



**Submission from African Rights Monitor
to the Committee on the Elimination of All Forms of
Discrimination Against Women, July 2011, New York**

*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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Table of Contents

| | |
|---|-----------|
| Commonly-Used Acronyms | 2 |
| Introduction | 3 |
| Substantive Part | |
| Equality before the law and the training and education of lawmakers and officials | 5 |
| Participation in political and public life and decision-making | 7 |
| Violence and discrimination against women | 8 |
| Measures taken to prevent and punish acts of sexual violence by members of armed forces in the Somali and Oromia regions | 11 |
| Trafficking and Exploitation | 13 |
| Information regarding the Ethiopian Human Rights Commission | 17 |
| Provisions for internally displaced persons | 20 |
| Education | 22 |
| Employment | 24 |
| Health | 27 |
| Rural Women | 30 |
| Marriage and Family | 31 |
| Works Cited | 35 |

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

Introduction

This report is being submitted in conjunction with a previous shadow report by our organization given to the CEDAW Committee in June 2010. This report acts as a response and counterpoint to the Ethiopian Government's list of responses to questions posed to the State by the Committee in consideration of the sixth and seventh periodic reports in March 2011 (CEDAW/C/ETH/Q/6-7/Add.1). The report is structured by theme and concludes each section with specific recommendations for the Ethiopian Government in order to better implement the mandates of CEDAW and further ensure the rights and freedoms of Ethiopian women.

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. 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 societies movement from Africa and was founded to offer an African perspective to international human rights bodies and forums.

Methodology of the Report

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

Equality before the law and the training and education of lawmakers and officials

27. What measures is the State party taking to ensure the free consent of women to have family law matters adjudicated by traditional and Sharia courts applying customary or Islamic law, respectively, prevent bias against women on the part of such courts, enable women's participation in Elders' Councils, and ensure their access to ordinary courts, especially in rural areas?

Despite the *de jure* measures cited in the State reply that guarantee women have the right to consent freely to adjudication of family law matters by Sharia law, the reply of the State is lacking evidence that this right is actually guaranteed.¹ Numerous sources have observed that the *de facto* situation for women taking cases to court is highly discriminatory. In its concluding remarks about Ethiopia in its forth-fifth session, the Committee against Torture had this to say regarding Sharia law: "The Committee notes with concern that the jurisdiction of Sharia and customary law courts in family law matters, although subject to the consent of both parties, may expose women victims of domestic or sexual violence to undue pressure by their husbands, families and to have their case adjudicated by customary or religious rather than by ordinary courts."² The US Department of State notes in its 2010

¹ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para. 27.

² Committee against Torture, *Concluding observations of the Committee against Torture: Ethiopia*, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/ETH/CO/1, 20 January 2011, p. 9.

Human Rights Report that “some women complained of lack of access to free and fair hearings in the traditional justice system because they were excluded by custom from participation in the Council of Elders and because there was strong gender discrimination in rural areas,” and that “there were also credible reports that domestic violence and rape cases were often significantly delayed and given low priority.”³

2. Please provide detailed information on training provided by the State party to judges, lawyers, prosecutors, law enforcement officials and representatives of women’s associations on the legally binding character and direct applicability of the Convention and the Committee’s general recommendations, as well as on the measures taken to enhance awareness about the Convention among the general public.

In Ethiopia’s response to the list of issues and questions leveled at the State by the Committee, government officials assert that they are “very much committed to the implementation of CEDAW,” having staged the second Gender Justice in Africa colloquium in 2008, in addition to providing requisite training to officers of the police, judiciary, and Ministries regarding CEDAW’s mandates.⁴ The Government asserts that between the years 2003 and 2008, over 4,495 judges, prosecutors, police officers and other law enforcement officials in both Federal and Regional governments were trained as to five major human rights focus areas, including the rights of women.⁵

Despite such assurances, discrepancies in Ethiopia’s performance still persist: firstly, the official response from the State to the list of issues and questions raised by the Committee for the Elimination of Discrimination against Women mentions no reason why this gender training ceased in 2008 – an insufficient performance considering the training during that time was also incomplete in its execution. Reports collected within the last seven years since the training had begun continue to show a severe gap between *de jure* and *de facto* rights of women: courts rule continuously in favor of men over women in terms of land or marriage rights, and women are routinely intimidated away from accessing judicial reprieve in rights-related cases.

While the Ethiopian government has indeed partnered with Norway in training judges and officials,⁶ the Norwegian University of Life Sciences published a report in January 2008 (the last year of the training program) stating that “social court

³ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p. 11-12.

⁴ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 3.

⁵ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 4.

⁶ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 3.

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."⁷

The lack of training and dissemination of materials at the *woreda* level proves a significant blow against Ethiopia's efforts to assure women's rights are met within judicial procedures. Furthermore, Ethiopia has done nothing to quell the persistence of alternative and traditional court systems within the nation: as a World Bank report confirms, "a concurrent issue for women is the application of Islamic law through *Sharia Courts* to personal and family disputes. By some interpretations, Islamic laws do not afford women equal rights as defined by the Constitution. In order for religious courts to adjudicate personal and family matters, the Constitution requires both parties to voluntarily submit to their jurisdiction. Absent that consent, a court within the official system should hear the matter. In practice, however, considerable social and family pressures are reportedly exerted to coerce women to accept the jurisdiction of the *Sharia Courts*. Thus, the voluntariness of their submission may be questionable."⁸

In conclusion, while the Government has asserted it practices training programs for law enforcement and judicial officials in Ethiopia, persistent cultural traditions and flagrant denial of *de jure* measures to ensure women's rights continue, particularly at the district-level *woreda* courts. The following recommendations can thus be made:

- 1) Re-initiate the trainings which ceased in 2008;
- 2) Include *woreda* courts and officials within training programming, rather than disseminating information solely to regional and national officials;
- 3) Make a specific effort to reach out to Islamic court systems and train officials within those systems based on CEDAW principles.

Participation in political and public life and decision-making

16. Please provide updated information on the representation of women in the newly composed House of Peoples' Representatives and in all Regional Councils. Please also provide information on the impact of measures, including temporary special measures, to increase the number of women in public office, including in senior ministerial and diplomatic positions, as well as in the judiciary.

The State reply provides commendable data showing that the number of women holding seats in the House of People's Representatives (HPR) and in Regional State's Councils has increased steadily with each term. Additionally, the data support the claim that women are represented in senior ministerial positions as well as the

⁷ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 130.

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

judiciary.⁹ The numbers, however, remain far below an equal number of men and women. In fact, the number of women candidates in the 2010 elections had decreased compared to the 2005 elections (from 15% down to 12.4% of candidates for the HPR, and from 23% down to 15.3% of candidates for the State Councils), and regional discrepancies were significant: the number of women candidates for the HPR in 2010 was 20% in Addis Ababa, yet it was only 8% in Beneshangul-Gumuz.¹⁰ Clearly, there is still much work to be done to increase women's participation in political and public life.

17. What measures is the State party taking to ensure that women candidates standing for election, especially those belonging to political opposition parties, are free from harassment and intimidation?

The State reply quotes several pieces of legislation, such as the Electoral Code of Conduct, that are aimed at creating a fair and free environment for candidates during democratic elections.¹¹ However, the State party's reply fails to mention the May 2010 National and Regional Elections, which took place in an environment that was both discriminatory and threatening toward opposition candidates.¹²

The overwhelming impression of the current political space in Ethiopia is that it is narrow and in fact dangerous for anyone who wishes to express support for opposition parties. The United Nations Committee against Torture (CAT), in its concluding observations about Ethiopia at its forty-fifth session, stated that “it (CAT) is also gravely concerned at reports about high numbers of disappearances, as well as about the widespread practice of arrests without a warrant and arbitrary and prolonged detention without charges and judicial process of suspected members or supporters of insurgent groups and political opposition members.”¹³

High-profile members of the opposition are not the only ones targeted, as a recently released Human Rights Watch report shows.¹⁴ Civilian men, women and children attempting to access humanitarian aid are also affected. In one *woreda* in the south, women and children were assessed regarding their ability to pay for aid (which should be free), and their political alliance. Reports a farmer who witnessed the aid disbursement by government workers: “those that could not pay or the opposition

⁹ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.16.

¹⁰ European Union Election Observation Mission, *Ethiopia, Final Report, House of People's Representatives and State Council Elections, May 2010*, European Union Election Observation Mission, 8 November 2010, p.23.

¹¹ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.17.

¹² US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p.2.

¹³ Committee against Torture, *Concluding observations of the Committee against Torture: Ethiopia*, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/ETH/CO/1, 20 January 2011, p. 5.

¹⁴ Human Rights Watch, *Development Without Freedom, How Aid Underwrites Repression in Ethiopia*, Human Rights Watch, October 2010.

party members were left out. The poor ones have another chance to get it (aid), next time, if they can pay, but the opposition members cannot get it at all.”¹⁵ Financial loans, a service many farmers rely on, were also disbursed in a similar fashion: “a farmer in Gedeo zone said that Omo Micro-Finance officials told him to get a loan from his party if he needed one, and that his wife was told she was ineligible for help because her husband was an opposition member.”¹⁶

Despite the volume of reports such as these, the Ethiopian government continues to deny that the politicization of aid occurs. “Such complaints are totally baseless! Totally baseless,” said State Minister for Disaster Management and Food Security Mitiku Kasa.¹⁷ Clearly, the free and fair election environment promised in the legislation has not been implemented and opposition members, both female and male, still face serious threats to their careers and lives.

