



WOMEN, ETHNO-CULTURAL COMMUNITIES AND THE STATE IN ETHIOPIA

Sisay Kinfe Gebrewold

ECMI WORKING PAPER #100
October 2017



The European Centre for Minority Issues (ECMI) is a non-partisan institution founded in 1996 by the Governments of the Kingdom of Denmark, the Federal Republic of Germany, and the German State of Schleswig-Holstein. ECMI was established in Flensburg, at the heart of the Danish-German border region, in order to draw from the encouraging example of peaceful coexistence between minorities and majorities achieved here. ECMI's aim is to promote interdisciplinary research on issues related to minorities and majorities in a European perspective and to contribute to the improvement of interethnic relations in those parts of Western and Eastern Europe where ethno-political tension and conflict prevail.

ECMI Working Papers are written either by the staff of ECMI or by outside authors commissioned by the Centre. As ECMI does not propagate opinions of its own, the views expressed in any of its publications are the sole responsibility of the author concerned.

ECMI Working Paper # 100
European Centre for Minority Issues (ECMI)
Director: Prof. Dr. Tove H. Malloy
© ECMI 2017

ISSN 1435-9812; ISSN-Internet 2196-4890



WOMEN, ETHNO-CULTURAL COMMUNITIES AND THE STATE IN ETHIOPIA

In the modern history of Ethiopia both women and many ethno-cultural communities have been victims of injustice by the past regimes. The struggle held by ethno-nationalist forces and women has enabled the country to have a somewhat liberal constitution that grants both collective and individual rights. However, making use of these rights still requires a substantive democratic system that considers the role of Women Associations beyond just an instrument for maintaining power of the ruling party.

Sisay Kinfe Gebrewold

October 2017

ECMI Working Paper # 100

I. INTRODUCTION

In the modern history of Ethiopia, injustice against women and ethno-cultural communities has had several common features as well as differences. The common features include formulating a constitution that recognizes neither the rights of ethno-cultural communities nor women, with any positive instances only having a paper value. For instance; Civil Code that does not recognize gender equality and declares to abolish customary laws of ethno-cultural communities; the creation of women associations that neither address gender

based injustice nor empower women. Though both women and ethno-cultural communities have passed through injustice, the injustices against women often have multiple grounds such as class, gender, nationality, custom and religion. The change of regime in 1991 led to the introduction of a kind of liberal constitution in Ethiopia that guarantees the right to equality and promises to rectify all forms of past injustice, both against ethno-cultural communities and women. Yet the enforcement of women rights is facing several challenges. These include women's machineries and associations continuing to



be used as instruments of control rather than being policy agencies for gender reform; legislative/policy gaps at sub-national levels of government to protect and promote rights of women within ethno-cultural community; and narrow institutional and political space for advocacy of rights.

The paper begins by giving an overview of the place of women and ethno-cultural communities in Ethiopian history, as a background to introduce the state and its relation with its ethno-cultural communities as a whole and with women in particular. Women's associations and movements in Ethiopia under different regimes including the current regime will be discussed. Moreover, the legal rights of women and problems in the protection and promotion of these rights will be examined. Lastly, the paper draws a number of conclusions of the current situation.

II. AN OVERVIEW OF THE PLACE OF WOMEN AND ETHNO-CULTURAL COMMUNITIES IN ETHIOPIAN HISTORY

There are scholars who indicate that patriarchal ideology was introduced in Ethiopia during the period of Menelik I around 1000 B.C¹. Menelik I was the son of the legendary queen of Ethiopia, Queen Saba (also known as Sheba) and King Solomon of Israel². There was myth that prior to and during the era of Queen Saba there was matrilineal society in the highlands of

Ethiopia. The mother's blood line was perceived as the main line of inheritance. When Menelik I came to the throne succeeding his mother, he changed the matrilineal societal setup by declaring that only his direct male decedents would rule the country³ and would follow the religion of his father King Solomon⁴.

Though since the period of Menelik I it was declared that only the direct decedents of Solomonic dynasty should rule the country, there were also female rulers who ruled directly or indirectly as a regent at varying periods through history. For instance, during the era of Zara Yacob (1434-1468), there were well-known examples of female rulers. Nine of the daughters and close relatives of the King were appointed as governors by replacing disloyal principal counties⁵. From women who were famous as warriors and rulers, Queen Yodit of Flasha in the 8th century and Dilwenberra the wife of the Muslim leader Ibn Ibrahim Al Ghazi or Gragn Muhammed (the left handed) in the 16th century, can be cited⁶. There were also many elite women during the medieval period that ruled either directly or indirectly (as a regent) or led armies to fight in the continuous conflict of the country such as Itegi Elleni, Seblewongel, Mintwab, etc⁷. However, all of these women were described in male-centered languages which indicated an inferior position for women in society⁸. Hence, presence of women leaders was considered as the exception rather than the rule in the medieval history of Ethiopia.



In the history of modern Ethiopia, tradition continued in this fashion and there were very few women who exceptionally fought for the wellbeing and rights of women, or at least for women of their class. In this regard, Empress Tayitu, the wife of Emperor Menelik II who was the founder of modern Ethiopian state, can be mentioned as the forerunner of women rights in terms of activism and promotion in the country⁹. The Empress was also known as a ‘valiant warrior’, diplomat, and great advisor of the Emperor, especially during the first Italian invasion (1895-1896) where she was admired for her leadership skills shown by commanding her own troops and female comp followers. In her private life, she possessed her own property and controlled her own army¹⁰. She was also known for arranging a dynastic marriage for a political purpose¹¹. “Having no children of her own, she gathered her relatives, cousins and nieces around her, using them to create alliance with other rulers through the arrangement of their marriage”¹². This could have been against the interests and rights of the intended spouses, but it was considered as culture and wisdom of politics of the time.

Empress Tayitu’s contributions as an activist and promoters of women’s rights can be expressed in four areas, though this had been done for women of her own class only¹³. Firstly, she recognized the problem of arranged marriage and advice for the replication of European culture of premarital acquaint between future couples in Ethiopia. Secondly, the Empress called for divorce

damages to be paid for women. Thirdly, she motivated the emperor to include the education of girls in a proclamation he made in 1907. Fourthly, she was protective of her sex; she listened to the complaints of women and adjudicated disputes between a husband and wife; brother and sister; father and daughter; mother and son. Though many of her roles brought little or no change at that time, her agency was in the processes of self-transformation and change¹⁴. Biseswar underlines that Empress Tayitu’s initiative marked the beginning of the protection of women’s rights in Ethiopia, though her initiate was discontinued among her succeeding empresses of the country.

Following the death of Emperor Menelik II (1889-1913), the founder of the modern Ethiopian state, his daughter Zewditu was crowned as Empress in her own rights in Ethiopian history. Zewditu had the title of Empress for fourteen years, but there was nothing during her period that could have been attributed to her. She was found to be more concerned to religion than politics. Next to Empress Zewditu, the wife of the Emperor Haile Selassie I, Empress Menen was also devoted to her religion like Zewditu¹⁵. Hence, the successors of Empress Tayitu failed to show much commitment or concern for women’s rights.

