



AFRICAN RIGHTS MONITOR

**Submission from African Rights Monitor
to the Committee on the Elimination of All Forms of
Discrimination Against Women, 22 October 2010, Geneva**

*Related to the discussion of the country situation in Ethiopia
and its performance in upholding the
Convention on the Elimination of All Forms of Discrimination against
Women*

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Commonly-Used Acronyms

ARM - African Rights Monitor
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
CSA - Charities and Societies Agency
CSO - Civil society organization
DHS - Demographic and Health Surveys
ESDP - Education Sector Development Programs
EWDF - Ethiopian Women's Development Fund
EWLA - Ethiopian Women Lawyers Association
FDRE - Federal Democratic Republic of Ethiopia
FGM - Female genital mutilation
GER - Gross enrolment rate
HRW - Human Rights Watch
ICCPR - International Covenant on Civil and Political Rights
IDMC - Internal Displacement Monitoring Centre
IDP - Internally Displaced Persons
IOM - International Organization for Migration
MOLSA - Ministry of Labor and Social Affairs
MSF - Medecins Sans Frontieres
NGO - Non-governmental organization
NEWA - Network of Ethiopian Women's Associations
NPEW - National Policy on Ethiopian Women
ONLF - Ogaden National Liberation Front
SNNP - Southern Nations, Nationalities, and People's Region
UN - United Nations
UNCTE - United Nations Country Team Ethiopia
UNFPA - United Nations Population Fund
UNICEF - United Nations Children Fund
UNPO - Unrepresented Nations and Peoples Organization

Executive Summary

The following submission to the Committee on the Elimination of All Forms of Discrimination against Women in review of the adherence of the Federal Democratic Republic of Ethiopia to the provisions of CEDAW has been completed by African Rights Monitor, a non-governmental advocacy organization created to monitor human rights violations in conflict and post-conflict African territories. The report is intended to act as a complement to Ethiopia's official submission to the Committee, and to underscore various violations and issues that remain unreported by the Government.

While Ethiopia has adopted the provisions of CEDAW into its national Constitution and multiple legal codes, gross violations of the Covenant's principles occur unchecked throughout the country, particularly in conflict zones within the Ogaden and Oromia regions. Ogaden is the eastern most region of Ethiopia's nine ethnic divisions and borders Djibouti to the north, Kenya to the south west and Somalia to the north, east and south. Oromia is West of Ogaden, which is also bordered by Somalia and Kenya as well as Sudan to the South. The ethnic groups in these regions make up 46% of the population of Ethiopia, and yet its residents are routinely marginalized politically and socially, with limited legal, health, and education services available to women.¹ In violation of Article 4 of CEDAW, there is a critical lack of *de facto* implementation of the *de jure* measures Ethiopia has made to ensure gender equality. Discrepancies between policy and reality exist under each of the Articles of CEDAW, but are particularly severe as related to Article 16 (equity in marriage), Article 15 (equity before the law), and Article 12 (equity in healthcare).

The differences between levels of development for women in rural and urban areas is also particularly notable, with the rural populations in the Ogaden and Oromia regions facing severe human rights violations including rape and arbitrary arrest as a result of Government-sanctioned attacks on populations in the region. The Ethiopian Government has routinely ignored reports of rape and discrimination against women at the hands of its military personnel in both regions, and while the State performed an internal investigation into rights violations in the Ogaden, the resulting report has not been evaluated by any international observer or UN body.²

The authors of this report are concerned with Ethiopia's history of denial of the realities of human rights and lack of transparency in relation to human rights abuses, particularly related to conflicts in the Ogaden and Oromia regions. The high volume of cases of torture, arbitrary detention and rape in the Ogaden and other areas of Ethiopia have gained increasing international attention and in March 2010, a special hearing of the European Parliament was held on the issue of rights violations in the

¹ U.S. Department of State, *Background Note: Ethiopia*, United States Government, 2010, <<http://www.state.gov/r/pa/ei/bgn/2859.htm>>.

² Amnesty International, *Ethiopia: Amnesty International Submission to the UN Universal Periodic Review*, Amnesty International, AFR 25/004/2009, 13 April 2009, p. 4.

region.³ In addition, a special Foreign Relations bill was drafted by the United States Senate calling on Ethiopia to encourage the release of all detainees and work to ensure humanitarian aid arrives to residents of the Ogaden.⁴ ARM are concerned that the level of abuse in these regions is particularly acute for women, with sexual violence routinely used as a weapon of war.

This report collates relevant available data and first hand accounts to corroborate the charges of rights violations within the country, both those related to conflict zones and also more general issues which threaten gender equity in Ethiopia, concluding with twelve recommendations for the consideration of the Ethiopian Government, including:

1. ARM calls the Government of Ethiopia to commit to allow for an independent, international investigation into the reports of mass arrests, torture, and rape of women in the Ogaden and Oromia regions by Government forces, and design a strategy for its implementation by December 2011.
2. In accordance with the revised Criminal Code of 2005, we call for the immediate prosecution of any and all individuals who have been found responsible for the incidences of arbitrary arrest and rape which threaten the basic rights to life and non-discrimination of women in the Ogaden and Oromia regions.
3. In order to achieve more *de facto* equality for women in Ethiopia, more concerted and comprehensive efforts to sensitize and educate local authorities, community councils, woreda (district-level) courts and other judiciaries on any and all *de jure* measures which ensure women's participation and equality in regards to their legal rights to
 - a) register land under their own name,
 - b) access education to the university level,
 - c) participate in political processes which affect them,
 - d) receive support upon dissolution of marriage,
 - e) access to family planning services, and
 - f) protection from harmful traditional practices, including FGM,

A concrete and strategic plan must be designed and implemented to guarantee these rights within 18 months.

4. To accompany the implementation of more comprehensive sensitization campaigns, we call on the Federal Government of Ethiopia to oversee a more stringent system of evaluation and retribution of local authorities and courts, including suspension, fines and other minor forms of punishment for those officials who do not implement *de jure*

³ Please see UNPO, *Hearing on Human Rights in Ogaden – European Parliament*, Unrepresented Nations and Peoples Organization, 18 March 2010, <<http://www.unpo.org/content/view/full/10849/81/>>.

⁴ Committee on Foreign Relations, *H.R. 2003*, United States Senate Committee on Foreign Relations, 110th Congress, 1st Session, October 3, 2007.

measures which guarantee the full equality and freedom of women, in particular the revised Criminal Code of 2005, in addition to the Ethiopia National Policy on Ethiopian Women and revised Family Codes.

5. Regional discrepancies which can be witnessed from various indicators of women's development, but are perhaps most marked in the figures of health service utilization and presence of medical personnel. More concerted efforts to recruit and train medical personnel in marginalized regions, particularly the Ogaden, must be made as soon as possible to help address the severe health ramifications occurring as a result of continued conflict in the area.

6. Government efforts to address chronic food insecurities, particularly the 2005 Productive Safety Net Program, must be extended to the Ogaden region within three months, where 950,000 people are estimated to require emergency food assistance, of whom 642,016 live in areas restricted to international organizations.

Introduction

Background of the author

The following submission to the CEDAW Committee has been completed by African Rights Monitor (ARM), a Washington, DC-based non-governmental advocacy organization created to monitor human rights violations in conflict and post-conflict African territories. Currently ARM is conducting monitoring projects in Ethiopia, Somalia, and Kenya, with plans to expand to Sudan and the Great Lake Countries next year (2011). With the understanding that democracy is underpinned by the participation of robust civil society, ARM strives to educate civil society groups on democracy, human rights and the rights of the press through workshops and seminars that address these issues as related to Africa. The organization aims to advocate for the protection of human rights in African countries by investigating and exposing human rights violations and holding abusers accountable for their inhumane actions. ARM can be contacted by telephone at (+1) 202.642.4493, or through mail at 125 S. Reynold St Apt #J501, Alexandria, VA, 22304, United States of America.

African Rights Monitor has recently focused on the precarious situation for human rights in Ethiopia, particularly in relation to conflicts in the Ogaden and Oromian regions. There is substantial documentation of various rights abuses committed at the hands of the Ethiopian Government by other human rights organizations including Human Rights Watch, the International Crisis Group, Amnesty International, Genocide Watch, Ogaden Human Rights Committee, International Committee of the Red Cross and the United States State Department. In addition to the reporting from international non-governmental organizations (NGOs), ARM contributes an extensive understanding of violations of women's rights in nation states within a legal background and framework and is in a unique position to report on the reality of the situation in Ethiopia. ARM grew out of the intellectual and grassroots civil society movement from Africa and was founded to offer an African perspective to international human rights bodies and forums.

Country context and overview of the submission

While the situation for women's rights in Ethiopia remains dire, particularly in conflict regions, Government officials have routinely denied any such accusations and repeatedly assured the United Nations and other international observers of its positive human rights record. The Ethiopian Government's official submission to the CEDAW Committee in 2009 cites numerous new legislative measures and State bodies which guarantee women's rights in Ethiopia, including the creation of the Ministry of Women's Affairs.⁵ In addition to the enactment of numerous legal codes and legislative measures to promote the development of women, gender equality is likewise guaranteed under the Constitution of the Federal Democratic Republic of Ethiopia (FDRE).⁶

⁵ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Introduction, p. 7.

⁶ *Constitution of the Federal Democratic Republic of Ethiopia*, August 21, 1995. Articles 25 and 35.

However, under Article 4 of CEDAW, State parties agree to not only enact measures which guarantee the *de jure* equality between men and women, but furthermore accelerate the *de facto* equality among genders by eliminating forms of cultural and social discrimination against women.⁷ Assuring *de facto* equality is a responsibility of the State which underpins all other Articles in the Convention. While the Government of Ethiopia has enacted multiple legal measures to guarantee the advancement of women, serious discrepancies between State policies and realities on the ground remain. As one report from the World Bank asserts, “the consensus [in Ethiopia is] that changing the laws alone will not lead to equality; long-standing culture and attitudes reinforcing women’s inequality must also change.”⁸ The Government therefore needs to accompany its legislative measures with comprehensive policies and actions that educate and encourage communities to combat patriarchal mentalities.

