

# The Assessment of Abduction from Gender Perspective in Hadiya Society: The Case of Misha Wereda

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## ABSTRACT

This study is aimed at assessing the prevalence of abduction from a gender perspective and to identify the rationale behind this practice and its possible consequence on the lives of women and the society as a whole. In addition, it has tried to show the vulnerability factors and problems in law enforcement in the selected area. The researcher has chosen the Hadiyya zone, Misha woreda, where abduction is rampant and used as a customary form of contracting marriage. To gather information, both qualitative and quantitative methods are applied. Mainly the qualitative method is used to conduct case study and the quantitative is used as a supplementary data source to reinforce and to support the main data source. The major sources of data for this study are the selected four victims (abducted women). Besides, 30 people are selected to fill the questionnaire and unstructured interview was conducted with these people. The concerned officials such as police officers, Women's Affairs Office, judicial bodies and zone and woreda administrators were interviewed. An in-depth interview was conducted with 'shimagles' (elders), some community members and school administrators. A Focus Group Discussion (FGD) was organized with groups of people from the community members. The study shows that marriage by abduction is practiced highly in the selected area and though there are other factors, culture is the major factor for girls' vulnerability to this violent act. Though it is defended and justified in the name of culture and tradition, the practice is a form of violence against women. Moreover, the study shows the practice of abduction has negative consequence on the lives of women. Besides, the study shows that there is a gap between the existing law and its effective implementation and the inadequate efforts exerted by public authorities to enforce the existing laws. Creating awareness among the society, particularly amongst women, giving human rights and gender sensitive trainings for 'shimagles' and whole concerned bodies, giving assertive training to women and giving due attention to the implementation of the existing law are the recommendations.

## 1 Introduction

### 1.1 Abduction: A Serious Problem

Ethiopia consists of different nationalities and ethnic groups having different cultures and traditional practices and ways of life. Some of these practices are beneficial for the peaceful co-existence and perpetuation of the society as a whole but some cultural beliefs and attitudes perpetuate gender-based violence in different forms. Abduction is one form of gender based violence that takes place in the name of cultural practice. In most Ethiopian societies, especially in the southern part of Ethiopia, abduction is deeply rooted in social beliefs and seen as a traditional practice. Therefore, it is a common practice for young girls, to be kidnapped, raped and often forced into marriage. In most cases, customary and religious laws allow abduction to become valid marriage by violating the girl's consent, and even sometimes they do not take the girl's age into account. This practice is completely contradictory with Universal Declaration of Human Rights and the Ethiopian Law (Andargachew, 1996).

This harmful practice against women is highly practiced in Hadiyya zone. The society considers it as the right of men and the norm of the society to abduct girls and take them as their wives. It is a normal condition for a girl to be kidnapped and forced into marriage. Women also accept this norm. As a result most cases are not reported to the police. Rather they are treated in traditional way. Even though the cases might be reported, there is a problem in law enforcement. All these constraints deny the rights of women and put women in a subordinated position. It also affects their lives in many ways.

Besides the culture, there is also a gap in the existing law and its effective implementation. Because the law is not applied as it is stated in the penal code most women prefer not to report the case to the police. As a result, most women are suffering from this problem that calls for improvement.

### 1.2. Women's Position and Their Role in Hadiyya Society

Like many other societies in Ethiopia, the Hadiyya society is a patriarchal society. Women are in the lower position. They are dominated by men. Women in the Hadiyya society do not have the right to make decisions, right to resources, right to limit number of their children, right to complain in general. They don't have rights for anything that is forbidden for the woman according to the culture of the society. They face serious challenges as

they are governed by the rules that have been set by the society's patriarchal culture.

According to Walby (1990), in a patriarchal system men have the task of being oriented to the external world, women of looking after the internal needs of the family members. This is also true in Hadiyya society. This gender division of labour is central to women's subordination.

In the Hadiyya society, women have their own roles that have been assigned only for them. Their role is limited and different from that of men. They are not allowed to do activities which are assigned for men. So most of the time they are expected to do the household activities. They have to use the resource properly and wisely, look after properties, taking care of children, participating in women centered social gatherings (meentti iddiira), and doing all the household chores like preparing food, fetching water, washing clothes, cleaning the house and the surrounding and working in the backyards.

### **1.3 Gender Sensitivity in the Society**

The meaning of gender and sexuality and the balance of power between women and men at all levels of society must be reviewed. Combating violence against women requires challenging the way that gender roles and power relations are articulated in society. In many countries women have a low status. They are considered as inferiors and there is a strong belief that men are superior to them and even own them.

One society can be called gender sensitive when it gives due attention to women and lets them participate equally with that of men in all aspects. Besides, when any gender based violence and discrimination is condemned by the society and efforts are made to eliminate it, the society can be called gender sensitive. Moreover, a society is gender sensitive when it cooperates with women to empower them economically, socially, politically and so on. In addition, the society can be called gender sensitive when the cultural laws and norms have gender sensitive laws.

So when we look at the Hadiyya society, according to the given information on culture, it is possible to say mostly that it is not gender sensitive. The society puts women in the subordinate position. Men are superior, powerful and decision makers. Most women are denied the rights to education, health, participation in politics, and property ownership and so on in the Hadiyya society.

## **2. Statement of the Problem**

This study is aimed at assessing the occurrence and the consequences of abduction in the life of women in Southern Nations, Nationalities and Peoples' Regional State (SNNPRS) with particular reference to the area of Hadiyya Zone, Misha woreda, which is a place considered as having a high level of occurrence of marriage by abduction.

In these societies, abduction is deeply rooted in social beliefs and seen as a traditional practice. Therefore, it is a common practice for young girl, to be kidnapped, raped, and often forced into marriage. In most cases, customary and religious laws allow abduction to become a valid marriage by violating the girl's consent.

The worst thing of all about abduction in this area is that the perpetrators of abduction are not only the rural illiterates, but also government officials and professional people like teachers, policemen etc. i.e. those who seem aware of the existing law and who are given responsibility to deal with the protection of human rights and to safeguard the wellbeing of the individual as well as the whole society.

Because of this reason, there is a gap between the existing law and its effective implementation and inadequate efforts by public authorities to enforce existing laws since they do not give due attention and because some responsible bodies might have blood relationship with the abductor or abuser. They are also not aware of the consequences of such practice on the health of the victim. Besides, the existing law sees abduction and rape independently. Thus, the existing penalty of abduction is much less than other criminal offenses. These are thus effectively restraining women from seeking legal protection, and redress for their suffering.

## **3 Objectives of the Study**

### **3.1 General Objective of the Study**

The main objective of this study is to assess the prevalence of abduction from a gender perspective in Hadiyya Zone Misha Woreda, and to identify the rationale behind this practice and its possible consequence on the lives of the women and the society as a whole.

### **3.2. Specific Objectives of the Study**

*Specific objectives of the study are:*

- To check the prevalence of abduction in Misha Woreda
- To assess reasons for abduction
- To assess the problem in law enforcement in the area
- To suggest strategies to solve the problem

#### 4. Findings, Case Presentation and Discussion

No	Name of Victim	Age	Victim's education level	Reside with	Occupation of the family/Abductor	Age
1	Genet	15	Grade 6 student	Uncle	Merchant	32
2	Alute	13	Dropout from grade 5	Her mother	House wife	30
3	Zemednesh	28	Dropout from grade 8	Abductor	Small trader	41
4	Tamench	30	No education(illiterate)	Another man	No job	70

#### Case Presentation and Discussion- A1 and A2

##### Case Presentation (A1)

##### Introduction

Genet is a countryside girl. She is very religious. She is shy so she speaks very slowly and uses few but strong words. Though she is shy she is not afraid to talk about the things that happened to her.

Genet is 15 years old but she looks older for her age. She is of medium height and weight. She has a smiling face. Her hair is short and black. She has a scar on her forehead because she fell down on the ground when she was a kid. She usually wears a long skirt. She has only one friend in the school. She prefers to stay at home instead of going to market or shop because she is afraid of people around her village. Even in the school, at break time she stays in the class with her friend instead of playing with her class mates and other school children, because they point their fingers at her and gossip about her. To avoid these painful situations, she chooses to keep herself away from these people.

