



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### ETH103921.E

Ethiopia: Domestic violence, including legislation, state protection and services available to victims (2007-2011)

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### Prevalence of Domestic Violence

In its 2009 submission to the United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW), the Government of Ethiopia acknowledged that domestic violence is a "pervasive problem" in Ethiopia (19 Apr. 2010, para. 34). Its assessment is corroborated by the United States (US) Department of State, which indicates that women and girls experience gender-based violence "daily" (8 Apr. 2011, 42). Similarly, the African Rights Monitor, a US-based advocacy organization monitoring human rights violations in Africa, states that rape and domestic violence are "commonplace" (June 2010, 4, 17).

However, the Ethiopian government points out that "complete and comprehensive data [on domestic violence] is unavailable ... since research in the area is still in its infancy" (Ethiopia 19 Apr. 2010, para. 34). In an interview on Vancouver Cooperative Radio, Ethiopian women's rights lawyer Semhal Getachew states that there is no comprehensive or recent research on women killed by family members or partners, and that gender-disaggregated statistics are unavailable in Ethiopia (Getachew 10 Mar. 2010). She also reveals that in a preliminary study she conducted in 2007, 83 of the criminal court cases spanning a one-year period involved the murder of women; in 95 percent of these cases, the defendant was the intimate partner of the murdered women (ibid.).

Several sources also indicate that gender-based violence is underreported (Ethiopia 19 Apr. 2010, para. 34; US 8 Apr. 2011, 42; Freedom House Nov. 2011), which, according to Freedom House, contributes to low levels of prosecution for crimes (ibid.). The reasons given for underreporting include cultural acceptance of domestic violence (ibid.; UN 7 Dec. 2009; US 8 Apr. 2011, 42;), shame or fear on the part of the victim (ibid.; *The Times* 11 Mar. 2009), and a lack of knowledge of legal protection (Freedom House Nov. 2011; US 8 Apr. 2011, 42; African Rights Monitor June 2010, 17). Sources also note that women in rural areas face more barriers to seeking assistance or accessing justice than women in urban areas (UN 7 Dec. 2009; US 8 Apr. 2011, 43).

### Forms of Violence

Sources report that violence against women takes the form of female genital mutilation (FGM), early marriage, and forced marriage (Ethiopia 19 Apr. 2010, para. 30; African Rights Monitor June 2010, 8), practices which the African Rights Monitor says have been continuing "at a distressing rate" (ibid.). The 2005 Ethiopian Demographic and Health Survey revealed that 74 percent of women across the country had experienced FGM, although the practice is reportedly declining (Ethiopia 19 Apr. 2010, para. 31; US 8 Apr. 2011, 42; Freedom House Nov. 2011).

Various sources indicate that the tradition of abducting girls for marriage persists (Pambazuka News 25 Nov. 2010; *The Independent* 17 Mar. 2010; US 8 Apr. 2011, 46), although the Ethiopian and United States governments report that the practice is in decline (ibid.; Ethiopia 19 Apr. 2010, para. 33). The practice of abducting girls reportedly continues in the following areas: southern Ethiopia (Pambazuka News 25 Nov. 2010; US 8 Apr. 2011, 46; Ethiopia 19 Apr. 2010, para. 33), the western part of the country (ibid.), and in the Amhara and Oromia regions (US 8 Apr. 2011, 46). Sources also report that girls who are abducted for marriage are typically raped (Pambazuka News 25 Nov. 2010; US 8 Apr. 2011, 46; *The Independent* 17 Mar. 2010). The rape is said to make the girls unmarriageable to other men, leaving them little choice but to consent to marriage to the perpetrator (ibid.; Pambazuka News 25 Nov. 2010). The US Department of State reports that, since the publication of an annual report by the Addis Ababa police in 2006, statistics on the prevalence of rape and prosecution of offenders have not been available (8 Apr. 2011, 42).

## **Legislation**

The Criminal Code of the Federal Democratic Republic of Ethiopia (2005) 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 (Ethiopia 2005, Art. 564-565, 587, 620, 648). However, numerous sources attest that these laws are neither enforced (US 8 Apr. 2011, 42) nor fully implemented (UN 1 Feb. 2011; Getachew 10 Mar. 2010; African Rights Monitor June 2010, 8). According to the African Rights Monitor,

the de facto implementation of [legal] provisions [against gender-based violence] has been nearly nonexistent: local authorities and communities are unaware of the legal codes, and women are left helpless in seeking justice against the perpetrators of such forms of violence. (ibid.)

The same source also reports that it is not possible for a woman to obtain a restraining order against her abuser (ibid., 35-36).

## **State Protection**

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 (Ethiopia 19 Apr. 2010, para. 37). It also states that the Ministry of Justice has opened a special unit for investigating and prosecuting violent crimes, including sexual violence (ibid., para. 38). Ethiopia has also established a national committee to eradicate harmful traditional practices (US 8 Apr. 2011, 42; Ethiopia 19 Apr. 2010, para. 14), such as FGM, abduction (ibid., para. 30; US 8 Apr. 2011, 42), and rape (ibid.). The committee has branches at the regional level to study traditional practices and to run awareness-raising campaigns in

local communities (Ethiopia 19 Apr. 2010, para. 14). 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 (NGOs) and the Women's Affairs Department (8 Apr. 2011, 43).