Key issues

Discrepancies between *de jure* and *de facto* equality are elucidated when considering relevant Articles of CEDAW. These discrepancies are particularly notable in the following key areas which must be duly considered by relevant parties in reviewing the content of this report:

1. In violation of Article 14 of CEDAW, **marginalization of rural and certain regional populations** occurs as a result of discriminatory State-run development programs and policies, with rural areas universally under-performing in terms of access to education, healthcare, political rights, and equity in marriage and legal proceedings.
2. **Government-sanctioned violence in the Ogaden and Oromia regions** continues unabated, severely limiting the development of women in these zones. As part of the conflict, cases of rape and arbitrary detention without trial by the Ethiopian Army have been reported at an alarming rate, violating multiple Articles of CEDAW, including Article 6 (eliminating forms of exploitation of women) and Article 15 (equity before the law).
3. **State provisions for ensuring adequate maternal healthcare**, a right guaranteed by Article 12 of CEDAW, **remain incredibly weak**: over 94% of births in Ethiopia still occur at home without trained assistance, while 1 in 3 women have an unmet contraceptive need.⁹
4. In addition to the violence occurring as a result of conflict in the

⁷ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 4.

⁸ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, p. 33.

⁹ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005.

Ogaden and Oromia regions, **violence against women in the form of domestic abuse, forced and early marriage, and female genital mutilation** continue in Ethiopia at a distressing rate. While legal provisions have been put in place to guard against such practices, the *de facto* implementation of such provisions 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.

5. Misunderstanding and/or ignorance of legal codes on the part of local judiciary, police, and community councils also limits women's equity in terms of marriage, divorce, access to credit, and land rights across Ethiopia, violating Articles 13 – 16 of CEDAW.

In preparing this report, ARM strives to complement the information presented by Ethiopian officials in relation to their performance in upholding the provisions of CEDAW, particularly by addressing the gaps in reporting from the conflict regions of Oromia and Ogaden. While Ethiopia has clearly made significant strides in adopting CEDAW's mandates from a *de jure* standpoint, *de facto* implementation remains a critical obstacle for the Government to address. The report concludes with twelve recommendations for the CEDAW Committee and the Government of Ethiopia to consider as the nation continues to strive to uphold its obligations and agreements as signatory to the Convention.

Methodology of Work

African Rights Monitor has completed this submission after extensive background research into all available data and eyewitness accounts collected in the last decade by UN bodies, academia, and NGOs from women both in Ethiopia and the diaspora on conditions of human rights in Ethiopia, with a particular focus on regional discrepancies in CEDAW implementation. The writing of the report relied mainly on firsthand reporting of events as transmitted to civil society organizations, academia, the United Nations (UN), and government sources.

Statistical information and analyses of State programs and policies were retrieved mostly from reports produced by Demographic and Health Surveys (DHS) in coordination with Ethiopia's Central Statistical Agency, in addition to UN and other academic and civil society sources. Description of specific events, including instances of arrest and rape, are derived from eyewitness accounts as reported by independent academic and non-governmental sources, including Human Rights Watch and Amnesty International. These organizations have considerable networks within Ethiopia and the diaspora, and work to collect personal accounts and experiences of rights violations and abuses occurring in Ethiopia. The unique role ARM is able to offer in producing this report is to comprehensively present these accounts, offering commentary based on understanding and knowledge about the nation within the legal framework which were used to form the main substantive part of this text.

Any and all legal reporting was collected directly from Ethiopian state reports and legal codes, including the FDRE Constitution and the nation's official submission to the CEDAW Committee from 2009. Legal analyses and commentary were also informed by the commendable work of both the Network of Ethiopian Women's Associations (NEWA) and the Ethiopian Women Lawyers Association (EWLA).

The Substantive Part of the report will address the multiple rights violations occurring in Ethiopia as they relate to each of the most relevant Articles of CEDAW, providing a legal framework and background to help understand the extent to which the conditions for women are in breach of both international and national agreements.

Substantive Part

Article 2: Gender equality and the obligation to eliminate discrimination

Under Article 2 of CEDAW, signatories agree to condemn all forms of discrimination against women and pursue necessary policies to eliminate such discrimination.¹⁰ Ethiopia's official submission to the Convention's Committee in 2009 highlights a number of efforts to mainstream gender issues in all policies and development programs, set gender-responsive goals and targets, and engage in targeted awareness-raising campaigns which help implement Article 2.¹¹ Specifically, the "principle of equality of men and women is incorporated in the FDRE Constitution and in the Constitutions of National Regional States...[and] is also reiterated in all appropriate Federal and Regional laws."¹² In addition, the new Criminal Code of 2005 "contains strong and comprehensive measures in support of women's rights and interests...[and] has criminalized harmful traditional practices and prescribed severe penalties for the perpetrators of such acts."¹³

Under this legal framework, a number of programs have been developed, such as The Development and Change Package of Ethiopian Women, which promotes equal participation of women in all sectors, The National Plan for Gender Equality, which aims to incorporate gender consideration in the nation's poverty reduction endeavors, and the National Committee on the Eradication of Harmful Traditional Practices of Ethiopia, which attempts to identify traditional practices which are harmful to women and works towards the elimination of such practices.¹⁴ These initiatives focus on improving education for girls, ensuring access to clean water and basic healthcare for mothers and children, increasing women's access to productive resources such as land and credit services, increasing the participation of women in the development process, and reducing the workload of women so they can engage in political and socio-economic decision-making processes.¹⁵ While the creation of such measures is

¹⁰ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981,, Article 2.

¹¹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 2.

¹² Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 2.6-7, 2.16.

¹³ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 2.6-7, 2.16.

¹⁴ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 2.2, 2.14.

¹⁵ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and*

positive, there is great concern as to the level of impact seen by women on the ground. The conditions of women in regards to accessing education, healthcare, and land services remain dire despite such measures, as will be elucidated further below under Articles 10, 12, and 14, respectively. While Ethiopia's official submission to the Convention's Committee in 2009 does admit to ongoing challenges in their struggle to eliminate discrimination against women, improving local implementation and evaluation mechanisms of the initiatives mentioned above can help the State combat such challenges.¹⁶

In addition, while the Government of Ethiopia asserts that the modified legal framework and related institutional efforts to eliminate gender discrimination are successfully improving the situation for women in Ethiopia, the Government fails to mention a number of blatant violations of Article 2 in its submission to CEDAW. Beyond limited access to healthcare, family planning, and education services, women living in the Ogaden and Oromia regions are subject to systematic and widespread abuse, including rape, severely infringing upon their most basic rights to life. Not only do these women face outright discrimination based on race and gender, but they also bear disproportionate risk and hardship under continued wartime circumstances because of the differential roles and responsibilities of men and women.

Human Rights Watch has documented widespread incidences of rape of female detainees by Government soldiers in both the Ogaden and Oromia regions of Ethiopia. In Ogaden, rapes have been reported at military bases in Wardheer, Dhagahbur, Kabridahar, Jijiga, Shilabo, Duhun, and Fiiq towns, in addition to many smaller military bases in conflict-affected zones. Rape is carried out both by state interrogators and senior military officials, including base commanders.¹⁷ In 2003, UNICEF highlighted the "fear of sexual violence within Internally Displaced Persons (IDP) camps."¹⁸ The Coalition of Ogaden Civil Societies notes that since 2007, "more than a thousand rape cases have been documented...torture, humiliation and degrading treatment of detainees are used extensively. Women are specially targeted, shaming them in front of loved ones. Both men and women are brought together during torture and rape of women in front of males is used as a means of destroying the sanity and integrity of prisoners so that they will confess to crimes they have never committed."¹⁹ Such reports confirm the disproportionate affects of war upon women, particularly as IDPs, as rape and other forms of sexual violence are leveled at civilian women by Government forces in recrimination for the actions of regional

seventh periodic report of States parties: Ethiopia, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 2.3-5.

¹⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 2.10, 2.14.

¹⁷ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, HRW, New York, June 2008, p. 58.

¹⁸ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

¹⁹ Coalition of Ogaden Civil Societies, *Paper to the Hearing on the Ogaden by the European Parliament*, Ogaden Europeans Communities, Ogaden Women's Relief Association, and Ogaden European Youth Union, March 16, 2010, p. 10.

rebel groups.

Professor Asafa Jalata describes similar violence against women in the Oromia region: "The cadres, soldiers, and officials of the regime frequently rape Oromo girls and women to demoralize Oromo society and to show that the Tigrayan rulers and their collaborators wield limitless power. As Bruna Fossati, Lydia Namarra and Peter Niggli report, 'in prison women are often humiliated and mistreated in the most brutal fashion. Torturers ram poles or bottles into their vaginas, connect electrodes to the lips of their vulva, or the victims are dragged into the forest and gang-raped by interrogation officers.'¹ The soldiers have collected young Oromo girls and women into concentration camps and gang raped them in front of their relatives, fathers, brothers, and husbands to humiliate them and the Oromo people."²⁰

Additionally, while the Government might in theory promote equality between men and women, the fact remains that in times of war and hardship, women and children routinely suffer disproportionately compared to men. Basic household tasks related to the preparation of food often leave women exposed to arbitrary attacks and violence from Army personnel: in 2007, Eileen Skinnider, assistant coordinator for Medecins Sans Frontieres (MSF) Ethiopia, "saw women and children chased away (by soldiers) trying to collect water from wells."²¹ Collecting water and other such tasks are jobs still confined to the women's domain, resulting in a high degree of abuse and violence leveled at women as they leave the relative safety of their homes.

