



# A Social and Legal Review of Sexual Abuse of the Women in Ethiopia

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## Abstract

Rape in Ethiopia is highly prevalent, despite the case is still underreported due to fear, and shame of violence, especially in women. There are variety factors that contribute rape, and is controversial topic. Major factors that cause rape include societal norms encompassing masculinity, gender inequality, anger, sadism of the rapists as well as poverty. The Ethiopian society generally tolerated such violence and defend the value. They thought that women would tend to follow Westernized culture, even this notion is supported by educated people. There are also abduction, child marriage, and sex works in urban areas.

Under Article 620 of Ethiopian Criminal Code, rape is punishable by law. Recently rape is appearing during the war, especially in the Tigray War. Since beginning of the war in November 2020, nearly 1,300 rape cases were reported to authorities, many of whom were underreported.

## Keywords

Women rape, Sexual abuse, Psychosocial consequences, Crime, Ethiopia, Women protection

## INTRODUCTION

A woman is just like a delicate and beautiful rose in the garden. If roses are wantonly destroyed, the garden will have a desolate look, devoid of fragrances and beauty. Every one of us was once a woman and carries reminiscences of womanhood, be they sweet or bitter, painful. We carry them throughout our lives. We cherish the sweet memories and keep them, while we try to bury the bitter ones. Just as a rose bud gradually unveils itself into a flower with a beautiful arrangement of petals, a woman full of potential grows up as a man or woman, having numerous thoughts and ideas and the ability to transform the world.

In order for the potential in every human being to be fully explored and creatively utilized, every woman on earth has to be loved and cared for in their development. "Women of the world are innocent, vulnerable, and dependent. They are all curious, active, and full of hope. Their lives should be filled with joy and peace, playing, learning, and growing. Their future should be shaped in harmony and cooperation. Their womanhood should mature as they broaden their perspectives and gain new experiences. Abandoning the women of the world, excluding a good foundation for their lives, is a crime.

## FORMS OF WOMEN ABUSE

Women's abuse is a serious social problem that affects millions of women each year. Not only does it have multiple societal repercussions, but it also has individual consequences that may result in lifelong scars. With the exception of a fortunate few, the majority of women begin their lives with suffering and are subjected to various forms of abuse. Women's abuse can manifest in many ways: physical, emotional, sexual, neglect, and exploitation. Any actions that are potentially or actually harmful to a woman's health, survival, dignity, and development are considered forms of abuse. There are four main types of women's abuse: physical, sexual, psychological, and neglect.

## SEXUAL ABUSE

Women's sexual abuse is a distressing reality that routinely affects our daily lives, yet in the majority of cases, it goes unnoticed and unreported due to the innocence of the victim, the stigma attached to the act, and the callousness and insensitivity of the investigating and law enforcement agencies, among other factors.

Women's sexual abuse is an especially complex form of abuse due to its layers of guilt and shame. It encompasses any sexual activity with a woman where consent is not given or cannot be given. This includes sexual contact accomplished by force or the threat of force between an adult and a woman, regardless of whether there is deception or if the woman understands the nature of the sexual act. It's important to recognize that it doesn't always involve physical contact; exposing a woman to sexual situations or material, whether or not touching is involved, is sexually abusive. Inappropriate sexual behavior with a woman constitutes sexual abuse, and it includes fondling a woman's genitals, making a woman fondle the adult's genitals, intercourse, rape, sodomy, exhibitionism, and sexual exploitation.

As defined by the World Health Organization, women's sexual abuse is the involvement of a woman in sexual activity that she does not fully comprehend, is unable to give informed consent to, or that violates the laws or social taboos of society. Women's sexual abuse is evidenced by this activity between a woman and an adult or another woman who, due to age or development, is in a relationship of responsibility, trust, or power, with the activity intended to gratify or satisfy the needs of the other person.

### **Sex Tourism**

In Ethiopia, the abuse of both male and female children by tourists has reached serious dimensions. Many of these sex tourists are pedophiles seeking out children to satisfy their sexual urges. They can be of any nationality and come from various professional backgrounds. Any child without a physical handicap, irrespective of caste or class, can be pushed into satisfying the sexual needs of the tourists. Goa, one of the hottest tourist spots in the country, is known for sex tourism.