The modern Ethiopian state come into being by Emperor Tewodros, Yohannes IV and Menelik II in the latter half of the 19th century, through expansion and conquest of many ethno-cultural communities of the



South. There are debates on naming the processes of creating modern Ethiopian state vis-à-vis ethno-cultural communities of the country: some considered it as a process of unification or nation building, while others consider it as conquest and internal-colonization of ethno-cultural communities¹⁶. The latter view is mainly based on the idea that the Emperors and Empresses of the time used coercive power to advance assimilation policy as major strategy of creating Ethiopian unity and identity. The monarchical rule (1889-1974) promoted Orthodox Christianity to be national religion and Amharic language as the sole national language of the state. In this period, many ethno-territorial communities were alienated from their land and become tenants of the ruling class, as well as language and ethnic communities of the ruling class being expanded to the newly conquered areas. Though with the coming into power of the Derg¹⁷, land was nationalized and redistributed to the peasants throughout the country, but the nationality question and national oppression continued. Question of nationalities¹⁸ and later the national oppression thesis¹⁹, was first articulated by the Ethiopian Student Movement (ESM) and was one of the main factors for the downfall of Emperor Haile Selassie's regime. The question of nationalities and later national oppression thesis, analyses the assimilation policy of the state on ethno-cultural communities of the country. This then led to the creation of ethno-nationalist forces which

took political power in the country in the post-1991 period.

Throughout the modern history of Ethiopia gender relation was dictated by patriarchal norms and values, both among speakers of the language of the ruling class, as well as the newly conquered ethno-cultural communities. In this regard, Gennet Zewide states that “the doctrine of separate sphere governs the relationship between the sexes in many parts of Ethiopian societies where men are perceived as bread winners and heads of households who represent the family outside of the home, whereas women are relegated to domestic work, looking after the children and the social wellbeing of the family”²⁰. Thus, it is possible to state that in the era of the emperors, in almost all ethno-cultural communities of Ethiopia, women were considered as inferior to men.

The following section of this paper will discuss the codified rights of ethno-cultural communities and women (if any) in the eras of the emperor Haile Selassie (1930-1974) and the Derg (174-1991).

2.1. Ethno-cultural Communities and Women in the 1931, 1955 and 1987 Constitutions

With the coming into power of Emperor Haile Selassie I in 1930, the first written Constitution was consequently introduced in 1931²¹. In general, the coming into power of the Emperor and the subsequent written Constitution marked a new epoch of centralization, which ended any kind of



autonomous kingdom in the country that was expressed in terms of regional autonomy in earlier times²². In the era of Emperor Haile Selassie, the policy of centralization and assimilation reached its highest stage and used additional legislation besides the Constitution, such as the Civil Code of 1960 which attempted to repeal customary laws of ethno-cultural communities. Hence, both in the 1931 Constitution, as well as in the revised Constitution of 1955²³ of Emperor Haile Selassie, ethno-cultural communities had no collective rights in all spheres of life.

The idea of women's rights was non-existent in the 1931 Constitution. In the 1955 Constitution, although there is no mention of rights of women, it did contain some human rights ideas under chapter three entitled "rights and duties of people"²⁴. These provisions can be considered as an elaborate regime of civil and political rights for the subjects²⁵. Although the 1955 revised Constitution incorporated human rights idea better than the previous Constitution of 1931, it remained to have paper value as the regime continued to seriously abuse them.

In 1987, the third Constitution of Ethiopia was adopted by the Derg and became the first to explicitly recognize women's rights and to describe the state as multicultural²⁶. Even though equality of nationalities had been declared by the Constitution, it had little or no empirical significance for the majority of ethno-cultural communities and hardly related with their demands. The civil and political rights of citizens were listed under

chapter seven of the 1987 constitution which declared that there should not be any discrimination based on gender, nationality, and religion among citizens before the law²⁷. Article 36 of the Constitution declared that women have equal rights with men (sub Article 1). Sub Article 2 of Article 36 states that to make women equal participants with men in all aspects of life the government would apply a policy of affirmative action. Sub Article 3 of Article 36 addresses women's health rights. Article 37 outlines the equal rights of women at and during marriage. However, this Constitution was not put into practice due to the civil war which waged throughout the regime.

To have clear picture of the rights of women and ethno-cultural communities, it is also important to consider the 1960 Civil Code and related laws which were enforce until it was impliedly repealed by the 1995 Constitution.

2.2. Culture and Women in the 1960 Civil Code

In 1960 Ethiopia adopted a Civil Code which aimed at bringing legal unification in the country²⁸ and consequently repealed and substituted all existing customary laws of ethno-cultural communities. Article 3347 (1) of the Civil Code provides that "Unless otherwise expressly provided, all rules whether written or customary previously in force concerning matters provided for in this Code shall be replaced by this Code and are hereby repealed". This provision aimed to



abolish all cultural rules plus customary and religious laws in the country, in all areas of civil matters concerning family. However, this provision was not more than a legislative wish because the state institution and courts were not accessible to many areas where the majority ethno-cultural communities lived. As a result, many communities continued to use their own customary and religious laws to adjudicate disputes in the areas of civil law as well as criminal law.

Ethiopian society has many customary laws as well as greater value and obedience to cultural norms and values. However, there was limited attempt to consider and incorporate them in the Civil Code, with consequent resentments in society towards this code. For instance, the Muslim community demanded for the re-recognition of Sharia courts²⁹, which were put in a difficult situation by the Code and later allowed to function side by side with the state court system by administrative circulars³⁰. Despite the Sharia courts, administration of justice became the sole authority of the state, although formal courts were inaccessible to the majority of people in the country. As a result, customary institutions have been the de facto institutions that deliver customary justice for ethno-cultural communities.

When we consider the provisions of the Civil Code in the family arena, particularly the laws of marriage and marital dispute resolution, it was unjust and discriminatory. To begin with, Article 560 of the Civil Code states:

A contract of betrothal is a contract whereby two members of two families agree that a marriage shall take place between two persons, the fiancé and the fiancée, belonging to these two families. Betrothal shall be of no effect unless the families of each of the future spouses consent thereto³¹.

It is possible to note that the Code has little room for free choice regarding the idea of a single lifetime partner and the equality of a man and woman. The Code allows the system of betrothal and makes the agreement of the future spouses' parents compulsory in a way which denies the rights to choose a lifetime partner.

The age of marriage also discriminates between a male and female. The Civil Code in its Article 581 (1) specifies the age of fifteen years for a female while eighteen years for male. Moreover, this code institutionalizes the subordination of woman in her marital life by making the man (husband) the sole head of the family and the entitlement to guide the management of the family, protect his wife and watch over her relation and guide her conduct³². It also makes the husband the only person who chooses the common residence³³. In many of its provisions, the Civil Code clearly favored male dominance over women. This reflects the internalized societal tradition which considered women inefficient to guide her conduct and her family. Hence, the Code perpetuated patriarchal ideology in the private sphere of the home and the family.



Similarly, the 1957 Penal Code did not have a provision to criminalize practices which inflict harm on women. Instead, this law criminalized abortion but did not criminalize domestic violence or female genital mutilation and provided an inadequate penalty for rape³⁴. Due to the failure of the then legislator to make harmful practices a punishable act; the State failed to educate and guide the public to dissociate itself from harmful practices against women, until the coming of the new Criminal Code in 2004³⁵.

2.3. Women's Associations and Movement in Ethiopia

In Ethiopian history, organized women's associations and movements began due to the threat of the second Italian invasion in 1935. Women affiliated to the ruling class, mainly the daughters of Emperor Haile Selassie I, initiated their own women's branches which aimed at mobilizing women to help war related activities and led to the formation of the Association of Ethiopian Women's Welfare Works³⁶. The first nationwide women's organization was the "Ethiopian Women's Voluntary Service Association", set up in 1935 with a similar purpose. Following the end of the war in 1941, the name of this association changed to the Ethiopian Women's Worker Association (EWWA)³⁷. However, women in Ethiopia had benefited nothing from this association, mainly due to the Association's aim to maintain the status quo. Besides, the

Association was created for few educated women in the capital, Addis Ababa. In this regard, Bahiru Zewde states that although the Association was established in the name of women, women were expected to be followers rather than leaders³⁸. He raises for instance, that in 1956 the president; vice president and secretary of EWWA were men.

