

SHADOW REPORT ON THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA'S 7TH TO 10TH PERIODIC REPORTS (2015-2023) ON THE IMPLEMENTATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA.

Submitted to the African Commission on Human and Peoples' Rights by the Ethiopian Platform.

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Strategic Initiative
for Women in the
Horn of Africa



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Acronyms

ACRWC	African Convention on the Rights and Welfare of the Child
AU	African Union
CARD	Center for the Advancement of Rights and Democracy
CEDAW	Convention on the Elimination of Discrimination against Women
CRSV	Conflict Related Sexual Violence
CSA	Central Statistics Agency
CSO	Civil Society Organizations
EHRC	Ethiopian Human Rights Commission
EHRDC	Ethiopian Human Rights Defenders Center
ENDF	Ethiopian National Defense Force
EWLA	Ethiopian Women Lawyers Association
FDRE	Federal Democratic Republic of Ethiopia
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GEWE	Gender Equality and Women Empowerment
GoE	Government of Ethiopia
HPR	House of People's Representative
HTP	Harmful Traditional Practices
IMTF	Inter-Ministerial Task Force
MoSA	Ministry of Women and Social Affairs
NEBE	National Election Board of Ethiopia
PWDs	Persons with Disabilities
RCC	Revised Criminal Code
RFC	Revised Family Code
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SNNPR	Southern Nations, Nationalities and People's Region
SRHR	Sexual and Reproductive Health and Rights
UNOHCHR	United Nations Office of High Commissioner for Human Rights

I. Introduction

1. This Shadow Report on Ethiopia’s implementation of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) is submitted for consideration by the African Commission on Human and Peoples’ Rights (ACHPR).
2. The Shadow Report was prepared by a group of seven organisations that included women’s rights organisations and feminist groups (hereinafter referred to as ‘Platform’) constituted of civil society organisations (CSOs) on women’s rights or whose overall human rights work include matters relevant to the exercise of the rights of women.
3. Members of the Platform are:
 - Ethiopia Women Lawyers Association (EWLA)
 - Network of Ethiopian Women Association (NEWA)
 - Ethiopian Human Rights Defenders Center (EHRDC)
 - Ethiopian Women Rights Advocate (EWRA)
 - TIMRAN
 - Strategic Initiative for Women in the Horn of Africa (SIHA)
 - Equality Now
4. The Shadow Report's drafting process included receiving contributions from the Platform members and feedback from CSO actors operating in Ethiopia during a virtual CSO consultation on implementing the Maputo Protocol in Ethiopia, which was held on 20 March 2024.
5. EWLA convened a drafting workshop with Platform members on 8th April 2024. The draft shadow report was validated in a subsequent meeting with Platform members held on 11 April 2024.
6. The Shadow Report is divided into 3 main sections: (I) the introduction, (II) context and background, (III) Specific Provisions of the Maputo Protocol under the eight (8) themes as designated in the Guidelines for State Reporting under the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. Facts and relevant information are provided under each thematic group with recommendations for Ethiopia. These recommendations provide additional information to support the ACHPR in the consideration of Ethiopia’s state report.

II. Context and Background

7. The Federal Democratic Republic of Ethiopia (FDRE) became a party to the African Charter on Human and Peoples’ Rights (African Charter) in June 1998. Ethiopia submitted its initial report to the African Commission in 2009. Subsequently, Ethiopia submitted combined periodic reports in 2015, with the latest one submitted in 2024, which includes part B on the Maputo Protocol. Ethiopia signed the Maputo Protocol on

1st June 2004 and subsequently ratified it on 18th July 2018¹. The House of Peoples' Representatives, which is the law-making body of the country, made Proclamation No.1082/2018², which is the Proclamation to Ratify the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. This proclamation is aimed at domesticating the Maputo Protocol in Ethiopia. It is noteworthy that Ethiopia has entered several reservations and made interpretative declarations to several provisions of the Maputo Protocol, as highlighted in the Ratification Proclamation, which hinders the full enjoyment by women in Ethiopia of the rights provided for in the Maputo Protocol.

8. The FDRE Constitution under Article 9(4) stipulates that duly ratified treaties are “integral parts of the law of the land” and that the Bill of Rights of the Constitution must be interpreted in conformity with ratified treaties.³
9. According to Article 26 of the Maputo Protocol, as read together with Article 62 of the African Charter, each State Party should include in its periodic report a section on the implementation of the Maputo Protocol. The Platform members commend the Government of Ethiopia for reporting on the legislative, judicial, administrative and other measures taken to implement the Maputo Protocol in Ethiopia's 7th to 10th Periodic Reports (2015-2023).

III. Equality/Non-discrimination

Elimination of discrimination

10. Article 2 of the Maputo Protocol obligates FDRE to combat all forms of discrimination against women through legislative, institutional and other measures. Article 35(1) of FDRE's Constitution recognizes that women shall enjoy equal rights and protections as men. The article elaborates equal rights under the Constitution to include equal rights with men in marriage, entitlement to affirmative measures, protection from harmful traditional practices, the right to maternity pay, the right to consultation, property rights (including acquiring and controlling and transferring property), employment rights, and access to family planning education.
11. However, the Platform notes that discrimination against women persists both in the legal system as well as in practice as elaborated further below.
12. Having had to survive an armed conflict in the northern part of the country, and subsequent conflict and violence in other parts of the country; and facing a rapidly changing humanitarian crisis including internal displacement and drought, Ethiopian women are disproportionately affected and need a comprehensive national gender policy

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[37077-sl-PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA.pdf \(au.int\)](#) (accessed 01 April 2024)

² <https://faolex.fao.org/docs/pdf/eth184377.pdf>

³ Article 13 (2)

now more than ever. The existing policy, that is, the 1993 Women's Policy⁴ primarily aims to institutionalize the political, economic, and social rights of women by creating an appropriate structure in Government offices and institutions so that the public policies and interventions are gender-sensitive and can ensure equitable development for all Ethiopian men and women. However, this policy is now outdated, and it neither responds to the emerging needs of Ethiopian women nor guides public policy development and implementation priorities.