Displacement likewise has especially high risks for women's safety, and according to the United Nations Country Team Ethiopia (UNCTE), in 2000, "out of the estimated 349,837 internally displaced people more than 75 per cent are assumed to be children and women."²² It is true that "the consequences of conflict affect all people in society, [but] it is women who have borne the disproportionate burden of displacement. Many males joined militia groups while others were recruited into the army, thus leaving women solely responsible for the household during the period of the conflict."²³

The impacts of displacement which result in increasing poverty and lack of alternative income generation opportunities forces many displaced women into prostitution, leaving them at risk of contracting sexually transmitted diseases including HIV/AIDS.²⁴ The 2007 Humanitarian Appeal for Ethiopia admits that humanitarian crisis and resulting displacement can reinforce and magnify social inequalities as "gender-based violence, and the health hazards which result from it, increase in

²⁰ Jalata, Asafa, *The Tigrayan-led Ethiopia, Repression, State Terrorism and Gross Human Rights Violations in Oromia and Ethiopia*, (Forthcoming publication) p. 5.

²¹ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 90.

²² Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

²³ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 122.

²⁴ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94-5.

displacement situations, due to increased stress and vulnerability of the displaced.”²⁵ The United Nations Population Fund (UNFPA) also conducted assessments in refugee camps showing that in these circumstances, “traditional capacities and patterns of protection and care have been disrupted or destroyed placing women and children at heightened risk of physical and psychological trauma and exploitation.”²⁶

In sum, Ethiopia’s official report to the CEDAW committee in 2009 fails to acknowledge the frequent gender-based violence and rape occurring throughout the country, especially in the Ogaden and Oromia regions. The legal and policy frameworks set out by the Ethiopian Government, including the revised 2005 Criminal Code and programs such as The National Plan for Gender Equality, are failing to protect women and grant them freedom and equality as their basic rights to life are routinely threatened. The Government must recognize the gross discrimination faced by women not only in terms of access to basic services, but also how this is exacerbated particularly in times of war and conflict. Officials must address such forms of discrimination and abuse in a swift manner, ensuring perpetrators of gender-based violence and prejudice cannot act with impunity.

Article 3: Ensuring the full development and advancement of women

As signatories to Article 3 of CEDAW, State parties agree to ensure the full development and advancement of women and guarantee all women human rights, fundamental freedoms, and equality with men in all national arenas including political, social economic and cultural realms.²⁷ This article goes beyond Article 2 in that signatories must agree to develop legislation that not only eliminates discrimination, but also actively promotes the well-being of women and intentionally draws them into spheres in which they were previously denied access.

Ethiopia’s official submission to the Convention’s Committee in 2009 states that the “government has placed strong emphasis on the participation of women in the political, economic, social and cultural sectors of the nation.”²⁸ To ensure that special consideration is given to the needs and rights of women, every Federal Ministry now has a department dedicated to women’s affairs, and the Ministry of Women’s Affairs has been established to replace the former Women’s Affairs Division under the Office of the Prime Minister. Currently, the Ministry of Women’s Affairs is developing a draft National Gender Mainstreaming document, and as discussed in regard to Article 2, gender has already been mainstreamed in the Constitution, policies and legislations at

²⁵ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

²⁶ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

²⁷ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 3.

²⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 3.19.

both the FDRE and regional levels.²⁹ The draft mainstreaming document is not yet available, but there is deep concern that the policy will not give sufficient focus to mainstreaming gender in district-level courts and among local authorities. The Government must ensure that the draft also includes retributive measures for those officials who do not sufficiently implement gender-sensitive laws, policies, and programs.

As with Article 2, gaps between policy and reality remain great. As the Internal Displacement Monitoring Centre (IDMC) explains, “though gender equity has achieved support and respectability in high-level policy making, as witnessed by the Constitution and other both national and regional policies, concerns remain over the persistent gap between government intentions as provided for in legislation or in policy documents and their implementation.”³⁰ As one former regional court judge from Ethiopia asserts, “If [the federal government] followed the law, it would be good, but even the law they’ve created is not being followed.”³¹

The situational analysis of sexual violence in conflict regions provided under Article 2 reinforces these assertions that central Government policies and laws remain poorly implemented, but a number of points should be mentioned regarding the situation of Ethiopian women in general. There are many women living outside of Oromia and Ogaden who may not face the same extreme levels of rights violations such as torture and rape, but who still face challenges of discrimination and inequality. Lack of land rights, educational inequities, and unequal access to the political realm remain some of the biggest challenges for women in Ethiopia.

In 2008, the Internal Displacement Monitoring Centre argued that “there is still a gap between the policy level and the implementation of gender issues.”³² For example, while certain *de jure* changes in women’s inheritance rights have occurred, women still rarely participate in *de facto* land rights registration process and generally hold unfavorable positions in land disputes, as evidenced in a recent unpublished study by the EWLA. The study, as cited by the World Bank, explains how women’s unequal access to land contributes to their overall poverty, identifying several problems encountered by women in obtaining equal land distribution and rights guaranteed in the FDRE Constitution. As the report asserts, most rural women are farmers relying on the land, but official registries continue to list their husbands or male relatives as chief proprietors. Upon divorce or the husband’s death, the land remains the legal

²⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Articles 3.20,-21, 3.24.

³⁰ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 131.

³¹ Human Rights Watch, *Ethiopia: Army Commits Executions, Torture, and Rape in Ogaden*, HRW, New York, June 2008 <<http://www.hrw.org/en/news/2008/06/12/ethiopia-army-commits-executions-torture-and-rape-ogaden>>.

³² Discrimination in land rights will also be elaborated further below under Article 14. Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 130.

property of the male's family, leading to widespread eviction of women and children from the property. While regional efforts to amend land certifications to include women's names have been instituted mainly by NGOs with some success, progress has been slow. As the EWLA concludes, "women's marginalization and lack of secure access to land are critical obstacles to development because: (a) if women were able to control the land they farm and use the produce for economic gain, aggression would decrease and personal security would increase, and (b) women's access to land would contribute to the reduction of poverty and increase food security."³³

Comparatively low literacy rates also impact the ability of women to understand their rights to land, and enhance the oppressive effect of those discriminatory customs which inhibit female participation in court and legal proceedings. While across Ethiopia literacy rates demonstrate high urban/rural disparities and a clear gender bias with male literacy at 49.9 percent and female literacy at 26.6 percent, the disparity is especially high in areas of conflict, such as Ogaden, where "service delivery, including education, remains extremely limited; [and] the ongoing conflict has decimated enrolment in schools."³⁴ The implications of unequal access to literacy/education, employment, marriage rights and healthcare along gendered lines, in addition to disparities between rural and urban access to such services, will be discussed in more detail below as related to their specific CEDAW Articles.

Article 5: Eliminating harmful gender roles, stereotypes, and traditional practices

Under Article 5 of CEDAW, signatories agree "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes."³⁵ Ethiopia's submission to the Convention's Committee in 2009 highlights a number of initiatives specifically related to eliminating cultural practices which enforce women's inferiority. For one, the revised Criminal Code of 2005 "provides for a set of Articles instrumental to sanction violence against women such as female genital mutilation (FGM), early marriage, abduction and domestic violence in a more specific formulation by incorporating newer stipulations with heavier penalties...The code also prescribes heavier penalties along with aggravating circumstances, whenever abduction is accompanied by rape...[and] domestic violence...has, of course, been made a punishable offence."³⁶ Additionally, the "new Criminal Code of 2005 has repealed the notorious article of its preceding Penal Code of 1957 which absolves the abductor of criminal responsibility

³³ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, 34.

³⁴ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 119-120.

³⁵ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 5a.

³⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Articles 5.29, 5.33.

in case he has concluded marriage with the victim.”³⁷ The FDRE Family Code has also been revised, and now includes “stipulations on the common and shared responsibility of both spouses as regards the upbringing and development of their children.”³⁸ However, as will be elaborated further below under Article 15, the FDRE Family Code is not applicable nationwide and is undermined by multiple regional legal provisions which have not been revised, many of which reinforce gender discrimination.

In addition, the Women’s Affairs Department is actively working to promote and protect the rights of women, and the Ministry of Women’s Affairs recently conducted a campaign against FGM.³⁹ The Government has also declared intentions to establish “a one stop multi-sectoral victim support service for victims of violence,” and in the meantime, the Ministry of Justice has established a special investigation unit with particular emphasis on prosecuting perpetrators of sexual violence.⁴⁰

Ethiopia has indeed set up a legal framework for fighting discrimination against women and deconstructing harmful cultural practices. In 1993, the Government set forth the first policy aimed at promoting and protecting the rights of women. The Ethiopia National Policy on Ethiopian Women (NPEW) provides for the right to equality of women in the enjoyment of civil, political, and human rights and “provides for the elimination of traditional practices harmful to women and explicitly abrogates laws, customs and practices that oppress or cause bodily or mental harm to women.”⁴¹ This Policy is a positive step for Ethiopia in recognizing the gross abuses leveled at women in the name of cultural tradition. However, the language is weak in only “providing for the elimination” of certain forms of abuse, while making no claim as to the enforcement of such provisions: the abrogation of laws and customs which encourage female discrimination is not sufficient without stronger language penalizing abusers.

Ethiopia does admit that there are still great challenges in the implementation of these laws and Article 5 specifically. The Government realizes that women are still not

³⁷ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 5.33.

³⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 5.28

³⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 5.35.

⁴⁰ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 5.37.

⁴¹ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 3.17-19.

