



St. Mary's University College

Faculty of Law

LL.B THESIS

**ABUSE OF WOMEN AND LEGAL PROTECTION IN THE
ETHIOPIAN CONTEXT SPECIAL EMPHASIS TO NEW
CRIMINAL CODE ETHIOPIA**

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**ADDIS ABABA, ETHIOPIA
JULY 2009**

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Declaration

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

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Acronyms

- FGC, FGM	Female Genital Cutting (Mutilation)
- HIV	Human Immunity Virus
- AIDS	Acquire Immune Disease Syndrome
- REWA	Revolutionary Ethiopian Women’s Association
- HTPs	Harmful Traditional Practices
- CSA	Central Statistics Authority
- FDRE	Federal Democratic Republic of Ethiopia
- TB	Tuberculosis

- CEDAW

Convention on Elimination of all forms of Discrimination
against Women

Chapter One

1. 1.DEFINITION OF ABUSE AND ABUSE AGAINST WOMAN

1.1.1. ABUSE

Abuse is a practice that involves a wrong use or misuse and a corrupt behavior. Abuse is not a desirable behavior. Abuse has various forms or aspects. In all of its forms, it affects the life of the individual as well as the well being of the society at large. Abuse is a behavior that is not governed and ruled by norm or law. It is rather a deviation from the normal or acceptable standard of behavior sanctioned by the society. Abuse is one of the categories of the harmful practices.¹ It is found in various ways and forms.

Abuse is to make bad or excessive use to take advantage of one's power, position etc. unfairly or excessively.² The terms violence and abuse are used interchangeably.³ Abuse or violence occurs when one partner physically or psychologically tries to dominate another, or when directly using abusive behaviors against another partner, regardless of their marital status or gender.⁴ where as domestic violence happens when a family member, partner or ex-partner attempts to physically or psychologically dominate another. Domestic violence often refers to violence between spouses, or spousal abuse but can also include cohabitants and non-married intimate partners.⁵ Abuse occurs in all cultures; people of all races, ethnicities, religions, sexes and classes. It does not just affect people of a certain race, age, gender or background, but knows no ethnic, cultural or personal borders. Abuse or violence may also be defined by identifying its function that being the domination, punishment or control of one's partner.

1: Civic Education student's text book grade 10 Edition 2002

2: oxford Advanced learners dictionary of currently English A.S. Horn by Fifth edition

3: From <http://answers.yahoo.com/question/index?qid=20090417111517AAOMVxO>

North West Territories Health and Social Services

4: http://www.hlthss.gov.nt.ca/english/services/family_violence/types_of_abuse/physical_abuse.htm

5: http://en.wikipedia.org/wiki/Domestic_violence#Response_to_domestic_violence

It is committed by both men and women. It has many forms, including physical violence, sexual abuse or harassment, Rape, Early marriage, Female Genital Cutting (FGC), Abduction, Psychological abuse, economic deprivation, isolation, intimidation and threats of violence. Although emotional, psychological and financial abuses are not criminal behaviors in some legal systems, they are forms of abuse and can lead to criminal violence when they are practiced beyond the limit.

Definition of Abuse against woman

Woman Abuse is any act of gender-based violence or assault that results in, or is likely to result in, physical, sexual or psychological harm, or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.⁶

Women abuse is the summary of physically, sexually and psychologically abusive behaviors directed by one partner against women, regardless of their marital status. Generally, when one form of abuse exists, it is coupled with other forms as well. Abusers use physical and sexual violence, threats, money, emotional and psychological abuse to control their partners and get their way. Sometimes Abuse is better understood by its effect on the victim than by the specific actions of the abuser.⁷ Wife abuse, wife beating, and rough treatment are commonly used terms. But there are many victims who are not actually married to the abuser. These forms of abuse have potential to lead to mental illness, self-harm, and even attempts at suicide.⁸ The U.S. Office on Violence Against women (OVW) defines domestic violence as a "pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner".⁹

6: Coordinating committee to end women abuse found in Canada:

<http://www.committeetoendwomanabuse.ca/definition.html>

7: North West Territories Health and Social Services

http://www.hlthss.gov.nt.ca/english/services/family_violence/types_of_abuse/physical_abuse.htm

8: Supra note – 6

9: Supra note -6

The definition adds that domestic violence "can happen to anyone regardless of race, age, sexual orientation, religion, or gender", and that it can take many forms, including physical abuse, sexual abuse, emotional, economic, and psychological abuse. In times of war, women suffer violence in the form of murder, systematic and sometimes mass rape, sexual slavery, and forced pregnancy.

Violence against women such as rape, domestic violence, abduction forced marriage, sexual harassment, female genital mutilation, early marriage are widely spread in some parts of the country. They are being widely recognized as a violation of women's right apart from the physical and psychological consequence it has on the life of a woman. Women in Ethiopia as anywhere else are also victims of various violence and harmful traditional practices simply because of their gender. Patriarchal domination, cultural and traditional practices, economic deprivation etc are among the reasons for violence against women in Ethiopia.

1.2 Types of Women Abuse or Violence

1.2.1 Women Abuse

Women abuse or violence against women can take the form of physical violence. It includes direct physical violence ranging from unwanted physical contact to rape and murder. Indirect physical violence may include destruction of objects, striking or throwing objects near the victim. In addition to physical violence, spousal abuse often includes mental or psychological abuse. Verbal violence does not include threats, insults, put-downs, and attacks. Nonverbal threats may include gestures, facial expressions, and body postures.¹⁰

Psychological abuse may also involve economic and social control. Controlling the victim's money and other economic resources are some examples of psychological abuse. Rape, Early marriage, sexual harassment, domestic violence, Female Genital Cutting (FGC), and Abduction are also among the most familiar women abuse in Ethiopia. Below, the researcher will deal with each type of abuse.

10: Supra note -6

I. Physical Abuse

Physical assault is the most obvious, visible, and also the most dangerous form of violence. Assaults often start small. Minor disagreement during an argument, or misunderstanding might be the cause for physical abuse overtime. If physical abuse is practiced frequently it becomes more severe. It finally could result in the death of the victim. Physical Abuse may happen repeatedly. Behaviors can range from spitting on woman to committing murder.¹¹

Examples include:

Spitting, pinching , carrying, restraining , slapping ,grabbing, twisting fingers or arms, pulling hair , pushing , punching , kicking , burning or scalding , biting, scratching, beating with , an object, poking or cutting with a sharp instrument, attacking with a weapon; and/or , Murder.

II. Threats

Where threats are made within a violent relationship they can be as devastating as the violence itself. A victim who has already suffered has no doubt of the abuser's ability to carry out the threats. Even where the victim has not been physically assaulted, the abuser will often demonstrate his ability to harm her by showing some aggressive behavior.¹²

Many threats are parts of the ongoing emotional abuse. The abuser makes the victim fear him and increases the victim's dependence on him. The abuser may threaten by doing some acts like

- To disappear with the children,
- Refuse housekeeping
- Leave

11: Supra note -4

12: Source: <http://www.hiddenhurt.co.uk/Types/faces.htm>

III. Sexual Abuse or Harassment

Sexual abuse can be defined as any sexual encounter without consent and includes any unwanted touching, forced sexual activity, be it oral, anal or vaginal, forcing the victim to perform sexual acts, painful or degrading acts during intercourse (e.g.. urinating on victim), sexual assault, and harassment or exploitation through photography or prostitution.¹³ Emotional or psychological abuse may also be used, making the victim to submit unwanted sexual acts out of fear or guilt.

