

# Help Seeking Experiences of Female Victims of Intimate Partner Violence: Legal and Social Protections

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## *Abstract*

*This article seeks to bring out the lived experiences of women in seeking help from the formal and informal help providers in two study sites. It mainly aims to explore the prevailing norms, cultural practices and perceptions about intimate partner violence (IPV) in the study sites through a qualitative study. It provides insightful information about the challenges victims of IPV face in pursuing redress. This paper reveals that most victims of IPV often seek help from informal help providers. In these situations, their definition of victimhood is not recognized by the society y and large. The society rather seeks to protect the integrity of the family by advising the victims to tolerate the violence. The few women who pursued formal avenues are not provided with a comprehensive remedy. Starting from the way they are treated by the police up to final judicial decisions, their peculiar situation as victims is not given the necessary consideration. This article relying on the lived experiences of female victims of IPV shows the plight of women in seeking help and recommends measures that should be taken to improve the assistance victims of IPV receive from the formal and informal help providers.*

**Keywords:** Intimate Partner Violence, Help Seeking, Gender Based Violence, Power and Control, Legal Protections

## **I. Introduction and Background**

Despite the prominence of the term intimate partner violence (IPV) among researchers, policy makers and governmental and non-governmental organizations, a standard definition is lacking. Domestic violence, battering, wife abuse and wife beating have commonly been used as alternative terminologies for IPV.

In some settings, domestic violence is used to describe violence between intimate partners, while in other contexts it refers to violence among family members such as violence against children and the elderly.<sup>224</sup> Similarly,

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<sup>224</sup> Garcia, Claudia. 2012. *Understanding and Addressing Violence against Women*. World Health Organization, [http://www.who.int/iris/bitstream/10665/77433/1/WHO\\_RHR\\_12.35\\_eng.pdf](http://www.who.int/iris/bitstream/10665/77433/1/WHO_RHR_12.35_eng.pdf).

some define the term IPV as dealing only with married couples, however, for others it includes violence between married couples, partners in irregular unions and couples in dating relationship.<sup>225</sup> In the past, the terms domestic violence and battering were used interchangeably based on the claim that battering is part and parcel of every act of domestic violence.<sup>226</sup> Battering is also considered as the most severe form of violence between partners.<sup>227</sup> Thus, the terminologies may or may not be used interchangeably, and a single term may hold different implications at different circumstances and for different actors.

The purpose of this article is not to come up with a term that accurately describes the subject matter. But this article rather intends to investigate both the experience of intimate violence by women and their efforts to seek help. Considering these facts, the term 'intimate partner violence', or IPV, was found to be the most appropriate concept to describe the subject matter of this article. In this article, IPV is conceptualized as any behavior between married couples and/or partners in irregular union that causes physical, psychological or sexual harm to those in the relationship. This may include acts of physical aggression, psychological abuse, sexual coercion, economic/financial abuse and controlling behaviors.<sup>228</sup>

## II. Notes on the Research Design and Methodology

The study that led to this publication draws on qualitative research method related with naturalistic or interpretative framework. The research also applied the critical or emancipatory method suiting violence related research as it attempts to uncover the hidden power and gender imbalances.<sup>229</sup> This paradigm has "the potential to expose hidden power

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(Accessed on 21 June 2015). Mears, Daniel P. 2003. "Research and Interventions to Reduce Domestic Violence Revictimization" *Trauma, Violence and Abuse* 4 (2): 130.

<sup>225</sup>García-Moreno, Claudia and Pallitto Christina. 2013. *Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-partner Sexual Violence*, World Health Organization.

[http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf).

(Accessed on 19 June 2015).

<sup>226</sup>Kelly, Joan B. and Michael P. Johnson. 2008. "Differentiation Among Types of Intimate Partner Violence: Research Update and Implications for Interventions" *Family Court Review* 46(3): 476.

<sup>227</sup>Garcia, Claudia. *Supra note 1*.

<sup>228</sup>Krug, Etienne G. et al., eds. 2002. *World Report on Violence and Health*. Geneva, World Health Organization: 89.

<sup>229</sup>Ellsberg, Mary and Lori Heise. 2005. *Researching Violence Against Women: A Practical Guide for Researchers and Activists*. Washington DC, United States: World Health Organization, PATH:

imbalances and to empower those involved to understand, as well as to transform, the world.”<sup>230</sup> It is an approach used by feminists and participatory researchers. These methods enabled the researchers to uncover subjective realities by interpreting the experiences, views and feelings of the study’s participants.<sup>231</sup> It is also used to determine peoples’ beliefs, attitudes and perceptions.<sup>232</sup>

Primary and secondary sources of data were utilized in the study. The primary sources of data were collected through in-depth interviews, focus group discussions and key informant interviews. Secondary data was collected and analyzed from books, journal articles, published and unpublished research, legal documents, reports and Internet sources.

In-depth interviews were held with women who were survivors of IPV in Hawassa and Ambo. These women came from different socio-economic backgrounds and reside in both urban and rural areas. The study applied the phenomenological perspective to investigate the experiences of these women. In selecting these study participants, the research applied sequential sampling in which interviews are held until no new relevant information is obtained.<sup>233</sup> Interviews were held with 27 women who have been victims of violence (12 in Ambo and 15 in Hawassa and surrounding areas). The 27 female interviewees were identified through the legal aid centers of Addis Ababa University. These women used the legal aid centers to pursue divorce and child maintenance cases without bringing cases on IPV. Focus group discussions (FGD) were conducted with women who were selected using maximum variation sampling that helped the researchers to include a diverse group of women in both study sites. This included women who are young, old, educated, uneducated and women who have been either abused or not. In Ambo, nine women participated in the FGD while in Hawassa, 12 women took part in the FGD.

Structured key informant interviews were conducted with officials of 15 governmental and non-governmental organizations and community and

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54.[http://apps.who.int/iris/bitstream/10665/42966/1/9241546476\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/42966/1/9241546476_eng.pdf). (Accessed on 20 June 2015).

<sup>230</sup>Olsen V. Feminisms and Models of Qualitative Research. In: Denzin N, Lincoln Y, (eds.). 1994 *Handbook of Qualitative Research*. Thousand Oaks: Sage as cited Ellsberg, Mary, and Lori Heise. Id.

<sup>231</sup>Ellsberg, Mary and Lori Heise. Supra note 6.

<sup>232</sup>Ellsberg, Mary and Lori Heise. Id., 55

<sup>233</sup>Ellsberg, Mary and Lori Heise. Supera note 6

religious leaders selected using stratified purposive sampling.<sup>234</sup> FGDs with key informants from various governmental offices and NGOs were conducted both in Hawassa and Ambo. Six individuals participated in each FGD. Data was collected in July and August 2015.

IPV research requires a strict adherence to ethical considerations due to sensitivity and safety concerns for participants.<sup>235</sup> In this research, the World Health Organization's (WHO) ethical and safety recommendations for IPV research were applied. Based on the recommendations, the study team ensured that the respondents participated with their full consent and has taken the necessary precaution not to cause any harm and endanger their safety.

### III. Literature review

#### i. Prevalence of IPV

Violence does not exclusively affect men or women. Both sexes are vulnerable to violence. However, disparities exist when considering both the type of violence and the gender of the perpetrator. Women are more vulnerable to violence afflicted by their loved ones such as their intimate partners while men are more likely to experience violence perpetrated by strangers or acquaintances.<sup>236</sup>

Studies conducted in Western countries such as the United States of America, Canada and the United Kingdom suggest that male partners are and can be victims of violence perpetrated by their female partners.<sup>237</sup> The

<sup>234</sup>Interviews were conducted with officials from Ambo *Woreda* Court, Ambo *Woreda* Justice Bureau, Ambo Communication Office, Hawassa City Administration Women and Children Affairs, Ethiopian Women's Lawyers Associations- Hawassa Branch, Concern Ethiopia- Hawassa Branch, Misrak Bire Police Department, Hawassa City Communication Office, SNNP Justice Bureau- Violence Against Women and Children (VAWC) Special Prosecution Unit, Dore *Woreda* court, Dore *Woreda* Prosecutor office and Dore *Woreda* Women and Children Affairs. In addition, Boku elders, Ambo town elder and elder in Bore Bafano were interviewed.

<sup>235</sup>Fisher, Colleen. 2009. *The Exploration of the Nature and Understanding of Family and Domestic Violence within the Sudanese, Somalian, Ethiopian, Liberian and Sierra Leonean Communities and Its Impact on Individuals, Family Relations, the Community and Settlement*, Association for Services to Torture and Trauma Survivors Inc. 36.