13. Similarly, Ethiopian women faced several types of sexual and gender-based violence (SGBV) including Conflict Related Sexual Violence (CRSV) during the reporting period.⁵ The Platform recognizes the state's effort in developing a transitional justice policy to respond to survivors of the widespread SGBV during the armed conflict.
14. Women's role in the family, society and economy of the country continues to be undervalued, and domestic workers are discriminated against in the absence of a regulatory framework for domestic workers in the country. EWLA's assessment conducted in April 2022 on the working conditions of domestic workers revealed that they are vulnerable to SGBV and suffer several human rights violations including sleep deprivation, violations of fair wage and maternity leave entitlements.
15. In November 2023, the Ministry of Education introduced a draft directive on maternity leave for female students in primary and secondary schools. According to the directive, pregnant school-going girls would be entitled to a 15-day maternity leave following childbirth. However, it also stipulates that failure to return to school within this timeframe would result in suspension from the academic year. Notably, the directive lacks provisions for support mechanisms within academic institutions to assist students during this transition. This directive is regressive and is in contravention to the SDGs and the provisions of the Maputo Protocol on gender equality, the right to education, and the right to health and reproductive health rights. It is also against girls' constitutionally guaranteed human rights to equality and entitlement to affirmative action, education and reproductive health rights.
16. According to Article 34 (5) of the FDRE Constitution, litigating parties should consent to have a matter adjudicated by the Sharia Court. However, Article 5 (2) of the Federal Courts of Sharia Consolidation Proclamation No. 188/1999⁶ provides that, the court will proceed with the case if and when the party receiving the summons fails to appear in the court to register an objection to the jurisdiction of the court. This provision fails to consider the undue influence of the religious community on women to conform to religious dispute resolution mechanisms and rulings. This procedure disproportionately

⁴ <https://almariam.com/wp-content/uploads/2018/10/National-policy-on-Ethiopian-women.pdf>

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<https://reliefweb.int/report/ethiopia/gbv-aor-ethiopia-situation-gbv-ethiopia-september-2022#:~:text=OVERVIEW%20OF%20THE%20SITUATION&text=The%20number%20of%20people%20in,drought%20and%20flood%20affected%20regions>

⁶ See the full PDF here <https://afrikadu.cois.it/wp-content/uploads/2019/03/Etiopia-Federal-Negarit-Gazeta-1999.pdf>

restricts women's right to access to justice; and the many more rights that require judicial protection through the Civil Courts. The application of religious and customary laws which disproportionately affect women's rights and promote patriarchal practices needs further guidelines and standards conforming to human rights.

17. The importance of gender statistics in formulating gender-sensitive policies and programmes cannot be overemphasized. Although the Ethiopian Demographic and Health Survey was conducted 2016, the FDRE failed to conduct the Population and Housing Census 2007, therefore there is no accurate data on how many women are in Ethiopia who are subject to and will benefit from Government interventions and services. The FDRE lacks a proper data collection and management system and therefore is not able to provide timely and gender sensitive data on the overall situation of women in Ethiopia. This results in the adoption and implementation of several public policies that are gender blind and do not yield any meaningful benefits for women in the country.

Right to participate in the political and decision-making process

18. Article 9 of the Maputo Protocol obligates Ethiopia to take specific positive actions to promote participative governance and the equal participation of women in the political life of the country through affirmative action, enabling national legislation and other measures. The FDRE Constitution mirrors the provisions of Article 7 of CEDAW on political and public life. In particular, Article 35 (3) of the FDRE recognizes the rights of women to temporary remedial measures to overcome historical legacies of inequality and discrimination, and to ensure their equal participation in political, economic and social life in public and private spheres. A number of election related proclamations and directives issued by the National Election Board of Ethiopia (NEBE) establish affirmative action measures in conformity with the Constitution. The NEBE Measures include monetary incentives for political parties with women candidates and leaders within the party systems. However, the Government has not taken effective measures to realize the constitutionally-guaranteed right of equal participation of women in political life, and women remain underrepresented in the country's political system. Women make up 41.5% of the House of Peoples Representatives (HPR) which is the national law-making body of the country. This is a positive increase from 38% before the 2021 general election.⁷
19. At regional council levels across Ethiopia, the percentage of women membership varied between regions ranging from 29% to 49%.⁸ These variations highlight regional disparities that need further attention with regard to promoting gender equality throughout all regions consistently.
20. During the 6th general election in June 2021, there were 8,955 candidates running for public office, out of which 1,987 were women, of which 1,200 or 42% were from the

⁷ TIMRAN's assessment on women political participation in Ethiopia: the Federal and Regional Law-making Bodies following the 6th National Election.

⁸ Ibid.

incumbent Prosperity Party.⁹ Additionally there were 6 women candidates running for election without any party affiliation. In comparison to the national and regional law making bodies; women candidates running for the regional councils make up 22% while the national body counts for 16% of the total candidacy.

