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## Factors associated with harmful practices of rape and early marriage, legal issues, and challenges in some selected districts in the South Gondar Zone, Amhara region in Ethiopia

Gebremikeal YOSEF and Alemnew WORKNEH

Corresponding author: yosefdubale2000@gmail.com/yosefgeb@dtu.edu.et

### ABSTRACT

Harmful societal practices, like child marriage and rape, are widely prevalent in Ethiopia. The reasons for society's rules are fluid and depend on the socio-cultural orientation of the people. The research aimed to understand the factors that influence early marriage and rape and investigate challenges and legal concerns in the county's gender-based violence laws. The study used a descriptive-qualitative approach with multiple cases. As a method of data collection coupled with a guide, twelve in-depth interviews with local elders, nine key informant interviews with victim women, girls, and parents, and three focus group discussions (one in each district) with law practitioners, harmful practice prevention team members, and gender-based violence officers from the women and children's offices were employed. The study found that high unemployment, distant school placement, cultural norms and values, and economic and social insecurity are the determinants of early marriage and rape. The study recognized challenges in crime investigation, legal and law enforcement issues, corruption, insufficient administration, and information gaps. Moreover, the study recommends creating adequate target-based awareness and capacity building for stakeholders, empowering women and their families, wisely utilizing religious leaders and the elderly, amending the country's gender-based violence law, and punishing criminals.

**KEY TERMS:** challenges, Ethiopia, gender-based violence, harmful practice, legal issues, rape

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### AUTHOR/S DETAILS

- Yosef Gebremikeal, Department of Sociology, Debre Tabor University. Email: yosefdubale2000@gmail.com
- Workneh Alemnew (Assistant Professor), School of Law, Debre Tabor University. Email: worknehaelemnew@gmail.com

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### HOW TO REFERENCE USING ASWDNET STYLE

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## INTRODUCTION

The study investigated the precise determinants of harmful social practices (early marriage and rape) and their challenges, including the legal ones. Its objective was to understand the factors that influence early marriage and rape and explain the challenges, legal concerns, and loopholes. To achieve the research outcomes, the study examines the reasons for the practices, international rules on women's rights in Ethiopia, Ethiopian law on women's rights, criminal liability against the offender who committed gender-based violence under criminal law, and challenges to ending the practice. Moreover, aggravating factors for early marriage and rape, such as the CORONAVIRUS and the war in northern Ethiopia, were inspected, and statistical figures were used to understand the issue. The qualitative approach was used as a study methodology, with a cross-sectional multiple case study design and basic data collection, management, and analysis procedures. The study starts with a background section, then outlines the methodology, discusses the findings, and conclusion.

## BACKGROUND

Gender as a system of social practices establishes and sustains gender distinctions and inequality relations based on these distinctions. Gender, according to this perspective, is responsible for the production of both distinctions and inequities. As a result, violence based on gender emerges (Judith, 1994). Differences in gender roles and behaviors frequently lead to inequalities, in which one gender gains power at the expense of the other (Djamba & Kimuna, 2015). Women are perceived as subordinate to men and have a lower social standing in many nations, allowing men more authority and decision-making power than women (Caruso, 2014). Inequalities in gender raise the chance of men committing acts of violence against women (Basazinewu, 2018). Gender-based violence is the most extreme manifestation of society's unequal gender relations (Alemu, 2008).

Violence occurs in almost every society and throughout all social classes in both the 'private' and 'public' scopes (Basazinewu, 2018). It is, first and foremost, a human rights abuse as well as a worldwide health concern that cuts beyond economic wealth, culture, religion, age, and sexual orientation (Sida, 2015). According to the Extended Form Women Learning Partnership (2020), facts and figures in the world show that at least one out of every three women has been beaten, pressured into sex, or otherwise assaulted by a man at some point in her life. Around 60 million women are "dead," largely in Asia and Africa, as a result of infanticide, selective abortion, deliberate malnutrition, or a lack of access to health care (Africa Health Organization, 2020). Gender-based violence kills and disables more women between the ages of 15 and 44 than cancer, malaria, traffic-related injuries, and war combined (Women Learning Partnership, 2020).

