which is responsible to its establishment and maintenance is supernatural (Gashahun, 2004) . While the second view, sees it as a Social Institution rooting its aims in the social obligation. In the

context the primary aim of marriage and the family is to maintain social respectability, confirm to kin and community wishes. The third meaning suggests that family and marriage exist for the individual; neither for God nor society, can dictate personal behavior nor can people be forced to endure unhappy marriage or relationship. In this context, the source of authority is the person alone, and individuals are responsible for their marital success and failure, without regard to the community structure or the social conditions in which they operate. For the moment, this view hasn't got any wider recognition saying the sole reliance on individual rights threaten the social role of the family. That is why the institution of families is backed by different legal standards and instruments. The United Nations Universal Declaration of Human Rights of Dec, 1948, The African Charter on Human and Peoples Rights of 1981, The International Covenant on Social, Economic and Cultural Rights of Dec 1966 are some cited examples (Daniel, 2000).

In addition to this, enacting or incorporating legal provisions that enlightens the purpose of domestic laws in the form of constitutions were included. Virtually all modern constitutions have got provisions, protecting the institution of family and marriage. The 1955 Revised Constitution of Ethiopia and the 1987 Constitution of Peoples Democratic Republic of Ethiopia, for instance, recognized family as a natural and fundamental unit of the society and entitled it to protection by both the society and the state. With similar manner, the 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution 32 (4) and the 2001 Revised Oromia Regional Constitution³³ under Art. 34(3) which is a verbatim copy of Art. 36(4) of the FDRE, Constitution extended the same protection to the family (Daniel, 2000).

Other domestic laws such as the Civil Code and other recently enacted federal and regional family codes also regulate conditions for the conclusion of marriage, effects of marriage and its

dissolution as well. Some of these provisions are also backed by Penal Code provisions. Especially in western countries, following the establishment of specialized institutions there is little argument that it gave up those functions completely to the said institutions. In fact the third world reality is that traditional family roles are as important now as they have been for centuries. That is why the law has been and should always be behind this institution with the view to enable it to continue discharging these functions failure of which would possibly cause chaos to the society at large.

2.4. Family Law

2.4.1. Meaning and Concept of the Term

Family is among one of the issues that attracts the concerns of the state, like other issues that attracts the other parts of the law, the state devices a mechanism to interact with the law and called the law of families(family law). This law is believed to be in state of flux than any private law (Ehrlich,1962), as it is mainly affected by continuous movement of societies, that are influenced by the economic, social and political changes when occurred. At this point it is a must to pose and raise one question, what is Family Law? The most working and available definition of family law is given of the Black's Law of Dictionary. According to the Dictionary, family law is defined as a 'body of law which is concerned with marriage, divorce, child custody and support and other domestic and relational issues and is the major source for the other definitions to appear. For family law, the other definition is given by (Olsen, 1983). According to him Family Law is defined as a " law governing the relationship between children, parents and between adults that are in closer relationship" and as " part of the law in which people can argue about things in which they are concerned the most" (Jonathan, 1998). Starting from its development, this law has believed to undertake great changes though the

changes in some countries are traumatic and divisive while in other are gradual (Daniel, 2000). There are factors that is believed to be pillars for this change, the equality of men and women following a remarkable increase in education, employment and economic independence, the adoption to the discrimination against women (CEDAW), the introduction of a constitutional principle of equality of spouses that repealed the existing laws and the abolishing of laws that exalted the male superiority in terms of personal and pecuniary effects of marriage are believed to be one of the pillars, while the other is the legal filiations system, the question of true paternity, the recognition and better protection of other family forms are considered to be the other ones (Daniel, 2000) . In the process of development the question of what makes a good family law? How do we know if one law is working well or not? There was a need to develop two approaches as the feminist approaches and functionalist approaches. A family according to the functionalist view is regarded as a procedure having a series of goals to be fulfilled and it evaluated how well it succeeds in reaching the goals as suggested by (Eekelaar, 1984) generally pursues three goals:

- **protective goal**- which is designed to guard members of the family from physical emotional or economic harm
- **Adjustive goal**- that is designed to help the families that have broken down to adjust new lives apart
- **Supportive goal** - that winds up in the encouragement and support of a family member however this view is not without problem

While the feminist perspective being the other wing for the approach (Olsen,1998).Unfortunately this, perspective is not favored and criticized, as it emphasizes on how men exercises their rights on the women for discrimination. On the face value, the

approach seems undiscriminatory but has many things that work against the women's interest (Smart, 1984). For instance in this view, at one point in history it was stated how the husband could divorce his wife on the grounds of adultery, but restricts the wife to do so as it requires her to cite some additional aggravating factors. For instance the confirmation that the adultery was incestuous for the requirement of divorce etc. The other example concerns the financial contribution that is between a man and a woman which indirectly discriminates the women because it is more likely for her to contribute on the non-financial aspect more.

2.4.2. Family Law Reform in General and the Forces at the Back ground-

2.4.2.1. The Social and Economic Changes- can be cited among the major forces that can contribute for the flexibility of family law. Basically these changes, trace back to the changes made in the past as there have been profound transformations in the lives of societies, and impelled a corresponding change in the nature and functions of a family because of these transformations (Goode, 1967). As summarized in his words:

“for the first time world history, a common set of influence- the social forces of industrialization and urbanization is affecting every known society though at different rate of speed” As part of the society, the family also altered in the direction greatly. As this is summarized in the words of Weitzman:

“Goode explains that when extended family ties are diminished couples are freer to move and obtain better jobs. Hiring and promotion can be based on merits and less on family connections. The larger kin network and the family elders cannot control the couple's decisions, and the couple's obligation to the extended kin network is weakened. Further the talents of women are more likely to be utilized

by the industrial system because family elders have less control over them and their work. Finally the smaller intimate family unit is well suited to providing the emotional support and personal reassurance needed in an increasing bureaucratic society.”

Especially these changes have affected the position of the women in the economy, the altered education of the women and the authority structure of the family. During olden times where the land constituted the principal source of wealth, the family operated as the basic unit of society and marriage functioned as a highly structured, indissoluble, hierarchical institution. (Margaret & June 1988).

Upon marriage the wife becomes totally separated from her family and is placed under the authority of her husband who becomes her master and protector, being dependent on her husband financially and psychologically. For this reason, it has been said that, marriage provided for woman the only available form of support and the only socially sanctioned role outside the convent

However, industrialization and urbanization have brought the seeds of change on the roles of the couple within the family as the former created more jobs so that women can work outside of homes and develop their educational and skill level. As a result employment outside home has become common for women of all ages and marital status. Even more important is education, i.e. opposed to the past the comparable higher training and educational level of women has been increased and they become equally rewarded with men based on merit than other grounds which in the long-run facilitated their emancipation. This gives the women a completely different point of departure on the labor market. That in turn again increased their

bargaining power during the marriage as well as upon its dissolution. Besides, in Western Society, where Urbanization and Industrialization are highly developed individualism was another important factor. That is so because, individualism is more important in urban than in rural families.(Burgess, 1971) and in industrialized society than that of the agrarian one. By individualization we mean the family interest are more likely to be subordinated to the desires and the interests of the individual member. Thus individualism tends to separate the person from his family and to weaken family attachment. That is why sociologists argue that modern family has been impoverished by individualism (Leslie , 1988) with its concern for self and its moral relativism.

2.4.2.2.Political Changes – in addition to the assertion of individualism and changes on the socio-economic climates, the passion for freedom, liberty and equality of the feminist struggle has contributed in molding the attitude of the society and thereby the law. It seems especially as a result of the struggle for equality of the sexes different National and International laws have been adopted which ensures the equality of husband and wife within the family. For instance the inter-alia in the UN convention on the elimination of all forms of discrimination Against women (CEDAW) and the African Charter on Human and People's right are citable.(Daniel,2000)

More on what is cited, the Convention on the elimination of Discriminatory Acts Against Women, (CEDAW) is also the major one as it has provisions on the consent to marriage, minimum age of marriage and registration for marriage. In general form it provides in its preamble, “ states should take all appropriate measures with a view to abolish such customs, ancient laws and practice by ensuring *Inter alia*, complete freedom in the choice of a spouse,

eliminating completely child marriage and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary”. Especially in Art 16(1) of the convention begins by stating “parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and goes on to list in eight sub-articles. On a similar manner, the African Charter of human and people’s rights, (ACHPR) recognized in its article 18 that the family is the basis of society and requires and ensures the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in International Declaration and Conventions.

International Human Rights Instruments in the form of Declaration and Recommendations usually have moral and political force that persuades governments to observe them and sometimes they may turn into a binding international customary rules. It seems, therefore based on the above fact member state of the UN adopt equality of sexes in their constitution though some might adopt it before the conventions. They also incorporate such principle in other domestic laws; such as family law. So with industrialization and urbanization and thereby increasing recognition of human individuality and the struggle for the equality of the rights of spouses within a family all have resulted in an evolution of this institution from a virtually immutable status to one which can be dissolved by the mutual agreement of the spouses and sometimes by the mere request of one spouse. This in effect necessitates the revision and reformulation of family law.

2.4.3 Family Law in Relation with the Ethiopian Prospect

Unlike other African countries, in Ethiopia customary and statutory laws have begun to be codified in the 1950s, and 60s. One outcome of this codification process was the 1960 Civil Code of Ethiopia. It is in this Code Book II, Title IV session that the Institution of Families have stated. . This Code, which encompasses all the major areas of Civil Law, is the first comprehensive legal instrument in the history of hitherto traditional society of Ethiopia; and the incorporation of provisions on the conditions of marriages, matrimonial property regime, recognition of marriage as monogamous and lasting social institution, the abolition of traditional source of inequality such as the privilege of primogeniture, legitimacy and masculinity parallels the Code with the standards of the most developed legal systems. However, this does not mean that all the provisions of the Code perfectly fit into the objective realities of the present day as there were certain modification to be made to this existed laws . Basically the revision of laws such as succession and family law began during the Dergue Regime of 1980s though the work was discontinued for unknown reason. Following the fall of Dergue in 1991, the Transitional Government of Ethiopia (TGE) assumed power and adopted a Transitional period Charter following which the government acceded to a number of International Human Rights Instruments including the United Nations Convention on the Rights of the Child and the United Nation Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Then the government embarked on Federal System of the Government by virtue of the 1995 Constitution of the federal Democratic Republic of Ethiopia (FDRE) about one-third of whose provisions are devoted to human rights. The Constitution, among other things, extended

protection, the Institution of Family and Marriage, and recognized equality of sexes and spouses, and the Right of the Child as well. Hence, Revision of the Civil Code provisions relating to family matters have been necessitated by "keeping peace with the constitutional provisions and objectives as well as the current democratic thinking and stage of development of our society. It could, therefore, generally be said that as elsewhere the factors behind family law reform, recognition of equality of spouses (sexes), better protection of children's rights and extending better legal protection to a union other than marriage that is irregular union. These being the general factors behind the reform, so far the Regional States of Tigray, Amhara, Oromia and Southern Nations, Nationalities and Peoples of Ethiopia, and the Federal Government (for Addis Ababa and Dire Dawa) have enacted their respective family code

2.5. Right of the Women

Whether she is educated or uneducated, young or old, civilized or uncivilized the women had an important role to play in the life of families starting from its establishment to its maintenance (Mitike, 2000) Though it is said she played a vital role, one cannot fully say, she played it to the maximum as there are factors that hinders her not to do so. (Gasahun, 2004). The occurrence of obstacles that the women faces in her marital life can be cited as an example for this. Though this is a controversial issue in the current day, the study believes in the necessity of mentioning some of the points that are left in mentioning rights. What is right? Basically right is defined as “ that which is proper under the law, morality or ethics or something that is due to a person by just claim, legal guarantee or moral principle which is acceptable under the law”. (Black’s law). Basically, there are certain types of rights that are granted to all humans as:

- **Inalienable rights**- which is a right that are natural for every human being as the right to live, own property etc.
- **Vested right** – which is a right that cannot be improved or taken away without the person’s consent
- **Legal right** – which is a right that existed independently, created by government as the right to life, property etc.
- **Absolute right**- which is a right that belongs to every human being as a right of personal literate, etc

Though in most cases the concept may sound ambiguous and vague, in this context, it must be noted when we talk about right of the women that it is in the context of these framework. As the extent of its violation can be measured in practical terms and facts(Smart & Neale,

1999) the study believes the necessity of mentioning some of the existing situations that threatens the rights that are granted to the women by the law. These are: .

