



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## **Ethiopia - Researched and compiled by the Refugee Documentation Centre of Ireland on Wednesday 13 March 2013**

### **Information on state protection for victims of rape**

A report issued in July 2011 by the *United Nations Committee on the Elimination of Discrimination against Women* points out that:

“...the Committee is concerned about the State party’s failure to criminalize marital rape, its delay in adopting a national strategy to combat violence against women, lack of victim assistance and rehabilitation services, and the absence of disaggregated data on prosecution and conviction rates in relation to violence against women” (United Nations Committee on the Elimination of Discrimination against Women (27 July 2011) *Concluding observations of the Committee on the Elimination of Discrimination against Women*, p.6).

In November 2011 a report by *Freedom House* states:

“Despite legal penalties, early marriage, domestic abuse, sexual harassment, and rape are rarely prosecuted, in part because societal norms and ignorance of the law lead to underreporting” (Freedom House (10 November 2011) *Countries at the Crossroads 2011 - Ethiopia*).

Research issued by the *Immigration and Refugee Board of Canada* in December 2011 notes:

“The Criminal Code of the Federal Democratic Republic of Ethiopia...explicitly prohibits domestic violence, female circumcision, rape outside of marriage, abduction of women for marriage, and marriage with a minor, and outlines the penalties associated with each crime...However, numerous sources attest that these laws are neither enforced...nor fully implemented..” (Immigration and Refugee Board of Canada (14 December 2011) *Domestic violence, including legislation, state protection and services available to victims (2007-2011) [ETH103921.E]*).

This document also points out that:

“The Government of Ethiopia reports that the Women's Affairs Department within the Ministry of Justice is responsible for promoting and protecting the rights of women...It also states that the Ministry of Justice has opened a special unit for investigating and prosecuting violent crimes, including sexual violence...Ethiopia has also established a national committee to eradicate harmful traditional practices...such as FGM, abduction...and rape...The committee has branches at the regional level to study traditional practices and to run awareness-raising campaigns in local communities...According to the US Department of State, Ethiopia's federal police established a hotline for victims of domestic abuse in 2010, and police officers received training on domestic violence from local non-governmental organizations...and the Women's Affairs Department...The Government of Ethiopia acknowledges that a "major challenge in the protection of women's rights has been the lack of knowledge, among public authorities, of gender issues and the prevailing discriminatory attitudes towards [women]"...The US Department of State reports that

there are "significant gender gaps in the justice system ... due to poor documentation, inadequate investigation, and lack of special handling of cases involving women and children"...Furthermore, it has found "credible reports that domestic violence and rape cases were often significantly delayed and given low priority"...Freedom House reports that in the "less developed and most conservative" states, enforcement of laws against domestic violence is weaker...It adds that traditional courts in rural areas often apply the customary norms of their ethnic groups, which disadvantages women, rather than the national law..."(ibid).

A publication released in May 2012 by the *United States Department of State* reviewing events of the preceding year notes that:

"There were also credible reports that domestic violence and rape cases often were delayed significantly and given low priority" (United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011, Ethiopia*, Section 1e Denial of Fair Public Trial).

This report also states:

"The law criminalizes rape and provides for penalties of five to 20 years' imprisonment, depending on the severity of the case; however, the law does not expressly address spousal rape. The government did not fully enforce the law, partially due to widespread underreporting. Recent statistics on the number of abusers prosecuted, convicted, or punished were not available. Domestic violence, including spousal abuse, was a pervasive social problem. The government's 2005 Demographic and Health Survey (DHS) found that 81 percent of women believed a husband had a right to beat his wife. A 2005 World Health Organization study found that in two SNNPR rural districts, Meskan and Mareko, 71 percent of women were subject to physical or sexual violence, or both, by an intimate partner during their lifetime. Although women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government prosecuted offenders on a limited scale. Domestic violence is illegal, but government enforcement of laws against rape and domestic violence was inconsistent. Depending on the severity of damage inflicted, legal penalties range from small fines to imprisonment for up to 10 to 15 years. Domestic violence and rape cases often were delayed significantly and given low priority (see section 1.e.). On December 17, Fisseha Tadesse was convicted of attempted murder after gouging out his ex-wife's eyes. On December 30, he was sentenced to 14 years' imprisonment. In the context of gender-based violence, significant gender gaps in the justice system remained, due to poor documentation and inadequate investigation. During the year the Ministry of Health began the expansion of the rape crisis center at Gandhi Hospital into a training center for health workers, law enforcement personnel, and others. Police officers were required to receive domestic violence training from domestic NGOs and the Ministry of Women's Affairs. There was a deputy commissioner of women's and children's rights in the EHRC. Women and girls experienced gender-based violence, but it was underreported due to cultural acceptance, shame, fear, or a victim's ignorance of legal protections. The government established a National Commission for Children's and Women's Affairs in 2005, as part of the EHRC, to investigate alleged human rights violations against women and children. During the year the commission focused its efforts on workshops and seminars, and not on investigations" (ibid, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons/Women/Rape and Domestic Violence).

In May 2012 the *United Nations Economic and Social Council* note in a report that:

“The Committee is also concerned that marital rape has not yet been criminalized under the Criminal Code (United Nations Economic and Social Council (31 May 2012) *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: Concluding observations of the Committee on Economic, Social and Cultural Rights- Ethiopia*, p.4).

In August 2012 the *Social Institutions and Gender Index* points out in a report that:

“Violence against women is widespread and abuses, including wife beating and spousal rape, are pervasive social problems with wide acceptance” (Social Institutions and Gender Index (9 August 2012) *Ethiopia Country Profile*).

## References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any

particular claim to refugee status or asylum. Please read in full all documents referred to.

#### Sources Consulted

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