Recommendations:

- 1) Develop an efficient strategy to educate all political parties and members, local authorities and all members of the judiciary on the universal right to participate freely in public and political life.
- 2) Prosecute any individuals found to be involved in the partisan disbursement of aid.

Violence and discrimination against women

3. Please provide information on any mechanisms in place to ensure the enforcement of legislation proscribing discrimination and violence against women such as the revised Criminal Code (2005) and the Federal Family Code, for example, suspension, fines and other sanctions for officials who fail to enforce such legislation.

In its official response to the Committee, the Ethiopian Government asserts that it has instituted various mechanisms at both the Federal and regional levels to ensure legislation on violence against women is enforced, including the establishment of a special prosecution and investigation unit into sexual crimes in Addis Ababa and Dire Dawa in addition to a one stop multisectoral victim support service in Gandi Hospital, Addis Ababa, with plans to extend to Yekatit 12 Hospital this year.¹⁸

¹⁵ Human Rights Watch, *Development Without Freedom, How Aid Underwrites Repression in Ethiopia*, Human Rights Watch, October 2010, p. 48.

¹⁶ Human Rights Watch, *Development Without Freedom, How Aid Underwrites Repression in Ethiopia*, Human Rights Watch, October 2010, p. 39.

¹⁷ IRIN News, *Ethiopia: Gov't rejects politicized food aid claims*, IRIN, 24 November 2009 <<http://www.irinnews.org/report.aspx?ReportID=87175>>

¹⁸ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, pp. 6-7.

While their report asserts that the Ethiopian Government's special prosecution offices in Addis and Dire Dawa work "together with women affair offices in *kebele/woreda* levels," the extent to which these measures has trickled down to this level remains in question.¹⁹ Experiences at the *woreda* level continue to show a lack of recognition of national laws which enshrine the rights of women as guaranteed by CEDAW, a persistence of harmful cultural traditions, and a general environment which disfavors and intimidates women.²⁰

Even at the regional and national levels, discrepancies between laws and their implementation persist: 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."²¹ Furthermore, in the Oromia and Ogaden regions which claim the most desperate and common cases of violence against women, no prosecutions have yet been made against any member of police, army, or militia forces who have perpetrated crimes of rape against female detainees and other civilians.²²

While measures listed by the Ethiopian Government to provide for stronger implementation of laws regarding violence against women are laudatory, they are simply insufficient considering the repeated reports of misconduct by legal officers, from the *woreda* to Federal levels. The Government's report mentions no fines or reprimands leveled at members of the police or judiciary who have violated measures within the revised Criminal of Family Codes, a gross discrepancy considering both the historic lack of accountability on the part of the judiciary, in addition to the direct request for such information from the Committee itself. In this light, we recommend the following:

- 1) Ensure that the one stop victim support service at Gandi and Yekatit 12 Hospitals are replicated throughout the country, particularly in remote and conflict-ridden areas of the Oromia and Ogaden regions;
- 2) Ensure perpetrators of sexual crimes are put on legitimate trial and prosecuted to the full extent of the law;
- 3) Impose a stipulated fine on any member of the police or judiciary who does not enforce the measures within the revised Criminal Code and Federal Family Code.

¹⁹ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 6.

²⁰ Please see: Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>; World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004.

²¹ 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>>.

²² 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.

9. Please indicate whether the State party has adopted a national strategy to combat violence against women, including domestic violence, as recommended in the Committee's previous concluding observations on the State party's fourth and fifth periodic reports. What assistance is being provided to victims of such violence? How effective are the measures described in paragraphs 38 and 39 of the combined sixth and seventh periodic report in encouraging victims to report incidents of domestic violence, increasing prosecution and conviction rates, and reviewing sentencing policies in domestic violence cases?

10. Please indicate whether the State party considers amending the revised Criminal Code, with a view to criminalizing spousal rape. What measures are being taken to encourage victims to report cases of rape, especially spousal rape, to the police?

While the Ethiopian Government asserts that a "national strategical plan to combat violence against women and children" has now been drafted and will be endorsed by the national coordinating committee this year. Within this plan, medical personnel will participate in workshops regarding the rights of women, new guidelines on sexual assault and violence have been developed, and new counseling services for victims of sexual violence will be provided.²³

These measures are welcome and necessary, but several gaps in Ethiopian policy towards violence against women remain. Within the last years, Ethiopia revised the Family Law to be more inclusive women's rights, but does not adequately protect women from incidences of violence within marriage: there is currently no mechanism of obtaining a restraining order or protection against abusers.²⁴ 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.²⁵

Furthermore, the Government does admits that currently there "is no concept of spousal rape" in the Code, and that "criminalizing spousal rape may in the future be considered."²⁶ In light of the Government's admittance of its possible intention to alter its Criminal Code and criminalize spousal rape, we recommend the following:

- 1) Ensure that the Family Law is also amended in the following manner:
 - a) allow for the provision of a restraining order against an abusive spouse;
 - b) lower the penal code's requirements to maintain a standard of proof for spousal abuse;

- 2) Alter the Criminal Code to criminalize spousal rape.

²³ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, p. 8.

²⁴ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 30.

²⁵ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 30.

²⁶ Committee on the Elimination of Discrimination against Women, *List of issues and questions with regard to the consideration of periodic reports* CEDAW/C/ET/Q/6-7, 4 November 2010, p. 9.

8. Please describe the impact of public awareness-raising campaigns to eliminate discriminatory traditional stereotypes and prejudices about the roles and responsibilities of women in society. Please also provide information on the impact of religious leaders on shaping norms of social conduct that may limit women's space in political, economic and cultural life.

Ethiopia's response to the Committee asserts that its Ministry of Women's Affairs has created a development package which both ensures the participation of women in economic, social, and political affairs, but also helps eradicate "demeaning attitudes and harmful traditional practices."²⁷ However, 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."²⁸ The previous articles have gone into more detail about the hostile environment to women in Ethiopia, particularly in terms of economic and inheritance rights and within the court systems. In this strong patriarchal environment of Ethiopia, the Government's program to combat negative stereotypes is simply too generalized and insufficient. The Government does not elucidate any specific results of its education program, nor how many NGOs or "cultural structures and religious leaders" have been a part of its intervention. We recommend the following:

- 1) Enact a more concerted knowledge-training and women's rights campaigns at the community/*woreda* level, training local religious leaders as knowledge disseminators;
- 2) Create an accompanying monitoring and evaluation program to ensure that the leaders have internalized the training and actually disseminated it to community leaders, court officials, and police officers.

Measures taken to prevent and punish acts of sexual violence by members of armed forces in the Somali and Oromia regions

11. What measures is the State party taking to prevent and punish acts of sexual violence against women and girls, including rape, by members of the armed forces, which allegedly occur, in particular, in the Somali and Oromia regions? Please provide information on the number of investigations, convictions and sentences imposed on perpetrators, including senior commanders, since 2005. Please also indicate the assistance provided to victims, in accordance with the Committee's general recommendation No. 19.

In response to Article 11 of the Committee's list of questions and issues for the Ethiopian Government, the State's report states categorically that "there is no sexual

²⁷ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, p. 8.

²⁸ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 126.

violence against women and girls including rape committed by members of the armed forces or nothing has been reported to this effect.”²⁹

In **direct contradiction** of this claim, dozens of reports, including eyewitness accounts collected by our own organization, show that rape by armed forces has continued unabated for the better part of the last decade in the Ogaden region: the Coalition of Ogaden Civil Societies asserts that since 2007, “more than a **thousand rape cases** have been documented in the Ogaden...torture, humiliation and degrading treatment of detainees are used extensively. Women are especially 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.”³⁰

Human Rights Watch has further 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.”³¹

To corroborate these claims, African Rights Monitor has conducted extensive interviews with residents of the Dadaab Refugee Camp in Northern Kenya. One woman interviewed, Sukra Mohamed Abdi, testifies to the following:

“The reason I left the country is because of the Ethiopian Government. One morning, there was a knock on my door and I was taken away. I was accused of being an ONLF member despite my protestation. Once in the Government’s custody, I was subjected to torture, rape, and maltreatment. I suffered a miscarriage as result of the torture, beatings and the rape that was inflicted on me. I was in the 8th month of my pregnancy. My health has deteriorated because of the torture and beatings. There are 37 wounds all over my body as proven by this document [provides a medical record]. There are wounds on my head and they sliced my breasts with knives. Other wounds are on my feet, legs, arms and cheeks.”³²

Another woman, Farhia Mohamed Mahad, also resident of Dadaab, stated:

“We were nomads living in the countryside. One day, we ran into the military that started killing some people and detaining others. I was part of group that was detained. Once in

²⁹ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 9.

³⁰ 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.

³¹ 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.

³² African Rights Monitor, Interview with Sukra Mohamed Abdi, Ifo in Dadaab Refugee Camp, Northern Kenya, 12 May 2011.

custody I was subjected to torture and thrown into fire. After being thrown into fire, I was electrocuted later. I was imprisoned not in jail but in the military barracks where I was held for a year along with five other girls. We are repeatedly subjected to rape. Rape became the norm.”³³

Human Rights Watch also recorded the instance of a 17-year-old student who was arrested by soldiers 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.³⁴

Following the nation’s pattern of denial, 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.³⁵ Under the FDRE 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 attendance of and examination of witnesses on their behalf before the court.”³⁶ No such measures have been taken in the regards the incidences of rape or arbitrary detention in the Ogaden region of Ethiopia, as female detainees and rape victims have no recourse for justice, even once released from prison.

