

The Legal Protection of Internally Displaced Women from Sexual and Gender-Based Violence in Ethiopia

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Abstract

Conflicts and violence have continued to result in a substantial number of internally displaced persons in Ethiopia. Even though an attempt has been made to respond to internal displacement, the protection offered to IDPs, particularly for women, is limited to life-saving assistance. Internally displaced women are more vulnerable to and highly impacted by the consequences of conflict. This study doctrinally examines whether the legislative measures taken by the government are adequate and compatible with international and regional instruments to protect IDP women from sexual and gender-based violence. The study establishes that there is inadequacy of laws and policies framework to respond to sexual and gender-based violence against internally displaced women in Ethiopia, becoming a major challenge to offer them comprehensive protection.

Keywords: Internal displacement, conflict-induced displacement, internally displaced women, sexual and gender-based violence, Ethiopia

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1. Introduction

Internally displaced persons (IDPs) is defined as " persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.¹ By the end of 2020, the total number of people living in internal displacement across the world reached 55 million out of which 40.5 million new displacements were triggered or induced by disasters and violence. According to UNHCR's March 2021 report, additional 8 million people were displaced across the globe making the total number of internally displaced people (IDPs) 48 million among whom 30 million were women and girls.² Internally displaced women in particular face violations of fundamental human rights and various challenges both within and outside camps including humanitarian needs and response; psychological trauma from the loss of family, friends, and property; security risks; and the responsibility to protect themselves, and, above all, Sexual and Gender-Based Violence (SGBV).

In a similar vein, internal displacement is not a recent experience in Ethiopia. Displacement caused by climate change such as drought and flood, locust swarm, and state's resettlement and relocation policies and conflict, i.e., inter-communal violence, ethnic tensions, and localized conflicts have been common factors.³ According to DTM Ethiopia's national displacement report number 7 (April 6, 2021), a total of 1.96 million IDPs (excluding Tigray) were identified in Ethiopia

¹ UN High Commissioner for Refugees (UNHCR), Guiding Principles on Internal Displacement, 22 July 1998, ADM 1.1, PRL 12.1, PR00/98/109, Principle

²United Nation High Commissioner for Refugee Annual Report 2019, 'Global Trends Forced Displacement In 2019' P-30 available at <<https://www.unhcr.org/5ee200e37.pdf>>

³Yigzaw, GedifewSewenet and etal, 'Causes and Impacts of Internal Displacement in Ethiopia' (2019) 9 African Journal of Social Work 32, 37

(out of which 1.2 million were conflict-induced).⁴ As of May 2021, an additional 1.6 million IDPs were identified in Tigray which brings the total number of IDPs to 3.6 million.⁵ The displacements were mainly triggered by conflict, particularly ethnic, which resulted in inter-communal violence.⁶ Various reports show that more than half of the total number of IDPs in Ethiopia were women.⁷

Even though the burden of displacement seems to be shared equally among men and women in numbers, the actual impact and negative repercussions of living in internal displacement affect women more than men.⁸ Women are more vulnerable to the consequences of displacement and would probably become displaced initially.⁹ Furthermore, women are disproportionately targeted in conflict, which resulted in higher levels of sexual and gender-based violence (SGBV) due to breakdown of law and order, lack of family and community support systems, and lack of security. Particularly, rape including gang rape is common sexual violence committed against internally displaced women to dehumanize and dishonour the victim, her family, and her community. When displacement is caused by conflict, women's vulnerability is defined by the intersection of gender with other identities such as class, social status, ethnicity, religion, and sexuality, among others.¹⁰

⁴ Displacement Tracking Metrics Ethiopia National Displacement Report 7 available at < <https://dtm.iom.int/reports/ethiopia-%E2%80%94-national-displacement-report-7-december-2020-%E2%80%94-january-2021>>and DTM Emergency Site Assessment (ESA) Round 5

⁵UNICEF Humanitarian Situation Report, May 2021 available at <https://www.unicef.org/media/102606/file/Ethiopia-Humanitarian-SitRep-May-2021.pdf>

⁶Yigzaw, GedifewSewenet and etal, (n 3), 37

⁷Displacement Tracking Matrix (n 4)

⁸Christelle Cazabat, et al, 'Women and Girls in internal displacement' March 2020 available at <https://www.internal-displacement.org/sites/default/files/publications/documents/202003-twice-invisible-internally-displaced-women.pdf>

⁹ Ibid

¹⁰ Kerrie Holloway, et al, 'Gender in displacement The state of play' (December 2019) HPG Working Paper, 21

Ethiopia is a signatory to 7 core international human rights instruments and regional documents such as the African Charter on Human and Peoples' Rights,¹¹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol),¹² and The African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Conventions).¹³ International human rights instruments and specific IDP laws provide various obligations for state parties regarding the protection of internally displaced women, particularly protection from SGBV. They oblige states as a primary duty bearer to take all appropriate measures such as incorporating the obligations into domestic laws including policies and strategies by enacting or amending legislation, designating specific authority or bodies to coordinate activities for the protection of IDP women, and assigning budget to the extent possible.¹⁴ In the case of Ethiopia, to give effect to the treaties, the government has taken various steps, including administrative and legislative measures. Thus, it is relevant to examine whether the government's legislative measures and their implementation are adequate and compatible with the international standards.

2. Women in internal displacement

2.1 Global context of internal displacement

In the 21st century, internal displacement is a continuing reality for states. At the end of 2020, conflict, violence and human rights violations were the leading causes for the internal displacement of 55 million people.¹⁵ Push and pull factors are the

¹¹ Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982),

¹² African Union, *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, 11 July 2003,

¹³ Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (adopted 23 October 2009 entered into force 21 October 1986) (2009) 21 ILM 58 (Kampala Convention),

¹⁴ Protecting Internally Displaced Persons: A Manual for Law and Policymakers, October 2008, Brookings Institution—University of Bern, Project on Internal Displacement, 11

¹⁵ United Nation High Commissioner for Refugee Annual Report 2019 (n 2)

best ways to understand the causes of forced migrations.¹⁶ Pull-factors are the positive aspects that pull people to move, such as better job opportunities and income. Conversely, push-factors are negative things such as war, conflicts, drought, and other disasters that lead/force people to move/flee.¹⁷ Consequently, as a category of forced migration, refugees and IDPs tend to move due to push factors beyond their control.

