



COUNTRY PROFILE

The Constitution of the Federal Democratic Republic of Ethiopia recognises family as the natural and fundamental unit of society entitled to protection from the State.¹⁴⁴ The Constitution protects the right of persons of marriageable age to marry and found a family, noting that men and women have equal rights while entering into, during marriage and at the time of divorce.¹⁴⁵ In addition, the Constitution protects women's rights to equality, equality within marriage, to acquire, administer, control, use and transfer property, and to equal treatment in inheritance.¹⁴⁶ It obliges the State to eliminate the influences of harmful customs and prohibits laws, customs and practices that oppress or cause harm to women.¹⁴⁷



Image: hadynyah / iStock

¹⁴⁴ Section 34 of the Constitution of the Federal Democratic Republic of Ethiopia 1995. Available at <https://www.ethiopianembassy.be/wp-content/uploads/Constitution-of-the-FDRE.pdf> (accessed 17 April 2024)

¹⁴⁵ Section 34 of the Constitution of the Federal Democratic Republic of Ethiopia 1995

¹⁴⁶ Section 35 of the Constitution of the Federal Democratic Republic of Ethiopia 1995

¹⁴⁷ Section 35 of the Constitution of the Federal Democratic Republic of Ethiopia 1995

Treaty	Date of ratification	Reservations/Declarations
CEDAW	10 September 1981	"Socialist Ethiopia does not consider itself bound by paragraph 1 of Article 29 ¹⁴⁸ of the Convention." ¹⁴⁹
African Charter	15 June 1998	None
Maputo Protocol	10 January 2017	"Reservations 1.The Federal Democratic Republic of Ethiopia does not consider itself bound by Article 6(c) of the Protocol. 2.The Federal Democratic Republic of Ethiopia does not consider itself to be bound by Article 6(d) of the Protocol that puts registration as a condition for recognition of marriage. 3.The Federal Democratic Republic of Ethiopia does not consider itself to be bound by Article 6(f) of the Protocol. 4.The Federal Democratic Republic of Ethiopia enters a reservation on Article 7(a) of the Protocol that requires separation of spouses to be decided by judicial organs. The laws of Ethiopia that permit spouses to separate by agreement shall apply. 5.The Federal Democratic Republic of Ethiopia does not consider itself to be bound by Article 10(3) of the Protocol. 6.The Federal Democratic Republic of Ethiopia enters a reservation on Article 21(1) of the Protocol regarding the right of a widow to inherit her deceased spouse. The law of Ethiopia according to which spouses inherit each other if he/she is designated as a legatee by a will shall apply. 7.The Federal Democratic Republic of Ethiopia does not consider itself to be bound by Article 27 of the Protocol. Declarations on the Protocol 1.Article 4 sub Article 2(a) of the Protocol relating to the crime of rape shall be applied in accordance with Article 620 of the Criminal Code of Ethiopia. 2.Article 6(b) of the Protocol shall be applied in accordance with the family laws of Ethiopia that allows dispensation from the minimum age of marriage that is 18 years. 3.Article 6(j) of the Protocol shall be applied in accordance with the law of Ethiopia according to which income acquired during marriage is common property of the spouses and it is managed and disposed by their joint decision. 4.Article 7(d) of the Protocol that provides for the right of women to acquire equitable share from the common property in the marriage shall be applied in line with the laws of Ethiopia that provide for equal share of spouses on the common property. 5.Article 13(l) of the Protocol regarding the secondary responsibility of the private sector to contribute to the upbringing and development of children shall be applied in accordance with the laws of Ethiopia. 6.Article 14(b) of the Protocol in relation to the right of women to decide whether to have a child shall be applied based on the agreement of the spouses in the case of married women."¹⁵⁰

148 Article 29 (1) provides for dispute resolution between states through arbitration and referral to the International Court of Justice where an agreement is not reached through arbitration

149 https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en#EndDec (accessed 16 April 2024)

150 [https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA.pdf](https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLES%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf) (accessed 16 April 2024)

MAIN TRENDS ON FAMILY LAW

Ethiopia's legislation is generally progressive and aligns with its international obligations and constitutional prescripts of promoting equal rights for women in marriage, matrimonial property, custody matters, divorce, and inheritance.

For instance, rather than dividing matrimonial property by contribution upon divorce – which tends to disenfranchise financially weaker women, the Revised Family Code provides that spouses retain their own personal property during marriage and are entitled to retake said personal property upon divorce.¹⁵¹ All income, property acquired during marriage, and property donated or bequeathed jointly (Article 62) becomes common property and is divided equally between spouses upon divorce (Article 90).¹⁵² This is a just and equitable approach and avoids the danger of courts failing to recognise women's non-economic contributions to the household.