21. Although there are commendable legal reforms including financial incentives to increase women's representation in politics, only a few political parties have in place gender policies aimed at increasing gender equality and women empowerment in politics. There were 19 national political parties and 33 regional political parties which presented candidates to run for the 6th general election and only 13 political parties were able to include enough women candidates to be eligible to receive the financial incentives. Looking at women leadership of political parties, out of 18 national and 31 regional political parties covered in an assessment¹⁰, indicates women count for only 22.9% of party leadership including executive committees in the national political parties. Whereas 16.33% of executive members of regional political parties are women. The assessment also indicated that there are national political parties who have no women in the executive committees and there are no women party leaders or chairwoman in the regional political parties.
22. The overall election report by NEBE¹¹ indicates significant gaps on gender equality including women as candidates, voters and electoral administrators. The human rights monitoring report of the 6th general election¹² in Ethiopia by the Ethiopian Human Rights Commission (EHRC) also underlines the need for legal and policy reforms to attain gender equality and women empowerment in political and public affairs.
23. Although the state is applauded for its effort to maintain a 50% women cabinet since 2018, when it reached 45.8%, because this standard is not backed by legislation the number has now lowered to 22% in 2024. A recent unpublished assessment by TIMRAN¹³ revealed that at higher leadership positions (e.g., Ministers), women represent only 22%, while middle-level (directors, managers) and lower-level (team leaders) positions show 27% and 35% percentages respectively. This indicates a decrease in women's representation at higher leadership levels and the trend of bringing women to the higher leadership position is very low. Moreover, the tenure of women cabinets in leadership positions was very short, as they were leaving offices sooner, to measure their meaningful participation and impact.

⁹ NEBE Sixth General Elections Result, available at <https://nebe.org.et/sites/default/files/Final%20Report%20English.pdf>

¹⁰ An Assessment conducted by a national CSO named Center for the Advancement of Rights and Democracy (CARD) in the year 2021.

¹¹ Ibid.

¹² The Human Rights Monitoring Report of the June 6th General election held in June 2021, Ethiopian Human Rights Commission (EHRC), June 2023.

¹³ TIMRAN, "Situation Assessment on the Leadership Status and Representation of Women in Ethiopia," (Unpublished), March 2024

24. In an assessment conducted by TIMRAN¹⁴ across 11 regional states and two city administrations with a total of 268 bureaus and 2849 work units, only one region shows a relatively high representation of women (38%) in higher leadership positions. In the middle-level positions, one region has a representation of 31.9%, while only two administrations have over 25% representation of women. Other regions fall below the threshold of having adequate female representation. The assessment data reveals that female representation in political and public leadership positions is below 20% in over half (54%) of the regional states.
25. The Platform is concerned that the Government has not held local elections for the past two terms and this is a major challenge; limiting the rights of women to participate in public affairs.
26. Moreover, laws on the appointment of judges and recruitment of civil servants do not have any requirements to ensure gender parity within the judiciary and the civil service to realize gender equality in the overall public affairs. At the federal level, women judges constitute approximately 31%, whereas nationwide there are only around 18% female judges overall.

List of Questions:

The Platform urges the Commission to ask the FDRE the following questions:

- a) What efforts has the Government adopted towards updating the 1993 Women's Policy and adopting the Anti-GBV Policy through a participatory and gender-responsive approach?
- b) What measures is the Government taking to bring to an end the ongoing conflict and to provide justice and redress for those affected by the situation, especially women and girls?
- c) What measures has the Government put in place to ensure uniform application of affirmative action in all sectors including education, judicial and political?
- d) What measures, policy and institutional mechanisms has the Government put in place in relation to CRSV?
- e) What strategy does the Government have in ensuring the Sharia court system is aligned with Constitutional provisions on equality and non-discrimination?

Recommendations:

The Platform urges the Commission to call on Ethiopia to:

- a) Urgently revise the Maternity Leave Directive for students and make reasonable accommodation and measures for adolescent mothers that support their reproductive health and rights as well as their right to education.

¹⁴ *Supra* note, 6.

- b) Monitor and report on the affirmative actions taken so far including the special temporary legislative and programmatic measures that are mandated by the Constitution and the Maputo Protocol to address the structural and historical imbalance and inequalities;
- c) Put in place measures to ensure accelerated implementation of the transitional justice process particularly for victims and survivors of the CRSV;
- d) Exeditiously enact and implement a regulatory framework for Domestic Workers;
- e) Ensure the draft directive by the Ministry of Education guarantees women’s reproductive health rights and provides a support mechanism for female students to realize their right to education;
- f) Conduct the Population and Housing Census and include gender, age, disability, rural and urban and other forms of disaggregated data on women in the country and generate analysis to inform policy and implementation in the country;
- g) Adopt a regulatory framework to ensure effective, harmonized and mandatory implementation of temporary measures to achieve substantive equality between women and men, particularly in political and public life, while ensuring the establishment of accountability mechanisms to monitor compliance;
- h) Review the Ethiopian Electoral, Political Parties Registration and Elections Code of Conduct Proclamation No. 1162/2019 to include a concise definition of gender discrimination and amend Article 69 (1) (c) to explicitly include gender discrimination as ground for denying the registration of a party to ensure that women's participation in political and public life is not merely tokenistic but meaningful and influential;
- i) Undertake amendments of the Civil Servant’s Proclamation and the Judicial Administration Council Establishment Proclamation, to include requirements for gender equality such as achieving gender parity in the appointment of judges and civil servants.
- j) Utilize already available CSO generated data to compliment the state’s data in order to influence key interventions.

IV. Protection of Women from Violence

Protection of Women from SGBV

27. Articles 3 and 4 of the Maputo Protocol oblige Ethiopia to adopt and implement appropriate measures to prohibit the exploitation and degradation of women, and to protect women from all forms of violence, particularly sexual and verbal violence. Ethiopia is also under an obligation to prevent the trafficking of women. The FDRE Constitution has general stipulations on human rights that equally apply to women including the right to life, security of the person and liberty under Articles 14-17. Additionally Article 18 provides for protection from torture, cruel, inhumane and degrading treatment; and Article 26 on the right to privacy. Most significantly, the Constitution explicitly imposes an obligation on the state to protect women from violence in Article 35.4: “The State shall enforce the right of women to eliminate the influences of

harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.”