2.5.1. Gender based violence- until recently there was no agreement on how to call a violence that takes place between adults and those who are in closer relationships (Smart& Neale, 1997). To some extent there was an attempt to express it as “the abuse of battered wives” as it has a wider and extended intensity not in the lives of the abused wives only but those who are in closer relationship with them (Dogget, 1992) .

Studies made on the early estimates of intimate partner violence have suggested that there is a tendency for domestic violence to occur at the end of a relationship(Giddens, 1989). It was indicated, that almost 2% of the women have been assaulted at the end of a relationship, while the data on other studies have indicated that it has a tendency to occur more at home(Cretney and Davis, 1996) as reported by Giddens:

“ the home is in fact the most dangerous place in modern society where in statistical terms, a person of any age of either sex is far more likely to be subject to physical attack, victim of the incident of killing, stabbing or beating that one in four murders is committed by one family member against the other”

Persons who work closely on Domestic Violence have defined it “ as any form of violence, that occur between current or former partners that are in intimate relationship, and include physical, sexual, emotional and financial attachment wherever and whenever it occurs”.

(Strauss, 1990) has indicated violence against women occurred in one out of six couples. More recently the National Violence Against Women Survey have found that in the year prior to the survey almost 2 million women were experienced a complete or attempted rape on their

marriages. Basically most research have argued that there are four major components of violence against women as emotional, physical, sexual and verbal while the decision to include one, some, or all of these components in the definition can depend among the researchers (Finklehor, 1994). In addition, made studies also indicated there are explanations to the occurrence of abuse as :

1. **Psychopathological explanations-** which tend to see the problem of violence from the psychological makeup of the abuser (Cretney & Davis, 1996). Meaning it interpreted abuse as the inability of the abuser to control his anger or deal with people. Some may argue that male violence is natural pointing to the fact the male animals are more violent than the females (Wall,1997). The psychopathological approach is criticized by others on the ground that pathology cannot be the only explanation for domestic violence as abusers are able to control their tempers outside the home when dealing with people at work (Ibrahim, 2000)

2.Theories of the women in the society - the theories focus on the domination of the women by men, throughout the society((Dobash &Dobash, 1992). One argument is that the attitude of the law and state authorities that perpetuates abuse (Yllo& Bograd, 1988) . Societies especially men through multi-furious ways are permitted to exercise power over the women, makes domestic violence appear acceptable to the abusers.(Doggett, 1992). This can be supported by the evidence which shows violence often occurs when the women fail to fulfill their traditional role as a women and the men use violent means to reassert their authority. Further lack of effective response by the law means that women are unable to find suitable ways of escaping abuse. Although

this is a convincing explanation for domestic violence, there is a danger that it can lessen the responsibility of the individual abuser for his action

3. The Family relationship- Some argue that the failure of family relationships tends to domestic violence (Borowki, Murch, and Walker, 1983). Poor communication skills, or volatile partnerships are to blame as the causes of violence. Basically this is a controversial approach, because it suggests that it is a fault of both the abuser and the victims. Dobash and Dobash has pointed out that this fails to explain why it is the man rather than the woman who usually violent (Dobash and Dobash, 1992). In truth no doubt is that domestic violence occurs as a result of the complex occurrence between these and many factors.

In thinking of domestic violence, what is more important to note is the health consequences of the women that is affected through the act of violence. According to the National Violence Against the Women Survey, it is been indicated that almost half of the women that encountered violence against their husbands are a victim of different diseases including HIV/ AIDS. Spousal violence is widespread throughout the world: 20-50 per cent of women suffer violence at the hands of their spouses or partners. This has serious consequences for children. One study reported that children of women who were physically and sexually abused by their partners were six times more likely than other children to die before the age of five. Living in a home where domestic violence occurs also adversely affect success in school. One study found that children from homes in which women suffer violence leave school on average three years earlier than other children.

2.5.2. The Law on Gender Based Violence- Basically the law didn't recognize Domestic Violence until the Feminist Movement, that is brought to the attention of a male dominated media and legislature in the 1970s (Dogget, 1992). It was regarded as not appropriate for legal intervention, or as simply part of the marital life. There was subsequently a report of a select committee of the House of commons that found there was a strong case for improving the assistance available to women who were the victims of domestic violence (Select Committee(1975;1977.) At the time legal remedies were limited to the general Criminal Law and Tort law. The increased in protecting human rights led to arguments that safeguarding the victims of domestic violence was the subject to optional protocol attached to the United Nations Convention on the Elimination of all forms of discrimination against women (UNCEA). In the UK a series of statutes were passed by parliament, presenting a rather haphazard scheme of protection. Matrimonial Homes act, 1967, Domestic violence and matrimonial proceedings act1976, and the Domestic Violence and Matrimonial proceedings and Magistrate Courts act, 1978. These three acts used different criteria that were available to different kind of relationship and used different kind of remedies. When the law commission came to consider domestic violence, it felt that there was no strong case for changing of the law.

2.5.3.The Rights of Women regarding the Ethiopian Experience-

In Ethiopia, Female targeted violence has not been acknowledged until December 1993 when the United Nations General Assembly adopted the Declaration on the Elimination of Violence Against women (Mitike,2000) gave it a recognition. . The Declaration defined Violence Against Women as follows: “violence against women includes any act of verbal or physical force, coercion or life threatening deprivation directed at individual women or girl that causes physical or psychological harm, humiliation or arbitrary deprivation of the liberty that perpetuates female subordination.”

However, even after the 1999 UN declaration, little attention has been given to the problem as a broad social issue. As a result, less effort has been devoted to tackle the causes of abuse. The earliest mention dates back to the middle of the 15th century in the “Fethanegest, “the law of the kings” that was adopted from Egypt and translated to “Geez”. According to this book, the penalty for rape was “ If a layman (not a priest) who carries off a virgin not betrothed to him and uses violence with her, he shall be separated, shall not marry another, just marry her as he loved her, even if she is ugly or poor. In the recent days also much is done in the area to track the prevalence of this abuse. Existing police reports and studies have showed that the magnitude of the problem cannot be underestimated. The six years police report of Addis Ababa showed that the number of rape victims in the city had grown by four fold from 116 to 493 in 2000. Among the few existing studies a study conducted in Addis Ababa and Western Shoa indicated that almost 74.3% of sexual harassment is indicated by female students. Where the prevalence rate of completed rape and attempted rape among female students were 5.2% and 10.1% respectively. The previous history of the abuser, the false promise, the verbal and physical threats and substance use were the major factors that contributes for the abuse. Moreover, the

information get from other high school base prevalence study in Addis Ababa, indicated that sexual prevalence indicated 11.4% while the mean age of the students were 13.. In a study undertaken by Chelchesa in 1995-1997 to assess the incident of child abuse in four Weredas it was found that only in one Wereda there was (3.7%)rape case and 0.2% attempted rape cases.

2.5.2. Rape- is one of the most crimes of violence in which a man uses sex as a weapon to exercise power over the women (Regan, 1999) . There are different forms of rape as statutory rape, forcible rape and marital rape (Mitike, 2000). The act of having a sexual intercourse with a female under the age of consent usually from the age of 12-18 is called statutory rape, sexual intercourse, committed with a person that is mentally deficient or unconscious and incapable of giving his consent is also referred as statutory rape. Forcible rape is sexual intercourse with a non- consenting victim using a threat of force or fraud. Marital rape is a situation where the husband forces a wife to have sex with out her will.

The probability of the act to be committed by some strangers is what differs rape from other types of violence's (Murphy& Wang, 1999). Though it is a common incidence, usually it is under reported to authorities for the victim there are many reasons to do this, the hidden nature of the problem and fear of the victim being stigmatized, while not wanting the individual to expose the secret in thinking of the offenders as criminals being the other and not wanting to expose the secrete in self –blame can be the third reason (Mitike, 2000) . However, what one has to know is that it causes a serious psychological and physical problem as mental disorder, depression, alcohol, abuse, drug dependence, generalized anxiety, obsessive compulsive disorder and post traumatic stress disorders (Smart, 1991)

2.5.3. Male dominance- sexual victimization is based upon its degree of male supremacy and one of the ways in which men the dominant group control the women (Glancy, 1997). To do this, men need a vehicle in which the women can be punished and brought in line with subordinate status. Sexual victimization and the threat of it are useful in keeping the women intimidated as the process starts in childhood with the victimization of the girl child. In societies where male dominance is prevalent usually male dominance is restricted to the two general types of behaviors. First the exclusion of the women from political and economic decisions making, while the second is male aggression against the women which is measured by the following five traits: the expectation men should be tough, brave and aggressive; the presence of men's houses or specific places where only male may congregate, frequent quarreling, fighting or wife beating ; the institutionalization or occurrence of rape.

In this society, usually a combination of six models have been discussed above and the main reason for the combination of the models is the assumption that no one model is fully addresses the factors that are believed to cause violence in women. In the combined model, socio-cultural and economic factors are assumed to be the basic causes of violence which will cause economic dependence of the women on men accepting sex role stereotyping and rape myths. Basically male dominance and low self esteem of the women are stated in this combination as intermediate causes resulting from the fundamental causes. The immediate causes that are believed to result from the intermediate causes are interpersonal factors as alcohol use, drug use, abusive behaviors, parental modeling, deviant behavior as streetism and prostitution, directly cause sexual violence against girls and women.

2.6 Issues Given special Emphasis in Family Law

2.6.1..Marriage- in the family law, marriage is one of the issues that is given a due emphasis and succeeds to get the main focus. This is so, because it is very common for people to commit marriage whether they knew it or not, and whether they have the proper procedure to establish it or not (Daniel, 2000). Seeing the experiences of our country, the law doesn't say a marriage has to be committed in a certain specific way as it accepts marriage that is committed in a formal way as explained in art (1) and (2) of the revised family code. As described in art (1) and (2) of the revised family code, " marriage may be concluded before an officer of civil status" where as in Art 2 of the revised family law states "notwithstanding the provisions of Sub-Article (1) of this Article, marriage can be committed in different ways". Studies has indicated that marriage has different views and opinions by different people and it is very difficult to give a single definition for the term as it is varied upon the culture and in most cases it is taken as "what the parties take it to mean". For instance, a Christian couple that seek to base their marriage on biblical principles may have a different versions for their marriages than those who have entered into it for tax purposes. Not only this the perception of the women and the men on marriage is also cited as one of the factors that makes difficult to give a clearer definition of the term. As expressed in the works of Glendon,

“ the lack of firm and fixed ideas about what marriage should be an aspect of the alienation of modern man, which in the respect the law seems truly reflect the fact in modern society, where more and more is expected of human relationships while at the same time social changes have rendered those relationships increasingly fragile”
Glendon, 1998

However, the case is there are certain attempts that is made to define the term marriage. In an ordinary way, a marriage is defined as “ the legal union that is conducted between a man and a women” (Ibrahim, 1998) though the definition can not give a complete picture, there was a requirement to work on the definition of the term and express it as “ a more or less durable union, sanctioned by society, between one or more men and one or more women” (Ibrahim, 1998).