Women's active and conscious engagement in the country's politics, as well as for their emancipation, began within the Ethiopian Student Movement (ESM)³⁹. Women in Ethiopian history started to be seen in higher education in the 1950s, however, their number was very few and grew slowly. For instance, in 1965 the total number of female students in higher education was below 5% of the total students in the institutions⁴⁰. Of course, in 1968 there were some politically active female students who took part in the activities of University Student Union of Addis Ababa (USUAA), such as Martha Meberatu (who was later killed in a failed plane hijacking in 1972)⁴¹. However, their activism centered on the general political problem of the country until the Ethiopian Student Union (ESU) abroad underlined the need for a separate women's organization.

One early women's movement in Ethiopia started under the leftist movement, occurring in the first half of the 1970s alongside the ESU abroad with the aim to address the "women's question"⁴². It became one of the areas of concern in the ESM, often raised and discussed with the "question of nationalities"



both with the Ethiopian Student Union in Europe (ESUE) and the Ethiopian Student Union in North America (ESUNA). Many members of the student unions considered the “women’s question” as double oppression: class and gender; while some other members of the union especially women considered it as triple or multiple oppression: class, gender and nationality. The student unions also recognized the rights of women to organize themselves separately to overcome these problems, which they believed could only be achieved through anti-feudal and anti-imperialist revolution⁴³.

This led to the creation of the first women study groups in North America and Europe in 1971 which later established the World Wide Ethiopian Women’s Study Group (WWEWSG). This group started its publication in 1972 with ‘*Tanash Labadarit*’ (‘Arise, Ye Female Proletarian), which was later replaced by *Tanash Ityopyawit* (‘Arise, Ye Female Ethiopian’⁴⁴. The WWEWSG created links with women’s activists in the country through the agency of Gennet Zewde, and Marta Mebratu who distributed its publication in the capital and in the provinces⁴⁵. In its publications, the WWEWSG focused on issues tracing the historical evolution of women’s oppression⁴⁶; women’s status under different customary laws⁴⁷ and women’s rights in the Civil Code; plus, the role of educated women in Ethiopia⁴⁸.

The creation of the women’s study group abroad, as well as the emergence of second

wave feminist movements in the West, helped the students to contextualize some of their strategies of women’s emancipation based on the situations of women in their home country. Yet there was still no form of feminist awareness among women in Ethiopia that could be translated into any radical form of action⁴⁹. Moreover, when a student union abroad split to later become the two leftist parties Ethiopian People Revolutionary Party (EPRP) and Meison⁵⁰, the “women’s question” was used as instrument to get women onboard to expand the new party program.

Activism for women’s emancipation and rights started to take shape in the country after the 1974 revolution. In 1975 Women’s Coordinating Committee (WCC) was established within the Provisional Office for Mass Organization Affairs (POMOA). The students mobilized for ‘Zemecha’ and the “development through Cooperation Campaign” in 1975 which was considered as instruments to the duties given to WCC which would have different branches⁵¹. Clandestinely this committee was composed of fifteen to sixteen women from EPRP and Meison⁵². The main strategies used by WCC to mobilize women to struggle for their emancipation were conscientious schemes, in the form of lectures, seminars and political education forms.

However, the closure of the Zemecha after one and half years, as well as the ensuing of Red Terror⁵³ by the Derg, led to the eradication of radical and conscious women



on the “women’s question” from WCC who were members of EPRP and Meison. Following mid-1976, a new WCC, fully staffed by Derg appoints, replaced the previous WCC. The new appoints of WCC did not have any level of awareness on the women’s issues due to this, therefore at the beginning the focus of the women’s question was seen as dual oppression. This outlook was changed in 1978 by the Derg which considered class oppression superseding gender oppression, following the Russian model⁵⁴. Biseswar argues that the takeover of WCC by the Derg marked the end of first wave women’s movement in Ethiopia which was initiated and carried out mainly by students or educated and intellectual women.

III. THE DERG AND WOMEN’S ASSOCIATIONS

The Derg established Women’s Associations (WAs) throughout the rural areas of the country under Peasant Associations (PAs) following the revolution beginning from 1975. All women above the age of fifteen were made to be members of these associations. These associations at the initial stage were ambitious and had the objectives of “securing the rights of members, monitoring their social, political and economic problem and establishing professional associations”⁵⁵. However, these objectives did not come to be realized, mainly due to the appointment of new leaders following the collapse of the earlier WCC

leadership and the begging of red terror in 1976.

In general, however, the revolution and the government of the Derg in particular, were appreciated for creating opportunities for women for the first time to organize beyond their domestic boundaries in the history of the country. It was considered as a path-breaking experience that challenged the country’s ancient tradition of confining women to the domestic sphere⁵⁶. Women’s participation in associations has since been considered as a sign of their liberation by the government of the time. International Women’s Day (IWD) on March 8th was started to be celebrated since 1975⁵⁷. Often March 8th was celebrated with conferences throughout Ethiopia, calling for the attainment of its revolutionary objectives instead of women’s emancipations⁵⁸. The other achievement of the Derg was its legal reform; the Derg Constitution for the first time in Ethiopian history, enshrined the rights of women and guaranteed women legal equality with men, although it has only paper value.

The Derg regime created women’s associations as an instrument of control and to restrict women to its political ideology for the benefit of the regime. This has reached its climax in 1980 when Revolutionary Ethiopian Women’s Association (ERWA) was established with a specific mandate and goals. The objectives of REWA were: Firstly, to enhance women’s political consciousness through socialist ideology and to make



women take their rightful place in the production processes and make them politically and economically independent. Secondly, to safeguard women's rights as mothers as well as enabling women to participate as equal to men in the national democratic program so to establish a socialist Ethiopia. Thirdly, to defend the country from internal and external enemies as well as to create an opportunity for women to have access to skill training⁵⁹. However, there was no democratic environment to enforce this objective and therefore as a result, REWA used all available compulsory measures to exploit women's labor and make them submissive to all the rules imposed by the Derg.

The compulsory measures taken were to make all women members of REWA and to take part in mobilization meetings. The measures also included a series of sanctions such as loss of food rations, land, house, employment, and *kebele* services, in addition to being fined. They were forced to work for the state without pay, in the form of quota and rations which was a new method of exploitation and made women "akin to slaves of the state"⁶⁰. Gennet Zewide expresses the REWA as "women's organization against women"⁶¹. Moreover, Biseswar expresses the extent of the problem within REWA as follows:

REWA seems to be devoid of any critical thinking capacity and took the Dergs' misconceived views for granted. It perceived

women's economic equality to be the solution to all women's problems.....it never dealt with the more serious structural problems of subordination and inequalities of women which includes sexual division of labor, land rights for women, VAW, control of women's sexuality and fertility, the cultural and traditional practices of FGM, early marriage and abduction..... it in general refrained from challenging any issue that could be sensitive to the state⁶².

In general, REWA did nothing to protect and promote women's rights; rather it served as an instrument for the exploitation and abuse of women's rights by the state.

Another women's association during the Derg was the EWWA, marginalized and on the brink of extinction but not closed by the regime. Many of the leaders of the EWWA were in exile or in prison and its properties were nationalized by the Derg, reducing it to just a symbolic form of women's association. There was also a clandestine association known as the 'Ethiopian Mother's Association' (EMA) which emerged in 1976 as a wing of the EPRP, mainly active in Addis Ababa. The major objective of the association was to protest against the atrocities committed by the Derg against children and youth using the strategy of outcry (UUTA in Amharic). As well as to inform searched persons that the revolutionary guards (the Derg) were around and thus help searched persons escape⁶³.



