

*A Review of Constitutional and Policy Provisions for
Women empowerment in Ethiopia*

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Introduction

Despite women's numerical significance, and their remarkable contribution to the economic development, they have been placed to the disadvantaged position with no or less authority and decision making power in the control and management of resources, and in social affairs. Such inequality emanated from the traditional norms and values adhered by the majority of community. This is even more intensified with women's deprivation from equitable participation in educational system (UN, 2014).

All over the world women enjoy a little independence and equality in all dimensions. Be it economic, political and social, they are marginalized and even some times considered as inferior to men. They are still experiencing negative treatment from their family, community, administration and even from their similar sex partners (that is women). The problem is even worse in developing countries. Ethiopia is one of the developing countries where women are facing political, social and cultural challenges that undermine their human worth and dignity. They are suffering from economic poverty, social discrimination, political disenfranchisement, and cultural subjugation (Helina, 2015; UN, 2014).

Different studies indicated the low status of women in developing countries in general and in Ethiopia in particular (Almaz, 1991; Hirut, 2004; Mukuria et al., 2005, Okello (n.d)) cited in Ethiopian Society of Population Studies (2008). Lack of access to productive resources such as land; lack of access to education, employment opportunities, basic health services, and protection of basic human rights; low decision making; violence and harmful traditional

practices are some of the indicators of the socioeconomic marginalization of women in the country.

Despite of the constitutional and policy provisions and commitment of government in gender equality, the women status in the socio-political, economic and cultural context is still undermined. Because of the socio-cultural constructions and practices, women are considered to be subordinate to men and second-class members/citizens both in the family and in the society. This is greatly influenced by the existing societal institutions. In other words, the societal institutions have validated such practices (UN, 2014; Jones, et al, 2010, The Norwegian Royal Embassy of Ethiopia, 2009). This is to mean that gender disparity is institutionalized in community.

Therefore, a prolonged and systemic approach is required to eradicate such deep-rooted problems. In doing so, any policy and legal provision should be made in light of the existing societal attitude and perception regarding gender inequality. This paper aimed at critical review of Constitutional provisions and the National Policy of Ethiopian Women to identify some gaps of the two provisions.

Constitutional Provisions for Gender Equality and Empowerment

The primary source for this part is the constitution itself. Constitutional provision of the country pays greater emphasis on women empowerment, equality of women with men, protection of fundamental right of peoples. Article 25 which call for equality before the law, Article 34(1) states that men and women have the right to marry and found a family. Moreover, Article 35 of the constitution provides right to women and this article put more specific and detail provision of the constitution.

Given the provisions, the constitution indeed is also limited in certain aspects. (Helina, 2015) by taking article 34 (5) of the constitution, which empower customary law in resolving family issues, is still fraught with limitations. “For instance, it overly empowers religious and customary laws as arbiters of family matters such as divorce (including division of resource between divorced spouses) and inheritance” (ibid, 20). To quote the constitution, article 34 (5) put that “This Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law” (FDRE, 1995). This in turn challenging gender equality and adversely affecting the interest and right of women as it tends to be *patriarchal* in nature. Given the contribution of traditional and religious laws in peace building and conflict resolution, it deemed desirable to raise critical concern regarding the societal and cultural construction/attitude regarding gender equality in Ethiopia. Which cus-

tomary and religious laws in Ethiopia that permit female to inherit her family resource? Which customary and religious laws believe in equality between women and male? But the constitution still validates customary and religious law in adjudicating family issues in Ethiopia. This leads not only to the deprivation of women from ownership of and decision making on valuable economic and natural resource but also violation of basic human right of women. For instance religious principles do not support divorce until adultery is committed in marriage. This has its own implication. Husband might bit, prevent her from education, work and extra, but these condition are not yet qualify for divorce.

National Policy of Ethiopian Women (NPoEW)

Ethiopia, in-order to eliminating gender gap (discrimination) and to enhance women's participation in all spheres of life, formulated women's National Policy in 1993. The Women's Policy primarily aimed at institutionalizing the political, economic, and social rights of women by creating an appropriate structure in government offices and institutions so that the public policies and interventions are gender-sensitive and can ensure equitable development for all Ethiopian men and women. Given the National Policy, numbers of criticism could be raised. In this paper, the following primary criticisms are identified.

At the first place, it pays less emphasis to the basic human right as its base. Important emphasis is given to artificial criteria. The policy provides primarily more consideration to women's role in public upraising as a requirement for formulation of the National policy of women. For instance it put that "Ethiopian women were compelled to play a unique role during the civil war" (Office of the Prime Minister. 1993; 5). More emphasis is on political and materialistic roles of women as a justification for its formulation the policy.

Second, the capacity of government structures meant for the realization of the policy and integration of the government structure with other actors is very weak. Cooperation among different actors in implementing the policy is very weak particularly at local level. As the government structure moves down to the lowest level, capacity problems became a critical problems particularly at the *Kebele* level (government structure in Ethiopia which is the lowest and smallest but closest to the community). At this level, women's representatives and organizations faces critical capacity problems.