The repeated denial by the Ethiopian Government to such a plethora of eyewitness accounts to the use of rape by military personnel in the Ogaden region is not only reckless but also directly flaunts the mandates and obligations to which it is liable as signatory to CEDAW. Such denial can no longer go unchecked by the international community. We recommend:

- 1) A comprehensive and transparent report into allegations of rape and sexual violence in the Ogaden region to be completed jointly by both civil society and Government officials in Ethiopia by December 2011;
- 2) The immediate arrest and swift prosecution of members of the armed forces found guilty of perpetrating sexual violence and rape against women in the Ogaden;

³³ African Rights Monitor, Interview with Farhia Mohamed Mahad, Ifo in Dadaab Refugee Camp, Northern Kenya, 12 May 2011.

³⁴ 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.

³⁵ 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.

³⁶ 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.

3) The Government must provide assistance to victims of sexual violence and rape, both those still within the Ogaden region and those who have fled to refugee camps in Northern Kenya.

Trafficking and Exploitation

14. In the light of increasing numbers of women and girls trafficked from and within the State party, please indicate whether:
- (a) the State party considers adopting a national action plan on trafficking;
 - (b) the offence of trafficking is subject to ex officio prosecution;
 - (c) measures are taken to increase prosecution and conviction rates, enhance victim assistance¹⁶ and raise awareness about internal trafficking;
 - (d) steps are taken to prevent the activities of illegal employment agencies, ensure that women receive information on safe migration prior to departure, and conclude bilateral agreements with receiving countries, in line with the Committee's general recommendation No. 26.
15. In the light of the high proportion of girls among child domestic workers, what measures is the State party taking to prevent and punish sexual abuse of those girls by their employers or by family members of their employers?
22. Please provide information on the measures taken to protect girls and boys, including those living in the street, from economic and social exploitation in child labor and to provide victims of such exploitation with material and psychological support and education.

Ethiopia's anti-trafficking measures include signing bilateral and multilateral agreements with neighboring countries, disseminating education and training programs to Federal and regional law enforcement officials, and directly investigating crimes of trafficking in 193 criminal cases, with 153 individuals charged.³⁷

While these measures are commendable, they by no means address the root of trafficking within Ethiopia, namely the persistent economic and social insecurity of women. Without economic means or social protection, women and children are consistently driven to prostitution, abusive domestic servitude, and trafficking schemes in order to simply survive and support their families. The incentive to enter into trafficking and domestic slavery circles will continue to exist should proper opportunities for women and children's economic engagement not be provided.

To this end, 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).³⁸ However, once again such programs are unfortunately very limited in their scope: the EWDF targets only 16,000 women from four selected regions.³⁹ An annual progress report from 2003 on

³⁷ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 10.

³⁸ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 2.

³⁹ Network of Ethiopian Women's Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 3.

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 women groups.”⁴⁰ While the institution of the EWDF and similar legal codes assuring women’s economic rights 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.

The incentive to enter illegal domestic servitude and trafficking circles is also amplified because of the disproportionate legal provisions made for women and girls in terms of access to land: while certain *de jure* changes in women’s inheritance rights have occurred, women still rarely participate in *de facto* land rights registration processes 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 property of the male’s family, leading to widespread eviction of women and children from the property, leaving them extremely vulnerable to instances of trafficking.

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.”⁴¹

As the World Bank reasserts, “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.”⁴²

Furthermore, the trafficking of children, particularly to abusive domestic servitude positions, is 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

⁴⁰ Network of Ethiopian Women’s Associations and Ethiopian Women Lawyers Association, *Shadow Report CEDAW: Ethiopia*, NEWA and EWLA, Addis Ababa, Ethiopia, 2003, p. 3.

⁴¹ World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, 34.

⁴² World Bank, *Ethiopia: Legal and Judicial Sector Assessment*, The World Bank, Washington DC, 2004, 34.

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.”⁴³

While agreements with neighboring states and sensitivity training for law enforcement officials are indeed positive steps on Ethiopia’s road to end trafficking, the lack of concerted efforts and focus towards preventative measures severely hampers the nation’s progress. By neglecting to fully secure economic and social protection for women and children, they are left desperately vulnerable to situations of abuse, unjust domestic servitude, and trafficking.

Ethiopia's State reply mentions only the *de jure* measures taken to protect children from exploitation in the labor market.⁴⁴ However, two US Government reports indicate that the *de facto* situation for children in Ethiopia is not protected and is in fact extremely dangerous. The first report, the 2010 Trafficking in Persons Report⁴⁵, places Ethiopia in Tier 2 on its scale of three tiers (where Tier 1 is the best ranking possible). Tier 2 countries are those “countries whose governments do not fully comply with the TVPA’s (Trafficking Victims Protection Act) minimum standards, but are making significant efforts to bring themselves into compliance with those standards.”⁴⁶ The report states that “Ethiopia is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Girls from Ethiopia’s rural areas are forced into domestic servitude and, less frequently, commercial sexual exploitation, while boys are subjected to forced labor in traditional weaving, agriculture, herding, and street vending,” adding that “the government did not undertake efforts to reduce demand for commercial sex acts or forced labor during the reporting period.”⁴⁷ A second US Government report, the State Department's 2010 Human Rights Report on Ethiopia⁴⁸, is similarly scathing in its account of human trafficking in Ethiopia, citing the restrictive Charities and Societies Proclamation as a factor in the decreased services now offered to rehabilitate trafficked persons. The law, which bars the operation of foreign or foreign-funded civil society organizations, has forced organizations like Forum for Street Children to cease operating their Child

⁴³ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁴⁴ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.22.

⁴⁵ US Department of State, *The 2010 Trafficking in Persons Report*, Office to Monitor and Combat Trafficking in Persons.

⁴⁶ US Department of State, *The 2010 Trafficking in Persons Report*, Office to Monitor and Combat Trafficking in Persons, p. 22.

⁴⁷ US Department of State, *The 2010 Trafficking in Persons Report*, Office to Monitor and Combat Trafficking in Persons, p. 144-146.

⁴⁸ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor.

Protection Units (CPU) in Addis Ababa, units which used to provide “shelter, medical care, counseling, and reintegration assistance to girls victimized by trafficking.”⁴⁹

Ethiopia's track record for punishing the perpetrators of human trafficking is similarly dismal. The Trafficking in Persons Report states that, in 2010, “prosecution of internal trafficking cases remained nonexistent.”⁵⁰ Simultaneously, the UN Committee against Torture, in its concluding remarks about Ethiopia in its forty-fifth session, criticized the government for not bringing perpetrators to justice. Their report states that “the Committee expresses concern about the low prosecution and conviction rates in relation to child abduction and human trafficking, in particular internal trafficking of women and children for forced labor and sexual and other forms of exploitation. It is also concerned at the general lack of information on the extent of trafficking in the State party, including the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, and on the practical measures taken to prevent and combat human trafficking.”⁵¹

Recommendations:

- 1) Amplify the provisions of the Ethiopian Women’s Development Fund, reaching into further regions beyond the initial 4, and granting more autonomy to women and women’s groups in securing economic aid;
- 2) Bolster education services, particularly in conflict regions of Oromia and Ogaden, to ensure children are provided proper schooling and are not incentivized into domestic servitude;
- 3) Support NGOs’ efforts to amend land certifications to include women’s names, in addition to conducting more rigorous training of court officials and land holders as to the rights of women in land disputes.

Information regarding the Ethiopian Human Rights Commission, (including the Commissioner for Children’s and Women’s Affairs, and the Women’s Affairs Office)

4. Please indicate the achievements of the Ethiopian Human Rights Commission, especially the Commissioner on Children’s and Women’s Affairs, in promoting and protecting women’s rights. Please also provide information on the number of staff and the financial resources of the Women’s Affairs Office.

⁴⁹ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p. 55.

⁵⁰ US Department of State, *The 2010 Trafficking in Persons Report*, Office to Monitor and Combat Trafficking in Persons, p. 144.

⁵¹ Committee against Torture, *Concluding observations of the Committee against Torture: Ethiopia*, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/ETH/CO/1, 20 January 2011, p. 13.

The Ethiopian Government goes into great length to discuss the major milestones achieved by the Ethiopian Human Rights Commission, including the piloting of child friendly schools, training of officials and distributing key human rights instruments, and finally the monitoring of prisons and prisoner rights.

