

**ST. MARY'S UNIVERSITY COLLEGE  
FACULTY OF LAW**

**LL.B THESIS**

**RAPE AND VULNERABILITY OF  
WOMEN AND GIRLS**

**BY**

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**ID No ELD 0622/97**

**JULY 2010  
SMUC  
ADDIS ABABA**

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## 1. INTRODUCTION

In 1993, the United Nation (UN) defined violence against women as any act of gender-based violence that results in or physical, sexual, psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty. These acts including sexual violence such as rape or unwanted touching, physical violence such as stabbing or punching, or psychological such as threats or repeated insults.

In most cases, it is integrally limited to cultural and traditional violence with in the women. Then violence against women and girls is a fundamental violating of human rights and should be viewed as a crime. And it is important that acknowledged acknowledge that certain forms of violence are experienced mainly by women, young women and girls. Such as rape, domestic violence, others, such as domestic slavery and female genital-mutilation.

All persons are equal before the law; without any discrimination to the equal protection of the law. And then women and girls can also play a role in affecting change. (BERCH! The Annual Journal of Eth. Women Lawyers Association Nov. 5/2004 page 108).

## **Background**

The conceptual forerunners to what are now described, as human rights were referred to as natural rights. Women's rights were not recognized in most of the world before the UN Declaration of Human Rights.

The concept of natural rights was first developed by the stoics (Roman Philosopher) and were regarded as having universal application/although it needs to be pointed out that this was only to the free born as Roman law did not regard slave women as human being/.

In Roman law a woman was completely dependant on her male relatives. If married, she and her property passed into the power of her husbands; if unmarried, she was (unless a vestal virgin) under the perpetual tutelage of her father during his life, and after his death, control passed to her nearest blood relation. If there were no close blood relations, the extended family would be responsible for upkeep.

The wife was the purchased property of her husband, and was, like a slave, acquired only for his benefit. Women could not exercise any civil or public office. Women could not continue a family, she could not be a witness, surety, tutor, curator; she could not adopt or be adopted, or make a will or contract, she could not succeed.

The first documents enshrined some kind of bill of rights (1688). These documents however has severally restricted scope in forms of the objects covered and subject protected.

The French revolution resulted in declaration on right of "Men" (1789). This declaration only protected the French men, but not the women for this reason Olympe De Gouges, declared the rights of women, (1791). The declaration had 17 articles. The preamble of the Olympe De Gouges declaration states:

*"Mothers, daughters, sisters and representatives of the nation demand to be constituted to a national assembly believing that ignorance, omission or scorn for the rights of women are the only causes of public misfortunes and of the corruption of the government, the women have resolved to set forth a solemn declaration the natural, inalienable, and sacred rights of women in order that this declaration, constitutively exposed before all members of the society, will ceaselessly remind them of the rights and duties; in order that the authoritative acts of women and the authoritative acts of men may be at any moment compared with and respectful of the propose of all political institutions, and in order that citizen demands, henceforth based on simple and incontestable, will always support the constitution, good moral, and the happens of al."*

For the reasons of this declaration De Gouges devotion to the cause of the rights lead to him being charged with treason under the rule of the convention. She was arrested, tired, and later, executed by the guillotine.

A report of her death at the time said:

*"Olympe de Gouges, born with an exalted imagination, mistook her delirium for an inspiration of nature. She wanted to be a man of state. She took up the projects of the perfidious people who want to divide France. It seems the law has punished this conspirator for having forgotten the virtues that belong to her sex".*

## CHAPTER ONE

*The special Unit (in Lidet 1<sup>st</sup> (1stance court) is protection for the victims of rape.*

### **1.1. An over view of the right of women and girls victim of rape**

The commission of any sort of offence against women could be under the jurisdiction. The institution which entertain criminal matters concerning women and children's, defend all types of offences by which the above mentioned group of society suffer.

### **1.2. Definition**

This special unit can be explained as center for investigation and prosecution of violence against women and children.