“fully exercising their civil and political rights on par with the expectations envisaged in the Covenant. Discrimination and inequality still exist, affecting the pace of their progress in almost every aspect of life. The Government is determined to accelerate change in every sector towards the full integration of women on equal terms with men.”⁴²

Despite these *de jure* guarantees of eliminating gender discrimination, historically women have often been considered inferior to men and have been subjected to *de facto* discrimination in multiple forms, including forced and early marriage, FGM, and domestic violence. The rate of FGM in Ethiopia is still incredibly high and, as one population survey conducted in 2005 showed, the nationwide prevalence of FGM was 74%, with notable discrepancies based on region: the highest rates in the country are found in the Afar and the Somali Regional States (91.6% and 79% respectively).⁴³

Such deep-rooted patriarchal traditions persist in Ethiopia, as it remains the case that generally “male power-holders, including religious leaders, define the norms of social conduct that limit the social space of women. In particular, religious leaders, Christians, Muslims and traditional believers, have power to define appropriate social behavior and conduct, a capacity that, for instance, severely limits the social space of women in Ethiopia.”⁴⁴ Thus while laws may be in place to support women, many leaders on the ground still hold traditional discriminatory beliefs which prevent their proper *de facto* implementation: the Norwegian University of Life Sciences published a report in January 2008 stating that “social court judges typically make decisions based on traditions rather than according to the law. This may make it difficult for women to get support according to the law. It may also be difficult for women to take their case to the [district-level] woreda court. Social pressures on women may be very heavy if they take their cases to court and many give up for that reason.”⁴⁵

It is deeply concerning that gender-based violence such as rape, FGM and domestic abuse are commonplace, and most women do not trust in their “legal rights” or have the resources or awareness to appeal for legal help. As highlighted in a special report from IDMC, “gender-based violence, including abduction of girls, early forced marriage and female genital mutilation, leads to health complications and an extremely high maternal mortality rate throughout Ethiopia. It affects the entire population and is partly due to a social structure which places women and children at the bottom of the hierarchy. Most women whose rights have been violated do not dare

⁴² Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 3.25.

⁴³ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 5.31.

⁴⁴ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 126.

⁴⁵ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 130.

seek legal help, particularly in rural areas.”⁴⁶ In eliminating discriminatory practices based on gender stereotypes, the Government of Ethiopia must ensure that women are educated about their legal rights, while also eradicating exclusionary judiciary procedures.

Article 6: Suppressing the exploitation of women

Under Article 6 of CEDAW, signatories agree to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”⁴⁷ Ethiopia’s official submission to the Convention’s Committee in 2009 states that “the Federal Constitution specifically stipulates an explicit prohibition of trafficking in human beings,”⁴⁸ and the new Criminal Code criminalizes and punishes trafficking in women and children, exploitation or the prostitutions of others, and the sending of Ethiopians abroad to engage in such illegal work.⁴⁹

Moreover, a Women and Children’s Trafficking Monitoring Directorate was established by the Ministry of Foreign Affairs, The National Steering Committee on Sexual Abuse and Exploitation of Children was established in 2005, and the Ministry of Labor and Social Affairs (MOLSA) adopted a National Action Plan on Sexual Abuse and Exploitation of Children (2006-2010).⁵⁰ Some specific outcomes of these initiatives include trafficking checkpoints in certain bus stations, and Labor Attachés within Ethiopian Embassies abroad assigned to address cross-border trafficking and exploitation.⁵¹ Additionally, MOLSA has been working with the Ministry of Education and the International Organization for Migration (IOM) in several other counter-trafficking activities.⁵² However, the actual implementation of such measures is by no means comprehensive nationwide, particularly in remote rural areas, and Ethiopia’s official submission to the Convention’s Committee in 2009 does admit that

⁴⁶ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁴⁷ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 6.

⁴⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 6.41.

⁴⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Articles 6.42-4.

⁵⁰ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Articles 6.44, 6.48.

⁵¹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Articles 6.48-9.

⁵² Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 6.48.

trafficking and exploitation through prostitution and sexual abuse continue across the country.⁵³ Ethiopia's submission fails to mention, however, that the risks of sexual exploitation increase greatly during times of crisis and displacement, meaning IDPs and women in the Ogaden and Oromia regions are particularly susceptible to this form of discrimination, as discussed above under Article 2.

Women's unequal access to land contributes to the trafficking problem because, "if women do not have access to land use or inheritance rights, they fall into poverty, prostitution, trafficking, and other such means to support themselves and/or their children."⁵⁴ A recent IDMC report states that "documented instances of sexual exploitation of women and children, steetism and child labor have already occurred amongst a small number of IDPs."⁵⁵

Trafficking of children is also more prevalent in populations from Oromia and Ogaden because many children do not attend school due to lack of education services and decreased security as a result of pervasive conflict. In this environment with little to no child protection, "child labor is widespread, with 40 per cent of children working before the age of six to support the family...school drop-out rates are accordingly high. This pattern has also been encountered in the IDP sites, particularly in Somali region, where child labor is culturally acceptable among the Somali population. In Fafen and Hartisheik camps in Eastern Ethiopia, children were being "hired out" to local people to herd their animals or to do household chores. In the absence of education information in situations of conflict-induced displacement, it appears that the majority of IDP children do not go to school, mostly because they need to help provide for the family."⁵⁶

Article 7: Ensuring women's participation in political and public life

In Article 7 of CEDAW, State parties agree to take "all appropriate measures to eliminate discrimination against women in the political and public life of the country," laying particular provisions for women to enjoy equal rights in voting, formulating government policies in the holding of public office, and in participating in non-governmental organizations.⁵⁷ In Ethiopia's official submission to the CEDAW Committee in 2009, the Government lists multiple committees, policies, and funds which try to encourage the political participation of women, and asserts that the

⁵³ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 6.45.

⁵⁴ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, 34.

⁵⁵ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁵⁶ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁵⁷ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 7(a-c).

nation ranks third among African countries in the number of female parliamentarians.⁵⁸

While the increasing number of women-directed policy mechanisms and female parliamentarians is commendable, the Ethiopian report fails to acknowledge the gross violations occurring at the hands of the State regarding equity in the freedom of civil society participation and the formation of political parties for the participation in elections. In January 2009, the Ethiopian parliament adopted the “Charities and Societies Proclamation” which forbids all foreign funding and support to Ethiopian civil society organizations (CSOs), severely limiting the functioning power of any and all non-governmental associations in the nation.⁵⁹ In addition, strenuous new registration measures under the newly formed Charities and Societies Agency (CSA) were put into place, and CSOs stepped immediately into action by cutting staff and programming in anticipation of the new bureaucratic processes.⁶⁰ CSOs have also begun to censor themselves to a higher degree, fearing further government reprisals or disfavor from officials.⁶¹

These restrictive measures on associative bodies within Ethiopia are in direct violation of Article 7(c) of CEDAW, while also contributing to a society with limited capacity for expression and the voicing of opinion.⁶² In the run-up to a parliamentary election in May 2010, the Ethiopian state has gone beyond direct limitation of associative life by engaging in multiple forms of intimidation towards political opposition groups. Supporters of opposition parties have been routinely attacked and arbitrarily detained. In one high profile incident, Birtukan Midekssa, female leader of the Unity for Democracy and Justice party, was arrested in December 2008 after a previous release for allegedly violating the terms of her pardon, and is now serving a life sentence.⁶³

While this arrest is a more extreme incidence of political intimidation, more subtle and insidious acts have occurred on a large scale: threats, harassment, closure of offices, and the break up of meetings have become routine.⁶⁴ Such measures run in direct violation of Article 7 of CEDAW which guarantees freedom of public participation in political life without discrimination or interference.

⁵⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 7, pp 28 – 37.

⁵⁹ Human Rights Watch, *“One Hundred Ways of Putting Pressure:” Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 44.

⁶⁰ Human Rights Watch, *“One Hundred Ways of Putting Pressure:” Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 45.

⁶¹ Human Rights Watch, *“One Hundred Ways of Putting Pressure:” Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 46.

⁶² Article 7(c) of the *Convention on the Elimination of All Forms of Discrimination against Women* states that States Parties must take measures to eliminate discrimination “to participate in non-governmental organizations and associations concerned with the public and political life of the country.”

⁶³ Human Rights Watch, *“One Hundred Ways of Putting Pressure:” Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 1.

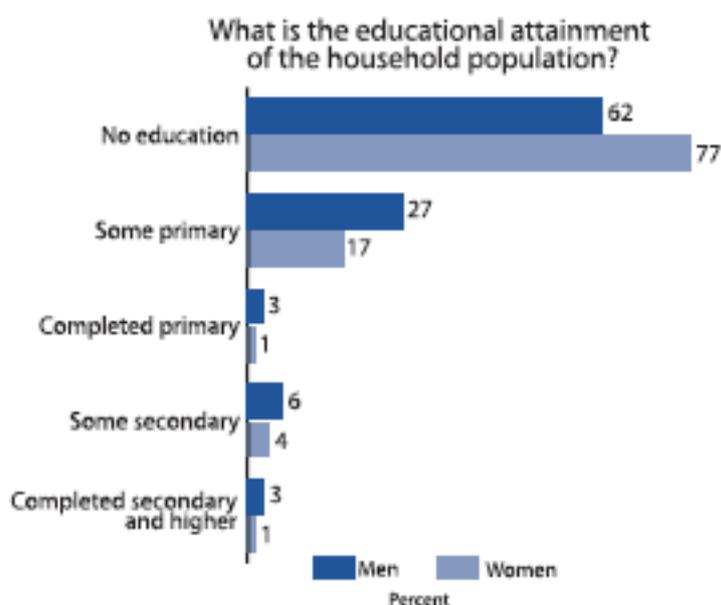
⁶⁴ Human Rights Watch, *“One Hundred Ways of Putting Pressure:” Violations of Freedom of Expression and Association in Ethiopia*, HRW, New York, March 2010, p. 1.