### **Ethiopian Law**

The Protection of Children from Sexual Offences Act, 2012 - The reasons for the rampant instances of sexual abuse in Ethiopia are manifold and deeply rooted in the country's social fabric. Similar to most other Asian countries, Ethiopian children are socialized into a system where they are expected to obey and respect authority figures without questioning their actions. An all-pervasive sense that rebellion is a sign of bad upbringing encourages a culture of abuse by sexual predators. Adults in Ethiopia often exercise a near-feudal hold over children, demanding unquestioned and complete obedience. What is worse is that a feeling of shame and silence characterizes cases of sexual violence against children and often hinders bringing offenders to justice.

Just when it seemed that Ethiopia's society was indifferent to the protection and safety of its children, the collective conscience of the Ethiopian people was shaken by the news of the massacre at Nithari, a small village on the outskirts of the national capital, in 2007. Thirty-eight children were reported missing and had allegedly been raped and murdered. This led to loud public outcry and prompted the Ministry of Women and Child Development to expedite the passage of the Offences against Children (Prevention) Act to address the issue of child sexual abuse.

The Act aims to protect children from offences of sexual assault, sexual harassment, and pornography. It provides for the establishment of special courts for the trial of such offences and related matters. Ethiopian children, who account for a staggering number of brutal sexual crimes known to humanity, have lacked adequate protection due to the lackadaisical attitude of the Union legislature, the apathy of its law enforcement agencies, and the absence of a specialized legal framework to address cases of child sexual abuse.

Let us not forget that the future of the world rests in the hands of tomorrow's adults, who are today's children. They are the most precious commodity that the world has, and they not only deserve but have a right to all the protection we can afford.

In the fight against child abuse, a mere legal framework is insufficient. People's participation, governmental organizations, the creative leadership of non-governmental organizations, civil society, pressure groups, and international bodies all have to play a crucial role and make their significant contributions to the success of the legal policy. Law alone cannot address all these issues. The entire legal system, from international human rights instruments to constitutional laws and down to local administrative circulars, whether related to eradicating child labor or streamlining adoption and fosterage arrangements or rescuing children from sexual exploitation or implementing the policy of compulsory primary education, increasingly relies on a bottom-up approach. From a law-society interaction perspective, signs of healthy development are visible

### **CRIMINAL OFFENSE**

Under the Criminal Code of Ethiopia, as per Article 620, rape is punishable by the following measures:

1. Whoever compels a woman to submit to sexual intercourse outside of wedlock, whether by using violence or grave intimidation or after rendering her unconscious or incapable of resistance, is subject to rigorous imprisonment ranging from five to fifteen years.
2. When the crime is committed:
  - a. Against a young woman between the ages of thirteen and eighteen.
  - b. Against an inmate of an alms-house, asylum, or any establishment related to health, education, correction, detention, or internment under the direction, supervision, or authority of the accused person, or on anyone who is under the supervision, control, or dependent upon him.

- c. Against a woman incapable of understanding the nature or consequences of the act or resisting it due to old age, physical or mental illness, depression, or any other reason.
- d. By a group of men acting in concert or by subjecting the victim to acts of cruelty or sadism, the punishment shall range from five to twenty years of rigorous imprisonment.
3. If the rape causes grave physical or mental injury or death, the punishment shall be life imprisonment.
4. In cases where the rape is related to illegal restraint or abduction of the victim or where a communicable disease has been transmitted to her, the relevant provisions of this Code shall apply concurrently.

## CONCLUSION

It was found that cases of sexual abuse of women were not properly managed by the legal system. Female children appear to be more vulnerable to sexual abuse than their male counterparts. Based on these findings, several implications arise, including the importance of conducting a nationwide study to formulate a comprehensive policy guideline for the protection and criminalization of women's sexual abuse in Ethiopia.