The causes of internal displacement are categorized into two main categories: natural and man-made. Scholars broaden the categories into four: human-made disaster-induced displacement, conflict-induced displacement, natural disaster-induced displacement, and development-induced displacement.¹⁸ In some instances, GBV has been the cause of internal displacement. Hence, conflict and violence are the main causes followed by disasters and climate change which force people to leave their homes each year.¹⁹

2.2 Theorizing the Vulnerability of Internally Displaced Women

The number of both men and women IDPs shows that the burden of displacement seems to be shared equally. However, the consequence of living in internal displacement seems to affect women more than men, particularly regarding SGBV, livelihoods, food and nutrition, WASH, security, health, and education.²⁰ There are

¹⁶Mehari Taddele Maru, 'Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia' (2017) SWP Berlin Working Paper FG 8/2017, 13

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Internal Displacement Monitoring Center (IDMC) Global Report On Internal Displacement May 2019, 5 available at <https://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>

²⁰ Christelle Cazabat, 'Report on Multidimensional Impacts of Internal Displacement' October 2018 Internal Displacement Monitoring Center (IDMC) <<https://www.internal-displacement.org/sites/default/files/inline-files/201810-literature-review-economic-impacts.pdf>> see also Brookings- LSE Project on internal displacement, 'Improving the Protection of Internally Displaced Women: Assessment of Progress and Challenges' (October 2014) 4 <www.brookings.edu/wp-content/uploads/2016/06/Improving-the-Protection-of-Internally-Displacement-Women-October-10-2014.pdf> [accessed 5 May 2020]

many reasons as to why women are more susceptible, particularly to SGBV during conflict-related displacements.

First, pre-existing factors of socio-economic and socio-cultural issues, such as poverty, housing, unemployment, education, socially constructed gender norms, and the high prevalence of GBV cases, make women more vulnerable to Violence Against Women (VAW).²¹ Secondly, conflict and civil strife in particular increase women and children's vulnerability since they are targeted and experience specific forms of humiliation and violation of their human rights. It's argued that during conflict and violence, women are targeted for sexual violence and subsequently, other forms of GBV where early marriage and domestic violence are prevailing.²² This results in the breakdown of law and order, absence of rule of law and justice system, psychological trauma, and disruptions of essential services such as police, health, education, and lack of security.²³ To make it worse, the consequence of conflict-induced displacements does not stop during the conflict; it also continues into post-conflict.

Thirdly, as intersectional feminist scholars argue, when ethnic-based communal conflict occurs, women's vulnerability to SGBV will be double because they will be targeted as women who belong to specific ethnic groups and often from minorities. Papastavrou adds that women continue to be targeted in a conflict because of their gender and ethnicity, religion, or nationality.²⁴ Consequently, there is a complex intersection of race, sex, ethnicity, class, and sexuality in women's

²¹ Mireille Le-Ngoc, 'Normative frameworks' role in addressing gender-based violence in disaster settings' (2015) Disaster Law Working Paper Series Paper No. 3, 7

²² Claudia Felten-Biermann, 'Gender and Natural Disaster: Sexualized violence and the tsunami' (2006) 49 Development 82, 83

²³ Le-Ngoc Mireille (n 21) 8

²⁴ Sophia Papastavrou, 'Refugee Women, Violence, and War A Return to Transnational Feminist Praxis' (2010) 4 *Minerva Journal of Women and War* 6, 15

lives. She further argues that SGBV, specifically sexual violence, is often either dismissed or disregarded as part of the impact of conflict.²⁵

The UN rapporteur on VAW noted that,

*"[t]he acts of rape or sexual violence during ethnic and nationalist conflicts is not an isolated, aberrational act. It is extremely purposive and aimed not only at destroying an individual woman but also at the community's sense of ethnic purity, which many think is vested in the 'honour' of women. Linked to questions of shame and honour are issues of ethnic pollution."*²⁶

To elaborate on this issue, as ethnic or religious conflict increases women's vulnerability to SGBV, their experience should be understood in a way that accommodates their identities. The experience of violence by all women is not universal or homogeneous; thus, these notions of women's homogeneous characteristics needed to be restructured along the lines of the way violence is understood among diverse women's groups.²⁷

Furthermore, other dimensions of identities of women such as race and class often shape their experiences of violence.²⁸ For instance, "when reform efforts are undertaken on behalf of women, they neglect the fact that women of color are differently situated in the economic, social, and political worlds and are less likely to have their needs met than women who are racially privileged."²⁹ To link this with the issue, when displacement is caused due to ethnic conflict, women are

²⁵ Ibid

²⁶ Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49, E/CN.4/2002/83, 31 Jan. 2002, para 122

²⁷ Chandra Talpade Mohanty, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity*.

Durham, NC: Duke University Press, 2003, 3

²⁸ Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, (1989) *The University of Chicago Legal Forum* 139, 140

²⁹ Ibid

primarily at intersectional vulnerability due to their ethnicity and gender. Nevertheless, whenever there is a reform in laws or policies, women's intersectional vulnerability is dismissed, and only the gender part is echoed. Hence, SGBV perpetrated against "enemy women" who belong to the "other" ethnic or racial group is a real-life example that demonstrates intersectional subordination and discrimination.³⁰

The other factor that increases women's vulnerability is the existing gender norms and unequal power relationships between men and women.³¹ The gender norms that define and assign different roles to men and women are the root causes of GBV against women and girls as well as men and boys and those of diverse gender identities. Particularly, IDP women living in a patriarchal society exhibit patriarchal behaviors that allow perpetrators to exploit inequalities and exert power, coerce and deceive their victims. Furthermore, norms that accept/normalize violence against women as a way to resolve conflict and the notion of masculinity linked to dominance, honor, and aggression exacerbate their vulnerability to SGBV.

The other factor leading to increased vulnerability of women is the poor conditions in IDP camps and other temporary accommodations.³² These include lack of privacy and security, lack of gender-segregated sanitary facilities, overcrowded living conditions, walking long distances to fetch water and food, lack of police patrols, and continuous sexual demands from partners despite the lack of privacy.³³ However, a gender-specific outcome that impacts women and girls differently and disproportionately is often overlooked.