While articles 2 and 3 above covered the extensive discrepancies within the training programs Ethiopia has conducted with judicial officials, it is on the final point in which the State asserts that the Commission has “carried out intensive prison monitoring activities” that our organization take particular issue with.⁵² For, as the United States State Department’s 2009 Human Rights Report for Ethiopia asserts, “there are numerous credible reports that security officials torture, beat, and mistreat detainees [in prison].”⁵³ The State Department details the tactics of physical abuse to extract confessions utilized in Maekelawi, the central police investigation headquarters in Addis Ababa, including blindfolding detainees and hanging them by their wrists for several hours, or subjecting prisoners to humiliating and painful procedures such as hanging heavy objects from their genitalia.⁵⁴

The Federal Democratic Republic of Ethiopia’s (FDRE) Constitution “unequivocally prohibits inhumane and degrading treatment or punishment under Article 18,” and grants each individual “security of the person, which accords everyone due protection against bodily harm.”⁵⁵ The right to be protected from torture and other forms of cruel, inhumane and degrading treatment is also now included in the list of articles that **cannot be derogated during a state of emergency** (own emphasis added).⁵⁶ However, in the conflict-ridden region of Ogaden, blatant violations of provisions against torture and maltreatment of detainees, particularly women, abound. There are a variety of detention facilities where Ogadeni prisoners are held, including makeshift facilities at military bases, in addition to federal police prisons and administrative police facilities. The Regional Central Prison alone holds between 400-600 prisoners, while the most notorious of Jijiga’s 4 prisons has hundreds of prisoners in a range of inhuman conditions, with overcrowding rampant, and many prisoners held in rudimentary underground cells.⁵⁷ 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-

⁵² Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, p. 7.

⁵³ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

⁵⁴ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

⁵⁵ Ethiopia 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 7.45.

⁵⁶ Ethiopia 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 7.47.

⁵⁷ 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. 63.

affected zones. Rape is carried out both by state interrogators and senior military officials, including base commanders.⁵⁸

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 taken to a military base and held for 25-days in which she was raped on five separate occasions before being transferred to a police station.⁵⁹ 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.⁶⁰

While it claims to perform its own monitoring activities and investigations of prisons, the Government of Ethiopia has intentionally barred outside observers from certain prison facilities in the country out of fear of reports surfacing on the widespread occurrences of torture and abuse therein: when the International Committee of the Red Cross (ICRC) conducted a national visit of regional prisons throughout Ethiopia in 2000, the organization was prohibited from visiting any sites within Ogaden.⁶¹

These reports severely undermine the activities of Ethiopia's Human Rights Commission in regards to the monitoring of prisons, thus we recommend:

- 1) Call for an immediate end of operations in makeshift military prisons in the Ogaden region where violations of rape and torture of prisoners have been found;
- 2) Allow for more rigorous and objective monitoring of prison systems to ensure violations are sighted and ceased;
- 3) More rigorously train police officers in charge of prisons and prisoner behavior, creating provisions for fines and suspension should officers be seen in violation of Constitutional and legal mandates against prisoner torture and maltreatment;
- 4) Cease and desist all torture practices within Ethiopian prisons, whether used to extract information for prisoners or simply in routine detention practices.

⁵⁸ 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.

⁵⁹ 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.

⁶⁰ 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.

⁶¹ State Department, *Human Rights Report: Ethiopia*, United States State Department, Washington DC, 2009, Section 1.c, <<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135953.htm>>.

Effects of the Charities and Societies Proclamation on local women's NGOs & the suspension of services by the Ethiopian Women Lawyers Association (EWLA)

5. In the light of the critical role of women's and human rights NGOs in promoting the advancement of women, please provide information on the impact of the Charities and Societies Proclamation (No. 621/2009) on the work and funding of local women's NGOs working in the field of human rights. Please also explain how the State party plans to ensure a conducive environment for the establishment and operation of women's NGOs and to facilitate their active participation in the implementation of the Convention, in accordance with the Committee's previous concluding observations.

6. Please explain why 90 per cent of the assets of the Ethiopian Women Lawyers Association (EWLA) were frozen by decision of the Charities and Societies Agency upon EWLA's re-registration, forcing it to downsize 80 per cent of its staff and to suspend its legal aid and hotline services. Please indicate how the State party intends to fill the gap resulting from the suspension of those services.

In January 2009, the Ethiopian parliament adopted the Charities and Societies Proclamation (No. 621/2009) which restricts foreign funding and support to Ethiopian civil society organizations, severely limiting the functioning power of any and all non-governmental associations in the nation.⁶² In addition, strenuous new registration measures under the newly formed Charities and Societies Agency (CSA) were put into place, requiring CSOs – including local women's NGOs – to cut staff and programming in anticipation of the new bureaucratic processes in re-registering under the Agency.⁶³ CSOs have also begun to censor themselves to a higher degree, fearing further government reprisals or disfavour from officials.⁶⁴

Most recently in 2009, the CSA froze the bank account of the Ethiopian Women Lawyers Association (EWLA), resulting in a severe downsizing of the organization's staff and programming. While the Government of Ethiopia has justified these measures elsewhere by asserting that the EWLA was found in violation of multiple provisions of the CSO Proclamation, the restrictive actions imposed on the organization simply follow a string of similar measures performed by the State against civil society dating back to the 1990s, long before the Proclamation was put into force in 2009. The EWLA was previously suspended by the State in 2001, and once the Proclamation was put into force in 2009, the organization were given just one year to conform to the new restrictions, including emptying its funding base – largely donated from international sources – to fit the 10% quota for non-Ethiopian funds within an NGO's budget as provided within the new law.⁶⁵ The CSO Proclamation has given the Ethiopian Government a legal "legitimacy" to impose restrictive measures against non-governmental organizations that have been occurring for decades: EWLA appealed to the Agency stating that any foreign funds they had received above the 10% quota were given before the inaction of the

⁶² 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.

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. 45.

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. 46.

⁶⁵ Human Rights Watch, *One Hundred Ways of Putting Pressure*, HRW, New York, March 2010, pp. 39-40.

Proclamation, to which the State claims that the Proclamation also applies retroactively, a practice that breaches common principles of the rule of law.

Furthermore, while the language of the CSO Proclamation directly asserts that there can be an appeal to any decision made by the Charities and Societies Agency, the entire process is simply insufficient and disfavors NGOs. Firstly, only one round of appeals is allowed. As the Law asserts, the “decision of the Board shall be final:”⁶⁶ no counter-appeal process is permitted, thus restricting an organization’s capacity to correct any erroneous information leveled at them within the Board’s investigations, while also tipping the balance of power to the Charities and Societies Agency.

In addition, appeals are limited only to issues of law, whereas claims leveled against the EWLA which led to their staff cuts and frozen assets were in many instances false due to an incomplete/biased investigation of organizations.⁶⁷ Because appeals are restricted to matters of law, however, the EWLA cannot correct such erroneous allegations and is provided no possibility to appeal such findings in investigations.

In its response to the Committee, the Ethiopian Government gives no justification for its actions against the EWLA, nor does it provide information regarding measures taken to protect further women’s NGOs as demanded by the Committee within articles 5 and 6 in its list of questions and issues.⁶⁸ Such refusal to properly address the questions mounted to its officials by the Committee shows a lack of proper reasoning for the State’s actions on these matters. By answering the issues only with descriptions of new State mechanisms to replace the civil society organizations, the Government is firmly positioning itself **against** civil society in Ethiopia, mandating a nation controlled more and more firmly by State-sanctioned bodies and actors. These measures deny multiple basic tenets of democracy which are enshrined within the FDRE Constitution, including pluralism and freedom of expression.

In light of an environment growing increasingly hostile to democratic pluralism and the fostering of civil society, the following recommendations can therefore be made:

- 1) Repeal the mandate within the CSO Proclamation that its provisions are to be applied retroactively and organizations can be punished for actions previous to the Proclamation’s enforcement in 2009;
- 2) Give sufficient time for an organization (currently standing at one year) to garner enough national funds to meet the Proclamation’s requirement should their budget have retroactive donations from foreign sources exceeding the 10% limit;
- 3) Provide a more just appeals process, allowing errors in investigation of CSOs to be challenged, with more than one appeals round in place.

⁶⁶ Ethiopia CSO Law, *supra* note 1, at art. 104(2).

⁶⁷ Dagne, Kumlachev, *Observations on the Draft CSO Law*, Ethiopian Bar Association 2009.

⁶⁸ Committee on the Elimination of Discrimination against Women, *List of issues and questions with regard to the consideration of periodic reports CEDAW/C/ET/Q/6-7*, 4 November 2010, p. 2.

Provisions for internally displaced persons

7. Please indicate whether the State party has created a dedicated government agency and adopted a national policy for internally displaced persons, specifically addressing the protection needs of internally displaced women and girls.

The Ethiopian Government neglected to give a response to the Committee as regards Article 7 of its list of questions and issues demanded by the Committee, namely whether the State has created a specific agency to look after the needs of internally displaced persons (IDP).⁶⁹ Denying the gravity of this matter and question in its own reporting shows that not only has an agency to protect the needs of IDPs **not** been formed, but further demonstrates a lack of serious consideration by the Ethiopian State as to the situation of women and children in conflict zones, particularly the Oromia and Ogaden regions. Again, this follows on a long history of State denial of serious conflict and displacement in these regions, despite UN estimates that since February 2009, conflict in both the Oromia and Ogaden regions has displaced around 200,000 people.⁷⁰

In 2003, UNICEF highlighted the “fear of sexual violence within IDP camps.”⁷¹ Displacement 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.”⁷² 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.”⁷³ 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.⁷⁴

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 displacement situations, due to increased stress and vulnerability of the displaced.”⁷⁵ The United

⁶⁹ Committee on the Elimination of Discrimination against Women, *List of issues and questions with regard to the consideration of periodic reports CEDAW/C/ET/Q/6-7*, 4 November 2010, p. 2.