28. The Platform notes that while the Government has adopted and enacted policies and laws to address SGBV, these instruments by and large have not been implemented or enforced in ways that yield meaningful improvements in the protection of women from SGBV. The Platform further notes that the Government is in the process of finalizing the draft Criminal Procedure Code and Evidence Law. The following section elaborates on the legal and implementation gaps respectively.
29. *Marital Rape and Domestic Violence*: Article 654 of the Revised Criminal Code recognizes and penalizes the infliction of bodily harm on a domestic partner however, it fails to define domestic violence, limits the protection to physical violence and does not cover other forms of domestic violence including economic and psychological violence and abuse. Furthermore, the Code fails to criminalise marital rape.
30. *Workplace Harassment*: the Criminal Code does not criminalize sexual harassment that takes place in the workplace or other environments. The Labour Proclamation No. 1156/2019 recognizes *quid pro quo* and hostile environment as workplace harassment. However, it does not provide a comprehensive definition of workplace harassment to ensure civil liability against perpetrators including administrative action, access to effective complaint procedures, protection measures and recourse to remedies.
31. *Victim Blaming*: Article 82 of the Criminal Code provides for the extenuating circumstances for all crimes including the circumstances where the offender was motivated by “honorable, moral or civic” convictions, or as a consequence of the so-called tempting behavior of the victim. This opens the possibility for perpetrators taking advantage of patriarchal conceptions of moral and harmful traditional attitudes, practices and sexist views that blame or fault women for their own victimization.
32. *Restrictions on Perpetrators and Protection of Victims*: the Criminal Code has no provisions to provide protection, care and sensitivity to survivors of SGBV. The absence of a binding guideline on the application of preventative and protective measures in SGBV cases has left the victims at the discretion of the prosecutors and judges.
33. The Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010 provides extensive protection and care measures to victims of crimes. However, it does not explicitly provide for survivors of SGBV to benefit from the protection schemes sought; and leaves the victims to the discretion of the administrative agencies. This is exacerbated more in the absence of safe houses for victims and proper referral pathways among all duty bearers.
34. The Criminal Code does not sufficiently address bodily harm against women by acid attack. This crime, violence against women using corrosive substances, requires a separate provision in the Code to include the regulation of the sale and transfer of the substances over the counter. The Platform notes the urgency of this issue recalling the recently increasing acid attacks against women in Ethiopia.

35. The existing laws, policies and action plans on the Prevention and Suppression of Trafficking in and Smuggling of Persons¹⁵ mainly focus on cross border cases relegating the trafficking and smuggling of women and children inside the country. The prevalence of trafficking in persons has been increasing during the reporting period amidst the armed conflict and the following humanitarian crisis including internal displacement, drought and the economic inflation. Although the Government has established a national coordination office at the Federal level¹⁶, there are regional states that did not join the alliance and with no budget for the prevention and response undertakings which renders the measures inadequate and exposes the women and children to various human rights violations and abuses. There is also lack of information on investigations and prosecutions of trafficking in persons' cases and the protection of survivors' rights.
36. Women and girls continue to face SGBV, and the number of cases has risen due to the armed conflict in Tigray, Amhara and Afar regions. Conflict related sexual violence witnessed during the conflict including physical violence and assault; attempted rape, rape including gang rape, oral and anal rape; insertion of foreign objects into the vagina; intentional transmission of HIV; verbal abuse including ethnical slurs; abduction; and other violations have been committed. Some of the reported accounts of rape were characterized by appalling levels of brutality. Acts of rape were frequently intended to degrade and dehumanize an entire ethnic group.¹⁷
37. The Federal Government established the Inter-Ministerial Task Force (IMTF) to investigate the cases of human rights violations; and reported on September 2022 at least 2,212¹⁸ cases of rape and sexual violence against children and women including women with disabilities and the elderly. This number is limited to certain areas in Afar and Amhara regions based on the available data during the investigation timeline and does not confer to the number of all SGBV cases in the conflict context.¹⁹ There is no national

¹⁵ Proclamation No.1178/2020 Prevention and Suppression of Trafficking in Persons and Smuggling of Persons <https://www.lawethiopia.com/images/latest%20proclamations/1178%20A%20PROCLAMATION%20TO%20PROVIDE%20FOR%20THE%20PREVENTION%20AND%20SUPPRESSION%20OF%20TRAFFICKING%20IN%20PERSONS%20AND%20THE%20SMUGGLING%20OF%20PERSONS.pdf>

¹⁶ It was first the National Anti-Trafficking and Smuggling Taskforce which was dissolved and re-organized as the National Partnership Coalition (NPC) where the Ministry of Justice takes the lead and relevant stakeholders are part of the coalition.

¹⁷ See EHRC-OHCHR Joint Investigation Report on Tigray Conflict at <https://ehrc.org/download/ehrc-ohchr-joint-investigation-report-on-tigray-conflict/#> and See the report on the violations of human rights and international humanitarian law in Afar and Amhara regions <https://ehrc.org/download/%e1%89%a0%e1%8a%a2%e1%89%b5%e1%8b%ae%e1%8c%b5%e1%8b%ab-%e1%8b%a8%e1%8a%a0%e1%8d%8b%e1%88%ad-%e1%8a%a5%e1%8a%93-%e1%8b%a8%e1%8a%a0%e1%88%9b%e1%88%ab-%e1%8a%ad%e1%88%8d%e1%88%8e%e1%89%bd-%e1%8b%a8/#>

¹⁸Committee against Torture Seventy-sixth session 17 April–12 May 2023, Consideration of reports submitted by Ethiopia to the list of issues in relation to its second periodic report, 20 February 2023, CAT/C/ETH/RQ/2.,Para 30 <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkG1d%2FPPrICAqhKb7yhspSuXt1ZmiktIAOj8IIsa8U%2FZcsRIPjtU4YdZfM37dH1dN%2Fblw7vuur90xYOZlW5lwqyOMkCt950I3TW%2BHFQFB7p8NnH9rYix%2FRRofta8i39>

¹⁹Reporting, Investigation and Prosecution of Conflict Related Violence (CRSV) in Ethiopia, August 2023, an assessment conducted by Ethiopian Human Rights Defenders Center (EHRDC).

comprehensive data on the CRSV numbers, forms and types, severity of harm suffered, disaggregated by survivors' age, location, and identity of the perpetrators.

