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JUSTICE AND LEGAL SYSTEMS RESEARCH INSTITUTE

Manual on Domestic Violence Legal Clinic

**By Dejene Girma Janka
Faculty of Law
Jimma University**

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Introduction

Dear student, welcome to the Clinical Programme on Domestic Violence (Course Code :_____). The programme is a three credit hours course and this manual sets forth basic information about the clinical programme's objectives and operations. Thus, both the students and their supervisors shall read it before getting started.

This manual comprises of:

- The clinical course description;
- The clinical program general and specific objectives;
- Expected outcomes of the programme
- Teaching methodology;
- Mode of assessment;
- Course contents
- Overview of course contents;
- Office procedures;
- Files;
- Engagement agreements;
- Attendance and Performance Follow-up;
- Code of conduct;
- Level of the court;
- Non-students beneficiaries of the programme;
- The ratio of class activity to practice;
- Level of Students;
- Supervisors' Experience; and
- Class Size

At last, the overview of the programme contents is provided to give you general idea about the contents. The sample of reference materials is also included in the content of this manual.

1. Clinical Program Description

Modern legal education in Ethiopia began with the opening of the Faculty of Law of the then University College of Addis Ababa in 1963. This Faculty remained the only center of legal education in the country until the establishment of the Faculty of Law at the Ethiopian Civil Service College and the decision of the Government, in 1990s, to open various universities in the regions and allowed private institutions to play a role in the higher education of the country. Currently, higher-level legal education is given in many higher public and private institutions.

Although the numbers of higher institutions offering legal education have been increasing in Ethiopia, there were problems in these institutions some of which need immediate solutions. It is, therefore, the need to provide solutions these pressing problems that has necessitated holistic reform to the current legal education in the country. One of the major problems that calls for the legal reform is the inadequacy of the existing law curricula to respond to the multifarious needs of stakeholders such as government, students and the business community. One of the glaring inadequacies of law curricula is reflected in their non-responsiveness. For instance, the past law curricula did not contain any specific course on *Domestic Violence*.

Domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate another. Such violence, by virtue of its nature, typically happens in the privacy of home. As a result, for many years, society had a strong notion that what happened behind the closed doors of the home should never be interfered with. But now it is reaching epidemic proportions and affects men, women, children, elderly and persons with disabilities of all races and social and economic levels. Moreover, domestic violence happens in all cultures and people of all races, ethnicities, religions, sexes and classes can be perpetrators of domestic violence.

Thus, if the next generation is to live abuse-free, stopping domestic violence becomes a matter of necessity. One of the ways of doing this is to design a course so as to produce competent professionals to deal with domestic violence. As a result, the ongoing legal reform process in the country has resulted in the creation of a course on Domestic violence. This course aims, among others, at enabling the victims of domestic violence to get legal services, enabling people to know what constitutes domestic violence and how to avoid (or at least substantially reduce it), and making students know what domestic violence is all about and helping them get ready to deal with it upon their graduation.

Unlike other law courses, the course *Domestic Violence* is designed as a clinical program. Hence, most of the teaching-learning process will take place in what is known as *Domestic Violence Clinic*. The fact that the course is formulated as a clinical program is helpful to get rid of another problem of the old curricula by incorporating a skill-oriented course in the new legal curriculum. As clearly mentioned in the legal reform document, one of the drawbacks of the old legal curricula was lack of sufficient number of skill-oriented courses. Even in cases where there are some, some law schools do not attach credits to them.

The *Domestic Violence Programme* combines regular classroom instruction with specially tailored exercises and simulations designed to inculcate the basics of good legal practice into the minds of law students. In class, students will explore many important legal issues through the lens of cases and familiarise themselves with the legal issues surrounding domestic violence that happens in relationships ranging from the traditional family situation (like marriage) to alternative family structures (such as irregular union).

In practice, the domestic violence programme or clinic offers students an opportunity to represent the victims of domestic violence (VDV) in a variety of substantive areas, such as civil and criminal litigations. In the course of representing VDV, students will develop knowledge and skills relating to the exploitation substantive and procedural laws and the facts of cases. In addition to

client representation, research and writing, this clinical programme will enhance the development of student's other fundamental lawyering skills, such as interviewing, and counselling clients, fact investigation and development, legal drafting and oral advocacy. To bridge the gap between theory and practice, the *Domestic Violence programme* provides students with hands-on experience working on active cases and projects pertinent to domestic violence. Moreover, students will be required to make presentations on workshops and symposia prepared on domestic violence in order to raise public awareness on domestic violence.

