

Good Practice: Harmonising Traditional Norms and National Law in Ethiopia

Female Genital Mutilation in Ethiopia

According to estimates by the World Health Organization, female genital mutilation (FGM) affects some 140 million women and girls worldwide – and another 3 million girls are circumcised every year. FGM is mainly practised in 28 African states, to a lesser extent in some Asian countries and, as people move from one country to another, in countries of immigration, too. FGM covers all practices involving the partial or complete removal of the external female genitalia and/or other injury to the female sexual organs, whether for cultural or other, non-therapeutic reasons.

WHO classification of different types of FGM

- Type I: Partial or total removal of the clitoris and/or the prepuce (clitoridectomy).*
- Type II: Partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (excision).*
- Type III: Narrowing of the vaginal orifice with creation of a covering seal by cutting and appositioning the labia minora and/or the labia majora, with or without excision of the clitoris (infibulation).*
- Type IV: All other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.*

In Ethiopia, about 74 % of women have undergone FGM (DHS-20051). FGM is practised by all religions, by Muslims and Orthodox Christians as it is by the Falasha, Ethiopians of Jewish faith. Prevalence amongst the Somali and Afar is reported to be 99%. Amongst the Oromo, the rate is 90 % and amongst the Amhara around 79 %. In the southern regions, approximately 60 % of women are affected by FGM. The age at which circumcision occurs varies greatly depending on the different ethnicities and regions. Approximately half of Ethiopian girls are circumcised in their first year of life. In the Afar and Amhara regions, it normally takes place during early childhood and amongst the Oromo once girls are around seven years of age.

In 1994, Ethiopia's constitution adopted a law on harmful traditional practices. Pursuant to this new article, women have the right to protection by the state from harmful customs. "Laws, customs and practices that oppress women or cause bodily or mental harm to them are prohibited." In 2004, the Ethiopian Government modified the country's penal code by making FGM a criminal act. However, no complaint has been filed to date.

¹ Demographic Health Survey had a module on FGM.

Why was the Civic Education and Support Project Implemented?

The supraregional project “Ending Female Genital Mutilation” supports governmental as well as non-governmental organisations working to end FGM in East and West African countries. It provides technical assistance to its partners in implementing their programmes and activities. The project also helps identify promising approaches and practices that stimulate a process of reflection about traditional attitudes to FGM and help foster relevant behavioural change.

One of the projects supported by GTZ is the “Ejere District Civic Education and Support Project”. The project addresses female genital mutilation along with several other harmful traditional practices violating the mental and physical integrity of women and girls. Other rights questions such as women’s access to and control over productive resources have been incorporated in order to enhance understanding of women’s situation in rural communities.

Stakeholders and their Roles

“HUNDEE/Oromo Grassroots Development Initiative” is a local NGO operating in the Oromia region. Since its establishment in 1995 it has implemented several development and civic rights education programmes addressing issues like harmful traditional practices – including FGM – through focusing on women’s rights promotion and the legal protection of women. HUNDEE has been working for many years in identifying and eliminating harmful traditional practices that are impediments to women’s decision-making power with regards to major household resources. So far, HUNDEE has carried out various advocacy activities and civic education programmes in order to promote the recognition of women’s land ownership rights and was able to introduce rural communities to the concept of women’s rights and protection. Its advocacy work on women’s land ownership rights has contributed to the drafting and adoption of the Oromia Land Use Policy in which women’s right to hold property has been elaborated and recognised.

The Main Elements of the Ejere Civic Education and Support Project

The project design rests on a two-pronged strategy aiming to realise women’s rights and protection by:

- strengthening duty bearers (community members and elders, usually men) to fulfil their obligation to protect women and girls from all forms of violence
- empowering women and girls to invoke their rights

While an exclusive focus on either rights’ holders (women) or duty bearers (community members and men) might be necessary and useful in the short term, a one-sided strategy is unlikely to bring about the social dynamic at the core of the approach. HUNDEE’s approach is based on enhancing the recognition of women’s rights and protection by the community and establishing institutional mechanisms for the protection of women from harmful practices and violence, and increasing women’s access to and control over productive resources.

The Oromo Community determined the appropriate mechanism of accountability themselves, and decided that the customary, traditional law ‘seera’ will be applied in order to hold people accountable for violating women’s rights.