Before getting the clear story from Genet, the researcher went to the woreda police office to get the address and names of the victims which made it very easy to contact them.

The researcher got the case of Genet from the woreda police office because her case was already reported. After taking her address from the head of the police bureau, Girma Bekele, the researcher was introduced to Genet's uncle, Ato Desalegn, to get permission to go to his house and talk to Genet as well as him.

Ato Desalegn, the uncle was surprised and happy to hear about the research project. Even the Women's Affairs Office had ignored this case. He said that he wished the story to be published and known by people and volunteered to give all the necessary information.

Ato Dessalegn invited the researcher to come to his home and talk to him and Genet. The meeting went on for one week (each day for about 1 hour and spending one night at their home) depending on the situation (mood) of Genet and method of the researcher. During that time, the researcher used different techniques just to get the best out of Genet. On the first day, the researcher went to Ato Desalegn's house as a guest and spent time with the family for one night. It is Genet who was making coffee for the researcher and the family too. In the course of the evening different issues were raised and wide discussion opened on the culture and the social norm of the society in the area. The researcher tried to make Genet speak freely.

In the course of the conversation, Genet said,

*I am different from other girls in the school. It is only me, who is abducted and returned to the family, and continued education. All the time, students talk about me. They say 'she is abducted and deflowered. She is not a girl any more'.*

As Genet has mentioned above, her friends gossip about her because she is the only girl in the school who is abducted and returned to her family and continued her education. Genet's situation is different from the norm of the society that is why she is exposed to gossip and rumor. As in the culture, if a girl is abducted she should stay with her abductor because it is considered a shame for the girl to return to her parents' home. And in most cases the girls will be forced to drop out from the school.

To the question how she was abducted and what happened to her at that time, she answered as follows.

##### •The Guilty Friend

*I was living with my grandmother because I lost my mother when I was a kid. Most of the time, we had disagreements. She always nagged me. So I had no peace in the house. One day, I and my grandmother quarreled seriously. There was a friend of mine in the neighbourhood and she told me to leave the house and to go to Hosanna. She promised to find me a job in a private house at Hosanna. She told me that everything would be solved if I did what she had advised me to do. Then, I accepted her advice and I got into my house and collected all my stuff. Soon after, I and the girl, by the name called Fantu, started our journey to Hosanna on foot. When we got to the place called Gabo, we got into a car. Inside the car, we met Ato Tsegaye, the brother of Fantu. When we reached Hosanna, Fantu told me that she had an exam so she had to return to Morsuto and her brother would take me and help me find employment. Then, her brother took me to a Hotel and told me that is a place where I am going to work in. Then he gave me a soft drink mixed with 'Areke' (which is a local alcoholic drink) telling me that it was good for my thirst. Besides, he told me to wait for the employers there till 5:00 O'clock in the afternoon.*

*Then, he took me to one room and said that was the place where my employers would meet me in the morning. Also he told me that they allowed me to spend the night in the room where I was. Then, he came into the room without my permission and locked the door behind.*

#### ●The Painful Night

*At that moment, I stood up and told him I could spend the night at my relative's home and I could come the following morning. Telling him that, I tried to open the door, but it was already locked. When I told him he should go out and let me spend the night alone, he told me that he came to spend the night with me and threatened me with stories of dangerous hyenas in the city. Then, I tried to sleep on the floor leaving the bed for him. At this time, he hit me with an electric wire and pushed me on the bed. I was tired and drunk as a result of which, I couldn't protect myself. Then he raped me by force. At that moment, I became unconscious and didn't know myself till the day break.*

*While we were in the bed room, he brought alcoholic drink and forced me to drink it. Then he called a photographer and took a picture of me and himself. I was so afraid of him because he was threatening me badly. Before he took me out of that room, he warned me not to shout in front of people. Because I didn't know the town, I thought he knew everybody. So, I preferred to keep silent. In the morning when I started to cry he told me that he would take me to the bus station. What I knew is he was taking me back to Morsuto. Unfortunately, I knew that it wasn't Morsoto but it was 'Lisana'. When I tried to shout he threatened and gave me strong warning. Then the youngsters he had already prepared came to me and beat me with a stick and pulled me on the ground. Then after, he took me to his uncle's home and kept me there.*

*His friends were watching me the whole day. So I couldn't escape. He collected all his friends and relatives and forced me to sign on a paper. I didn't have any choice because he threatened to slaughter me unless I did what he asked me to do. So, I signed. Then, he told me that he wanted to make me his wife. I was upset and crying. But he was telling me that things were already done so I could bring no charge. He was telling me that he would send 'shimagles'(elders) to my family and things would be solved, but I did not wish to live with this arrogant and cruel person. It was on May 17, 1999 E.C. he took me to Hosanna. It was on that day that my family reported to the police and caught him red-handed.*

#### Case Presentation (A2)

##### Genet's Uncle

His name is Ato Desalegn. He is 32 years old. He is young and married. He has three children. He spent five years in South Africa to make money for a better life. He came back to Ethiopia at the end of last year. While he was in South Africa, his wife and children were living in Morsuto. He had built his own house with the money he had got from South Africa. Now, he is doing his own business.

As it has been mentioned before, first, Genet was living with her grandmother. Ato Desalegn is the one who brought her to his home to live with his family. He has a good personality. His wife is also a good person. She helps Genet in many ways.

It was Ato Desalegn whom the researcher met first. After explaining the purpose of the study, he invited the researcher to come home. When Genet saw Ato Desalegn being involved in this study, she agreed to be part of it. At that time, the researcher was checking Ato Desalegn's words with what Genet had said.

It was by the time of his return to Ethiopia that Genet was abducted. He told the event as follows:

*I heard Genet was abducted after one week from her abduction. I didn't expect this could happen to her. At the moment I heard, I didn't know what to do. Because, I didn't know who the abductor was. By the following day, I went to the Women's Affairs Office and told them what happened. To my surprise, they were reluctant. They were not willing to take actions and react. Instead of telling me what to do and helping me accordingly, they started to tell me that it might have happened with the consent of Genet.*

*When things were getting worse, I went to a friend of mine and told him all. He advised me to go to the police office. He knows the people there. The chief of the Woreda Police Office is his cousin.*

*The chief helped me a lot. He sent policemen to the suspected place, Hossana and Lissana. I went to Hossana together with some policemen. We got information from other people around the town and went to a hotel. Then, the police caught the abductor red-handed.*

*Then after, the police brought him to Morsuto. We heard the whole story from Genet and the police also caught the abductor's sister because, she was the one who deceived Genet into running away from her home, promising her a good job at Hossana. So, she participated directly in abducting Genet. The police sent her to prison*

*together with the abductor. What surprises me is, it is this girl who informed Genet's being missing to the family. As you can see, Genet is only 15. She is my sister's daughter. Before I went to South Africa, I brought her to my mother's house because, my sister had passed away. The reason I brought her here is because her father got married to another woman. She was so cruel to Genet. She didn't allow her to go to school, but made her stay at home doing house hold activities. Every burden in the house fell upon the shoulder of this little girl. She was out of school for one year. So, I brought her thinking that she would continue her education and help her grand mother. Unfortunately, this is what happened.*

*It is after this that the police took the case to the court. Both the police and judicial bodies were so cooperative in investigating the case thoroughly. After looking at the case seriously, the judge passed sentence on the abductor and made his sister to spend 12 and 5 years in prison respectively. It is not easy to get justice in this way in this woreda (district). It was the luckiest day of my life. Nothing is as joyful as getting justice and seeing the abusers receive the punishment for what they did. I started to believe that there is justice! According to the judge's sentence the woreda police sent the abductors to Hossana prison.*