<sup>236</sup>Krug, Etienne G. et al., *supra* note 5.

<sup>237</sup>Kelly, Joan B. and Johnson, Michael P. *Supra* note 3; See also Carney, Michele. Fred Buttell & Don Dutton. 2007. "Women who perpetrate intimate partner violence: A review of the literature with recommendations for treatment" *Aggression and Violent Behavior* 12:108-115; Dutton, Donald G. & Kenneth Corvo. 2006. "Transforming a

finding of high prevalence of violence against males by their female intimate partners in such studies cannot be generalized to non-Western countries which are mostly characterized as “collectivist in cultural orientation and have relatively low empowerment of women”.<sup>238</sup> Though women can be violent against their male partners, proportionally most incidents of IPV are directed against women by their male partners than vice versa.<sup>239</sup>

IPV is a global problem. Its magnitude and prevalence differs across different communities, nations and regions. The true magnitude of IPV against women is unknown as incidents of violence are underreported as a result of deep-rooted cultural attitudes and norms surrounding the issue.<sup>240</sup> Though surveys and data on IPV against women cannot convey the true extent of this type of violence, they provide insight on the issue. Most researches on the prevalence of IPV against women focus on physical violence and sexual violence, and, to some extent, psychological violence. Available data concentrates on these forms of IPV.

Globally, one in three women (30%) experienced physical and/or sexual violence by her intimate partner.<sup>241</sup> According to a World Health Organization study on IPV against women conducted in ten different countries (including Butajira Province in Ethiopia), the lifetime prevalence of physical and sexual violence is 71%. The prevalence of such violence during the 12 months prior to the survey is 54%.<sup>242</sup> In both cases, the highest prevalence rate was reported from Butajira.<sup>243</sup> The study in Butajira indicated that 48.7 % women had experienced physical violence, 58.6%

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flawed policy: A call to revive psychology and science in domestic violence research and practice” *Aggression and Violence Behavior* 11 (5): 457-483.

<sup>238</sup>Archer, John. 2006. “Cross-Cultural Differences in Physical Aggression Between Partners: A social Role Analysis” *Personality and Social Psychology Review* 10 (2): 133-153.

<sup>239</sup>Ellsberg, Mary and Lori Heise. *Supra* note 6; See also Heise, Lori, Mary Ellsberg and Gottemoeller M. 1999. *Ending violence against women*. Baltimore, MD, Johns Hopkins University School of Public Health, Center for Communications Programs. (Population Reports, Series L, No. 11).

<sup>240</sup>Population Reference Bureau. 2000. *Conveying Concerns: Women Report on Gender-based Violence*, Washington, DC,

<http://www.prb.org/Publications/Reports/2000/ConveyingConcernsGenderBasedViolence.aspx>. (Accessed on 16 June 2015).

<sup>241</sup>García-Moreno, Claudia and Pallitto Christina. *Supra* note 2.

<sup>242</sup>Garcia-Mareno, Claudia et al. *WHO Multi-country Study on Women’s Health and Domestic Violence against Women: Initial Results on Prevalence, Health Outcomes and Women’s Responses*. Geneva: World Health Organization, 2005.

<sup>243</sup>*Ibid*

suffered from sexual violence and 75.1 % experienced acts of emotional abuse/psychological violence.<sup>244</sup>

A survey on violence against women (VAW) and children undertaken in selected *Woredas* of Amhara, Oromia and Gambela in 2014 indicated that 35.5% of teenage female respondents (aged 14 to 18 years old) and 36.8% of adult female respondents (above 18 years of age) had experienced IPV.<sup>245</sup> The prevalence rate for one of the study site of this research is also high according to a survey on IPV conducted in the area. The result of this survey provided that, in Hawassa and Tula areas, wife battering is at 85%, insult and disrespect at 77%, forced displacement from their home at 75%, intimidation at 73% and rape at 58%.<sup>246</sup> Furthermore, in Hawassa, a study conducted on IPV against married women has reported a lifetime prevalence rate of 56.3% and 39.8% of physical and sexual violence respectively.<sup>247</sup> The recent national survey by Central Statistics Agency also reported that 35% of ever-married women experienced IPV at some point in their life.<sup>248</sup> 24%, 25% and 11% of the women reported experiencing emotional, physical and sexual violence respectively.<sup>249</sup>

The available evidence on the prevalence of IPV against women in Ethiopia, though not representative of the country or violence as a whole, reveals that it affects a significant number of women in the country. More importantly, the magnitude of IPV against women reported in Hawassa area hints that women in one of the study sites of the research are highly victimized by violence.

## ii. Effects of Intimate Partner Violence

IPV results in multifaceted impacts on the victims. These ranges from physical, psychological, sexual to economic impacts. It also negatively

<sup>244</sup>Ibid; See also Gossaye, Yegomawork. et al. 2003. "Women's health and life events study in rural Ethiopia", *Ethiopian Journal of Health Development*. 2003; 17(Special issue): 1-41.

[http://www.researchgate.net/publication/273732836\\_Women's\\_Health\\_and\\_Events\\_Study\\_in\\_Rural\\_Ethiopia.pdf](http://www.researchgate.net/publication/273732836_Women's_Health_and_Events_Study_in_Rural_Ethiopia.pdf). Accessed on June 12 2015.

<sup>245</sup>Ethiopian Women Lawyers Association. "KAP Survey on GBV/VAWC in Selected Woredas of Amhara, Oromia and Gambella Regional States". 2014:50-52.

<sup>246</sup>Arede, Alemayehu & Original W/Giorgis. 2008. "Nationwide Survey on Domestic Violence" *BERCHI* 7:8-89.

<sup>247</sup>Eyoel, Mekdes. 2007. "Pattern of Intimate Partner Violence Among Married Women of Hawassa Town". Unpublished Master's Thesis. Addis Ababa University.

<sup>248</sup>Ethiopia Central Statistics Agency .2016. *Demography and Health Survey: Key Indicators Report*, 44.

<sup>249</sup>Ibid.

impacts the family of the victim, as well as their community, society and the country at large. Evidence on the full impact of the violence is lacking since many studies concentrate solely on its impact on health.

IPV leads to multiple health effects including physical trauma such as injury, disability and death.<sup>250</sup> Psychological trauma is also present, including stress and mental health problems.<sup>251</sup> Other related issues include; harmful substance use, decreased prenatal/maternal health, exposure to non-communicable diseases and sexual and reproductive health problems such as sexually transmitted infections and induced abortion.<sup>252</sup> Studies in various parts of Ethiopia disclosed that victims of IPV suffered from various health problems such as sexually transmitted infections, mental health problems such as depression and attempted suicide, as well as complications during pregnancy including low weight, child mortality, miscarriages, infection and physical trauma leading to injury.<sup>253</sup>

There is also an adverse effect on the children who are raised in an environment where they witnessed IPV. Children who grow up witnessing violence between their father and mother are at a higher risk of becoming victims of abuse or perpetrators of IPV later in their adulthood as compared to children who are raised in non-violent homes.<sup>254</sup>

Furthermore, IPV stresses the economy of developing countries by reducing worker productivity and income, and accumulation of human and social capital.<sup>255</sup> One study estimated that in the United States of America, the yearly cost of IPV exceeded \$5.8 billion, the majority of which is the cost of

<sup>250</sup>García-Moreno, Claudia and Pallitto Christina. Supra note 2.

<sup>251</sup>Ibid

<sup>252</sup>Ibid

<sup>253</sup>Garcia-Mareno, Claudia et al., supra note 19. See also Gossaye, Y et al. Supra note 21; Deyessa, Negussie et al. 2009. "Domestic violence and depression among women in rural Ethiopia: A cross sectional study" *Clinical Practice and Epidemiology in Mental Health* 5(8); Yigzaw, Tegbar, Yibrie Anwar & Kebede Yigzaw. 2004. "Domestic Violence around Gonder in Northwest Ethiopia" *Ethiopian Journal of Health Development* 18 (3):133-139;; Deribew, Amare. 2008. "The Physical Health Consequences of Intimate Partner Violence Against Women in Agaro Town, Southwest Ethiopia" *Ethiopian Journal of Health Science* 17(4): 173-178.