³⁰ Timo Makkonen, 'Multiple, Compound and Intersectional Discrimination: Bringing the Experience of the Most Marginalized to the Fore' (2002). Institute for Human Rights ÅboAkademi University, Finland, 25

³¹ Jacinta Astles, 'What makes migrants vulnerable to gender-based violence?' available at <https://rosanjose.iom.int/site/en/blog/what-makes-migrants-vulnerable-gender-based-violence>

³² Le-Ngoc Mireille (n 21) 9

³³ Ibid

2.3 Sexual and Gender-Based Violence among IDP Women in Ethiopia

Definitions for SGBV have been provided under the Declaration on the Elimination of Violence against Women (DVAW), CEDAW committee General Recommendations, Maputo protocol, and by international organizations such as World Health Organization (WHO) and UN agencies such as United Nations High Commissioner for Refugee (UNCHR) and the Inter-Agency Standing Committee (IASC). This study will adopt the definition of GBV provided under the IASC Guidelines for Gender-based Violence Interventions in Humanitarian Setting³⁴ because the IASC definition combines all definitions of SGBV by the various United Nations branches. It defines GBV as "an umbrella term for any harmful act that is perpetrated against a person's will, and that is based on socially ascribed (gender) differences between males and females."³⁵ It is further explained that the term GBV includes violence against women and men, but is generally used interchangeably with violence against women because it emphasizes women's subordination and the inequality of power in societies within societies.³⁶ Thus, the term GBV includes sexual and non-sexual forms of violence, and sexual violence is a subgroup of GBV. In other words, SGBV comprises rape including attempt, sexual abuse, sexual exploitation, early marriage, domestic violence, marital rape, trafficking, and female genital mutilation. SGBV have a negative impact on the victim's well-being, especially on sexual, reproductive, physical, and psychological health and participation in society.³⁷

³⁴ Inter-Agency Standing Committee, Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies, September 2005,7 available at: <https://www.refworld.org/docid/439474c74.html>

³⁵Ibid

³⁶Ibid 7

³⁷ Michelle Hynes, 'Sexual Violence against Refugee Women' (2000) 9 Journal of Women's Health & Gender-Based Medicine 819, 821

In the 2018 Gender Inequality Index, Ethiopia ranked 173 out of 189 countries with patriarchal societies and deep-rooted issues of GBV.³⁸ Intimate partner violence, domestic violence, female genital mutilation (FGMC), sexual assault, rape, marriage by abduction, and child marriage are some of the forms of GBV prevalent in Ethiopia.³⁹ Conflict-induced displacements have accentuated the already deep-rooted issues of GBV, resulting in vast protection problems for IDP women.

IDP women in Ethiopia have faced physical and emotional violence from people of other ethnic groups during displacement and at IDP sites.⁴⁰ They were slapped, kicked, and beaten, threatened, or attacked with a knife, gun, or other weapons, cut or stabbed, choked, and others were purposely burned.⁴¹ In addition to this, post-traumatic stress syndrome, depression, and anxiety are common ailments among displaced women since they often witness extreme violence levels than displaced men and non-displaced women.⁴² Furthermore, intimate partner violence is common among IDP women that includes physical violence. Economic violence is another form of violence observed among IDP women. They experience economic violence in the form of prohibition from getting a job, going to work, participating in income-generating projects, and snatching their earnings from them or controlling their money.⁴³ Besides, polygamous marriage, which is common in some parts of Ethiopia such as in Gedeo and Guji Zones and Somali region,

³⁸ United Nations Development Program (UNDP) '2019 Human Development Report Ethiopia' 4 available at http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/ETH.pdf

³⁹ Marisa Cordon et al, 'Systematic Literature Review of Gender Based Violence in Ethiopia Magnitude, Policies, and Interventions' August 2018, 8 available at <https://2ed20v44ucst1ujckp24w1ks-wpengine.netdna-ssl.com/wp-content/uploads/2018/11/GBV-in-Ethiopia-Systematic-Lit-Review-Fall-2018.pdf>

⁴⁰ Robin N. Haarr, 'Situation of Gender-Based Violence (GBV) in Internally Displaced Person (IDP) Sites and Collective Centers in Gedeo and W. Guji Zones, Final Report UN Ethiopia, April 2019, 22

⁴¹ Ibid

⁴² Naser Morina, et al. 'Psychiatric Disorders in Refugees and Internally Displaced Persons After Forced Displacement: A Systematic Review.' (2018) 9Frontiers in psychiatry 9 See also International Organization for Migration (IOM), 'Ethiopia National Displacement Report Round 18: July — August 2019,' 22 October 2019,21

⁴³Haarr N. Robin (n 40), 19

coupled with displacement has exposed IDP women in such unions for more economic violence.

The other form of violence is sexual violence, particularly, conflict-related sexual violence. It includes attempted or threatened rape including marital rape, sexual exploitation and abuse, sexual slavery, forced pregnancy, forced abortion, prostitution, enforced sterilization, transactional/survival sex and sexual harassment.⁴⁴ Sexual abuses and exploitations are commonly practiced that require IDP women to exchange sexual favors in return for humanitarian assistance, mostly food items. Furthermore, reports revealed that during displacements in Ethiopia, atrocities were committed and sexual violence was used as a weapon of war, and some of them have experienced inter-ethnic gang rapes.⁴⁵ To make it worse, women who are in intermixed ethnic marriages in some instances face more burden as their partners leave their women behind who will have to oftentimes protect their children.