*After two weeks, things started to change. I was on my way to present my complaints to the court that 12 and 5 years sentence is very little for what these people did. Surprisingly, I heard that the abductor and his sister presented their complaints to the Zone higher court. It is unbelievable that with no reason and without informing our lawyer as well as me and Genet, the Zone Higher Court has changed the statement of the Woreda court and lessened the punishment for the abductor from 3 years and set his sister free. To your surprise, we don't know the name of the lawyer whose name is in the statement paper and was presented as Genet's defender. I heard this from the woreda court because they have received the copy of the statement from the Zone Higher Court.*

*I went to Hossana many times to ask why they did this to me and to the young girl. But there was no one who was willing to talk to me. Now, I am losing hope. You know what? This man (the abductor) has got wife and kids. He is doing such harmful thing to different innocent girls. But they all have kept silent. You know why? He has got relatives who are working in the higher position at the zone level. Even the judge who changed the woreda's statement in Genet's case is his immediate relative. So, what should he worry about? There are people to protect him (the criminal). That is why he keeps on doing irresponsible things.*

*Telling you the truth, finally, I have been forced to conclude that these innocent girls will never be protected from any violent acts any more. There is no hope for women in this society to solve their problem and to get law protection unless they have 'good' relatives who have good positions in the responsible bodies.*

## **Discussion -1**

### **A) The Abductor**

As Genet identified, the abductor who has wife and kids is her friend's brother. She doesn't know him. He is about 38. He has been involved in such crimes before. He never had been accused for what he did to other girls. As a result, he keeps on abusing them because he wants to fulfill his needs. This is not noticed by the woreda police. According to the discussion with Genet, her uncle and head of the woreda police, the reason that encouraged the abductor is ignorance of the responsible bodies.

As Ato Desalegn indicated, the abductor has relatives who hold important positions at the zone level. So, using them as his shield, hoping or believing that they can defend him for being punished, he keeps on doing what he likes. His repeated action shows (confirms) this. Because he has relative at Haddiya Zone higher court, he got less punishment, changing the 15 years sentence to 3 years.

When we look at the system or mechanism that the abductor used, it is with the help of the intimate friend (person) of the girl. The intimate friend made a deal with the girl in the name of doing a good job.

As it has been mentioned before, it is the abductor's sister who mislead the girl and took her to Hossana telling her that she could help her to be employed by another person. Because, she is her best friend and looked so concerned and worried about her, Genet was deceived. From this, one can understand that women also participate in abducting girls by using different techniques to convince them or having a good approach with the girls and making the girls have trust in them.

According to FGDs, most women participate in abducting the girl indirectly for various reasons. It is very easy to approach girls through their best friends to deceive and abduct them. Most abductors use this way that makes the abduction process very simple. In this way the abductors do not need to use force. Rather they approach them systematically until they get the girls in their hands.

Concerning this case, focus group discussants also confirmed that in some cases the abductors are those who have relatives in high position; they might be police men, judges, administrators or any other responsible bodies. Though the case reached the police or the court, these relatives started to hide documents and

tried to protect the perpetrators. This is a big problem for girls denied of justice. So, most of the discussants have reached an agreement that if the victim has a relative whose position is greater than that of the abductor's relative's position, she might get justice. If not, justice will be unthinkable.

According to the interview conducted with police officers, most perpetrators abduct and rape girls because they believe that it can be solved by the interference of 'shimagles'. Moreover, they boost their high posted relatives. Most abductors say that it is a norm or culture to abduct a girl and make her wife. So, they think that they should not be blamed for what they did. Instead of being ashamed, they approach it as their right.

Though the case is reported to the police, in fear of the 'shimagles' and not to lose social value, the girl and her family drop the case and hide information from police. This makes the investigating difficult. Unless the victim and the parents help the police, the case cannot go to the court and the abductor cannot be punished.

As Genet indicated, after he abducted her, he threatened her badly not to say a word to any person, and warned her not to shout and call for help. Then he gave her an alcoholic drink to make her unconscious so that he could rape her easily. To escape charge, he also forced her to have a picture with him for proof that it happened with her consent and she was not abducted by force. This shows that the abductor used different techniques to rape the girl. Knowing that alcoholic drinks can change the state of the girl's mind and weaken her not to fight with him, he deliberately gave the victim alcoholic drink.

He was not the only person who abducted Genet. There were his friends. They were helping him by moving the girl from place to place and keeping her by force or threatening her not to run away. So, there are a group of men who cooperate with the abductor to abduct the girl.

According to Genet's story, she was kept in a room for several days and there were men, friends of the abductor who kept her from running away. As a result, she couldn't escape.

As it has been indicated before, women participate in abducting the girl using different mechanisms to cope with the situation and to make agreements with the girl. The men participate in abducting the girl using their force and by threatening her. So, both women and men participate in the process of abduction in different ways.

## Discussion-2

### ●Negligence of the Society and Concerned Bodies

With respect to Genet's case, interview was conducted with different individuals who are responsible or in charge of the case. Among these, the woreda police head officer, president of the woreda court, gender expert in women's affairs office, and judges from Hadiyya zone higher court were interviewed.

According to the head officer of the woreda police, as soon as the case was reported to them by Genet's uncle, the police took immediate action. The woreda police office sent few policemen to the place where the abductor kept Genet and caught him red-handed. Then after, the police sent him to prison. After organizing the necessary documents and gathering information, the police brought the case to the court. Besides, the police followed up till the case got justice. Finally, according to the sentence passed by the court, the police sent the abductor to spend 12 years in prison and his sister for 5 years.

As it is indicated, the woreda police played a great role in hunting the criminal and bringing him to the court. This shows that the woreda police office is trying to protect women from this violent action, abduction.

Officer Girma, the woreda police head officer, also mentioned that police is trying its best to bring justice with respect to violence against women in the woreda. The big challenge that the police is still facing is the social norm and the cultural system of the people. When any woman is abused by men, it is the society that hides the criminals by giving them information that the police is looking for them. As a result of this, the abusers (criminals) will change their place so the police cannot get information. For instance, if one girl is abducted and the case is reported to the police through one of the girl's relatives, it is not only the abductor's relatives but also the girl's family that will try to hide information and inform the abductor in order to hide him by changing places accordingly.

The girl's families do this because they don't want to lose their social position. This is in the case when 'shimagles' force them to agree with the abductor. If they refuse, the society will tell them that they will be discriminated against and cannot be involved in or participate in any social affairs. Moreover, the 'shimagles' tell them that they will be discarded from the social gatherings like "ikub" and "idir".

In some cases, the family might be threatened to death or lose their property; house may be burnt, their cattle stolen and their farm destroyed. So, before these all happen, they prefer to agree with the abductor. Most of the girl's families also believe that, (which is also the belief of the whole society), if the girl is once abducted, she is a woman and no one will marry her. So it is better to keep her to live with the abductor. The abducted girls are considered as useless. Because of this reason, the girl's family will cooperate with the abductor and will not be willing to give information to the police. This is a great challenge that the police is facing in this woreda.

Feminist legal theory shows how the hierarchical opposition of masculine and feminine within. In such binary pairs as public/ private, objective/subjective, and form/substance creates and reinforces norms that favor

male characteristics and values over female ones. Feminist legal theory holds that the law of the public world must be reconstructed to reflect the needs and values of both sexes and change must be sought from legislatures rather than the courts (Barlett & Kennedy, 1991).

According to the woreda police report, though the police tried a lot in bringing abusers to the court, most cases remain in the air because of the intervention of shimagles. The woreda police has started community policy education program to eliminate HTP (Harmful Traditional Practices) especially for women and community leaders (most of them are shimagiles), to create awareness and to change people's attitude towards HTP (Harmful Traditional Practices). However, they have not been able to bring a radical change because of the strong cultural bond.

So, in the case of Genet, the woreda police was happy to see the girl getting justice. But the police got demotivated hearing that the 12 and 5 years sentence was changed by the zone higher court. It was shocking for most police staffs to hear this from the responsible body. The charge has two different crimes. The one is abduction the other one is rape. But the zone higher court changed the type of the crime and simplified the sentence to 3 years and set free the abductor and his sister respectively. So the punishment for the abductor was lessened by nine years and his sister set free.

