Ethiopia

1. Discriminatory family code

According to the 2001 Family Code, the **minimum age for marriage** in Ethiopia is 18 years.⁠¹ Early marriage is nevertheless common, particularly in rural areas, and affects children far younger than the legal age.

Rates of **early marriage** are high but have fallen recently. However, the 2011 Demographic and Health Survey (DHS) reports that 63% of women in Ethiopia are married by age 18, compared to 14% of men.² The government has taken further steps to reduce child marriage through its 2011 Growth and Transformation Plan, which sets five-year targets to reduce early marriage by more than half – from 21.4% in 2010/2011 to 10.4% in 2014/2015.³ Recent studies indicate, however, that although these efforts have succeeded in reducing the practice of early marriage, they have been slower to change attitudes surrounding the issue, as early marriage has historically been viewed as “ensuring girls’ social integration and thereby their protection, as well as their moral and social development”.⁴

Regarding **parental authority**, the 2001 Family Code (Articles 49 and 50) grants equal rights to parents.⁵ In the case of **divorce**, custody is generally granted to the mother, and the father is obliged to make financial payments until the child is 18, if necessary.⁶ There are no legal limitations on women (married or single) as heads of households in Ethiopia, and Articles 49 and 50 of the Family Code require that both parents share responsibility for the financial well-being of the household.⁷ The latest DHS, however, indicates that only two-thirds of women stated that they participated in decisions about major household purchases.⁸

Although Article 35 of the Constitution grants women and men equal rights in matters of **inheritance**, traditional customs vary by region but usually pass land to sons, on the grounds

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¹ CEDAW (2009), p. 82
² Measure DHS (2011a), p. 4
³ Boyd et al. (2013), p. 20
⁴ Boyd et al. (2013), p. 40
⁵ World Bank (2013)
⁶ CEDAW (2011), p. 21
⁷ World Bank (2013)
⁸ Measure DHS (2011a), p. 4
that daughters eventually move to their husbands’ homes. According to the Food and Agriculture Organization, sons and daughters have equal rights to inheritance in the Northern part of the country, where lineage is traced through both the mother and the father. However, in practice, women’s land rights are often ignored. Further, there are reports that, in some instances, widows are obliged to marry a male relative of the deceased spouse.

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Both women and men may initiate divorce in Ethiopia. In early 2001, the federal government enacted a new Family Code based on the principle of gender equality. However, because the Constitution gives full sovereignty to most regions, to ensure widespread effectiveness of the Family Code, all regions also had to subsequently pass similar legislation. According to its latest report to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), all regions in Ethiopia now have Family Codes that guarantee women’s equality in marriage and family relations.

Young motherhood is considered one of the main causes for Ethiopia’s high levels of maternal mortality. Ethiopia is one of five countries making up over 50% of global maternal deaths; according to data from 2011, Ethiopia recorded 676 maternal deaths for every 100,000 births. According to the latest Demographic and Health Survey, the median age of first birth for women ages 25-49 is 19.2, and women with no education have an even lower median: 18.8.

Although a criminal offence, and despite the government’s efforts to effect its eradication, the government’s latest report to CEDAW indicated that the practice of abducting young women for marriage purposes still occurs in parts of Southern and Eastern Ethiopia, though has declined in recent years. Ethiopia’s 2009 CEDAW report indicates that national prevalence of this practice has dropped from 23% in 1997 to 12.7% in 2007. Further, Article 587 (93) of the Criminal Code provides that the conclusion of a marriage between the abductor and the abducted does not prevent the abductor from being held criminally liable.

2. Restricted physical integrity

In its 2011 response to CEDAW, Ethiopia reported that it had drafted a national plan to combat violence against women and children. Domestic violence is a crime under the Criminal Code, which, under Articles 555-560, applies to a person who “by doing violence to a marriage partner
or a person cohabitating in an irregular union, causes grave or common injury to his/her physical or mental health”. 21 However, it is unclear what the punishments are for offenders, or how this law is implemented in practice.