<sup>254</sup>UNCEF. 2006. *Behind Closed Doors: The Impact of Violence on Children*, New York; See also Due, Shanti R. et al. 2002. "Exposure to Abuse, Neglect, and Household Dysfunction Among Adults Who Witnessed Intimate Partner Violence as Children: Implication for Integrated Health and Social Services", *Violence and Victims* 17(1): 3-17.

<sup>255</sup>Bott, Sarah, Morrison Andrew and Ellsberg Mary. 2005. *Preventing and Responding to Gender-based Violence in Middle and Low-income Countries: a global review and analysis*. World Bank Policy Research Working paper 3618:13.

direct medical and mental health care services.<sup>256</sup> Unfortunately, studies that provide an estimate of economic repercussion of these costs in developing countries and on the Ethiopian economy in particular are lacking.

### iii. Major Theories on IPV

Theories that can provide a coherent explanation of empirical data on IPV across various settings are important in IPV researches. Theory development in IPV research may follow multilevel models that examine the link between community level factors of IPV and individual level outcomes or life course models, which may look into various factors and their relevance for individuals and relationships.<sup>257</sup> The theoretical framework on IPV stresses determining the factors leading into the violence by addressing the theme from various disciplines' perspectives. Among these theories, this article focuses on theories that explain why women are the targets of IPV. In this regard, power and control theory and ecological theory are found to be relevant.

#### a. The Power and Control Theory

The power and control theory also described as Power and Control Wheel analyzes VAW in terms of power and gender relationships.<sup>258</sup> Supported by Norm theory, Feminist theory and Social constructionist theory, it argues that "partner violence is in part a function of social norms, as well as structures that grant men the right to control female behavior and limit women's power in both public and private life."<sup>259</sup> According to this theory, it is socially constructed gender inequality and oppression that explains IPV.<sup>260</sup> It presents patriarchy which is "entrenched in social and cultural norms, institutionalized in the law and political structures and embedded

<sup>256</sup>National Center for Injury Prevention and Control. 2003. *Cost of Intimate Partner Violence against Women in the United States*. Atlanta (GA).

<sup>257</sup>Mears, Daniel P. 2003. "Research and Interventions to Reduce Domestic Violence Revictimization", *Trauma, Violence and Abuse*, 4(2): 133 - 134, <http://tva.sagepub.com/cgi/content/abstract/4/2/127> (Accessed June 15, 2015).

<sup>258</sup>Lucille, Pope and Ferraro, Kathleen. 2006. *The Duluth Power and Control Model*. [http://vawresources.org/index\\_files/powercontrolmodel.pdf](http://vawresources.org/index_files/powercontrolmodel.pdf). (Accessed 20 June 2015).

<sup>259</sup>Heise, Lori.2012. *What Works to Prevent Partner Violence: An Evidence Overview*: 12.

<sup>260</sup>Fisher. C., supra note 12.



in local and global economies” as the root cause of IPV.<sup>261</sup> Accordingly, violence is a means and consequence of women’s subordination and it is both a means and an expression of inequality between men and women.<sup>262</sup> According to this theory, explanation of violence based on the personal history of the perpetrator such as past exposure to violence, alcohol abuse, and socio-economic conditions fail to consider the broader impact of systematic subordination of women by men. Thus, any explanation of the causes of violence should be situated within the social context of power relations.<sup>263</sup>

This theory is closely related to a type of IPV known as Coercive Controlling Violence, which is “a pattern of emotionally abusive intimidation, coercion, and control coupled with physical violence against partners”.<sup>264</sup> Under this type of violence, abusers may use one or a combination of tactics such as intimidation, emotional abuse, isolation, diminishing, denying and blaming, using children, asserting male privilege, economic abuse, coercion and threats. .<sup>265</sup>

However, there are various arguments against the Power and Control Theory since it does not cover other types of IPV such as Situational Couple Violence which occurs because of occasional situations or arguments between intimate partners<sup>266</sup> and Separation Instigated Violence which occurs as a result of traumatic separation.”<sup>267</sup> Power and Control Theory is also criticized since it applies a Monolithic Phenomenon Approach and fails to recognize intersectionality in relation to the impact of IPV on various women. Accordingly, the impact of IPV varies depending on economic and social class and race, etc.<sup>268</sup> Thus, the Power and Control Theory cannot be

<sup>261</sup>In-depth Study on all Forms of Violence against Women: Report of the Secretary-General, A/61/122/Add.1, 28.

<sup>262</sup>Id., 29.

<sup>263</sup>Id., 29.

<sup>264</sup>Kelly, Joan B. and Michael P. Johnson. *supra* note 3: 478.

<sup>265</sup>Pence and Paymar, 1993 as cited in Kelly, Joan B. and Michael P. Johnson, *id.* 481.

<sup>266</sup>Kelly, Joan B. and Michael P. Johnson, *supra* note 3.

<sup>267</sup>Joan B. Kelly and Michael P. Johnson, *id.*, 487.

<sup>268</sup>Bograd, 2005 as cited in Fisher, Colleen. *supra* note 12: 16. See also Sokoloff, Natalie J. and Ida Dupont. 2005. “Domestic Violence at the Intersections of Race, Class and gender: Challenges and Contribution to Understanding Violence against Marginalized Women in Diverse Communities”. *Violence against Women*, 11(1); 43.

<http://vaw.sagepub.com/cgi/content/abstract/11/1/38>.( Accessed June 20 2015).

taken as an exclusive explanation for IPV as there are various factors that could potentially explain violence.

### **b. Ecological Framework**

Various authors have pointed out that one theory simply cannot exclusively provide explanation for IPV and why women are the primary targets.<sup>269</sup> Thus, Ecological Approach is developed to conceptualize “violence as a multifaceted phenomenon grounded in interplay among personal, situational, and socio-cultural factors”.<sup>270</sup>

The ecological approach accommodates both feminist and social science theories on IPV. It is founded on four analytical levels. The first level represents personal history risk factors. It argues that the cause of male violence relates to witnessing violence, being a victim as a child or the absence of a father.<sup>271</sup> The next level known as micro- system represents the context in which violence happens. Often it is in the family or in other intimate relationships where there is male dominance, male control of wealth, alcohol abuse or marital conflicts. The third level, the ecosystem, explains the formal and informal institutional and social systems that sustain violence. It manifests in low socio-economic conditions, social isolation of women and delinquent peer association. The last level is the macro system, which represents the views and attitudes that sustain violent behaviors such as the male ownership of women, the linkage of masculinity to aggression, subscription to rigid gender roles and acceptance of the use of violence such as physical punishment for women. Though these four levels of explanation of violence under the Ecological Approach are taken together, they are not exhaustive lists.<sup>272</sup>

## **IV. Legal and Policy Framework**

It is not uncommon to hear many arguing that state intervention in regulating the private sphere such as IPV may compromise the social stability of the family, adherence to religion or tradition. However, from a

<sup>269</sup>Brewster, Mary P. *Domestic Violence Theories, Research and Practice Implications* in Roberts, Albert R. (ed.). 2002. *Handbook of Domestic Violence Intervention Strategies: Policies, Programs and Legal Remedies*. Oxford University Press, New York.

<sup>270</sup>Heise, Lori. 1998. *Violence Against Women: An integrated, Ecological Framework*. 263. Accessed June 10, 2015. <http://www.sagepublications.com>. (Accessed June 20, 2015).

<sup>271</sup>Brewster, Mary P. *supra* notes 47.

<sup>272</sup>Heise, Lori L., *supra* note 48, 281. See also USAID. 2006. *Linking gender-Based Violence research to Practice in East, Central and Southern Africa: A Review of Risk Factors and Promising Interventions*: 16-17.

human rights perspective, IPV is a violation of basic human rights that must be eliminated through political will, and by legal and civil action.<sup>273</sup>

Based on the latter view, various protection and safeguarding measures are envisaged at international level on VAW and thereby IPV.<sup>274</sup> The Convention on Elimination of Violence against Women (CEDAW), the first convention to deal with discrimination against women does not directly deal with IPV. However, its General Recommendation no. 19 which came out in 1992 provides that gender based violence is directed against women because she is a woman and it disproportionately affects women. It provides that discrimination is the cause of gender-based violence. Furthermore, it provides that “States may be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation”.<sup>275</sup>

The other important instrument, the United Nations Declaration on Elimination of Violence against Women (DEVAW) adopted in December 1993 recognizes violence in the family including IPV as a form of VAW. This declaration states that any form of VAW is “a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men to the prevention of the full advancement of women”.<sup>276</sup> It defines VAW to include “physical, sexual and psychological violence occurring in the family.”<sup>277</sup> It calls upon States to “pursue by all appropriate means and without delay a policy of eliminating violence against women” and further to “exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”.<sup>278</sup> It requires states to condemn VAW and not invoke custom, tradition or religion to avoid their obligations to eliminate such violence.<sup>279</sup> Further, the Beijing Declaration and Platform for Action adopted in 1995-underlined VAW as a violation of women’s human rights and thereby underlining that states are duty bearers to take actions to prevent and eliminate VAW. A more specific

<sup>273</sup>Fisher, Colleen. 2009. *supra* note 12: 14-15.