When the police staffs heard this, they said, "We don't need to do cases in relation to abduction because nothing comes after we did this all. Where is the result of our work? So it becomes nothing, why should we work on this issue? We can't bring change because there are big (strong) challenges from the society and from the legislative bodies who know much about justice."

As a result, the police gets tired investigating the cases with respect to violence against women. According to the information gained from the police document, by the year of 2000 E.C. there were 6 abduction cases but the police couldn't bring even one case to the court, because of the above mentioned reasons.

### Discussion -3

Based on the conducted interview with the Misha woreda court president, Judge Haile Lambebo, I came to know that the case of Genet was seen in the court and depending on the police information and investigation, the case was regarded as important by the court, and 12 and 5 years sentence passed on the abductor and his sister respectively.

Four months later, the zone high court was sent a copy of the revised sentence by changing 12 years to 3 for the abductor and setting his sister free from 5 years of sentence. Even the president of the woreda court couldn't know how the judge at the zone higher court interpreted the criminal code that the abductor was accused for two different crimes; the one was in charge of abduction and the other one rape, which was followed by the first action.

The woreda court has passed the sentence which is equivalent to the two crimes according to The Criminal Code of Federal Democratic Republic of Ethiopia Article 589(1), 620(1) and 627(1) together.

Whereas, the Zone Higher Court changed (revised) this sentence with Article 587(1) which says, *whoever with intent to marry a women abducts her by violence, or commits such an act after having obtained her consent by intimidation, threat, trickery or deceit, is punishable with rigorous imprisonment from three years to ten years.*

When we look at the whole case and investigation thoroughly, the law interpretation in the first sentence is totally different than the second one. The first sentence, which was passed by the woreda court, sees the case of abduction together with rape and the first action considers the age of the girl. But, the second sentence which is passed by the Zone Higher court sees abduction and rape independently and ignores the second action, which is rape, without considering the age of the abducted girl.

Moreover, the Higher Court passed the mentioned sentence without the knowledge of the girl and her family, just depending on the complaints of the abductor. When the abductor presents his complaints to the higher court, the court should inform the girl, her family as well as the girl's lawyer. But, the court passed the sentence without the knowledge of the three parties (the girl, her family and her lawyer). According to the information given by Genet's uncle, they don't even know the name of the lawyer which is mentioned on the paper, and who was also presented as the lawyer of Genet during the court time.

The researcher has also interviewed the person in charge of the case from the higher court mentioned in the statement. The judge explained that the case was seen in the presence of Genet's lawyer. So, what they know is they are well informed. Besides, because the court couldn't get a chance to see the girl by face, it was forced to look at the two pictures which were presented as tangible evidence by the abductor and came to believe that the girl was matured enough (above 18) . As a result the court came to believe that the girl had an agreement in her abduction. For the question why the court sentenced the abductor with 3 years of prison and sent his sister free, the judge answered that the abductor also could be sent free but the court had reached the current decision in order not to encourage abductors to abduct after having the consent of the girl without the knowledge of the parents, which is one type of abduction. As proof that the abduction had taken place with the consent of the girl,

the judge said the girl didn't shout when she reached a crowd. This implied that she agreed with the abductor. And for the question whether the court knew that the abductor was married and was accused of other violent action or not, the judge said that they did not know. However, it was mentioned on the sentence passed by the woreda court. Because the judge did not want to go further with the interview, the researcher was forced to stop with these few questions.

To conclude, looking into these two different sentences in one case, one can understand that the second sentence is biased for the abductor. The higher court did not put a clear statement on the case. Instead, there are lots of questions left unanswered in the case documents. Questions like, who has chosen the lawyer to speak for Genet's case? Why the court didn't consider the age of the girl? Why the court simply accepted the pictures which were presented by the abductor and taken in an abnormal situation (without considering the situation of the girl)? Why the court didn't check whether the victim was informed about the court appointment or not? Why the court didn't see the case as a single case and consider it a case of abduction, ignoring the rape? Why the court didn't look at the medical statement that was presented by the woreda court which indicates that the girl is raped and there is wound around her vagina? Why the court didn't consider the situation of the girl? (Thinking in a way that she might be threatened by the abductor badly) and other questions need to be answered by the higher court.

From the above information, it is possible to conclude that some responsible bodies are ignorant and they give unfair judgment, especially with respect to violence against women. The criminal law is there on the paper. It is good to have such a wonderful law. But, what is the use of having it, if it is not implemented and interpreted in the right way to bring justice? The improved law will remain on the paper (it is like a tiger on a paper) and reliable justice cannot reach the people, especially, women who are exposed to different violent actions. So, negligence of the responsible bodies especially, legislative bodies, is a big factor that encourages the perpetrators to keep on doing criminal acts repeatedly to innocent women.

## Case presentation (B1)

### Introduction

Her name is Alute. She is 13 years old. She is kind and very shy. Her shyness might be the consequence of the violence against her. She has short black hair and is very skinny. She is always in T-shirts and skirt. During the researcher's observation, most of the time she walked without shoes. This is because she had only one pair of shoes to put on only on Sundays when she went to church once a month. She usually wears worn-out clothes and doesn't dress her hair well. Her hair style is 'shiruba' (dozen of plats). Her hands are strong and hard due to lots of work. She looks old for her age.

She is living with her mother. She was a student in grade five. But now, she is a teenage mother and has been forced to dropout from school. She is the one who takes care of her baby boy everyday and helps her mother in the household activities. She has no time to go out. That is why she goes to church once in a month with the permission of her mother. Her father is not around. He went to South Africa a year ago seeking for better life. So, her mother is the head of the family and responsible for everything. She has two brothers and two sisters. She is the first child in the family. Thus, next to her mother, she is responsible for all things in the family. As a result of this, a great burden is on her shoulders.

Though she doesn't understand the objective of the study, when she saw her mother being involved in it, she agreed to share her story.

*Before my father went to South Africa, this guy was helping my father in the farm and in other jobs. Then, he became like one of the family members. No one thought that he could do such kind of thing to me. When my father went to South Africa, he asked him to help my mother during seeding crops and cultivation and Mr. 'X' promised to do so. My father also agreed to pay him monthly. Then after, he started to come to our home daily and sometimes he started to spend the night with us. He was the one to seed crops and cultivates our farm-land. He was also helping my mother in many ways. As a result, my mother had trust in him. He sometimes brought me simple gifts on holidays. But he was telling me not to tell this to my mother. He brought me candy and some other sweets. I don't know why he was doing this. One day, he asked me whether I wanted to have a new dress or not. Then, I said 'wow' and I told him that was a good idea and it was very kind of him. After that he told me there is no fashionable cloth in Morsuto; so it is better to go to Hossana and he insisted I go with him. But I said 'no', because I was afraid of my mother. Again he told me that we can go together without the knowledge of my mother. The other day, he came and asked me to go with him. On that day, I was on my way to school. I refused, but he tried a lot to convince me. Finally, I told him to go and bring the cloth for me. But, he told me that he might be able to choose the right one that can fit and suit me. He also told my friend in school about this. After all this because he and my friend insisted, I agreed to go to Hossana with them. She also promised me to join us in order to help in selecting the right cloth for me. Both told me not to tell this to my mother and it was agreed that we would leave for Hossana on my way to school.*

*At that time, I was so eager to go and see Hossana, because, I had never been there. In the second place, I*



*loved to be in a new fashionable dress. These were my reasons that drove me to agree with the man and my friend. I had never thought he wanted to make me his wife.*

*Whether you believe or not, the reason why my friend was arguing with me was she had received some money from Mr. 'X' to trick me. I believed these two bad people. Without telling my mother, I went to Hossana while my mother believed that I was in the school.*

*We took a bus; I had never had such an experience. I enjoyed the travel. When we reached Hossana, it was like "wow!" for me. He and my friend took me to a big market center. When I looked at the shops and the attractive goods in the shops, I was surprised. I was happy to be there. At that moment I was thinking of telling all this to my school friends. When we got in one shop, I saw a beautiful dress and told him to buy me that dress. But he told me that it was too expensive. He called my friend and whispered something in her ears.*