The importance of this special center can be regarded from delay of justice, conviction rate, secondary victimization at any stage, withdrawal of the case. By giving the required attention, the center provides considerable solution for the problem. The permanent importance of this special department can be considered from the point of the reason behind its foundation.

In addition to this, the manner (problems), which existed before the establishments of this special unit have been eradicated. Thus, it is worthy to say the solutions are more advantageous than the previous one.

### **1.3. Institution (Special Unit in Ledeta 1<sup>st</sup> Instant Court)**

The development in Ethiopia no establishment of law for the special unit. Ethiopia is one of the African countries which is against vulnerability of girls and women. It is really developing from time to time. So, for the sake of this improvement a new special prosecution opened in Ethiopia in 1997 E.C. in Addis Ababa; specifically in Ledeta 151 instant court.

It is obvious. That there are different levels of kebeles in Addis Ababa; and if any kind of rape or similar crime happened there, the person who faced the problem reports clearly to the police station nearby and the police station investigates the problem. After some investigation the police station sends the files to Ledeta 1<sup>st</sup> Instant prosecutor, and, then, the respective prosecutors give some details of the problem with different kinds of evidence and examples. After that the court analyzes the case based on the courts rules and principles, and then the court gives a decision. On top of this, these cases were traditionally handled together with others without giving and considering special attention for it. Nowadays, there is encouraging attempt to reduce the magnitude of this unjustifiable offence.

#### **1.4. Method of proving the offence done to the women & girls victim of rape**

Still now this institution is not completely instituted in Ethiopia. It is introduced partially. Rape cannot be only proved by eye witness or medical certificate. We need DNA test. Because I thought that this institution in Ethiopia will be helpful to prove technical evidence. For example, in some meetings, Ethiopian Higher Court workers raise essential ideas like asking the machine DNA, but the response was because of lack of capital (financial problem). But if the private advocators like NGO. (Non governmental organization) are permitted to involve in the issue, they may bring the DNA detecting machine, and it will be very easy to know the problem. Because the machine help or show the crime clearly, and also this help to show the criminal and innocent person (presumption of innocent person).

This public institution assigned by government is really attractive and essential still now. But, the system should be accompanied by a new

system and technological advancement. The old (previous) system was like this: if a crime happened, the legal system clarifies the case like this.

- The court asks the victim
- The court asks the evidence (medical)
- The court asks the witness

After this all, the court gives decision, but all the above mentioned are not satisfactory for the right and we have to cooperate or judgment. Thus, to have a genuine judgment with the NGOs we can -bring the machine DNA. This is all what we have, but there are other points that we get from NGOs.

- They will give financial support
- They will give training
- They will share experience

In Ethiopia it is obvious that there are many crimes happening from day to day and this is because of lack of awareness.

The people do not have knowledge about crime and other issues

Example:- domestic violence and rape include all activities happening at home by parents.

This creates public awareness by working in the governmental institutions.

### Example

- a) The government should give training how to minimize rape and vulnerability, specially in countryside's.
- b) The government should show video cassettes about the negative side effects of raping and domestic violence.

- Moral } Depending our cultural and religious

- Immoral } basement of our background

In Ethiopia there are three organs or institutions. Those are:

#### **A. Police**

## **B. Prosecutor and C. Judge**

### **C. Police**

The police investigate the crime, so the police should investigate the crime very well not only sitting in their office and accepting the victim's problem but the police should collect more information orally and written documents including video cassette and photographs.

After that the police should send the investigation to the respective prosecutor by attaching all the necessary files and materials explained in the above. At that time the police investigator receives reasonable report as per the commission of certain offence, he/she start investigation to disclose the truth behind the offence while the police investigator discharge his or her obligation. There are constitutional limitation which say some thing about human dignity and privacy of the suspect. Thus, by respecting such and other legal limitation the police investigator organizes the file and send it to the office of the public prosecutor office officer.