In Ethiopia, gender-based violence, including harmful practices such as child marriage, rape, and female genital mutilation, is widely prevalent. The country has the 14<sup>th</sup> highest prevalence of child marriage in the world (UNICEF, 2017). Child marriage and rape are public health concerns that violate international human rights laws Ethiopia ratified. Child brides and raped girls are pressured to initiate sexual activity and become mothers too early. According to the 2016 Ethiopian Demographic and Health Survey (DHS), 24.9 percent, 24 percent, 11.1 percent, 8 percent, and 28 percent of women aged 15 to 49 years have experienced physical violence, psychological and emotional violence, sexual harassment, both physical violence and sexual harassment, and sexual harassment and physical violence at some point in their lives, respectively. Moreover, the median age at which Ethiopian women marry is 16.5 years, and 62 percent of Ethiopian women aged 20–49 get married earlier (Ethiopian Health Demographic Survey, 2016).

In the Amhara region, harmful practices as a form of gender-based violence are commonly practiced in all zones. Both early marriage and rape have been the most common practices for the past decades in the region. The practice has been aggravated in numbers and forms since the CORONAVIRUS pandemic broke out. Because schools shut down in response to CORONAVIRUS, more than 20,000 girls were married earlier in the region. Besides, in the South Gondar Zone, forty-three youngsters were sexually harassed (raped), and three of them died as a result of rape (South Gondar Zone women, children, and youth office, 2020).

In this regard, various experts believe that child marriage and rape are firmly established in Ethiopia and require further investigation in all aspects, including causality, consequences, legal problems, and mechanisms for ending them (Alemu, 2006; Pankhurst et al., 2016; Bezie & Addisu, 2019). Therefore, the goal of the study was to investigate the causes of harmful practices and challenges, legal concerns, and loopholes in the county's gender-based violence laws, notably in the areas of child marriage and rape.

## METHODOLOGY

The study aimed to look into the factors that lead to detrimental harmful practices (rape and early marriage) and focused on Lay Gayent, Guna Begimeditir, and Fogera districts. A qualitative study approach was employed to determine the cause of harmful practices and challenges. It helps to investigate the premises and causes of early marriage and rape from the study participants' perspectives (Basazinewu, 2018). The study used a descriptive

multiple-case study design. A case study approach allows researchers to analyze data in a specific context, and it is an empirical investigation that looks into a current occurrence in its natural setting. The multiple-case design is appropriate for real-life events that show multiple sources of evidence through replication rather than sampling logic and can provide a comprehensive summary of an event (Endaweke, 2017). A non-probability sampling technique was employed to get a profound understanding of harmful social practices against women. During October and December 2021, the study used in-depth interviews with local elders and key informant interviews with victims.

women, girls, and their parents focus group discussions (FGDs) with law practitioners, GBV officers from district women's and children's offices, and the harmful practice prevention team to develop empirical sources. Researchers could evaluate an individual's life experience, history, and expression of ideas on certain problems while creating a cross-sectional study (Mathews & Ross, 2010).

## RELATED LITERATURE

### Harmful societal practices (rape and early marriage) affecting women's human rights in Amhara, Ethiopia

The practice reflects the values and beliefs of the community, whether the practice is harmful or beneficial. Some harmful societal practices affect the community; others specifically harm certain groups, such as women and children (Gebre, Hagos, Teklu, Fisseha, & Abera, 2020).

Table one: Regional-wide statistical report of gender-based violence on Children (Amhara)

Type of gender-based violence	2017	2018	2019	2020	2021	Total
Rape	112	76	110	76	194	568
Attempt of rape	18	64	98	121	68	369
Assault (beating)	5,950	6,236	7,726	8,157	8,212	36,281
Murder	67	103	121	93	132	516
Early marriage	4,712	5,097	4,416	3,069	1,,575	18,869
FGM/C	61	110	60	64	44	339
Adduction	79	87	111	82	70	429
Total	10,999	11,773	12,642	11,662	10,295	57,371

Source: Amhara Regional Burro of Women, children, and Social Affairs, 2021

Table 2: Committed early marriage during the school was closed

Study area	Committed, early marriage after school closed (Within 6 months of school closed).		
	boys	Girls	Total
Fogera	--	24	24
Guna Begemider	--	21	21
Lay Gayent	5	51	56
Total	5	96	101

Source: Amhara Region Educational Burro, 2021

The total number of students married when the schools were closed since the outbreak of CORONAVIRUS in 2021 was 1,432 in south Gondar and 20,000 in the Amhara region.