If she does not submit to him as he wants he will hit her. Even he might leave her and find another woman. Any sexual act which is not based on mutual consent constitutes sexual abuse.

Sexual Abuse can involve any of the following:¹⁴

- forcing sex when you are ill or tired
- excessive jealousy
- criticizing you sexually
- forcing unwanted sexual act
- forcing you to strip, or forcefully stripping you
- sadistic sexual acts
- withholding sex and/or affection
- minimizing or denying your feelings about sex or sexual preferences
- forcing sex after physical assault
- using coercion to force sex
- forcing you into prostitution

13: Supra note -12

14: Supra note -12

IV. Forced Marriage

It is believed that those who marry very young are likely to bear more children. In rural Ethiopia, individual status is closely linked to family strength and success. Traditionally if a daughter never marries, it is taken as a shame to the family. As path finder statistics more than 85 percent of Ethiopians live in rural areas. In the Amhara Region, 48 percent of women are married before the age of 15—the highest early marriage rate in the country.¹⁵ The average Ethiopian woman bears 5.4 children during her lifetime.¹⁶ For many families, marrying a daughter at a young age is understood as the best way to protect her from sexual advances and an unwanted pregnancy.

Many development professionals consider early marriage to be the most significant harmful traditional practice for women in Ethiopia. It harms women's physical and psychological well-being. It also makes them lose their opportunity to education and future income earning potential. A woman who married early will bear more children over time. To manage a household the young mother may be less prepared to care for her children. Study shows on the causes and consequences of early marriage found that more than half of young marriages were arranged with a man at least a decade older than the girl, usually someone she had never met.¹⁷ This age difference by it self represents a huge power imbalance and invites abuse. A woman with obstetric fistula usually rejected by her husband or her parents. This is really a two fold hurt. According to Article 648 any person concludes marriage with a minor our of mentioned the relevant family code would be punishable.¹⁸ Many young wives are subject to sexual violence and exposure to sexually-transmitted infections pregnancy is an obvious risk and dangerous for young wives. This is because a young girl's body may not be mature enough to support a pregnancy or a successful delivery. This may even cause the woman to have obstetric fistula.

15: pathfinder Amhara Study, 2006, p44. EDHS 2005

16: Women's Empowerment in Ethiopia-New Solutions to Ancient Problems, Sep tember 2007
Bogalech Alemu, M.Sc., Gender Technical Advisor, Pathfinder International/Ethiopia
Mengistu Asnake, M.D., M.P.H., Deputy Country Representative, Pathfinder
International/Ethiopia Developed and written by **Jennifer Wilder**, Senior Technical

17: Supra note – 15

18: the new Ethiopian criminal code article 648

V. ABDUCTION

Most of Ethiopian Woman's are abducted before the age of 18. When women's are abducted by men they will be affected mental problem and physical problem. If she want to back in home her parents do not accept because she is raped by abductor. If her family want her back home, they can not get acceptance in the society. They can not accept once in the society.

This problem may cause so many things. For example she would be infected by HIV/AIDS or get fistula. Any person who commits Abduction with the intention to marry the woman with force by the way of intimidation, threat, trickery / deceit would be punishable.¹⁹

VI. Rape

Rape is sexual inter course or penetration against the will of the victim and rape is one of the most heinous and shacking crimes against human committed by a person in order to obtain unlawful carnal knowledge of another without one's consent through the use of force. Rape is a violation of constitutionally guaranteed rights of individuals, such as, "the right to protection against bodily harm and the right to privacy."²⁰ Rape is known to cause bodily and psychological harm to a woman. According to article 620, any person who commits sexual intercourse out marriage with a female by use of violence or grave intimidation, or after having rendered her unconscious or incapable of resistance would be punishable.²¹

VII. Marital Rape

When sexual abuse occurs within marriage, the victim will often feel very confused as to whether or not she has been 'raped'. It seems obvious to all that when a woman is raped out on the street by a stranger. that rape has occurred and is wrong. When rape occurs within the marriage, neither abuser nor victim may consider it legal rape. This is partially due to the general acceptance of the Christian tradition within our culture, which tells us that it is the wife's duty to fulfill her husband's sexual demands.²²

19: Ibid article 587

20: FDRE: constitution, Articles 16 and 26(1)

21: Supra note -18 article 620

22: Supra note -12

Many women (both religious and non-religious) don't believe they have the right to refuse sex. When they have been raped by their husband, they are inclined to take responsibility for the abuse, being felt of guilt. When no actual physical violence was used many men will deny that rape has actually occurred. They treat the abuse as though it was normal and by joint consent. This has the effect of further confusing the victim. As the Bible says Marriage is a contract based on mutual love, respect and consideration. Forced sexual acts are not an expression of love, but a purposeful betrayal of the respect and trust which form a solid marriage.

VIII. Female Genital Cutting

Women in Ethiopia are subject to a variety of Harmful Traditional Practice that qualifies as serious abuse. More than 74 percent of Ethiopian women of all ages have been subjected to female genital cutting (FGC or circumcision), a practice centuries old. Health risks associated with FGC are considerable.²³ yet, even though circumcised women face a lifetime of pain and suffering, the practice is difficult to eradicate.

The vast majority of ethnic groups perform this procedure when the girl is an infant. Usually women fear their daughters will miss a marriage and be without respect in the community. An uncircumcised woman is thought to be immoral and a threat to the family. Many believe that it is a religious obligation. Some others believe that it protects a woman's virginity and is medically beneficial. Traditionally, women perform the procedure with crude, un sterilized knives or razors. Today this makes girls at risk of infection HIV. In according to Article 565 of the new Ethiopian criminal code, any person who commits female Gentile cutting would be punished. What ever the victim age is.²⁴

IX. Psychological or Emotional Abuse

Psychological or Emotional abuse is any kind of abuse that affects the mind rather than the body. It may systematically wear away at the victim's self-confidence, sense of self-worth, and trust in her own preconception and self-concept.²⁵ It can include anything from verbal abuse and constant criticism, such as intimidation

23: Supra note - 16

24: Supra note - 18 article 565

25: Supra note-4

The abuse can be carried out through belittling or intimidation. Regardless of the specific form that this abuse can take, the negative effects on the victim's sense of self are undeniable.

Examples include:

- embarrassing you in public or in front of family or friends;
- criticizing, telling the woman she is not good enough;
- calling a woman name like stupid, cow, pig;
- constantly correcting the woman;
- refusing to be intimate with her as a punishment;
- talking a woman down because of things she can't change (race, skin color, family, history);
- terrorizing a woman

X. Isolation

The abuser will control whom the victim sees, where she goes, whom she speaks to and what she does. This can take the form of simply not allowing her to have her friends round or visit her family. He makes her feel guilty when she was out enjoying herself while he worked.²⁶

Many abusers justify their control over their victim by stating that it is proof of their love. They act as if he worries about the victim's safety when she is out. In reality however, the abuser needs to isolate his victim to feel secure himself. He feels as though any relationship of the victim with someone else takes their partner away from him. The effect of this isolation is that the victim feels very alone. This act finally makes her more dependant on the abuser for all her social needs.