However, its existence was limited to Addis Ababa.

IV. ARMED STRUGGLE FOR AUTONOMY AND THE PLACE OF WOMEN

The ESM was credited with the idea of the “question of nationalities” and its analysis, which can be considered as one of the main reasons for the beginning of the autonomy movement through armed struggle and civil war. The armed struggle was led by ethno-nationalist forces especially by the Tigrian People Liberation Front (TPLF) from 1975-1991⁶⁴. The root-cause of the war was the centralization and assimilation policy of the state which was consolidated by Emperor Haile Selassie I and continued adding more oppressive measures by the Deg regime. The demand of many ethno-territorial communities of the country, as it was expressed by the thesis of the “national oppression” by the incumbent party, was a question of autonomy which was experienced by many regional lords before the reign of Emperor Menelik II, as well as slightly seen during the period of Italian occupation (1936-1941)⁶⁵. The refusal of the state to hear these demands led the ethno-nationalist forces, under the leadership of the TPLF/Ethiopian People Revolutionary Democratic Front (EPRDF)⁶⁶, to wage a protracted war of liberation to overthrow the Derg regime. In the following paragraphs, the paper examines the TPLF’s stand on the “women’s question”

as well as the role and rights of women during the armed struggle.

All political parties and ethno-nationalist forces in Ethiopia that emerged in the 1970s, including the Derg, were shaped on the ideology of Marxism-Leninism. As a result, all share the “women’s question” and consequently set a strategy to emancipate women but with slightly different interpretations. In this regard, the TPLF, which was established in 1975 in Northern Parts of Tigray, incorporated the agenda in its first Manifesto⁶⁷ written in 1976. The Manifesto recognized the equal rights of women with men and planned to eliminate all forms of social inequalities and social problems through class struggle. Biseswar argues that in its manifesto, “the party held similar view with the Derg that women’s active participation in politics /revolution/ armed struggle was a sign of their emancipation/empowerment”⁶⁸. Based on this principle the TPLF has established a women’s wing, and women were actively recruited as combatants and commanders. To this end, the Women Fighters Association of Tigray (WFAT) was established primarily to mobilize women for the objectives of the struggle⁶⁹.

During the armed struggle, women had two rights that had been implemented especially by the TPLF and the EPDM/APDM⁷⁰. These can be considered as iconic for women in their struggle for equality with men: the right to participate in the armed struggle on an equal footing with



men (right to be a fighter); and the right to plough the land in the liberated areas⁷¹. Many female members of the TPLF and the EPDM/APDM were actively involved and sacrificed their life. As a strategy of winning the support of women, the ethno-nationalist forces, especially the TPLF, gave unreserved support for women and their rights, on the basis of party discipline and strategies as well as promising the ‘women’s questions’ would be resolved after liberation⁷². However, after the TPLF/EPRDF came to power in 1991, many writers consider that women’s rights, even though legally granted in many areas of life, still did not enable women to enjoy the required level of freedom and democracy for a human being. The ruling party policies towards women were paternalistic that sought to control women’s freedom, by always prioritizing the party agenda rather than issues of gender equality, or just leaving the issue to women themselves. For instance, in the 1998 Etho-Eritrea war, women were denied the opportunity to be fighters, something considered by some feminists as denying women their traditional sphere where gender equality in the country was expressed for many centuries⁷³. Hence, it is possible to argue that the participation of women in the armed struggle is valued for its contribution to defeat the Derg, rather than emanating from the respect, protection and promotion of equality of women rights in society.

V. WOMEN’S POLICIES AND ORGANIZATIONS IN POST 1991 ETHIOPIA

5.1. Women’s Affairs Offices and National Policy on Ethiopian Women

Following the control of state power by the EPRDF in 1991, the Women’s Affairs Office (WAO) was established under the Prime Minister’s Office in 1992. The primary responsibility of the WAO was to make National Policy on Ethiopian Women (NPEW) which was enacted in 1993. This policy has three major objectives; firstly, “facilitating conditions conducive to the speeding up of equality between men and women so that women can participate in the political, social and economic life of their country on equal terms with men and ensuring that their right to own property as well as their other human rights are respected and that they are not excluded from the enjoyment of the fruits of their labor or from performing public functions and being decision makers”. Secondly, “facilitating the necessary condition whereby rural women can have access to basic social services, ways and means of lightening their work-load”. Thirdly, “eliminating, step by step, prejudices as well as customary and other practices that are based on the idea of male supremacy and enabling women to hold public office and to participate in the decision-making process at all levels”⁷⁴.

The policy has also contained implementation strategies and implementers



which were the WAO, Regional Women's Affairs Bureaus (WAB) and Women's Affairs Departments (WAD) in each of the Ministries and public organizations. Civil societies and donor agencies are also expected to do their share of duties for its effective implementation⁷⁵. To this end, the WAO was upgraded to a Ministerial level in 2005 with a decentralized structure⁷⁶. However, it was found that WAOs throughout the country have unclear responsibilities and roles, as well as lacking capacity in terms of human power and budget⁷⁷. The structure and the roles played by WAOs indicate that these institutions often serve as means to advance the ruling parties' interests, rather than being an instrument to empower women or address the genuine concern regarding women.

The NPEW has also been criticized on several theoretical and empirical grounds, one being on its emergence. The NPEW emerged during the Transitional Period (TP) and lacked inputs from civil society organizations, plus the incumbent party cadres were the ones who actively engaged in its formulation. Secondly, the policy focused on a WID welfare approach, involving relief and service delivery that perceived women as a "passive recipient attaining emancipation when and how the party chooses"⁷⁸. Due to the top-down and hierarchical structuring, the policy failed to consider the real concerns of women at a local level. The top-down approach also implied that the policy was not demand driven, lacked transparency and was

not accountable to the people⁷⁹.

The NPEW remains salient on the key components of women's empowerment which includes the development of women's critical consciousness, nurturing their independent agency, promoting their social and political empowerment, gender justice, and taking care of structural reform to ensure sustainable gains on women's rights⁸⁰. Despite the serious failure of the police to address the problems women face at the grass-roots level, there were no measures taken to improve the policy over the past twenty plus years.

Moreover, the NPEW was not in place for very long due to the absence of a strategic plan. Following this, the National Action Plan for Gender Equality (NAPGE) was undertaken by the WAO alongside the donor Group for the Advancement of Women (GAW), launched in 2006. In the NAPGE, the WAO selected five critical areas as national priorities for addressing women's needs in Ethiopia. Namely, poverty reduction and economic empowerment of women; education and training of women and girls; reproductive rights and health of women; human rights of women and elimination of violence against women and girls; and institutional mechanisms for the advancement of women in decision making⁸¹. All civil society organizations in the country are required to work on the identified priority areas. Although the WAO and the government at large acknowledge the problem and indeed initiated an action plan to



satisfy the international community, for its implementations there was no mandate, willpower, capacity or resource⁸².