HUNDEE’s civic education approach is informed by a systematic understanding and analysis of women’s position in society. Women are encouraged to discuss their status in

rural society with traditional leaders/authorities. The activities of the project are structured accordingly and consist of:

- separate discussion forums for women and men
- joint consensus-building workshops
- establishment of Women’s Rights Defense Committees (WDC)
- establishment of links/contacts/a working relationship with law-enforcing organisations

At the core of HUNDEE’s strategy lies a rights-based approach. The rights-based approach to addressing FGM differs from other prior approaches in that:

- It works on the assumption that rights can only be realised through empowerment.
- It focuses on the structural causes underlying FGM rather than on more immediate causes like lack of awareness or knowledge.
- It focuses on the social, economic, and cultural context of FGM and other harmful traditional practices.

A rights-based strategy to address FGM relies on participation both by the rights’ holders’ (the women) and the duty bearers’ (community members and men) perspective. On the one hand, it aims to enhance rights’ holders’ capacity to advocate for their entitlement, but on the other hand, the strategy also has to address the duty bearers’ willingness to recognise, respect and fulfil the right to participation. Thus, the strategy allows the two groups to deliberate on how existing traditional structures and processes can be reformed in order to secure a free, active and meaningful participation of women.

The second principle of the rights-based approach is accountability, which requires that the community accepts responsibility for the impact it has on women’s lives and cooperates by providing information and responding adequately to negative views on women’s participation.

HUNDEE’s approach to addressing FGM is based on the assumption that others (e.g. other community members, tribal elders etc.) have a duty to ensure the fulfilment of women’s rights and protection.

Bearing in mind HUNDEE’s two-pronged approach, the rights-based approach seeks to empower the rights’ holders (the women) to demand accountability and to seek justice. This includes establishing Women’s Rights Defence Committees with the function of arbitrating disputes or addressing grievances. In addition, women are given access to the judicial system and are supported in pursuing legal proceedings.

The Steps Followed by HUNDEE

1. Participatory Discussions

In the first round of discussions, group discussions are held with community elders to create a better understanding of the status of women with regards to property rights and protection from harmful traditional practices and to build trust and confidence.

Women’s Workshops

Second round of discussions is held with women alone.

Topic: Understanding equality

Discussions with women focus on what women understand by the concept of equality between men and women. They discuss the origins of inequality and the role tradition plays in perpetuating it.

People in rural areas often talk about '*Qitumma*,' an Oromo word that approximately describes the concept of equality. Allowing workshop participants to reflect on the concept of equality and especially on equality between men and women has been found necessary because of the firm belief that positive or negative responses to the concept of equality between the sexes determine a rural community's willingness to improve the position of rural women. Women attending the Ejere-district workshop were asked to reflect on the concept of equality between men and women and to differentiate between biological differences between men and women and those due to social construction.

Particularly the younger workshop participants vehemently argued that inequality wasn't biological or God-given. They argued that Man himself and the society he constructs have to bear the responsibility for perpetuating inequality between the sexes. They pointed out that culture and tradition often reinforce the custom of treating women as inferior human beings, - a belief that is perpetuated through the socialization process of girls and boys. This group that tended to detach itself from the normative belief that women are inferior came up with education and awareness creation as important ways to remedy distortions regarding women's equality to men. As education and skills-training opportunities for women expand, women have the opportunity to acquire skill, which men were long thought to have a monopoly on.

After a lengthy exchange of views and perceptions on the concept of equality, the general consensus reached among the group was that God created man and woman as equal human beings. Any inequality is therefore a unique phenomenon of human society and social construction, which can be changed over time. Participants were encouraging each other not to accept societal fictions that undermine their equality, which is divinely ordained, and to make a call to every woman to liberate her mind and accept her equality in all dealings with the opposite sex.

The analysis of differences, both biological and socially constructed, will hopefully enhance women's understanding of their worth as human persons with fully recognized rights and obligations. As experience has shown, doubts women have on their equal status with men do not only arise out of apparent confusion between biological differences and social construction, but also out of a general belief that women's contribution to household economy and community welfare does not match that of men. Accepting this train of thought would only end up reinforcing women's belief that men are what they are because of their supposedly superior contribution to their respective households and to the community at large.