### International and national laws on women's right in Ethiopia

Ethiopia ratified several international laws on women's rights, such as the Universal Declaration of Human Rights (UDHR). These international laws promote the universal implementation of fundamental human rights and freedoms without discrimination based on sex. Article 9(4) of the Federal Democratic Republic of Ethiopia Constitution, stated "All international agreements ratified by Ethiopia are an integral part of the law of the land." Hence, the above international laws are part and parcel of the Ethiopian laws. The most important constitutional provision is Article 35 (Rights of Women), which provides that women shall have equal rights with men in the enjoyment of rights and protections provided by this Constitution. Additionally, the Revised Ethiopian Federal Family Code and Amhara Regional State Family Code, in the same way, have provisions to protect the rights and

dignity of women and girls at the household level. They set the legal age of marriage at 18 years, with both partners' full and free consent. Article 587 (Sub Article 1–4) prescribes that whoever, with intent to marry a woman, 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 for three to ten years. Where the act of abduction is accompanied by rape, the perpetrator shall be liable for the punishment prescribed for rape in this Code. Nothing shall affect the right of the victim to claim compensation under civil law for the moral and material damage she may have sustained as a result of the abduction with a minor of the opposite sex who is under the age of 18 years or causes her to perform such an act with her, which is punishable with rigorous imprisonment up to 25 years.

## FINDINGS

### Demographic profile

The study used twenty-one participants for interviews (twelve for in-depth interviews and nine for key informants). Four from each district; Gayent, Woreta, and Guna Begimeditir were selected for the in-depth interview with community elders. Seven males and five females were selected based on their role in the community and knowledge of the culture. Nine key informants from victim women above the age of 18, victim girls under the age of 18, and parents, who are not necessarily the parents of the interviewed victims were selected at equal allocation. In addition, three focus group discussions (FGDs), one in each district (ጠረፃ) having eight participants a total of 24 were held, each FGD comprising three law practitioners (police, attorneys, and judges), two GBV officers from women's and children's affairs office, and three harmful practice prevention team (HPPT) members.

### Determinants of harmful societal practices (rape and early marriage) in the study area

In a country as diverse as Ethiopia, there cannot be a single reason why girls marry as children and are raped. The reasons for each act of violence differ from one region to the other, and even from one household to the next, as a result, the study explored various determinants of early marriage and rape in the study area as follows.

#### Unemployment

The study found relationships between unemployment and gender-based violence. For example, in Fogera, a fertile district, people flocked to the city in droves to find work (FGD One). However, on the other extreme, the majority of them, are jobless and spend their time sitting in the street and catcalling (harassing) girls and women. Moreover, in Ethiopia, many graduates graduate from universities and colleges every year regularly, and parents are nearsighted young unemployed people. As a result, parents, typically in rural areas prefer early marriage rather than sending children to school. During the interview, Ms. Enaneye (PN), a 45-year-old mother, explained her interest in her daughter.

*I wish to arrange a wedding for my youngest daughter" instead of wasting her time at school for nothing (Interviewee 6).*

The parent reasoned that she wanted to guarantee her daughter's future life through marriage. According to the Trading Economic 2021 report, based on central statistical office data, Ethiopia's unemployment rate grew to 19.10 percent in 2018 from 16.90 percent in 2016. As a result of, the absence of work prospects in the country, high unemployment inevitably has a socio-political repercussion: political, social, and civil instability. Without a job, young people have no choice except to spend their time on the streets. Theoretical research explains the link between crime and unemployment (e.g., Freeman, 1999; Ehrlich, 1996, 1973, cited in Caruso, 2014).

#### Cultural norms and values

The study found that parents planned early marriage for their daughter not only for the sake of her but also to maintain the family's good name and social status in the community (FGDs). Children's success is measured through motherhood and communal standing for parents (Interviewed five). An elderly parent during the interview explains the reason why he has arranged a marriage for his teenage daughter:

*She is my last daughter and I am old enough. "Before I passed away, I wished I could have seen child's fruit (marriage). Aside from this, I attended numerous weddings and presented gifts to the couples and their families. It is now, my turn to gather gifts from the guests (Interviewee 8*

Harmful views of child marriage continue to rationalize it as a beneficial societal norm with both social and economic advantages. "The strongest cause for early marriage is the desire or need to maintain the family's good name and social status," (Basazinewu. 2018).