<sup>274</sup> Convention to Eliminate Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and Convention on the Rights of the Child (CRC) have indirect provisions, which are applicable on domestic violence.

<sup>275</sup> Committee on the Elimination of Violence Against Women, Eleventh Session, General Recommendation 19, Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), Ch.1.

<sup>276</sup>Preamble of General Assembly Resolution 48/104 of 20 December 1993.

<sup>277</sup> *Id.*, Article 2.

<sup>278</sup> General Assembly Resolution 48/104 of 20 December 1993, Article 4

<sup>279</sup> *Id.*, Article 4

Resolution on the Elimination of Domestic Violence against Women was adopted in 2004 by the General Assembly recognizing IPV as a human rights issue with serious, immediate and long-term implications.<sup>280</sup>

At the regional level, the African Charter on Human and Peoples' Rights (ACRWC) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) provides for various protection measures to victims of violence.

In relation to domestic laws, various states took legal and other measures at the domestic level in line with international obligations. Some countries created special legislation on IPV that provides special quasi-criminal remedies and procedures such as protection or bound over order and lower standard of proof.

Ethiopia, in line with its obligation under international and regional human rights instruments,<sup>281</sup> has adopted legal and other measures to sanction VAW and IPV. The Federal Democratic Republic of Ethiopia Constitution (FDRE Constitution) prohibits laws, customs and practices that oppress or cause bodily and mental harm to women.<sup>282</sup> It also protects the right to life and provides protection for security of a person, bodily integrity, and freedom from inhuman and degrading treatment.<sup>283</sup>

The provisions of the Oromia and Southern Nations, Nationalities and Peoples regions (SNNPR) Family Laws that require respect, support, assistance and fidelity between spouses and one that mandates joint management of the family are important provisions that indirectly protect women from IPV.<sup>284</sup>

The Criminal Law prohibits physical violence within marriage or in an irregular union.<sup>285</sup> It punishes violence against a marriage partner or on a person cohabiting in an irregular union that caused grave or common injury to his/her physical or mental health. However, the punishments provided for such acts are the same punishments for ordinary crimes of physical assault and battery. This approach of the criminal law does not

<sup>280</sup>"Elimination of domestic violence against women" GA Res. 58/147, UN Doc. A/RES/58/147 (Feb. 19, 2004) (Resolution 18/145)

<sup>281</sup> Ethiopia ratified CEDAW, ICCPR, CRC and ACHPR that protect women from any forms of violence. Under article 9 (4) of the FDRE Constitution, these international human rights instruments are integral part of the law of the land.

<sup>282</sup>Article 35 (4) of the FDRE Constitution.

<sup>283</sup>Article 14, 16 & 18 of the FDRE Constitution.

<sup>284</sup>Article 65 of Oromia Regional State Family Code.

<sup>285</sup>Article 564 of the Criminal Code of Ethiopia.

consider the unique nature of IPV in relation to its being a result of patriarchal beliefs and practices. In addition, the criminal law does not punish economic violence and marital rape as a form of VAW.<sup>286</sup>

A special procedure is not provided for cases of VAW under the Criminal Procedure Code. However, the Criminal Justice Administration Policy adopted in 2011 provides for the rights of victims to participate in criminal investigation, charging and trial.<sup>287</sup> It provides that the legal framework will be put in place to protect women who are survivors of violence.<sup>288</sup> These require reviewing procedural laws such as the Criminal Procedure Law to ensure that victims are protected during the investigation and prosecution of VAW cases.<sup>289</sup> The policy prohibits plea-bargaining and diversion in cases of gender based violence.<sup>290</sup>

The justice system reform also introduced prosecutors led investigation of cases of VAW with the intention of protecting victims of VAW. However, there is no legal provision under the Criminal Procedure Code to ensure legal proceedings are undertaken in a manner that protects the safety of survivors.<sup>291</sup> Despite this legal lacuna, the Ministry of Justice has established Center for the Investigation and Prosecution of VAWC and has developed a Special Operational Guideline for the Investigation and Prosecution of Cases of Violence against Women and Girls and Counseling of Survivors. This Guideline provides for gender sensitive investigation and prosecution of violence and protects survivors from secondary victimization. It envisages enhancing the skills of the police and prosecutor in applying specialized methods, skills and attitudes to protect and serve survivors of violence.

The Ministry of Justice, the current Federal Attorney General have developed strategic documents providing for Integrated and Multi-Sectoral Response to Violence against Women and Children and Child Justice in

<sup>286</sup>Fite, Megersa Dugasa. 2014. "The Ethiopia's Legal Framework on Domestic Violence against Women: A Critical Perspective." *International Journal of gender and women's Studies*, 2 (1): 56.

<sup>287</sup>Section 6.2.1 of the Criminal justice Administrative Policy

<sup>288</sup>Section 6.2.1 of the Criminal Justice Administrative Policy.

<sup>289</sup>Federal Democratic Republic of Ethiopia. 2009. Preliminary Analysis of the Legislation Requirements of the Criminal Justice Administration Policy: 15.

<sup>290</sup>Under Section 4.6.2.5 of the Criminal Justice Administration Policy, the Plea bargaining and divergence might be sought by prosecutor if these options have the potential to rehabilitate the perpetrator and create peace in the society.

<sup>291</sup>Ministry of Justice. 2010. *Rapid Assessment of Services and Interventions to Prevent and Respond to Violence against Women and Children*. Ministry of Justice. 9.

Ethiopia <sup>292</sup> This document focuses on the prevention, protection and response mechanisms to address VAW. However, there is no legal requirement for free access to medical, shelter, legal and psycho-social services which are important for the rehabilitation of victims/survivors of IPV.<sup>293</sup>

Though the law provides reporting of criminal cases, it is not mandatory unless the crime is punishable for more than fifteen years.<sup>294</sup> The law also has gaps in requiring mandatory reporting of cases of IPV by institutions and professionals such as medical, social and health service providers.<sup>295</sup> The law does not provide for protection orders or restraining orders as an immediate remedy that prevents abusers from continuing their act of violence. In some countries, courts are authorized to order an abuser to stay away from the survivor for certain periods of time.<sup>296</sup> The same should be provided under Ethiopian law.

## **V. Major Findings**

### **i. Prevailing Meanings, Cultural Norms and Perceptions attached to Intimate Partner Violence**

The interviews held with elders, survivors of IPV and FGDs conducted with female community members in both research sites conveyed certain evidences regarding meanings, prevailing cultural norms and perceptions attached to IPV among the communities.

Elders who were interviewed claimed that the problem of IPV is not as prevalent as it used to be. Though the elders who were interviewed emphasized that IPV is not an acceptable act, their explanation regarding culture and predominant values in their community especially in relation to women elaborated the existence of cultural norms and perceptions that are directly or indirectly related to acts of VAW by their intimate partner. According to one elder, husbands are the ones in charge of the administration and transfer of property while wives can only do so in the absence of their partners.<sup>297</sup> Furthermore, he stated that when a father gives

<sup>292</sup>Ministry of Justice and National Coordinating Body. 2011. *Strategic Plan for an Integrated and multi-sectoral response to violence against Women and Children and Child Justice in Ethiopia*.

<sup>293</sup>Ministry of Justice Supra note 69.

<sup>294</sup>Article 11 of the Criminal Procedure Code of Ethiopia.

<sup>295</sup>Ministry of Justice, Supra note 69.

<sup>296</sup>Ibid.

<sup>297</sup>Interview with Ato Ejigu Gutu- Toke Kutay *Wereda*, Boku Spiritual Elder conducted in Ambo on 21 August

his daughter's hand for marriage, he advises her to obey her husband and culture gives the husband the responsibility to discipline his wife. Accordingly, there are rules a wife should follow. As an example, he mentioned that a wife should not go to sleep before her husband. This shows that there are predetermined cultural expectations regarding the role of wife and a husband in marriage. If the women transgress this socially and culturally predefined roles and expectations, it has its own consequence that might include violence.