⁷⁰ OCHA, *UN: Resource conflicts in Oromia displace 200,000 people, malnutrition rates increasing*, United Nations Office for the Coordination of Humanitarian Affairs October 6, 2009.

⁷¹ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁷² Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁷³ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 122.

⁷⁴ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94-5.

⁷⁵ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause*

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.”⁷⁶

Despite the dire humanitarian situation presently plaguing IDPs and other residents in the Ogaden, rather than creating a special task force or agency to address these issues, in 2007 the Government of Ethiopia began severely limiting the entry of any non-governmental organization into the region to administer aid, banning the International Red cross altogether. Organizations present in Ogaden, including Medecins Sans Frontieres, Oxfam, and Save the Children had been assembled in the peaceful administration of aid and services to internally displaced persons who have been victimized by the conflict.⁷⁷ Their expulsion has resulted in a significant drop in provisions available to IDPs, and again demonstrates the unjust political motivations behind the Ethiopian Government’s handling of the Ogaden region.

When Ethiopia was present under Universal Periodic Review by the UN’s Human Rights Council in January of 2010, several countries voiced sincere concern over this expulsion measure: the delegation from Belgium expressed concern over access of the international community and its humanitarian networks into the Ogaden region. As stated, “United Nations and NGOs being unable to carry out their work properly undermines the distribution of food packages and medication.”⁷⁸ In addition, the United States voiced its alarm at the fact that the Red Cross had been unable to operate in the Ogaden since 2008, while many other organizations have had their access severely limited.⁷⁹

Withholding information once again in its report to the Committee on the Elimination of Discrimination Against Women is alarming and follows a consistent pattern of denial of the Ethiopian State in regards to conflict in the region. However, denial will not change the fact that hundreds of thousands of civilians are in desperate need of healthcare, education, and security provisions. We thus recommend the following:

- 1) Readmit CSOs into the Ogaden region, including the International Red Cross, Oxfam, and Medecins sans Frontieres;
- 2) Bolster the services of CSOs with State-sponsored aid and protective measures for IDPs, particularly women and children;

Displacement, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁷⁶ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

⁷⁷ Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010.

⁷⁸ Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 6.

⁷⁹ Human Rights Council, *Universal Periodic Review: Report of the Working Group on the Universal Periodic Review: Ethiopia*, United Nations General Assembly, A/HRC/13/17, 4 January 2010, p. 8.

3) Complete a proper State-sponsored investigation into allegations of violence within IDP camps by December 2011.

Education

18. Please provide further information on the causes of girls' school absenteeism and drop-out and indicate:

- (a) whether the 50 per cent quota for female teaching staff applies to all levels of education;
- (b) examples of temporary special measures at the primary and secondary levels aimed at increasing girls' enrolment and reducing their drop-out and repetition rates, especially in rural areas;
- (c) the steps taken to increase female literacy rates;
- (d) any temporary special measures to increase access by women to higher education;
- (e) examples of support schemes and incentives encouraging parents to send girls to school;
- (f) the educational opportunities for girls with disabilities.

A) Regarding the 50% quota of female teaching staff, the State reply indicates that the number of teachers trained in primary and secondary instruction has increased markedly, however the numbers show that the proportion of female instructors has actually decreased, from 41% in 2004/05 to 37% in 2008/09, numbers that are still well below 50%.⁸⁰ They do not explicitly state that the 50% quota applies to college or university level education. Data from Addis Ababa University show an alarming lack of women in the teaching staff: only 11% were women in 2004/05, with no women at the highest level of professor.⁸¹

B) The State reply mentions many impressive steps taken to increase enrolment of girls. However, despite these achievements, enrolment rates are actually declining, and regional differences are large. In 2009/10, the net enrolment rate (NER) for primary school girls was 80.5%, a decrease of 0.8% from the year before. As well, the NER varied drastically, from 96.9% in Amhara to 30.3% in Afar, indicating a discrepancy in efforts to increase enrolment between regions.⁸² Secondary school enrolment rates are still very low compared to primary school enrolment. In 2009/10, the enrolment rate for girls in the first cycle of secondary school was just 16%.⁸³

The primary school repetition rate in 2009/10, for girls, was 5.2%, which is a decrease of 1.1% from the year before. However, this rate was higher than the rate for boys. Regional differences were also seen, with Somali region having the highest repetition rate of 16.4%.⁸⁴

⁸⁰ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.18 .

⁸¹ Fentie, M. W., *The Underrepresentation of Women in Managerial and Professional Specialty Fields*, Addis Ababa. University, Institute of Gender Studies, October 2007, p. 48.

⁸² Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, pp. 33-36.

⁸³ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, p. 43.

⁸⁴ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, pp. 32-33.

Drop-out rates for primary school are showing an alarming trend, with increases for both boys and girls over the past five years. The 2009/10 figures stand at 19% for girls and 18.2% for boys. The effect of this trend on completion rates can be seen in the percentage of students completing grades 5 and 8: for 2009/10, the grade 5 completion rate was 73.7% for girls, whereas for grade 8, it was only 44.5%.⁸⁵

C) Despite programs aimed at increasing the female literacy rate, the statistics on literacy remain dismal. Overall, only 30% of Ethiopian women are literate, compared to nearly 60% of men. The numbers vary by region as well, with less than 20% literacy among rural women. This number drops even more in some regions like Somali, where the literacy rate is a mere 10%.⁸⁶

D) Access to higher education remains problematic for women, despite the efforts mentioned in the State reply. The Ministry of Education Annual Abstract for 2009/10 indicates that enrolment at higher education institutions only comprised 27% female students at the undergraduate level, which is a decrease of 2% from the year before. Additionally, the number of females who graduate with an undergraduate degree is just 23%, indicating that many women drop-out of university. These numbers drop even further at the post-graduate level, where only 12% of students are women.⁸⁷

E) The incentive schemes to encourage parents to send their daughters to school that are mentioned in the State reply are a positive step, however net enrolment rates for girls in primary school have actually decreased in the last year (81.3% for 2008/09 compared to 80.5% for 2009/10), after showing increases since 2005 (net enrolment rate was 73.2% in that year).⁸⁸ The net enrolment rate for boys, while also showing decreases in the past two years, is consistently higher than it is for girls. Enrolment rates also vary by region, with Afar and Somali being the lowest at 30% and 45% enrolment for girls, respectively.⁸⁹

F) The Ministry of Education's Annual Abstract mentions the numbers of disabled children attending school, but gives no indication of what percentage of total disabled children are actually attending school, nor does it provide information on the proportion of schools that are equipped to deal with the learning needs of disabled children. The Abstract does indicate that for 2009/10, the enrolment rate for disabled girls was lower than that for boys in primary school, and that this

⁸⁵ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, p. 25.

⁸⁶ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 35.

⁸⁷ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, pp. 56-58.

⁸⁸ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, p. 24.

⁸⁹ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, p. 25.

gender gap increased in secondary school enrolment.⁹⁰ The US Department of State 2010 Human Rights Report made the following comments on girls with disabilities: “women with disabilities were more disadvantaged than men in education and employment. An Addis Ababa University study showed that female students with disabilities were subjected to a heavier burden of domestic work than their male peers. Girls with disabilities also were much more likely to suffer physical and sexual abuse than able-bodied girls.”⁹¹

Recommendations:

- 1) Address discrepancies between rural/urban areas in the provision for education in the following manner:
 - a) Concentrate on the bolstering of secondary education through the construction of schools and training of teachers;
 - b) Monitor teaching practices at both primary and secondary levels, ensuring that teachers are properly remunerated and are have little to no absenteeism;
- 2) Create girl-friendly schools to prevent girl drop-out rates, including through the construction of girl-only toilets and providing economic incentives to families should they send girls to school (e.g. providing lunch for students attending school).
- 3) Educate parents, through rural outreach, on the benefits of sending their daughters to school.

Employment

19. Please provide further information on temporary special measures to ensure equal opportunities for women and men in the labor market, including in senior positions in the formal sector and in the civil service at the federal level. Please also provide detailed information on women’s wage levels and their representation in senior positions in the formal and informal labor markets.

The State reply mentions the *de jure* measures taken to ensure equality of women in the labor market, including with regard to payment. No information is provided regarding women's wage levels or their representation in senior positions.⁹²

Data from the 2005 Demographic and Health Survey indicate that the position of women in the labor market is not equal to that of men. While the majority of men (86%) were employed at the time of the survey, only 29% women were employed.⁹³

⁹⁰ Education Management Information System, *Education Statistics Annual Abstract 2009-10*, Ministry of Education, Addis Ababa, October 2010, pp. 36, 46.

⁹¹ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p.48.

⁹² Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.19.

⁹³ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 39.

Working women were also less likely to be paid for the work they did, and those that were paid made less than men. On average, 81% of women working in the agricultural sector were not paid at all, compared to only 58% of men. In non-agricultural work, 20% of women were not paid, compared with 14% of men.⁹⁴ When asked about earnings, 64% of women believed they earned less than their husbands.⁹⁵ Women are also underrepresented in the civilian sector, accounting for only 37% of the workforce in the Federal and Regional Governments.⁹⁶

More recent reports suggest that the trend has not changed. The US Department of State 2010 Human Rights Report comments that “in urban areas women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work. Women's access to gainful employment, credit, and the opportunity to own and/or manage a business was further limited by their low level of education and training, traditional attitudes, and limited access to information.”⁹⁷

In light of the consistent inequality of women in the labor force, the following recommendations can be made:

- 1) Enforce equal opportunity employment programs with greater stringency;
- 2) Educate women on their right to earn equal pay compared to men; encourage and support women to take cases of labor discrimination to local courts.