The Revised Family Code allows Courts to make decisions on the custody of children, care of their education, health, maintenance and rights of visitation. The Court renders these decisions taking into account the income, age, health, and condition of living of the spouses as well as the age and interests of the children.¹⁵³

Article 11 of the Revised Family Code 2000 prohibits polygamy, providing that a person shall not conclude marriage as long as he is bound by bonds of a preceding marriage. The Criminal Code of Ethiopia has criminalised polygamous marriages, with the exception of those concluded according to religious orders. The Supreme Court of Ethiopia, Cassation Bench has set a precedent which protects the property rights of the woman in the second marriage to equally divide her husband's share of property. Ethiopia has entered an interpretive declaration on the provision.¹⁵⁴

While Ethiopia has a plural legal system, religious and customary law is significantly constrained by legislative and constitutional provisions. Ethiopia has banned female genital mutilation¹⁵⁵ and legislated against violence against women.¹⁵⁶

With regard to child marriage, Article 7 of the Revised Family Law of Ethiopia stipulates that the minimum age of marriage for both women and men is 18 years. However, in a special case upon the request of the spouses or one of their parents with the permission of the Minister of Justice the marriageable age can be reduced by two years.¹⁵⁷ With the exception of these circumstances indicated in the Revised Family Code, marriage with a minor is punishable by imprisonment up to seven years according to the Article 648 of the Criminal Code.

Widows have the right to remarry according to the family laws of Ethiopia. Although the family code has put a restriction on women remarrying within one hundred and eighty days (180) of the dissolution of the marriage [by death] on account of avoiding paternity conflicts, this restriction will not apply if the woman has given birth after the death of her spouse, or it is proved by medical evidence that the woman is not pregnant.¹⁵⁸

151 Articles 57 and 86 of the Revised Family Code 2000, amended 2017. Available at <https://chilot.blog/wp-content/uploads/2017/10/revised-family-code-amendment.pdf> (accessed 17 April 2024)

152 Articles 62 and 90 of the Revised Family Code 2000, amended 2017

153 Article 113 of the Revised Family Code 2000, amended 2017

154 Federal Democratic Republic of Ethiopia: 7th to 10th Periodic Reports (2015-2023) Available at <https://achpr.au.int/en/state-reports/ethiopia-7th-10th-periodic-reports-2015-2023> (accessed at 15 April 2024)

155 Articles 565-6 of the Criminal Code of the Federal Democratic Republic of Ethiopia 2004. Available at <https://www.refworld.org/legal/legislation/nat-legbod/2005/en/63782> (accessed 17 April 2024)

156 The Criminal Code of the Federal Democratic Republic of Ethiopia 2004 criminalises many forms of violence against women including: at Article 564, physical violence within marriage or cohabitation; at Article 597, trafficking, at Articles 620-628, rape, and at Article 648, child marriage

157 The Revised Family Code 2000

158 Federal Democratic Republic of Ethiopia: 7th to 10th Periodic Reports (2015-2023) Available at <https://achpr.au.int/en/state-reports/ethiopia-7th-10th-periodic-reports-2015-2023> (accessed 17 April 2024)

KEY GAPS AND CONTESTATIONS

While Ethiopia's legislative scheme is impressive, the country continues to score badly on gender equality measures.¹⁵⁹ Practices such as female genital mutilation, unfair inheritance of land, and child marriage persist.¹⁶⁰

RECOMMENDATIONS

Implementation:

Ethiopia must implement and enforce legislative provisions on women's rights.

Legislative reform:

Ethiopia must amend the Family Law Code to guarantee that the minimum age of marriage is 18 with no exceptions whatsoever. Ethiopia must also remove the restrictions on the number of days before the remarriage of widows.

Access to justice:

Ethiopia must ensure women have adequate access to justice to give effect to their rights.

Peace and stability:

Ethiopia must pursue broad socio-economic, peace and stability policy in order to improve the conditions of women's lives.

Removal of Reservations on the Maputo Protocol:

Ethiopia must lift reservations to the Maputo Protocol so as to ensure the full protection of the family law related rights of women.

¹⁵⁹ See: <https://borgenproject.org/womens-rights-in-ethiopia/> and <https://www.undp.org/ethiopia/publications/ethiopia-national-human-development-report-2018>

¹⁶⁰ Ibid