Article 10: Guaranteeing the right to education

Article 10 of CEDAW ensures that women are not discriminated against in seeking educational opportunities, and guarantees that State parties provide both men and women equal access to the same curricula, scholarships, career and vocational guidance, in addition to helping reduce female drop-out rates.⁶⁵ In response to Article 10, the Government of Ethiopia has launched a series of Education Sector Development Programs (ESDP) aimed at “improving educational quality, relevance, efficiency and equity.”⁶⁶ The programs are directly targeted to increase women’s role and participation in their educational development.

According to independent observers, there has indeed been marginal improvement in the access of education to the Ethiopian population since the ESDP were initiated:

Table 1: Education figures from 2000⁶⁷

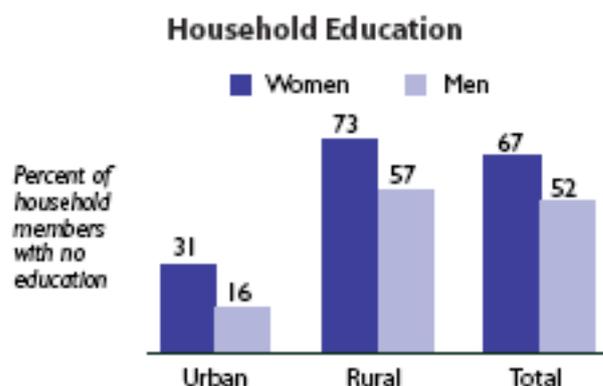


⁶⁵ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 10.a-h.

⁶⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 10, para 78, p. 39.

⁶⁷ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2000: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2000, p. 1.

Table 2: Education figures from 2005⁶⁸



As evident from the graphs above, the percentage of women who have had no education dropped from 77% in 2000 to 67% in 2005. This increase is mostly due to efforts to increase primary enrollment, with 8.1 million pupils enrolled in 2001/02 and 11.4 million in 2004/05.⁶⁹ Such figures represent an 18.2% increase in the gross enrolment rate (GER) and are due mostly to an improvement in school construction.⁷⁰

However, discrepancies based on region and gender still remain critical issues: more men are still educated than women, and huge gaps in access to education between rural and urban communities have been persistent despite Government programs. While there was substantial increase in the GER, the percentage of girls in primary school rested at 70.9%, while the percentage of boys in school increased to 87.3%.⁷¹ In addition, figures drop off considerably in terms of students attending secondary school: the GER remains low at 29.2%, with a 15% discrepancy between the percentages of boys and girls in attendance.⁷²

While the increase in primary schooling is notable, without proper consideration for continuing education at the secondary level, the impact becomes moot. At the same time, the differences in attendance along both gendered and regional lines must be more seriously considered by the Ethiopian state. To decrease the future political and economic marginalization of women in Ethiopia, proper educational opportunities must be afforded them, particularly in consideration of the provisions for educational

⁶⁸ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 2.

⁶⁹ Ethiopian Ministry of Finance and Economic Development, *Ethiopia: Building on Progress: A Plan for Accelerated and Sustained Development to End Poverty (PASDEP)*, Ministry of Finance and Economic Development, Addis Ababa, September 2006, p. 7.

⁷⁰ Ethiopian Ministry of Finance and Economic Development, *Ethiopia: Building on Progress: A Plan for Accelerated and Sustained Development to End Poverty (PASDEP)*, Ministry of Finance and Economic Development, Addis Ababa, September 2006, p. 7.

⁷¹ Ethiopian Ministry of Finance and Economic Development, *Ethiopia: Building on Progress: A Plan for Accelerated and Sustained Development to End Poverty (PASDEP)*, Ministry of Finance and Economic Development, Addis Ababa, September 2006, p. 7.

⁷² Ethiopian Ministry of Finance and Economic Development, *Ethiopia: Building on Progress: A Plan for Accelerated and Sustained Development to End Poverty (PASDEP)*, Ministry of Finance and Economic Development, Addis Ababa, September 2006, p. 8.

equity contained in CEDAW. Female education must not stop at the primary level, and special support systems for women and girls, including girl-friendly schools with a higher proportion of female staff and separate toilet facilities could aid in abating the female drop-out rate.

Article 11: Guaranteeing the rights to employment and labor

Building on the rights to education guaranteed in Article 10, Article 11 of CEDAW asserts that State parties must “take all appropriate measures to eliminate discrimination against women in the field of employment.”⁷³ Further to this provision, State parties are obliged to guarantee equal remuneration and benefits to female employees, in addition to regulating maternity leave and provisions for child care when necessary.⁷⁴ Under Article 89 of the FDRE Constitution, the Ethiopian Government “has the duty to ensure that all Ethiopians get equal opportunity to improve their economic condition and to promote equitable distribution of wealth among them,” even stipulating that the “Government shall ensure the participation of women in equality with men in all economic and social development endeavors.”⁷⁵

Beyond Constitutional guarantees, the Government of Ethiopia has instituted multiple *de jure* provisions to assert the equality of men and women in terms of their access to employment. Labor laws have been enacted to ensure equality in remuneration, and the prohibition of termination of employment based on gender, with specific protection against firing for reasons related to pregnancy.⁷⁶ In addition, the Government has enacted a number of programs aimed directly at enhancing the economic potential of women through vocational training, including the Ethiopian Women’s Development Fund (EWDF).⁷⁷

While the legal stipulations for equal employment opportunities are important, the programs initiated by the Government are unfortunately very limited in their scope: the EWDF targets only 16,000 women from four selected regions.⁷⁸ An annual progress report from 2003 on both the EWDF and another initiative indicated that there has been poor performance in terms of increasing the development potential of women nationwide, indicating that there was “a low disbursement of the fund to the

⁷³ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 11.1.

⁷⁴ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 11.1.d and 11.2.

⁷⁵ *Constitution of the Federal Democratic Republic of Ethiopia*, August 21, 1995. Article 89.

⁷⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 11, paras 109, 113, and 124, pp. 51-55.

⁷⁷ Network of Ethiopian Women’s Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 2.

⁷⁸ Network of Ethiopian Women’s Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 3.

women groups.”⁷⁹ While the institution of the EWDF and similar legal codes are commendable, unless Ethiopian women and their organizations have some ownership over the programs and are made influential partners in terms of fund distribution and activities, there will be little to no change in the economic potential and capacity of Ethiopian women at large.

Article 12: Equity in access to healthcare

Under Article 12 of CEDAW, State Parties agree to “take all appropriate measures to eliminate discrimination against women in the field of health care,” ensuring that access to health care services, including those related to family planning, are provided on the basis of gender equality.⁸⁰ Article 12 particularly emphasizes that signatories must guarantee women appropriate services in connection with maternal health, “granting free services when necessary” to ensure proper care is provided during the pregnancy, labor, and post-natal periods.⁸¹

The Government’s submission to the CEDAW Committee in 2009 is very candid in stating the limitations currently facing women as they attempt to access healthcare, including “long distance from facilities, lack of financial resources and decision-making on the use of family planning, mismatch between demand and supply, heavy workload, and cultural attitudes.”⁸² At the same time, the report asserts that the Government has taken several measures to lift the barriers of access, including instituting the Health Sector Extension Program which strives to construct new health posts in each rural kebele (the lowest administrative unit in Ethiopia), in addition to staffing the posts with two female Health Extension Workers. The Program has so far employed over 24,000 women, whose main task is to visit homes and instruct men and women on basic healthcare, creating model households that utilize the newly constructed health posts.⁸³

Despite the commendable efforts of the Ethiopian state to grant women better access to healthcare, multiple problems remain. In a preliminary external assessment of the Health Services Extension Program in 2008, it was found that as compared to initial goals and estimates set out by the Government, the average achievement in constructing health posts, certifying model households, and deploying health

⁷⁹ Network of Ethiopian Women’s Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 3.

⁸⁰ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 12.1.

⁸¹ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 12.2.

⁸² Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 12, para 131, p. 58.

⁸³ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 12, para 132, p. 59.

extension workers were 78%, 4%, and 63%, respectively.⁸⁴ While the rapid deployment of health workers and the construction of health posts are both good indicators that the Government is making an effort to improve the health status of its citizens, the shortfall in performance at the household level is a critical point which needs consideration as the Extension Program moves forward.

One of the more critical aspects of the Program is to ensure that health workers visit households and disseminate key life-saving information on how to access health services, both in visiting the newly constructed outposts, and also in referring persons to nearby health centers.⁸⁵ While it is estimated that more than 70% of the new health workers' time has been spent making home-to-home visits, both the certification of households and the referral system have not been successful.⁸⁶ The low success rates of these two factors signify a lack of impact and visibility of the Program at the household level. Reasons for this include weak capacity not only of certain ill-trained health extension workers, but also at the health centers, where critical shortages remain both in medical equipment and staff.⁸⁷

The lack of utilization of the Health Extension Program's services at a household level runs similar to previous Government health initiatives, including the Health Sector Development Program, launched in 1997-98, which under review from the World Bank in 2001 was discovered to have built an impressive number of health posts, but still not lifted the low utilization statistics, particularly among women and rural residents.⁸⁸

In addition, despite the staff in the Health Extension Program being largely women, there has still been a marked discrepancy in the improvement in health along gendered lines: in the most current DHS report published on Ethiopia in 2005, a decline in general adult mortality has been reported, but there are marked differences in the rates between men and women: the female mortality rate remains 8% higher than that of men. As further evidence of a gender imbalance in health services, male mortality had declined by a full 26% between 2000 and 2005, while female mortality had declined just 4%.⁸⁹ While the significant decline in male mortality between 2000 and 2005 shows a real increase in Government healthcare provisions for Ethiopia's population, the dramatic difference between mortality figures between men and women also demonstrates a gender bias in terms of access to such services. While healthcare may be expanding in Ethiopia, cultural biases against women consistently

⁸⁴ Bekele, Abebe, Mengistu Kefale, Mekonnen Tadesse, "Preliminary assessment of the implementation of Health Services Extension Program," *Ethiopian Journal of Health and Development*, vol. 22, no. 3, 2008, p. 1.