In law this definition is extended and expressed as “ an approved social pattern where by two or more persons establish a family, that involves not the conceiving and rearing of children but also host of other obligation and privilege that affects the lives of many good people” (Paul, 1964) . Besides, there are different views on the impacts of marriage expressed by different scholars as:

- **Functional view:** revolves around the purposes of having a family would have and gave emphasis on the raring of children “insisting children to be the heart of marriage suggested “if nothing else, then marriage is about the license to begat children” (Hogget, Pearl, Cooke and Bates1996). The view is supported by Engles, saw the role of marriage and property as an integral part of the regulation of private property and the creation of legitimate heirs” giving emphasis on creating an environment of love and comfort for the husband, wife and any children, making the purpose of marriage very easy to understand.
- **Psychological view-** analyzes marriage by considering the psychological need to marry and the psychological interactions between the two marriage partners. One perspective of the view is to see marriage as a conversation between

spouses formulating their own relationship and their common view of the world (Berger and Kellner, 1980) as expressed in the works of Giddens,1992 “modern relationships are entered, for what is derived by each person, and is continued only in so far as it is thought by both parties to deliver enough satisfaction for each individual to stay with in”. Meaning people are now more individualistic and are only willing to stay in relationship, so long as they feel they personally are benefitting from it”

- **Political view** - it is also possible to consider the role marriage plays in a wider society. Some see the subjugation of the women as the essence of marriage as it has been described as a public form of labor or relationships between the man and the wife, where by the women pledges for life with limited rights to quit her labor, sexuality and reproductive capacity and receives protection upkeep and certain rights to children(Lenard, 1980). Others reject the idea that marriage, is a conservative institution
- **Religious impact** - there is a wide variety of religious understanding of marriage (Thatcher, 1999)“ Some religions teach of a spiritual union between spouses on marriage with spouse’s love reflecting God’s love. Some religions regard marriage as indissoluble although others do not take a hard line on divorce
- **Social View** - it provides several services starting from being the center of procreation. In this unit children born having attachment and affection with their parents, learn the essential skills in life through the interaction they get from their family and societies. (Ibrahim, 1998) Not only this the family is also

counted as the center in which emotional and psychological security for its members are provided. . When family members are sick or disabled, the family provides for their caring. Other socially beneficial functions such as rearing and socialization activities are performed by the family. Generally the family serves in promoting order and stability with in society as a whole.

- **Economic View** the family provides food shelter, clothing and physical security for its members. Many of whom may be too young or too old to provide for the basic necessities of life times. Moreover the spouses are expected to support each other financially according to their respective means. They share not only common standard of living but also the expenses of the household. In some jurisdictions if one of the consorts ventures to bring the marriage to an end through divorce without good cause, he may risk the forfeiture of his right on the common property and even on the personal property that he possesses individually to the advantage of the non-faulty spouse

2.6.2. Historical observation of the rights of the wife in the matrimonial property -the General Legal History

Basically the comparative Legal History of Marital Property consists of a period stretching back about 4,000 years (Ibrahim, 1998) . Starting from that period, the wife was generally dependent upon the husband legally and economically and the essence of marriage was the transfer of the women from the control by her own family to the control made by her husband. In most cultures the family has been patriarchal, or male dominated that we get evidences seeing the experiences of other countries. (Ibrahim, 1998) Until quite recently the only property that a Hindu woman was absolute owner was her “stridhana” that consists mainly wedding gifts and gifts from relatives. In Roman law also a women was completely dependent on her husband, if she married, she and her property passed into the power of her husband and like a slave acquire only for his benefit, the most important of the specific rules concerning the roman law of matrimonial property was that donations from the husband to the wife were void. The husband remained its owner; he could vindicate the thing or recover by after consumption.

Custom in Roman law require from early age, that the women paterfamilias, give on her marriage some property to the husband in the form of dowry. This property passed to the husband he maintained unfettered ownership of it. During the marriage the husband was indeed the owner of the dos, (not a mere administrator). And the wife could claim restoration of the dos against her former husband or his heirs, if the marriage was ended by divorce or by the death of a husband. After the wife’s death in most instances the dos remained with the husband. It was not until 1938, that French law was amended so as to recognize the eligibility of women to contract. A married women however, required to secure her husband’s permission before she

could dispense with her private property. In the part governed by custom, the matrimonial regime of the common law was the regime of the community the effect of marriage was that the property of the husband and the wife were intermingled in a common mass subject to the general administration by the husband. Eventually it came to exclude immovables from the common mass by reserving them as individual property to each of the spouses. On the other hand, the incapacity of the wife, developed in the course of generations, and principally from the 16th century onwards resulted in giving the husband all power over the common property and very wide powers of the administration over the personal property of the wife. In the regions of the written law of southern France, on the other hand, the old Roman Dotal regime continued to apply. The regulation of the dotal regime had almost no other aim than to assure the preservation and restitution of the dowry. The introduction of the legal incapacity of the wife complicated the law by enlarging the power of the husband especially on the movable dowry and by normal development of the power of the wife over her personal property. In the medieval English common law the married women suffered from serious disadvantages based on the contemporary feudal approach to property, she had no contractual capacity and could only bind her husband as his agent. The husband acquired an interest in his wife's freehold land during their joint lives. Certainly the wife could not interfere with his transactions with her property while he lived. Of course if he predeceased her, her title revived and she could sue in the courts to enforce only her rights of succession to her own property. An author explains the then situation in the following words:

“ At common law a married women was incapable of owning of acquiring, or of disposing of tangible movable property, incapable of acquiring or disposing of intangible movable property or leasehold land ,and incapable by herself of acquiring or disposing of freehold land”

Consequently a married women was at common law, is legally dependent on her husband. In early Germanic law the wife passed completely both as to her person and her possession under the control of her husband. Later on it came to be that only certain classes of property can be obtained by the wife. The first type of property was the price paid by the husband to the wife in the ancient form of marriage, sale marriage. The second consisted of the so called “gift of the morning” namely the presents given by the husband to the wife the day after the marriage as a sign of ratification of the marriage. The medieval German law of marital property was based on the fundamental principle of the husband alone was entitled to administer the property both of his wife and of himself. In some regions of Germany it was a step uniting all or part of the wife’s property with that of the husband into a join estate or community of goods in which the wife obtained the same rights in the property of her husband which was brought into the community as he had in her property but this community together with the wife’s separate state if any was administered by the husband.

2.6.3 The Ethiopian Prospect

The Ethiopian legal history of the status of the wife in the marital property is largely unknown owing to the scarcity of written documents on the matter.. Since the country had almost no written legislative laws until very recently it is very difficult to know the property relations of the husband and wife that existed in ancient Ethiopia. What could only be referred to legal history on the regard is the “Fetha Nagast” that was introduced in Ethiopia in the 16th century.. Even in the existence of these sources, the picture appears somber for one thing, the Fetha Negest mainly deals with matters of personal relationship of the spouse and its provisions on the material relations of husband and wife that are scanty and unclear. For the other only customs of the highland northerners are documented and known.

Despite these impediments it is inevitable, to a person who set out to write a research on the matrimonial law of Ethiopia to cast a glance on the legal situation of the married woman in the past in Ethiopia as regards to marital property.. According to FethaNegest, the wife has to submit herself to the husband as if he were her lord, for the husband was considered to be the head of the family. She was expected to fear and obey him, the husband was taken to be the highest in authority for the wife only next to the lords. She was told to use her hands to do every useful thing so as to please him and there was no corresponding duty on the part of the husband even though one of the major purposes of marriage according to Feta Negest said to be the cooperation which takes place between the married couple to alleviate the burdens of life. As to the status of the wife, in the property of the matrimony the Fethanegest, requires the father of the bride, to give her a wedding outfit according to his means at the time of the marriage. But it has not been said anything as to the extent of control by the wife over the property. If the husband became poor for his extravagance or other wise, the wife would take

over the responsibility of maintaining him and her children with her dowry the husband had the power to pledge the property of his wife and she could not claim it from the pledge. On the separation of the consort if it is the wife that requires separation, she shall give back her dowry to her husband. The presents given to the husband on the marriage or subsequently remain with him who shall not give anything on his part. If the wife becomes sick after the marriage the husband can divorce her by giving her dowry and the outfit, but if the sickness has come upon her before he married her and he was not aware of it. He shall only give her all the outfit she brought into the marriage and what he ascribed to her from his property become to him. If the wife was divorced in committing adultery, the husband takes double her dowry with the presents given on the marriage to the couple, if he has no children, he takes the third part of his wife's outfit from the property if he has children from her the outfit and the rest of her property will be kept for her children.

Generally if it is the wife who required the dissolution of the marriage, she will be condemned to forfeit her dowry and will be obliged to return any present given to her by husband before or after the marriage. But if it is the man who required the dissolution of the marriage, the wife is entitled to take what she has brought into the marriage, and is not obliged to return presents that might have previously given to her by the husband. Apart from this, there is no community property in the Fetha Negest, the concept of community property is introduced into Ethiopia with the Civil code. The concept is alien to Fetha negest. Many of the Nations and nationalities of Ethiopia never used the Fetha Negest which was in Geez since the Fetha Negest was not applied in all over parts of Ethiopia, it is appropriate to observe some of the customary laws that regulated the matrimonial relation of the husband and the wife in the past.

2.6.4. Marriage and Family Arbitration

Basically “arbitration is defined as a method of dispute resolution involving one or more neutral third party who is usually agreed by the disputing parties, and whose decision is binding and also termed as binding arbitration”

In a family life, arbitration serves a specific purpose as the parties are unable to agree but don't want judge or jury to decide upon their cases, an arbitrator is hired to make decisions in which all are required to follow. It usually require lawyer to retain their interests as much as they would in court. The attorneys would argue to a judge if they were in court , they argue to a different kind of decision maker in arbitration, but in either case they submit evidence and try to convince an adjudicator to decide in the client's favor. Thus litigation and arbitration have to do with obtaining decision from someone else, mediation seeks decision only from the parties of the conflict.

Arbitration is a machine that generates private decisions for some family disputes. It may be a good way to cut through the issues, but most parties would prefer to decide for themselves. No outsider can know as much as they do about their family. If all attempt to negotiate settlement is failed, arbitration is found to be an option in which in that point it would be transferred to litigation in particular of the arbitrator is trusted by both parties. Sometimes contract clauses provide for arbitration instead of court action in the case of future disputes; this is a common separation argument as circumstances change, adjustments may have to be made in terms of the agreement. A parent may loose a job or move to another community with a resulting need to adjust visitation rights or the level of financial support. Even then the parties should attempt to negotiate appropriate change without arbitration. Usually this kind of

problems can be worked out informally perhaps with the help of a mediator. If not the issue can be decided in accordance with the contractual arbitration clauses where the parties should be an expert on family law and whatever other issues are involved in the disputes.

According to art 121(1) of the revised family law, the arbitrator shall make an effort to reconcile the spouses and make them renounce their petition for divorce 121(2) where arbitrators have concluded that the dispute cannot be resolved except by divorce, they shall report the result of their attempt to the court without delay 121(3) the arbitrators shall have no power to give any order or decision concerning the spouses, except persuading them .