26: Supra note – 4

Forms of Isolation include:

- checking up on you
- accusing you of unfaithfulness
- moving to an isolated area
- making your friends or family feel uncomfortable when visiting so that they cease
- not allowing you to leave the house on your own
- preventing you from working
- not allowing any activity which excludes him
- finding fault with your friends or family
- insisting on taking you to and collecting you from work

XI. Verbal Abuse

Verbal Abuse is like insulting names at the victim. When this action does happen, there are many more forms than name-calling. The abuser may use critical remarks (e.g. *you're stupid*; etc.) He may withhold conversation and refuse to discuss issues. Verbal abuse undermines your sense of worth, your self-concept by discounting your ideals, opinions or beliefs.²⁷

Verbal abuse can include:

- insulting you or your family
 - criticizing your interests, opinions or beliefs
 - name-calling
- a. withholding approval, appreciation, or conversation

27: Supra note- 12

- refusing to discuss issues which are important to you
- laughing or making fun of you inappropriately
- leaving nasty messages
- accusing you of unfaithfulness, not trying hard enough or purposely doing something to annoy you
- blaming you for his failures or other forms of abuse

All of these abusive behaviors prohibit normal and healthy interaction between two adults. A healthy and mutual interaction and conversation between two persons respects and promotes the right of each partner.

XII. Financial Abuse

Financial abuse involves forcing the victim to be financially dependent on the abuser by cutting off their access and control of money. Financial abuse can take many forms.²⁸

Generally, the abuser denying the victim from all access to money. He uses the money as a means to control the victim. Money becomes a tool by which the abuser can make her financial dependence on him.

Financial abuse can include the following:

- preventing you from getting or keeping a job
- denying you sufficient housekeeping
- having to account for every penny spent
- spending money allocated to bills or groceries on himself
- forcing you to beg or commit crimes for money

28:Supra note -3

- withholding money to buy food or medical treatment;
- preventing the victim from finishing education or obtaining employment,
- denying access to financial information such as how much money is coming in, how much is owed;
- not permitting you to spend available funds on yourself or children

1.3. Historical Background of Women in Ethiopia

Before the 1974 Revolution, women's organized activities were run by non-governmental bodies such as the Ethiopian Women's Welfare Association. These Associations were found however in the cities so they had little impact on government policies, laws, regulations or development programs. After 1974, the Revolutionary Ethiopian Women's Association (REWA) was established by proclamation. But since this organization was too close to the Derg it did not serve women as were expected. As a result of this there was little improvement in the lives of Ethiopian women, whether in the social, economic or political sphere, especially of those who lived in the rural areas.²⁹ From her birth, an Ethiopian female in most families is of lower status and has little respect relative to her brothers and male counterparts. As soon as she is able, she starts caring for younger siblings and helps in food preparation. She spends long hours fetching water and firewood. As she grows older, she faces an early marriage without her choice. She becomes a servant to both her husband and mother-in-law. The heavy workload imposed on girls at an early age, make girls and women lose opportunity to go to school and get their future living. Low status characterizes every aspect of girls' and women's lives.

Ethiopian women are traditionally dependent in decision making on most individual and family issues. Harmful traditional practices and gender based violence like abduction, female genital cutting, forced marriage, wife inheritance, and a high value for large families, etc. impose high negative impacts on Ethiopian women's over all life.

29: Supra note -16

For example The *National Committee for Traditional Practices in Ethiopia* identified 120 Harmful Traditional Practices (HTPs), including Female Genital Cutting (FGC), early and forced marriage, rape, and wife inheritance.³⁰

Ethiopian women are actively involved in all aspects of their society's life. Women are both producers and procreators and they are also active participants in the social, political, and cultural activities of their communities. However their roles have not been recognized well so far. The discriminatory political, economic and social rules and regulations existing in Ethiopia have deprived them the fruits of their labour. Without equal opportunities, they have lagged behind men in all fields.

It is known that Economic development is not possible without the participation of women. Women sometimes constitute more than half of the labour force. But they were not often valued as their participation in the economy. During the civil war some Ethiopian women made a considerable contribution. Both as fighters and as civilian supporters they contributed their part to overthrow the brutal regime of the Derg. Their participation in these events has helped bring them the opportunity to get special attention.

In 1991, when EPRDF came to power after over throwing Derg all Ethiopians, especially women got relief. The democratic process is able to grow and give equal opportunity to their democratic rights. The first elected Government in 1995 has given priority to the speeding up of equality between men and women. The government gave them support and even priority through affirmative action to participate and get opportunity in political and economic development programs.³¹ Following the democratic process and the constitution, many rules and regulations which were there for years against women right are amended. Moreover new codes are added favoring women. There are much better visible articles that address women issues comparing with the last two regimes in the country.

30: Supra note -16

31: Supra note -16

The recently adopted Ethiopian criminal code and family law has made traditional practices such as FGC, early marriage, forced marriage, rape, abduction etc punishable under the law. Despite all these progress in favour of them, women are still abused by men in different circumstances and situations. This shows women problems are not solved by women alone. Since Ethiopian society is highly structured and great deference is paid to religious and civil leaders, the coordinated effort of the society as a whole including the government is very important. Learning lessons from past failures and experiences is essential. Building a society that is free from partiality and sexual discrimination should be a priority. And Of course there is still a long way to go.

Chapter Two

2.1 The Traditional Gender Roles and its Influence on Abuse

Women in Ethiopia are victims of various violence and harmful traditional practices simply because of their gender. Patriarchal domination, cultural and traditional practices, economic deprivation etc are among the reasons for violence against women in Ethiopia. Violence against women is committed in different forms, including physical, sexual and psychological. It continues to occur in the family mostly in the form of beating, violence related to bride price, marital rape, FGM and exploitation. In the community and society at large, rape, abduction for marriage, sexual harassment, sexual abuse, intimidation, trafficking and forced prostitution are common forms of violence. They are widely spread in the country apart from the physical and psychological consequence it has on the life of a woman.

An Ethiopian female in most families has lower status and gets little respect relative to her brothers and male counterparts. As soon as she is able she is taught to be a servant. The heavy workload imposed on them at an early age make women lose opportunity to go to school and get their future living. Even those who go to school have no or little time for doing homework because of the heavy workload at home. They may arrive at school late, unprepared and often find it difficult to participate in class. When they reach the age where they traditionally should have been married, they are subjected to more sexual violence and abuse. Gender based violence like harmful traditional practices which includes female genital cutting, early marriage and childbearing, abduction or forced marriage, and a high value for large families, all impose negative impacts on women's life.