Furthermore, in the study area girls' virginity, on the other hand, is a driving force for rape and early marriage. According to the parents interviewed the reason they are continuously watching their daughter is to ensure that she does not lose her virginity before marriage. If a girl has already dis-Virginie and her husband has assured that, it is embarrassing and stigmatizing for her family. To escape from stigmatizing families arranged early marriage. For instance, unmarried girls above the age of 18 are socially humiliated and dubbed "Kumoker" (ቁጥቀር) (An Amharic term that is widely used to mock girls who are considered to be late in getting married) (FGDs & interviews). Moreover, "Deacons" in the Ethiopian Orthodox church must have married a virgin girl or woman to stay up with the church's social stratification due to these reasons deacons search for virginity at a lower age (FGDs & In-depth interviews).

On the other hand, the community recognizes 'abduct-then-rape-then-married' when the parents or the proposed girl refuses early marriage. Abduction, rape, and early marriage are all intertwined in this story. In the FGDs and interviews, participants explained that four types of harmful societal practices occur in a single female in her lifetime. For instance, a 16-year-old girl admitted during the interview that she had been circumcised before being kidnapped, raped (as a precondition of marrying him), and married at a young age (Interview four).

### ***Establishing a new social relationship and a means of security***

According to an FGDs held in the Fogera district, early marriage is practiced between prosperous families to develop a strong bond and kinship among them, particularly in the rural part. People utilized arranged early marriage as a way to protect their fortune. Marriage is utilized to establish social relationships and kinship. People, advertently utilized early marriage to strengthen powerful family relationships, close bargains over land or other property, or even settle conflicts (Corodon, et.al, 2008).

In the FGDs and interviews, it was revealed that poor and elderly parents need the support of a son-in-law. As a result, insecure settings and extreme poverty, especially during disasters such as war, hunger, or epidemics like CORONAVIRUS, lead to parents or caregivers resorting to child marriage as a protective mechanism or survival strategy (FGDs). In locations, where few educational and economic prospects, allowing poor families to marry their daughters is a good way to get out of poverty (Pankhurst, 2014). On the other side, when poor parents, are incapable of repaying the loaned money or possessions to the borrower, instead, they may give their daughters for marriage as a form of debt cancellation, either voluntarily or forcibly (FGDs).

### ***Domestic violence (male supremacy) and revenge***

Some people claim that rape is a terrible deed that is instigated by evil when they see women and girls being raped by close family members. It goes beyond a desire for sex. A victimized youngster in a one-stop center recounted her situation by saying;

*My father raped me." Because he is married, she claims that his desire is not sexual. If he is dissatisfied with his wife (her mother) and wishes to cheat on her, he has access to others, even though infidelity is considered unethical and sinful in Ethiopian society (Interviewee 5).*

The reason is not the desire for sex but rooted in male hegemon (FGDs). According to Professor Dr. Ggola cited at Mile (2020), the only thing rapists have in common is the refusal to accept no.

In Lay Gayent (one of the study areas), a 72-year-old woman was raped by youths. During the interview; she explained that

*Three youths aged between 29 to 36 raped me when I was fetching water in the stream located a distance from my home (Interviewee 6).*

Moreover, "Women are also raped for revenge," and women are raped for revenge if the families get into conflict (FGDs). Besides, systematic rape has been employed as a weapon of war against the enemy for instance, according to the South Gondar Zone Women's and Child affaire Office and Amnesty International Report 2021, approximately 70 women and girls have been raped by TPLF fighters in the Lay Gayent district during Ethiopia's battle as a revenge. (Esere, et.al., 2009).

### ***School distance, early marriage, and rape***

The connection between school distance, early marriage, and rape are many folds. Schools in most rural areas of Ethiopia are located at a distance. As a result, most parents refuse to send their daughters to school, removing them from the monitoring list. Girls are raped on their way to school: rape is aggravated by schools that are located outside of the local hamlet (FGDs). Instead, parents deliberately disrupted their daughter's schooling and forced

them to marry young. In addition, in some areas, high schools are located in the town where students need to rent and live. One of the parents who were interviewed mentioned;

*I heard the student's life was in the town. Education is worthless, if it is not coupled with ethics. I would not be able to keep close my eye on my daughter if I sent her to school in town. She might have an unwanted sexual connection and lose her virginity (which is highly valued in the community), which could lead to an unplanned pregnancy (Interviewee 9).*

Concerning school, the CORONAVIRUS pandemic has also resulted in aggravated early marriage and rape. In fact, in Ethiopia, in 2020 schools were shuttered and education was disrupted for six months. Early marriage and rape have been greatly exacerbated in this situation. The total number of students married when the schools were closed was over 20,000 regional-wide (Amhara Regional Education Burro, 2021). On the other, when the schools re-opened, it was arranged in three shifts to keep students' physical distance as a strategy, to prevent CORONAVIRUS. Students in the 3rd shift were exposed to rape on their way home since it was until 6:00 a.m.