In 2013, due to the unabated perpetuations of harmful practices against women and children in the society, the WAO (reorganized under Ministry of Women's, Childrens and Youth Affairs (MWCYA)), prepared a two year 'National Strategy and Action Plan on Harmful Practices against Women and Children in Ethiopia' to implement one of its objectives in the NPEW. This was with the aim of "eliminating, step by step, prejudices as well as customary and other practices that are based on the idea of male supremacy". This national strategy on Harmful Traditional Practices (HTP) focused on five widely seen problems in the country: child marriage; Female Genital Mutilations or Cutting (FGM/C); uvulectomy, milk-teeth extraction; and abduction/forced marriage. In the same year, assessment on the condition of violence against women was carried out, which revealed the widespread existence of the problem. Even though at the national level there are policy frameworks and a strategic action plan that helps to ameliorate the situation of women in the country, its enforcement largely depends on the existence of room at local level for its contextualization and community participation.

5.2. Legal Reforms on Women's Rights

The ruling party has initiated and promulgated several laws that give emphasis to the human rights of women. The first of

these is the 1995 FDRE Constitution which contains explicit provisions on women's rights. The Constitution is generally appreciated for the wide space it provided for human and democratic rights. For instance, 31 of the 106 articles are devoted to human and democratic rights, providing a comprehensive and detailed list of fundamental rights and freedoms that are assigned to individuals and ethno-cultural communities. According to Article 13 (2) of FDRE Constitution, human and democratic rights incorporated in the Constitution "shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia".

Several provisions of the FDRE Constitution clearly state the equality rights of women's in different spheres of life. For instance, Article 25 prohibits discrimination on the grounds of sex. Article 35 of the Constitution consists of nine sub-Articles and is the most comprehensive law regarding women's rights. The rights incorporated in Article 35 are: equality of rights in marriage; entitlement to affirmative measures; freedom from harmful practices; maternity leave; equal participation in program planning and implementation; equal rights on property ownership; equality in employment; full access to reproductive health care. Other provisions of the constitution which have a direct bearing on the protection of women's rights are Articles 7, 33, 38, 42, and 89.



Ethiopia was also among the first countries to become a signatory to many international, regional and continental convention on the rights of women⁸³. These include the Convention on the Political Rights of Women (1969); the Convention on the Elimination of All Forms of Discrimination Against Women (1981); the Convention on the Consent to Marriage, Minimum Age of Marriage and Registration of Marriages (1969); and African Charter on Human and Peoples Rights⁸⁴. To domesticate international treaties, the FDRE Constitution also contains a provision in Article 9(4) which states that “all international agreements ratified by Ethiopia are integral part of the law of the land”.

There are also revisions of different laws which were incompatible with the rights of women guaranteed by the FDRE constitution. Among the revised laws, the provisions of the Civil Code in the family law arena and the Criminal Code can be cited⁸⁵. The National Parliament of Ethiopia ratified the Revised Family Code (RFC) for the federally administered city of Addis Ababa and Dire Dawa in 2000⁸⁶, which served as a model for regional states of the country to have their own regional family law in a way that accommodates regional ethno-cultural diversity⁸⁷.

Next to the Family Code, the Criminal Code, which was also revised in 2004, criminalized harmful practices against women which were previously not recognized. This includes criminalizing

abduction, as well as increasing the penalty for rape from five to fifteen years imprisonment⁸⁸. However, there are areas that are not exhaustively dealt within the criminal law, even though the acts inflict harm on the human nature of mainly women/girls. For instance, domestic violence and sexual harassment⁸⁹, plus marital rape which is a cause of the spread of HIV/AIDS⁹⁰. One of the main reasons for not clearly addressing these issues lies around the controversy over culture, and socialization. Some members of ethno-cultural communities consider these criminalized acts as being part of their culture.

The major criticisms of legislation regarding women’s rights start from the constitutional provisions. In this regard, the recognition of customary and religious institutions of ethno-cultural communities to regulate rights in the family arena⁹¹, are seen by many human rights advocates as nullifying the rights of women guaranteed by the Constitution. This is due to the existence of long-term discriminatory and harmful practices against women in almost all ethno-cultural communities of the country in this arena⁹². However, this criticism fails to recognize the significant place customary and religious laws (culture) have among female members of a given ethno-cultural community, which cannot be transformed by imposing laws from above. The absence of specific legislation or policy either by sub-national or local governments regarding how to apply customary and religious laws during



marriage and in the adjudication of family dispute, can be taken as a major limitation in the enforcement of women's rights within ethno-cultural community. This is especially significant given the wide role these institutions play in many communities in this field, as well as the serious limitations seen in these institutions with regards to respecting and protecting women's rights.

Other criticisms focus on the serious problem seen in the implementation of women's rights in courts of law. Laws are often applied in courts in a manner that does not take into account women's rights. Biseswar expresses the problems seen in this regard as follows:

Injustice is often meted out by law enforcement agencies, prosecutors, and judges. Presiding judges have often been found to give differential treatment to persons who have committed similar crimes. These incidences illustrate how women's rights are compromised when the laws are implemented in a biased form⁹³.

The second problem is linked to the implementation of not only the national and constitutional rights of women, but also international conventions that have been ratified by the Ethiopian government. This needs to be treated as the law of the land, but the reality is often otherwise. Many international conventions signed by the country such as the CEDAW have never been published in the country's *Negarit Gazetta*⁹⁴.

As a result, many judges and law enforcing bodies are not considering the convention as part of the law in the court rooms.

5.3. Women's Based Civil Society Organizations

With the coming to power of the EPRDF, the number of civil society organizations increased dramatically⁹⁵, which is also true for those concerning women. Many women's based civil society organizations are involved in micro-enterprise, micro-lending or income generating work for their beneficiaries⁹⁶. In 1999, there were nineteen women's based civil society organizations registered with the Minister of justices which included Women Aid Ethiopia (WAE), the Ethiopian Women Entrepreneurs Association (EWEA), the Ethiopian Women Lawyers Association (EWLA), the Women Industrialist Association (WIA), Women Empowerment and Assistance Forum (AEAF), Women in Development (WID), and Women in Self-Employment (WISE)⁹⁷. Despite this, only a few civil society organizations are engaged in high level advocacy and lobbying for women's rights in the country such as the EWLA, particularly the case in its early days⁹⁸. Other civil society organizations such as the Action Professional Association for People and Panos Ethiopia, advocate work mainly centering on politically neutral areas of concern⁹⁹. For instance, promoting the rights of the child, campaigning to end violence against women or working for the eradication of harmful practices etc¹⁰⁰.



Many scholars indicate that works of Civil Society Organizations (CSO) in Ethiopia are generally challenged by the intervention of the government in their affairs, to curb their independent existence and functioning using various policies and laws. This includes women's based CSO being required to function on priority areas identified by the government¹⁰¹. Secondly, the Proclamation for the Registration and Regulation of Charities and Societies (Proclamation no. 621/2009) have put serious limitations on the independent and effective functioning of women's based CSOs. The proclamation classifies CSOs into three categories: Ethiopian charities and societies; Ethiopian resident charities and societies; and foreign charities¹⁰². Ethiopian charities or societies are formed by Ethiopian citizens under the Ethiopian laws and can engage in human rights and policy advocacy, but "they are not allowed to receive more than 10% of their funds from foreign sources"¹⁰³. However, Ethiopian resident charities and societies, plus international NGOs are not allowed to engage in advocacy of rights¹⁰⁴. For instance, the EWLA was among the first women's based CSOs in the post-1991 period, that has contributed a great deal for the respect and protection of women's rights, but the association was put in a precarious position. The funds raised by the EWLA (8.6 million Ethiopian Birr) were confiscated by the government and the director of the association fled the country due to fear of government retaliation¹⁰⁵. In this regard,

Messeret argues that "the enactment of SCO law forced many women-focused and rights organizations to change their mandates and terminate advocacy works and legal aid, and this was viewed as setback to the process of combating gender based violence and enhancing survivors' access to justice"¹⁰⁶.