### **Prosecutor**

The prosecutor investigate the file very well based on the plaintiff and defendant rights. After receiving the file from the concerned authority, the public prosecutor examine the file whether- the accusation or compliant supported sufficient evidence, regarding to frame charge and sent to the court.

But if not contain important evidence, the public prosecutors send back the file according article 38/c/ of Criminal procedure code for further investigation to police. And the last option, which can be taken' by the public prosecutor according article 42/1/a of the criminal procedure code. Close the file because of lack of evidence.

## **Judge**

The judge gives judgment based on the evidence presented by the prosecutor or defendant. The main work of the judge is balancing the crime, equal protection before the law. These are enough but for best judgment private advocacy should be added. Here, the function of the court is passing judgment based on law. Thus, evaluating the evidence present by considering the spirit of the law, is most essential.

### **1.5. Basic principle in relation to the need of victim of rape defense (special unit)**

#### 1.5.1. The Vulnerability of Women and Girls to rape

##### Basic Vulnerability of Women and Girls to rape

**Rape:-** Rape is a sexual intercourse or penetration against the will of the victim. (Although nowadays men also are considered to the victims of rape. We are treating rape here where victims are women). Rape is one of the most heinous and shocking crimes against women conscience and morality.

As reports various parts of the world show, rape of women and young girls has increased considerably especially in recent years. But also female genital mutilation is happened on girls based on cultural or traditional backwardness of our generation. And Early Marriages:- is known that it is mostly happened in countryside and this is really bad and expose girls to be victim of HIV/AIDS and give many children and even they expose to fistula.

## CHAPTER TWO

### 2. Different International Instrument and Experiences to vulnerable Women & Girls of Rape

#### 2.1. International Instruments

As women are humans, they enjoy basic human and other fundamental rights.

Under the African charter protocol to the African charter on human and people rights on the rights of women 2003 claim:

The organization is mandated to reduce the mortality and mortally rate of women and children through the elimination of female genital mutilation (FGM) and other traditional practice.

- Promote traditional practice, which are beneficial to the health and well being of women and children.
- Advocate at national and international level on the elimination advocate actions against harmful traditional practice.

Violence is generally considered to be a violence of certain right that every human being should have namely the right to life security dignity and physical and psychological well being Article 1 of the United Nation declaration on violence against women and girls. Then the particular vulnerability of girl to violence, it is not that boys in article do not experience violence in the home family's community at school or at work but rather it is girls are often more vulnerable to violence in these settings culture and structure factors in Africa. *From Human Rights Material prepared by the Ministry of Justices Training Manual February 1999 EC Page 12.*

Declaration on the elimination of violence against women 1993. Based on article one.

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Article 1- for the purpose of the present convention, the term "elimination of violence against women" shall means any distinction or restriction made on the basis of sex.

- To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated there in and to ensure, through law and other appropriate means the practical realization of this principle.
- To adopt appropriate legislative and other measures, including sanction where appropriate prohibiting all discrimination against women.
- To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.
- To refrain from engaging in any act or protect of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.
- To take all appropriate measure to eliminate discrimination against women by any person organization or enterprise.
- To take all appropriate measures including, legislation to modify or abolish existing laws. *Supra Note P.13.*
- Convention on the elimination of all forms discrimination against women (CEDAW 1979)
- Discrimination against women their marital status, on the basis of equality of men and women of human right and fundamental freedoms in the political, economic social, cultural, civil or any other field explained article 1 of CEDAW convention. (Ratification 10 December 1981 P.1 of 13)

## **2.2. International Experiences**

### **In Africa**

Every corner of Africa is not a safe place for women, hear & see through different sources concerning sexual and other violence against women in its aggravating form.

Though, the above mentioned points are the present reality, there are also encouraging attempts to give effective and practical solutions for these miserable problems.

To make it clear, I would like to say something about the best practice of South Africa.