20. Please provide information on women’s access to pensions and, more generally, to social protection, in particular as regards women engaged in the informal economy and in unpaid work.

The State reply offered no official response to this question.

The extent of social security in Ethiopia is not universal, with only paid workers eligible for pensions. Ethiopia's Public Servants' Pensions Proclamation No. 345/2003 provides for pensions for public-sector employees only.⁹⁸ As well, the Transformation and Growth Plan adopted in early 2011 makes private-sector pensions mandatory.⁹⁹ However, this still leaves the majority of the population without social security of any kind, and since many more women than men are unemployed, this situation has a much greater impact on the lives of women.¹⁰⁰ The

⁹⁴ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, pp. 44-45.

⁹⁵ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 237.

⁹⁶ Fentie, M. W., *The Underrepresentation of Women in Managerial and Professional Specialty Fields*, Addis Ababa University, Institute of Gender Studies, October 2007, p. 47.

⁹⁷ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p.44.

⁹⁸ Federal Negarit Gazeta, *Public Servants' Pension Proclamation No. 345/2003*, FDRE, Addis Ababa, 8 June 2003, Article 13.

⁹⁹ International Social Security Association, *New private-sector social security scheme and pension rate increase*, ISSA, <<http://www.issa.int/Observatory/Country-Profiles/Regions/Africa/Ethiopia/Reforms/New-private-sector-social-security-scheme-and-pension-rate-increase>>

¹⁰⁰ Masfin, A. *Development of Social Security: Practices, Problems and Prospects of Pension Plan in Ethiopia*, Regional

lack of social security in Ethiopia runs counter to the provisions of the International Covenant on Economic, Social and Cultural Rights, to which Ethiopia has acceded, which states in Article 9 that “the States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”¹⁰¹ While the Transformation and Growth Plan is a positive step toward social security for all, it is still insufficient to protect the majority of the population from the harsh effects of poverty.

Recommendations:

1) Begin steps to introduce legislation that would provide social security for those citizens who are currently unable to receive it.

21. Does the State party consider including provisions in the Federal Labor Proclamation and the Federal Civil Service Proclamation specifically addressing sexual harassment in the workplace and raising the penalties for dismissals based on gender, marital status, family responsibility and pregnancy, as well as for sexual violence in the workplace.

The State reply to this question mentions the need to investigate whether these problems occur before initiating changes in the legislation.¹⁰² However, credible sources indicate that sexual harassment in the workplace is not an unknown problem in Ethiopia. A study published in 2009 that was undertaken to determine the prevalence of sexual harassment in colleges in Awassa, Ethiopia concluded that “workplace abuse and sexual harassment are highly prevalent among college female faculty and staff members in Awassa, Ethiopia.”¹⁰³ An interview with one victim of workplace sexual harassment offered, among many others, the following example: “I was a very well-paid Personal Assistant in an International Organization when my boss let me know that the renewal of my contract depended on my willingness to gratify his sexual needs, and I had no choice but to say yes.”¹⁰⁴ Additionally, the US Department of State mentions the problem in its 2010 Report on Human Rights in Ethiopia. The report states that in 2010, “sexual harassment was widespread.”¹⁰⁵ The problem of sexual harassment is therefore well-documented, making it highly unlikely that the State party could be completely unaware of it.

Currently, the Labor Proclamation No. 377/2003 deems that termination of employment based on gender, marital status, family responsibility or pregnancy is

and Local Development Studies, July 2003, p. 4.

¹⁰¹International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession, 16 December 1966, entry into force 3 January 1976, Article 9.

¹⁰² Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.21.

¹⁰³ Marsh, J., et al. *Prevalence of Workplace Abuse and Sexual Harassment among Female Faculty and Staff*, *J Occup Health*; 51: p. 320.

¹⁰⁴ Tekleberhan, M. *How Prevalent is Sexual Harassment in Ethiopia's Workplace?* Ezega.com, 8 June 2011 <<http://www.ezega.com/news/NewsDetails.aspx?Page=news&NewsID=2924> >

¹⁰⁵ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p.43.

unlawful, however the proclamation only provides for a fine not exceeding 1200 Birr as punishment for the employer.¹⁰⁶ No section addresses sexual harassment or sexual violence in the workplace.

Recommendations:

- 1) Amend the Labor Proclamation to include clauses addressing sexual harassment in the workplace as well as fitting punishments for perpetrators.
- 2) Raise the fines for unlawful termination of employment.

Health

23. What measures have been taken to increase the coverage of family planning services and education, including affordable access to contraceptives, education on sexual health and rights and training for health extension workers, medical personnel and local women's groups, in particular in rural areas? What has been the impact of such measures on reducing the number of unsafe abortions? Please clarify to what extent early marriage and unsafe abortions contribute to the high maternal mortality rate in the State party.

The State reply mentions the Implanon initiative, formally known as the Integrated Family Health Program (IFHP)¹⁰⁷, an impressive program aimed at increasing the use of long-term implanted contraceptives. Active in four regions and 8 *woredas* in 2009, the program had plans to expand to an additional 43 *woredas* in the future.

Despite the promising nature of the IFHP, a USAID-funded study released in 2010 concludes that the cost of family planning in Ethiopia is projected to skyrocket. Ethiopia's Health Sector Development Program states a goal of modern contraceptive prevalence of 60% by 2010.¹⁰⁸ The USAID study assessed the cost to achieve this goal, and determined that "it is projected that the annual cost of government-provided contraceptive commodities and supplies will increase from \$9 million in 2008 to \$88 million in 2010. Almost 90 percent, or more than \$77 million of that cost, would be for implants. This indicates a need for \$80 million in funding beyond the 2008 level of spending on commodities. To achieve such a significant increase in the country's modern contraceptive prevalence in such a short timeframe will require the Ethiopian government to implement an organized and well-financed effort. In particular, the rapid scale-up of the implant will necessitate a large investment in Ethiopia's health extension workers (HEW). The main expense will be the cost of training all 30,000 HEWs in implant insertion and removal skills within a very short time span."¹⁰⁹ Considering that only 43 *woredas* are part of the IFHP

¹⁰⁶ Federal Negarit Gazeta, *Labour Proclamation No. 377/2003*, FDRE, Addis Ababa, 26 February 2004, Article 184, para 2d.

¹⁰⁷ Integrated Family Health Program, *Scaling Up Community-Based Service Delivery of Implanon: The IFHP's Experience Training Health Extension Workers*, Pathfinder International and John Snow, Inc., January 2010.

¹⁰⁸ USAID Health Policy Initiative, *Task Order 1, The Cost of Family Planning in Ethiopia*, Futures Group, February 2010.

¹⁰⁹ USAID Health Policy Initiative, *Task Order 1, The Cost of Family Planning in Ethiopia*, Futures Group, February 2010, p. 5.

expansion plan, it is obvious that the reach of family planning services will not be sufficient to attain the 60% contraceptive prevalence rate hoped for by the Health Sector Development Program.

The State reply indicates that the Government believes family planning programs can help decrease the risk of abortion, yet in 2008, 42% of all pregnancies in Ethiopia were still unintended. The abortion rate stood at 23 per 1000 women aged 15-44, indicating that contraceptive needs are still not being met. Alarming, only 27% of induced abortions were considered to have been “safe”, that is, performed in health facilities.¹¹⁰

Furthermore, Ethiopia is one of the top 10 countries for child marriage, with just under 50% of girls being married before age 18.¹¹¹ The health consequences of bearing children while being a teenager are grave: death is a major possibility, as girls aged 15 -19 in developing countries are more likely to die from childbirth complications than from any other cause. If a teenage mother survives childbirth, she is at higher risk for major complications such as obstetric fistulae, a medically and socially debilitating condition, owing to the fact that her body was underdeveloped to bear children.¹¹² Unsafe abortion contributes to maternal mortality as well: “in Ethiopia, one in seven women dies from pregnancy-related causes and unsafe abortion is a major contributor to the maternal deaths that occur annually.”¹¹³

In light of recent comments made by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, who stated in his 2011 report that “ensuring access to reproductive services, including family planning, is a vital step in disrupting the 'repetitive cycle' of poverty, inequality and slow economic growth that is perpetuated by limited reproductive choices”¹¹⁴, the following recommendations can be made:

- 1) Educate women, both through local healthcare facilities and local Health Extension Workers, on all available contraceptive options and encourage the use of less costly methods to help keep healthcare costs under control;
- 2) Train Health Extension Workers to refer women to maternal healthcare facilities, including access to safe abortion services.

24. Please describe the impact of the Reproductive Health Strategy, the Health Sector Development Programme and the National Action Plan on Gender Equality on reducing the maternal mortality

¹¹⁰ Guttmacher Institute and IPAS, *In Brief: Facts on Unintended Pregnancy and Abortion in Ethiopia*, New York, April 2010, p. 1.

¹¹¹ Hervish, A., and C. Feldman-Jacobs. *Who Speaks for Me? Ending Child Marriage*, Population Reference Bureau, Washington, DC, April 2011, p. 2.