Ethiopia has strong and ancient traditions. The people of Ethiopia include many different ethnic groups with their own language, traditions and cultures. But almost all of them share a culture and tradition of patriarchal norms and values. The harmful or good traditional practices in most of the Ethiopian cultures give us an idea of the desired role of girls and women. In most of the cultures, the virginity of the girl until marriage is considered very important. Because of the high value given to virginity, she is guarded

closely after a certain age. She will be continuously warned and made insecure in her relationships with any male. All of these aspects have a major impact on her childhood and her youth. They are brought up to keep the culture of their parents.

FGM is one of the gender based harmful traditional practices which the girl faces at her early age due to various reasons. Different types of FGM are widespread all over Ethiopia with some ethnic groups as Exceptions. According to a national survey carried out by NCTPE in 2003, there are several different types of reasons or beliefs behind the continuation of FGM.³² The reason is that in many cultures a man will not accept a wife who is not circumcised. FGM is also considered as the protection of the girl's virginity. If she is not circumcised, she will have little chance of getting married.

Bride price is one of the causes for early marriage.³³ It is taken as economic and social status of the girl's family. In areas where bride price is paid, the economic aspect plays an important role. If the boy's family can't afford the price, abduction is an option. In some cases even though the boy's family affords the price the girl's family may reject the boy. Due to this and some other similar reasons the girl will be abducted. Both in the abduction and in the early marriage cases male dominance and female obedience can be clearly seen. In any case the girl is treated as an object that can either be sold to keep the status of her parents or forcefully taken away to serve as wife for a man.

An economic factor is one of the main reasons whether the marriage includes a bride price behind early marriages. The improvement for the boys' family includes additional labour (the girl) and possible access to additional land, when a new household is established.³⁴ Socio-cultural factors in relation to the girl's future as well as the respect of the girl's family contribute to this practice. An unmarried girl is considered helpless and unprotected. Therefore the parents of a girl child try their best for their daughter to get married.

32: (Old beyond Imaginings - Ethiopia, Harmful Traditional Practices; NCTPE National Committee on Traditional Practices of Ethiopia, p.153

33: Supra note – 32

34: Supra Note 32 Page 150

Fear of pre-marital sexual activity is also a major reason for another cause of violence in most of the cultures where early marriage is practiced, the virginity of the girl is given high value. The fear of parents that her daughter loses her virginity voluntarily or forced and get pregnant before marriage, is a key factor to allow the early age marriage. In some communities, the marriage even takes place before the girl gets her first menstruation. "...In fact, in some parts of Amhara, menstruation and hymen blood are not clearly distinguished. A girl who shows blood is considered to have had intercourse and, therefore to have been dis-virgined.

The start of the menstrual period is supposed to be induced by intercourse. Thus, the cycle of early marriage (before the menses) to avoid the shame of blood before marriage and the subsequent appearance of menses after consummation reinforce this false belief in the society."³⁵As the virginity is important to ensure a good marriage her skills of cooking and caretaking in the family is also taken into considerations. Since they expect her to marry early they make her to learn the skill from her mother at her very childhood. The heavy workload due to those factors on the girls in their homes is also an abuse. The Convention on the Rights of the Child (1993) which was ratified by many countries states that for the girl-child to develop to her full potential, she needs to be nurtured in an enabling environment where her spiritual, intellectual and material needs for survival, protection and development are met and her rights are assured.³⁶

What the above mentioned things tell us that the rights of the girl-child are violated by harmful attitudes, beliefs and practices. These all result in early, forced and child marriages, violence, sexual exploitation, harassment and abuse, heavy workload and restricted access to education and other social services. These practices make the girl to remain within the expected traditional role. She is expected to be shy and obedient. She is not allowed to speak up in front of adult in particular men. She is influenced to make her focus entirely on her future roles in the household of her husband. She shall respect and obey her husband and remain faithful to him also.

³⁵: Supranote 32 Page 131

³⁶: A National Report on „Progress made in the Implementation of the Beijing Platform for Action (Beijing + 10) ,Ethiopia ,Prime Minister Office/Women's Affairs Sub Sector ,March 2004

Still in some parts of the country, culture and tradition are sometimes given so much coverage for particular social practices that lead to violence. Therefore cultural norms must be dealt with sensitively and respectfully in violence prevention efforts. As a protection against violence it is well known that culture and traditions are also important because people are naturally attached and give respect to them.

2.2 The Economic, Social and Culture Rights of Women in the Society

The primary economic activity in Ethiopia is agriculture. Most people live in the rural areas with poor infrastructure and inadequate social services and with a lower income per capita than the urban people.³⁷ Most women earn their livelihood from the informal economy and few own land to enable them earn their livelihood. With high illiteracy rates and lack of access to savings and credit facilities most women live in poverty. Due to the different roles and responsibilities men and women have in the society, the causes and experience of poverty also differs by gender. For the past many years the rights such as, access to land, credit and other resources had been difficult for women to possess.³⁸

Poverty is a very serious problem for women who live in rural areas and for female-headed households. Their poverty is characterized by lack of a cash income, hunger, malnutrition, ill-health and unsafe living environments.³⁹ Women face discrimination and unequal access in the areas of housing, education and other basic services due to the existing gender roles and legal barriers. They lack adequate access to the control of resources like land for their basic need. They are largely excluded from participating in related decision-making processes. They also lack essential skills and education for employment in the formal sector. Mostly they are employed in the informal sector. In the public and private sectors, women suffered lack of promotion and sexual harassment. The work place is family unfriendly.

37: Sixth African Regional Conference on Women, Addis Ababa, 22-26 November 1999

38: Synthesis of the National Progress Reports on the Implementation of the Dakar and Beijing Platforms for Action, (DRAFT) page 8,

39: A National Report on ,Progress made in the Implementation of the Beijing Platform for Action (Beijing + 10) ,Ethiopia ,Prime Minister Office/Women's Affairs Sub Sector ,March 2004

Due to inflexible working hours, it is difficult to balance their home and external work responsibilities. Even though the laws and regulations do not necessarily discriminate, the reality of employment practices in the work place is different. This has blocked their economic and social contribution to national development.

Despite their contribution to the economy and social development, however, they do not enjoy the fruits of development equally as their male counterpart. They have not had fair access to health, education, and other resources. They also haven't been adequately represented in leadership and decision-making positions at all level. Women's economic social and cultural rights are affected by gender-bias in policies, programmes and practices. Development and peace are basic things to bring proper economy and social development of women. Poverty, violence, all forms of discrimination and lack of opportunities in decision making have had an adverse impact on women's over whole economic social and cultural rights.

In order to address these problems, various measures have been taken by the government. The Federal Democratic Republic of Ethiopia constitution of 1995 guarantees women the right to acquire, administer, control, use and transfer property including land.⁴⁰ The National Policy on Ethiopian Women that aimed at facilitating conditions to the speeding up of equality between men and women in the political, social and economic life of the country is worth mentioning. As per the implementation strategy of the policy, the Ethiopian Women Development Fund is established with the aim of contributing towards bringing economic empowerment of Ethiopian women by providing the necessary financial and technical support to organized women groups.⁴¹ With the support of the Government, Women Entrepreneurs are being organized at all levels ranging from Federal to Regional level. Women in the informal sector are being a member and benefit from these associations. According to Central Statistics Authority (CSA) 1996, there are more women (64.3%) than men in the informal sector.⁴² Since women constitute half of the population in Ethiopia, they significantly contribute to the country's economy mainly in the agriculture and the informal sector.