2.7. Some of the contributions made by EWLA regarding the Revision of Family law and Protection of Women's Right.

2.7.1 The Contributions it Made in Forwarding some points for change from the 1960s law- as most women face a disproportionate magnitude of discrimination at home and as the majority of the women's economic and social lives of the women are dependent on their marital relations, the family law has been the primary concern of the association. The Ethiopian Constitution of 1994 enshrines gender equality and has explicitly endorsed International Conventions on women's rights to be part of Ethiopia's domestic laws. Despite these guarantees of accepting women's right as human right the same constitution permits the use of customary and religious laws, recognizes the prerogative of regional states to enact regional laws on matrimonial matters. These contradictory provisions have been the major concern of EWLA, whose response has been to submit a family law amendment proposal to the federal and regional legislative bodies in 1996. Some of the points that was included in the amendment were:

- **Forbidding the commitment of marriage below the age of 18**

In previous times it was physical maturity that was considered necessary for the commitment of marriage. Hence in some place girls were forced to get into marital relations at the age of 15, while in other places the girls were given to husbands before reaching that age violating the rule. However, in the revised family law, serious announcement was made for the minimum age commitment to be 18.

- **The involvement of women in the management of common property-** in article 656

of the former family law, it was stated that the wife is responsible to manage only her earnings and salaries where as it allowed the husband to manage all the common property of the household. As this can be a point of dispute between the husband and the wife, it was changed under article 66 of the revised family code, to the conjoint administration of the spouses.

- **Sale of a property or an immovable-** major source of conflict between spouses as

there was no clear demarcation in the previous law concerning the sale of properties or immovable and clear remedy for victimized spouses. In the revised family law, it was clearly indicated, the sale of a property or an immovable should be with the consensus of both the spouses, and call for the cancellation of the act, if it is been committed without the knowledge of one of the parties.

- **Effect of Irregular Unions-** the 1960s law believes that the issue of property was a

point of less attention between spouses as, they are living as husband and wife and whatever one earns belongs to either of them. From the practical experience, this played a major role for the victimization of the women, as most of them are not employed out of

the house and most properties are purchased in the name of the male partners entitling them keep whatever gained during the relationship. However in the revised family law, it was clearly stated property acquired during an irregular union shall be common property, provided that the relation has lasted for not less than three years.

- **Divorce-** the causes of divorce-) Basically, this law is among one of the most difficult and ambiguous provision proposed for change but cannot be abandoned as it has a significant importance for women . The 1960s family law, sees marriage an in dissoluble union and have incorporated some divorce hindrance mechanisms in it. According to this law, the grounds of divorce have been classified as fault and non-fault grounds. Depending what ground was invoked for divorce penalties apply at the time of property division. If the divorce was ordered on non-serious grounds, the petitioner that requested the divorce will be penalized for he/she should have tolerated the problem for the sake of maintaining the union. On the other hand if divorce is pronounced because of serious grounds attributed to fault of one spouse as adultery or desertion, the faulty spouse will be subject to penalties as he/she had caused the dissolution. In the revised family law, divorce is put as the right of the individual. However, it gives power to court order to a party to pay the damage to the one who is proved to be the cause for the divorce and the other party has the right to sustain the damage. As the damage could be either moral or material.

CHAPTER THREE: RESEARCH DESIGN AND METODOLOGIES

3.1 Description of the Study Area-

The Ethiopian Women Lawyers association (EWLA) is a non-profit women's advocacy group established by few likeminded women legal professionals in 1995. Soon after its founding the organization witnessed an expanded membership through its ability to attract women in the legal field and those from other social science disciplines committed to its cause. Basically the organization has designed three major interrelated and mutually reinforcing activities to contribute to the effort of elevating the economic, social and political rights of the women particularly through the use of the law. The activities include research, reform, public education and legal aid. The formal functioning of the association began in January 1996; with the generous support from donor agencies. To date, through research publication and dissemination program over 10 reform oriented legal researchers have taken following by a wide range and targeted dissemination efforts. Under the ambit of the legal aid program, close to 6000 women have received legal aid services. A wide range of activities have been undertaken with a view to raising public awareness on the legal rights of the women. Among the several research projects undertaken to highlight discriminatory features in Ethiopian Laws, the family law has received considerable attention and is been the primary concern of the association, since women face a disproportionate magnitude of the discrimination they suffer at home. Moreover in Ethiopia, as in many developing countries, the majority of the woman's economic and social lives are dependent on marital relations. The Ethiopian constitution of 1994 enshrines gender equality and has explicitly endorsed international conventions on the women's right to be part of the Ethiopian domestic law. Despite these guarantees of accepting the women's right as human

rights, the same constitution permits the use of customary and religious laws and recognizes the prerogative of regional states to enact regional laws on matrimonial matters. These contradictory provisions have been a major concern of the Ethiopian Women Lawyers Association whose response has been to submit a family law amendment proposal to the federal and regional legislative bodies in the 1996.

3.2 Research Design-

Descriptive research methodology was applied to conduct the research. This method is believed to be the appropriate method two reasons. As the design has the ability in tracing of tracing past experiences and performances, it was believed by using this method not the current status and performance of the organization is assessed but also the past performances of the organization will be traced and can be used in manner as a support for the current study. Second, as the method has a descriptive nature, the connection that the association in assisting the women can be described clearly.

3.2.1 Qualitative Design

As the qualitative design deals more the attitudes, perceptions, and behaviors of individuals and groups in the situation an in depth- interview was organized for the personnel's from the wereda and sub-city information desk and interviewed about the connection and work relations they have with Ethiopian women lawyers association. Questions were raised mentioning the work relation they have in working with the Ethiopian women lawyers association, the nature of clients that come to the organization needing for their assistance, the type of services given, and their perceptions on the revised family law were distributed to these personnel's. Thus a sample size of 5 people were selected to address these questions.

3.2.1.1. Sampling Procedure of the Qualitative Research Approach- The sampling procedure of the qualitative research mainly uses non-probability quota sampling. The difficulty to randomize the interviewees and the selection of the interviews when they come was the main reason for selecting this method. Using the procedure 5 Officials from the Kebele and Wereda.

3.2.1.2 Qualitative Data Analysis-

The qualitative data obtained from interview and discussion were analyzed and described through concepts and opinions by sorting and organizing in the field in order to supplement the result that is obtained in a quantitative manner.

3.2.2. Quantitative design –

On the quantitative aspect, the research mainly uses questionnaire that are closed ended and targets two groups of respondents. The first are the respondents that have come to EWLA, with familial and related cases, while the second one is officials of EWLA as lawyers and prosecutors that serves on a full and part time bases. For the respondents, the questionnaires are designed in two sessions; the first one deals with the background information and the household characteristics of the respondent where as on the later sessions the capacity of EWLA performance was included.

3.2.1 Sampling Procedure of the Quantitative Design

Similar with the quantitative aspect, the Research uses non-probability quota sampling method. Thus, 59 clients were selected using this method in which 50 are beneficiaries that are coming to the Ethiopian Women Lawyers Association, while the rest 9 are professionals that work in EWLA. The availability of the time in hand, the limited budget and the frequency of clients coming in the office are some of the forcing factors that limit the sample size to be 59.

2.2. Data analysis of the Quantitative Design - the data gained from quantitative design was analyzed by the use of percentages and total counts. As it is found suitable to indicate the results, the study have used Spss17.1. The simplicity of the software to be used, was one of the factors that contributed to use the instrument.

CHAPTER FOUR: FINDING AND INTERPRETATION OF RESULTS

This chapter mainly presents and discusses about the role EWLA played for the implementation of the revised family law and protection of the rights of women and children. For the better understanding of the reader; the parts are organized in a way to give information that is collected through discussion interviews and in-depth interviews by contacting different personnel's that work with the association. For the better understanding of the reader the first information's of the findings are back up with the back ground information's of the clients that come to the association as the socio demographic variables; followed by EWLA's contribution in the protection of rights of those women coming looking for its assistance. Followed by the response of the legal advisors of EWLA and those who work to its close collaboration for the assistance of the victimized women.

Table 1 : The socio demographic characteristics of the respondents in terms of their age

Variable	Frequency	Percent %
Age		
18-30	20	40
31-44	21	42
45-56	8	16
>57	1	2

Table 1 indicates the socio demographic status of the respondents in terms of their age showing marital conflict has a role to play with the age of the respondents. Meaning from the research; the higher category of the women is found in the age range of 31-44 while the second category to be found with the women in the age range of 18-30. The number declines when the age limit exceeds 45 and reaches to a minimal level after the age of 50 as there are many

bonding and factors between spouses as grown children, social status and recognition, expectation of relatives and the like.

Table 2: The Socio Demographic Status of the Respondents, in Household Type.

Household type	Frequency	Percentage %
Male headed	9	18%
Female headed	3	6%
Separated/divorce and lived with children	19	38%
Never married but gave birth in friendship	9	18%
Live together but on the process of divorce	10	20%
Total	50	100

Table 2 indicates the socio demographic status of the respondents in terms of their household type. By doing so, the highest frequency of the response was found to be among the women clients that have separated with their spouses and lived with their children 19(38%) following by couples that live together but are on the process of divorce due to various reasons 10 (20%). Following by the other category of the respondents who indicates never to be in marital relationship but have given birth in friendship 9 (18%) while the normal household administration by the men counts 9(18%) and by the women counts 3 (6%) percent. Indicating the tendency of normal household administration is less.

Table 3 : The Socio Demographic Status of the Respondents expressed in terms of their Education

Educational status	Frequency	Percentage
Those who didn't have any education	17	34
From grade 1-6	15	30
From grade 7-12	10	20
Vocational level	4	8
College / University	2	4
First degree	2	4
First degree and above	-	-
Total	50	100

Table 3 shows the socio demographic status of the respondents in terms of their educational status. In the table 17 (34%) of the respondents have fallen in the category of clients that doesn't have any education while 15 (30 %) of the respondents have found in the grade category of 1-6. The women that are found in the high school level are found to be 10 (20%). The number of the clients show reduction as they go to a higher in the educational level indicating that there is a part to play by education for the solving and handling of misunderstanding between spouses and for the peaceful resolution of conflict that resides between them.

Table 4: The Socio Demographic Status of the Respondents in terms of their Occupation

Occupational level	Frequency	Percent
House wife / unemployed	17	34
Daily laborer	12	24
Petty trader	9	18
Student	1	2
Office worker	8	16
Admin/ professional position	3	6
Total		

Table 4 indicates the socio demographic status of the respondents by their occupational level. In the table it is clearly indicated the unemployed and housewife 17 (34%) have the highest frequency in coming to the association followed by women that works as a daily laborer 12(24%). Not only this the women that involve in petty trading activities and women who work office work are also witnessed to be the common beneficiaries of the association while those who are found in admin and professional position are minimized indicating economic status has a role to play in spousal relations.

Table 5: General Cases that Brought Clients to EWLA

Status of the respondents	Familial case related with abuse and violence	
	Yes	NO(Other) cases
House wife/ unemployed	12	5
Daily laborer	10	2
Petty trader	5	4
College student	-	
Office worker	3	5
Admin / professional position	2	1
Total	32	18

Table 5 assesses the general cases of clients that come to the Ethiopian women lawyers association. In the attempt to trace what particular cases brought them to EWLA a question was raised whether they come to the association with the case of abuse or related cases or other familial problems. Thus 32(64%) of the respondents have answered that they come to the organization with the pushing factor of abuse; violence and other threatening factors that comes from their partners while 18 (36%) of the respondents have said they have come with other related problems than violence and other forceful factors.