## REFERENCES

1. Bogorad, B. (1998). Sexual abuse: Surviving the Pain. The American Academy of Experts in Traumatic Stress. Retrieved November 3, 2004, from <http://www.women/survivors/violence.htm>
2. Cossins, A. (2000). Masculinities, Sexualities, and Women Sexual Abuse. Kluwer Law International.
3. Darkness to Light (2001–2005) Statistics. Retrieved September 22, 2006, from [http://www.darkness2light.org/KnowAbout/statistics\\_2.asp](http://www.darkness2light.org/KnowAbout/statistics_2.asp)
4. Dereje, W., Abebe, G., & Jayalakshmi, S. (2005). Women Sexual Abuse and its Outcomes among High School Students in South West Ethiopia. *Tropical Doctor*, 36(3), 137–140.
5. Dominguez, Z., Nelke, F., & Perry, D. (2001). Encyclopedia of Crime and Punishment. Berkshire Group.
6. Finkelhor, D. (1979). Sexually Victimized Womenren. Macmillan Company.
7. Finkelhor, D., & Leatherman, D. (1994). Womenren as Victims of Violence: A National Survey. *Pediatrics*, 94(4), 413–420.
8. Finkelhore, D. (1984). Women Sexual Abuse: New Theory and Research. The Macmillan Company.
9. Finkelhore, D. (1994). Current Information on the Scope and Nature of Women Sexual Abuse. *Future of Womenren*, 4(2), 31–36.
10. Gobena, D. (1998). Women Sexual Abuse in Addis Ababa High Schools. Forum on Street Womenren-Ethiopia (FSCE), Addis Ababa.
11. Goldstein, S. (1999). The Sexual Exploitation of Womenren: A Practical Guide to Assessment, Investigation, and Intervention (2nd ed.). CRC Press LLC.
12. Lakew, Z. (2001). Alleged Cases of Sexual Assault Reported to Two Addis Ababa Hospitals. *East African Medical Journal*, 78(2), 80–83.
13. Lalor, K. (2004). Child sexual abuse in sub-Saharan Africa: A literature review. *Child Abuse & Neglect*, 28, 439–460. doi:10.1016/j.chiabu.2003.07.005
14. Leen, E., Sorbring, E., Mawer, M., Holdsworth, E., Helsing, B., & Bowen, E. (2013). Prevalence, dynamic risk factors and the efficacy of primary interventions for adolescent dating violence: An international review. *Aggression and Violent Behavior*, 18, 159–174. doi:10.1016/j.avb.2012.11.015
15. Letourneau, E., Nietert, P., & Rheingold, A. (2016). Initial assessment of Stewards of Children program effects on child sexual abuse reporting rates in selected South Carolina counties. *Child Maltreatment*, 21, 74–79. doi:10.1177/1077559515615232
16. Mathews, B., & Bismark, M. (2015). Sexual harassment in the medical profession: Legal and ethical responsibilities. *Medical Journal of Australia*, 203, 189–192. doi:10.1177/1077559507310613
17. Mathews, B., & Kenny, M. (2008). Mandatory reporting legislation in the USA, Canada, and Australia: A cross-jurisdictional review of key features, differences, and issues. *Child Maltreatment*, 13, 50–63. doi:10.1177/1077559507310613
18. McGee, H., Garavan, R., de Barra, M., Byrne, J., & Conroy, R. (2002). The SAVI Report: Sexual abuse and violence in Ireland. Dublin, Ireland: Liffey Press.
19. Mendelson, T., & Letourneau, E. (2015). Parent-focused prevention of child sexual abuse. *Prevention Science*, 16, 844–852. doi:10.1007/s11121-015-0553-z.
20. Negriff, S., Schneiderman, J., Smith, C., Schreyer, J., & Trickett, P. (2014). Characterizing the sexual abuse experiences of young adolescents. *Child Abuse & Neglect*, 38, 261–270. doi:10.1016/j.chiabu.2013.08.021
21. Nudelman, G., & Shiloh, S. (2015). Mapping health behaviors: Constructing and validating a common-sense taxonomy of health behaviors. *Social Science & Medicine*, 146, 1–10. doi:10.1016/j.socscimed.2015.10.004
22. Ogunyemi, O. (2000). Knowledge and Perception of Women Sexual Abuse in Urban Nigeria: Some Evidence from a Community-Based Project. *Reproductive Health*, 4(2), 44–53.
23. Ondersma, S., Chaffin, M., Berliner, L., Cordon, I., Goodman, G., & Barnett, D. (2001). Sex with children is abuse: Comment on Rind, Tromovitch, and Bauserman (1998). *Psychological Bulletin*, 127, 707–714. doi:10.1037/0033-2909.127.6.707
24. Oxford English Dictionary. (2016). Retrieved January 5, 2017, from <http://www.oed.com/>
25. Paolucci, E., Genuis, M., & Violato, C. (2001). A meta-analysis of the published research on the effects of child sexual abuse. *The Journal of Psychology*, 135, 17–36. doi:10.1080/00223980109603677
26. Rape & Sexual Abuse Center. (2002). Education Statistics. Retrieved November 29, 2006, from <http://www.rasac/education/statistics.html> (RSAC)