### **Challenges of ending early marriage and rape**

It is difficult to get accurate data on the true extent of child marriages and rape apart from what is occasionally mentioned in the media and police reports. Since then, it has not been officially registered, underreported, and has falsified girls' ages. The reasons for this belief that the less said about the issue, the better is not clear yet, one reason is that rape cases reported to the police could not be effectively solved (FGDs and interviews). Even though it is the role of all responsible institutions to prevent gender-based violence, they are not cooperating but rather pressuring each other to take responsibility (FGDs).

In the study area, a committee to prevent harmful practices was established. However, member's commitment is undermined; some of them have had to attend early marriage ceremonies, while others have had their relatives and sons personally commit rape. For instance,

*Mr. Andargie (PN) is the chairman of one of the kebele in the Guna Begemeder district. A 16-year-old girl gets raped by his son. When her father began to charge in court, he was beaten by the chairman and police officer rented at the Chairman's home (In-depth interviewee 7).*

Moreover, it was easy for law-enforcement bodies to control early marriages by weeding, but nowadays early marriage is performed through domestic rites such as "Ziker" (religious ceremony (ዝክር) and "Awudema" (አውድማ) (ceremonies in the harvesting time).

### **Age investigation, and cultural challenges**

Providing evidence to the court about the victim's girl's and offender's age is a critical inquiry for police and lawyers. However, most of the district's health care centers in the study area lack laboratory and laboratory equipment significant to measuring age (FGDs).

For instance, an 8-year-old girl was raped in Guna Begemider district (one of the study areas) when she was collecting firewood inside the forest. His age was not determined but ranged between 14 and 18 at the time of the investigation. In this case, the court is confused about whether the criminal is a juvenile or an adult due to a lack of clear age indication. Meanwhile, there is no separate juvenile center. The same is true for early marriage.

### **Legal gaps and law enforcement challenges: the law and the practice**

The study found that incidents of rape and early marriage are not fully reported to the police due to fear of offenders or for privacy issues or mediation and many offenders conclude an early marriage by intimidating the victim and the victim's family (FGDs). Besides, there are no special prison rooms for minor (not attaining the full age of 18 years) criminals so that the juvenile delinquents will not be imprisoned even though they committed rape (Case in Guna Begemider District) (FGD Two). This fact minimizes public confidence in the justice system and will not deter other potential criminals. In addition, women could not enforce their legal rights with men concerning the use, transfer, administration, and control of their property such as land. There are criminals of rape crime who enjoy bail right in money and hide from justice. (Lay Gaint District Case). This fact also harms the morality of the victim and the general public (FGD Three & victim interviews).

The courts are not giving appropriate punishment against the criminals, i.e., a lesser degree of punishment. The law does not sufficiently prescribe punishments for sexual harassment. Law enforcement officers believe that sexual harassment is an attempt at crime but not a crime (FGDs). Practically, however, the man who harasses a woman is going to be a criminal of rape or abduction unless he is arrested before the materialization of the injury.

There is a commitment problem in the law enforcement organ of government. For instance, in the Guna Begemider District, two court-supportive staff committed an Abduction crime at different times.

Lack of adequate awareness about the existing laws protecting women's rights is one important factor for the weak enforcement of the law. (See Ethiopia's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women - Submitted by The Advocates for Human Rights – 2019).

Moreover, the capacity limitation of law enforcement and judicial organs is the other key factor for the feeble enforcement of the laws on women's rights. Women and their family members in several cases do not want to report incidents of violation of their rights to the police due to intimidation of offenders for privacy issues or because of mediations. In Ethiopia, there is little initiative to establish a special police unit in charge of investigating Gender-based offenses starting from the grassroots level (kebele structure) (FGDs).