⁸⁵ Bekele, Abebe, Mengistu Kefale, Mekonnen Tadesse, "Preliminary assessment of the implementation of Health Services Extension Program," *Ethiopian Journal of Health and Development*, vol. 22, no. 3, 2008, p. 2.

⁸⁶ Bekele, Abebe, Mengistu Kefale, Mekonnen Tadesse, "Preliminary assessment of the implementation of Health Services Extension Program," *Ethiopian Journal of Health and Development*, vol. 22, no. 3, 2008, p. 2.

⁸⁷ Bekele, Abebe, Mengistu Kefale, Mekonnen Tadesse, "Preliminary assessment of the implementation of Health Services Extension Program," *Ethiopian Journal of Health and Development*, vol. 22, no. 3, 2008, p. 3.

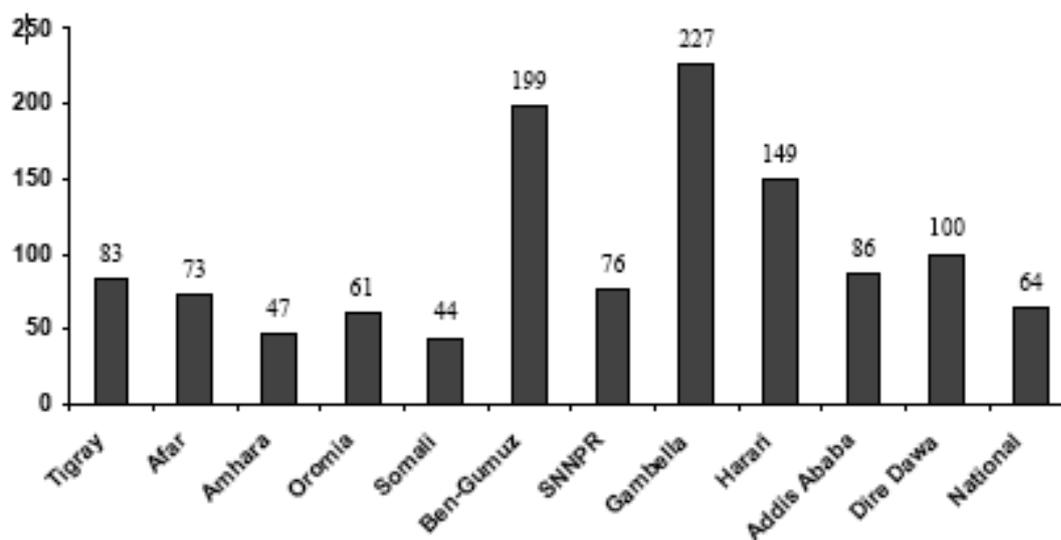
⁸⁸ Family Health Department, *National Strategy for Child Survival in Ethiopia*, Federal Ministry of Health, Addis Ababa, Ethiopia, July 2005, p. 19.

⁸⁹ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 12.

prevent them from accessing health services to the same degree as men. Additionally, the high maternal mortality figures are natural contributors to the overall female mortality rate, showing that more efforts must be made to combat this particular cause of death unique to women.

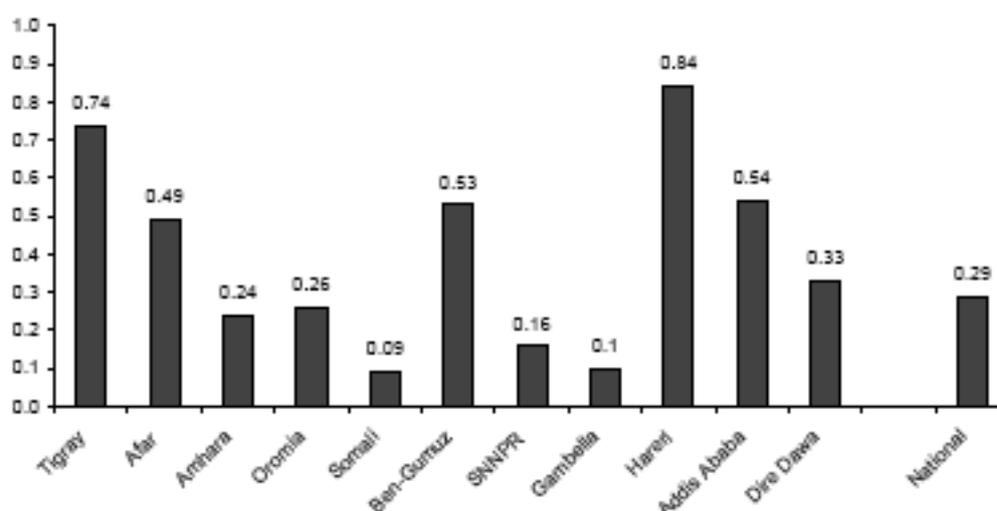
Regional differences also continue to play a role in determining access to healthcare, particularly in the Somali-Ogaden region which lags behind considerably in health service coverage, utilization, and the number of health professionals:

Table 3: Potential health service coverage:⁹⁰



⁹⁰ "Potential" refers to the degree of health coverage if available services were fully utilized by the population. Family Health Department, *National Strategy for Child Survival in Ethiopia*, Federal Ministry of Health, Addis Ababa, Ethiopia, July 2005, p. 23.

Table 4: Annual outpatient visit per capita⁹¹



Aside from the utilization of health services, the actual number of health workers per capita likewise varies drastically by region, with the Somali-Ogaden region once more lagging behind most severely:

Table 5: Population per health worker 2003⁹²

Region	Population	Physician	Nurse	Health Assistant	F.L.H** worker
Tigray	4,006,008	28,614	3,278	4,527	1,235
Afar	1,301,001	52,040	6,051	21,683	11,000
Amhara	17,669,006	60,718	11,092	14,483	23,857
Oromia	24,395,000	60,385	9,638	11,534	66,733
Somali	4,002,000	72,764	12,314	35,105	18,521
Benishangul	580,000	14,500	2,886	5,979	5,800
SNNPR	13,686,002	44,148	8,240	12,155	27,511
Gambella	228,002	12,667	1,443	5,846	5,538
Harari	178,000	3,179	886	2,871	5,952
Addis Ababa	2,725,002	13,164	3,303	7,115	102,800
Dire Dawa	357,000	7,596	2,606	5,328	36,666
	69,127,021	25,958*	4,882	10,083	13,262
WHO standard		1:10,000	1:5000		

* Includes 631 health officers; ** Front Line Health Worker

Such regional discrepancies point to larger trends of geographic and ethnic marginalization present in Ethiopia's state policies and procedures. These

⁹¹ Family Health Department, *National Strategy for Child Survival in Ethiopia*, Federal Ministry of Health, Addis Ababa, Ethiopia, July 2005, p. 24.

⁹² Family Health Department, *National Strategy for Child Survival in Ethiopia*, Federal Ministry of Health, Addis Ababa, Ethiopia, July 2005, p. 23.

discrepancies are not recognized or admitted by the Government in their official submission to the Convention's Committee, but are nonetheless still critical obstacles faced by the nation in implementing CEDAW and its principles. In addition, two particular areas of concern pertinent to both experiences in Ethiopia and in regards to Article 12 of CEDAW are access to family planning and the reduction of maternal mortality:

Access to Family Planning

The right of women to access family planning services is delineated explicitly in Article 12 of CEDAW, while also held within Ethiopia's Constitution. Article 35 of the FDRE Constitution states directly that "to prevent harm arising from pregnancy and child birth and in order to safeguard their health; women have the right of access to family planning education, information and capacity."⁹³ In addition, the restriction on the promotion of contraceptives previously existing in Ethiopia's Penal Code was repealed in 1998.⁹⁴

While Ethiopia's Government asserts that family planning is a health priority, the extension of services has so far been very limited, particularly in marginalized regions. The limited availability of family planning is evident in the high discrepancy in birth rates along geographic lines: Oromia has the highest fertility rate, with an average of 6.4 births per woman, while in Addis Ababa this number plummets to 1.9 births/woman.⁹⁵ In addition, utilization of family planning methods is four times higher in urban than in rural areas (42 percent versus 11 percent).⁹⁶ Overall, despite the right to family planning asserted in CEDAW and Ethiopia's Constitution, one in three Ethiopian women still have an unmet contraceptive need.⁹⁷

The Government must make family planning services more widely available, particularly in rural areas, not only in providing injectable contraceptives, IUDs, condoms, and other forms of contraception to health posts and hospitals, but also through the sensitization and training of new Health Extension Program workers and other rural medical staff. Reaching out to women's groups and local civil society organizations with education programs and acknowledgement of what services are available can help women seeking a method of family planning to readily access services without fear. While services and outreach programs have been initiated before, they have usually been restricted to urban areas and ignore the majority of women who continue without any provision for care: the Government must address such regional inequality and begin to repair such discrepancies without delay.

⁹³ *Constitution of the Federal Democratic Republic of Ethiopia*, August 21, 1995. Article 35.9.

⁹⁴ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 13.

⁹⁵ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2000: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2000, p. 3.

⁹⁶ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 6.

⁹⁷ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 7.