2. Clinical Program Objectives

2.1 General Objectives

Consistent with the essence of the legal education reform document, the general objectives of this Clinic include:

- Helping students get knowledge about domestic violence
- Enriching the students with practical legal skills;
- Enabling students to assume responsibility;
- Creating a sense of voluntarism or willingness;
- Serving the community ; and
- Enabling students to develop the self-confidence required to practice law effectively in a competitive, fast-paced field.

2.2 Specific Objectives

The specific objectives of this clinical program include enabling students to:

- Define domestic violence;
- Identify and describe the causes of domestic violence;
- Identify and describe the effects of domestic violence;
- Identify the legal regimes relevant to domestic violence;
- Explain the role of the law in combating domestic violence;

- Improve his/her ability to represent clients by mastering, in the content of domestic violence, skills that are important to effective problem-solving and wise lawyering;
- Develop the necessary skills to teach on legal workshops about rights of a victims of domestic violence;
- Draft documents at the request of eligible victim of domestic violence, focusing on writing that is precise, economical, and comprehensive to their clients;
- Develop the abilities to criticise one's own work, learn from experience and understand how personal feelings, background, personal values affect ones performance in a professional role;
- plan, execute and reflect on lawyering skills such as interviewing, counselling and drafting;
- build up the expertise to work collaboratively on legal problems;
- See the ways in which he/she can use his/her legal skills to promote justice and further the public interest; and
- Improve time management skills to gain control over work and to enhance ability to work under time pressure.

2.3 Outcomes

At the end of this programme, students will be able to:

1. describe the historical evolution of domestic violence
2. identify and describe domestic violence and its signs
3. explain the causes and effects of domestic violence
4. identify victims of domestic violence
5. identify and describe the legal responses to domestic violence
6. Master client helping techniques
7. develop the spirit of team working, etc

3. Teaching Methodology

3.1 The responsibilities of the student and the supervisor

In teaching-learning process, both teachers and students bear certain responsibilities. But in relation to courses like clinical programmes, the balance of such responsibility tilts towards the students. In any case, the following two sections depict the respective responsibilities of both students and their supervisors.

Students' Responsibility

Students will be responsible for performing the interviewing, counseling, drafting and other tasks necessary to assist their clients and will in general make all the lawyers' decisions on their cases. They will also be responsible for scheduling their work so as to meet any client deadlines and to complete their matters no later than the end of the clinical programme. Unless the supervisor is involved in screening a client to see if clinic representation is appropriate, the supervisor will most likely not meet their clients unless they introduce them to him/her. The supervisor will help students prepare for and analyze their work, but the primary responsibility for the cases will be on the students.

Role of the Supervisor

The role of the supervisor is a balancing act. On the one hand, students are practicing law under this clinic Programme and the supervisor is ultimately responsible for making sure that the clients are well-served. On the other hand, it is believed that students will learn most effectively if they function as lawyers for their clients rather than serving as 'associate' with the supervisor as senior partner. In order for this model to work, students work needs to be transparent. This means, for example, that when students prepare a plan for a client meeting, they need to write the plan in a way that lets the supervisor see what they intended to do, even if their preferred style would be more of a shorthand.

Specific methodologies

Class lecture

At the beginning of the clinical program, the supervisor is expected to refresh the memories of the students on the relevant courses they have previously taken in relation to the domestic violence. In addition, the supervisor is also expected to give preliminary introduction on certain theoretical and practical aspects of the programme. Unlike the traditional lecture method, classes need to be highly participatory. In this respect, the guidelines on delivery and assessment prepared under the auspices of the Justice and Legal Systems Research Institute should be used.

Simulations and Role Playing

In order to help students think about the lawyering skills that they will need to represent their clients, the supervisor will present models for performing those skills. The models are not intended to be the only correct way to promote the skills. One of the jobs of the students will be to understand the goals of the models and to use them in developing a comfortable and effective personal style. Then, both in class and outside of class, students will be asked to simulate the performance of those skills. The simulations are designed to let students practice skills in a controlled environment before using those skills in representing actual clients. Although most of the simulations will require students to take the role of the lawyer, students may sometimes be asked to take the role of a client so that they can see how various ways of performing lawyering tasks affect them and imagine how they might affect an actual client.