When it comes to the specific case in IDP sites, displaced women and girls often suffer violence when leaving IDP camps by the opposition ethnic groups or when they try to return to their villages, farms, and home to collect food, fetch water, or go to local markets because of the failure of the government to provide security.⁴⁶ In a submission to the Third Cycle Universal Periodic Review to Human Rights Council by Civil Society Coalitions, it was indicated that rape and sexual abuse had been perpetrated including by security forces that are supposed to protect the IDPs.⁴⁷ It was indicated that 295 cases of sexual violence, 742 cases of physical

⁴⁴ Haarr N. Robin (n 40), 19

⁴⁵ Nicola Jones and et al, 'Raising the visibility of IDPs: a case study of gender- and age-specific vulnerabilities among Ethiopian IDP adolescents', The Humanitarian Practice Network (HPN) , May 2019 available at <https://odihpn.org/magazine/raising-visibility-idps-case-study-gender-age-specific-vulnerabilities-among-ethiopian-idp-adolescents/>

⁴⁶Haarr N. Robin (n 40) 25

⁴⁷A Submission by Civil Society Coalition to the 3rd Universal Periodic Review of the Federal Democratic Republic of Ethiopia, 'State of vulnerability of internally displaced people and children

violence, and 628 cases of discrimination in service provisions to IDP women on IDP sites had been reported in the country in 201.⁴⁸

The recent case is the Tigray War commenced in November 2020 in the context of political conflict between the Federal government of Ethiopia and the regional government of Tigray (TPLF), with the Eritrean Defense Forces (EDF) involved, has aggravated the cases of sexual violence in the region perpetrated against civilians including crimes allegedly committed by security forces.⁴⁹ In late March 2021, the total number of rapes recorded in the context of the conflict in Tigray at five medical facilities in Mekelle, Adigrat, Wukro, Shire, and Aksum alone was 512–516 which then reached 829 by Mid-April.⁵⁰

Traditionally, child/early marriage is usually considered as a practice to protect girls from sexual intercourse before marriage and as a mechanism to protect them from sexual harassment and violence.⁵¹ Internally displaced adolescent girls are at heightened risk of child marriage due to the insecurity, increased risks of SGBV, and breakdown of rule of law. These factors also make families and parents see child marriage as a coping mechanism to protect girls from sexual violence,

in Ethiopia' September 2018, Para 17 available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ETIndex.aspx>

⁴⁸ A Submission by Civil Society Coalition to the 3rd Universal Periodic Review of the Federal Democratic Republic of Ethiopia, 'State of vulnerability of internally displaced people and children in Ethiopia' September 2018, Para 17

⁴⁹ Patten, Pramila "United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Pramila Patten, urges all parties to prohibit the use of sexual violence and cease hostilities in the Tigray region of Ethiopia" January 21, 2021 available at <https://www.un.org/sexualviolenceinconflict/press-release/united-nations-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-ms-pramila-patten-urges-all-parties-to-prohibit-the-use-of-sexual-violence-and-cess-hostilities-in-the/>

⁵⁰ Kassa, Lucy; Pujol-Mazzini, Anna 'We're here to make you HIV positive': Hundreds of women rush to Tigray hospitals as soldiers use rape as weapon of war" March 27, 2021 available at <https://www.telegraph.co.uk/global-health/women-and-girls/make-hiv-positive-hundreds-women-rush-tigray-hospitals-soldiers/>

⁵¹ EtsegenetKedir Mohammed, 'Major women's right issues in Ethiopia: examining efficiency of the law and its enforcement' (2017) 5 Int. J. Human Rights and Constitutional Studies 43,45

economic hardship, or protect the family's honour.⁵² Child marriage is also making it challenging to retain IDP women in education; for instance, in Oromia region, 368 IDP women dropped out of school because of child marriage.⁵³

In Ethiopia, both in-country trafficking and external trafficking are prevalent.⁵⁴ Even though economic migration, especially to the Middle East, was common before the conflicts and places that do not experience conflict, the U.S. Department of State 2020 report shows that ongoing displacement in Ethiopia has created vulnerability for trafficking.⁵⁵ Mainly, IDP women are vulnerable to trafficking internationally and internally due to the protracted conflict in some parts of Ethiopia and partly due to lack of access to justice and economic opportunities.⁵⁶

The above cases show that the conflicts that had happened before and the ongoing Tigray war have increased the vulnerability of IDP women in Ethiopia to different forms of SGBV such as physical, economical, phycological, and most importantly sexual violence.

3. International and Regional Legal frameworks on the protection of IDP women

International instruments that have particular relevance for the protection of displaced women from SGBV and ratified by Ethiopia are the International Covenant on Civil and Political Rights (ICCPR)⁵⁷, International Covenant on

⁵² A Girl No More: The Changing Norms of Child Marriage in Conflict, Women's Refugee Commission, March 2016 see also Haarr N. Robin (n 40)

⁵³ Ibid

⁵⁴ Zelalem Shiferaw Woldemichael, 'Criminalization and Prosecution of Human Trafficking In Ethiopia: Assessing the Legal Framework In Light of International Standards,' (2017) 4 BRICS Law Journal 110, 111

⁵⁵U.S. Department of State, 'Trafficking in Persons Report: Country narratives - Ethiopia' (2020) 5 available at <https://www.state.gov/reports/2020-trafficking-in-persons-report/ethiopia/>

⁵⁶ Ibid

⁵⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966 entered to force 23 March 1976) 999 UNTS 171 (ICCPR)

Economic, Social and Cultural Rights (ICESCR)⁵⁸, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁵⁹, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁶⁰ Thus, this paper examines human rights instruments and IDP-specific laws of Ethiopia and how they impact women in Ethiopia.

3.1 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The CEDAW Convention is one of the core human rights instruments that provide specific protection for women, and Ethiopia has ratified this document in 1981. The Convention stipulates better safeguarding for all women, including the elimination of discrimination against women in all matters including health care, education, work, marriage, economic and social life. Discrimination against women extends to all forms of exclusion of any act having the purpose or effect of breaching women's human rights as defined by the Convention.⁶¹

CEDAW Committee General Recommendation No 35 on gender-based violence against women, updating general recommendation No. 19, acknowledges that GBV may affect some women to different degrees due to their varying experiences and intersecting forms of discrimination based on women's ethnicity/race, indigenous or minority status, colour, socio-economic status, being lesbian, seeking asylum,

⁵⁸ International Covenant on Economic, Social, and Cultural Rights (adopted 16 December 1966 entered into force 3 January 1976) 999 UNTS 171 (ICESCR)

⁵⁹ United Nation Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979. entered into force 3 September 1981) 1249 UNTS 180 (CEDAW)