There is no, legal officer in the structure of Women's Affairs who will collect and hand over evidence to police and public prosecutors at the Kebele level. No specialized court benches are working in the area of violence against women that can render quality judgment within a short time. The international human rights instruments including CEDAW are not translated following the working language of Ethiopia (Amharic) and not published under the official legal gazette of the country. This creates uncertainty and ambiguity in the execution by the national courts. Lack of an effective strategy to collect and produce shreds of evidence by the police officers and public prosecutors.

The prosecutor's ignorance to prosecute the perpetrators, based on the appropriate provision of the criminal code, is also the main problem within the justice system. Courts also failed to punish the perpetrators or punish them with a lesser degree of punishment even when sufficient pieces of evidence are presented to them is also a challenge. In this regard, the federal Supreme Court sentencing guideline number 2/2013 is problematic since judges can not punish the perpetrator beyond what is stipulated under the guidelines even when higher punishment is provided under the penal code.

## DISCUSSION

The study found that gender-based violence, particularly early child marriage, and rape, is widely practiced and appears to be legal. Various research conducted many times back up the conclusions, demonstrating that early marriage is widely practiced in the Amhara region (Alemu, 2008, Elizabeth, et.al., 2016, Basazinewu, 2018). Despite the widespread awareness of the negative health, educational, economic, and social effects of harmful societal practices on victims, their families, and society as a whole, many parents in rural areas, allow their children to marry at a young age and people engaged in rape (either in support of friends or on their own). Terrified, the study examined the deaths of rape victims (three teenage girls died in the Guna Begemider and Gayent districts).

Parents covertly arrange early marriages, without weddings, and dedicated harmful practice prevention team members attend marriage ceremonies and act as mediators between the raped girl and the perpetrators in the village rather than prosecuting the culprit in court. This creates a barrier for law enforcement. Moreover, it is used as an assurance that other offenders will not be imprisoned if they commit rape and early marriage. Based on the focus group discussions and interviews with respondents, the desire for sex is not the primary motive for rape, as most people might tend to think. Evidence reveals that the sexual aspect of rape is of secondary importance. (Yitagesu et, al. 2020).

The study found that, as stated by Yitagesu et al. (2020), in a culturally diverse country like Ethiopia, there are multiple causes of rape and early marriage. Several studies support this assertion (Willia, 2021). In line with this, the study found unemployment, poverty, the location of the school, socio-cultural norms, male hegemony, and a means of social security are among the major causes of rape and early marriage, besides the legal gap and challenges. For instance, as Caruso (2014) found and the study assured, there is a positive relationship between unemployment and rape. It has two effects: first, it pushes youths to eve teasing girls and women, which is a precondition of rape, and second, fear of unemployment pushes parents to arrange an early marriage for their daughters, as they currently observe.

In line with Anderberg, et, al, (2013) study found early marriage and rape were high during emergencies, conflicts, and disasters, for example, during the outbreak of CORONAVIRUS rape and early marriage escalated. Besides, the study found that social norms such as maintaining families' good name and status in the community and the cultural values of the respondents' community are the strongest causes of harmful practices.

## IMPLICATION

The study identified associated factors with early marriage and rape: unemployment, sociocultural norms, and values as a means of social and economic security in times of difficulty, male supremacy, and the school distance from home. The study indicates that false and underreported are the challenges for law enforcement officers, besides the low commitment among HTTPs and the technological gap in identifying the age of both the victim

and the criminal. The study indicated legal gaps, such as the absence of clear and disproportionate punishment, hinder the path to ending early marriage and rape.

## CONCLUSION

The study concluded that socio-cultural and economic factors such as unemployment, harmful societal values, and norms, maintaining families' status in the community, and using it to achieve financial stability, conflict, and epidemics are what cause and intensify rape and early marriage in the study area. In addition to socio-cultural and economic challenges, the absence of a joyful court or isolation center, a lack of passable awareness about the existing laws protecting women's rights, the limited capacity of law enforcement and judicial organs, a lack of initiative to establish a special police unit in charge of investigating gender-based offenses starting from the grass-root level (the *kebele* structure), and a lack of commitment to effectively implement the international law Ethiopia ratified are challenges to ending gender-based violence. Women also could not enforce their rights. The study concluded there is fragile cooperation among kebele, police, and justice offices. Instead, they are unable to take responsibility.

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