Elders and female community members also provided several common sayings in Amharic and Afan Oromo accenting the underlying message about the subordination of women. *Nama niiti qabutu qixaaxxata*- Afan Oromo meaning, "a husband who has a wife can punish her." *Warri abba hinsodattu abba warra male* - a common Afan Oromo proverb literally meaning- "a wife doesn't fear her father but her husband."<sup>298</sup> Another Amharic saying raised by informants was; *Yebal dula kebe newe*- "a stick a husband uses to beat his wife is like butter"<sup>299</sup>

Elders used various accounts to show the acceptance of wife beating in their culture. The following are some of the narratives given by the elders to demonstrate the justifications for wife beating. The first line of explanation evolved around the two categories of Wife beatings. There is beating out of love. In this case, the husband uses "*ertib dula*" which is a freshly cut stick to beat her. The husband uses such this as a disciplinary mechanism in case of simple disagreement to make his wife afraid. The other type of beating is when the husband uses dry stick to beat his wife and/or throw shoes at her. This usually happens if she commits grave mistake. A man who uses a dry stick to beat his wife is described as "a bad husband".<sup>300</sup> Beating might result from the fault of the husband or the wife.

Another reason for beating is adultery (or a suspicion related to mere jealousy). If the wife is the one who had an affair with another man, the husband beats her. On the other hand, if the husband turns out to be the one who had an affair, the wife cannot do anything because she is not capable of beating him. When she questions him for his act, he beats her back to teach her a lesson for the future.<sup>301</sup>

<sup>298</sup>Ibid.

<sup>299</sup>FGD with female community members conducted in Hawassa on 29 August 2015.

<sup>300</sup>Supra note 75.

<sup>301</sup>Interview with Ato Bekele Bayeta- Ambo town local elder conducted in Ambo on 21 August 2015.

The above quotations from interviews with elders and women in both sites show that the gender roles assigned to females and males have a strong link to IPV. The sayings and proverbs of the society imply that the society has a patriarchal view that perceives women as subordinate and men as superior. The society restricts the actions, thoughts and feelings of women so that women can serve male interests. These perceptions excuse the actions of male partners against their female partners.

Moreover, a similar perception is reflected in the decisions and actions of elders and governmental organizations. In most instances, they recognize that IPV is a violation of rights of women. But when it comes to taking action, most are reluctant to extend full protection to the victim. For example, there are instances whereby the police, by their own subjective judgment, view some injuries as grave and entailing legal sanction, and others as minor injuries resulting in no legal liability.<sup>302</sup> The police and other government institutions such as women and children affairs offices and public prosecutors give priority to preventing the disintegration of the families over the protection of victims' rights.<sup>303</sup>

The researchers asked informants in both sites to narrate their stories and experiences to understand how they define IPV. In their narrations, most of the informants described the type of injuries a partner inflicted on their physical, psychological, sexual and economic well being. The participants from both sites listed the physical violence they sustained in their relationships. Among them, one informant had been burned with hot sauce<sup>304</sup>, another lost her molar tooth<sup>305</sup> and another one was thrown against a door and was hurt by a nail on the door.<sup>306</sup> Some expressed that they faced a risk to their life as a result of their partner's attempt to hurt them by throwing or using different kinds of sharp objects such as knives, spears or a saw.<sup>307</sup> In addition, other participants also stated that their partners tried to kill them by strangling and beating them.<sup>308</sup> In these instances, informants indicated that they were humiliated, insulted and belittled by their partner in front of their families, children, neighbors,

<sup>302</sup>Interview with Inspector Tariku Admasu W/Mariam, Technical investigation Head, Hawassa City Administration Police department on 30 July 2015.

<sup>303</sup>Interview with Assistant Inspector Shimelese Birru- criminal case investigation technique team leader, Dore Woreda Police on 31 July 2015.

<sup>304</sup>Interview with AT conducted in Ambo on 20 August 2015.

<sup>305</sup>Interview with MS conducted in Hawassa city on 30 July 2015.

<sup>306</sup>Interview with KR conducted in Ambo on 20 August 2015.

<sup>307</sup>Interview with FU conducted in Hawassa city on 27 August 2015 and MK and MA conducted in Ambo on 20 August 2015.

<sup>308</sup>Interview with BS conducted in Hawassa city on 27 August 2015 and KB conducted in Ambo on 20 August 2015.



friends and strangers.<sup>309</sup> In addition, their partner limited their mobility, restricted their social and family contact, and restricted their educational, career and personal growth.<sup>310</sup>

In addition to inflicting physical and other injuries, their male partners refused to provide financial support to help sustain the survival of the family. As a result, they were unable to sustain their own livelihood as well as their children's livelihood because of lack of financial support from their partner and/or lack of access to resources.<sup>311</sup> Some women narrated that their male partner denied them from accessing and utilizing their common property and destroyed, transferred or sold it without their knowledge for his own benefit.<sup>312</sup>

Few participants revealed that they have faced sexual abuse. For instance, one informant mentioned that her partner forced her to have sex during pregnancy while he was drunk.<sup>313</sup> Another informant who is living with HIV/AIDS said that her partner forced her to have unprotected sex despite the fact that her doctor informed them to use condom during sex in order to control the level of her CD4.<sup>314</sup> Another informant expressed that her husband forced her to have sex while she was sick.<sup>315</sup>

The study indicates that, except two study participants,<sup>316</sup> the rest view IPV as a fact of life rather than as a violation of their rights. Even though many of the study participants mentioned their injuries to be faults of their partners; they do not recognize these acts as a violation of their rights thereby capable of bringing legal accountability.

From their narrations, it can be determined that not only did women suffer different forms of violence, but they have also encountered overlapping forms of violence. However, sexual violence was not specifically

<sup>309</sup>Interview with MM, ZS, HL conducted in Dore Bafano on 28 August 2015, AbK, AK conducted in Ambo on 20 August 2015 and with BS conducted in Hawassa city on 27 August 2015.

<sup>310</sup>Interview with FA and BS conducted in Hawassa city on 27 August 2015 and AK, BF, MK, ET and LM conducted in Ambo on 20 August 2015.

<sup>311</sup>Interview with TR conducted in Hawassa city on 30 July 2015 and BS in Hawassa city on 27 August 2015, ST conducted in Dore Bafano on 31 July 2015, MM, ZS conducted in Dore Bafana on 28 August 2015 and AK, KB, ET, KR, LM, DK, AT, AbK conducted in Ambo on 20 August 2015.

<sup>312</sup>Interview with EE conducted in Dore Bafano on 31 July 2015 and AK, LM, AT conducted in Ambo on 20 August 2015.

<sup>313</sup>Interview with DK conducted in Ambo on 20 August 2015.

<sup>314</sup>Interview with FA conducted in Ambo on 20 August 2015.

<sup>315</sup>Interview with ZS conducted in Dore Bafano on 28 August 2015.

<sup>316</sup> Interview with MA and AK conducted in Ambo on 20 August 2015.

mentioned by most participants as a form of IPV.<sup>317</sup> This might potentially be due to the fact that speaking about sexual matters is considered taboo in most of Ethiopian society. It may also be due to societal expectations in which women consider sex with intimate partners to be their duty even if it is done without their consent or it affects their health.

## **ii. The Invisible Hands of Power Relations in Intimate Partner Violence**

The most significant reason behind violence is the power relationship that accepts acts of violence as an expression of male superiority. Male superiority can be manifested through his ability to control the actions, behaviors and views of his partner. The society views men who fail to do so as weak. The stories below demonstrate how male partners use power to control the actions, behaviors and views of their female partners:

“He does not want me to work. He came and disturbed my business and because of that I stopped working for four months. He does not want me to go anywhere.”<sup>318</sup> “He does not want me to continue my education. I could not continue because he is not willing to pay for my education. He does not want me to meet friends and work. I used to have my own shop. But he does not want me to treat my customers with hospitality. <sup>319</sup> Though he is educated, his view towards women is very traditional. He believes that women are subordinate to men, has no capability. He thinks a woman should stay home, cook and clean for her husband.<sup>320</sup>

“He does not allow me to socialize with neighbors by taking part in coffee ceremonies. He does not want me to go out of the house and do my own thing. When I have to attend a funeral or wedding, he does not allow me. He justifies my absence by telling my family and neighbors that I am sick and cannot attend those events though I am healthy”<sup>321</sup>

Traditionally, a woman cannot attend a funeral by herself. She must be accompanied by her husband. However, my husband does not want to attend the funeral of my family members. Because of this, I was unable to attend the funeral of my grandparents. Whenever, I go out for shopping, he

<sup>317</sup> It is four of the study participants who expressed that they have been forced to have sex when they do not want.