40: FDRE constitution, op. cit, art. 35 (1)

41: Policy on Ethiopian Women

42: Supra note – 41

The FDRE constitution provides that women shall in the enjoyment of rights and protections provided for by this constitution, have equal rights with men.⁴³ It also grants women the right of equality in employment.⁴⁴ The FDRE Constitution recognizes the effects of past discrimination against women. It provides the historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account. In order to avoid this legacy affirmative measures are taken in favor of women.

This provides special attention to women to enable them to participate on the basis of equality with men in social and economic life. The recognition of the differences between men and women is reflected in protective legislation granting special protection to women.

Women's health includes their emotional, social and physical well being. It is determined by the social, political, economic and biological context of their lives. However, the majority of women do not attain health and well-being.⁴⁵ Due to various discrimination that the women have based on their gender such as violence against women, harmful traditional practices and son preference etc they are subjected to poor health.⁴⁶ These have made them greater health risks. They also have different and unequal access to basic health services. They have been suffered by prenatal and maternal conditions followed by communicable and infectious diseases like malaria, TB, HIV/AIDS and malnutrition.

This issue goes beyond health problem and it becomes a cause for social crisis and economic backwardness of a country like Ethiopia. This problem is aggravated by the existence of gender discrimination and violence against women. The gender role existing in Ethiopia and some other factors puts women at higher risk with respect to HIV apart from their biological vulnerability to the disease.⁴⁷

The other thing which should be present under this topic is Ethiopian women who are trafficked to the Middle East countries. The issue of Ethiopian women who are trafficked to the Middle East has not been given the attention it deserves

43: Supra note – 40 articles 35 (8).

44: Supra note –41

45: Supra note 37

46: Synthesis of the National Progress Reports on the Implementation of the Dakar and Beijing Platforms for Action,(DRAFT)

47: Supra note – 46

Although some steps have been taken by the Government in order to prevent trafficking and assist victims. The Government has not addressed the issue of social and economic reintegration. Discussions with returnees confirm this fact.⁴⁸ Most came back with little money to invest and they have not been assisted in finding employment. As a result of lack of assistance some have decided to go back to the Middle East using illegal agents again to facilitate their departure.

2.3 Laws of abuse and Legal Protection in Ethiopia

Violence against women is widely spread in the country apart from the physical and psychological consequence it has on the life of a woman.⁴⁹ Women in Ethiopia as anywhere else are also victims of various violence and harmful traditional practices simply because of their gender.⁵⁰ Patriarchal domination, cultural and traditional practices, economic deprivation etc are among the reasons for violence against women in Ethiopia. Taking the multi dimensional consequences of violence against women into consideration, the government of Ethiopia has taken measure in creating a very good environment for the revisions of legal reforms that are discriminatory to women. It modified the existing ones in order to address the issue of violence against women.

The Penal Codes and Civil Codes were revised to exclude discriminatory Articles and to add protective measures for women. For example, the family law has been revised in a gender sensitive manner and the Criminal code is also amended. The 1993 Ethiopian Policy on Women calls for the eradication of Harmful Traditional Practices (HTPs) and is implemented through The Ethiopian Society on Harmful Traditional Practices. The following are some of the highlights of discriminatory laws and provisions that have been revised in the new family code:

48: GENPROM Working Paper No. 3 Series on Women and Migration ETHIOPIA: AN ASSESSMENT OF THE INTERNATIONAL LABOUR MIGRATION SITUATION The case of female labour migrants

By ,Emebet Kebede ,Gender Promotion Programme, International Labour Office Geneva

49: Sixth African Regional Conference on Women, Addis Ababa, 22-26 November 1999

50: Supranote 46

- ✚ Increasing minimum marriage age- in the revised family code minimum marriage age is eighteen years for both sexes, which used to be 15 and 18 for female and male respectively. ⁵¹
- ✚ Administration of matrimonial property and household- under the civil code, it was expressly stated that 'common property other than earnings, salaries and income of the wife, shall be administered by thee husband'. ⁵²

However, the revised legislation came up with a provision that says common property shall be administered co jointly by the spouses unless there is an agreement, which empowers one of them to administer all or part of the common property.

- ✚ Additional ground for divorce- under the civil code, divorce by mutual consent was not permitted. In the revised family law, divorce is by mutual consent of the spouses. But it is not classified in serious and other causes unlike the previous one, like with out any cause; he may make a petition for divorce using Article 76(b), which was often discriminatory for the women.
- ✚ Redefining the role of family arbitrators- under the revised legislation, the role of the family arbitrators has been significantly limited. Their former role as adjudicators for divorce cases has been taken away. They are being limited to making efforts to reconcile the spouses. Divorce cases are to be entertained by courts.
- ✚ Besides the above mentioned and other discriminatory laws and provisions that have been revised under the new family code, attempts have also been made to revise the penal code in favor of women. Though the 1957 Ethiopian Penal Code explicitly prohibited removal of body parts, little effort was made to use the law as protection from circumcision. Moreover this penal code includes rape and other sexual abuses as punishable abuses but it did not include wife inheritance and female genital mutilation (FGM).

51: The Revised Family Code, Article 7

52: Ibid Article 64 Sub 2

The recently revised Criminal Code of the Federal Democratic Republic of Ethiopia 2004 has made traditional practices, such as FGM, early marriage, wife inheritance and forced marriage, punishable under the law. One of the strong merits of the new Criminal Code is devotion of a whole chapter (Chapter III of Book V) to criminalizing harmful traditional practices that cause the deaths of human lives, injury to person and health.

Some of the main issues that are addressed in the recently revised Ethiopian Criminal Code are listed below:

- ✚ A minimum penalty is set for the crime of rape, making it punishable for a minimum of five years imprisonment. The maximum penalty is increased to 20 years rigorous imprisonment;
- ✚ Article 594 of the 1957 Penal Code is amended to include offenses of sexual outrage committed against children under the age of 18, rather than only those under the age of 15;
- ✚ The Criminal Code outlaws FGM as a crime and included a provision to that effect;
- ✚ With respect to abortion, the law takes rape and incest as legal grounds for termination of resulting pregnancy;

The articles under the title Crimes Committed against Life, Person and Health through Harmful Traditional Practices are listed here below without fully reproducing their contents:

- ✚ Article 561: Endangering the Lives of Pregnant Women and Children through Harmful Traditional Practices;
- ✚ Article 562: Causing Bodily Injury to Pregnant Women and Children through Harmful Traditional Practices;
- ✚ Article 563: Discretion of the Court;
- ✚ Article 564: Violence against a Marriage Partner or a Person Cohabiting in an Irregular Union;
- ✚ Article 565: Female Circumcision;
- ✚ Article 566: Infibulations of the Female Genitals;