⁶⁰ United Nation Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85,

⁶¹ CEDAW Convention Art 1

being a refugee, internally displaced or stateless.⁶² Hence, it recommends states to enact appropriate laws and policies by taking women's experiences into account.⁶³

Moreover, the Committee on CEDAW has come up with a specific recommendation that addresses the situations of IDP women in conflict settings. General Recommendation No 30 on Women in Conflict Prevention, Conflict, and Post-conflict situations acknowledges that all women are not the same and homogeneous. Specifically, IDP women who experience conflict do not suffer the same level of violations in different stages of the conflict.⁶⁴ It also highlights that women such as internally displaced face common discrimination in accessing property and land, inheritance laws, policies that lack gender-sensitivity, access to educational opportunities, health services, and justice.⁶⁵ This recommendation has established that women who are displaced due to conflict are at higher risk of violations of their rights including SGBV and recommend state parties to consider these specific vulnerabilities and establish an effective accountability mechanism.⁶⁶

Even though the general recommendation is not binding, a state can use it as a guideline and act accordingly. Furthermore, the prohibition of VAW has become customary international law which conditions cannot deviate from it. Thus, it is essential to acknowledge that the CEDAW committee on its general recommendations has recognized the differences of women's experience, particularly IDP women, of violence, their intersectional vulnerability, and the need to respond accordingly.

⁶²UN Committee on the Elimination of Discrimination against Women, CEDAW General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, CEDAW/C/GC/35, Para 12

⁶³ Ibid

⁶⁴ UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, 1 November 2013, CEDAW/C/GC/30, Para 6

⁶⁵ Ibid, 20

⁶⁶ UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 30 , 17

3.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Ethiopia ratified the Maputo Protocol in March 2018. The Protocol prohibits GBV as part of women's rights to life, integrity, and security of the person, and dignity. Article 1 defines VAW as "all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peacetime and during situations of armed conflicts or war."⁶⁷ The definition provided in this protocol is comprehensive in a way that it includes acts or threats of violence in both private and public spheres, in peacetime and during war and armed conflict.

It further obliges member states to enact and enforce laws to prohibit all forms of VAW, take all necessary measures to ensure the prevention, punishment, and eradication of all forms of VAW, and providing comprehensive services for survivors of GBV.⁶⁸ The Protocol expressly provides protection for IDP women under Article 11 that requires to, "ensure IDP women are protected during armed conflict against all forms of violence, rape, and other forms of sexual exploitation, and to ensure that such acts are considered as war crimes, genocide, and/or crimes against humanity, and to bring the perpetrators to a competent court of law."⁶⁹ The protection accorded to IDP women under Maputo Protocol has particular relevance because it extends to acts or threats of violence in both private and public spheres, in peacetime and during war and armed conflict.

⁶⁷ Maputo Protocol Art 1

⁶⁸ Ibid, Art 19

⁶⁹ Maputo Protocol Art 11

3.3 United Nations Guiding Principles on Internal Displacement

The UN Guiding Principles on Internal Displacement has set out fundamental standards on internal displacement. It is also the first international framework to provide specific protection and assistance for women facing internal displacement.⁷⁰ However, unlike treaties the guideline, it is a non-binding document that sets out principles that demonstrate the existing norm towards binding laws. The guideline defines IDP and provides rights to be protected and assisted during every displacement stage (before, during, and after displacement).

The guideline further acknowledges IDP women's specific vulnerability and provides special protection and assistance in two different ways. The first one is through protecting women from SGBV, including rape, FGM, sexual torture, forced sexual slavery, and prostitution.⁷¹ The other one is through maintaining their rights to equal access and full participation in assistance programs.⁷² It specifically lays out the right to be free from discrimination and "to take account of the special needs of groups of women including expectant mothers, pregnant and lactating women, mothers of young children, and female heads of household in protection and assistance."⁷³

3.4 The African Union Convention for the Protection and Assistance of Internally Displaced Persons/ Kampala Convention

Unlike the UN guideline, the Kampala Convention is a legally binding document under the AU legal framework, and Ethiopia has ratified it under the Proclamation

⁷⁰ Roberta Cohen, 'The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting' (2004) 10 *Global Governance* 459, 462

⁷¹ UN High Commissioner for Refugees (UNHCR), *Guiding Principles on Internal Displacement*, 22 July 1998, ADM 1.1, PRL 12.1, PR00/98/109, Principle

⁷² *Ibid* Principle 18, 19 and 23

⁷³ *Ibid* Principle 4 (2)

No. 1187/2020 in March 2020.⁷⁴ The Convention is a comprehensive document in protecting and assisting IDPs by stipulating IDP and member states' rights and obligations, international organizations, and armed groups. It has also extended the definition of IDP articulated under the UN guideline and incorporated international human rights, humanitarian law principles, and African norms from African regional human rights instruments.⁷⁵

The Kampala Convention has unique features in the protection of IDP women. It recognizes GBV as a cause of internal displacement under Article 4 (4) (e). This provision of the Convention is relevant in protecting women from displacement as they are at risk of displacement due to harmful traditional practices, especially in Africa.⁷⁶ Studies show that in some parts of Africa, girls displace due to the threat of FGM and early, child and forced marriages, and to avoid breast ironing – 'a practice that derives, in part, from the belief that promiscuity in young girls may be curbed through the flattening of the breasts.'⁷⁷ In addition to the general protections under the Convention, it levies two specific obligations on states to protect IDP women. Some of them are explained below.