With a view to making the justice system safe for the victims, a lot has been done in South Africa by giving more attention for the safety of the victims. There is coordination among governmental and non-governmental organizations starting from the case investigation up to the decision given by the court.

By doing so, they have avoided secondary victimization and increased conviction rates.

Therefore, public prosecutors lead the investigation by making a strong relationship with police officers.

Generally, avoiding unnecessary repetition of acts and wasting time, South Africa's experience could be taken as a role model for other countries. Then

implementing the women's rights in these organized institutions is effective

and free from any secondary victimization.

## **In Ethiopia**

Ethiopia ratified the declaration of human right, convention of the elimination of all forms of discrimination against women (CEDAW) and UN declaration of elimination of violence against women.

Those convention and declaration incorporated in Federal Democratic Republic of Ethiopia (FORE) Constitution proclamation No.1 of 1995. Agreement to elimination discrimination against women, so defined requires remove all bearers to the full exercise of basic human rights through any and all measures necessary. Ethiopia has; accepted the CEOAW and has also incorporated the principle of women's equality as a constitutional principle.

In FORE Constitution article 25 recognized women and men are equal and legally protected with out any discrimination based on nation, nationality, race, gender, language, religion political attitude and other opinion, property, birth.

Especially the constitution recognizes the women right of article 35 innumerate every interesting about the women right issue.

This article prohibited any law, custom and rule the Jeopardizes the women right. Proc.No.213/2000 Article 6 of Revised Family Code provides a valid marriage shall take place only when the spouses have given their free and full consent. Ethiopia has established two institutions, Human Right commission and Ombudsman to protect Human Right and

maladministration, by proclamation No. 210/2000 and 211/2000 respectively.

The UN declaration on violence against women, which "/Any act of gender violence that results in, physical, sexual or psychological harm suffering to women, including threats of such act,". Under this declaration violence is recognized as a consequence of systematic discrimination against women in both public and private spheres. In contrast to this, the Ethiopian criminal law mostly gives recognition only to those acts of violence committed against women and girls out side of the home. It defines rape, states those forceful, sexual intercourse's and child rape in punishable, when it is committed out side of wed lock. But, girl children and women suffer not only out side of the home but also within the home.

Raping by the family members example, by fathers, brothers, tutors, guardians etc. The house servant also by the administer of the house. Before the offence the girl are not given professional warning advice not to assault with persons they do not know. After the offense and after the trial, the girls are not given psychological help financial help, advice, protection from similar offense.

Then vulnerable to the second victimization because no safeguard by shelter, financial problem to competed the victims.

Then the unit should work with governmental and non-governmental organization to solve social, economical, educational problems of the victim.

### **Chapter Three**

3. Under the special unit "Federal Lideta 1st Instant Prosecution office"

### **Over View**

Rape is sexual intercourse of penetration against will of the the victim women.

Conscience and morality is a crime committed by man without her consent through the use of forced according to the above. Then sample of some case of the practice is presented.

- A. Arada Kefle Sub City Police case No 3031/96 E.C sent at the prosecution office on 11/11/96 E.C at 6 o'clock night Keble 06 around Abera Hotel the offence of rape committed against 14 years child of house servant forced sexual intercourse.

The prosecution case No. 962/97 EC framed the charges according to article 589/2/a1 of the 1949 Ethiopian penal code. Then, the Federal 1<sup>st</sup> instant court Ledeta special criminal bench unit No 3644 Tire 5/1997 E.C. The above case is annexed.

Then the prosecutor filed the charge first hearing was on 29/9/97 E.C then the prosecution based on the charge witness testified and medical certificate, after this the defendant defend according to Article 142 of criminal procedure code.

Finally, after hearing both the prosecutor & defendants witness the court give decision that makes guilty of the defendant & sentences him 15 years rigorous imprisonment.

- B. In Yeka Sub City police case file No 2314/99 E.C sent at the prosecuting office on 23/3/1999 E.C at 4:30 o'clock night around Yeka Sub City Keble 11/12 around Baldaras a 13 years child was raped.