Critical Reflection (learning from your own experiences)

Since students will not always have supervisors to help them improve, it is important to train themselves to evaluate and learn from their own experience. To help them do this, the Clinic administrators will be videotaping both simulations and (with the client's permission) actual client meetings so that students can go back over their work and learn from it. Through out the clinic experience, students must try to take responsibility for analyzing how they might more

effectively deal with the issues that arise, whether they involve relationships (e.g., with their partner, clients, supervisor, government officials or clinic staff), skills, ethical issues or some other aspect of their clinic work.

Collaborative work

Students in the domestic violence clinic generally work in pairs. The pairs will be arranged early in the semester in which the clinical program will be offered.

3.2.5 Extensive and immediate feedbacks at each stage

The clinic, *inter alia*, involves drafting of documents and case analysis. Experience dictates us that, good drafters are made, not born. Students can therefore expect a lot of feedbacks on their written work, and they will find themselves revising some documents many times. One reason for multiple revisions is that the better a draft gets the more possibilities for improvement students are likely to see. Students must keep looking for ways to make the document clearer, more consistent, more user friendly, and students shouldn't be surprised if they get feedback on language in draft 3 that went unremarked upon in draft 1. In draft 1, there may have been major conceptual or structural problems that made the language in question seen unworthy of comment; in the new, improved draft, the language may leap out at careful editor.

3.2.6 Observation

Students will spend several weeks observing court proceedings and the operation of other governmental and non-governmental organizations that work on domestic violence. Then a moot court will be conducted that involves students as participants. As the semester progresses, the roles of students will shift from observer to participant.

3.2.7 Seminars and Workshops

Students shall prepare seminars and workshops and make presentations on topical issues relevant to domestic violence.

4 Components of the Clinical program

This clinical program has three components. These are: class work, team meetings and casework.

4.1 Class work

Class will be held on _____ and _____ from ____ to _____. This class work should be undertaken before students engage in their clinical works and its purpose is preparing students to see clients and represent them effectively. Thus, the class work should focus on refreshing the memories of the students on the relevant courses they have previously taken in relation to domestic violence. It should also aims at giving preliminary introduction on certain practical aspects of the program and revising the theoretical and legal issues applicable to domestic violence. In this regard, the pertinent areas that need to be revised or covered by this clinical programme are outlined as follows:

Chapter One: Preliminary remarks

1.1 Clinical legal education: A brief overview

- 1.1.1 Introduction to clinical legal education
- 1.1.2 History of clinical legal education
- 1.1.3 What students do and what do they learn in legal clinics
- 1.1.4 Core concepts in clinical legal education
- 1.1.5 Core concepts in clinical legal education
 - 1.1.5.1 Client-centered lawyering/counseling
 - 1.1.5.2 Reflective learning
 - 1.1.5.3 Non-directive teaching

Chapter Two: General Introduction to Domestic Violence

2.1 The concept of Domestic Violence

- 2.1.1 Definitions
- 2.1.2 Terminologies
- 2.1.3 The emergence of domestic violence as a social problem

2.2 Forms of Domestic Violence

- 2.2.1 Physical violence
- 2.2.2 Sexual violence
- 2.2.3 Emotional violence
- 2.2.4 Economic violence
- 2.3 Victims of Domestic Violence
 - 2.3.1 Women
 - 2.3.2 Men
 - 2.3.3 Children
 - 2.3.4 Elderly
 - 2.3.5 Disable persons
- 2.4 Impacts of Domestic Violence on victims
 - 2.4.1 Physical harm
 - 2.4.2 Psychological harm

Chapter Three: Cause of Domestic Violence (Theories)

- 3.1 Psychological theories
- 3.2 Social theory
 - 3.2.1 Resource theory
 - 3.2.2 Stress theory
 - 3.2.3 Social learning theory
- 3.3 Power and control theory
- 3.4 Alcohol and non-alcohol related theory
- 3.5 Sex and gender theory

Chapter Four: Cycle of domestic Violence (Phases)

- 4.1 Signs of Domestic violence
- 4.2 Honeymoon phase
- 4.3 Tension creation phase
- 4.4 Acting-out phase

Chapter Five: National Legal Responses to Domestic Violence

- 5.1 FDRE Constitution
- 5.2 Criminal law and Criminal Procedure Law
- 5.3 Family law