The ruling party also prevents civil societies from initiating new interventions by establishing parallel government CSOs¹⁰⁷. These include the different women's associations (Women's Democratic Associations, WDA) formed in different regions, such as; Addis Ababa Women's Associations (AAWA), the Amhara Women's Associations, Tigray Women's Association, and Oromia Women's Association. These associations are structured along the governmental administrative organ at regional, Zonal, Wereda and Kebele level and they work in close collaboration with the WAO. Hence, the mandate and the roles played by these associations barely differs from those of the Women's Machineries or the WAO.

In 2009, some of the women's organizations federated themselves under one umbrella organization known as "Ethiopian Women's Federation". Around 21 associations, both regional and national in nature, became members of the Federation. The Federation campaign of 'healthy motherhood' and the sensitization program that it undertook in areas of human rights violation and violence against women, were exemplary activities that are worth



mentioning¹⁰⁸. Women's based SCOs are often criticized for a lack of radical agenda that could transform women's lives. This may have been due to the restriction on areas where SCO can work, as well as the limited independency of a CSO in the country, particularly those working on rights and policy advocacy.

In sum, the role of CSOs in the general protection and promotion of human rights, in particular women's rights, is dependent on the overall democratic environment in Ethiopia. The challenges SCOs are facing in Ethiopia can also be seen along this line. The democratization process in Ethiopia is facing serious challenges from a dominant one-party system, especially in the post-2005 electoral period where the ruling party is now on the eve of losing popular vote. Since then CSO organizational freedom to advocate human rights has been seriously scrutinized and controlled, by making SCO law that gives little space for the advocacy of human rights in the country.

VI. CONCLUSIONS

The ancient Ethiopian history indicates periods when women had played significant roles in the politics of the country as well as in shaping the course of history. Even though in a large part of Ethiopian history the doctrine of separate spheres that undermined the role and rights of women was entrenched in the society, there had been a few women who have ruled the country directly and indirectly as the regent of the kings both in

the medieval and modern periods. Empress Tayitu, the wife of Emperor Menilik II, was one of the outstanding female politicians in the modern history of Ethiopia. Tayitu had significant role both for the independent existence of Ethiopia¹⁰⁹ in a continent swallowed by colonialism, as well as in the promotion of the rights of women that has been underpinned by modernization. The effort of promoting women's rights started by Empress Tayitu has been affected by religion of the state that pushed her successors to have a nominal role in politics, even if women such as Empress Zewditu ruled the country in her own name for more than a decade in the first half of the 20th century¹¹⁰. Religion and customs are still one of the factors that hinder women from making active participation in the public sphere.

Although Ethiopia is home to dozens of ethno-cultural communities, the assimilation policy of the state which promotes one religion and language, has been considered as the main source of injustice until the 1990s. The codified laws of the state such as the 1931 Constitution and the 1960 Civil Code underpin a policy of assimilation as well as the inferior position of women both in the public and private sphere. Policy of assimilation and centralization of power led to movements particularly among university students that demanded the right to self-determination Ethiopians¹¹¹. The 'Question of Nationalities' is one of the main agenda of the ESM that led to the creation of different associations including political parties that



demanded regime change. Even though women associations and movements were started in the country during the second Italian evasion, it began to be underpinned by knowledge within the ESM. A separate women's based organization was created with the student associations which attempts to analyze the 'question of women' in Ethiopia¹¹². These associations have been potential forces in the creation of women's associations during early period of the 1974 revolution. The eve and early days of the 1974 Ethiopian Revolution was a period during the women's movement that has been led by educated and intellectual women and can be considered as the first wave of women's movement in the country¹¹³.

However, the consolidation of power by the Derg after the revolution undermined the objective of women associations, from emancipation of women to that of serving the regime. Although the Derg recognized multiculturalism and the right to equality of sexes, oppression and centralization of power has not been improved, an area which has been considered as one of the sources of injustice. This resulted in the consolidation and creation of ethno-nationalist forces which struggle for ethnic liberation or autonomy. In the struggle for autonomy by different ethnic based liberation fronts, women participated as fighters as well as giving general support for the organization they belonged to¹¹⁴. All political forces, including ethno-nationalist forces that emerged in the 1970s, were guided by

Marxist-Leninist ideology in their policies. The TPLF, the first ethno-nationalist front within the EPRDF, has women's policy based on the same ideology that became the basis for the NPEW when the EPRDF come to power. To enforce the NPEW, women's machineries (WAO) were established from the national to local level. These institutions are mainly used as instrument of control and they have limited capacity to enforce the policy. Independent women's associations engaged in advocacy of women's rights also face serious challenges from the government, this was expressed by establishing a parallel government-based SCO, as well as by making laws that give limited space for advocacy.

The 1995 FDRE constitution has been acknowledged as well as criticized in many ways regarding its recognition of the rights of women. The Constitution is generally appreciated for the wide space it provided for human and democratic rights. It clearly recognizes the right to equality of sexes as well as containing provision on women's rights in different spheres of life, something which was denied for too long. Following the Constitution, different laws such as the Family Code and Criminal Code have been revised to make them compatible with women rights enshrined in the Constitution. One of the criticisms of the legal reforms on women's rights is related to the autonomy granted to ethno-cultural communities by the Constitution to regulate rights in the family arena. Many human rights advocates



considered this as nullifying the rights of women. However, this criticism fails to recognize the significant place customary and religious laws (culture) have among women themselves as a member of a given ethno-

cultural community. Hence, the issue surrounds which kind of policies are in place to protect and promote women rights within ethno-cultural community, rather than criticizing cultural autonomy as it is.