Maternal Mortality

In the Government's submission before the CEDAW Committee in 2009, they cite the maternal mortality rate in Ethiopia as having declined from 871/100,000 live births in 2000 to 641/100,000 live births in 2005, a figure backed up by external evaluators including the DHS.⁹⁸ To ensure a continued decline in maternal mortality, the Ethiopian State enacted a Public Health Proclamation in 2000 which stipulates that "no person shall be denied medical services in public health institutions due to inability to pay fees."⁹⁹ Persons wishing to receive free services must present a "fee waiver certificate," and special provision is made for prenatal, delivery and postnatal services, and the immunization of mothers and children against illnesses.¹⁰⁰

Despite the improvement in mortality and the promises made in the Proclamation of 2000, access to maternal health care remains poor. Overall, 94% of births in Ethiopia take place at home without the assistance of a health professional.¹⁰¹ Material and human resources remain inadequate, and progress in reaching communities in the two years following the Proclamation was enacted has been minimal. While the amount of Government funds allocated to healthcare has indeed increased in the last years, the percentage of the Ethiopian population who could potentially access health services has only slightly improved:

Table 6: Potential health service coverage¹⁰²

Indicator	1998/1999	1999/2000	2000/2001	2001/2002
Potential health Service coverage	49.1	50.7	51.2	51.8
Health Budget as % of Gov't Total Budget	5.3	4.8	7.3	7.0

In addition, DHS reports only slight improvement in access to antenatal care, with 28% of mothers receiving antenatal care in 2005 as compared to 27% in 2000.¹⁰³ Critically, these figures for antenatal health coverage are half what the Government of Ethiopia reports in their official submission to the CEDAW Committee: this

⁹⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 12, para 130, p. 58.

⁹⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 12, para 134, p. 60.

¹⁰⁰ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 12, para 135, p. 60.

¹⁰¹ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 12.

¹⁰² Ministry of Health, *Health and Health Related Indicators*, Ethiopia Ministry of Health, Addis Ababa, 1999/2000, 2001/2002.

¹⁰³ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 11.

discrepancy calls into question the overall viability of Ethiopia's claims.¹⁰⁴ Furthermore, regional differences in accessing maternal health services remain quite significant, a problem not even addressed by the State in its reporting. While 9 in 10 mothers in Addis Ababa receive antenatal care from a health professional, this number plummets to less than one in ten in the Ogaden region.¹⁰⁵

It is very clear that discrepancies in access to healthcare exist not only between men and women in terms of accessing healthcare to improve the overall mortality rate, but also among the various regions in Ethiopia. While the new provisions enacted by the State to increase access to healthcare are commendable, they continue to fall short in ensuring that the services not only reach women for critical maternal health and family planning needs, but are also equally distributed along regional lines.

Article 14: Equity in standards of living between rural and urban women

Article 14 of CEDAW asserts that "State Parties shall take into account the particular problems faced by rural women," ensuring that "the application of the provisions of the present Convention to women in rural areas."¹⁰⁶ All of the further provisions of the CEDAW, including access to healthcare, education, political activity, and the ability "to enjoy adequate living conditions in relation to housing, sanitation, electricity and water supply, transport and communications" must be extended towards all citizens, regardless of regional or territorial differences.¹⁰⁷

In their 2009 submission to the CEDAW Committee, the Ethiopian Government claims that particular emphasis has been placed on extending critical services to rural women, enacting the Productive Safety Net Program in 2005, a social security initiative which helps develop the agricultural capacity of rural populations, particularly women.¹⁰⁸ The program is also designed to address regional discrepancies in standards of living, particularly in regards to food security, supporting "chronically food insecure" regions including the Amhara, Oromia, Tigray, Southern Nations, Nationalities, and People's Region (SNNP) and Harari.¹⁰⁹

¹⁰⁴ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Appendices, p. 95.

¹⁰⁵ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 11.

¹⁰⁶ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 14.1.

¹⁰⁷ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 14.2.

¹⁰⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 14, para 170, p. 74.

¹⁰⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 14, para 170, p. 74.

The exclusion of the Ogaden region in the Productive Safety Net Program is particularly notable, considering that over 950,000 people are estimated to require emergency food assistance in the region, of whom 642,016 live in areas restricted to international organizations by the Ethiopian Government.¹¹⁰ This exclusion of the Ogadeni population from State-run food aid and rural development programs is another indicator of the marginalization faced not only by the region, but also by women who comprise the majority of the displaced population.

Discrepancies in standard of living

While the living conditions for both men and women are extremely poor in food insecure regions, including the Ogaden, the overall standard of living for Ethiopia's rural population remains dire, particularly as compared to urban zones. Households in urban areas are typically smaller than those in rural areas (4.2 as compared to 5.2), indicating the heavy burden faced by rural households, 23% of which are headed by a woman.¹¹¹ Access to electricity differs greatly between urban and rural areas, at 86% and 2%, respectively. In addition, 94% of households in urban areas have access to drinking water, a number which plummets to 56% in rural areas. Nearly 60% of rural households require a journey of over 30 minutes to fetch drinking water, a duty almost universally performed by women.¹¹²

Right to land

Article 14 of CEDAW also asserts that rural women should be treated equally in land reform and resettlement schemes.¹¹³ Ethiopia's Constitution likewise grants women the "right to acquire, administer, control, use and transfer property,"¹¹⁴ while the Government has also further enacted a Land Use Proclamation in 2005 which affirms the rural woman's Constitutional right to get and use rural land.¹¹⁵

Despite such measures, there has been little impact on the actual lives of rural women: women are systematically restricted access to land based on local traditions which favor men, including the nearly universal practice of placing land holdings in a husband or father's name. While the central Government has made feeble attempts to introduce policies which encourage the joint-registration of land, the reality of land holdings reflecting differences in ownership between men and women demonstrate inequalities: in the Oromia region, for example, the average farm size of female-headed households rests at 1.6 hectares, as opposed to 2.35 hectares on average for men.¹¹⁶ Women are marginalized not only in their efforts to acquire land, but also in

¹¹⁰ UNICEF, *UNICEF Humanitarian Action Ethiopia in 2008*, UNICEF, New York, 2008, p. 2.

¹¹¹ Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 2.

¹¹² Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 2.

¹¹³ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 14.2.

¹¹⁴ *Constitution of the Federal Democratic Republic of Ethiopia*, August 21, 1995. Article 14.179, p. 79.

¹¹⁵ *Constitution of the Federal Democratic Republic of Ethiopia*, August 21, 1995. Article 14.179, p. 79.

¹¹⁶ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 25.

cultivation: while the Government has developed various agricultural extension services in rural areas, the programs are almost universally oriented towards men by privileging traditional male-dominated agricultural tasks.¹¹⁷

While such discrimination against rural dwellers in Ethiopia remain severe, the most extreme incidents of abuse leveled at rural communities have been faced in the Ogaden region, as over 200 rural villages in the region have been destroyed and their residents forcibly relocated, resulting in 60,000 Ogadeni residents fleeing to Kenya as asylum seekers in 2008 alone.¹¹⁸ Such blatant attacks on the rural areas of the Ogaden run in blatant opposition to the CEDAW's directives which demand equitable and non-discriminatory policies towards rural populations. Such infringement of the basic right to livelihood in rural communities further violates Ethiopia's Constitution and legal codes: Ethiopia has constitutionally guaranteed freedom of movement and the right of citizens to establish their residence wherever they so choose.¹¹⁹ In addition, the Criminal Code stipulates imprisonment or a fine towards those who, not being authorized by law so to do, prevent another from moving freely within the territory of Ethiopia.¹²⁰

It is evident not only from the gross discrepancies in standard of living indicators, but also from the gross violations in the Ogaden region of right to livelihood and private property, that rural communities are not being given adequate support from the Government of Ethiopia. While certain service extension programs and legal procedures have gone forward with the intention of ensuring rural populations receive critical services, such efforts have been woefully inadequate in closing the gaps between urban and rural populations, and have done nothing to address the forced removal and insecurity of rural residents in the Ogaden region.

Article 15: Equality before the law

Signatories to CEDAW agree to accord "women equality with men before the law" under Article 15, guaranteeing equal treatment for women in "all stages of procedure in courts and tribunals."¹²¹ Ethiopia's Constitution further stipulates that all persons are equal before the law, while the legal system guarantees the "equal right of men and women to bring litigation, access to legal advice and the right to seek legal redress

¹¹⁷ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 51.

¹¹⁸ Human Rights Watch, *From Horror to Hopelessness: Kenya's Forgotten Somali Refugee Crisis*, HRW, Kenya, March 2009, p. 1.

¹¹⁹ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art. 12.107 and 12.109.

¹²⁰ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art. 12.110.

¹²¹ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Articles 15.1 and 15.2.

in all legal and civil matters.”¹²² In addition, the Criminal Procedure Code likewise asserts that “no discrimination on the basis of race, nationality, or gender is allowed.”¹²³ The Ministry of Justice in Ethiopia also promises to “render legal aid to persons who are victims of violations of human rights with a view to promoting access to justice.”¹²⁴

Despite these claims, reports of arbitrary arrests and cruel treatment of female detainees without due process of law are rampant across Ethiopia, particularly in the Ogaden and Oromia regions, as mentioned under Article 2 above. HRW has reported that “women taken into military custody as suspected Ogaden National Liberation Front (ONLF) spies or for providing the insurgents military support are frequently raped or otherwise sexually assaulted while being transported to or held in military camps. Soldiers have also assaulted and raped women and girls in urban areas as well as when they are collecting firewood, water, and other vital supplies in rural areas.”¹²⁵

One particular case occurred in June 2007, when a 38-year-old woman was detained by soldiers as she entered Dhagahbur town from her home in Kariir to sell goats. She was apprehended by soldiers, taken to a military base, and held for 25 days with no criminal charge or judicial review process. During her stay at the base, she was raped on five separate occasions before being transferred to a police station.¹²⁶ In the same month, soldiers arrested a 17-year-old student directly from her home in Duhun, accusing her of being an ONLF supporter. She was taken to the Duhun military base where she and 15 other female students were detained in a dark hole in the ground. In addition to routine beatings, the student was raped at least 13 times in the three-months she was held in custody. She also witnessed the rapes of most of the 40 or so women who were simultaneously held at the camp, in which the camp commander himself participated after sequestering the detainees in nightly interrogations.¹²⁷

There have been no instances since 2007 in which soldiers have been disciplined or punished for committing acts of sexual violence which they carry out with impunity.¹²⁸ Under the country’s Constitution, “accused persons have the right to have full access to any evidence presented against them, examine witnesses testifying against them, adduce or have evidence produced in their own defense, and obtain the

¹²² Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Articles 15.184 and 15.186.