5.4 Law of Persons

5.5 Law of Extra-contractual Liability

5.6 Other laws

Chapter Six: Regional Legal Responses to Domestic Violence

6.1 African Charter on Human and Peoples' Rights

6.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women

6.3 African Charter on the Rights and Welfare of the Child

6.4 Other laws, declarations and resolutions

Chapter Seven: Global Legal Responses to Domestic Violence

7.1 Universal Declaration of Human Rights

7.2 Convention on the Elimination of Discrimination Against Women

7.3 International Covenant on Civil and Political Rights

7.4 Convention on the Rights of Child

7.5 Other laws, declarations and resolutions

Chapter Eight: Victims of Domestic Violence Assistance Work (Programme)

8.1 Medical assistance

8.2 Economic assistance

8.3 Psychological assistance

Chapter Nine: Case Analysis

9.1 Domestic violence cases against women

9.2 Domestic violence cases against men

9.3 Domestic violence cases against children

9.4 Domestic violence cases against elderly and disabled persons

Chapter Ten: Counselling and handling real Cases

10.1 Rendering legal advice

10.2 Handling real civil cases

10.3 Handling real criminal cases

4.2 Team Meetings

The case meeting consists of a student, his/her partner and the supervisor. The team will meet each week to plan and review client work and to address other issues of concern to students. The composition of each case team and a schedule of case team meeting times will be arranged early in the semester. The case team meeting gives students an opportunity to move out of the sometimes passive student role and to take charge of their learning. It is also an opportunity to practice running a meeting, an important lawyering skill requiring planning, discipline and assertiveness.

4.3 Casework

Each pair of students will have two or more matters initially, such as representing a client, seeking help in drafting a pleading or a defense or prepare another document. Matters will be added throughout the programme as appropriate. Although students may know the identity of one or more clients early at the beginning of the semester, they probably will not meet with a client for several weeks- this will give them time both to master the substantive law and to work on their interviewing and counseling skills.

5. Mode of Assessment

Each and every aspect of the clinical program will be graded on a continuous assessment basis. The supervisor and, if possible, the stakeholders (such as clients and the relevant governmental and non-governmental organizations) should assess the students based on their performance in each and every breakdown of the outline of the program. The performance of the students will be assessed both individually and as part of a team. In addition, there should be immediate feedback on the performance of the students. The total results of the performance will amount to the grades of the students. The grading criteria are set forth below.

5.1 Professional responsibility

5.1.1 *Professional ethics*: Was the student alert to ethical issues as they arose in cases? Did he or she initiate discussions of these issues with his or her partner and instructor and work to find acceptable resolutions?

5.1.2 *Effort*: In representing clients, did the student make a zealous attempt to do the best possible job? Did the student show initiative in trying to complete matters as professionally and expeditiously as possible?

5.1.3 *Reliability*: Was the student punctual with regard to appointments and assignments? Did the student leave enough time to prepare adequately for each stage of each matter? Were files of action properly organized and maintained? Were deadlines met?

5.1.4 *Professional behavior/interpersonal relations*: Were appropriate and effective relationships maintained with clients, government officials, office staff, the supervisor and the clinic partner? Were interpersonal tensions acknowledged and dealt with as learning opportunities?

5.2 Educational responsibility

5.2.1 *Case team meetings*: Did the student prepare adequately for case team meetings? Did the student take the initiative in raising issues? Was the student responsive to criticism?

5.2.2 *Class participations /simulations*: Was the student present and prepared at all classes? Did the student prepare carefully for all simulations? Did the student contribute significantly to making the classes and simulations successful learning experiences?

5.2.3 *Professional development*: Did the student take advantage of opportunities to learn from readings, simulations, and actual experiences? Did the student do a thoughtful job of analyzing and reflecting on his or her own experiences and that of classmates? Did the student use course materials effectively in analyzing problems raised by cases? Did he or she show improvement in the semester?

5.3 Lawyering skills

5.3.1 *Interviewing and counseling*: Was the student successful in eliciting the relevant information? Did the student develop an appropriate rapport with the client? Did the student help clients define their concerns and identify and choose among options?

5.3.2 *Legal research and analysis*: Was the student's research and analysis of legal issues thorough and accurate? Was it accorded in a fashion that made it usable for subsequent students?

5.3.3 *Writing/drafting*: Was each written product accurate, organized, thorough and concise? Did the documents drafted reflect knowledge of the relevant law as well as the client's intentions and wishes? Did the pleadings and defenses written put forth a convincing case based on an appropriate legal theory?