<sup>318</sup> Interview with LM conducted in Ambo on 20 August 2015.

<sup>319</sup> Supra note 83.

<sup>320</sup> Ibid.

<sup>321</sup> Interview with ST conducted in Dore Bafano on 31 July 2015.

sets time limits in terms of minutes. If I stay longer than the time limit set by him, he gets mad.<sup>322</sup>

The aforementioned accounts of informants from both study sites show a violation of rights ranging from control of mobility, right to work to basic sexual rights.

One informant reported that her husband prevented her from working by arguing that the income he generates is sufficient.<sup>323</sup> Another informant pointed out that her husband prohibits her from continuing her education. She said, "He even removes the bulb at night so that I won't study".<sup>324</sup> The above acts of control and isolation are exercised in order to maintain a husband's power over his partner. In some cases, the study participants expressed that the socially constructed roles of men and women has contributed to the domination of women by men. In certain instances, the cause of the violence is related to the male assumption that his wife is not fulfilling her role.

In addition to power relations, some argue that the educational and economic situation of a woman makes her vulnerable to IPV. The researchers considered the educational levels and employment status of the study participants to find out how it relates to IPV.

Among the 24 informants, only 2 (8.3%) are illiterate. The rest of the informants had some level of education ranging from primary school to university level education. From the educational background of the study participants, one can infer that the level of education of the study participant does not necessarily relate to their vulnerability to IPV in a direct way. A woman's educational status does not by itself exonerate her from being a victim. It may even make a woman more vulnerable to IPV as her empowerment may threaten the existing power and control relationship that stands to benefit her husband. As a result, men may resort to exercising controlling behaviors and violent acts to maintain the status quo.

In relation to employment status of our informants, twelve (48%) among the 24 are employed or run their own business. However, women's ability to earn an income by itself does not protect them from violent acts perpetrated by their partners. In certain instances, her employment status resulted in a negative reaction from her husband who may try to solidify his power and

<sup>322</sup>Interview with AH conducted in Dore Bafano on 31 July 2015.

<sup>323</sup>Interview with BF conducted in Ambo on 20 August 2015.

<sup>324</sup>SA discussant of FGD with Women Community Members conducted in Ambo on 24 August 2015.

further suppress his wife. In other instances, her enhanced capacity to earn income seems to divert the income of the husband for personal consumption rather than for family consumption. This resulted in her carrying the entire financial burden of providing for the family.<sup>325</sup> This shows that unless the economic empowerment of women is supported by a change in societal attitudes, women will not escape from IPV.

From the data gathered, 9 out of the 25 study participants (36%) identified the starting point of violence at pregnancy and childbirth. They explained that their partner felt that women have no choice other than to stay with their partner under any condition after pregnancy and childbirth. This explains that the more children women have the less power they have over themselves and the more they tolerate violence for the sake of their children.

### **iii. Other Factors Associated with Intimate Partner Violence**

Apart from the desire to exercise power and control as described above, our study participants indicated alcohol abuse, the interference of in-laws, financial disputes and infidelity as factors that triggered violence.<sup>326</sup> In addition, one participant informed us that violence started when her partner began blaming her for not being able to give birth and for being HIV positive.<sup>327</sup>

The difference in the accounts of survivors of IPV elucidate that a single factor cannot be attributed as its cause. As has been explained by the ecological framework, many factors contribute to IPV.<sup>328</sup> Moreover, various literatures associated early marriage as a factor that increases the vulnerability of women to IPV. According to our finding, close to half of the interviewed survivors of IPV were married before the marriageable age provided under the law. Though it is difficult to establish causality between early marriage and IPV, it can be concluded that it is one contributing factor for IPV among the study participants. However, further research is necessary to establish whether this can be generalized to all cases of early marriage.

<sup>325</sup>Interview with MH conducted in Hawassa and FGD with Women community members-in Hawassa on August 29, 2015.

<sup>326</sup>Interview with MK, KR and AT conducted in Ambo on 20 August 2015, ST and AH conducted in Dore Bafano on 31 July 2015 and MJ conducted in Hawassa city on 30 July 2015.

<sup>327</sup>Supra note 92.

<sup>328</sup>Brewster, Mary P. Supra note 47: 36.

The researchers also investigated the association between forced marriage and IPV. According to the findings, most of survivors of IPV 14 out of 21 (67%) entered into their marriage through their free consent. Only 6 out of 21 (28%) of IPV survivors interviewed were forced to marry. From this, it can be implied that even women who entered into marriage of their own free will potentially face IPV.

The stories told by our informants can be best explained by Power and Control Theory. Although Power and Control may not be the only factor at play, we can infer from our informants' stories that the Power and Control Theory best explains their experiences.

#### **iv. Consequence of Intimate Partner Violence**

According to our informants, the violent acts resulted in bodily injuries, psychological stress and trauma, financial hardships and a distorted self-concept. Some of our informants sustained injuries to their uterus, ear, teeth and on other parts of their bodies.<sup>329</sup> Because of the violence, they became fearful and felt embarrassed. They also sustained mental breakdown and diminished self-concept.<sup>330</sup> The violent acts affected their children's wellbeing, which resulted in the children dropping out of school, low results in their education, and psychological problems.<sup>331</sup>

As can be inferred from the interviews, the physical, psychological, sexual violence and controlling behaviors caused different kinds of harm on the women and their families. In addition to the effects of IPV on the women, there are also costs to the state.

Studies have established that in economic terms, violence results in countries losing billions of dollars due to the cost of justice and healthcare services, loss of productivity and missed work.<sup>332</sup> Governments should be made aware of the economic cost of violence in order to incentivize the urgent need to take legal measures toward eliminating IPV.

<sup>329</sup>Interview with TR an MS conducted in Hawassa city on 30 July 2015, EE conducted in Dore Bafano on 31 July 2015 and KR and BF conducted in Ambo on 20 August 2015.

<sup>330</sup>Interview with MA conducted in Hawassa city on 30 July 2015.

<sup>331</sup>Interview with TR and MS conducted in Hawassa city on 30 July 2015.

<sup>332</sup>Duvvury, Nata et al. 2013. *Intimate Partner Violence: Economic Costs and Implications for Growth and Development*, The World Bank. See also Day, Tanis, Katherine McKenna and Audra Bowlus. 2005. *The Economic Costs of Violence Against Women: An Evaluation of the Literature*. *The United Nations Expert Brief* NO 5.

## v. Trends in Help-seeking by Survivors

Almost all of the study participants sought help from informal help providers such as family, community members, neighbors, local elders and religious leaders rather than from formal help providers such as the police, the courts, Women and Children Affairs Offices before going to the legal aid center. From the interviews with survivors of violence, informal help providers are preferred to formal ones. In seeking help, the survivors of IPV tried to resolve the marital problem by approaching more than one help provider. Accordingly, 60% (15 out of 25) of the study participants sought help from family, 40% (10 out of 25) from elders, 24% (6 out of 25 study participants) from neighbors and 8% (2 out of 25 study participants) from religious leaders. When we look at the proportion of women who reported their case to the police, Women and Children Affairs Bureaus and *Kebele*, it is 36% (9 out of 25 study participants), 20% (5 out of 25 study participants) and 24% (6 out of 25 study participants) of women respectively. The researchers also found out that one study participant used self-defense as coping mechanism in addition to seeking help.<sup>333</sup>

The study participants who sought help from informal help providers underlined that the informal help providers, most of the time, are not gender sensitive and require the woman to tolerate her husband by endorsing the social norms that require a woman to embrace her family. Some of the study participants in Ambo stated that when they sought help from neighbors, elders and family, their first response was to ask them to tolerate the abuse and reconcile. This can be seen in the following excerpts from interviews:

“My neighbors advised me to tolerate everything for the sake of my child and the properties we acquired.”<sup>334</sup> “I took my case to elders three times. The elders advised me to tolerate while they told him to allow me to work.”<sup>335</sup> “The elders pressured me to reconcile. They said *ebabe ena gundan enkwane abero keremtune yasalefal* literally meaning ‘even a snake and an ant live together/ tolerate each other during the rainy season.’”<sup>336</sup>

Some survivors of IPV in Hawassa informed us that upon mentioning about the violence they faced, they were sidelined by family members and friends. This is reflected in the account of one informant who recounted that, “I talked to his mother. She told me that though he behaved badly, I

<sup>333</sup>Interview with KB conducted in Ambo on 20 August 2015.