¹¹² Hervish, A., and C. Feldman-Jacobs. *Who Speaks for Me? Ending Child Marriage*, Population Reference Bureau, Washington, DC, April 2011, p. 2.

¹¹³ IPAS, *Reducing Unsafe Abortion in Ethiopia*, Chapel Hill, NC, 2009, p. 1.

¹¹⁴ Human Rights Council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, United Nations, A/HRC/17/25, 12 April 2011, p. 4.

rate, especially in rural areas, and indicate measures to ensure access to skilled care during pregnancy and childbirth, as well as to emergency obstetric and neonatal care.

The State reply quotes a current maternal mortality ratio (MMR) of 470/100 000 live births.¹¹⁵ This is indeed an improvement from the 2005 statistic, which was 673/100 000 live births.¹¹⁶ However, a study published in 2010 includes maternal mortality data from community sources up to 2008 that actually shows an increase in the MMR, as opposed to the Demographic and Health Survey (DHS) findings of 2005, which, as noted above, represent a decrease in MMR.¹¹⁷ When all data sources of MMR (community and DHS data) are compiled, the MMR trend is in fact seen to increase. The fact that the inclusion of community (rural) data with the DHS data can reverse the MMR trend is alarming, and points to a severe lack of maternal healthcare services in rural areas.

Moreover, the community studies examined by Abdella in his 2010 paper indicate that access to maternal healthcare in rural areas remains markedly problematic. For example, “in Tigray, a community study found that 80% of the maternal deaths took place at home,” with poor health-seeking behaviors and lack of transportation to medical facilities listed as the reason in 50% of cases.¹¹⁸ A Medecins Sans Frontieres worker in the Somali region agrees that “most people do not have access to hospital services, and they also cannot afford to transport themselves there. One night, we received a woman who had been in labor for several days. We don’t have the surgical capacity in the clinic to deal with delivery complications, so when the woman’s condition was stable, we drove her to Gindir hospital for referral (a 6-8 hour drive away).”¹¹⁹

In light of the increasing MMR indicated by community studies, the following recommendations can be made:

- 1) Improve referrals of women to maternal healthcare facilities through the use of Health Extension Workers currently in place;
- 2) Address the lack of human resources in rural health facilities, particularly the shortage of emergency obstetric services.

25. The report states that HIV/AIDS disproportionately affects women and girls. Please provide detailed information on HIV/AIDS prevention programmes specifically targeting young women and

¹¹⁵ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.24.

¹¹⁶ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 233.

¹¹⁷ Abdella, A. *Maternal Mortality Trend in Ethiopia*, *Ethiop J Health Dev*, 2010: 24; Special Issue 1, p. 116.

¹¹⁸ Abdella, A. *Maternal Mortality Trend in Ethiopia*, *Ethiop J Health Dev*, 2010: 24; Special Issue 1, p. 120.

¹¹⁹ Medecins Sans Frontieres, *In Imey, Somali Region, Ethiopia, distance to health care is often overwhelming*, 14 September 2010 <<http://www.msf.org/msf/articles/2010/09/in-imey-somali-region-ethiopia-distance-to-health-care-is-often-overwhelming.cfm>>

girls, including sex workers, as well as information on any campaigns to destigmatize and eliminate discrimination against women living with HIV/AIDS.

The State reply mentions the many positive *de jure* measures taken by the Government to fight the HIV/AIDS epidemic. They also acknowledge a few of the deficiencies of HIV prevention programs, however they make no mention of programs specifically aimed at preventing HIV/AIDS in young women, girls or sex workers, nor are any destigmatization campaigns mentioned.¹²⁰

The HIV prevalence rate in adults is stated as 1.4% to 2.8% in the State reply. The prevalence among sex workers, however, is an alarming 25.3%.¹²¹ This, coupled with the fact that the sex trade in Ethiopia is growing and the girls joining the trade are younger than ever, points to an extreme need for prevention strategies targeting this high-risk population.¹²²

Young girls forced into marriage also face an increased risk of contracting HIV. One report explains that “husbands of married girls are often much older than their young wives, with multiple sex partners prior to marriage, making them more likely to be HIV-positive. These married girls have frequent, unprotected sex with little ability to persuade their husbands to abstain or use a condom.”¹²³

The stigma of HIV/AIDS continues to be a problem, as the US State Department reports in their 2010 Human Rights Report: “Societal stigma and discrimination against persons living with or affected by HIV/AIDS continued in the areas of education, employment, and community integration.”¹²⁴ Another source stated that “in many cases, stigma and discrimination [due to HIV/AIDS infection] force orphans to live on the street.”¹²⁵

Recommendations:

- 1) Utilize community health facilities and Health Extension Workers to develop effective HIV/AIDS prevention programs targeting high-risk populations like sex workers and young women;
- 2) Develop programs which educate sex workers on HIV prevention and provide HIV testing within prostitution-heavy districts.

¹²⁰ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para.25.

¹²¹ USAID/Ethiopia, *HIV/AIDS Health Profile*, Addis Ababa, September 2010, p. 1.

¹²² USAID/Ethiopia, *HIV/AIDS Health Profile*, Addis Ababa, September 2010, p. 1.

¹²³ Hervish, A., and C. Feldman-Jacobs. *Who Speaks for Me? Ending Child Marriage*, Population Reference Bureau, Washington, DC, April 2011, p. 2.

¹²⁴ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p. 50.

¹²⁵ USAID/Ethiopia, *HIV/AIDS Health Profile*, Addis Ababa, September 2010, p. 2.

Rural Women

26. Please describe the impact of measures to increase access to safe drinking water within the immediate vicinity of households, as well as to adequate sanitation, for rural women and girls who must often walk long distances to collect water, exposing them to an increased risk of sexual violence and preventing girls from attending school.

The State reply offered no official response to this question.

Reports differ as to what percentage of Ethiopia's population has access to clean drinking water. In an interview with the Guardian newspaper, Water Minister Kebede Gerba claims that close to 69% of people currently have access to water.¹²⁶ However, other reports do not support this claim. The World Health Organization (WHO) estimates that less than 40% of the population has clean water access¹²⁷, and journalist Fred de Sam Lazaro, in a report for PBS Newshour in March of 2010, puts the number closer to 25%.¹²⁸ In de Sam Lazaro's report, he interviews local residents in Falka, Ethiopia, and estimates that close to 75% of Ethiopia's population does not have easy access to clean drinking water. Women and men he interviewed said the women had to walk long distances to find clean water, and that the trip was often dangerous for them. One woman states "we usually go to the town to get water, but, even there, we always have to fight for a place in line. If you're not from that area, you don't get first preference. When you go further out, you always run into conflicts. The people with access to water are stronger." Pregnant women also are forced to walk the same grueling distance for water. "We had a lot of miscarriages" says Abarrash Munati, a Falka community member.¹²⁹ A school principal interviewed for the report noted that fetching water is a priority for school-age girls, and the distances they have to walk makes it hard for them to attend school at all. "Plus, when they go further in the summer, when there's less water, they get beaten up or abducted for marriages, which is another problem" he says.¹³⁰ The Demographic and Health Survey of 2005 supports these claims, showing that in 90% of rural cases, it is the women of the household who fetch water, and that over half the time, the distance they must walk is 30 minutes or more.¹³¹

Adequate sanitation is a similar problem, with WHO estimating that less than 20% of the population has access to improved sanitation facilities, and even lower than that in rural areas.¹³²

¹²⁶ Vidal, J., *Ethiopia posts big gains in access to drinking water*, The Guardian, 4 March 2011

<<http://www.guardian.co.uk/global-development/poverty-matters/2011/mar/04/clean-drinking-water-ethiopia-access> >

¹²⁷ WHO, *Ethiopia: Health Profile, 2009* <<http://www.who.int/gho/countries/eth.pdf> >

¹²⁸ Fred de Sam Lazaro, *Wells in Ethiopia Draw on Community Support*, PBS Newshour, 18 March 2010, transcript available at <<http://pulitzercenter.org/video/wells-ethiopia-draw-community-support> >

¹²⁹ Fred de Sam Lazaro, *Wells in Ethiopia Draw on Community Support*, PBS Newshour, 18 March 2010, transcript available at <<http://pulitzercenter.org/video/wells-ethiopia-draw-community-support> >

¹³⁰ Fred de Sam Lazaro, *Wells in Ethiopia Draw on Community Support*, PBS Newshour, 18 March 2010, transcript available at <<http://pulitzercenter.org/video/wells-ethiopia-draw-community-support> >

¹³¹ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 24.

¹³² WHO, *Ethiopia: Health Profile, 2009* <<http://www.who.int/gho/countries/eth.pdf> >

Recommendations:

1) Improve access to clean drinking water, especially in rural areas, by building and maintaining new wells and taps.

Marriage and Family

29. What steps has the State party taken to revise discriminatory legislation recognizing the husband as the legal head of the family and the sole guardian of children above five years, entitling women to only three months of financial support in case of dissolution of a civil marriage and to no support at all in case of common law marriages, and failing to provide remedies for women to claim child support?