38. Regarding accountability, through the military system, '14 Ethiopian National Defense Force (ENDF) soldiers had been tried and convicted of rape by military courts. The soldiers were sentenced to prison terms of 7 years and above, which would bar them from re-joining the ENDF upon completion of their terms.'²⁰ The state also reported, as of August 2022, the military court rendered 27 convictions sentenced up to 25 years in prison, including one life sentence. However, there is no desegregated data on these convictions to identify how many of the CRSV cases attained justice. Additional 33 rape cases are pending decisions.
39. The recent report of EHRC on September 2023 concerning the ongoing conflict in Amhara region indicated that the conflict related sexual violence continues currently and there are around 200 SGBV cases against women and children including in the displacement settings.²¹
40. The Government reported that currently there are 43 one stop centers established and operating throughout the Country, 4 in Addis Ababa, 5 in Afar, 12 in Amhara, 10 in Oromia, 2 in Benishangul-Gumuz, 3 in South Nations and Nationalities, 1 in Harari, Gambella, Dire Dawa and South West each, and 2 in Somali Regional States.²² The Platform welcomes these developments and is concerned about the accessibility and efficiency of the services including for victims of CRSV due to the lack of expert staff and budget, gaps in referral linkage and coordination; and proper data management.

Harmful Traditional Practices

41. Article 5 of the Maputo Protocol obligates Ethiopia to take measures to eradicate female genital mutilation (FGM).
42. In Ethiopia, two in three women aged 15-49 years (65%) have undergone FGM. Female Genital Mutilation is more common in the Somali and Afar regions (99% and 91%, respectively)²³ (CSA 2016), and lowest in Tigray and Gambella regions (24% and 33%, respectively). Most of the FGM procedures are done by traditional agents and circumcisers in different communities and regions.

²⁰Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia, P. 3, available at <https://www.ohchr.org/sites/default/files/2021-11/OHCHR-EHRC-Tigray-Report.pdf>

²¹ See the report here <https://ehrc.org/%E1%8A%A0%E1%88%9B%E1%88%AB-%E1%8A%AD%E1%88%8D%E1%88%8D-%E1%88%88%E1%8B%88%E1%88%AB%E1%89%B5-%E1%8B%A8%E1%89%80%E1%8C%A0%E1%88%88%E1%8B%8D-%E1%8B%A8%E1%89%B5%E1%8C%A5%E1%89%85-%E1%8C%8D%E1%8C%AD/>

²² CAT-Ethiopia State Party's Report CAT/C/ETH/RQ/2, Supra note 5, Para 19.

²³

<https://www.afro.who.int/countries/ethiopia/news/fighting-female-genital-mutilation-ethiopia-passion-born-personal-pain#:~:text=In%20Ethiopia%2C%20two%20in%20three,and%2033%25%2C%20respectively>).

43. Although this number has decreasing indicators in the past 15 years till the year 2016, there is no updated statistical data on the status of FGM for the reporting period. Yet, reports of community consultations and engagement by EWLA and EHRC has indicated the practice of FGM still continues in the community.²⁴
44. Article 55 of the Criminal Code, stipulates a punishment of up to three months' imprisonment or alternatively a fine of 500 ETB for female genital mutilation. However, the penalty does not correspond to the gravity of the crime considering the severe effect of genital mutilation on the physical and psychological wellbeing of women and children throughout their life time. The punishment does not support prevention measures as it has a weak deterrence effect. Other gaps in the Criminal Code include not criminalizing failure to report or notify the relevant authorities when FGM is planned to be carried out, no provisions for the protection of victims and witnesses and no attention is given to FGM carried out by crossing regional borders²⁵ and medical facilities to evade accountability.
45. The Ethiopian Islamic Affairs Supreme Council²⁶, the country's highest Islamic authority, released a press statement²⁷ on January 31, 2024 announcing the decision made during the 2nd Ordinary General Assembly regarding the practice of FGM within the Muslim community. Page 3, paragraph 12 of the Statement explicitly prohibits the pharaonic brutal mutilation of the female genitalia²⁸ and announces that such form of FGM is against the Sharia. Paragraph 13 of the statement reiterates the differences among the Ulema's opinion on whether FGM is an act of Wajib (obligatory), or Sunnah (optional) in the Islamic community. However, in the same paragraph the Council announces that the practice of FGM will continue but will only be performed by a medical professional pending final decisions on whether FGM is obligatory or optional in the Islamic laws.
46. This decision by the Council is against the constitutionally guaranteed protection of a woman from any violence against her bodily integrity including the right to be free from harmful practices such as FGM. Moreover, FGM is explicitly rendered as a criminal act by the criminal code, in all of its forms without any exceptions. In line with this, the Ministry of Health, through the circular passed on 4 January 2017, banned medicalization of FGM in all public and private medical facilities in the country.²⁹ As per this circular,

²⁴ EHRC Annual Women Rights Situation Report., September 2023, P. 16, Para. 4 <https://ehrc.org/download/%e1%8b%a8%e1%88%b4%e1%89%b6%e1%89%bd-%e1%8a%a5%e1%8a%93-%e1%8b%a8%e1%88%95%e1%8d%83%e1%8a%93%e1%89%b5-%e1%88%b0%e1%89%a5%e1%8a%a0%e1%8b%8a-%e1%88%98%e1%89%a5%e1%89%b6%e1%89%bd-%e1%88%81%e1%8a%94/#>

²⁵ Ibid.