Violence against women is widespread and abuses, including wife beating and spousal rape, are pervasive social problems with wide acceptance. A 2009 WHO study found that 70% of Ethiopian women suffered physical violence from their husband or partner at some point in their life, and over 50% had suffered physical violence in the preceding 12 months. 22 The 2011 Demographic and Health Survey (DHS) found that, when presented with a list of five reasons for which a man might be justified in beating his wife, 68% of women surveyed agreed with at least one of the reasons, a percentage down from 81% in the 2005 DHS. 23

The 2005 Penal Code establishes penalties for rape of between 5 and 20 years imprisonment. Formerly, men could avoid this charge if they married the victim (spousal rape was not considered a crime). The new Code repealed this provision, but fails to invalidate earlier marriages contracted on this basis, although it does allow the prosecution to continue, regardless of the status of marriage. 24 According to the government’s latest response to CEDAW, it is “considering” amending the Criminal Code to include the concept of spousal rape. 25

As elsewhere, sexual violence (predominantly against women) was a feature of the conflict between Ethiopia and Eritrea in the 1990s, and continues to be reported in the Ogaden region. 26 According to Human Rights Watch, “systematic” rape has been a feature of the government’s counter-insurgency strategy in the region since 2007, directed against women suspected of having links to the Ogaden National Liberation Front. 27 More recently, in 2012, there were reports of rape, arbitrary arrest and other human rights abuses by the Ethiopian military in the Gambella region. 28

**Sexual harassment** is not criminalised under the Labour Code in Ethiopia, although the government reported in its latest response to CEDAW that it was “ready to consider [criminalising sexual harassment] in the future after conducting research on the issues to identify the magnitude and nature of the problem”. 29

The 2005 Demographic and Health Survey reported that 74.3% of women ages 15-49 had experienced **female genital mutilation**. 30

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21 CEDAW (2009), pp. 12, 46  
22 WHO (2009), p. 56  
23 Measure DHS (2011b), p. 256  
24 ECA (2009a), p. 69  
25 CEDAW (2011), p. 8  
26 Arrieff (2009), pp. 1, 3, 5  
27 Human Rights Watch (2008)  
28 Human Rights Watch (2012)  
29 CEDAW (2011), p. 15  
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Abortion is legal in cases of rape and incest, where the woman’s health is in danger, and in cases of foetal impairment.\(^{31}\)

3. Son bias

The male/female sex ratio for the working age population in 2013 is 0.96 while the sex ratio at birth is 1.03.\(^{32}\) There is no evidence to suggest that Ethiopia is a country of concern in relation to missing women.

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2008-2012 data from UNICEF indicates a gender gap in detriment of girls in secondary and primary education.\(^{33}\)

Based on 2002-2012 data from UNICEF, child labour affected boys more than girls.\(^{34}\)

4. Restricted resources and assets

Women’s ownership rights are limited in Ethiopia. Since 1997, reforms have improved access to land by stipulating that women have the right to lease land from the government, a right also granted in the Federal Constitution.\(^{35}\) Ethiopian law presumes joint or communal property as the default regime, and married couples may acquire and title land jointly.\(^{36}\) As a result, according to the latest Demographic and Health Survey (DHS), women and men are equally likely to own land, either alone (50%) or jointly (51%).\(^{37}\) However, it is frequently the case that women’s only chance to access land is through marriage. 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. The 2005 DHS reports that 20% of widows reported being dispossessed of their land.\(^{38}\)

Under the new Family Code, previous requirements that husbands should have unique control over common property have been removed. Common property is now to be administered jointly by both spouses.\(^{39}\) As a result, according to the latest DHS, 57% of women own their home, either alone or jointly, compared with 53% of men.\(^{40}\)

\(^{31}\) UN DESA (2013)


\(^{35}\) Article 35, Sub Section 7 of the Constitution, in ECA (2009b), p. 5

\(^{36}\) Constitution, Articles 35, 40; Revised Family Code, Proclamation No. 213/2000, Articles 59, 66, 90; World Bank (2013)