Third, given the capacity problems, implementation of the policy is primarily dominated by government. Government consider itself as if it is the sole and primary actor in protecting right of women. Government (if not totally) disregards the role of other actors particularly as implementer of policy. The policy itself put that, the responsibility of ensuring the implementation of the policy, of course, lies mainly with the Government (Office of the Prime Minister,

1993). Hence, realization of policy is still critically questionable.

Fourth, the implementation strategies provided in the policy is more likely illusive and lack precision as to what should be done to effectively implementing the policy. The strategies are a duplication of the contents of the policy and using vague expressions. For instance, the first strategy reads as “all appropriate measures shall be taken for ensuring the protection of democratic and human rights of women” (Prime Minister Office, 1993; 15). Majority of the strategies uses such undefined/illusive expressions which do not provide a clear direction to actions.

Conclusion

Ethiopia became members of different international institution and ratified different convention and agreement which enforce gender parity. Doing so, she has attempting to fulfill the requirement of such convention and agreement. She shows remarkable improvement in attaining gender parity. Different policies at national level has been developed which indicate the commitment of the country to the objectives and goals of international convention. Given these commitment, the following gaps are identified.

- The 1995 constitution of Ethiopia provide broader grounds for women’s empowerment and protection. Given this, it is found that constitutionally given and recognized right is not sufficiently institutionalized and implemented. There are also some inherent gaps in the constitution of the country itself.
- Given the formulation of Notional Policy of women, there are also some problems in the policy itself (its content), its implementation and institutions and institutional capacity of structure meant for the realization of the objectives of the policy. Furthermore the policy is not sufficiently addressed the human right aspect of gender equality.
- There are considerable improvements in numerical representation of women in all spheres because of formulation and implementation of the National Policy and some of the constitutional provisions. Despite improvement in numerical representation, substantive representation and their decision making power is still facing critical challenges.

Recommendation

To enhance and ensure Gender parity in the country, responsive legal and policy framework in needed. Hence, the following recommendations were forwarded.

- The government should inculcate effective means by which the rural community could be accesses constitutional and policy provisions
- Creation of Community based Medias that create awareness in the communities
- Strengthening the institutional structure and capacity at the gross root level including *Kebele* administration and Women’s organization.
- Providing training to community elders about women’s empowerment and this enable the harmonization of local practice with national and international laws in resolving local gender based problems.
- Government should work hard to change the attitudes of both male and female and to create common consensus on gender parity.
- Government in collaboration with other concerned stakeholder should prepare an all-inclusive policies and legal provision that could comprehensively protect the right of women.

Bibliography

1. Balk D. 1997. Defying gender norms in rural Bangladesh: A social demographic analysis. *Population Studies*, 51:153-172.
2. C. Okello (N.D). *The Role and Scope of Women Based Organization in Enhancing Women’s participation in Kenya politics*, MA thesis, University of Nairobi, Kenya
3. CEDAW. 2002. combined fourth and fifth periodic reports of States parties: Ethiopia
4. Central Statistical Agency [Ethiopia]. 2014. Ethiopia Mini Demographic and Health Survey 2014. Addis Ababa, Ethiopia.
5. Central Statistical Agency [Ethiopia] and ICF International. 2012. Ethiopia Demographic and Health Survey 2011. Addis Ababa, Ethiopia and Calverton, Maryland, USA: Central Statistical Agency and ICF International.
6. Centre for Economic and Business Research. 2008. Economic empowerment of women. <http://www.oecd.org/derec/denmark/42211306.pdf>

7. Dixon M. 1993. Population Policy and Women's Rights: Transforming Reproductive Choice. Connecticut: Praeger.
8. Education for All 2015 National Review Report: Ethiopia
9. Endalcachew Bayeh. 2015. Human Rights in Ethiopia: An Assessment on the Law and Practice of Women's Rights. *Humanities and Social Sciences*. Vol. 3, No. 2, pp. 83-87. doi: 10.11648/j.hss.20150302.13
10. Ethiopia society of population study. 2008. Gender Inequality and Women's Empowerment; In-depth Analysis of the Ethiopian Demographic and Health Survey 2005, Addis Ababa
11. Eka Esu-Williams. (___).Human Rights and Women's Empowerment in the Context of HIV and AIDS <http://ftguonline.org/ftgu-232/index.php/ftgu/article/view/1963/3922> retrieved on 3/7/2013
12. FDRE. 1994. Constitution of federal democratic republic of Ethiopia
13. FDRE. 2007. Federal Civil Servants Proclamation No. 515/2007
14. Federal Democratic Republic of Ethiopia Ministry of Health, 2006, National Reproductive Health Strategy (2006 – 2015)
15. Governance and social development resource center, 2010, Helpdesk Research Report: Measuring Women's Economic Empowerment <http://www.gsdr.org/docs/open/HD706.pdf>
16. Helina Beyene (2015). Final Report National Assessment: Ethiopia Gender Equality And The Knowledge Society <https://owsd.net/sites/default/files/National%20Assessment%20on%20Gender%20Ethiopia.pdf>
17. Haregewoin Cherinet and Emebet Mulugeta, 2002, Country Gender Profile Ethiopia; Addis Ababa Helina Beyene (2014). Gender equality and the knowledge society: Final report of National assessment: Ethiopia. Los Angeles
18. Hindin MJ (2000). Women's power and anthropometric status in Zimbabwe. *Soc.Sci.Med*, 51:1517- 1528.
19. Human Development Department (OSHD), 2007, Kenya Country Gender Profile <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/ADB-BD-IF-2008-16-EN-KENYA-GENDER-PROFILE.PDF/>