The prosecution file No A-33/99 EC framed the charges

### **1<sup>st</sup> Charge**

The first charge under article 620/2/a of the 1996 criminal code and the 2nd charge under article 654 and presented to Federal 1<sup>st</sup> Instant Court Ledeta Criminal Bench No 1/M/P/217-h/33/99 Thahisas 11/1999 E.C. The case is annexed.

First hearing was on 12/4/1999 E.C. The defendant denied the charge. Then the prosecution witness testified and medical certificate was presented. After this the defendant presented him defense according to the criminal procedure code. After that the court pronounced 20 years rigorous imprisonment against him.

C. In Akake Sub City police case file No 1636/99 E.C sent to the prosecution office on 10/5,1999 E.C at the midnight 7:00 o'clock p.m at Akake Sub City Keble 03 a girl 13 years was raped.

The prosecution file No 91/99 E.C framed charges

### 1st Charge

The 1<sup>st</sup> charge under article 620/2/a of the 1996 Criminal Code and 2<sup>nd</sup> charge under article 33/1 and 620/2/a of the 1996 Criminal Code brought to Federal 1st instant court Ledeta Criminal bench No UM/P/k-9L-504/99 Megabt 10/1999 E.C. The above case is annexed.

Then the prosecutor filed the charge. First hearing was on Megait 11/1999 E.C both defendants denied. Then the prosecution, witnesses testified and medical certificate of .family guidance association of Ethiopia. The medical certificate says "(ጸፋፍ ሃሁን ለሥነ ምግባር ስራ ላይ ለሚሳተፉ ሰዎች)" both defendants, presented thir defense according to the criminal procedure code, but, the court pronounced 15 years rigorous imprisonment for each defendant.

D. In Woredia 24 Sub City police case file No 4186/97 E.C sent at the prosecution office on Genbot 20/1997 E.C at the 1 o'clock morning on



then the court pronounced him 10 years rigorous imprisonment.

- F. In Bole Sub City police case file No 3817/88 E.C sent at the prosecution office on Meyaza 7/1998 E.C at 3 o'clock night on Bole Sub City Keble 01 around Bole Bullbula Georges Church 38 years old W/zo attempt to rape.

The prosecution file No 5716/98 E.C framed charge under article 2711 and 620/1 of the 1996 criminal code.

To Federal 1st Instant Court Ledeta Criminal Bench No. 5885/5716/99 E.C Genbot 7/1998 E.C. The above case is annexed"

Then the prosecutor filed the charge first hearing was on Tahasas 23/1999 E.C the defendant denied the charge then the witness testified. After this the defendant had the right of defense but did not exercise it. Then the court pronounced 10 years of rigorous imprisonment against him.

Generally the criminal law of Ethiopia proclamation 414/2004 mostly gives recognition committed against women and girls forceful, sexual intercourses and serious punishment. But, rape and other serious crimes cannot only be deterred by punishment. I think deterrence of crimes is effective when the society create awareness about the consequences of bad deeds. In order the society to be aware of the negative result of crimes, the mass media has a great role on shaping their attitude.

Besides, a curriculum should be designed encampasing the issue of crime. In addition to the above ideas, meetings should be prepared for propagating the hazards of crimes so that the community may ask unclear issues for the authorities imperson, and as a result they may participate in the efforts of minimizing crimes"

In A.A City Governance there are 10 Sub City, this table show us how many infants and youths are affected by raping of two subsequent years.

No.	Sub city	1997		1998	
		Male	Female	Male	Female
1	Arada	6	88	-	64
2	Yeka	1	120	1	50
3	Colfe	7	136	-	89
4	Addis Ketaema	9	97	3	75
5	Akaki	4	93	-	39
6	Bole	2	86	2	44
7	Lafto	3	77	4	72
8	Gulele	4	93	2	55
9	Kirkos	1	83	1	44
10	Lideta	4	65	2	46
Total		41	938	15	578
		<b>4.2%</b>	<b>95.5%</b>	<b>2.5%</b>	<b>97.5%</b>

Shows the number and age of sexually & physically harmed infants & adults in 10 sub cities of A.A administration in two subsequent years.