The State reply points out that the recently enacted Federal Family Code gives equality to the spouses within marriage, and states that the new law was enacted specifically because the previous civil law does in fact recognize the husband as the legal head of the household.¹³³

The Federal Revised Family Code of 2000¹³⁴ does provide for equality of the spouses in the household (article 50), and sets out terms of support payments which apply to both spouses (Chapter 11), however it fails to stipulate methods for ensuring that support payments are received by the deserving spouse. Additionally, the State admits that there are 2 regions that still have not adopted a Family Code, leaving women in those regions without legal support of their rights within the family. Although the law came into force in 2000, data from the 2005 DHS indicate that men still rule the household. In the survey, less than half of married women report that they make decisions on large household purchases jointly with their husbands, and one third say that their husband alone makes health care decisions for them.¹³⁵

Additionally, since traditional laws tend to disfavor women, and corruption of the legal system has been observed, where judges are not aware of new laws or able to be bribed, as mentioned in Section 28 above, it is not hard to believe that even though the Revised Family Code permits equal treatment of women, discrimination still exists. In a news report published by The Independent in March of 2010, the author interviews several Ethiopian men, many of whom believe that women should be subordinate to their husbands. In the words of one man: "Women are our factories. They work for their husbands."¹³⁶

¹³³ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para. 29.

¹³⁴ Federal Negarit Gazetta of the FDRE, *Revised Family Code Proclamation No. 213/2000*, Federal Negarit Gazetta Extra Ordinary Issue No. 1/2000, Addis Ababa, 4 July 2000.

¹³⁵ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 239.

¹³⁶ Hari, J. *Kidnapped. Raped. Married. The extraordinary rebellion of Ethiopia's abducted wives*. The Independent, 17 March 2010, <<http://www.independent.co.uk/news/world/africa/kidnapped-raped-married-the->

Given that new laws which run counter to traditional practices are difficult to implement owing to the fact that people, including judges, are not educated about them, the following recommendations can be made:

- 1) Ensure that the two regions without revised Family Codes adopt them as soon as possible;
- 2) Give all regional states a deadline (e.g. December 2011) to revise their family laws in accordance with the Federal Family Law, with fines imposed should they fail in their requisite revisions;
- 3) Educate the population as well as the judiciary on the relevant sections of the revised Family Codes that deviate from traditional practices to ensure that women's rights according to the new laws are upheld in court.

30. Please provide information on the measures taken to combat early marriage and ensure that all regional states adjust to the Federal Family Law, which sets the legal minimum age of marriage at 18 years for both men and women. Please provide sex-disaggregated data on the number of reported early marriages and criminal sanctions, as well as on the prevalence of forced and polygamous marriages.

The State reply mentions the legal age for marriage of 18 enshrined in the Revised Family Code, and acknowledges that two regions are still without Regional Family Codes. They also mention the problem of societal attitudes that run counter to the new laws, and state that training is taking place to help alleviate the tension.¹³⁷

Official data on the number of early marriages are only available up until 2005, the date of the last Demographic and Health Survey (DHS). The most recent 2005 data (where the median age for marriage for rural women aged 25-49 was 15.9) shows very little change from 2000¹³⁸, and alarmingly, the 2005 DHS data on early marriages in Ethiopia place this country in the top 10 countries in the world for child marriage.¹³⁹ More recent reports indicate that the problem has not decreased since 2005. A 2007 article comments that "child marriages are prevalent in rural regions, and Amhara has the highest rate in Ethiopia. About 40 percent of girls are married by 15 or younger."¹⁴⁰ The US Department of State, in their 2010 Human Rights

[extraordinary-rebellion-of-ethiopias-abducted-wives-1922263.html](http://www.africanrightsmonitor.org/extraordinary-rebellion-of-ethiopias-abducted-wives-1922263.html) >

¹³⁷ Committee on the Elimination of Discrimination Against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports: Ethiopia*, United Nations Convention on the Elimination of All Forms of Discrimination against Women CEDAW/C/ETH/Q/6-7/Add.1, 17 March 2011, Para. 30.

¹³⁸ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 82-83.

¹³⁹ Hervish, A., and C. Feldman-Jacobs. *Who Speaks for Me? Ending Child Marriage*, Population Reference Bureau, Washington, DC, April 2011, p. 2.

¹⁴⁰ Wilson, B. *Rural Ethiopia Ignores Law Against Child Brides*, NPR, 15 January 2007
<<http://www.npr.org/templates/story/story.php?storyId=6560441>>

Report, states that “the law sets the legal marriage age for girls and boys at 18; however, this law was not uniformly enforced.”¹⁴¹

Forced marriage, also known as marriage by abduction, is also still prevalent, with the national average at 69% in 2003.¹⁴² Although marriage by abduction was outlawed in 2005, an article published in 2010¹⁴³, which focuses on the abduction of women for marriage, points out that many men are simply unaware that this practice is now illegal, and they default to the traditional practices of abduction, rape and forced marriage that they learned from their parents and grandparents. One young man describes his experience kidnapping a woman: “How could I know it was a crime? It is how my father got married.” Another outlines the importance of consummating the forced marriage even against the will of the wife: “On the second day [after kidnapping] she might escape, so on the first day you rape her.” The report states that although “bridal abductions have been technically illegal since 2005...outside the capital, the law is interpreted very loosely by the police and judges.” One judge reportedly asked a 13 year old girl, who remarkably had the courage to stand up for her rights in court, “‘what is the problem? He loves you – that’s why he abducted you.’ He added she probably wasn’t a virgin before the kidnapping – the medical tests were inconclusive – and so it couldn’t be rape because ‘nobody wants to rape a girl who isn’t a virgin.’”¹⁴⁴

Polygamy data from the 2005 DHS show that although this trend has decreased slightly since 2000, the prevalence of polygamy ranges from 3% in Amhara and Addis Ababa, to 27% in Gambela, with a national average of 12% (this number was 14% in 2000). There is also variation when women are stratified by education level, with only 3% of women who have received some secondary or higher education in polygamous marriages, compared to 13% of women who have no education.¹⁴⁵

Recommendations:

- 1) Ensure prosecution according to the law of any individual found guilty of committing marriage by abduction;
- 2) Educate community members on the changes that outlaw early and forced marriage.

¹⁴¹ US Department of State, *2010 Human Rights Report: Ethiopia*, Bureau of Democracy, Human Rights and Labor, p. 43.

¹⁴² IRIN News, *Ethiopia: Surviving forced marriage*, 23 February 2007
<<http://www.irinnews.org/Report.aspx?ReportId=69993>>

¹⁴³ Hari, J. *Kidnapped. Raped. Married. The extraordinary rebellion of Ethiopia's abducted wives*. The Independent, 17 March 2010, <<http://www.independent.co.uk/news/world/africa/kidnapped-raped-married-the-extraordinary-rebellion-of-ethiopias-abducted-wives-1922263.html>>

¹⁴⁴ Hari, J. *Kidnapped. Raped. Married. The extraordinary rebellion of Ethiopia's abducted wives*. The Independent, 17 March 2010, <<http://www.independent.co.uk/news/world/africa/kidnapped-raped-married-the-extraordinary-rebellion-of-ethiopias-abducted-wives-1922263.html>>

¹⁴⁵ Central Statistical Agency and ORC Macro, *Ethiopia Demographic and Health Survey 2005*, Addis Ababa, Ethiopia and Calverton, Maryland, September 2006, p. 80.

12. Please provide more information on the implementation of the revised Criminal Code, which criminalizes harmful traditional practices, such as female genital mutilation, early marriage and abduction of girls.

All Harmful Traditional Practices (HTPs) are indeed legally prohibited in Ethiopia, and the Government has been working with justice actors and community elders to bring awareness to the illegality of female genital mutilation (FGM), early marriage, and the abduction of girls. Criminal Codes further criminalize abductors and practitioners of FGM, though the Government does not have any monitoring mechanism to demonstrate the actual number of perpetrators sentenced and the length of sentences imposed on them.¹⁴⁶

Despite these *de jure* guarantees of eliminating gender discrimination, historically women have often been considered inferior to men and continue to be subjected to *de facto* discrimination in multiple forms, including the three main issues highlighted by the Committee (FGM, early marriage, abduction of girls). While issues of early marriage and abduction are covered in the articles above, the rate of FGM in Ethiopia also remains incredibly high with a nationwide prevalence at 74%. Notable discrepancies based on region also persist: the highest rates in the country are found in the Afar and the Somali Regional States (91.6% and 79% respectively).¹⁴⁷

It is deeply concerning moreover that not only are gender-based violence such as rape, FGM and domestic abuse are commonplace, but 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 seek legal help, particularly in rural areas.”¹⁴⁸

Thus in response to the Committee’s request, the Ethiopian Government has failed to prove that criminal law provisions against harmful traditional practices have been enforced, as such practices clearly continue. Furthermore, all regional states have not yet revised their family laws in accordance with the Federal Family Law to prohibit harmful traditional practices. To address these discrepancies, we recommend the following:

1) Begin a monitoring and evaluation mechanism to ensure perpetrators of harmful traditional practices are actually brought to trial and receive a fair sentence;

¹⁴⁶ Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the sixth and seventh periodic reports – Ethiopia*, CEDAW/C/ETH/Q/6-7/Add.1, p. 9.

¹⁴⁷ 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.

¹⁴⁸ Internal Displacement Monitoring Centre, *Ethiopia: Human Rights Violations and Conflicts Continue to Cause Displacement*, 3 September 2009, <www.internal-displacement.org>, p. 94.

2) Address the discrepancy in interventions' implementations among region, diverting more resources to far-flung rural areas.

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