6. Case handling obligations

6.1 Students must take responsibility for handling their matters expeditiously and for making and executing all decisions relating to their matters. By their last team meetings, they must take all actions necessary either to close a matter or to get it to a stage that is appropriate for transfer, whichever occurs first, unless some unforeseen circumstance necessitates early withdrawal, or unless they are interested in continuing the representation beyond the end of the semester.

6.2 Students must keep files orderly and up-to-date in accordance with the guidelines set forth later in this Clinic Manual.

6.3 Students must prepare a detailed work plan for each case (including target dates for each step) and submit it to the supervisor within ten days after the initial interview.

6.4 Students must submit to their supervisors, before mailing or filing, all documents by a client, another party or government agency. They must leave the supervisors a few days to review any document.

6.5 Prior to submission of a document to his/her supervisor, a student and his/her partner should carefully review it for substance, style and others; make sure each document represents his/her effort.

6.6 With respect to all initial client meetings and with respect to later meetings if the case team decides it would be useful, students must videotape the meeting (unless the client objects to videotaping).

6.7 Students must put all documents which they prepare for a client in the appropriate filing system.

6.8 Students must keep the client fully informed of developments in the case.

7. Office procedures

7.1 Clinic office

Students have access to the clinic's office 24 hours a day as long as they are registered for the Clinic. Registered students may use the office at any time to tape simulations, meet with clients and other clinic-related work. Since the office will be sharing with other clinics, it is not possible for students to have permanent

carrels-students must pick up their materials when they leave the office so that the space will be available for other students.

7.2 Rooms and Video Equipment

The clinic administrators will schedule rooms for meetings with clients and for simulations. They will also schedule and set up video equipment if the simulation or meeting is to be taped or students wish to review a tape. Student must let the administrators know their needs n advance as far as possible. Students should not confirm the times of client meetings until they are sure a room and all necessary equipment is available.

7.3 Word processing

The computers in the clinic's office are available for students use. Students must speak to the Clinic administrators if they have any problems with them. Students do their own word-processing. However, the administrators are available to help them with technical problems.

7.4 Copying

There is a copier in the Clinic office which students may use for their clinic related jobs. They must ask one of the administrators if they need help with copying.

7.5 Telephones

If students are not in the office, Clinic telephones will be answered by the Clinic administrators, who will leave messages to them

Outgoing calls: Clinic-related local and long-distance calls may be made from the clinic offices.

7.6 Supplies

Clinic stationery and all forms of supplies will be in the Clinic office.

7.7 Security

When students use the clinic, it is extremely important that they remember to lock the doors and the windows upon leaving and that they do not admit anyone other than a student or teacher of one of the clinics.

7.8 Transportation

If client meetings take place away from the law school, the Clinic will reimburse students for the cost of transportation.

7.9 Dress code

If students will be meeting with a client at the Clinic, they should dress like a lawyer. Students must give some thought as to what will make their particular client feel respected, comfortable, and confidence in them.

7.10 Confidentiality

Unless students are told otherwise, they should feel free to discuss the cases they observe and handle with the supervisor and their clinic classmates. Outside of the clinic, students should maintain strict confidentiality by giving no information that would identify the parties. Students should not use the actual names of parties in any written work.

8. Files

8.1 Case files must stay in the Clinic office. If students want to work on their cases outside of the Law School, they should photocopy the necessary documents.

8.2 Files should be kept in alphabetical order in the file drawers for the Clinic.

9. Engagement agreements

The legal Clinic, representing students, must enter into engagement agreement with each client who seeks legal service. Although clients generally will not be

paying for the Clinic's legal services, an engagement agreement is a useful device for:

- Formalizing the scope of the work they agreed to undertake;
- Setting forth any disbursements the client will be expected to pay, example, filling fees;
- Setting forth any other obligations the Clinic expect the client to meet; and
- Establishing who the client is

10. Attendance and Performance Follow-up

Attending each and every breakdown of the program content is a mandatory requirement for the students. In particular, class attendance is critical for several reasons.

- The role plays cannot be carried out successfully if students are late or absent; so failure to show up on time will disadvantage many people besides students;
- The class work is an important part of learning to be effective as a practical one and missed classes cannot be made up;
- The emphasis in many classes will be on discussing and observation experiences so that everyone can learn from them; students need to be in class to contribute their own experiences. Students must notify the instructor if there is an emergency that requires them to miss class.