<sup>334</sup>Interview with AK conducted in Ambo on 20 August 2015.

<sup>335</sup>Supra note 101.

<sup>336</sup>Supra note 92.

do not have to complain about it as it is his nature.”<sup>337</sup> Likewise, another informant pointed out, “When things became unbearable, I told our situation to his brothers. However, they sided with him.”<sup>338</sup>

The same holds true for some study participants in both research sites when they approached the police for help. Accordingly, the police either dismissed their story by telling them to resolve it through mediation or misled them by informing them that the issue is not a criminal case or that cases should be filed upon complaint while the injury is grave. The following excerpts from interviews show these interactions with police:

“I went to the police. They referred me to the legal aid center claiming that the case is a civil case.”<sup>339</sup> “I took my case to the police once when I was kicked on my rib by an intimate partner. He convinced them that it happened unintentionally and they settled the case amicably”.<sup>340</sup> “When I was breast feeding our seven months old child, my husband tried to kill me and I was injured on my head. I went to the police and they took me to the health center. They arrested him for two months but they released him saying that I did not file a complaint against him”.<sup>341</sup>

Moreover, the study participants who approached the police were not satisfied with the outcomes in both research sites. Most of the study participants who sought help from the police claimed that the police were not effective in providing help. The following are some of their encounters:

“He has been arrested by the police but he was released in no time.”<sup>342</sup> “I once went to the police but they sent me away and told me to go to a hospital. The police officers were not sensitive to my case.”<sup>343</sup> The police also admitted “light cases (minor injuries) end with mediation while grave crimes such as bodily injury are prosecuted even if the parties come to terms.”<sup>344</sup>

Most victims took temporary measures such as moving out of their home and staying at a neighbor’s or family member’s place until their husband or partner calmed down. After a while family and neighbors intervened and

<sup>337</sup>Supra note 99.

<sup>338</sup>Interview with TR conducted in Hawassa city on 30 July 2015.

<sup>339</sup>Supra note 100.

<sup>340</sup>Interview with MJ conducted in Hawassa city on 30 July 2015.

<sup>341</sup>Supra note 112.

<sup>342</sup>Supra note 117.

<sup>343</sup>Interview with MK conducted in Ambo on 20 August 2015.

<sup>344</sup>Supra note 80.

settled the matter. However, this does not last long as the violence recurs soon after. This can be seen in the following narrations:

“The court referred our case for mediation four times. I settled the dispute amicably for the sake of my children. But when it became unbearable, I got a divorce a year ago.”<sup>345</sup> “I told friends of my partner about the issue and asked them to advise him. He did not accept their advice. The violence became even worse after they advised him.”<sup>346</sup> “After the abuse, I told his brother what he was doing. He advised him to refrain from abusing me. However, that did not change him. I waited for him to change until my child turned three. Finally, because the abuse continued, I went to Women and Children Affairs office and told them about the abuses I suffered.”<sup>347</sup>

As a last resort, when the violence becomes unbearable, the survivors went to the legal aid center seeking help to process their divorce or separation or child maintenance. One informant said “I came to the Legal Aid Center after nine years of abuse. He always apologies whenever elders/neighbors intervene however he never changed for long.”<sup>348</sup>

This shows that women resort to courts when the situation becomes unbearable and even in such instances they often pursue civil remedies such as divorce instead of seeking the criminal prosecution of their partners on account of IPV.

#### **vi. Determinants of Help Seeking Trends**

Most of the study participants did not seek help from help providers until it became unbearable for various reasons. One of the reasons mentioned by the study participants was that they did not seek help for the sake of their children’s wellbeing, i.e., for the sake of protecting their children from being fatherless due to divorce. The other reason is related to the wider societal norm whereby the society expects victims of IPV to tolerate the abuse. According to our informants, this is justified using various sayings such as *tersena melase senkaka yegachale* which means “even our own teeth and tongue push each other” and *ebabe ena gundan enkwane abero keremtune yasalefal*, which means that “even a snake and an ant live tolerating each

<sup>345</sup>Interview with ZE conducted in Dore Bafano on 28 August 2015.

<sup>346</sup>Interview with AbKe conducted in Ambo on 20 August 2015.

<sup>347</sup>Supra note 83.

<sup>348</sup>Ibid



during the rainy season".<sup>349</sup> In addition, they face various threats from their partners whenever they take a step forward in seeking help.<sup>350</sup>

According to elders interviewed, primarily, traditional rules require a woman to resort to local elders, who might be family members or neighbors for help. If she transgresses this requirement, they consider it disrespectful to the traditional and the societal way of life.<sup>351</sup> This pressures women to seek help from informal help providers first before resorting to formal help providers. Most of the study participants did not seek help from formal help providers for the abuses they suffered for various reasons. The following are some of the reasons why they did not go to the formal help providers and the challenges they faced when they approached formal help providers:

"I don't have the ability to articulate my view before such public places. I went to the legal aid center because of the pressure from my friends to get help. I did not go to the police believing that even if he is arrested for some time, he will be free after a while which will make him more dangerous."<sup>352</sup>

"I know courts will take action and separate couples. However, this happens after a long exhausting process. I believe divorce should be a last resort and I am giving him the chance to correct and improve himself".<sup>353</sup>

According to our key informants, survivors of IPV prefer the informal help provided for various reasons. Accordingly, cultural pressure and economic dependency of women prevent them from seeking help. Most of the reported cases do not end up in courts. Because of traditional pressures, women do not pursue their cases further to avoid social isolation and family break up. IPV cases are brought to court by women in urban areas. Rural women don't bring cases for various reasons...Women usually do not afford to take their cases to courts since courts are far away from their hometowns. They do not have the financial capacity to cover transportation

<sup>349</sup> FGD with Community members in Hawassa and Interview with FA conducted in Ambo 20 August 2015.

<sup>350</sup> Interview with ST conducted in Dore Bafano on 31 July 2015 and AK conducted in Ambo on 20 August 2015.

<sup>351</sup> Interview with Ato Bekele Bayeta- Ambo town local elder and Ato Ejigu Gutu- Toke Kutay Wereda, Boku Spiritual Elder on 21 August 2015.

<sup>352</sup> Supra note 83.

<sup>353</sup> Ibid.

cost, court fee, food and shelter cost. They have to travel a long distance on foot, which exposes them to other types of violence, to come to court.<sup>354</sup>

In addition to this, even when cases are brought to courts, there is a tendency to give less attention and weight to cases of IPV. Courts were not rendering deterring decision/punishment since judges are also influenced by traditional views though this is improving from time to time.<sup>355</sup> It was also stressed that “There is delay in proceedings and passing final decisions which leads to distorted evidence and witnesses losing the exact account of facts because of a lapse of time.”<sup>356</sup>

Some of our informants reported that the abuse lessened or stopped after they took their cases to formal legal service providers.<sup>357</sup> This can be seen in the following narrative from one of the informants:

“After I came to the legal aid center, now he provides financial support to cover the expenses of his children. Since he knows that I am going to leave him with my children if he continues to abuse me, he stopped the abuse because of his love for our children”.<sup>358</sup>

On the contrary, some are not satisfied with the outcomes from formal help providers. This can be inferred from the following accounts:

“I informed my situation to the Kebele administration. However, they did nothing. They did not arrest him. Once he spread Kerosene gas on the food I cooked. I sued him at Women’s Affairs Office. They advised us and settled the case amicably. But he did continue abusing me afterwards.<sup>359</sup> “I have gone to Women and Children Affairs Office, Kebele administration and the police several times but they were not effective. I lived in such a situation for 10 years. I have gone to the police and they arrested him and released him after one day. They said that they could only hold him for 24 hours according to the law. I did not file a complaint.”<sup>360</sup>

<sup>354</sup> Interview with Ato Asfaw Negera (Ambo Wereda Court President) conducted in Ambo on 21 August 2015.

<sup>355</sup> An interview with Ato Tadele Eredachew, VAWC Special Prosecution Unit Coordinator, SNNPR Justice Bureau on 30 July 2015.

<sup>356</sup> Ibid.

<sup>357</sup> Interview with MS conducted in Hawassa city on 30 July 2015 and EE conducted in Dore Bafano on 31 July 2015.

