



GENDER EQUALITY AND SOCIAL INSTITUTIONS IN ETHIOPIA

Despite recently introduced policy instruments and legislative commitments designed to serve women's interests, Ethiopia remains one of Africa's most tradition-bound societies. A vast majority of Ethiopian women, particularly in rural areas, live in a state of poverty and dependence; they rarely benefit directly from development initiatives.

Following traditional socio-cultural installations and practices, women in Ethiopia are considered to be subordinate to men, both in family life and in society at large.

FAMILY CODE

The situation for Ethiopian women within the family context shows some signs of improving. In early 2001, the federal government enacted a new Family Code based on the principle of gender equality. Its effect has been limited in that the Constitution gives full sovereignty to most regions. As a result, seven out of nine regions have their own family law – six of which continue to apply the previous law.

According to the 2001 Family Code, the minimum age for marriage in Ethiopia is 18 years. **Early marriage** is nevertheless common, particularly in rural areas, and affects children far younger than the legal age. The situation is exacerbated by the fact that birth dates are rarely recorded and parents' declarations of their children's ages are accepted at face value. A 2004 United Nations report estimated that 30 per cent of girls between the ages of 15 and 19 years of age were married, divorced or widowed. Young motherhood – a direct consequence of early marriage – is considered one of the main causes for Ethiopia's high levels of maternal mortality. Although a criminal offense, the practice of abducting young women for marriage purposes is still quite common.

Polygamy has been abolished, backed by sanctions outlined in the Penal Code. No information was available on whether it is currently practised or generally accepted.

With regards to **parental authority**, the 1960 Civil Code recognised the husband as the legal head of the family and the sole guardian of children older than five years. This provision was changed in the 2001 Family Code, which granted equal rights to both parents but problems of enforcement remain. In the case of divorce, children typically remain with their mother until the age of five. Ethiopian law does not include any specific reference to child-support payments to a former wife.

Although the federal law grants women and men equal rights in matters of **inheritance**, traditional customs usually pass land to sons, on the grounds that daughters eventually move to their husbands' homes. No information is available concerning inheritance rights for widows, but it is known that some customs require widows to marry a male relative of the deceased spouse.

PHYSICAL INTEGRITY

Women in Ethiopia have a very low level of protection for their physical integrity.

Violence against women is widespread and culturally-based abuses, including wife beating and spousal rape, are pervasive social problems. A 1999 World Bank study estimated that 88 per cent of rural women and 69 per cent of urban women believe their husbands have the right to beat them (quoted by the US Department of State). Thus, even though they have recourse through the police and the court system, strong societal norms and lack of access to relevant infrastructure prevent many women from seeking legal redress. The government prosecutes offenders on a limited scale.

Even though the new Penal Code criminalises **female genital mutilation (FGM)** by imprisonment of no less than three months or a fine of at least ETB 500 (USD 58), it is estimated that 80 per cent of Ethiopia's female population is subject to the practice. Genital infibulation (that is, the closing of the outer lips of the vulva) is also punishable by law, with imprisonment of five to ten years. To date, there have been no criminal prosecutions for practising FGM.

Evidence suggests that there is no cause for concern regarding **missing women** in Ethiopia.





CIVIL LIBERTIES

Women have civil liberty in Ethiopia. Women's freedom of movement is not subject to any legal limitations. No evidence is reported concerning possible restrictions arising from customary law or traditions.

Ethiopian women do not face restrictions in regard to their freedom of dress. The Constitution grants freedom of religion to all citizens and an estimated 45 per cent of the population is Muslim; however, the law contains no specific provisions regarding the wearing of a veil by women.

OWNERSHIP RIGHTS

Women's ownership rights are very limited in Ethiopia, even though land reforms enacted in March 1997 tried to improve access to land by stipulating that women have the right to lease land from the government. In fact, during the land redistribution exercise carried out in the Amhara Region, almost 130 000 poor rural women became landowners.

Despite these reforms, it is frequently the case that women's only chance to access land is through marriage. It is generally accepted that only the head of the household – typically the husband – can be a landowner. Women who separate from their husbands are likely to lose their houses and property, and when a husband dies, other family members often claim the land over his widow. A study by Gebreslassie identifies two main factors that work against women's legal right to control land: lack of ownership of oxen with which to plough the land and cultural taboos that constrain women from the work of ploughing and sowing. According to statistics, only about 20 per cent of households are currently "female-headed families", many of which are headed by widows.

The Civil Code remains discriminatory in regard to access to property other than land. It grants husbands control of common property and allows them to make all decisions related to such property.

Ethiopian women have only limited access to bank loans. Public financing for women may be granted to female heads of households who own land; by contrast, married women who wish to obtain loans must first seek permission from their husbands.

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