- ✚ Article 567: Bodily Injuries Caused through Other Harmful Traditional Practices;
- ✚ Article 568: Transmission of Disease through Harmful Traditional Practices;
- ✚ Article 569: Participation in Harmful Traditional Practices; and
- ✚ Article 570: Incitement Against the Enforcement of Provisions Prohibiting Harmful Traditional Practices.
- ✚ Article 443: Failure to Report a Crime;
- ✚ Article 444: Crime against Whistleblowers or Witnesses;
- ✚ Article 555: Grave Willful Injury;
- ✚ Article 556: Common Willful Injury;
- ✚ Article 582: Coercion;
- ✚ Article 583: Deprivation of Powers of Decision;
- ✚ Article 585: Illegal Restraint;
- ✚ Article 596: Enslavement;
- ✚ Article 597: Trafficking in Women and Children;
- ✚ Article 620: Rape;
- ✚ Article 626: Sexual Outrages on Minors between the Ages of Thirteen and Eighteen Years;
- ✚ Article 627: Sexual Outrages Committed on Infants;
- ✚ Article 628: Other Grounds Aggravating the Crime;
- ✚ Article 632: Participation of a Juridical Person in Sexual Outrages Committed on Minors;
- ✚ Article 635: Traffic in Women and Minors;
- ✚ Article 636: Aggravation to the Crime;
- ✚ Article 637: Organization of Traffic in Women and Minors;
- ✚ Article 644: Protection of Minors;
- ✚ Article 648: Early Marriage;
- ✚ Article 659: Failure to Bring up;

However that some of the provisions in the above stated Articles of the Criminal Law needs serious consideration and revision to ensure an effective means of combating violence and abuse against women. For example Abduction and Domestic violence have been considered in the Criminal code but there are some limitations.

The current constitution of the country ensures gender equality and incorporates the major United Nations conventions on human rights and the elimination of all forms of discrimination against women. Despite the efforts the Ethiopian government has made so far, women still suffer from physical and sexual violence. Lack of coordinated activities of the multiple partners was also one of the problems. There is also gap between the provisions of the law and their application. For example in some cases, ministries in charge of Women Affairs seemed weak as coordinators of other government ministries.

The following are some of the challenges to legal protection of women against law of abuse:

- ✚ The existing discriminatory laws and the inadequacy in terms of punishment and coverage with in the existing laws with regard to women's rights;
- ✚ Discriminatory application of laws with in the judicial bodies;
- ✚ The working environment of the court and the prosecution office does not allow the timely and proper handling of cases dealing with women's rights;
- ✚ The absence of data and burden of proofing to the extent of the problem on crimes committed against women
- ✚ Lack of information about women's rights and limited access to legal services
- ✚ The legal codes in Ethiopia used to support male superiority impose less sanction on abuser of women whether the abuse committed within or outside wed-lock.
- ✚ insensitivity of law enforcement bodies,
- ✚ poor status of women in the society
- ✚ No support structures for victims, such as reception centers and qualified personnel to provide needed services
- ✚ High rate of illiteracy of women due to their many role at home

are some of the main reasons that accounted for the continuation of domestic violence despite the better legal and constitutional provisions.

2.4 The Political and Civil rights of Women

Ethiopian women are traditionally dependent in decision making on most individual and family issues. Harmful traditional practices and gender based violence impose high negative impacts on Ethiopian women's civil and political rights. Violence against women is widely spread in the country and is being widely recognized, as a violation of women's right apart from the physical and psychological consequence it has on the life of a woman.

Out of 547 seats reserved for parliamentarians in 1995, it was only 15(2.74%) that was occupied by women. However, by the next round election, an increasing trend of women's participation has been observed. During the 2000 House of People's Representative election, about 42 (7.7%) of the candidates for parliamentary seats were women compared to 2.7% in 1995.⁵³ In 2005, 21% of the seats are occupied by women.

In order to protect the right of women, the Ethiopian government has signed and ratified CEDAW, International covenant on civil and political rights, the suppression of traffic in person and the exploitation of prostitution of others etc. The FDRE Constitution of Ethiopia has also made the provisions of these conventions an integral part of the law of the land. It also ensures that basic rights granted are to be interpreted in line with the principles of the above conventions and declarations. Existing laws and legislation that do not protect the human right of women have been revised in line with the Constitution. The federal and regional family laws are also done in the same way. Other attempts such as revision of the penal code are also done. Moreover measures are taken on human rights of women such as on inheritance, employment, ownership of property, and nationality law etc. Since 1991, women participation in local authorities has improved. The introduction of a Federal System of Government and decentralization of decision making power and responsibilities to regional states make women participation in local authorities to increase. This number increased both in terms of membership and number of women in 2000 election.

53: Supra note-39

During the 2000 general election for regional council, the number of members increased to 1647, there were 244 (12.9%) women, which has shown an increase by 10% both in terms of membership and number of women.⁵⁴ At the lowest level of Woreda Council, only 6.6% are women out of the 70,430 council members.⁵⁵ At the lowest administrative unit, the Kebele, women constitute only 13.9% of the 928,288 elected officials. Further, at the level of international representation, among the 28 ambassadors that Ethiopia appointed at different mission abroad, only 4 (14.3%) are women.⁵⁶

Due to the various problems such as violence against women, lack of education etc, their representation and participation in leadership and decision making position has been limited. Also in parliament, local and national administration, diplomacy and other sectors we could found only few women. Even though there is the government policy of equal opportunity for both men and women to participate in the democratization of the country, women have not been adequately represented at all levels of decision-making positions. The issue of equal role sharing in the public should start at home. But many roles that women play in their homes are often a serious problem to their participation in public. This may be the main cause of depriving their equality both at home and outside the home.

In the area of employment, the number of women in the Ethiopian civil service has been relatively small. Most of the senior positions are held by men. According to the Federal Civil Service Commission recent statistics revealed the fact that the overwhelming majority of women civil servants are concentrated in positions such as secretary, janitorial staff, and other.⁵⁷ But the civil servant proclamation provides many provisions in regard to the equality of women. Among these provisions Art. 13(1) of the civil servant proclamation prohibits discrimination among job seekers in filling vacancies because of their sex. The proclamation also incorporates an affirmative action by stating that preference shall be given to female candidates having equal or close scores to that of other candidates.

54: Supra note - 39

55: Supra note - 39

56: Supra note - 39

57: Supra note - 39

Article 35(7) of the constitution states that women have equal rights with men with respect to the use, transfer, administration and control of land. Both the new labor Proclamation and the civil servant proclamation No. 262/2002 have considered the situation of women and formulated their articles in line with the basic principles of CEDAW and the FDRE constitution. Article 87(1) of 18 the labour proclamation clearly outlaws discrimination against women on grounds of sex in employment and payment.

Ethiopia has reviewed its constitutions to render them gender responsive. The government attempted to harmonize national laws with the international legal instruments. Federal Ministry of Women Affairs encourages activities like awareness on gender-based human rights violations, and training workshops and seminars.

It also encourages provision of legal advice to women. Unfortunately, rights of women undermined by the difference between modern law, customary and religious laws in Ethiopia. Women do not enjoy their human rights because of lengthy and complicated administrative procedures, lack of awareness within the judicial process, and old negative attitudes towards women etc.