Notes

- ¹Indrawatie Biseswar, “The Role of Educated/Intellectual Women in Ethiopia in the Process of Change and Transformation towards Gender Equality 1974-2005”, PhD Dissertation at the University of South Africa (2011), 83.
- ² See, Fiseha Yaze Kassa, *The Five Thousand Year History of Ethiopia: From Noah to EPRDF*, Alpha Publishing, Addis Ababa (2011), (Written in Amharic, Author’s Translation)
- ³This was documented in the Fetha Negest, the traditional legal code or law of Kings in Ethiopia that legitimizes the Solomonic dynasty as created by the order of God. See, the document at <www.cap-press.com>
- ⁴Brummelkamp cited in Biseswar, *ibid.*, 84.
- ⁵Richard Pankhurst, *A Social History of Ethiopia* (Institute of Ethiopian History, Addis Ababa University Press, Addis Ababa 1990), 85.
- ⁶ Belete Bizuneh, “Women in Ethiopian History: A Bibliographic Review”, 8(3) *Northeast African Studies* (2001), 7-33.
- ⁷ *Ibid.*
- ⁸See, Gennet Zewide, *Resistance, Freedom and Empowerment: The Ethiopian Women’s Struggle* (New Delhi Concept Publishing Company PVT. LTD, 2014).
- ⁹Biseswar, *ibid.*, 87.
- ¹⁰See Minale Adugna, “Women and Warfare in Ethiopia”, 13 Gender Issue Research Report Series (2001).
- ¹¹Dynastic marriage was arranged marriage among different religious or warring groups to build solidarity, ease tensions, and create alliance which had been practiced among rulers, kings and emperors. Bahru Zewde, *A History of Modern Ethiopia, 1855-1991* (East African Studies, James Currey, 1991), 118.
- ¹²Biseswar, *ibid.*, 86.
- ¹³ *Ibid.*, 88.
- ¹⁴ *Ibid.*
- ¹⁵Tsehai cited in Biseswa, *ibid.*, 89.
- ¹⁶ See, Teshale Tibebu, *The Making of Modern Ethiopia 1896-1974* (Lawrenceville, New Jersey, The Red Sea Press Inc.,1995); Merera Gudina, *Ethiopia: Competing Ethno nationalism and the Quest for Democracy, 1960-2000* (Netherlands, Shaker publishing, 2003).
- ¹⁷ Derg refers to the military junta which ruled Ethiopia from 1974-1991.
- ¹⁸ Randi Rønning Balsvik, *Haile Sellassie’s Students: The Intellectual and Social Background to Revolution, 1952-1977* (East Lansing, Michigan State University, African Studies Centre, 1985), 277.
- ¹⁹ See, Merera Gudina, *Ethiopia: Competing Ethno-nationalism and the Quest for Democracy, 1960-2000* (Netherlands, Shaker publishing, 2003).
- ²⁰ Zewide, *ibid.*, 31.
- ²¹ The emperor had two motives in grating the 1931 constitution which have little or no significance for the people of the country as whole: first improving the image of the country abroad by conveying an impression of modernity through introducing a legal framework for government; secondly, to use the Constitution as a legal weapon in his centralization policy. See, Assefa Fiseha, Rev. Edn., *Federalism and Accommodation of Diversity in Ethiopia: A Comparative Study* (Addis Ababa, Artistic Printing Enterprise, 2007).
- ²² *Ibid.*, 34. (Fiseha argued that in Ethiopian history, consciousness of unity and autonomy coexisted more or less in the balance the emperor slightly prevailed over autonomous regional forces i.e. the throne represented the symbol of unity and regional forces exercised decentralized power).
- ²³ Two major reasons led to the revision of the 1931 constitution in 1955. These were first the federation of Eritrea with Ethiopia in 1952. Secondly, internally those Ethiopians who learned abroad and returned home started to challenge the legitimacy of the rule of the monarch. Hence, the revised Constitution aimed at consolidating territorial integrity by further centralizing power as well as to appease intellectual demands of the time, civil and political rights were incorporated in the Constitution.
- ²⁴ The 1955 Revised Imperial Constitution of the Empire of Ethiopia, Articles 37-65.
- ²⁵ Fisefa, *ibid.*, 24.
- ²⁶ Lovise Aalen, *The Politics of Ethnicity in Ethiopia: Actors, Power and Mobilization under Ethnic Federalism* (Leiden, Netherlands, 2011), 25.
- ²⁷ Constitution of People’s Democratic Republic of Ethiopia (1987), Article 35.
- ²⁸ This code was/is highly influenced by European legal system. French jurist Rene David was the man that codified the civil law of Ethiopia. See, Liku Worku Haile, “A critical Analysis of Ethiopian Civil Code: in light of the Core features of Continental European Codifications”, LL.M Thesis at the University of London (2012), 5.
- ²⁹ The Sharia courts were established in Ethiopia by proclamation since 1942. See Mohammed Abdo, “Legal Pluralism, Sharia Courts, and Constitutional Issue in Ethiopia”, 5 (1) *Mizan Law Review* (2011), 72-104.
- ³⁰ *Ibid.*, 76.
- ³¹ In the RFC of 2000 betrothal is redefined from being family affair to a personal matter of the spouses. See, Zewide, *ibid.*, 166.
- ³² The 1960 Ethiopian Civil Code, Articles 635, 637 and 644.
- ³³ *Ibid.*, Article 641.



³⁴ Ayalew Getachew Assefa, *Customary Law in Ethiopia: A Need for Better Recognition: A Women's Rights Perspective*, Danish Institute for Human Rights, Handy Print (2012), 25

³⁵ Zewde, *ibid.*, 167.

³⁶ Adugna, *ibid.*, 23.

³⁷ Zenebework cited in Biseswar, *ibid.*, 89.

³⁸ Bahru Zewde, *The Quest for Socialist Utopia: The Ethiopian Student Movement c. 1960-1974* (Addis Ababa university, James Currey, 2014), 222.

³⁹ *Ibid.*

⁴⁰ Sylvain cited in Biseswar, *ibid.*, 91.

⁴¹ Zewde, *The Quest for Socialist Utopia*, *id.*, 226.

⁴² The discourse of the “women’s question” first emerged at the end of 18th century in the communist and socialist literature. Its aim was the emancipation of women from capitalist (and feudalist) exploitation of labor to another form of labor. The model followed by USSR to respond to “the women’s question” was used as a model for many socialist countries including Ethiopia. The “women’s question” model of USSR makes the source of women’s problem the relegation to the household that led to discrimination and inferior position in marriage, divorce, domestic slavery, religious prejudice etc. It assumes that once women are removed from the household, they would be totally emancipated. These become reason for the emergence of working women’s movements in socialist countries. It aimed at drawing women to socially productive labor for the success of socialist struggle. This had a major risk of “loss of women’s independent agency” because women’s full devotion to socialist ideology was the goal of their emancipation. *See*, Biseswar, *ibid.*, 93-95.

⁴³ Zewde, *The Quest for Socialist Utopia*, *id.*, 225.

⁴⁴ *Ibid.*, 225-226. Bahru Zewde argues that the aim of changing the name of WVEWSG publication was in order to reflect the goal of ESM i.e. national democratic revolution “which rallies all anti-feudal and anti-imperialist forces, rather than proletarian revolution which would be only the ultimate goal”, *ibid.*, 226.

⁴⁵ *Ibid.*, 225.

⁴⁶ The historical evolution of women’s oppression analyzed through the classical five stage of social evolution-communal, slave mode of production, feudalism, capitalism and socialism.

⁴⁷ The study focused on Amhara, Tigray, Oromo and Gurage Societies.

⁴⁸ Zewde, *The Quest for Socialist Utopia*, *id.*, 225.

⁴⁹ Biseswar, *ibid.*, 98.

⁵⁰ Meison means All-Ethiopian Socialist Movement (Mela Ethiopia Socialist Niqinaqe). Both the EPRP and Meison were leftist parties; and their major difference lies on the leadership of the revolution and the question of popular government. The EPRP argues the revolution should be led by ‘proletariat’ while Meison considers piety bourgeoisie needs to take the leadership. The EPRP calls for the establishment of provisional popular government while Meison saw the revolution as a long term process and hence urged a gradualist approach emphasizing political education. *See*, Zewde, *The Quest for Socialist Utopia*, *id.*, 243-255.

⁵¹ A ‘development through cooperation’ campaign, known as Zemacha, was one of the early outcome of the 1974 revolution that sent around 60,000 university and secondary school students to the countryside to help the peasants to organize in to peasant associations and to carryout various development and literacy activities.

⁵² Biseswar, *ibid.*, 102

⁵³ The split, attack, and counter attack between EPRP and Ma’ison including EPRP clear opposition to the Derg, resulted in the Derg’s launch of mass offense called the “red terror” from 1976-78 which was primarily targeted on members of EPRP, and on anyone suspected of antirevolutionary to execute and liquidate them. The terror made no distinction based on sex, religion, class or nationality. *See*, Zewde, *The Quest for Socialist Utopia*, *id.*

⁵⁴ Biseswar, *ibid.*, 103.

⁵⁵ *Ibid.*, 108.

⁵⁶ Gudina, *ibid.*, 111.

⁵⁷ This is after more than 65 years later since it was introduced at a global level i.e. 1910/11.

⁵⁸ Biseswar, *ibid.*, 112-113.

⁵⁹ Zewde, *ibid.*, 87.

⁶⁰ Biseswar, *ibid.*, 121.