<sup>358</sup> Supra note 83.

<sup>359</sup> Interview with EE conducted in Dore Bafano on 31 July 2015.

<sup>360</sup> Supra note 92.

It was found out that the mediation by elders, family and other formal institutions does not target finding out about the real causes of the problem and finding lasting solutions. Most of the time, the parties are advised to forget and forgive their issues without carefully addressing the root causes and their solutions.<sup>361</sup> This makes mediation ineffective as the same situations present themselves a few days after the mediation.

#### **vii. Availability of Services to victims of Intimate Partner**

In Hawassa, since 2014 G.C a Special Women and Children Prosecutor Unit has been established. The Unit carries out various activities to prevent VAW and children and investigates and prosecutes such cases. The Unit has a team composed of prosecutors, police and social workers to investigate and prosecute these cases.<sup>362</sup> However, it is difficult to identify which cases of IPV the Unit handled since the case recording reports do not include IPV in the list of crimes. The case recording report shows that the Unit has investigated and prosecuted grave physical injuries, insult and simple physical injury against women. However, it does not show whether these crimes occurred within marriage or in irregular union.

In an interview held with the Unit's coordinator, it was provided that the Unit entertained cases of violence. When such cases are brought forth, the Unit investigates the case using its female police officers, prosecutors and social workers and applied various protective measures. According to the Unit, protection measures are based on the gravity of the cases and include calling the abuser and speaking with him about the matter. If living with the abuser threatens the life of the victim, he is required by the police to disperse their home until an investigation is completed. However, this action of the Unit does not have any legal support.<sup>363</sup>

Women and Children Affairs Bureaus and offices in both research sites entertain IPV cases. In most of the cases, they reconcile the parties. If the parties are not willing to reconcile, their cases are sent to the police or court or legal aid centers whenever appropriate.<sup>364</sup>

<sup>361</sup>FGD with women community member in Hawassa city on 29 August 2015.

<sup>362</sup>Supra note 133.

<sup>363</sup>Ibid.

<sup>364</sup>Interview with Genet Gabisa Hawassa City Women, Children and Youth Affairs Office conducted in Hawassa on August 26, 2015, Interview with Almaze Shofe – Dore Woreda Women and Children Affairs Office, legal officer, conducted in Dore Bafano

In Hawassa City, a network that works on sexual violence and gender based and child violence has been established. The network is established among seven relevant offices: Hawassa referral Hospital, the First Instance and High Courts, the VAWC Special Prosecution Unit, the Hawassa City Police Administration, sub-city police stations, sub-city Women and Children Affairs offices, schools and other non-governmental organizations.<sup>365</sup> It has a referral system that was established in order to prevent VAW and protect victims of sexual violence and GBV. Though this network was established to work on all forms of violence, the participants of FGD noted that VAW and IPV were not priority areas for the network. Instead, the primary focus is the protection of child victims.<sup>366</sup> This shows that a common understanding on the scope of the work of the network should be created among stakeholders.

In addition to the government efforts mentioned above, various NGOs provide shelter and psychosocial services to survivors of violence in Hawassa. Though there are various initiatives in Hawassa for the prevention of VAW and protection of victims, a coordinated and multi-sectoral response to violence and IPV does not exist, especially in the Ambo and Dore Bafana areas.

The initiatives in Hawassa, though commendable, have gaps and challenges. According to Women and Children Affairs Office, the main challenge is the lack of funding needed to address the needs of survivors of IPV. In addition, there is lack of political commitment to women's issues in general and IPV in particular in budget allocation.<sup>367</sup> It was also mentioned that traditional views are reflected in the decisions and actions of law enforcement organs and judiciary.<sup>368</sup>

The researchers found that the role of elders is pronounced in marital disputes in Dore Bafana and Ambo. According to elders, they apply various punishments in marital disputes and order compensation against the party

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on August 28, 2015. FGD discussants Almaz Taye -Ambo Woreda Women and Children Affairs Office and Alem Bellama- W/Shoa Zone Women and Children Affairs Office conducted in Ambo on August 24, 2015.

<sup>365</sup>An interview with Ato Gelay Tibo- Mainstreaming Gender in development coordinator of Hawassa City Administration, Women and Children Affairs Office conducted on 30 July 2015.

<sup>366</sup>FGD with Key informants in Hawassa city on 29 August 2015.

<sup>367</sup> Ibid.

<sup>368</sup> Supra note 144.

who is at fault. The following narrations describe these punishments issued by elders:

Women, who are assaulted, expelled from home by their husbands come to us. If the husband is at fault, we apply '*sera*'. This is a traditional procedure that isolates the husband from interacting with the society. In such a case, the husband will not meet anyone or any person will not have an interaction with him. He cannot attend funerals or any other ceremony. In addition, we punish him with a fine. If he does not have money to pay, he apologizes and we forgive him if he starts to behave properly.<sup>369</sup> If there is a physical damage sustained by the woman, we order the husband to compensate her blood by slaughtering a goat for her. If the damage she sustained is grave, a calf will be slaughtered for her.<sup>370</sup>

When marital disputes arise, the case will be taken to local elders as a first step, Aba Boku as second step and Court as a last step. Aba Boku orders the perpetrators to give "*gabi and kibe*" means "butter and traditional comforter" to the victims as compensation. Aba Boku makes the perpetrator promise not to commit the act again and if he breaks the promise he will be cursed. The solution given by elders is preferable as the persons are more open before elders. It is also a win-win situation. The perpetrators fear breaking the promise they made in front of the elders because of the place such promise has in Oromo culture. If they break such promise, they face severe punishment. Punishments are paid in kind (bull for Aba Boku, "*gabi*" for the victim, a sheep, grain and butter). There are cases where the parties forgo this since the properties from which the perpetrators pay compensation are common properties.<sup>371</sup>

The main gap in the traditional dispute resolution mechanisms is that women do not participate as mediators. They do not also participate in the whole process since a woman cannot attend public sessions of mediation (*Gubaye*). But according to elders "they give priority to women's issue when such issues arise".<sup>372</sup> Further, the mediators do not allow the women to divorce as can be understood from their view that "a woman who does not want to live with her husband in the first place should not come to us."<sup>373</sup>

<sup>369</sup> Interview with Gowano Humilo, Local Elder at Dore Bafano on 28 August 2015.

<sup>370</sup> Ibid.

<sup>371</sup> Supra note 130.

<sup>372</sup> Supra note 147.

<sup>373</sup> Ibid.

## VI. Conclusions and Recommendations

This paper accents the need to pay due attention to structural factors accounting for the existence and prevalence of IPV. One of such factors relates to the patriarchal norm. Male partners wanting to manifest power and control over their female partner is the main factor for the infliction of physical, psychological, sexual and economic violence and controlling behaviors. Traditional norms, views and attitudes of the society sustain this behavior of power and control by men over their female partners.

Numerous factors account for the dominant trend whereby victims of IPV often resort to seek help from informal help providers. When they seek help from the formal help providers, they are not provided with the full protection needed. Thus, the authors recommend the following measures to be taken by the government and other stakeholders working on the protection of women's rights in the research sites.

Based on the major findings of the study this paper forwards the following policy recommendations;

- A mechanism to improve and coordinate law enforcement response should be designed with the involvement of all stakeholders.
- Standards and guidelines should be developed to make the investigation and prosecution of IPV cases gender sensitive and victim-centered.
- The existing mediation format should be formalized with the adoption and utilization of human rights standard.
- Resources should be allocated for the prevention of IPV and the protection of IPV survivors.
- A law should be adopted that allows law enforcement organs to apply protective measures such as restraining orders to protect survivors from revictimization.

Furthermore this paper forwards the following recommendations for programmes addressing IPV;

- Raising awareness on the rights of women should be done using various methods including community dialogue.
- A communication strategy should be designed to provide IPV victims with information about existing help providers.
- The existing referral network in Hawassa should be strengthened and similar referral mechanisms should be instituted in Ambo and Dore Bafana.
- Legal assistance and other support measures should be provided to survivors of IPV.

- Human rights trainings should be given to mediators.
- Trainings should be provided for law enforcement organs on how to investigate and prosecute IPV cases in a gender sensitive manner.
- Reversing the trend and practice of female IPV victims running away from home to seek help is necessary.
- A mechanism should be devised that protects a woman from revictimization and allows her to pursue a legal case while she is at home with her children.
- Cases of IPV filed to the police, public prosecutor office and courts should be recorded for research and policy making purposes.