27. Steinberg, L., Icenogle, G., Shulman, E., Breiner, K., Chein, J., Bacchini, D., ... Takash, H. (2017). Around the world, adolescence is a time of heightened sensation seeking and immature self-regulation. *Developmental Science*, 00, e12532. doi:10.1111/desc.12532
28. Stoltenborgh, M., van Ijzendoorn, M., Euser, E., & Bakermans-Kranenburg, M. (2011). A global perspective on child sexual abuse: Meta-analysis of prevalence around the world. *Child Maltreatment*, 16, 79–101. doi:10.1177/1077559511403920
29. Sumner, S., Mercy, J., Saul, J., Motsa-Nzuza, N., Kwesigabo, G., Buluma, R., ... Hillis, S. (2015). Prevalence of sexual violence against children and use of social services—seven countries, 2007–13. *Morbidity and Mortality Weekly Report*, 64, 565–569.
30. Tadesse, H. (2005). Marketable Skills/Viable IGA's for Sexually Abused and Exploited Womenren in Bahir Dar City. Forum on Street Womenren-Ethiopia (FSCE), Addis Ababa.
31. Toubia, N. (1994). Female circumcision as a public health issue. *New England Journal of Medicine*, 331, 712–716. doi:10.1056/NEJM199409153311106
32. Trickett, P. (2006). Defining child sexual abuse. In Feerick, M., Knutson, J., Trickett, P., & Flanzer, S. (Eds.), *Child abuse and neglect: Definitions, classifications, and a framework for research* (pp. 129–149). Baltimore, MD: Brookes.
33. Trickett, P., Noll, J., & Putnam, F. (2011). The impact of sexual abuse on female development: Lessons from a multigenerational, longitudinal research study. *Development and Psychopathology*, 23, 453–476. doi:10.1017/S0954579411000174
34. Trickett, P., Noll, J., Reiffman, A., & Putnam, F. (2001). Variants of intrafamilial sexual abuse experience: Implications for long-term development. *Development and Psychopathology*, 13, 1001–1019.
35. United Nations General Assembly. (2015). Transforming our world: The 2030 agenda for sustainable development. New York, NY: United Nations. Retrieved January 31, 2016, from <https://sustainabledevelopment.un.org/post2015/transformingourworld>
36. United Nations. (1989). Convention on the rights of the child. New York, NY: General Assembly of the United Nations. Retrieved March 31, 2016, from <https://treaties.un.org/>
37. United Nations. (2016). Convention on the rights of the child: Status as at 30 March 2016. United Nations Treaty Collection. Retrieved March 31, 2016, from <https://treaties.un.org/>
38. Veenema, T., Thornton, C., & Corley, A. (2015). The public health crisis of child sexual abuse in low and middle income countries. *International Journal of Nursing Studies*, 52, 864–881. doi:10.1016/j.ijnurstu.2014.10.017
39. Violato, C., & Genuis, M. (1993). Problems of research in male child sexual abuse. *Journal of Child Sexual Abuse*, 2, 33–54. doi:10.1300/J070v02n03\_03
40. Yemataw, W. (2008). The Psychosocial Consequences of Women Sexual Abuse in Ethiopia: A Case-Control Comparative Analysis. *Family & Community Health*, 31(1), 24–31.