⁶¹ Zewde, *ibid.*, 86.

⁶² Biseswar, *ibid.*, 112.

⁶³ Biseswar, *ibid.*, 107; Zewde, *ibid.*, 112.

⁶⁴ *See* Zewde, *The Quest for Socialist Utopia*, *id.*

⁶⁵ The period of Italian occupation was credited for initiation of the idea of ethnic autonomy even ethnic federalism. This is because the colonial governors were willing to give ethnic autonomy for ethno-territorial communities as part of their divide and rule policy by mobilizing the non-Amhara and non-Christian community against the regime. *See*, Sara Vaughan, *Ethnicity and Power in Ethiopia*, PhD Dissertation at the University of Edinburgh (2003), 120-121.

⁶⁶ Ethiopian People’s Revolutionary Democratic Front (EPRDF) is coalition of four regionally based parties. These are TPLF, Oromo People Democratic Organization (OPDO), Amahara People Democratic Movement (APDM) and Southern Ethiopian People’s Democratic Movement (SEPDM).



- ⁶⁷ This Manifesto was the major political document of the TPLF which informs the political direction and rules of the party which succeeded in overthrowing the Derg regime.
- ⁶⁸ Biseswar, *ibid.*, 120.
- ⁶⁹ Gudina, *ibid.*, 111.
- ⁷⁰ EPDM/APDM or ‘Ethiopian later Amhara People Democratic Movement’ is one of the members of EPRDF coalition, established following TPLF.
- ⁷¹ Sara Vaughan, and Kjartil Tronvoll, “The Culture of Power in Contemporary Ethiopian Political Life”, 10 *Sida Studies* (2003), 140.
- ⁷² Zewide, *ibid.*, 118.
- ⁷³ Vaughan and Tronvoll, *ibid.*, 144.
- ⁷⁴ National Policy on Ethiopian Women, 1993.
- ⁷⁵ *Ibid.*
- ⁷⁶ Zewide, *ibid.*, 170.
- ⁷⁷ Vaughan and Tronvoll, *ibid.*, 105.
- ⁷⁸ Biseswar, *ibid.*, 127.
- ⁷⁹ Vaughan and Tronvoll, *ibid.*, 104-105.
- ⁸⁰ Biseswar, *ibid.*, 128.
- ⁸¹ The five critical areas of concern are selected based on internationally driven global agendas of the Millennium Development Goal (MDG) and the CEDAW, such as women’s education and reproductive health; with donors driven such as on poverty reduction program. Biseswar, *ibid.*, 129.
- ⁸² *Ibid.*, 30.
- ⁸³ Convention on Civil and Political Rights: ratified on 11 Sept. 1993, Convention on Economic, Social and Cultural Rights: ratified on 11 Sept. 1993, Convention on the Elimination of All Forms of Racial Discrimination ratified on 23 July 1976, Convention to Eliminate All Forms of Discrimination against Women: ratified on 10 Oct. 1981, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: ratified on 13 Apr. 1994, Convention on the Rights of the Child: ratified on 13 June 1991. *See* Meaza Ashenafi and Zenebework Tadesse, ‘Women HIV/AIDS, Property and Inheritance Rights: The Case of Ethiopia’ UNDP (2005), 19.
- ⁸⁴ Of course, initially women’s rights are largely excluded from the African Charter on Human and People’s Rights, but in 2000 a draft protocol containing specific articles regarding African women’s rights was added and ratified on 2003 Maputo, Mozambique. Biseswar, *ibid.*, 131.
- ⁸⁵ The women’s based civil society organization ‘EWLA’ was credited for initiating and lobbying for the revisions of these codes though they are not fully successful in influencing the terms of its provisions. *See* Germma Burgess “Hidden History: Women’s Activism in Ethiopia”, 14 (3) *Journal of International Women’s Studies* (2013), 7.
- ⁸⁶ As per FDRE constitution Article 52 (1) the family law arena is the competency of regional states in Ethiopian Federalism.
- ⁸⁷ All regional states except Afar and Somali have regional family code. For Afar and Somali the constitutional limit set on cultural autonomy is considered as one reason for not having regional family code. *See* SisayKinfé, “Protection of Women’s Rights in the Family Law Arena in Ethiopia”, in Asnake Kefale and Assefa Fiseha (eds.), *Federalism and Local Government in Ethiopia* (2015), 242-260.
- ⁸⁸ Zewide, *ibid.*, 167.
- ⁸⁹ *Ibid.*, 168.
- ⁹⁰ Ashenafi and Tadesse, *ibid.*, 14
- ⁹¹ *See* FDRE constitution, Article 34/5 and Article 78/5.
- ⁹² Ashenafi and Tadesse, *ibid.*
- ⁹³ Biseswar, *ibid.*, 133.
- ⁹⁴ A government newspaper that is authorized to publish laws enacted by the national parliament.
- ⁹⁵ Dessalegn Rahmato, “Civil Society Organization in Ethiopia” in Bahru Zewde and Siegfried Pausewang (eds.), *Ethiopia: The Challenges of Democracy from Below* (Stockholm, Elanders Gotab, 2002), 110.
- ⁹⁶ Gebre Yntiso, “Reality Checks: The state of civil society organizations in Ethiopia”, 7 *African Sociological Review* (2016), 202.
- ⁹⁷ Vaughan and Tronvoll, *ibid.*, 80.
- ⁹⁸ Burgess, *ibid.*, 96-107.
- ⁹⁹ Avoidance of politically sensitive issues is linked to the government’s intolerable stance and frequent expressions of hostility on those NGOs working on political issues. For instance, EWLA closed down when it dared to take the government to courts for failure to uphold the law in 200. Biseswar, *ibid.*, 137-138.
- ¹⁰⁰ Rahmato, *ibid.*, 110.
- ¹⁰¹ This is particularly true since 2006 with coming of NAPGE which set five priority areas. The priority areas are poverty reduction and economic empowerment of women; education and training of women and girls; reproductive rights and health of women; human rights of women and elimination of violence against women/girls; and institutional mechanisms for the advancement of women in decision making
- ¹⁰² ‘Proclamation for the Registration and Regulation of Charities and Societies’, Proclamation no. 621/2009, Article 2, 2-4.
- ¹⁰³ Yntiso, *ibid.*, 7.
- ¹⁰⁴ Burgess, *ibid.*, 107.



¹⁰⁵ Ibid.

¹⁰⁶ Messeret cited in Yntiso, *ibid.*, 10.

¹⁰⁷ Yntiso, *Ibid.*

¹⁰⁸ Zewide, *ibid.*, 176-177.

¹⁰⁹ *See*, Adugna, *ibid.*

¹¹⁰ *See*, Bizuneh, *ibid.*

¹¹¹ *See*, Fiseha, *ibid.*

¹¹² *See*, Zewde, *The Quest for Socialist Utopia*, *id.*

¹¹³ *See*, Biseswar, *ibid.*

¹¹⁴ *See*, Zewide, *ibid.*



ABOUT THE AUTHOR

Sisay Kinfe Gebrewold

A lecturer and PhD Candidate at the Center for Federalism and Governance Studies of Addis Ababa University

**Contact: sisaykinfe16@gmail.com
sisay.kinfe@aau.edu.et**

FOR FURTHER INFORMATION SEE

EUROPEAN CENTRE FOR MINORITY ISSUES (ECMI)

Schiffbruecke 12 (Kompagnietor) D-24939 Flensburg

☎ +49-(0)461-14 14 9-0 * fax +49-(0)461-14 14 9-19

*** E-Mail: info@ecmi.de**

*** Internet: <http://www.ecmi.de>**