

# Transforming Traditional Justice to Promoting Equality and Protection of VAWGs

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The CEDAW's Committee, in its concluding observation (CEDAW/C/ETH/CO/6-7), has underlined the importance of implementing a strategy that robustly challenge the root causes that perpetuate discrimination in the country, including, adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life.

One strategic way to addressing such deep rooted social norms that perpetrate discrimination and violence is transforming traditional justice mechanism to promote equality and protection. The context on the ground shows that significant number of violence cases on women and girls go to traditional justice administration mechanism as opposed to the formal justice administration. The data from a study jointly conducted by ActionAid, Professional Association for Development Ethiopia and Rift Valley Children and Women Development Organization (2022)<sup>1</sup> confirms local elders and traditional justice administrative mechanism interfering a lot in dealing with cases of VAWGs, i.e., according to the data from primary source (KII and FGD), 29.4% of the respondents confirmed traditional dispute resolution mechanisms handling case of violence on women and cases. These show how deeply traditional institutions are entrenched into the social constructs of people. Despite their legal restrictions to handle criminal cases, they are hugely involved into handling criminal cases. In another case study conducted on one traditional institution of dispute resolution in Oromiya special zone of Amhara region; namely Ye Shakoch Chilot (its equivalent translation 'court of the sheikhs'), a total of 48 cases were presented at Ye Shakoch Chilot in the month of March 2009. This number is greater by far than the number of cases handled by Mahbarawi Fird bet (the local social court) which dealt with only 7 cases in the months of February and March of the same year. The cases presented and adjudicated by the 'customary court' involved a variety of cases involving all kinds of cases, including criminal cases, although the latter fall out of their legal mandate, according to the FRDE Constitution. What is even surprising is that cases brought to this 'customary court' are not limited to cases happening in the local community; cases as far as from Addis Ababa (300 kms), Arba Minch (725 kms) and even from diasporas living in the Middle East are coming to the 'court'.<sup>2</sup>

The Oromiya region has taken a recent move to recognizing these customary and religious justice institutions into the justice administration Proc. No. 216/2018 (article 43). This can be taken positive as it opens the opportunity to making use of traditional justice administration mechanisms as promoting justice and equality. It would serve as effective to addressing the deep rooted social constructs that normalize discrimination and give cover to GBV. But for the traditional system to yield positive results in this regard, it is highly important to designing special measure of actions that reform the functions of these systems as they guarantee equality and protection to women and girls, because their practice show male dominance and patriarchal social constructs which function against women and girls.

The government and non-government stakeholders have been engaged in long term partnership with the customary institutions with the objective of transforming these institutions as they promote equality and protect women and girls from violence. These could include but may not be limited to ensuring the participation of women in the governance structure of the institutions, revisiting their laws or procedures as they include specific provisions to equality, non-discrimination and protection as well as building the capacities of the community representatives on human rights. Conducting periodic consultation with these representatives is also an approach worth to consider as it serves to sustain the awareness raising intervention and monitor progress and take timely corrective measures in the attempt to making them gender responsive and sensitive.

<sup>1</sup> AAE, PADet, RCWDO, 2022. Review of policies & laws, and their implementation on the equal rights of women

<sup>2</sup> Zeleke, 2010. Ye Shakoch Chilot (the court of the sheikhs): A traditional institution of conflict resolution in Oromiya zone of Amhara regional state, Ethiopia, African Journal online, 1, 1 <https://www.ajol.info/index.php/ajcr/article/view/59307>