Men's Workshops

Major topics covered during the men's workshops were similar to that of women's workshops: equality between the sexes, women's property rights, and harmful traditional practices with an emphasis on female genital mutilation. Similar methodology was applied to address discussion topics. To avoid repetition/duplication of ideas raised during both the men's workshops and joint workshops, this report focuses only on new ideas and opinions reflected during the men's workshops.

Topic: Equality between men and women

The objectives of this session were to find out what male participants understood by the concept of equality, to discuss the origins of inequality and the role tradition plays in perpetuating it, and to introduce aspects of the Ethiopian Constitution on women's rights. Allowing male workshop participants to reflect on the concept of equality has been considered necessary due to HUNDEE's firm belief that a positive response to the concept of gender equality determines rural communities' willingness to improve the inferior status of rural women. With this in mind, workshop participants were asked if they considered men and women equal based on real-life observations.

Initially, some participants voiced the opinion that women and men were by no means equal and spoke in favour of men's superiority. This group of people argued that women were created inferior, subordinate, dependent, physically weak, ignorant, and irrational, etc. The other group of men strongly argued that, as human beings, both men and women were created equal and the differences put forward as proof of women's inferiority (physical weakness, mainly working in the house, etc.) were rather the outcome of lack of training and those attributed to biological differences.

Topic: Property rights

The objectives of this session were to explore men's perception on access to and control over household property; and to identify constraints in the exercise of rights and the decision-making process at household level.

Topic: Female genital mutilation

The objectives of raising this topic include obtaining a view of the different social perceptions underlying the practice and raising awareness among communities that the practice constitutes a serious human rights violation. The angle of inquiry will be complemented through obtaining once again communities' views and suggestions towards eradication of the practice.

Some of the reasons for female genital mutilation (FGM) exclusively listed by men are:

- That uncircumcised girls become mannerless, aggressive and destroy household utensils
- fear of getting no husband by acting against the tradition of the community and
- not to be considered as uncivilized citizens

These and other reasons cited by women were thoroughly discussed whether are based on fact or not. All the reasons cited could be proved to be no more than simple myths. In order to prove the cited reasons untrue, some of the participants presented their experiences of non-circumcised women.

The purpose of discussion on FGM is not only to list reasons forwarded by the community to justify it. It is mainly to sensitize workshop participants for the negative effects of female genital mutilation so that the community would be convinced and individual members of the community fight for its elimination. To this end, it was found necessary to thoroughly discuss each of the negative effects of female genital mutilation. All the negative effects of female genital mutilation discussed during women's workshops were also raised during men's workshops so that they understand the consequences and refrain from such practices.

The possibility of death due to excessive bleeding and complication of the reproductive system, the risk of contracting HIV/AIDS, and susceptibility to anaemia have been brought up and discussed with workshop participants. They came to a consensus to sensitize the

community about the problems associated with female genital mutilation and to express their indignation against FGM, which has been regarded as normal for years.

2. Joint Consensus Building Workshop Leading to Community Action

A series of community-level conferences was held where the consensus reached at the joint workshops was presented, deliberated upon, and endorsed as community 'seera' (traditional law). The traditional (customary) law now protects women's rights.

The community action takes three forms:

1. the local Oromo customary law ('seera') is reaffirmed and the community reaches a consensus that this law should also protect women's rights
2. the local Oromo traditional social support system 'Diabara' is reaffirmed and consensus reached that the social support should also include economic support to women
3. establishment of a 'Women's Rights Defence Committee' which is a referential point supportive of women's rights and protection serving as basis to hold individuals, and groups accountable for their behaviour

The WDC is composed of people with authority and leadership skills e.g. community elders and law enforcers. The members are intensively trained in law, gender, domestic violence and women's rights issues and work directly with the police and justice. They receive reports on cases of violence and their task is to see that offenders are brought before court. Their main responsibility is that of advocating for girls and families seeking protection.

3. Participatory Follow-up on Actions Taken

Follow-up actions include:

- rights (civic) education to community
- linkage and ongoing follow-up from law enforcement agencies at district level to prosecute criminals violating women's rights
- participatory evaluations through follow-up meetings with community groups and the WDC

Outcomes of the Process

Results of the assessment of outcomes of HUNDEE's work show that objectives which were realistically defined have been achieved. Similarly, from the point of view of resources applied, scope of activities carried out and the time frame, the evaluation results showed that all objectives of the project were met.