Sexual and Gender-Based Violence: According to Article 9 (1) (c & d) of the Convention, State parties are obligated to "protect the rights of IDPs regardless of the cause of displacement by refraining from, and preventing sexual and gender-based violence in all its forms, notably rape, enforced prostitution, sexual

⁷⁴ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa Ratification Proclamation No 1187/2020

⁷⁵ Mehari Taddele Maru, 'The Kampala Convention and its Contribution to International Law' Eleven International Publishing, The Netherlands, May 2014, 7, See also, Chaloka Beyani, "A View from Inside the Kitchen of the Kampala Convention: The Modernisation of the International Legal Regime for the Protection of Internally Displaced Persons" LSE Legal Studies Working Paper No. 17/2020, 5

⁷⁶ Kampala Convention, Art 4(4)(e)

⁷⁷ Romola Adeola, 'The Kampala Convention and the right not to be arbitrarily displaced' (October 2018) Forced Migration Review Issue 59, 17

exploitation, and harmful practices, slavery, recruitment of children and their use in hostilities, forced labour, and human trafficking and smuggling."⁷⁸

Reproductive and sexual health: According to Article 9(2) (d), States have to "take special measures to protect and provide for the reproductive and sexual health and to provide appropriate psycho-social support for victims of sexual and other related abuses."⁷⁹

The protection for IDP women under the Kampala Convention is very relevant to respond to displacement because it acknowledges that women are vulnerable to displacement, especially on SGBV. Furthermore, it imposes a primary obligation on states to incorporate obligations under the Convention in their respective national laws, policies, and strategies. It also puts out an obligation on non-state actors such as rebel groups. States are obliged to discharge their duties through enacting or amending legislation in conformity with international obligations, designing specific authority or body, assigning budget to the extent possible, and coordinating activities for protection and assistance of IDP women.⁸⁰

4. National legal protection for IDP women

Various human rights instruments impose different obligations on state parties including ensuring their national laws and policies respect and reflect their obligations under international law and take all necessary measures to implement their international legal obligations at the national level. There is no comprehensive legal framework for internal displacement in Ethiopia. Yet, there are laws scattered here and there dealing with IDP women though not sufficient. Next, this paper will briefly discuss how different Ethiopian laws and policies address the issue.

⁷⁸ Kampala Convention, Art 9 (1)

⁷⁹ Ibid Art 9 (2)

⁸⁰ Kampala Convention Art 5

4.1 The Federal Democratic Republic of Ethiopia (FDRE) Constitution

The FDRE Constitution is the supreme law of the land that provides fundamental human and democratic rights for the country's citizens and residents. This Constitution can be said to have renewed the commitment to gender policy and clearly expresses legislative support for women through its various provisions. Article 25 of the Constitution provides the right to be free from discrimination on different grounds, including gender.⁸¹ Furthermore, Article 35 affirms that women shall enjoy equal rights and protections as men; it acknowledges the historical legacy of inequality and discrimination suffered by Ethiopian women; and it entitles them to affirmative measures to remedy the persistent gender inequality.⁸² It further obliges the government to eliminate laws, customs, and practices that oppress or cause bodily or mental harm to women.⁸³

4.2 The Criminal Code of Ethiopia

The Criminal Code helps to establish criminal accountability for crimes related to SGBV, including rape, child marriage, and harmful traditional practices. To elaborate more, Article 620 defines rape as "compelling a woman to submit to sexual intercourse outside wedlock, whether using violence or grave intimidation or after having rendered her unconscious or incapable of resistance."⁸⁴ This provision of the law excludes rape in marriage (marital rape), and rape is punishable from five years to life imprisonment depending on the circumstances of the case. In addition to this, Article 553(1) of the Code criminalizes any physical and psychological violence and states that, "Whoever intentionally or by negligence causes bodily injury to another or impairs his health, by whatever means or in any manner, is punishable as per the provisions of this Chapter. These

⁸¹ Constitution of the Federal Democratic Republic of Ethiopia, Federal Negarit Gazeta, 1st Year No. 1, dated 21 August 1995, Art 25

⁸² Ibid Art 35 (1)

⁸³ Ibid

⁸⁴ Criminal Code of Ethiopia, Proclamation No. 414/2004, 9 May 2005, Art 620 (1)

provisions embrace all manners of bodily assaults, blows, wounds, maiming, injuries or harm, and all damages to the physical or mental health of an individual."⁸⁵ Even though this provision failed to specify the term violence against women, it has been used to include physical and psychological violence against women.⁸⁶ Furthermore, Article 564 of the Code stipulates that the above article is also applicable to violence committed within marriage or irregular union, which is interpreted as domestic violence against women.⁸⁷ Moreover, Article 565 and 648 of the Criminal Code criminalize and prescribe punishments for Female Genital Mutilation (FGM) and early marriage.⁸⁸

Trafficking in person has also been criminalized under the Criminal Code. However, due to inadequate responses to the problem, the part that deals with trafficking in person has been replaced with Proclamation No. 1178/2020, a Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and the Smuggling of Persons. Trafficking in person is punishable with 7-15 years of rigorous imprisonment and fine. The proclamation's Article 3(3) stipulates that the perpetrator of such crime will not exculpate from liability even though the victim has consented or knows the exploitation.⁸⁹ This provision of the law is crucial for protecting IDP women because the economic hardship and conflict will force them to be vulnerable to such crimes.

4.3 Strategic Plan for an Integrated and Multi-Sectoral Response to VAWC and Child Justice in Ethiopia (2010-2015)

The CEDAW Committee under the General Recommendation 28 obliges state parties to develop and implement policies, national plans of action, strategic plans,

⁸⁵ Ibid Art 553

⁸⁶ EtsegenetKedir, 'Major Gaps on the Rights of Women in Ethiopia' JAMM04 Master Thesis, International Human Rights Law, Lund University, Faculty of Law (2016), 54 available at <http://lup.lub.lu.se/student-papers/record/8876410>

⁸⁷ Criminal Code of Ethiopia (n 90) Art 553(1)

⁸⁸ Ibid, Art 564

⁸⁹ Ibid Art 3(3)

and programs to fulfil its obligations and ensure the allocation of enough human and financial resources.⁹⁰ The government of Ethiopia has formulated different policies and strategic plans to meet its obligation such as the National Policy on Women in 1993, the National Action Plan for Gender Equality (NAP-GE) 2006-2010, the National Human Rights Policy of 2016-2020, the Strategic Plan for an Integrated and Multi-Sectorial Response to Violence Against Women and Children, and Child Justice in Ethiopia (2010) and the National Strategy on Harmful Traditional Practices (2013) by the Ministry of Women, Children and Youth Affairs.