²⁶ <https://ethiopianmajlis.org.et/>

²⁷ <https://www.facebook.com/share/p/NdrM5WLMS1AcBKhP/?mibextid=oFDknk>

²⁸ This is described as the form of FGM practiced during the pharaonic era.

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<https://www.afro.who.int/news/ethiopia-bans-medicalization-female-genital-mutilation-fgm#:~:text=In%20line%20with%20this%2C%20the,be%20subjected%20to%20legal%20action.>

any medical personnel who engage in any form of FGM in medical facilities will be subjected to legal action.

Abduction and Rape

47. Community consultations and media monitoring findings indicate an increase of abductions in Sidama regional state and the capital city, Hawassa. The June 2023 EHRC community consultation in the region reported there were 84 abduction cases that were prosecuted between June 2022 to June 2023. This is an indication of the increase in the practice of abduction and rape.³⁰
48. Once a criminal investigation and prosecution are initiated against the abduction and the rape that followed the abduction, there is high likelihood and pattern of discontinuing the criminal process and attempting to resolve the case through traditional dispute resolution mechanisms. The traditional leaders, community elders, and community members unduly influence victims and families of the victims to resolve the matter through mediation, which significantly affects the effectiveness of the criminal justice system, leaving the victims without proper justice.

Child Marriage

49. Regarding early marriage/child marriage, the Platform commends the FDRE for stipulating the minimum age of marriage under the Revised Family Code as 18 years. The Platform, however, is concerned that the Revised Family Code includes the exception that the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them, for serious cause, grant dispensation of not more than two years, making the minimum age 16. This is incompatible with Article 21 of the African Charter on the Rights and Welfare of the Child (ACRWC) and Article 6 (b) of the Maputo Protocol. The law also does not have comparable provisions which expressly prohibit the formation of irregular unions by those under the age of 18. The Criminal Code under Article 648, with a statement ‘apart from circumstances permitted by the family code’ acknowledges that there is an exception to the permission of child marriage in certain circumstances.
50. The humanitarian crises have exacerbated existing inequalities, including harmful traditional practices, poverty and access to services which disproportionately expose women and girls to human rights violations. For example, in Tigray region education has been interrupted for more than 3 years due to the armed conflict and has resulted in an increase of child marriage.³¹

Other Harmful Traditional Practices

51. Corporal Punishment and Domestic Abuse: The Constitution and the Revised Family Code do not reflect an outright prohibition of corporal punishment in home settings

³⁰ Id.,P. 17.

³¹ Ibid.

against girls. The concept of corporal punishment is confused with ‘disciplinary measures’. The Revised Family Code and the Criminal Code give room for parents, legal guardians and other adults responsible for children’s development, upbringing and education to use ‘disciplinary measures’. The Criminal Code has no specific provision criminalizing domestic violence, including abusive acts committed against children within the home setting. The School Administration Regulation also does not lay out measures to be taken against personnel of the school who inflict such punishment. The National Child Policy again fails to address corporal punishment on children despite the serious impact it entails.

52. Community consultations in the newly established South West Ethiopia Peoples' Region showed that there are practices violating various women's rights resulting in health and social complications. These practices include keeping a woman out of the house during menstruation and childbirth; taking pregnant women out of the house during labor; throwing away children with seizures; “*mingi*” (throwing away a baby who prematurely grows front teeth); and “*asha*” (offering a man's daughter as compensation for liability of killing a person).³²

Rights Relating to Marriage

53. Article 6 of the Maputo Protocol obligates Ethiopia to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. The Platform welcomes the enactment of the Revised Federal Family Code (RFC) and few regions with revised family codes. However, it is a matter of concern that some regions of the country, including the newly established regions (Central Ethiopia, South Ethiopia, South West Ethiopia and Sidama) do not have codified family laws. Especially in Somali and Afar regions, efforts to enact a family law have been going on for years, but still it has not been possible to achieve results.
54. Article 650 of the Criminal Code criminalizes polygamous marriages; however, notwithstanding this, Article 651 of the same code provides that polygamy shall not be criminal when the polygamous marriage is contracted in accordance with “religious or traditional practices recognized by law”.
55. On divorce and court decisions regarding child custody and subsistence, the Platform calls for the Government to consider the disproportionate effect of child maintenance decisions on women and accelerate the adoption of a standardized directive to guide court decisions and judgment executions that conforms to women and child rights.

List of Questions:

- a) What measures has the Government put in place to lift the reservations in relation to Article 6 (c), (d), (f) and Article 7 (a) of the Maputo Protocol on rights relating to marriage?

³² EHRC Report, September 2023, *supra* note 22, P.17.

- b) What measures does the Government intend to take to criminalize marital rape?
- c) What measures has the Government taken to ensure implementation of the existing laws to protect women from all forms of violence including abduction cases?
- d) What efforts has the Government taken to develop protective and preventive measures for survivors of SGBV under the Criminal Code?
- e) What efforts has the Government taken to ensure that there are standardized family laws based on equality and non-discrimination in all regions including the newly established regions?
- f) What monitoring mechanisms are in place to monitor the religious and traditional courts to ensure alignment with international human rights norms and standards?
- g) What measures has the Government taken to investigate the recent decision and press release by the Ethiopian Islamic Affairs Supreme Council on FGM, and recognise its implications on the Constitution, international and regional human rights conventions ratified by Ethiopia, and the criminal laws and other existing public policies and practices against FGM?
- h) What corrective measures will the government be taking to rectify the regressive effect of this press release against the country's effort to abolish FGM?