Table 6: Major Hindrances for Clients to not to seek EWLA's Assistance

Have you encountered marital abuse when you are in marriage?	Yes/ No	If you encounter abuse in your marriage what were the major reasons not to look for EWLA's assistance to now?	Total	Percentage
	Yes	Because you thought the problem was not that serious	6	12%
		Because it is in appropriate to expose family secrets	14	28%
		Because you expected things will be better between you and your spouse	4	8%
		Because you were not clear about the objective of EWLA	3	6%
		Because you think the problem will get aggravated if it gets the touch of legal personnel's	9	18%
	No	Because you think the problem was not that serious	4	8%
			3	6%
		Because it is in appropriate to expose your family secrets	3	6%
		Because you expected things to get better between you and your spouse	3	6%
		You were not clear about EWLA's objective	2	4
		You thought the problem will get aggravated if it gets the touch of legal personnel's.	2	4

In table 6 attempt has been done to trace down reasons of the clients not to look for EWLA's assistance even their marital life is very difficult and abusive in some cases. From the respondents that say yes to encounter in pleasant conditions in their marriage 14(28%) have responded they did not come to look for EWLA's assistance because they think it is inappropriate to expose family secrets while 9 (18%) have explained that they did not come to look for EWLA's assistance as they think the problem will get aggravated if it get the touch of legal personnel's. While 6 (12%) of the respondents have said that they did not come to look for EWLA's interference because they didn't think the problem to be that serious. Thus from our respondents we will be able to realize that the majority of the women find it easy to tolerate

the problem that she faces in her marital life because of cultural, religious, educational and economic barriers.

Table 7: How the Respondents came to realize about EWLA's Service

How do you hear about EWLA and become beneficiary of it?	Total	Percentage
Through the advertisements it made in the medias and communication facilities	7	14
A relative; friend have informed you about it	26	52
You got the information from the sub city administration and kebele officials	12	24
You have an encounter with them through work process	4	8
You came to meet them accidentally	1	2

Table 7 tries to show how the respondents came to realize EWLA's service to become its beneficiary. Thus 26 (52%) of the respondents have indicated that they have got the information about EWLA from their relatives and friends while 12 (24%) of the beneficiaries have indicated they got the information about the sub-city administration and kebele officials and 7 (14%) of the respondents have indicated that they come to learn about the organization through the advertisement and communication facilities it made. In addition to this; 4 (8%) of the respondents have indicated that they come to know about the organization through the work process they have with the organization while 1 (2%) have indicated to meet them accidentally indicating that EWLA had made progressive effort to expand its name through advertisements and communication facilities.

Table 8: The Specific Cases that brought the Clients to EWLA

What were the cases that brought you to the Ethiopian Women Lawyers Association	Total	Percentage
The issue of paternity and request of budget for growing children and the conflict with spouse that in described in the use of force.	12	24
The issue of divorce and property division	17	34
The issue of budget and decision regarding the child	10	20
The issue of separation that is followed by a peaceful resolution	3	6
Disagreement in the family followed by physical and verbal abuse	8	16

Table 8 indicates the specific cases that brought the clients to EWLA looking for their assistance. 17 (34%) of the respondents have indicated that they come with the issue of divorce and property division while 10(20%) of the respondents have said that the issue of budget and decision regarding the child was the main reason that pushes them to come to EWLA. In addition to this 8 (16%) of the respondents have indicated they come to the organization with the disagreement in the family that is followed by physical and verbal abuse indicating EWLA handles much of issues that is related with divorce and property administration.

Table 9: The Services the Client got when coming to EWLA

Can you specifically mention about the services that you get from EWLA	Total	Percentage
Legal advice	34	68
Legal aid	10	20
An appointment for next time to follow the case	5	10
Court order for the husband	1	2

Table 9 tries to describe the type of service that the clients get while coming to the Ethiopian women lawyers association. Thus in the table it is indicated that 34 (68%) of the respondents have witnessed to get a legal advice service when they came to the association while 10(20%) of the respondents have witnessed to get the legal aid service. Besides 5 (10%) of the

respondents witnessed that they got an appointment for next time for their case to be followed while only 1 (2%) of the clients have responded that they found court order for the husband. Indicating that it is the legal advice service that is given more often than the legal aid in EWLA due to many factors.

Table 10 : Relates to the Beneficiaries Response to EWLA's Service

How do you see the service when you come to EWLA	Total	(%)
Satisfactory because EWLA have assisted me a lot to handle my case and through their assistance I am able to reach a certain stage	26	52%
Satisfactory, through their assistance I am able to start the process though I don't know how it ends	3	6%
They have helped me a lot to solve my case directing through the correct legal procedures	5	10%
It is my first time their reception is good but cannot say much about the future	8	16%
It is my first time the legal advice I got from them makes me calm and evaluate things and hopefully	5	10%
Not satisfactory, I don't even see their significance	3	6%

Table 10 refers to the beneficiaries attitude on how they get EWLA's service when they come looking for its assistance. Thus 26 (52%) of the respondents have said that the service they got from EWLA is satisfactory as it enables them to show the way to legal procedures and enables them to reach to a certain stage ; while 8(16%) of the respondents have said that they obtained good reception on the first time though they can not predict how the case is handled on the future. The other 5(10%) have reflected that the services they got from EWLA enable their cases to be directed through the correct legal procedure while the other 5(10%) have

responded that it is their first time and can not say much about the service. Only 3(6%) of the respondents have indicted that EWLA did not accomplish too much and its significance can not be seen Indicating the majority have a positive attitude for EWLA.

Table 11: EWLA’s Contribution for the Revision of Family Law

Do you think EWLA played a role for the implementation of the revised family law?	If so how?	Total	Percent %
Yes	Yes I think EWLA had played a certain role for the implementation of the revised family law but I do have a little understanding	12	24
	I know a little bit but I don’t think I have a thorough knowledge	5	10
	I know only of the cases that is related with my case	1	2
No	No I don’t think I have any understanding about the revised family law but I think EWLA had a role to play	4	8
	I don’t even have a clue about the revised family law and I don’t know about the work of EWLA	28	56

Table 11 indicates EWLA’s contribution for the revision of the family law. By doing so the clients were asked whether they had an understanding for the revised family law and whether EWLA played a role for its implementation. Thus 12 (24%) of the respondents have indicated that that EWLA had certain role for the implementation of the revised family law though they had a little or no understanding while 5(10%) of the respondents have said that a very little knowledge about the work of EWLA and the revised family law. While 2% of the respondents have reflected that they are aware of the cases that is related with their cases. In the table the majority 56% of the respondents have indicated that they don’t have a clue about the revised family law and about the work of EWLA indicating the gap to be fulfilled by EWLA through all means’s of communications.

Table 12: EWLA's Work on the Protection of the Rights of Women and Children

Do you think EWLA works on the protection of the rights of women and children ?	If so how ?	Total	Percentage (%)
Yes	by creating chances for conflicting parties to discuss and negotiate	9	18
	Resolving the conflict between the parties	17	34
	By working for the best interest of the child	11	22
	By encouraging the women and children to report when ever unfavorable condition occurs	11	22
	By devising any other possible mechanism to handle conflict	2	4
No		-	-

Table 12 indicates EWLA's contribution on the protection of the rights of women and children and the devised mechanisms of protections. Thus 17 (34%) of the respondents have indicated that it works for the protection of the women's right by resolving the conflict between the parties whereas 11(22%) of the respondents have indicated it works for the protection of the rights of women by working for the best interest of the child; while the other 11 (22%) of the respondents have indicated it works for the women and children by encouraging them to report whenever unfavorable condition occurs in their familial lives. While the other 9(18%) have indicated they work for the best interest of the parties by creating chances for conflicting parties to negotiate and discuss. Indicating the major principles and activities of EWLA before the legal process is started.

Table 13: EWLA’s Contribution on the Removal of Discriminatory practices

Do you think EWLA forwarded better contributions for the removal of discriminatory practices as circumcision, early marriage and abduction		Total	Percentage
	Yes	7	14
	No	3	6
	I don’t know	28	56
	As it works on the rights of woman and children for sure there is a role for the association to play	12	24

Table 13 indicates EWLA’s contribution in the removal of discriminatory practices 28(56%) of the respondents have reflected their ideas that they don’t even know that EWLA involves in the removal of discriminatory practices as circumcision, early marriage, abduction and the like while 12 (24%) of the respondents have indicated that there are some things for the organization to work on as it stands for the women’s and children’s right while the other 3 (6%) of the respondents saying they don’t have anything to do to in the removal of discriminatory and harmful traditional practices. Indicating their understanding about the work of the organization to be low .

Table 14: some of the reasons for EWLA not to solve the client's problem

While coming to EWLA were you treated as you expected? How would you describe the service in relation with your expectation?	Total	%
You think it is good because you don't encounter to the opposite of what is expected	16	32
You got the service good though you don't have a particular expectation	20	40
Due to the complicated nature of the case you had, you don't get the services as you expected	8	16
Due to the long extended appointments that is given by EWLA, you don't find your case to be resolved within the limited time you proposed.	8	16
Due to the limited existence of the professionals at hand you don't find your case to be treated as you expected	9	14
Due to the inefficiency of the legal personnel's at hand you don't find your case not treated as you expected	3	6

Table 14; table 15 indicates some of the reasons for EWLA in not meeting the expectation of its clients while working with them. Basically 36(72%) of the clients have responded that they think the service given by EWLA is a good one while the remaining 28% have indicated that there is still a gap that needs to be fulfilled and corrected. Of the 28 clients 8(16%) of the respondents have indicated that they did not get the services they wanted because of the complicated nature of the problem they had; while 8(16%) of the respondents indicated they have a complaint with EWLA's service as they did not get the service with the limited time they proposed; while 9(18%) of the respondents have indicated that they did not find the case to be treated as they expected due to the limited number of professionals and the demand of the clients at EWLA. While 3(6%) of the respondents had clearly indicated that their cases can not be solved because of the inefficiency of the legal personnel's at hand. Indicated that EWLA had a gap to correct in giving its service.

Table 15: Response of the Law Executing Officers

What is the nature of your work	In your work process have you encountered the chance of working with women that have come with familial cases?	If so what exactly was your connections?	Total	Percentage
A public prosecutor/ attorney or judge	Yes	On supporting them on the legal aspect	6	
An agency that works on the psychosocial support of the clients		On supporting them on the psycho-social aspect	3	
	No	-	-	

Table 15 indicates the response of the law executing officers and how they gave assistance for the women that have come to the association. In response to the question that indicates the nature of their work 6 (66%) of the respondents have answered they work as a public prosecutors and attorney while the remaining 3 (34%) have indicated that they work with agencies that works on the psycosocial support of the victimized clients.

Table 16: EWLA's professionals in terms of their assistance

Have you encountered a case that needs to refer back to the revised family law?	If yes how did you treat those women that comes to the association looking for your assistance?	Total	Percentage (%)
Yes	By examining their cases through following the legal procedures and giving them legal assistance there after	2	23%
	By contacting responsible bodies for the necessary intervention and giving them legal advice there after	4	45%
	Giving them legal assistance and contacting the responsible person and organizations for their well being	3	32%
No	I don't have direct connections with them	-	-

Table 16 tries to assess the assistance and treatment that were given by the professional whenever the clients come to the association. All of them had responded yes to the question whether they had encountered a case that needs to refer back the revised family law; and when asked how they treat the clients that have come in the office looking for their assistance 4(45%) of the respondents have said that it is through giving legal advice while the 3(32%) of the respondents had shared their ideas by saying giving them legal assistance and contacting responsible persons and organizations for their well being while the 2(23%) have indicated that it is by examining their cases and following their cases there after Indicating EWLA's work to be integrated among the professionals them selves and other stakeholders

Table 17: The Professionals Understanding about EWLA's contribution for the Revision of Family Law.