- high attendance rate at consensus-building workshops as a result of successful mobilization and advocacy efforts which sensitized community members on women's rights and protection
- Affirmation and consensus-building was achieved that incorporated the social protection of women's rights and economic empowerment into the existing Oromo customary laws ('seera'). This customary law is backed by all community members, and specifies obligations that are binding. By ratifying this customary law, the community has agreed to these binding obligations and also to the punishments in case of violations
- establishment of the Women's Rights Defense Committee which was considered a safe haven that encouraged women and their supporters to speak out against rights violations

- establishment of links with law enforcement agencies at the lowest level of the administrative structure to enforce women's protection and to prosecute perpetrators who violate women's rights

In the district of Ejere, charges have started to be filed according to the customary law for offences in relation to FGM, abduction, and domestic violence. Since the start of the project in the district, more than 100 charges have been brought against circumcisers and men who forcibly tried to marry young girls. Several men who abused and raped girls have been brought to trial and sentenced to prison with the help of the Women's Rights Defense Committee.

Measuring the Impact

HUNDEE's approach has been systematically documented. Qualitative studies and a series of participatory evaluation workshops with focus group discussions, direct observation and in-depth interviews have been held in the Ejere District.

In the year following the intervention, the majority of circumcisers stopped working. Focus group discussions with the former circumcisers revealed that this was partly due to a reduced demand for their services, but also partly due to fear of being brought before the Women's Rights Defense Committee and law enforcement agencies.

Interviews with women groups revealed that the most important achievement for them was the fact that they could demand their rights before the elders without any fear of reprisal by quoting the customary law 'seera' and asking for protection. The fact that they now had the possibility of demanding their rights assisted them in rejecting not only FGM, but also abduction, early marriage, and domestic violence. Within the next year of qualitative participatory appraisals and routine monitoring reports from the WDC showed a steadily increasing figure of girls who refused to be circumcised or demanding their right to go to school instead of being married early.

Impediments of the project were that while awareness of women's rights was raised to a very high level, the protective function of the Women's Defence Rights Defense Committee was not adequate. In the majority of cases, the committee was not able to resolve the complaints presented by the women. Many cases which were referred to the law enforcement agencies did not get quickly responded to, leaving many frustrated. In some cases, there were reports of men who refused to accept the decision made by the village elders according to 'seera' customary law. In these difficult cases, local social pressure and negotiation were the only means available to get the men to accept the decision.

Lessons Learnt

Efficiency

There was a strong recommendation from the WDC that more advocacy work needed to be done to enforce legal measures. Similarly, the WDC should be provided with regular minimal support over a longer period of time to ensure its functionality, as long-established practices cannot be stopped overnight.

The project was assessed in its adequacy and efficiency of using processes and inputs to produce results. The assessment, which compared outputs against the financial, human and material resources employed, showed that the HUNDEE's approach had produced the maximum output possible. The points of reference in measuring the efficiency of HUNDEE's

approach were alternative approaches used by other organisations operating in similar cultural and environmental settings.

Replicability

The approach developed and implemented by HUNDEE can be replicated in most parts of the country which have a culture of local customary laws which could be adapted to include the protection of girls and women.

The highly participatory approach provides the flexibility and means to adapt it for most settings. Given that the project was carried out with restricted external input and relied on local community resources, it can easily be reproduced, expanded and transferred.

Sustainability

In HUNDEE's approach, the main indicator influencing sustainability was the fact that HUNDEE used existing customary laws to pass on the message of women's rights protection. This has greatly influenced the quick adaptability and acceptance by the community. It has influenced motivation among the target group members and ensured that the majority of the community has participated to a high degree and accepted responsibilities.

The second important issue that positively influenced the sustainability of HUNDEE's approach are the efforts made to establish links with local law enforcement agencies. The commitments made by local law enforcement agencies were expressed in terms of agreements on objectives, and their willingness to provide both financial and personnel resources.

Finally, the institutional strength of the existing local traditional elders and the high degree of acceptance and respect they enjoy within the community has greatly contributed to the continuing success of HUNDEE's approach. By working through existing traditional structures, HUNDEE has not only further strengthened these institutions, but also introduced messages consistent with local traditions and did not demand a totally foreign and major change in behavioural patterns.

More information about fgm: www.gtz.de/fgm