Recommendations

The Platform urges the Commission to call on Ethiopia to:

- a) Ensure inclusion of gender sensitive provisions including special procedures for the investigations and prosecution of SGBVs against women and protection mechanisms for survivors.
- b) Adopt a comprehensive law addressing all forms of VAWG, including domestic violence and sexual harassment, that is harmonized with international norms.
- c) Article 11 (2) of the Labour Proclamation 1156/2019 should also be amended to provide a more complete definition of "sexual harassment" that aligns with the definition of sexual harassment under Article 2(13) of the Federal Civil Servants Proclamation No. 1064/2017; and provide a formal complaint and remedy mechanism.
- d) Provide for gender sensitive procedures, processes and institutional mechanisms for reporting, investigation, prosecution and court proceedings related to SGBV and provide comprehensive procedures and mechanisms of protection and care to survivors of GBV crimes.
- e) The Criminal Code Article 648 should remove the phrase 'apart from circumstances permitted by relevant Family Code' and prohibit marriage under the age of eighteen in any circumstances in line with the Protocol and Article 21(2) of the ACRWC and be consistent thereof.

- f) Ensure Afar and Somali regions and the newly established regions including Sidama regional states to adopt family laws in conformity with the RFC and CEDAW; and take measures, including awareness raising and training initiatives to raise the awareness of the population and enable public officials to effectively enforce the RFC.
- g) Ensure the provision of financial, human and technological resources for MoSA to effectively carry out the duties and powers conferred to the ministry under Article 36 of the Proclamation for the Definition of Powers and Duties of the Executive Organs, Proclamation No. 1263/2021.
- h) Legal reform measures related to Sharia Courts aimed at ensuring that the application of Islamic Law by Sharia courts does not violate the rights of women enshrined in the FDRE Constitution.
- i) The penalty under Article 565 for the crime of circumcision/FGM should be raised to an appropriate and longer sentence that matches the injury it entails on the physical and psychological wellbeing and dignity of the child victim.
- j) The RFC should have a provision that expressly requires cohabitants of an irregular union to fulfill the minimum age comparable to the minimum age for marriage, making the minimum age of irregular union 18.
- k) There shall be a policy framework that outrightly prohibits corporal punishment in home settings. It should be recognized that girls are also subject to physical and psychological harm in their homes inflicted by parents/guardians. Article 576(3) of the Criminal Code on ‘maltreatment of minors’ should criminalize corporal punishment at home settings elaborating that disciplinary measures expressly exclude punishment inflicted on children that harm their dignity and wellbeing are prohibited to be compatible with Article 19(1) of the CRC and Article 16(1) of ACRWC. Article 68(b) that reads: ‘disciplinary measures’ do not constitute a crime if they are ‘acts reasonably done in exercising the right of correction or discipline’ should be removed as it gives room for children’s susceptibility to harm in home settings.
- l) For the Government to develop a data collection and organize information related to the investigation and trial process of SGBVs and ensure access to information to the public,
- m) To streamline, by the federal and state Government, the provision and coordination of rehabilitation, social and psychological support services for survivors of sexual violence in the context of the armed conflict;
- n) For the speedy completion of criminal investigations initiated by the Federal Government to ensure individual accountability for the widespread and systemic CRSV committed in the context of conflict; The trial process should be transparent and comply with international standards.
- o) Properly implement the laws, strengthen the necessary implementation and accountability framework on the part of the federal and state Governments, to streamline coordination and capacity building activities, and to take corrective measures by examining the practices aimed at protecting women from trafficking in person crimes;

- p) The Sidama National Regional Government and Hawassa City Administration to prevent abduction and rape crimes and ensure accountability of the offenders, including working together with the elders of the community, strengthen the law enforcement and judicial institutions; and enhance coordination.
- q) Accelerate the finalization and adoption of the draft guideline for Decisions on Child Maintenance.

V. Sexual and Reproductive Health and Rights

- 56. Article 14 of the Maputo Protocol obligates Ethiopia to respect and promote the right to health for women, including their sexual and reproductive health and rights.
- 57. After liberalizing Ethiopia's abortion law in the 2005 Criminal Code, the Government implemented programs designed to train health care providers, to equip facilities and expand the services they offer and to integrate abortion care into broader reproductive health services.³³ Following the introduction of technical and procedural guidelines for safe abortion in Ethiopia in June 2006, access to safe abortion services particularly in the first trimester has dramatically improved. Nearly 96% of all abortion in the first trimester are provided in safe conditions.³⁴ Despite this progress, according to a study titled '*International Perspectives on Sexual and Reproductive Health*', national statistics from 2008 and 2014 indicate that the eradication of morbidity from unsafe abortion has not yet been achieved.³⁵ Furthermore, the existing humanitarian crisis has produced a great number of IDPs in the country³⁶ and studies indicate IDPs frequently lack access to SRH services, specifically contraception and safe abortion care.³⁷
- 58. The Platform acknowledges the adoption of laws, policies, and programs that support women's right to high quality Family Planning and reproductive health information and services over the past two decades (2000–2020). However, this progress, while gradual, could not continue due to the humanitarian crisis following the armed conflict, the

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<https://www.guttmacher.org/news-release/2017/access-safe-abortion-care-ethiopia-has-improved-following-expansion-services>

³⁴ Technical and Procedural Guidelines for Safe Abortion Services in Ethiopia, Second edition, June 2014.

<https://platform.who.int/docs/default-source/mca-documents/policy-documents/guideline/ETH-RH-18-01-GUIDELINE-2014-eng-Safe-Abortion-Services.pdf>

³⁵

<https://www.guttmacher.org/journals/ipsrh/2016/12/changes-morbidity-and-abortion-care-ethiopia-after-legal-reform-national> and see

<https://www.guttmacher.org/journals/ipsrh/2016/11/estimated-incidence-induced-abortion-ethiopia-2014-change-s-provision-services>

³⁶

<https://reliefweb.int/report/ethiopia/more-438-million-people-displaced-ethiopia-more-half-due-conflict-new-iom-report>

³⁷

<https://www.engenderhealth.org/wp-content/uploads/imported-files/Sexual-and-Reproductive-Health-Knowledge-Attitudes-and-Practices-among-Internally-Displaced-Persons-in-the-Somalia-Region-of-Ethiopia.pdf>

violences across the country and the drought. During these crises, women’s and girls’ rights are often neglected, because other basic human rights (food, shelter, safety) are prioritized. Existing barriers to women’s and girls’ access to sexual and reproductive health (SRH) are exacerbated in humanitarian settings, worsening the already critical situation and making it harder for women and girls to access their basic rights. For example, the September 2021-August 2022 EHRC women Rights monitoring report³⁸ indicated that 9,591 pregnant and lactating mothers are exposed to food shortages and their right to adequate medical services is violated.