So the Federal Ministry of Women Affairs should continue its activities in awareness making the few women who are in decision-making and in advanced profession as a role model on the media will encourage others. Giving girls at school the opportunity to participate in some school clubs and activities may help them to get experience and exposure to political life. Women should be trained self-confidence building, in decision making, public speaking. In rural communities the government can promote women participation in decision-making by improving their economic security.

Chapter Three

As I mentioned in the proposal I am trying to show three problems. They are;

1st Problem: the New Criminal Law does not give enough coverage for domestic violence against women.

Domestic violence refers to violence between spouses or spouses' abuse but can also include cohabitants and non-married intimate partners. As we know, In Ethiopia married women have been victimized by their husbands, they lived as a king and a worker. The wife is counted as only to serve her husband interest.

House workers are severely victimized by their employer. The employer orders them to work over their capacity. Even some times they work day and night at this time. Since these house workers have not known how to protect their right and not to lose their job, employer exploits their labour for many years.

Acts of domestic violence like biting, marital rape, sexual harassment, snatching of property, insult and degrading are common across the country. Domestic violence happens when a family member, partner or exporter attempts to physically or psychologically dominate another. Even though there are a number of problem in home, it is not mentioned in criminal code.

2nd problem: As it is mentioned in civil code, moral compensation is not more than one thousand birr which does not proportionally compensate the victims' dignity. But the abused women mostly torched morally and psychologically more than physical hurt.

In Art 101 of the criminal code refers to civil code for the compensation of the injured. The injured has right to bring suit on criminal code together with civil case in according to Art 2116(3) moral compensation is not more than one thousand birr. But this is not considering the victims injury. Since the victim lose many things in her social life, and other and this makes her life miserable. To return back to in the first place, it takes long time. So, for this sever problem payment for compensation must be proportionate to the victim's injury.

When the article says “any reason” either the problem of the victim is high or simple. If we see in some case like the victim can be pregnant, is caught by life long sickness at this time she can be frustrated, and then she become careless for the rest of her life. But her moral damage can not be well, by giving less than women’s are economically less. They are dependent giving one thousand birr makes there life more injured. It counts as undermining the victim’s injury. Because the value of one thousand birr at this time compare to the time which the civil code came in to effect is in significant.

3rd Problem: The new criminal code says “in taking advantage of women; the person is punishable, up on complaint with simple imprisonment.” This is imbalance punishment because it is clearly a violation of human right which includes in FDRE constitution.

The new criminal code Article 625 it says taking advantage of the distress or dependence of a woman “Whoever, apart from the cases specified in the proceeding Article, procures from a women sexual intercourse or any other material or mental distress or of the authority he exercises over her by virtue of his position, function or capacity as protectors, teacher, master or employer, or by virtue of any other like relationship is punishable, up on complaint, with simple imprisonment.”

“The person is punishable, up on complaint with simple imprisonment.” This law in my opinion doesn’t keep hierarchy order or the constitution has higher degree than any other law. When one law promulgate, it must not contradict with the constitution. But in this article “a person who violates this article only punishable with simple imprisonment”. For example a woman can be abused in work place by her employer or boss. It brings different problems like economical, social, and psychological problems on the woman life. It is sever problems. So they have to take series measure. The abuser should be punishable with rigorous imprisonment rather than simple imprisonment compare to the victim’s injury. Otherwise, the abuser does not give any attention. If it is simple, will contradicts against the objectives of criminal law. This makes the law known and people would take due care.

In addition to Article 16 of the FDRE constitution, any person has a right to be protected from bodily harm. Moreover this article 35(4) of the FDRE constitution: “Oppress or cause bodily or mental harm to women are prohibited.”

CONCLUSIONS AND RECOMMENDATIONS

1. CONCLUSIONS

Several studies in Ethiopia have identified widespread violence and abuse against women. This paper is particularly trying to focus on the extent of domestic violence against women and its law enforcement. Community based studies in Ethiopia indicated 50-60% of women experienced domestic violence in their life time.⁵⁸ Ethiopia has one of the highest prevalence of both sexual and physical violence by an intimate partner.⁵⁹ The facts mentioned in this paper indicate that the seriousness of the problem of domestic violence against women in Ethiopia is beyond its limit in this modern time.

Women suffer from sexual, physical and emotional violence without making their voices heard. They are not getting the proper protection and support which they deserve as mothers and citizens of the country. The concept of equality is expressed in the law is often taken in negative form by some people. The effect of past discrimination is usually not considered. Avoiding violence starts with a full understanding of the problem. We need to understand the circumstances, cause and effect of domestic violence in the Ethiopian Context in order to attack the problem from its roots.

The types of violence and abuse such as abductions, early and forced marriage, FGM, and wife inheritance are practiced mostly in rural areas. Acts of domestic violence like beating, marital rape, sexual harassment, snatching of property, insult and degrading are common across the regions without any variation. These reflect a patriarchal society in which women are considered having a lower status than men. Women are seen as inferior and Male is considered as superior. Power imbalances between men and women with the existing patriarchal social structure are the major cause for Violence against women. We should eliminate the existing cultural beliefs and social structures to minimize or eliminate violence against women from its root.

58: <http://ejhd.uib.no/ejhdv18-no3/131.EDITORIAL.pdf> EDITORIAL Ending Domestic Violence against Women in Ethiopia Yemane Berhane1

59: supra note -58

Supportive services centers do not exist every where. Recently the government launches women legal support services centers in Dire Dawa and Addis Ababa City administrations. In regions where there are no centers the community, women's organizations, and the state, can save lives, reduce injury, and minimize the long term impact of victimization on women. Any response to violence must meet the immediate needs of victims in eliminating the attitudes, beliefs and social structures that encourage gender-based abuse. Proper data which shows the social and economic costs of violence, its impact on women's health and well-being, are important. On AIDS prevention programs these data are used to show the effect of violence and what women should do in sexual and reproductive decision making.

A culture of silence to report violent acts in Ethiopia has been a negative influence on women. Social isolation, fear and phobia to social circumstances, general hopelessness, and suicide attempts were also reported by the rape victims.⁶⁰ Fear of the revenge from the abuser is another issue to report this has made the situations worse and many women remain silent victims. Proper counseling and supporting services are not available to help the women overcome the trauma. They are left alone with the shame and humiliation. Even if the victim decides to report the case to the Police, she might do it too late.

This complicates the investigation process. For example, on a rape case, it is difficult to bring medical certificate upon which the Police and Public Prosecutor would base their decisions. . Late reporting also gives time to a perpetrator to destroy evidences. Important experiences from the SNNPR which may solve some of these problems are worth mentioning here: A placement of whistle-blowers, who report to the NGOs and other concerned government bodies when violence of any kind is committed against girls in rural kebeles of Shebedino woreda in Sidama Zone and Damot Gale woreda in Welaita Zone.⁶¹ These whistle blowers reportedly receive a token payment, about 35 Birr a month.