The strategic plan for VAW aims to improve the grim situation of VAWC and child justice by addressing gaps and challenges at the policy, institutional and practical levels, and by initiating a comprehensive multi-sectoral and integrated prevention and response to VAWC and child justice.⁹¹ The plan has identified the justice, health, education, and social sectors as the most relevant stakeholders in the prevention and response to VAW, and focused on activities undertaken and coordinated by institutions in these sectors.⁹² It has five overarching pillars: (1) the adoption and implementation of protective laws and policies; (2) building organizational capacity (institutional, financial, and managerial) of the major actors in the health, justice, security, education, and social sectors; (3) Availability, accessibility, quality and comprehensive service delivery for survivors of violence; (4) community mobilization: engagement of the community, including women and children, in prevention and response efforts; and (5) coordination among different sectors.⁹³ Further, it has been supported with three years of the detailed operational plan.

⁹⁰ CEDAW Committee General Recommendation No. 28 (n 68) para 38 (a)

⁹¹ *Ibid*, Art 565 and 648

⁹² Strategic Plan for an Integrated and Multi-Sectorial Response to VAWC and child justice in Ethiopia, 2010- 2015

⁹³ *Ibid*

Even though this strategic plan provides comprehensive responses including institutional structures to addressing VAWC in general, it does not deliver substantively beyond the support for setting up one-stop centers progress on its other pillars and goals, particularly around prevention and awareness-raising activities.⁹⁴ The revision of the plan was planned to be undertaken in 2019–2020, but it has not yet been revised. In addition, the National Human Rights Policy 2016-2020 failed to identify IDPs in general and IDP women in particular as a vulnerable group and left them out. Further, it failed to put adoption of laws and measures to address GBV except for awareness creation measures.

5. Analyzing the National Legal Framework: Lacunae in the Existing Legal and Policy Frameworks

5.1 Protection from sexual and gender-based violence

SGBV is an everyday experience for internally displaced women. Particularly, conflict situations significantly increase the violence inflicted upon women and make them more vulnerable than other women.⁹⁵ IDP Women are often confronted by multiple and reinforcing layers of discrimination, leading to more disadvantage and marginalization when their gender identity is coupled with their ethnicity.⁹⁶ The intersection of multiple identities simultaneously makes IDP women more likely to be targeted for certain forms of violence. This is due to the unfavorable status they have over other women and as perpetrators know their need for assistance or difficulty to report SGBV cases they encounter/face.

Often, rape, including gang rape is a common VAW during displacement, particularly in conflict-induced displacement. It is a deliberate tactic used in war to

⁹⁴Elshaday K. Woldeyesus et al, ‘Policy and legal analysis notes: a review of the strategic plan for a multisectoral response to violence against women and children in Ethiopia’ Briefing papers, December 2018, 3

⁹⁵ Caroline O N Moser et al, ‘Change, Violence and Insecurity in Non-Conflict Situations’ Overseas Development Institute Working Paper 245, March 2005, 10

⁹⁶Anouka van Eerdewijk and et al, ‘The State of African Women Report’ August 2018, 132 available at <https://rightbyher.org/wp-content/uploads/2018/08/SOAW-Report-FULL.pdf>

dehumanize and dishonor a woman, her husband, and the entire community by perpetrators to express their revenge and hatred to the other ethnic group. In conflict settings, the nature of the rape crime committed is usually different from the rapes committed in normal circumstances. This is because they are committed by more than one person and used as weapons of war against the other ethnic group.⁹⁷

Although gang rape is the lived experience for most female IDPs displaced due to ethnic-based conflict in Ethiopia, the Criminal Code of Ethiopia has only criminalized rape and put gang rape only as aggravating crime of rape. However, the international norms in such countries as India, Pakistan, Kenya, Tanzania, and Philippine indicate that states have a separate law for Sex offenses that criminalize gang rape separately from rape. This is because the psychological impact of gang rape is worse than other forms of rape as it is sometimes committed in front of relatives such as husbands or families and as it involves violations by more than one person. Thus, the lack of inclusion of gang rape within the Criminal Code implicates that it assumes all kinds of rape are similar and homogenous, and ignores the fact that some women face different forms of rape with severe physical and psychological impact. Even though criminalizing rape is relevant as a first step for the protection of all women, it neglects that IDP women are differently targeted for different forms of rape than other women, and women are displaced due to other reasons than ethnic conflict.⁹⁸ The rape definition provided under the Criminal code Art 620 and the punishment provided under the same article sub art 2(d) seem to fail to consider such situations. Furthermore, the punishment provided in the code is not equivalent to the crime. Countries such as India, Pakistan, Kenya, and Tanzania provide life imprisonment as the final punishment, however, the Criminal code in Ethiopia has set 20 years of imprisonment.

⁹⁷ Rashida Manjoo et al, 'Gender-Based Violence and Justice in Conflict and Post-Conflict Areas', (2011) 44 *Cornell Int'l L.J.* 11, 14

⁹⁸ Crenshaw (n 29)

CEDAW committee in its two concluding observations (2019 and 2011) on Ethiopia states its concern on the emerging forms of violence such as acid attacks and gang rapes. It, therefore, recommends adopting a comprehensive and inclusive law on GBV, including gang rape and other forms of sexual violence.⁹⁹ Furthermore, the Committee has urged states to put intersectionality at the basis of the development of such laws. However, the FDRE Criminal Code has failed to acknowledge and take into account the intersectional identity of IDP women.

5.2 Lack of Gender Sensitivity in the Criminal Code

The Criminal Code that is supposed to protect women from violence in itself lacks gender sensitivity. There is no reference, even once, to the term violence against women, including domestic violence in the Code. Due to the lack of comprehensive laws in Ethiopia on VAW, one hence may interpret provisions of the code to govern cases related to physical and psychological violence and domestic violence. For instance, the provisions dealing with the physical and psychological well-being of individuals in general to determine the offense and its punishment have the effect of complicating things during the production of evidence mainly because it failed to take the unique nature of physical, psychological, and domestic violence against women into account. Similarly, the Code failed to include other types of violence such as economic and sexual violence except for the case of rape committed against women.