59. Women’s right to health including sexual and reproductive rights is violated due to the lack of gender sensitive approach in the development and improvement of the prison administration and the overall criminal justice system. There are prisons and police detention centers where female suspects and convicts are kept with male suspects and convicts in a narrow prison/detention center; and male prison guards are assigned to women suspects and convicts. Although the Government has made several improvements in the prison administrations, they do not respond to the specific needs of women suspects and convicts, including lack of hygiene, limited access to sanitary pads, lack of access to prenatal maternity and postpartum medical care services for pregnant women, lack of adequate nutrition and reproductive services for nursing mothers; and support for breastfeeding mothers. These human rights violations are witnessed in 49 prisons found in Amhara and Oromia regional states and Addis Ababa city.³⁹
60. Furthermore, internally displaced women face a lack of access to sexual and reproductive health services, inadequate medical services and maternity healthcare during and after childbirth; and the prevalence of sexual violence in the shelters and displacement setting.⁴⁰

List of Questions:

- a) What practical measures have been taken to ensure safe abortion services as part of access to SRHR and streamline the same for women and girls in displaced and humanitarian contexts?
- b) What are the concrete measures the Government is taking to ensure women access to sexual and reproductive health services and information including family planning?

³⁸ See the full pdf report here <https://ehrc.org/%e1%8a%a2%e1%88%b0%e1%88%98%e1%8a%ae-%e1%8b%a8%e1%88%b4%e1%89%b6%e1%89%bd%e1%8a%93-%e1%8b%a8%e1%88%95%e1%8d%83%e1%8a%93%e1%89%b5-%e1%88%b0%e1%89%a5%e1%8a%a0%e1%8b%8a-%e1%88%98%e1%89%a5%e1%89%b6/ P.21>

³⁹ Id.,P. 22.

⁴⁰ EHRC Annual Human Rights Situation Report on Ethiopia submitted to the House of Peoples’ Representatives, IDPs, Refugees, and Migrant rights Section., P. 69 <https://ehrc.org/download/%e1%8b%a8%e1%8a%a2%e1%89%b5%e1%8b%ae%e1%8c%b5%e1%8b%ab-%e1%88%b0%e1%89%a5%e1%8a%a0%e1%8b%8a-%e1%88%98%e1%89%a5%e1%89%b6%e1%89%bd-%e1%88%81%e1%8a%94%e1%89%b3-%e1%8b%93%e1%88%98%e1%89%b3%e1%8b%8a/>

Recommendations

The Platform urges the Commission to call on Ethiopia:

- a) To take concrete and targeted measures including allocation of adequate budget towards increasing access to services and information on sexual and reproductive health rights for women in humanitarian crisis, drought, conflict and displacement settings;
- b) To ensure adequate health care for women in prisons and under police custody; ensure access to food and sanitary supplies, free legal aid services, improve their humane treatment, and segregation with male suspects and convicts;
- c) Review the prison administration developments from a gender perspective and adopt gender responsive correctional facilities and services.

VI. Rights of Specially Protected Women's Groups

61. Article 22 of the Maputo Protocol obligates Ethiopia to provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training.

Elderly Women and Women with Disabilities

62. The Platform commend the state for developing a draft Comprehensive Ethiopian Disability Act and entrusting the Ministry of Women and Social Affairs to ensure Government laws, policies and development programs are compatible with the rights of persons with disabilities.
63. The Platform is concerned that older persons and PWDs were disproportionately affected by the conflict in Tigray, Afar and Amhara regions. Older persons and PWDs suffered abuse and ill-treatment, including physical beatings, and parties to the conflict took no measures to assist these persons, such as providing medical treatment or ensuring access to medicine. Older persons expressed a feeling of abandonment as a result of the conflict.⁴¹
64. Further concerns include, the absence of enabling accountable national legal and policy frameworks to protect, respect and promote the rights of the disabled and the elderly; and Ethiopia's failure to approve the Protocol on the Rights of Persons with Disabilities of the African Union.

List of Questions:

- a) What are the concrete measures the Government has taken to adopt and endorse the Ethiopian Disability Act?
- b) How does the draft disability act address intersectionality, including women with disability?

Recommendations

The Platform urges the Commission to call on Ethiopia:

⁴¹ EHRC-OHCHR Joint Investigation Report on Tigray Conflict, *supra* note 15.

- a) For MoSA coordinate and supervise the enactment of a comprehensive legislation to domesticate the Convention on the Rights of Persons with Disabilities, legislate specifically on the rights of women with disabilities;
- b) For the Government to ratify the Protocol on the Rights of Persons with Disabilities of the African Union;
- c) To ensure women with disabilities and elderly women enjoy priority rights in the implementation of the transitional justice process including access to remedies.

APPENDIX

This Report was prepared by:

- 1) [Ethiopian Women Lawyers Association \(EWLA\)](#);
- 2) [Network of Ethiopian Women Association \(NEWA\)](#);
- 3) [Ethiopian Human Rights Defenders Center \(EHRDC\)](#);
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- 5) [TIMRAN](#);
- 6) [Strategic Initiative for Women in the Horn of Africa \(SIHA\)](#); and
- 7) [Equality Now](#).