Do you think EWLA had met its objective in protecting the rights of women and children		What is your understanding of EWLA's contribution for the revision of family law	Total	Percentage
	Yes	It played a vital role in forwarding some of the points for its revision	5	55%
		It played a role though there are some problems in the implementation and execution	3	33%
		As it works on the rights of women and children there is some part that is contributed by EWLA	1	11%
	No	I don't know and I don't think it contributed	-	-

Table 17 indicates the professionals opinion about the role of EWLA for the revision of family law. About the professionals / legal personnel's that found EWLA to meet its objective in protecting the rights of women and children 44% have reflected that it made a vital role in forwarding some of the points to be considered to be revised for change while these idea is shared and by the 33% of the professionals that said it contributed a lot though there is problems in the implementation while 11% have said that there is still a role that is played by the organization as it works on the women's and children's right.

Table 18: The Professional's Overview of EWLA

Do you think EWLA made special contributions for the protection of the women's right	What makes you think it played a peculiar role as there are other organizations that are concerned with the help of women and children ?	Total	Percentage
Yes	Because it tries to touch upon the issues that is kept secret and confidential	3	33%
	Because it focuses on the women's right and right of those who is dependent	4	44%
	you think the fact that EWLA contacted different concerned bodies for the solving of the cases makes its role special	1	11%
NO	-----	-----	-----

Table 18 indicates the professional's overview on the association . the majority 44% of the professionals think that EWLA made a special contribution for the protection of the women's right as they advocated for the women's and children's rights and right of those who are dependant while 33% of the respondents have shared their ideas saying it played a special role as it tries to touch upon the issue that is kept secret and confidential. While the rest 22% have reflected the fact that EWLA contacted different organizations and make a different attempt to make the respondents awareness makes its role special

Table 19: Professionals Attitude on the Client's Understanding

Do you work with women that come with familial cases?	What about women that is have lost their property rights	How do you rate their understanding of the revised family law	Total	(%)
Yes	Yes	You rate it as a good one	2	22
		You think most of them have got a poor understanding that there must be things that must be done for its improvement.	4	44
		You think they have good understanding but a little bit abused as they lack a proper information	3	33
		As there are different clients coming I cannot rate their understanding	-	
No	No	-		

Table 19 shows the professionals response on their understanding of the family law. All of the professionals have answered yes when they were asked to question whether they have worked with women that have come with familial cases and with those women that have lost their property rights when asked how they rate the clients understanding towards it 22% of the respondents have answered that they rate is as a good one; while 44% of the professionals have said that the majority has got poor understanding that needs further improvement through awareness and education while the rest 33% have responded that the majority of the respondents have good understanding but little bit abused as they lack proper information.

The Major Findings of the Study-

Basically the findings of the study is categorized into Four major parts and designed in a manner to answer #1, 2, and 3 of the research questions. As it serves as a back ground, information, the clients the socio-demographic characters would come first, followed by EWLA's role in the assistance of the women . In response made to answer #1 of the research question, attempt was made to summarize the role of the association from two aspects, i.e from the aspect of the service given by the association to the clients, and from the prospect of the services given by the professionals. With the attempt made to answer #2 of the research question, the success of the organization in protecting women looking for its assistance was mentioned. For answering #3 of the research question, attempt was made to address the challenges faced by the association in assisting the women.

The socio demographic variables gives a general description of the respondents that come to EWLA looking for its assistance . Though there are many indicators that can be served in the measurement of their status, using the educational, occupational age and mode of living status was sufficient; as it gives a picture of the women that comes not in EWLA only but represents the majority. As the concern of the research is to reflect some of the gaps that is created on the women, would like to express what is gained as a result of their response for the development of further action by concerned bodies. When the respondents are described in terms of their socio-economic variables 41(82%) of the respondents are below the age of 41, while the number of respondents who have completed grade 6 is 32(64%) . When viewed in terms of economic activities the majority 38(76%) of the respondents are found on an activity that secures the bare minimum. Referring their general cases for coming to EWLA, 32(64%) of the respondents came with the case of abuse while 18 percent came with different marital

problems. In making the case more specific we found 22(44%) of the respondents to come with the issue of budget for growing children while 17(34%) have come with the issue of divorce and property division while the rest 11(22%) came with other conflicts in their marital lives.

Thus, in observing the above statements one can easily trace the underlined factors that can contribute for the women's suffering. The study believes age to take the first part as it has to do something with maturity. As the majority has concluded their marriage at the age of 18-30, there is no confidence that they can handle the disagreements created in their homes. Besides as they lack the proper education and occupational activities, the majority are economically dependent looking for the husband's aid and assistance, for the decision making and management of household activities. Thus can not be counted as major contributing factors, the socio- demographic status would give some pictures on about the situation of the women.

In answering #1 of the research question, attempt has been done to mention some of the roles that is contributed by the organization, for clients coming for assistance. Basically the role was mentioned from two prospects, i.e. from the prospect of the services given by the association, and from the prospect of the professionals that work in the Ethiopian women lawyers association. As it was proper to mention how the clients hear about the organization before talking about the services given by the association, the respondents were asked on how they come to know about the organization and the services rendered by it. Thus, 26(52%) of the respondents have indicated that they come to learn about the organization through a relative or a friend while 12(24%) of the respondents expressed they got the information from the Kebele officials and the rest 7(14%) of the replied to get the information through advertisements made by EWLA. With respect to the services they get from EWLA, 12(24%) of

the respondents have indicated that it is the issue of paternity and request of budget for growing child, while 17(34%) of the respondents indicated it to be the issue of divorce and property division where as the other 10(20%) had said that it is the issue of budget and decision regarding the child. When seeing in a general form the followings are the major services rendered by the organization.

1. Legal advice service- one of the most important services given by the association to the women. At the start of the process, the service does not believe in passing the clients through complicated legal procedures as there is a belief that says the solution is in the hands of the clients and their case will be solved if they give it a try with the process of reconciliation. For this the legal advisors of EWLA, will take time with the conflicting spouses trying to ease the communication between the spouses, serving as a mediator. If the process works and the spouses took the idea, their cases will be resolved without breaking their homes where as the legal procedure will follow if the reverse happens. As it is the women that must be helped most times, legal advisors will take time with the women, assisting them in writing letters and court procedures. From the conducted study, 68% of the respondents are found to be beneficiaries of legal advice service, where as 20% of the respondents are beneficiaries of the legal aid service that is given by the organization in previous times, where as 16% were benefit other services rendered by the organization.

2. Legal aid service- at the start of the organization, this was the major service given by the association in the assistance of the women. As it is believed the majority of the women can not cover the cost of suing the husband, the professionals of EWLA will attend the cases of the women on their behalf charging them little amount or no money. Though it is difficult in these days to render this service due to the economic, social and political conditions that was

created in the association in the current days, there were beneficiaries of the rendered service of the previous times. Thus in the study 10 (20%) of the respondents have indicated to be beneficiaries of these service.

3. EWLA's contribution for the revision of the family law- Being an organization that works on the women's economic, social and political situations, there are certain steps taken for the rights of the women through the use of law reform, public education, legal advice services and the like. As familial issue is one of the areas that the right of the women is violated there are certain points that were forwarded by the organization in the amendment and modification of the previous law as the minimization of marriageable age, divorce, pecuniary effects, sale of property and immovable etc. Though it is been said that the association has played a major role in achieving these points, there are still some points to go in the understanding of the respondents. As we come to the understanding of the respondents concerning the work of the association, only 18(36%) of the respondents have a positive out look there are some things done by this organization on the revision of family law while the majority 32(64%) of the respondents doesn't know EWLA's contribution for the family law revision showing the gap to be communicated through public awareness and raising.

4. EWLA's contribution for the protection of harmful traditional practices- women face many unfavorable situations not only in their marital lives but also in their familial lives. Knowingly or unknowingly they are susceptible for victims caused by family members, neighbors and friends, in which early marriage, abduction, circumcision can be cited the major examples. To prevent these practices there were movements made by some organizations in which the Ethiopian women lawyer association take the lead role. However,

this role is not noted by the majority of the beneficiaries of EWLA. When we look at the majority of the respondent's on EWLA's role, only 7 (14%) of the respondents have managed to say yes, while 12(24%) of the respondents gave a hesitant answer where as the majority 56% of the respondents have said that they don't know whether EWLA contributed for the removal of discriminatory traditional practices or not where as 3(6%) of the respondents have said that they don't have any clue about EWLA's work on the direction.

The Professionals overview on EWLA's service- designed #1 of the research question from the professionals point of view, this part deals with the service given by legal professionals. To serve the purpose, a separate questionnaire was designed concerning the nature of their work, the services they were giving in the association and the significance of the organization in assisting the women coming for assistance, the gotten response was indicated in the following manner.

1.The professionals overview about EWLA in terms of the assistance they are giving for the clients- 6(66.6% of the respondent have indicated they work as legal professionals in EWLA on a part time and full time basis while 3(33.3%) of the respondents have indicated to work as a stake holders with EWLA on the psycho- social support of the women who is victimized. When these officials were further asked how they treated these women 2(23%) of the respondents have indicated it is through examining their cases and recommend the proper legal procedures, while 4(42%) of the respondents had indicated it is through contacting responsible bodies for the necessary intervention and for the legal service to be given for them. Indicating EWLA, is not only concerned with the legal procedures only but also for the well being of the victimized women.

2. The professionals view about EWLA and its contribution for the revised family law- as there were other organizations that works for the women's right, the professionals were also asked in what way they think EWLA's role is a special one. Thus, 3(33%) of the respondents have replied the fact that it tries to touch upon confidential and secretive issues makes EWLA's role a special one while 4(44%) of the respondents have said that it is its concern and focus on the women's right and right of those who are vulnerable that makes its role special. While the other 2(22%) of the respondents have said the fact that it is contacting different bodies and organizations of behalf of the victims and the role it played in giving legal aid and public awareness services makes its role special. Concerning EWLA's involvement for the revision of family law, the majority 66% of the respondents have replied that EWLA take major part in seeing the gap that is in the previous law and forwarding some points for revision, while 33% of the respondents have agreed that it played a major part in the revision though there are certain problems in the implementation.

3. View of EWLA's professionals on the clients understanding of EWLA- as they are the first to contact the clients when coming with different cases, the professionals how the understanding of the clients are about the works of EWLA. . Hence, 2(22%) of the respondents have rated it as a good and reasonable one , while 4(44%) have explained it to be poor and be done something for its improvement while the 3(33%) of the respondents have added to it saying that though they had an understanding about the work of the organization there must be something to be done as it is abused and distorted most times.

In addressing #2 of the research question, some questions were raised on the work of the organization regarding the protection of women and child rights, in the contribution of the removal of harmful traditional practices. 50% of the respondents have indicated that EWLA

have contributed for the protection of the rights of women in one way or the other while they gave a hesitant answer when asked about its contributions on the removal of harmful traditional practices and revision of family law. Meaning, only 7(14%) of the respondents have confidently replied that EWLA have made certain steps for the removal of harmful traditional practices, while 43(86%) of the respondents have indicated they don't know any thing about its work. In a similar manner, the response gotten from the respondents concerning the work of the organization was not satisfactory, as the majority of the respondents were not informed about EWLA's contribution for the revision of family law , as the majority is concerned with the temporary resolution of their cases.