*Then, they came back to me and told me that he was the one who was going to choose a skirt for me. I strongly objected to that in the 1<sup>st</sup> place. The reason I came there was to make my own choice and secondly, it was not only a skirt, but a dress and shoes that he promised to buy. Both laughed at me and said that was just for the time being and the reason for this was he lost his money in the bus. I accepted their explanation. By going here and there we killed much of our time doing nothing.*

*When I got tired, I told them I needed to take rest. Finally, he bought me one long skirt and took us to a café. He ordered tea for all of us. I was so tired and hungry. I asked him to buy something to eat. He spoke to me angrily and told me I didn't care for him and that I was selfish. My friend also said that I should thank him for what he did for me. I was shocked and got nervous. I was about to cry.*

*I didn't realize that time had passed. I asked him what time it was. He told me it was 5:30 pm. I stood up from my chair and suggested we should go. Then the man said 'go to where? Please sit down. The time had already passed. We can't do anything. We cannot get a bus at this time; even the bus station will be closed. So, we shall spend the night here and we will go back to Morsuto tomorrow morning. Your friend can go to her relative's home. Because you don't know any one here, you will be here with me.'*

*Then, I angrily spoke to him and my friend and said. "You promised me to take me back home. If I spend the night here, my mother will kill me. I told her that I was in the school. And I told the man, "I don't want to spend the night with you. I prefer to go with my friend or all of us should be here. He replied that this was not his fault, but mine. He started to tell me that it is me who made them to go from one shop to another to get the best skirt.*

*My friend also said it was up to me to choose to stay with him or to spend the night outside alone. She told me that she couldn't take me to her relative's home. I became so angry with them. He also added that it is because he lost his money that we all couldn't be together. If it was only me and him he could rent one room but for three of us it would have to be two rooms, each costing 35.00 birr which he couldn't afford. When I heard this, I was shocked. But I had no choice. Meanwhile, my friend said good bye and went to her relative's home. Now, I started to suspect that they might do this deliberately. On the other hand, I thought that he would not do bad things to me because he was afraid of my family. We all considered him to be a part of our family. I started to think this and that.*

*When it got dark, he told me we had better find a place to spend the night together. He took me to a hotel and rented a room. I was frightened; it was my first time to spend the night without my family and with a man. I was afraid he might hurt me. So, I asked him to give me the bed sheet and I could spend the night on the chair, and he could sleep on the bed.*

*After we entered the room, things started to change. He started to hug me and squeeze my hands. My fear had grown in my heart. My heartbeat increased and I started to breathe quickly. My suspicion turned out to be true. When I told him to stop and asked what he was doing, he smiled and said, "Didn't you know that you are abducted? You are such a poor girl. Now onwards here saw you get into the room by your choice. So it is valueless to shout and scream. You have to obey me. Don't worry. I won't hurt you much. I promise you will enjoy it. Then I tried to protect myself with all my strength but, I couldn't do it. When I started to shout, he shut my mouth with clothes and beat me with his belt by its metal side. He beat me with his shoe and I gave up. I was hungry, thirsty and beaten badly. After this, he raped me. I was unconscious till mid-night. When I woke up, I started crying. He warned me to stop crying and he started to argue with me. He was telling me that once it happened so, the better way is to send 'shimagle' to my mother. When I heard this, I told him that I don't want to live with him. He answered it was impossible and if I refused or told the 'shimagles' that it was not by my consent, he would kill me.*

*I was frightened and confused. He told me so many things; like if I go back home, no one was going to accept me and my friend will tell my mother and other 'shimagles', that I went to Hosanna after I agreed with him to buy new clothes. All the things that he told me seemed to make me responsible for what happened to me. As a result, I was forced to agree with him.*

*On the next day, he took me to his friend's home which was a small room. The man who systematically abducted and raped me, Mr. 'X', told me that he should go to Morsuto and send 'shimagles' to my mother. Until things*

*got solved, he told me to stay with his friend.*

*After Mr. 'X' went to Morsuto, his friend remained with me in the room. He was watching me the whole day because, he thought that I might run away and report to the police. But I didn't have any idea about this. I didn't even know what to do when such a case happened. In general, I was so confused.*

*Two days later, mister 'X's friend started to show me his sexual feelings towards me. I was so frustrated and I told him that I would tell Mr. 'X'. Soon after, Mr. 'X' came and my fear had gone. When I asked him what my mother said, he told me nothing.*

*The next day, telling me nothing, he took me to the bus station and we got into the car. I asked him where he was taking me. He told me that my mother was angry so it is better to go there and argue with her through 'shimagiles'. Besides, he told me to tell her that it was my idea that forced him to do so. Then, I agreed because, if I said it all happened without my consent, who would marry me? And my friend also would tell that I agreed to go with him. As a result of this I believed, if I told the truth, no one would accept it. So, I preferred to say in the way that Mr. X had told me. When we got there, he immediately called 'shimagiles' and told them that he did this because I agreed to be abducted in the so called 'herencha' way (which is one types of abduction in Hadiyya culture). He also told the 'shimaglies' that he bought me different clothes and shoes which was not true. He bought me only one skirt. The 'shimagiles' asked me whether his words were true or not. I confirmed that I agreed by nodding my head up and down.*

*Then, they told us they would tell the whole story to my mother and we would try to find a solution. We also agreed on what the 'shimagles' said. Then, he paid some amount of money for the 'shimagles' and they went to my mother.*

*We waited till the 'shimagles' came up with some idea. After three to four hours, they came back and told us that she wanted to talk to us. We went to my mother together with the 'shimagles'. When we reached there she was crying and shouting. She said, "I- waa'a maabeeisummo, i - wotottach kaais issiittoki" (oh! God what is my fault that you punished my little baby like this?) When I heard this, I couldn't stop crying myself. How could I tell her that Mr. X mislead me and did this all to me? What she knows is that it was my entire fault. She continued blaming me for what I did. "I- landich ma- isumo aase ke'ise isitoo?" (My daughter, did I do something wrong? why did you do this to me?)*

*Then, the 'shimagiles' stopped my mother and asked me not to cry. She also angrily spoke to Mr. "X". Then, the 'shimagles' intervened and told to my mothers to calm down. They suggested a lot to convince her. Finally, she agreed but she asked and begged the 'shimagles' to let me to live with her at least for three to four years because, Mr. 'X' did not have any income and he was living together with his four friends in a small room. The 'shimagles' discussed with each other and reached a decision that I can live with her for four years and after four years I would get back to my abductor as a wife. He also promised in front of the 'shimagels' to help me and my mother in all our needs.*

*After a month, things changed. I was not feeling comfortable. My behavior changed. I couldn't eat. My health got bad. I didn't tell anything to my mother. She too did not want to talk much to me. With whom could I share my problem? No one was by my side.*

*After six months, my mother recognized that I was in a bad condition and took me to the health center. The head nurse told my mother that I was pregnant. My mother started to cry. When we got home, she asked me whether I told of my pregnancy to Mr. 'X'. And I answered that I did not tell him. Immediately, she went to the 'shimagles' and told them what happened. They told her that they would tell him. My mother and the 'shimgagles' went to Mr. 'X' and told him what happened. He kept silent and told the 'shimagles' to do their part. But things got on the other way round. He started to tell to other people that it was not him who raped me but it was his friend at Hossanna, who kept me for two days till Mr. 'X' came back from Morsuto. And he kept on denying responsibility. I became confused. I know that, though his friend wanted to have sex with me, he didn't do it. It is Mr. 'X' who raped me. My heart has broken. I felt that I was useless and no one wanted me; my mother, my family, Mr. 'X' and the society.*

*When things got worse, my mother made phone calls to my father and told him everything. From what I have heard from her, he cried a lot and told my mother to report the case to the police. But, neighbors influenced my mother not to take the case to the police. Instead, they pushed her to take the case to 'shimagles' who already knew of the case. The 'shimagles' had tried a lot to get him but Mr. 'X' hid himself. After nine months of pregnancy, I gave birth to a baby boy. Now, I am a mother. Mr. 'X' never comes and visits me and his son. I feel I am guilty. After I gave birth, I told everything to my mother and asked her to forgive me but, I think she is angry with me. We don't talk much. I do what she tells me to do. I'm living in this way.*