60: supra note - 58

61: http://www.scielo.br/scielo.php?pid=S0102-311X1994000500009&script=sci_arttext&tlng=en; Gender-based abuse: the global **epidemic**¹

There seems to be gaps between expectations of victims and the way the Office of the Public Prosecutor handles cases of violence against women. In this regard there are complains to Office of the Public Prosecutor because it does not exhibit proper behaviors in handling cases of violence against the victim. The standard of proof in criminal cases is different. the Public Prosecutor or the injured should be able to prove their cases with necessary evidence. This high standard of proof are aggravated the problem due to lack of the law of evidence in Ethiopia

Another gap is the situation on the bail right which is given to the abuser of violence against women. There are complaints about the fact that the abuser may be released on bail after they are arrested for a while and interrogated by the police. There is Discrepancy between the expectations of ordinary people and what is provided in the law as regards bail. The law is clear as to when bail is to be granted and not to be granted. Basically bail is granted to every accused unless he is denied by law according to the provisions of Articles 63 and 67 of the Criminal Procedure Code. If an offender accused of violent crime against a women appeals to be released on bail, his application would be granted unless the crime entails a death penalty or rigorous imprisonment for 15 or over years. But there is a possibility that the victim will die as a result of the injury by the crime or even the offender may intimidate her outside or destroy evidences.

The effort of the police in investigating crimes and that of the Public Prosecutor in indicting the accused are eventually to be evaluated by courts that give orders and pass decisions. The protection of the rights of women against any kind of violent acts cannot be seen without the involvement of courts. Courts pass decisions based on the law and after evaluated evidence submitted to them. The FDRE Constitution in Article 79(3) provides: “Judges shall exercise their functions in full independence and shall be directed solely by the law”. But most of the time the decisions of courts on criminal cases are delayed for long time. Therefore there are many complaints from victims. If legal processes are long, transparency is usually compromised. Lack of commitment on the part of Police and Public Prosecutor due bribery and relation is other problem.

The Criminal Code of the Federal Democratic Republic of Ethiopia 2004 is recent law in Ethiopia.

One of the strong merits of the new Criminal Code is devotion of a whole chapter (Chapter III of Book V) to criminalizing harmful traditional practices that cause the deaths of human lives, injury to person and health. Though Abduction and Domestic violence have also been considered in the Criminal code there are some limitations.

A major problem enforcement of law and policies are capacity of institutions. There are much better visible articles that address women issues comparing with the last two regimes in the country. However if those articles are limited to paper do not solve women problem. It is also important to check whether these articles are implemented all over the country, and not only in one or two regions. The Ministry of Women's Affairs is responsible body for women affairs including national and regional issues. However, Proclamation No. 471/2005, the legislation that established the Ministry of Women' Affairs established it as a federal institution. As a federal institution, it is concerned with women's affairs at federal level only. So it is not clear about how it deals with matters relating to women's affairs at regional level.

Both the judiciary and the institutions of law enforcement in Ethiopia have been characterized by lack of human resources and essential facilities. There are clashes Modern Laws and Traditional Customary Laws One of the findings of the study is that there is tension between tradition and modernity in Ethiopia.⁶² Sometimes elders and community leaders and even victims slow legal processes by reconciliation.

Even if the Police and the Public Prosecutor try to go ahead in bringing the perpetrators to justice, their acts would be blocked .This gap between modern laws and the traditional and customary norms and values has been still hinder the implementation of laws and policies .

62: Supra note – 61

RECOMMENDATIONS

Based on the list of issues and conclusions of the study the following recommendations are presented:

- ✚ Punishment against the abuser should be more severe and the legal process has to be short and effective. Abuser should get the proper legal punishment they deserve.
- ✚ The police need to follow reported cases of violence strictly and with concern. The concerned bodies should do their best to enforce law effectively. Legal professionals should also teach the community about the legal provisions on violence against girls and women.
- ✚ Revise the punishments imposed on offenders, warrant less arrest Or Bail of right should be denied for offenders of violence. The burden of proof should be on the abuser.
- ✚ Rape cases should be treated as special and severe criminal issues, not as ordinary sexual related offences.
- ✚ Special Family Courts should be established to handle criminal matters relating to domestic violence.

To bring the expected outcome in eliminating or minimizing domestic violence in Ethiopia a coordinated effort of all those concerned bodies and proper enforcement of the law using all means is very important. To this effect:

The House of People's Representative

- ✚ Revision should be made on Criminal code and family code specially on abduction and Domestic violence which have been considered in the Criminal code with some limitations
- ✚ Taking into consideration the nature of violent crime against women the accused offender should be denied the bail though he fulfills requirements under Article 63 and 67. Therefore Articles 63 and 67 of the Criminal Procedure Code have to be amended.

National Level Concerned Government Bodies and others

- ✚ Appropriate structures run by well-trained personnel should be established by States to support the victims of violence.
- ✚ Expanding legal, medical, psychological, and advocacy services for victims like the one recently founded in Dire Dawa and Addis Ababa City administrations.;
- ✚ Incorporating gender awareness training, parenting skills, and non-violent conflict resolution into teaching materials and others;
- ✚ Ensure women's equal rights and access to economic resources.
- ✚ Increased employment opportunities for women.

Ministry of Women's Affairs

- ✚ The Ministry of Women's Affairs mandates should be revised as to enable it to deals with matters relating to women's affairs at regional level also
- ✚ Build the capacity of women's affairs offices at all levels particularly at the Woreda and Kebele level to effectively follow up the implementation of rules, regulations and policies concerning violence and abuse against women.
- ✚ Ensuring alternatives for women by expanding opportunities

Police and Public Prosecutors

- ✚ Police and Public Prosecutors must necessarily be given special training with the view to equip them with the technical and legal capacity to investigate and handle cases of violence against women.
- ✚ Appropriate trainings in short and long term are given to the Police so that they enforce the laws against beating, rape, and sexual abuse with special attention;
- ✚ Training professionals in how to identify and respond to abuse
- ✚ law and policies are Build the capacity of the institutions and eliminate the lack of human resources and essential facilities
- ✚ Avoid lack of commitment on the part of Police and Public Prosecutor due bribery and close the room for it.

The Court

- ✚ Courts should pass decisions based on the law, judges should be committed and avoid any bribery or favoritism and transparency should be maintained as transparency ensures good governance that is free from corruption and favoritism.
- ✚ Judges shall exercise their functions in full independence and shall be directed solely by the law.
- ✚ Decisions of courts on criminal cases should not be delayed for long time.

Local Authorities and NGOs

- ✚ To increase women's capacity to participate in decision-making and leadership; female power and autonomy inside and outside of the home;
- ✚ To ensure women's equal access to participation in power structures and decision-making; access to low income housing, credit
- ✚ community support for victims;
- ✚ a cultural philosophy that condemns violence as a means to resolve conflict;
- ✚ Increase awareness about the negative effect of harmful traditional practices within the local communities.
- ✚ General awareness campaigns must be supported by concrete
- ✚ Mobilization of religious and community leaders, including health professionals, educators, Iddirs, etc.

The Media

- ✚ Place emphasis on the eradication of illiteracy among women and find strategies for more effective information dissemination and the positive involvement of the media;
- ✚ Eliminating unnecessary violence from the media;
- ✚ The media should commit itself to erasing some of the negative images of women that encourage violence-prone attitudes and behavior.
- ✚ Emphasizing the need to send a message of community intolerance traditional treatment of domestic violence as a private matter and openly acknowledge domestic violence as a public crime.

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