\(^{37}\) Measure DHS (2011a), p. 14

\(^{38}\) CSO and ORC Macro (2006), Table 16.12

\(^{39}\) CEDAW (2009), p. 35

\(^{40}\) Measure DHS (2011a), p. 14
According to the World Bank, there are no legal restrictions on women’s access to credit in Ethiopia.\(^1\) Despite these rights, in its latest report to CEDAW the government described several barriers to women’s access to credit in practice, including: women’s limited awareness about the availability of credit, women’s lack of collateral and economic stability required to access credit, and a general lack of trust of women in society.\(^2\) According to the government, it has been working with the Ministry of Women’s Affairs as well as international organisations to increase women’s access to credit by helping to increase access to microfinance institutions.\(^3\) In 2011, women were 64.44% of microfinance borrowers from institutions that reported to the international clearinghouse the Microfinance Information Exchange.\(^4\)

5. Restricted civil liberties

Freedom of movement is restricted in certain parts of Ethiopia on account of national security concerns. There do not appear to be any legal restrictions specifically on women’s freedom of access to public space; however, some women may face restrictions on a day-to-day basis: of women surveyed in the 2011 Demographic and Health Survey, 78% of women have sole or joint decision-making power about visiting family or friends.\(^5\)

Regarding political voice, there are no known quotas to encourage women’s participation in politics in Ethiopia; women have the same rights as men to vote and stand for election to political office.\(^6\) As of 2009, 13% of the top positions in both the executive and judicial branches were held by women; among higher-level positions below the ministers and judges, women held 26.6%.\(^7\) That same year, Ethiopia ranked third in African countries in the number of women in parliaments (27.8 as of 2013).\(^8\)

Rising female rates of political participation correspond to recent survey data showing an increase in acceptance of women politicians. According to a 2007 World Values Survey, more than 77% of respondents either disagreed or disagreed strongly with the statement, “Men make better political leaders than women do”.\(^9\) Similarly, the Pew Global Attitudes Project found that while 51% of respondents thought that men make better political leaders than women, 45% thought that men and women were equally capable.\(^10\) Nevertheless, in its latest report to CEDAW, the government described the persisting “traditional perception of the public that women are not competent enough to make decisions.”\(^11\)

\(^{1}\) World Bank (2013)
\(^{2}\) CEDAW (2009), p. 30
\(^{3}\) CEDAW (2009), p. 30
\(^{4}\) Microfinance Information Exchange (2013)
\(^{5}\) Measure DHS (2011a), p. 14
\(^{6}\) CEDAW (2009), p. 15
\(^{7}\) ECA (2009b), p. 3
\(^{9}\) CEDAW (2009), p. 15
\(^{10}\) World Values Survey (2006), Question V61
\(^{11}\) Pew Research Center (2007), Question Q.43
\(^{12}\) CEDAW (2009), p. 15
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Under Labour Proclamation 2003, Section 88, employed women in Ethiopia are entitled to 90 days of paid maternity leave, with their employer covering the entire cost of their benefits, which are 100% of their wages.\textsuperscript{53} Workers not covered under the Labour Proclamation may be entitled to limited leave under section 2566 of the 1960 Civil Code.\textsuperscript{54} According to the 2011 DHS, women are nearly three times as likely as men to be unpaid for their work (30% compared to 9%).\textsuperscript{55} While no official statistics exist, these circumstances would indicate that the number of women who receive maternity benefits in Ethiopia is low.

\textsuperscript{53} ILO (2011)
\textsuperscript{54} ILO (2011)
\textsuperscript{55} Measure DHS (2011a), p. 14
Sources


CEDAW (2011) Responses to the List of Issues and Questions with Regard to the Consideration of the Sixth and Seventh Periodic Reports: Ethiopia, Addendum, CEDAW/C/ETH/Q/6-7/Add.1, Committee on the Elimination of Discrimination against Women, New York, NY.