*When I look at my school friends, I feel ashamed and I hide myself. I always regret what I did. If I did not believe him and my friend and traveled to Hosanna, all this would not have happened.*

## Case Presentation (B2)

### Alute's Mother

*What I know was Alute went to school in the afternoon session. It was a nightmare to hear that Alute was abducted. At first, I couldn't believe it when I heard the rumor from my neighbors. Finally, I believed when I heard from 'shimagles'. Above all, the thing that made me mad is when I heard the abductor was Mr. 'X' and it was with the consent of Alute. I cried a lot unto God. I didn't know what to do and where to go. I was so confused. I didn't even tell my husband.*

*The 'shimagles' tried a lot to calm me down. They are respected and have acceptance within the society. I have tried to control my emotions and started to listen to what they advise me.*

*It was hard for me to accept it. But, what can I do? I am alone. My husband is not with me. Who would hear my complaints? The 'shimagles' forced and challenged me not to report the case to the police. I have no choice to say "no". Because, if I refused they would think I have undermined them and will discriminate me from all social affairs. Besides, they warned me that they will blame me for my being disobedient. So I have decided to agree with them. But I was questioning how Alute agreed with this poor person to be abducted. When the 'shimagles' brought them, I couldn't let my baby go with this cruel and evil man. I begged the 'shimagles' a lot to let Alute to live with me at least for four years. I did this deliberately. Because I planned to tell my husband the entire case and find ways to send Alute to South Africa. Unfortunately I know that Alute is pregnant. That was a shocking event for me. I didn't want to hurt her psychology so I preferred to accept the whole shame. I started to think how this little girl could give birth? I started to pray unto God to help me and this young girl. She is a baby and she is going to have a baby. Oh God! It was so painful. She was in labour for three days and had a baby. That was a miracle.*

*As you can see, she is a child but she is the one who is taking care of her baby. Mr. 'X' refused to accept that he is the father. I was about to report the case to the police. But, once I did wrong that I didn't report her abduction, I couldn't go there. My neighbors also told me that if I reported the case at the time of abduction, the police would consider the case. But now it is already late so I prefer to solve it through 'shimagles' intervention.*

*It is very difficult for a woman to be the head of the family. These two years are my bad time. I couldn't take care of responsibilities inside and outside the house. Because, the outside ones' was covered by my husband, I had no experience of it. You know what? When I tried to do his part, people started gossiping about me. They said, "Why is she working men's job? Doesn't she know that she is a woman? If she likes to be equal with men, why does not she go to the forest and kill a lion with her hands? This must be the reason that her husband left her to get relief."*

*They all consider me garrulous. I can't go to meetings which concern farmers because all are men. I don't participate in the social gathering "goo'en idira" (Men's social gathering) which my husband was a member of. I can only participate in the women's 'idir' which has no power as the men's 'idir' (the social gathering which helps in any social problem)*

*What I did is send money through another man for the men's 'idir'. Finally, I was forced to employ this evil man Mr. 'X'. In fact, he was helping my husband sometimes. A female headed family is always vulnerable to different kinds of violence. It is because my husband is not around that this rubbish guy abducted and distorted my baby's life. People are saying that "irailem meent landich ...." (It is known that a woman cannot control her children in the absence of her husband...) I didn't report the case to the police because I am afraid of the 'shimagles' and the society. I don't have power to break this yolk."*

## Discussion

### The Abductor

In this case, the abductor is well known by the victim and the family. He used his relationship with the family to abuse the girl. Because, the girl knows him very well, she believed that he would not do evil things to her. The abductor knew the family well; that is how he could succeed in abducting the girl.

The abductor is about 29 years old. He was born in Dangachura kebele in Misha Woreda. He was a dropout from grade six. He doesn't have a permanent job. He works on different people's farm. Most of the time, he was working on Alute's parents' farm because her father is abroad and paid him monthly. This opened a way for Mr. 'X' to know Alute very well and to approach her accordingly. He has no house. He is simply living with his four friends in a small room.

After he abducted Alute with the help of her best friend, who participated in the process, he used 'shemagles' to intervene in the case in order to resolve the conflict. He did this deliberately because he knows the culture very well. The culture treats such kinds of problems through the intervention of the 'shimagles'. He also knows that following this way would help him much to keep Alute's mother from reporting the case to the police. Here, the interference of 'shimagels' helped the abductor not to be convicted for what he did. So, all burdens fell on the shoulder of the girl and her family. He is now a free man and he is enjoying life together with friends. In general, as a result of the interference of the 'shimagles', he could get relief from being accused.

## Case presentation (C-1)

### Introduction

Zemednesh is in her late twenties. She is tall. Even though she is somehow changed, one can understand she was beautiful. The way she is living has affected her physical appearance. Now she is the mother of three children. She is a housewife. She was forced to dropout of her education after she was abducted. Though she wanted to continue her education, because of different circumstances she couldn't. Her husband is the family's bread winner. He generates income for the family. She is always busy doing all the household activities. There is no one who can help her. Even to prepare 'kocho' (a kind of bread) from 'inset' (false banana), which is a very difficult work and involves a long process, unless she gets neighbors for help, she has to do it alone. She said, "If I have a daughter, she could help me in doing the household chores. But all my children are male. So, I am not lucky."

First she had not volunteered to say a word about what happened to her eight years before. After the researcher told her the purpose of the study, she agreed to share her life experience. But the discussion was not to take place at her home. Because, she was afraid of her husband, it had taken place at her friend's home. She began telling her story as follows:

### The Unforgettable Day

*I was living with my parents, until the age of 18 in Ashwala kebele. When I lived with them there were many men who had tried to abduct me. I always used different mechanisms to escape from that danger. It was an obstacle for my education. So, I was forced to go to my uncle's home. Then I started to live with my uncle. But, this couldn't be a long lasting solution to escape from the danger. Those people who wanted to abduct me were following me. They kept on watching all my ways.*

*I couldn't move freely. One day, when I was on my way to school, a group of people came and separated me from my friend and carried me and took me away. I was shouting and crying. But no one could help me. The men were strong to be resisted by anyone who got close to help me. They had thick sticks and knives. They were pulling me on the ground and beating me with a thick stick. I was trying my best to escape from their hands. I used all my strength. I was biting their hands and scratching their face. In order to weaken me they continued beating me till I got tired. Then I had started begging them for their mercy. I agreed to keep quiet and to go where they wanted to take me.*

*We traveled a long distance for four hours on foot. Then we reached a small village called Dilbara. It was getting dark. I was blindfolded and couldn't see where the place was. They took me to a small hut. There was no one and there was no light. I was tired from being beaten and being pulled on the ground. I didn't know who the abductor was. After a few minutes, someone came into the house and approached me.. I had asked who he was. When he spoke I realized that he was a neighbor at my parents' village. I begged him to give me some time because I was tired and told him he could satisfy his need on the following day. Then, he left me and assigned two young men to look after me.*

### The Frightening Night

*In the middle of the night, I had asked the two men to let me go to toilet. Here in the countryside we don't have proper toilets (rest room) like in cities. So, we use the back yard or forest. They allowed me and followed me. I told them I could do my toilet if they stood at a distance. I pulled my dress up in front of them to make them feel ashamed of my doing toilet. Then, when they stood far from me, I slowly went to the maize farm to hide myself. It was so dark and there were hyenas around us. So, they didn't expect that I could go that way. I decided to be eaten by hyenas instead of living with the man. After a few minutes they started to call me but I lay down on the ground to hide myself in the farm and kept silent. I didn't fear hyenas as much as I did the men. They ran here and there calling my name. They didn't realize I was in the farm. They passed two to three times by my side but, couldn't find me. After a couple of hours, they despaired and returned home. I didn't wear shoes and had put on heavy clothes. It was so cold outside. I didn't know where I was going. I couldn't identify which was the right way. I simply took one way and kept on walking. After traveling a long distance, I heard that many hyenas were approaching me. I felt frightened and went to a tree nearby and climbed it so I could escape from being eaten by the hyenas. I spent the whole night on the tree. At dawn, I started my journey. When I got to the river, I found one lady on her way to fetch water. Then I asked the way to Ashwala (my parents' village). She told me that I was in the wrong direction and showed me another direction. After the long journey I got home and told everything to my family. They told me that they were worried and warned me not to say a word to others because people would talk about me and my family. So, in order to keep their honor and respected name they agreed to keep my abduction a secret. In our culture if the girl is once abducted, it is a shame to come back to her family. My parents asked me whether he raped me or not and I told them he did not. So, they were relieved. After that day, lots of people had tried to abduct me.*