Addressing # 3 of the research question goes to mentioning the challenges faced by the organization in rendering the service. Though there are many that can be cited as challenges for the organization's performance, the study believes in the necessity of mentioning:

1. The client's attitude towards the association- when coming to EWLA, not all clients have come with the proper expectations and clear picture of the organization. Some may come unrealistic expectations while the others would come and wouldn't even know how to start the process. As the majority of the clients wouldn't pass through the proper office procedures there will be a tendency to get into conflict with the professionals. In some cases on EWLA's side also there will be long and extended appointments, complicated cases that need the opinion of other professionals, feeling of being misunderstood by the clients, etc
2. The availability of professionals to render the service on EWLA's side- in EWLA the proportion of the clients that come looking for assistance does not match with the professionals that gives the service. The fact that some of the professionals work in

EWLA on a part-time base makes the situation even more complicated. Due to this there is a delay in fulfilling the commitment on the professionals in some instances. Not only this as there is a mismatch in the number of professionals in some cases occurrence of extended appointments, miscommunications between the professionals and clients will occur and affect the good will of the organization.

3. Budget constraints faced by the organization- in the current days EWLA manages to serve the clients with limited professionals devising various mechanisms to satisfy the demand of its clients. Though there are many factors that forces this organization to perform like this, its budget constraint and the limited budget it has will take the first factors.

Response that is gained by in-depth interview from the wereda officials-

This is a response of the gathered from an in-depth interview, the main aim of organizing the it was to supplement the response that is gained in a quantitative manner. Thus 5 officials that works on the right of women and that have connections with EWLA, were interviewed so as to get the a complete picture of the work done by EWLA at a Wereda level. Questions regarding what the officials were they are doing in-terms of protecting the rights of women and children, the services they are giving, how they describe the Revised Family Law were presented to these officials. Thus, they responded their work is given by dividing them into three groups as youth , children and the women themselves. They also mentioned they give particular services for each groups as:

- **Awareness raising service(for the women)** - as they were the majority that come to the Wereda looking for assistance and interference an organized legal body, there was a belief to give awareness raising for the women. The major point on which they have to

get awareness was on how they prevent abusive situations that is caused from their husbands, relatives and strangers, about gender equalities, some contents of the revised family law. When seen and through experience, as the majority of the conflict arises from economic problem, programs that deals with capacity building and economic ability of the women is given emphasis. Thus activities that encourages the women to get into income generating activities and self-help activities of the women are encouraged as part of the training awareness. Hence, the wereda selects women that have economic problem make inclusion criteria, lend them some to be enrolled in economic activities as selling of enjera, food preparation, hair styling etc.

- For the child- give them assistance including the provision of different schooling materials money, promotion letter for corresponding organizations so as to assist them to look for sponsors. Besides, the Wereda also organize awareness raising program for the localities of the people on issues as:
 - On the child right and positive child protection process
 - How to protect boy's abuse
 - Alternative child care method, as foster care , adoption etc

For the Youth –

Organizing sessions after school so as to supplement them after school and offering skill training programs for children that finished high school.

Regarding the services they are giving to women that come in conflict with their families Under normal conditions, the Wereda does not see the cases of husband and wives as the case will be

directed to legal advisors. But as there was a thinking that these legal advisors are busy and sending the small cases also to the legal advisors, there was an agreement to resolve some of it a Wereda level and the major work done at a wereda level was

1. Counseling Service- there is a tendency that the women can come to the organization bitten, and in un settling situation, a session will be given for the women so as to calm down themselves and explain the event . If there was a need, a paper will be produced by the office to summon the husband so that the case will be heard from both sides. In some cases the interference of police officers to handle the case was necessary if there is a physical abuse in it. As the case cannot be solved at Wereda level it will be sent to the Legal Advisor of the kifle ketema. There women will be helped by preparing charges, and if necessary will be sent to Ethiopian Women Lawyers association. and if the case higher it will be sent to EWLA.

The third question that was present to the officials was on how they explained the revised family law, in terms of assisting the women that comes to the organization in need of assistance. They said the revised family law was important for the women as it:

- Shortens the process- meaning under normal circumstance the women may has to go a long process in terms of property management and division when ever she faces a challenge in her marital life. As the revised family law shortens the process in which the women has to go, it makes them beneficiaries especially at the time of property division.

- It helps the women to be handled in a better way as it creates access to contact legal advisors, that are in the wereda or at a higher level as Ethiopian women lawyers association, for the better handling of their cases.

Regarding on the question how they see the work of EWLA, the officials have said it had taken major step for the improvement of the rights of women and concerning their work with EWLA they have said they share some experiences for their work in the assistance of the women. Not only this the officials also said that the the service given to the women is good in general terms. Knowing the fact that there is a responsible body that can advocate on their behalf gives the women the confidence, to come with all their problems. Not only this, by coming to this organization they will be guided with the necessary legal procedures, and formalities with out occurring much expense and effort. However, as seeing the proportion of the women that needs to be helped , there is much step for EWLA to go

CHAPTER FIVE : SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Summary

For many years it is not that uncommon to hear the women bear many unfavorable situations starting from their childhood. It begins with the discrimination at home while it continues when she gets married. As most lack the necessary knowledge, skills and abilities to lead their lives most will be forced for the economic dependence on the husband, even if they wanted to be liberated, forced into the situation as most are confined with household responsibilities and child caring practices. The worst happens to them if they had a conflict with the husband that can end in separation or divorce. As they do not know how to go with the proper procedures most have faced unforgettable situations on their separations while the others have chosen to bear their situations in fearing not to be like their friends.

In the attempt of easing this situation, the Ethiopian Women Lawyers association was established in 1995, with the Objective of Illuminating Discriminatory Norms and Applications Against the Women. Believing the women face a disproportionate magnitude, of discrimination at their homes, the organization made family law its primary concern, opposing some of the working law of the 1960s and proposed for some to be changed. In addition to this, the association has also worked for the distribution of a uniform family law among regions

Thus, the need to study in the area comes from analyzing this fact. First and foremost, the research believes in the importance of conducting the study in the association, as it gives insight for the professionals to evaluate their work tracing its major achievements and areas of improvement. Second also play a role in giving chances in seeing the existed gaps and fulfilling the objectives. Third, as a Student of Social Work it would given liberty to propose some points in the form of policy development. To achieve this, some of the raised questions

were, questions regarding the role of the Ethiopian Women Lawyers Association, concerning its achievements and shortcomings, regarding its success on the protection of the women's right and the challenges faced by the association. The study uses a combined method of qualitative and quantitative methods to gather the information from beneficiaries that comes to the organization looking of its assistance. Moreover, it has organized in-depth interviews in a qualitative manner so as to supplement the result from the collected data. The findings of the study has indicated that, EWLA have done several works regarding protecting the women's right that can be expressed in the form of legal aid and legal advice services where as it indicates that there are some remaining parts to be done.

5.2 CONCLUSION

Violation of the Women's right is not a one time incidence that appears in the life of the women with a single instance. It has many social, economical and religious factors packed in it, giving rise to its emergence and long existence. To challenge this many association have appeared, but failed not able to function and fulfill their objectives as designed. The study believes the emergence of the Ethiopian Women Lawyers Association (EWLA) had contributed a great deal in changing this situations as it properly addresses the issue of women with the necessary legal skills. Though, in the current days there are some social, political and economic hindrances faced by the association, it still is functioning to protect of the women's right devcing different mechanisms to address the problem. Concerning its current condition in which there is a shown gap in demand and services, he role the organization is playing concerning the women's rights is undeniable. The study indicates on its final conclusion, that EWLA needs to work with other stake holders for the better protection of the Women's Right

as it is a bigger concept that can not be unreachable with the effort of few concerned organization , but with the collaborative effort in general.

5.3 RECOMMENDATIONS

In the research, attempt have been done to view the assistance made by the Ethiopian Women Lawyers Association in respecting the rights of the women giving especial emphasis for familial issues. The research has observed some gaps on the part of the women and on the association, forwarded some points as a recommendation on the conclusion of the study.

1. As the majority of the women are concerned with the temporary relief of their cases, most are not concerned in understanding to full objective of the organization. As a result, there will be misuse of information when they come to the organization or when they tell others about EWLA. Thus it is recommended for EWLA to clearly introduce its objectives in the form of advertisement mechanism as medias, communications, advertisements, and the like
2. Besides the work it is doing in the form of legal advice and legal aid, EWLA should take programs that can emphasize on the capacity building of the women as the source of most familial conflict is economic problem. . Meaning it would be best for EWLA to include capacity building programs for the women, create access for the women if possible in which they can be beneficiaries.
3. As it is concerned with the rights of children also, it would be best for EWLA to devise mechanisms to control problems before their happenings To do this EWLA must

widen the connection it has with schools, high schools , colleges , universities , medias, and the like, give programs that is related with familial issues.

4. EWLA must reinforce the work it is doing with its stake holders as network of women's associations, weredas, kebeles and other concerned bodies. To some extent it would be best for EWLA to strengthen the connection it has with wereda level, train them how to handle cases so as to relieve the load it has in meeting the demands of its clients.
5. By being a stake holder with other organizations, EWLA must work closely with other organizations for the better experience sharing of its professionals and exchange of idea on the assistance of women. In doing this, there will be better chances for the provision of budgets and extension of its work.

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Annex I . Interview Schedule for the Beneficiaries of EWLA

My name is Meron Girma. I am a Masters student in the Department of Social Works at the Open University of Indrah Ghandi (IGNOU). As part of my graduation process, I am expected to do an M.A Thesis on Revised Family Law in connection with the Ethiopian Women's Lawyers Association (EWLA). It is remembered that this organization had forwarded some points for the Revision of Family law in the 1960s. As a client and beneficiary of the is organization, I am confident that there are some points that you can forward for me that can be used as a good output for the Research. Thus I chose to discuss general and specific points and issues with selected person like you to get ideas on the real knowledge, attitude and practice with regard to the noticed changes. Besides, on the questionnaire, I gave you the liberty to express what you have observed in the performing of the organization when you come as a client. Therefore, I would like to disseminate a three pages questionnaire for you to be filled, with my close assistance on some of the points on which you are not clear. Doing so will not take more than 10/15 minutes. You can raise any questions, comments, ideas and your experience you think relevant in relation with the questionnaire freely.

