

Women's rights protection instruments ratified by Ethiopia:

- **CEDAW:** ratified in 1981
- **CEDAW Protocol:** not signed
- **Maputo Protocol:** signed in 2004, not ratified

Ratify! Although Ethiopia ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1981, the government has not yet ratified its Optional Protocol or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Ethiopia: persistence of discriminatory laws; discrimination within the family; violence against women, including harmful traditional practices such as female genital mutilation; and limited access to education, property, healthcare and justice.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of amendments to the Family Code in 2001 which raised the minimum legal age for marriage to 18 for both men and women (art. 7); abolished the provision conferring marital power on the husband as the head of the family; and added additional grounds for divorce (art. 76) by mutual consent of the spouses.
- The adoption of the Criminal Code in 2005 which criminalised several harmful traditional practices, such as abduction (art. 586), female circumcision, infibulations or other harmful practices (art. 565, 566 & 567), early and forced marriage (art. 648), widow inheritance and polygamy (art. 650). It also criminalized domestic violence (art. 564).
- The adoption of the National Action Plan for Gender Equality 2006-2010 in 2005.

/ But discrimination and violence persist

IN LAW

The Constitution recognises the application of customary and religious laws alongside statutory law, in particular in the area of family law, which are particularly discriminatory against women (art. 34). Under this provision, disputes concerning marital, personal and family rights can be settled by Sharia courts.

IN PRACTICE

• Discrimination in the family

The practice of early marriage is common, particularly in rural areas. For example, in the Amhara region of Northern Ethiopia (where parents consent to their daughters' consummated marriages when they are still as young as 10 or 12), 48% of women are married before the aged of 15. In 2005, it was estimated that 27 % of girls under 19 years are married. Despite the criminal prohibition on polygamy, it remains prevalent in rural Ethiopia.

Although article 34(5) of the Constitution requires the consent of both parties for a dispute to be submitted to the jurisdiction of a Sharia court in the field of marital, personal and family rights; in practice women often accept settlement of their dispute before such court due to social pressure.

• Violence

Domestic violence is highly prevalent in Ethiopia and widely socially condoned. A study conducted by the World Bank in July 2005 concluded that 88 percent of rural women and 69 percent of urban women believed their husbands had the right to beat them. Moreover the courts do not tend to consider domestic violence as a serious justification for granting a divorce.

Abduction of women, although a criminal offence, is still considered as a legitimate way of procuring a bride (especially in southern Ethiopia). It is estimated that approximately 8% of married women in the country have been abducted and forced into marriage. Although cases of abduction and rape are sometimes reported to the Ethiopian authorities, prosecutions are uncommon and rarely successful. Marital rape is still not recognised under the Criminal Code 2005.

Finally, although the Criminal Code, as well as the Constitution (article 35(4)), condemn harmful traditional practices, female genital mutilation (FGM) remains widely practised in Ethiopia, especially in the regions of Somali, Afar, Dire Dawa, Oromia and Harar. It is estimated that around 74% of the female population undergoes FGM. No criminal prosecutions have ever been brought against perpetrators of FGM.

• Obstacles to access to education

Although there has been progress in access to all levels of education in Ethiopia, men have benefited more than women. Women who are married at an early age do not tend to go to school (it is estimated that only 9% of married girls attend school). It is estimated that rate of literacy for women over 15 is 23% whereas it is 50% for men. Women make up less than 30% of the undergraduate enrollment and 10% of graduate enrollment.

• Obstacles to access to property

In nearly all regions of the country women have a very little access to land. When a husband dies, other family members often claim the land over his widow. As a result of their lack of ownership of property, women also have a relatively limited access to bank loans and micro-financing. In addition, married women often need the hus-

band's permission to obtain loans. Although the law does not discriminate against women in matters of inheritance, in practice, due to tradition or custom, women and girl children are excluded from inheriting property. In some Muslim families, male children can receive two thirds of the estate whereas females receive only one third and sons inherit family land.

The Coalition of the Campaign calls on the authorities of Ethiopia to:

- **Reform or repeal all discriminatory legislative provisions**, in accordance with CEDAW.
- **Harmonise statutory, religious and customary law** in accordance with CEDAW, and ensure that where there is contradiction, statute law prevails.
- **Ensure the effective application of the revised Family Code** in all regions.
- **Strengthen laws and policies to combat violence against women**, in particular by including a provision sanctioning marital rape in the Criminal Code; establishing a legal aid system to provide assistance to women victims of violence; ensuring effective prosecution and punishment of offenders; implementing awareness raising programmes for the general population and training for all law enforcement personnel; and establishing shelters for women victims of violence.
- **Take all necessary measures to combat the practice of FGM**, in particular by ensuring that perpetrators are prosecuted; and by carrying out awareness-raising campaigns.
- **Take measures to eliminate obstacles to education**, by ensuring equal access at all levels of education, retaining girls in school and enable girls who give birth to return to education, as well as developing awareness raising programmes to overcome stereotypes and traditional attitudes.
- **Take measures to increase women's access to property**, including land and inheritance.
- **Take all necessary measures to ensure women's access to healthcare**, including obstetric care and family planning, including ensuring access to contraception, in particular in rural areas; and providing access to safe abortions.
- **Take all necessary measures to ensure women's access to justice**, in particular by training police and legal personnel; ensuring women's access to legal aid; and inform women of their rights and legal recourse mechanisms.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including through awareness raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW and the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in January 2004.

• Obstacles to access to health

Ethiopian women have limited access to prenatal and postnatal care and family planning services. It is estimated that only 10% of Ethiopian births were attended by skilled birth attendants. Levels of maternal and infant mortality rates are high and HIV/AIDS remain prevalent among women. Early pregnancies also has serious consequences on the health of young girls, including obstretical fistulae. These high rates can also be explained by the lack of access to information on women's reproductive health and rights; FGM; early marriage and non-medically supervised abortions.

• Obstacles to access to justice

While women have legal recourse via the police and courts, societal norms and problems within the justice system (poor documentation, inadequate investigation and lack of special handling of cases involving women) prevent them from seeking legal redress, particularly in rural areas. In addition, under the traditional justice system, according to which conflict resolution takes place before Elders' Councils, women are not allowed to participate in proceedings concerning them.

PRINCIPAL SOURCES

- CEDAW Committee Recommendations, January 2004
- World Health Organisation, www.who.int
- UNICEF, www.unicef.org
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Ethiopia, see: www.africa4womensrights.org