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]" (19 Apr. 2010, para. 8). 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" (8 Apr. 2011, 42). Furthermore, it has found "credible reports that domestic violence and rape cases were often significantly delayed and given low priority" (US 8 Apr. 2011, 12). Freedom House reports that in the "less developed and most conservative" states, enforcement of laws against domestic violence is weaker (Nov. 2011). 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 (Freedom House Nov. 2011).

According to Ethiopian lawyer Semhal Getachew, women who attempt to report their abuse to the police are often told to return home and reconcile with their abuser, unless they have suffered "grave bodily harm"; she explains that police attitudes reflect broader cultural beliefs (Getachew 10 Mar. 2010). She adds that, instead of going to the police, women are required to turn to relatives or "whatever means they can afford" for help (*ibid.*). Similarly, an article published by UN Women attests that judges advise women to turn to family or community elders for help rather than going to court; however, these resources reportedly pressure women to return to their abusers (1 Feb. 2011).

The US Department of State reports that the Government of Ethiopia prosecutes perpetrators of gender-based violence "on a limited scale" (8 Apr. 2011, 43). In a telephone interview with the Research Directorate, the Executive Director of the Association for Women's Sanctuary and Development (AWSAD), an Ethiopian organization providing rehabilitation and reintegration services to survivors of domestic violence (AWSAD n.d.), stated that criminal cases can be brought to court and that prosecution is possible, but only in cases where "full evidence," including medical evidence, can be provided (*ibid.* 5 Dec. 2011). She acknowledged, however, that it is difficult to obtain the required evidence in cases of domestic violence (*ibid.*).

In 2009, London-based newspaper *The Times* reported on an "historic ruling" by the High Court of Awasa (11 Mar. 2009). In it, a man was convicted of raping an eight-year-old girl and sentenced to 15 years in prison (*ibid.*). An Ethiopian news source reported in 2010 that there had never been any criminal prosecutions against perpetrators of FGM (Pambazuka News 25 Nov. 2010).

## **Support Services**

AWSAD operates a safe house in Addis Ababa for women fleeing domestic violence (UN 1 Feb. 2011). The house has 50 beds and the capacity to provide psychosocial support to 50 women (AWSAD n.d.). The rehabilitation services provided by the organization include counselling, rights awareness, and skills-development training (*ibid.* 8 Apr. 2011). Since the establishment of the safe

house in 2006, AWSAD has reportedly served 513 women and children (ibid.). According to the Executive Director, the organization does not provide legal aid, but it does assist women by following up on legal cases (5 Dec. 2011). Lawyer Semhal Getachew states that, in addition to the AWSAD safe house, there is only one other shelter in the country (10 Mar. 2010). It services immigrants who have returned from the Middle East and is also located in Addis Ababa (Getachew 10 Mar. 2010).

## **Assistance from International NGOs**

Ethiopia's *Charities and Societies Proclamation*, enacted in 2009, prohibits foreign NGOs from working on human rights (Freedom House 2011; Human Rights Watch 2011), including gender equality (AI June 2011, 4). Organizations receiving more than 10 percent of their funding from abroad are considered to be "foreign" (Freedom House 2011; Human Rights Watch 2011). According to Amnesty International,

[i]n practice, the law has had a devastating impact on all human rights organisations in Ethiopia, including notably the Ethiopian Women Lawyers Association (EWLA), which was — before the passing of the law — a leading women's rights organisation in the country, and the only major organisation focussing exclusively on women's rights at the national level. (June 2011, 5)

The government reportedly froze the EWLA's bank accounts in December 2009, allowing the organization access to just 10 percent of its funds (Human Rights Watch 2011), and denying it access to funds received prior to the passage of the bill (AI June 2011, 6). The US Department of State reports that, due to the budget constraints, the EWLA closed a domestic violence hotline (8 Apr. 2011, 43), while Amnesty International states that "[e]ffectively, the organisation has now ceased to function, with the exception of a small amount of free legal aid being provided to women by volunteers" (June 2011, 6).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Oral sources:** Attempts to contact representatives from the Ethiopian Women Lawyers' Association, Hiwot Ethiopia, and the International Ethiopian Women's Organization, were unsuccessful.

**Internet sites, including:** allAfrica.com; Council on Foreign Relations; End Violence Against Women; Ethiopian Association in Toronto, Canada; Ethiopian Human Rights Commission; *Ethiopian Review*; European Country of Origin Information Network; GBV Prevention Network; Hot Peach Pages; Internal Displacement Monitoring Centre; International Crisis Group; Minority Rights Group International; Parliament of Canada; *The Reporter*; Siiqqee Women's Development Association; Social Institutions and Gender Index; Solidarity Committee for Ethiopian Political Prisoners-Canada; United Kingdom Border Agency; United Nations — Integrated Regional Information Networks, Secretary-General's Database on Violence Against Women.

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