20. Indrawatie Biseswar, 2008, Problems of Feminist Leadership among Educated Women in Ethiopia : Taking Stock in the Third Millennium. <http://jds.sagepub.com/> retrieved on 4/7/13
21. International Labor Organization, 2008; Women Entrepreneurs in Kenya: preliminary report & Factors affecting Women Entrepreneurs in Micro and Small Enterprises in Kenya: preliminary research report http://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/@ifp_seed/documents/publication/wcms_107507.pdf retrieved on 3/17/2013
22. Jejeebhoy SJ, 2000, Women's autonomy in rural India: Its dimensions, determinants and the influence of context. In: Women's empowerment and demographic processes, Harriet B. and Gita Sen Presser. New York: Oxford University Press.
23. Jejeebhoy SJ, Sathar ZA, 2001, Women's autonomy in India and Pakistan: The influence of religion and region. *Population and Development Review*, 27(4): 687-712.
24. Joshi ST (1999). Women and development – The changing scenario. New Delhi: Mittal Publications
25. Kishor S, 2000, Empowerment of women in Egypt and links to the survival and health of their infants. In: Women's empowerment and demographic processes, Harriet B. and Gita Sen Presser. New York: Oxford University Press.
26. Kritz MM, Makinwa-A debusoye P, Gurak DT (2000). The role of gender context in shaping reproductive behavior in Nigeria. In: Women's empowerment and demographic processes, Harriet B. and Gita Sen Presser. New York: Oxford University Press.
27. Lynda Mandoux, poverty elimination and the empowerment of women <http://www.sed.man.ac.uk/research/iarc/ediais/pdf/PovElimEmpowerWomen.pdf>
28. Maitrayee Mukhopadhyay, (ND), gender mainstreaming, <https://www.kit.nl/development> retrieved on 4/10/2013
29. Mason KO, 1986, The status of women: conceptual and methodological issues in demographic studies. *Sociological Forum*, 1(2):284-300.
30. Ministry of Agriculture(women's affair directorate), 2011, Guidelines for Gender Mainstreaming in Agricultural Sector, Addis Ababa
31. Ethiopian TVET System: Handout on Introduction to Gender and Development. Alage

32. Ministry of Foreign Affairs, Foreign Information and Communication, the Netherlands. 2002. institutional and organizational change: gender mainstreaming. www.minbuz-a.nl. retrieved on 4/10/2013
33. OECD, 2011, Women's Economic Empowerment: Issues paper. http://www.ituc-csi.org/IMG/pdf/OECD_-_Women_s_Economic_Empowerment.pdf
34. Office of the Prime Minister. 1993. National Policy of Ethiopian Women: the Transitional Government of Ethiopia (Women's affair sector), Addis Ababa.
35. Pathfinder International / Ethiopia, 2007, Women's Empowerment in Ethiopia: New Solutions to Ancient Problems, www.pathfind.org retrieved on 3/14/2013
36. Pauline Rose, 2003, Can Gender Equality in Education be attained? Evidence from Ethiopia: Paper commissioned for the EFA Global Monitoring Report 2003/4, The Leap to Equality [efareport@unesco.org](http://efareport.unesco.org) retrieved on 4/7/2013
37. Prime Minister Office/Women's Affairs Sub Sector, 2004, Ethiopia: A National Report on Progress made in the Implementation of the Beijing Platform for Action (Beijing + 10)
38. Rugh A, 1984, Family in contemporary Egypt. Syracuse, New York: Syracuse University Press.
39. Schuler SR, Hashemi SM, 1994, Credit programs, women's empowerment, and contraceptive use in rural Bangladesh. *Studies in Family Planning*, 25(2):65-76.
40. Sen S, Batliwala S, 2000, Empowering women for reproductive rights. In: Women's empowerment and demographic processes, Harriet B. and Gita Sen Presser. New York: Oxford University Press.
41. Tassew Woldehanna, 2006, Education choices in Ethiopia: What determines whether poor households send their children to school? www.younglives.org retrieved on 4/8/2013
42. UN Women. 2014. Preliminary Gender profile of Ethiopia. Addis Ababa
43. UNFPA, (___), The Policy and Legal Framework Protecting the Rights of Women and Girls in Ethiopia & Reducing their Vulnerability to HIV/AIDS : advocacy toolkit, Addis Ababa
44. World Bank, 2005, Education in Ethiopia: Strengthening the Foundation for Sustainable Progress; Washington, D.C.

45. Youjin B. Chung, 2012, what works for women: Proven approaches for empowering women smallholders and achieving food security. http://www.careclimatechange.org/files/reports/What_Works_for_Women.pdf retrieved on 3/17/2013