### Trying to be in a Safe Condition (Coping Mechanism)

*I reached the decision to go away from the men's sight, so I went to Hossana to my relative's home. When things got difficult, I decided to drop out of my education and to start my own small business. Then, I convinced my*

friend, who belonged to a wealthy family, to give me some money to start my business. Then I started a small business like selling coffee and second hand clothes. When I went to my parents' village people gossiped about me that it is because I am not virgin I went to Hossana and became a trader. I did not care about social values. What I was worried about was being safe. Because I started that small business, somehow I could get relief from fear of abduction. Even the men said "who is going to marry and live with her because she has already her own income and might be disobedient as a wife". You know what; most men do not want to get married to women who have their own income. Some others said that I might have a relation with so many men because I am living in the city. They also perceived many girls who adapted to city life to be unfaithful in their marriage life, probably committing adultery.

To run my business, I had to drop out from school and give full attention to my business because there was no one that could help me. One day when I went to my parents' village, I met the man who abducted me. He approached me and told me that he would never stop trying to make me his wife. And, he threatened me. I didn't consider him seriously and thought he had given up and wouldn't abduct me for the second time.

### **Unexpected Incident**

It was Saturday around 5:00 o'clock in the afternoon. I and my business partner were coming back from the market to our home. We were so tired and collected all our stuff on our donkey. We had a lot of money. On our way home, somebody called my partner and greeted her. I thought he was her relative or someone she liked. In any case, I wanted to give them privacy so I kept on walking. After I moved some distance and looked back I saw him hold her hands and was trying to argue with her. At that time I returned and asked him to leave her. But he kept on abusing her. When I tried to help her to get away suddenly a group of young men came and lifted me up and took me away. I and my friend shouted to get help from other people. Because they were many in number, no one could approach them. They left her and took me away. They were beating me hard. They threatened to take all the necessary measures if I didn't stop shouting and struggling with them. Then they tied my hands and my legs. I was blindfolded so I couldn't see where they were taking me. My hand and left leg were broken. My nose was bleeding and my body was scratched. When I realized that nothing would happen and no one could help me, I decided to keep quiet.

When we reached a village, they took me to a small and unclean hut and the abductor came to me immediately. When I saw him, I knew that there was no way out. He smiled and said that he did as he had said. Then he raped me. I was tired so I couldn't defend myself. They kept me there for two days without food and drink. I was not allowed to go out. Everything took place inside the hut. It was a hard time for me.

After two weeks, I got permission to go out of the hut to use the toilet under someone's control who was assigned to watch my movement. One day when the abductor and his friends went somewhere, there was the abductor's sister who was assigned to watch my steps. I approached her and told her that I was sick and sent her to the neighborhood to bring me milk. She locked the door and left. When she left I opened the window and ran as fast as I could. It was that day I returned to my parents' home.

### **Challenge from Family**

When I got home things were different. My mother begged me a lot to go back to my abductor's home. She was strongly telling me that it was a shame for myself and for the family. My father also warned to curse me if I didn't accept their advice. I lost hope and felt bad. For the first time I realized my parents didn't worry about me, but for their honor. My mother took her breast out and said if I respected her she would bless me and help me in all my needs. I couldn't reject their idea because I knew what would happen if I said "no". So, I was forced to accept. Then they informed that he was about to send 'shimagles' to my family the following day. So I returned to my abductor's home on that day. He sent 'shimagles' and made me his wife. Now I am living with him and we have three kids. I am not a trader and don't have any other job. I never think about continuing my education. I stopped everything and became a housewife.

### **Discussion**

#### **The Abductor**

From the story, one could understand the abductor had confidence that one day he could make Zemednesh his wife. He believed that it was his right to abduct the girl he wanted. That is why without any obstacle he could abduct the girl for the second time after arranging the right time and place. Because no one blamed him for what he did in his first action, he confirmed that it is possible and it is the accepted norm in the society to abduct a girl and make her his wife. He didn't face any challenge from the family. Luis, Robert & William (2000), have indicated that violent action is based on harmful physical force. Few, if any societies are always 'pacifist' in refusing all violent action: in some conditions it is seen and experienced as necessary, inevitably justified, or even psychologically pleasing. In this research, it is found that the society remains silent before the violent action (abduction). As a result, the perpetrators consider it is their right and a normal thing to abduct girls.

In the first abduction, the man didn't rape the victim. So the victim found a means to escape from his hands and went back to her family. And her family accepted her to stay with them because she was still a virgin. The man learnt a lesson from the first experience and was assured that the abducted girl would not run away if he

only raped her. If she lost her virginity, no one would accept her as a girl and she would lose social value. So, either she or her family would accept the marriage because she was raped. This is the reason why he raped the victim immediately after abducting her.

Radical feminists argue that sexual violence against women is not only culturally condoned and pervasive, but also that rape is culturally perceived as a primary means by which men establish their "man hood." (Donvan, 2004). As indicated above, the research finding shows that the abductor used rape as a system to hold the girl not to run away and to show his power over the abducted girl.

During abducting the girl the man used force along with his friends. Because he knew that the girl would not accept to live with him, so he preferred to use the harsh way. He also knew that if they abducted the girl in a group, no one would get courage to help the girl and if any, they could defend easily. When she escaped in case of the first abduction, he felt that it was a shame for him. Being disappointed with what she did, he planned to abduct her for the second time.

## **Case Presentation (D-1)**

### **Introduction**

Even though she didn't know her exact birth date, she is approximately in her early thirties. She is short. Looking at her, one would know that she was living in a poor condition. During the study, she was wearing untidy clothes and had no shoes. Her feet are cracked because she always walks by foot.

Tamenech was born in a small village called Gunna Bonochora. She was living with her parents. She was the only daughter and the second child in her family. The other five children are male. Because of this, she was forced to stay at home in order to assist her mother in the household activities. As a result of this, she couldn't go to school. But her brothers were allowed to go to school. So, she doesn't have any idea about school life and education. She can't read and write. When she was abducted, she was only 17. She began telling the story of how she was abducted as follows:

### **The Terrible Day**

*I remember the day. It was a Saturday afternoon. I was alone. Everyone in the family went for their own business. My mother and my two brothers were gone to the market. My father and my elder brother were gone to our relative's home. I don't remember where my other two brothers were. I was doing the house chores. It was around 4:00 in the afternoon. Someone called me and I went out. She was my relative and I invited her to come in the house. She told me that she was in a hurry and that she couldn't come in. Then, she asked me whether there was someone inside the house or not. I told her there was no one. Then she told me someone outside wanted to talk to me. I asked who he was. She told me he was our relative. I asked why he didn't want to come in. She told me that he was in a hurry too. I went out and looked outside. There was no one. I asked her where he was. She pointed to me where he was. He stood up near by the tree, far from home. I told her he was far and he should come closer so that I could leave the house door open. She told me she would take care of it. Then I went to the man. When I met him he hugged me as if he knew me from before. He asked if my parents were ok. I told him that they were fine. He told me that he knew me well though I didn't know him and he said then onwards we would know each other well and he hugged me and tried to kiss my lips. I became nervous and asked him what he was doing. He replied that it was normal. Then, he whistled and called other people. They came and they stood around me.*