No.	Sub City	1997				1998			
		1-5	6-10	11-18	Above 18	1-5	6-10	11-18	Above 18
1	Arada	16	25	49	4	9	20	29	6
2	Yeka	9	34	72	6	2	15	25	9
3	Colfe	4	42	88	9	10	20	53	6
4	Addis Ketema	14	20	67	5	5	18	46	9
5	Akaki	9	8	66	14	5	8	25	1
6	Bole	11	15	53	9	3	6	30	7
7	Latto	6	11	55	8	11	15	38	12
8	Gulele	8	16	72	3	1	17	31	8
9	Kirkos	10	10	51	13	9	10	23	3
10	Lideta	5	16	47	1	7	10	28	6
Total		92	197	620	72	62	139	325	67
		<b>9.4%</b>	<b>20.1%</b>	<b>63.2%</b>	<b>7.3%</b>	<b>10.5%</b>	<b>23.4%</b>	<b>54.7%</b>	<b>11.3%</b>

Shows the amount of address of sexually & physically harassed infants and youths in 10 sub-cities of A.A administration in two subsequent years.

No.	Sub City	1997				1998			
		1 0-18	19-35	36-50	Above 51	1 0-18	19-35	36-50	Above 51
1	Arada	24	55	16	7	13	42	9	5
2	Yeka	28	77	23	2	9	40	5	4
3	Colfe	29	112	17	7	26	52	13	4
4	Addis Ketema	24	78	9	5	17	52	6	2
5	Akaki	35	76	13	9	12	23	3	2
6	Bole	18	48	12	6	11	36	4	-
7	Latto	27	64	2	4	29	43	4	4
8	Gulele	32	69	11	3	14	34	10	3
9	Kirkos	23	65	11	3	14	29	5	2
10	Lideta	26	41	9	1	10	30	6	3
Total		266	685	125	45	153	381	65	29
		<b>23.7%</b>	<b>61.1%</b>	<b>11.2%</b>	<b>4.0%</b>	<b>24.4%</b>	<b>6.7%</b>	<b>10.4%</b>	<b>4.6%</b>

Shows the amount of address level of sexually & physically harassed infants and youths in terms of their educational level in 10 sub-city of A.A

administration in two subsequent years.

No.	Sub City	1997					1998				
		1-4	5-8	9-12	12+2	12+4 & above	1-4	5-8	9-12	12+2	12+4 above &
1	Arada	61	33	8	0	0	25	14	28	2	0
2	Yeka	29	52	44	5	0	20	14	21	3	0
3	Colfe	123	25	17	0	0	46	21	21	4	3
4	Addis Ketema	57	31	19	8	1	22	15	33	6	1
5	Akaki	76	37	16	3	1	19	11	9	1	0
6	Bole	29	50	5	0	0	11	22	12	5	0
7	Latto	39	27	26	5	0	40	17	16	5	2
8	Gulele	55	34	24	1	1	23	15	14	4	3
9	Kirkos	66	25	11	0	0	17	10	16	4	2
10	Lideta	39	38	2	1	0	30	9	9	1	0
Total		574	349	172	23	3	253	149	179	35	12
		51.2%	31.1%	15.3%	2.1%	0.3%	40.3%	23.7%	28.5%	5.6%	1.9%

3.1. Legal assistance of the unit

3.2 Cases entertained by the unit

3.3 Territorial jurisdiction of the unit

3.4 Coordination of the unit with other organization

Conclusions and Recommendations

### **3.1. Legal assistance of the unit**

Before the establishment of this unit any offences committed against children and sexual offences committed against women and girls were treated with other crimes. But these cases need special treatment from investigation to the final decision.