1. General Information of the Client

1. Name of interviewee _____

2. Date of interview _____

3. Name of sub-city _____

4. Age of the interviewee _____

5. Household types

- 1. Male headed household
- 2. Female headed household
- 3. Separated/ divorced and lived with her children
- 4. Have never been married, gave birth to a child friendship
- 5. Living together but on the process of divorce
- 6. other specify _____

6. Religion of the interviewee

- 1. Orthodox
- 2. Muslim
- 3. Catholic
- 4. Johova
- 5. Adventist
- 6. Protestant
- 7. Pagan
- 8. Other please specify

7. Educational level of the Interviewee

- 1. From grade 1-6
- 2. From grade 7-12
- 3. Vocational level
- 4. Diploma level
- 5. First Degree
- 6. First degree and above
- 7. drop out specify
- 8. Didn't have any education

8. Occupational status of the Interviewee

- 1. House wife
- 2. Professional position
- 3. Daily laborer
- 4. For the time being doesn't have any job
- 5. Office worker
- 6. Petty trader
- 7. Administrative position

II. Capacity Questions (EWLA' S Performance)

1. How do you hear about Ethiopian Women Lawyers Association and become a beneficiary of it?

1. through the advertisements it made, through the medias and communications
2. through the publications, flyers and booklets it produces
3. a relative/friend have informed you about the organization
4. you got the information from the sub-city administration and kebele officials
5. you have an encounter with them through work process
6. you came to meet them accidentally
7. other please specify _____

2. What were the cases that brought you to Ethiopian Women Lawyers Association (EWLA)

1. Disagreement in the family, accompanied by physical and verbal abuse
2. Issue of paternity and the request of budget for the growing children
3. Issue of divorce and property division
4. Issue of separation followed by peaceful reunion
5. the issue of paternity, budget and the decision regarding the child
6. looking for trainings concerning empowerment and public education
7. looking for public awareness program and training for empowerment
8. Other please specify _____

3. Can you specifically mention the services you get from Ethiopian Women Lawyers Association (EWLA)? What did you get?

1. Legal advice
2. Legal aid
3. Public awareness
4. an appointment for the next time to follow the case
5. a decision with first contact
6. an order and appointment for your husband to talk to him and present the case to the court
7. an attempt to make a reconciliation between you and your husband
8. Other please specify _____

4. How do you see the services when you come to EWLA

1. Satisfactory because they assisted me a lot to handle my case and through their assistance I have reached a certain stage
2. satisfactory, through their assistance I am able to start the process but I don't know how it ends
3. they have helped me to solve my case by directing me through the right legal procedures
4. it is my first time, but the legal advice I got from them make me clam and evaluate things and hope the end result will be good
5. It is my first time their reception is good, but I can not say much as I don't know how they handle the case
5. Not satisfactory, I don't even see their significance
6. it is my first time and I don't know how it ends
- 7 Other please specify _____

5. While coming to EWLA if you find your case not treated as you expected what do you think the major reason is

1. the complicated nature of the case you have
2. the inefficiency of the professionals to understand and pursue through the case
3. the incapacity of law executing agencies to resolve the case
4. The long and extended appointments that EWLA is giving.
5. the incapacity of EWLA to contact your spouse
6. your inability to explain the case as wanted
7. I don't have any problem with my expectations
8. I don't have any problem with my expectations as I got the services and hospitality I wanted
9. other please specify _____

6. In the current case do you think you are well oriented about the organization's objectives and are a full beneficiary of the services given by EWLA

1. yes
2. no
3. Partially
4. I think I am well versed of their objective that is related with my case
5. I know just a little bit I can not say I am well oriented

7. If you had encountered marital problem what were the major reason that hinders you to look for the assistance of EWLA upto now?

1. Because it is inappropriate to expose your family secrets
2. You were not clear about the objectives and the works of the association
3. you don't have any idea about the Ethiopian Women Lawyers Association
4. Because you thought your problem will get aggravated it gets a legal touch
5. other please specify _____

8. Do you really think the services given by Ethiopian Women Lawyers Association (EWLA) really help the women to solve their problems related with familial issues ?

1. yes, I think , because it is the whole purpose that the organization had stand for
2. the association assists many women that come with different cases so I don't think it has given a special emphasis for the women that come with familial cases
3. no, I don't think, rather it complicates the problem the women may have
- 4 yes I think it helps the women by specially playing a major role in assisting the women who came looking for the right legal directions and procedures especially with their family cases
5. I think the service helps the women partially but cannot say the service fulfills the request due to various reasons
6. it helps the women that are suffering on their property rights .
7. it gives both services that are cited in #4 and 6
- 8 whether it helps or not depends on the cases that the women have
9. other please specify _____

9. Before coming to the Ethiopian Women Lawyers association, how would you manage to resolve the problems you had with your spouse?

1. Through family arbitration process
2. Through the involvement of families and relatives
3. You were able to resolve it without any bodies involvement
4. You had to see different responsible bodies every time whenever there is an argument
5. Through the involvement of religious fathers and leaders
6. Other please specify _____

10. If you were judged through the family arbitration process, were you satisfied by their judgments?

1. Yes
2. No

11. If no what were your reasons?

1. You think in most cases the male is favored in their decisions
2. the women doesn't have a say to confront them and their decision is more like an imposition
3. as they have seen marriage as an inseparable union they will oblige the women to stay with the husband
4. agreeing to their decisions were the only option I had to raise my kids
5. Other please specify _____

12. Do you think EWLA has also played a role to minimize the role of family arbitrators ?

1. yes
2. no
- 3 I don't know

13. What is your understanding of revised family law? Do you think EWLA has played a role for the implementation of revised family law?

1. yes I think EWLA had played a certain role for the implementation of the revised family law but I do have little understanding
2. No, I don't have any understanding about the revised family law, but I think EWLA had a role to play
- 3 I don't even have a clue about the revised family law and I don't know about the works of EWLA.
4. I know a little bit but I don't think I have a through knowledge
5. I know only of the cases that is related with my case
6. other please specify _____

14. Do you think EWLA forwarded better provisions for women and children to be considered in the revised family law?

1. yes
2. No
3. I don't know
4. I think so
5. I think so but I don't know them

15. If you are married at your early age, what were the reasons that forced you to do so?

1. the beliefs, cultures and traditions of the people in your locality
2. the arrangements that is made between your parents and the parents of your spouse
3. the hindering factors as abuse , abduction and rape
4. the factors beyond the control of you and your parents
5. with your initiative and belief
6. other please specify_____

16 Do you think EWLA played greater role in the removal of discriminatory traditional practices as circumcision, early marriage abduction and the like?

1. yes
2. No
3. I don't know
4. As it works on the rights of women and children, there is a role to play for the association

17. If yes are there any visible changes? Do you think it is successful?

1. yes
2. No
3. I don't know
4. Yes, there is even if I can't mention
5. No I don't think there is any visible change and I don't think EWLA had taken a part

18. Why have you applied to Ethiopian Women Lawyers association for their assistance?

1. because you get bored to live with your husband being tortured and abused
2. because you do not get the proper assistance and treatment if you applied for help with other bodies
3. because you are a women and are economically dependent on your husband and wanted someone to assist you on the legal procedures
4. you were educated and financially strong but wouldn't know what to do due to the conflict created with your spouse.

- 5. Because you had a disagreement with your husband concerning the management of your house and children
- 6. Because you don't have the proper understanding of the law, you want someone to be at your side
- 7. Other please specify _____
- 8. All
- 9. All except no 4

19. How do you rate the legal aid and legal advice services given by the Ethiopian Women Lawyers association (EWLA)?

- 1. you think it is good, because it can do something in assisting the women
- 2. you think it is not good because it can widen the gap between the man and the women and expose the women for further problem
- 3. I don't think it can be effective because after so much negotiation and bargaining the women decide to stay with the husband
- 4. Though the service is good, I don't think it would be satisfactory as there are things to be attended after the legal aid process.
- 5. Especially I think the legal advice service that is given have assisted the women to clam them selves and think the procedures with a sound mind
- 6. Other please specify _____

20. While thinking of the issue of legal aid, do you also think that it has given services for the women that are abused and tortured by the husband? If so how?

- 1. by interfering through the legal procedures
- 2. by contacting other stake holders for the rehabilitation of the women
- 3. by devising the mechanisms and work on to resolve their disagreements peacefully
- 4. by empowering the women on her marital rights and proper legal procedures
- 5. Otherpleasespecify_____

21. While seeing the over all performance of the Ethiopian Women Lawyers association, do you really think it contributed something for the women's wellbeing?

- 1. yes
- 2. no
- 3. Partially

22. If the answer to the above question is no 3, what do you think the reason is

1. lack of qualified personnel's on EWLA's side
2. lack of financial resource to meet the women's demand
3. unwillingness of the women to expose their marital secrets
4. the inefficiency that is observed on the law executing organs
5. the delay to meet the women's demand by the law executing agencies
6. the mismatch of the legal professionals and the clients
7. other specify _____

Annex II. Questionnaire designed to EWLA's Professionals

1. Name of interviewee _____
2. Date of interview _____
3. Name of the organization _____
4. Position of the interviewee _____
5. For how long have you worked in the organization?
 1. From 1 month -2 years
 2. from 2 years -5 years
 3. from 6 years-10 years
 4. above 10 years
 5. other please specify
6. What is the nature of your work?
 1. You are a police officer that was assigned to maintain peace and security among the society
 2. A public prosecutor/ judge or attorney that seriously follows the implementation of the law
 3. An agency that works the psycho social support of the abused women
 4. An agency that works on the economic empowerment of the women
 5. Other please specify
7. If you work in one of such organizations have you come across the chance of working with women has been abused?
 1. Yes
 2. No
8. What about with women that has lost their property rights
 1. Yes
 2. No

9.If your answer to question no 8 and 9 is yes how did you treat them?

- 1.by examining their cases through following the legal procedures
2. by sending them to the appropriate health station for a medical follow up
- 3.by making a proper track of records to trace the abuser
4. by contacting the responsible person for the well being

10. To resolve such a case do you work in close collaboration with organization as Ethiopian women lawyers association?

1. Yes
2. No

11. If your answer to question no 9 is no 1 or 2 or 3 then how do you evaluate EWLA's performance? Do you think it met its objective?

1. Yes
2. No
3. Partially

12. If so what exactly is your connections?

- 1 you have connections on the psycho social support
2. you have connections on the legal aspect
3. you have connections on the medical aspect
4. you have connections in implementing the law aspect
5. Other please specify _____

13. If your answer to question no 10 is no 1 how specifically would you justify your work with EWLA?

1. one of the implementing organs as police officers
2. of the organizations that advocated for a policy change for the women's rights
3. one of the designated organs to help the women legally as judges , public prosecutors
- 4 of the organizations that supports the objective of EWLA by presenting medical evidence
5. other please specify _____

14. If the answer to question no 11 is no 3 what do you think the problem is ?

1. it lies in the capacity of EWLA, in understanding the problem of those women and children
2. the communication gap between EWLA and other organizations
3. the problem does not lie in EWLA but in the implementing agencies
4. the problem lies in the stakeholders of EWLA

15 What makes you think EWLA played a special role in the help of women and children as there are also other organizations?

1. you think it played a special role because it tries to touch upon the long existed problem of women
2. you think it played a special role as it focuses especially on the women's right especially on the right of those who are dependent
3. you think the fact that EWLA contacted different concerned bodies for the solving of the cases makes its role special
4. besides the legal aid service it is giving, you think the public awareness service and the training service that is given by EWLA makes its service special

16. How do you rate the understanding of the beneficiaries while working with them?

1. you rate it as a good one
2. you think they have poor understanding
3. you think they have good understanding but a little bit abused as they lack the proper information
4. you think some had a distorted understanding

17 What do you think the contribution of EWLA for the revision and implementation of the revised Family law

1. for the revision of the family law it played a vital role
2. it played a vital role for its revision and it works with other stake holders for its implementation
3. as an organization that works with women and understands the women's problem it works for the revision and implementation
3. as a legal personnel I would say it contributed a lot
4. I would support the idea of 1,2 and 3

18. What do you say in the implementation do you think it is successful ?

1. I would say yes it is implemented as intended

2. as there are problems and hindrances to any law I would say the revised family law had also some problems in the implementation

3. I would say there are some problems but I think it can be improved through process

4. I would support the idea that is on 2 and 3

5. other please specify

19. Do you think EWLA met its objective

1. Yes

2. No

3 Partially

Annex III: In-depth interview designed for the Wereda Officials

1. What kind of work do you do to keep the rights of women and children?
2. What kind of job do you do to assist women that come to you with familial problems?
3. How do you explain the role of the Revised Family Law in terms of protecting the right of women that have familial problems?
4. How do you describe the existence of EWLA for the protection of the women's right

Thank you !!!!