*It was like a dream. One of the men had slapped me so I became unconscious. Then, I didn't realize what happened to me. When I woke up I found myself carried by two people. I shouted but there was no one around me. They warned me to stop my yelling and they threatened me. They took me inside a small guest house. When I looked at myself, I found I was badly beaten. There were marks on my whole body. After a couple of minutes, the man who talked to me first came and raped me. And he told me that henceforth I was his wife. I cried a lot. Then, according to the culture, he sent 'shimagles' to my parents and made me his wife.*

### **Life Challenge**

*After I give birth to three children, he wanted to bring another woman as a second wife. So, always he came home late getting drunk and beat me badly. His purpose was to make me upset and quarrel with him and leave the house. But, I couldn't do that because I have nowhere to go. I couldn't go to my parent's home with my three kids. He kept on beating and insulting me everyday. As a result I got health problem. I fell sick. I tolerated him because of my babies. My tolerance upset him. So, he called shimagles and told them that I was sick and not able to do my duties properly so he was in need of another strong woman, and one who could manage the house properly. Then, the 'shimagles' agreed and asked for my consent. I told them if he was going to take care of my children, I would leave him happily. Then, they told him to give me all the necessary things and some money.*

*After I divorced my 'x' husband, I had nowhere to go. So, I am back to my family's home. They are not like before. Only my mother was happy for me. One day my relative came and told me that there was an old man who needed a wife. I agreed and went with her to the old man's house. We agreed to live together. So, I am still living with him. I know it is so difficult to live with an old man but I have no choice. Because I knew no one was going to marry me, it was the right decision. I gave birth to two children from this old man. When I heard of the death of my second child, I brought the other two and they are living with me. Life is not easy for me. The old man cannot do anything. So, it is me who is responsible for everything. I should work at my home and other people's home to get food for my husband and my children. I couldn't send my children to school because I don't have money to pay for everything that they need for the school. Even they don't have good clothes and enough food. My 'X' husband doesn't care for the kids. My life is bad.*

## **Discussion-1**

### **The Abductor**

Though the abductor was not well known to the victim, he knows her well. He used the victim's relative to abduct the girl. This implies that it doesn't matter whether the girl knows the abductor or not. If the abductor knows and wants to abduct the girl, it is his right to take the girl as his wife. In marriage by abduction, in most cases the abductors are not known by the girls.

After he got married, his behavior changed. He got drunk and started to abuse his wife. He committed adultery in order to upset his wife and forced her to run away. He kept on abusing her. He was doing this because if she ran away, he would get credit in the eyes of the society and be respected by 'shimagles'. He didn't simply want to chase her out because he knew that would affect his social value. He got married to the second wife because it is a norm to have a second wife in the society.

According to the FGDs, polygamy is allowed in the society, if the wife is unable to perform her duty due to various reasons. Just as a procedure, she might be asked her consent. It doesn't matter whether she agreed or not. All the time the right of the man is respected. She can only ask for other properties or money from her husband. Even the amount of the money or the property will be decided by the man. If the man agreed to live together with her, she would get a chance to stay with him. If not, it is his right to divorce and begin a new life with the second wife till the third one comes. From this one can understand that women do not have the right to make decision on their life. They are men who make decisions for them. Women are expected and forced to accept men's decision. This shows that women do not have a decision making power in the family as well as in the society.

## **Discussion-2**

### **The Victim's Relative**

As the participant in the FGD indicated, in some abduction cases women who are known by the victim also participate in the process of abduction. Most of the time they take a part to arrange a meeting between the abductor and the victim. Because the abductor knows that the victims have trust in these intimate friends or relatives, it is very simple and easy to approach through them. These immediate friends or relatives participate in the process of abduction for various reasons. It might be because they know the girl's behavior is good or because she is beautiful, they want to have a marriage relation with them or because they might get some amount of money from the abductor. Some also believe that it is a norm of the society and they accept that men are superior so they should help them in their needs. Some others, like those who were abducted, do not want the girl who they know to live a good life and to get married to the right person with their consent. They don't want to see their friends living a happy and better life than them. As a result of jealousy, they participate in the abduction process.

In the case of Tamenech, her relative participated in the process because she received money from the abductor. Though she is the victim's immediate relative, she participated in the process to get the money. She didn't consider the problem that Tamenech is going to face in her life. Moreover, she didn't worry about the challenges that the girl might face.

## **5. Conclusions and Recommendation**

### **Conclusions**

Abduction is a kind of forced marriage. Most girls are kidnapped and raped in broad daylight, their human rights are violated, as, is their freedom of movement, free choice and their equal educational opportunity with men. Their movement is limited, as fear of abduction cause most girls are forced to discontinue their education, while those who are abducted find it difficult to continue their education because of pregnancy and other social problems. Even if they are motivated to learn they will experience a high rate of class absenteeism and dropping out because of the heavy responsibilities that they have to take.

Although some cases of abduction reach the court, it was evident that women are intimidated and

deceived into saying they had consented. Women have no choice when threatened to say so. As a result, most women drop their charge on the bases of reconciliation. The condition is sometimes facilitated by the police and other concerned bodies, and they are usually reluctant to record cases and to properly assess the victim of abduction. Instead they refer the case to the elders (shimagles).

It is a fact that human right norms postulate the right of every one to marry and form a family, but the essential requirement is that free consent be given for marriage, but this could not apply for many girls in Ethiopia. The reality is that women indeed do not enjoy their right and freedom to which they are entitled. Most of them are not even aware of their human rights.

The problem of violence against women is recognized worldwide and abduction is condemned and stipulated in Ethiopian law as a criminal offence that is punishable by the law. Women are entitled to protection under the provision of the constitution. The significance of women's health and socio-economic well being is not only increasingly recognized but also seen as necessary for sustainable development.

### Recommendations

- ▶ Abduction can cause conflict among different clans and it affects the economy and health of the abducted women as well as the whole society. So, the concerned bodies should teach the whole community that abduction is a crime and violence against women which is against the national law.
- ▶ Responsible bodies should take strict measures on the abductors based on the law so that other perpetrators could learn from this action. Besides, they should emphasize on reinforcing laws that punish the abductor.
- ▶ The responsible bodies should follow up the implementation of the law and should take strict measure on the reluctant bodies that ignore the case and do not implement the law properly for any reason. This could help the existing law to be implemented and women could get solution for their problem that encourages them to bring (report) the case to the police and the court.
- ▶ Organizations working on women's issues should have a network and work cooperatively with other responsible bodies in creating awareness among the society about HTP (Harmful Traditional Practice), giving gender sensitive trainings to all concerned bodies like judicial bodies, police, administrator at different level and so on, provide women access to information and legal services, and give assertive trainings for women that enables them to know about their rights.
- ▶ The Women's Affairs Offices at different level should work together with other organizations and judicial bodies and should give education and trainings for the traditional judges because these traditional judges have a power to change the attitude of the people. So, more emphases should be given to train and educate the 'shimagles'.
- ▶ The government should provide access for women to participate in income generating activities and include them in credit associations by giving them trainings.
- ▶ Above all, education is the base for any social change. So, the government and NGOs should give due attention to educate women through providing trainings and workshops on human rights, especially women's rights.
- ▶ The government and other organizations should use mass medias like radio and television to educate people to be critical of gender violence.
- ▶ The government and NGOs should give education for the 'shimagles' on how they should threat the cultural laws by giving them informal gender sensitive trainings. Along with education, the government had better support them economically.
- ▶ The government should participate the 'shimagles', men and women in forming laws to implement legal pluralism that could help them to be more concerned for the issue and especially for 'shimagles' to give light on how they should implement the law properly.
- ▶ The government should give economic and legal support for the abducted women and for women who are facing the problem of abduction and living with the problem without reporting the case to the police as in the case of Alutes' mother who is helping her abducted daughter, by contacting them through Women's Affairs Offices and by gathering information from the community members who know these people.
- ▶ The government should give adequate trainings and workshops on gender issues for Women's Affairs Offices at different level.
- ▶ The government and NGOs should work together in empowering women by educating them and giving them opportunities to participate in other social activities and help them by making their protest visible in the society. Moreover, the government should facilitate possibility of mobilizing women like Alute's mother and men like Genets' Uncle who are against this practice, by encouraging them to form a kind of association that could act as a model for the rest of the society.

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