¹²³ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 14.120 and Article 14.122.

¹²⁴ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Article 14.122.

¹²⁵ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 58.

¹²⁶ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, pp. 58-59.

¹²⁷ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 59.

¹²⁸ Human Rights Watch, *Ethiopia: Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Regional State*, HRW, New York, June 2008, p. 58.

attendance of and examination of witnesses on their behalf before the court.”¹²⁹ No such measures have been taken in the mass arrests in both the Ogaden and Oromia regions of Ethiopia, as female detainees have no recourse for justice, even once released from prison.

Article 16: Equality in marriage

Article 16 of CEDAW asserts that State Parties must “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations,” including equality in the rights to enter and leave marriage, own property, and act as guardians to children.¹³⁰ In addition, this Article prohibits child marriage, stating that “the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage.”¹³¹

While the Government of Ethiopia has revised the Family Code to raise the minimum age of marriage to 18 years, and ensured that any child marriage is criminalized under the Criminal Code, problems of early and forced marriage persist at an alarming rate in Ethiopia. The median age at first marriage for women aged 25-49 is 16.1 years, with 62 percent of women married before the legal marriage age of 18.¹³² These figures are particularly alarming when placed against the median age of marriage for men in Ethiopia which remains at 23.8 years. While the Government has enacted multiple programs aimed at implementing the Family Laws and Code, including sensitization of religious leaders and members of the judiciary, there has been little change to the age of marriage over the last five years, and regional differences in age of marriage abound: while the median age at marriage in Addis Ababa is 21.9 years, this number drops to 14.2 years in Amhara.¹³³

In addition, current Family Law remains weak and inadequate in ensuring full equality for women once in marriage.¹³⁴ Each regional state is responsible for issuing its own Family Law in regards to marriage in accordance with the Federal

¹²⁹ Human Rights Committee, *Consideration of reports submitted by States parties under article 40 of the Covenant: First periodic report of States parties: Ethiopia*, United Nations International Covenant on Civil and Political Rights ICCPR/C/ETH/1, 28 July 2009, Art.14.140.

¹³⁰ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 16.1.

¹³¹ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 16.2.

¹³² Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 4.

¹³³ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 16.192; Central Statistical Agency, *Ethiopia Demographic and Health Survey 2005: Key Findings*, Demographic and Health Survey, Addis Ababa, Ethiopia and Calverton, Maryland, 2005, p. 4.

¹³⁴ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 16.194, p. 85.

Constitution,¹³⁵ and while the Federal Government issued a revised Family Law in 2000 that reflects the principles of marriage equality in CEDAW, this act is applicable only in Addis Ababa and Dire Dawa cities, showing once more a strong spirit of regionalism and lack of national leadership and inclusion on the part of the Government.¹³⁶ While the Government claims that each regional state has revised their own Family Laws to ensure the parity of women in marriage,¹³⁷ external reporters assert that six regions have still not yet revised their antiquated Laws which privilege men, allowing for gender discrimination in matters of marriage.¹³⁸ So far there has been no coordinated effort on the part of the National Government to speed the process of regional law reform, and any enforcement mechanisms from the central State to implement those regional legal mechanisms which have been revised remain nonexistent.

Aside from the concern over a lack of legal amendments to family codes at the regional level, even those laws which have been modified often fall short of guaranteeing all the provisions of CEDAW are adequately met. The text of CEDAW clearly asserts that State parties must grant “the same rights and responsibilities [to men and women], irrespective of their marital status, in matters relating to children,” including those “with regard to guardianship, wardship, [and] trusteeship.”¹³⁹ However, while those Family Codes which have come under revision stipulate that spouses have the responsibility to provide maintenance to their children and each other, they do not contain any clear provision on how one spouse can obtain remedy in the event that the other fails to fulfill this duty.¹⁴⁰ To this effect, the courts are entirely absent in matters of guardianship maintenance, giving women no legal recourse to demand support in matters of child support. Because Ethiopian women are traditionally restricted to reproductive roles and household duties, in the event of marriage dissolution, women are often placed in an economically vulnerable position. Without financial equality, legal provisions for maintenance claims are critical if children are to be cared for in an environment of equal guardianship between men and women.

In addition, the revised Law does not adequately protect women from incidences of violence within marriage: there is currently no mechanism of obtaining a restraining

¹³⁵ *Constitution of the Federal Democratic Republic of Ethiopia*, August 21, 1995. Article 34.

¹³⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 16.187, p. 82.

¹³⁷ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined sixth and seventh periodic report of States parties: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/6-7, 10 November 2009, Article 16.187, p. 82.

¹³⁸ Network of Ethiopian Women’s Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 28.

¹³⁹ *Convention on the Elimination of All Forms of Discrimination against Women*, Adopted and opened for signature, ratification and accession by General Assembly 18 December 1979, entry into force 3 September 1981, Article 16.1.d and f.

¹⁴⁰ Network of Ethiopian Women’s Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 29.

order or protection against abusers.¹⁴¹ In addition, the penal code maintains a stringent standard of proof, making it incredibly difficult for women to bring abusers to justice, which is exacerbated when considering acts of domestic violence typically occur in private settings.¹⁴²

¹⁴¹ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 30.

¹⁴² Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 30.

Concluding observations and recommendations

1. The Government of Ethiopia has routinely denied its role in campaigns of rape, torture, and arbitrary detention of women in the Ogaden and Oromia regions. ARM calls on **the Government of Ethiopia to commit to allow for an independent, international investigation into the reports of mass arrests, torture, and rape of women in the Ogaden and Oromia regions by Government forces, and design a strategy for its completion by December 2011.**

2. In addition to denying a proper investigation into the allegations of arbitrary arrest and rape, the Government of Ethiopia has not yet prosecuted any accused perpetrators of such crimes in the Ogaden and Oromia regions. **In accordance with the revised Criminal Code of 2005, we call for the immediate prosecution of any and all individuals who have been found responsible for the incidences of arbitrary arrest and rape** which threaten the basic rights to life and non-discrimination of women in the Ogaden and Oromia regions.

3. In order to achieve more *de facto* equality for women in Ethiopia, **more concerted and comprehensive efforts to sensitize and educate local authorities, community councils, woreda (district-level) courts and other judiciaries on any and all *de jure* measures which ensure women's participation and equality** in regards to their legal rights to

- a) register land under their own name,
- b) access education to the university level,
- c) participate in political processes which affect them,
- d) receive support upon dissolution of marriage,
- e) access to family planning services, and
- f) protection from harmful traditional practices, including FGM,

A concrete and strategic plan must be designed and implemented to guarantee these rights within 18 months.

4. To accompany the implementation of more comprehensive sensitization campaigns, **we call on the Federal Government of Ethiopia to oversee a more stringent system of evaluation and retribution of local authorities and courts, including suspension, fines and other minor forms of punishment for those officials who do not implement *de jure* measures** which guarantee the full equality and freedom of women, in particular the revised Criminal Code of 2005, in addition to the Ethiopia National Policy on Ethiopian Women and revised Family Codes.

5. Further provisions must be made to ensure a greater number of women receive a full and robust education, including through the **reinforcement of rural outreach programs, and an increase in efforts to combat drop-out rates and build up the infrastructure of secondary schools.**

6. To ensure greater impact on the economic development of women, particularly in rural areas, **the Ethiopian Women's Development Fund must be broadened in its scope, concentrating on more than four regions of the country, and must be more diligent in directly distributing funds and services to women's groups themselves.**

7. Drastically low levels of antenatal care and high rates of home-birth without trained assistance are primary factors in contributing to the dangerous levels of maternal mortality in Ethiopia. Such figures are a result not only of poor utilization of healthcare services, but also of weak services offered. **The Ethiopian Government must rapidly ameliorate the maternal health infrastructure through**

a) better training and recruitment of health personnel

b) improve the outreach and referral component of the Health Extension Program.

8. Regional discrepancies abound throughout the indicators of women's development, but are perhaps most marked in the figures of health service utilization and presence of medical personnel. **More concerted efforts to recruit and train medical personnel in marginalized regions, particularly the Ogaden, must be made** as soon as possible to help address the severe health ramifications occurring as a result of continued conflict in the area.

9. Government efforts to address chronic food insecurities, particularly **the 2005 Productive Safety Net Program, must be extended to the Ogaden region within three months**, where 950,000 people are estimated to require emergency food assistance, of whom 642,016 live in areas restricted to international organizations.

10. In accordance with the Constitutional guarantee to freedom of movement and the right of citizens to choose and establish their residence wherever they so choose, **the practices of State-sanctioned forced evacuation and village destruction in the Ogaden region must cease immediately while perpetrators of such acts must be brought to justice** in line with the 2005 Criminal Code which demands imprisonment or a fine towards those who prevent another from moving freely within the territory of Ethiopia.

11. The central Government must create **a national enforcement mechanism to ensure that any and all revised Family Codes are adhered to**; those regions which have not yet adequately revised antiquated Codes in favor of gender equality and in accordance with Article 16 of CEDAW, must receive **more stringent pressure from the State to comply with national standards of equity in marriage at the risk of suspension of local judiciaries and government bodies.**

12. **Amendments or additions to revised Family Codes must be made to give greater recourse for women seeking maintenance at the dissolution of marriage** to prevent further economic impoverishment and discrimination against women.

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