Due to the above given reason, there was secondary victimization (Secondary victimization means reputation of asking of the victim about the violence by different institution) at the time of investigation, prosecution and litigation.

It is clearly known that our society doesn't want to disclose such sort of act. Though we get certain victim disclosing the act (offence) there was no encouraging situation in the bodies of justice. Their structure and the way how to handle the case do not consider the particularity of the offence.

The investigation was conducted without giving due care for psychological and health of the victim.

Because of the given and other related problems, the conviction rate of the prosecution is very low. It is due the absence of witness in the process of litigation and the organization of the investigating file of the police.

Encouraging and common spirit for common goal couldn't be exhibited amongst bodies of justice. It is to say their collaboration by protecting their institutional independent is very weak. But, after the establishment of the said unit, there are encouraging and promising attempt, to eradicate the past problem. And to handle the case effectively.

Then, the object of the unit is to eradicate or minimize secondary victimization, to increase the conviction rate, to lead the investigation by

giving due consideration for the safety of the victim.

### **3.2. Case Entertained by the Unit**

Whatever the type of the offence, if it is under the jurisdiction of the federal first instance court, the unit receives the case where the victim is below 18 years old.

In addition to this, any sexual-offences against women and girls are also the subject matter of the unit.

### **3.3. Territorial Jurisdiction of the Unit**

Notwithstanding, there is no law as per territorial (area) jurisdiction of the unit, there is common understanding about it.

The unit has jurisdiction to entertain the above mentioned offences where the offence are committed within ten sub-cities of Addis.

### **3.4. Coordination with Other Institution**

It is general truth of things that no one can attain his goal without positive and limited relation with others.

Performing the given responsibility, for each government mechanizes presuppose mutual understanding and collaboration.

Then, bodies of justices are not without this truth. Their cumulative goal as practitioner under this area is prevalence of justice.

With a view to materialize the said responsibility, they should stand together without losing their institutional independence.

Finally there should be looking and supporting each other for police force, public prosecutor and the court because they are required to do something on the rule of law.

## **Conclusion**

It is necessary to find the possible and effective solution by considering the existing problem. As it has been indicated above, the said offence require special treatment in conducting investigation, prosecution, litigation with ethical and trained practitioner leads to avoid secondary victimization and high conviction rate. In the investigation system not only sitting in their office and accepting the victim problem, the police investigator also should collect more information orally and technically including video cassette and photograph to real evidence beyond reasonable doubt. Moreover, in the health center, Doctor should give clear medical evidence. The Doctor should write on the medical certificate every thing what he/she saw from the injured body of the victim.

Generally, unnecessary repetition of act & wasting time are some of the hindrance for justice system.

To avoid such kinds of problems the police investigator, the prosecutor and the judge should take training course from different model countries trainers. Besides, these three bodies of justice system should work cooperatively.

## Recommendation

- ❖ Due attention should be given for the unit. The unit is conducting so many activities with a small number of staff and equipment. There are other professionals needed to the unit other than lawyers particularly psychologist.
- ❖ The unit should work with governmental and non-governmental organization to solve social economic problems of the victim.
- ❖ As it has been said above, the unit should cover wider area. Then, there is necessity to establish others similar units in Addis. Not only Federal Level it should be for the regional state also.
- ❖ There are certain laws which .are required to amend and issue for ego the criminal procedure code, **the right of bail** because it is not unique practice in different court then the right of bail should **avalabl** for all society and it should be established in a clear article.

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- Proclamation NO.210/2000 and 211/2000 Establishment of Human Right Commission and Ombudsman Respectively.

## **End Notes**

## **Chapter I**

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## **Chapter II**

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## **Chapter III**

1. Legal practice of the special unit "Under Federal Ledeta First Instant Prosecution Office" annex the case.

## **DECLARATION**

I hereby declare that this paper is my original work and I take full responsibility for any failure to observe the conventional rules of citation.

Name \_\_\_\_\_

Signature \_\_\_\_\_