Moreover, sexual exploitation and abuse, and sexual torture, which are common forms of violence committed against IDP women, have not been addressed by any law, which is a clear legal gap. "Women often pay the price for daring to claim the integrity, security, and safety of our bodies and our living spaces".¹⁰⁰ During ethnic

⁹⁹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding observations of the Committee on the Elimination of Discrimination against Women - Ethiopia, 14th March 2019, CEDAW/C/ETH/CO/8 and July 2011, CEDAW/C/ETH/CO/6-7

¹⁰⁰ Mohanty, Talpade Chandra (n 28) 3

conflict displacement, women are the ones who will suffer most from the consequences of violence and displacement. The displacement consequences, coupled with the lack of comprehensive law on VAW, affect women's and girls' well-being more generally. Thus, the Criminal Code has critical shortcomings such as failure to provide comprehensive protection against VAW as it is prescribed under CEDAW and Maputo Protocols. The CEDAW Committee, in its concluding observation on Ethiopia, recommends adopting a comprehensive and inclusive law on GBV, addressing all forms of violence against women.¹⁰¹ This concluding remark confirms the existence of a legal gap in addressing VAW, which consequently affects IDP women. However, the government of Ethiopia has not taken action to come up with a comprehensive law or policy to close the legal lacuna and address the pervasive challenges of IDP women.

5.3 Civil Remedies

The CEDAW Committee in its recommendation No 19 and 35 provides an obligation to states to "ensure that all forms of GBV against women in all spheres, which amount to a violation of their physical, sexual, or psychological identity, are criminalized and introduce, without delay, or strengthen legal sanctions commensurate with the gravity of the offense as well as civil remedies."¹⁰² Furthermore, Maputo Protocol Article 19 obliges states to establish mechanisms and accessible services for rehabilitation and reparation for VAW victims.¹⁰³ Civil remedies have to be available to effectively redress victims of VAW. These remedies include orders of protection and compensation for damages. Protection orders are the most effective way of remedy to protect the victims from further acts of violence.¹⁰⁴ This order will guarantee women that they will be adequately

¹⁰¹ Concluding observations of the CEDAW Committee- Ethiopia (n 109)

¹⁰² CEDAW Recommendation No 35 (n 66) Para 29 and 19 Para 24

¹⁰³ Maputo Protocol Art 19

¹⁰⁴ Shazia Choudhry, 'Women's Access To Justice: A Guide For Legal Practitioners,' (October 2018) Strasbourg Cedex, 22

protected if they bring their complaints. On the other hand, compensation for the harm inflicted on the victim validates the victim's experience and reinforces the idea that the perpetrators must be held accountable for their actions.¹⁰⁵

The compensation scheme will immensely help IDP women to get them back on their feet financially, and it may help them feel better because it is at least recognized that what happened to them was wrong. Furthermore, whether it is compensation or reparation, it will reduce the suffering and the risk of staying in unsafe and unsecured places for them and their families. However, any of these civil remedies are not available for victims of VAW in Ethiopia.¹⁰⁶ Unlike other countries which provide compensation for victims of sexual violence such as rape, Ethiopia's Criminal Code does not offer any of these civil remedies¹⁰⁷. On the other hand, the Ethiopian Civil Code under the extra-contractual liability (tort) allows compensation to be paid for any offense that causes a moral injury to a person which is 1000 birr.¹⁰⁸ The compensable crimes are physical assault, unlawful restraint, defamation, and damage to spouses' rights.¹⁰⁹ However, this provision excludes other types of violence such as sexual violence. Furthermore, this amount of compensation for physical assault is very small and cannot be compared to the traumatic experience victims suffered due to the violence, and does not consider the current situation. Therefore, there are major gaps in the legal framework on civil remedies.

Furthermore, Article 12 of the Kampala Convention requires states to enact a law that provides just and fair compensation or other reparations for IDPs for damage incurred due to displacement. However, during the ratification of the Kampala

¹⁰⁵ International Commission of Jurists, 'Women's Access to Justice for Gender-Based Violence' Practitioners' Guide No. 12, February 2016, 121

¹⁰⁶ Kedir Etsegenet, (n 86)

¹⁰⁷ Tanzania: Act No. 4 of 1998, Sexual Offences Special Provisions Act, 1998 Art 8

¹⁰⁸ Civil Code of Ethiopia (1960). The Federal Negarit Gazeta Year, No. 2, Proclamation No. 165/1960. Art2116(3)

¹⁰⁹ Ibid

Convention, Ethiopia has reserved this article and provide compensation is only in case of development-induced displacements. Hence, the obligation of the government to other causes of displacement is limited to humanitarian assistance under Art 89 of FDRE Constitution. Destruction of properties is one of the consequences of conflict-induced displacement and when it's aggravated by ethnicity, the destruction will be grave and widespread. Thus, this reservation excludes women IDPs from their rights to get compensation. The compensation scheme would especially help IDP women to get them back on their feet financially and it may help them feel better because it is at least recognized that what happened to them was wrong. Furthermore, whether it is compensation or reparation, it would reduce the suffering and the risk of staying in unsafe and unsecured places for them and their families. However, there are inadequate and incompatible laws in addressing civil remedies for women IDPs in Ethiopia.

To sum up, despite the legal measures taken by Ethiopia to respond to VAW in accordance with international human rights instruments, there remains significant and pervasive gaps in the legal framework, especially for the protection of IDP women. The absence of criminalization of some forms of VAW such as gang rape, sexual exploitation and abuse, sexual torture, marital rape, and civil remedies for VAW victims are the major gaps within the legal framework to respond to the challenges of IDP women in Ethiopia.

Conclusion

The paper evaluated the vulnerability of IDP women through intersectional feminist lens. The homogenous categorization of IDP women by using a single identity of sex as women contributes to ignoring their experience to violence which involves compounded identities such as race, social status, ethnicity, gender, and religion. As a result, they are considered as if they are facing the same level and form of violence as all other women including women displaced due to other reasons apart from ethnic conflicts. This can be remedied by treating the case of

IDP women differently in each case rather than assuming them as part of the homogeneous group.

Besides, the paper identified that the existing national laws and policies do not take into account the specific vulnerability of IDP women, and are not adequate to respond to the challenges arising therefrom. The existing law that is applicable to all women also failed to include some forms of violence against IDP women. In this regard, the government has failed to fulfill its obligations under international and regional instruments.