As far as the supervisor is concerned, he/she has to follow-up the performance of each student in each breakdown of the program.

11. Code of conduct

Regarding the liability of students, the relevant provisions of the civil and criminal codes of Ethiopia will be applicable. For administrative breaches, the code of conduct to govern the students as well as the supervisors will be defined by the clinic after further study.

12. Level of the Court

The students should start practice at the lowest level of the courts. However, if the case that they are handling proceeds to a higher level of court, they should not be restricted to handle that case. In addition, if a case proves to be too simple, the supervisor may decide that the students handle cases that are at a higher level of court.

13. Who should be represented?

13.1 The Clinic may offer legal representation and other legal services to indigent VDV.

13.2 For the purpose of 13.1, whosoever does not possess sufficient means to enable him to pay all or part of payments for legal services shall be deemed to be indigent and may apply for legal services offered by the Clinic.

13.3 An application under section 13.2 shall be adduced by evidence showing his/her indigence, such as a letter written from his/her kebele attesting this fact.

14. The Amount of cases to be handled by the Clinic

The amount of cases that the clinic takes on has to be decided by the supervisor.

15. The ratio of class activity to practice

The ratio of class activity to practice should be 30% to 70%.

16. Class Size

The class size for this clinical program shall be 20-30 students per class.

17. Level of Students

Students who are left with only three more semesters to graduate should undertake the clinical programs, provided that they have already taken all the

pre-requisite courses such as Constitutional Law, Criminal Law, Family Law, Law of Persons, Criminal Procedure Law, Civil Procedure Law, Legal Ethics, Human Rights Laws, and Tort Law. Thus, the clinical programs will be offered to fourth year second semester students or to fifth year students.

18. Student admission criteria to the Clinical Programme

18.1 Students to this Clinical programme shall be selected on the basis of their entrance exam and previous commutative grades.

18.2 Entrance exam and previous commutative grade shall count 50% each.

19. Supervisors' Experience

19.1 As much as possible, persons in charge of supervising the clinical programs have to be:

- Instructors who are or used to be in the practice;
- In default of such instructors, Committed Practitioners.

19.2 At least two supervisors shall be assigned to supervise this clinical programme.

NB: The following part is included to give the clinical instructor some tips as to what the items in the outlines mean. Thus, it can be discarded if need arises.

Chapter One: Preliminary Remarks

Chapter Two: General Introduction to Domestic Violence

The concept of Domestic Violence

Definitions

There is no single definition for the nation *domestic violence*. Different countries provide for different definitions. For example, in the US, the Office on Violence Against Women defines *domestic violence* as a “pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner”. In UK, *domestic violence* is defined as “patterns of behaviour characterized by the misuse of power and control by one person over another who are or have been in intimate relationship”. In Spain, it is defined as “a violence originating from the position of power of men over women”. However, more broadly, *domestic violence* may be defined as *violent acts (behaviours) between family members in which one person attempts to dominate and control the other*. This last definition includes violence against children, the elderly and other family members.

Terminologies

Different terminologies are used to refer to the concept *domestic violence*. For instance, some of these terms include *domestic abuse, family violence, spousal abuse, intimate partner violence, and domestic disturbance*.

The emergence of domestic violence as a social problem

For much of history and throughout the world, social and legal traditions have tolerated or even promoted the physical assault of women by men. For example,

in ancient Rome, a husband could legally divorce, physically punish (chastise), or even kill his wife for behaviors that were permitted for men. Under medieval English common law, a husband could not be prosecuted for raping his wife because the law provided that a wife could not refuse consent for sex to her husband. However, since the 19th century, women have acquired greater legal and political rights. As the status of women has improved, attitudes toward domestic violence have shifted and laws have been changed. Today domestic violence (against women) is widely recognized as an important, dangerous, and harmful social problem.

Forms of Domestic Violence

Domestic violence may take different forms including physical violence, sexual violence, emotional (psychological) violence, and economic violence. *Physical abuse* refers to the intentional use of physical force with the potential for causing injury, harm, disability, or death. For example, hitting, shoving, biting, restraint, kicking, and use of weapon are types of physical violence. *Sexual violence* refers to any situation in which one partner is forced to participate in unwanted, unsafe and degrading sexual activity and abusive sexual contact. *Emotional abuse* includes verbal abuse such as yelling at, name-calling, blaming, humiliating (shaming), controlling what the victim can and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, and isolating the victims from friends and family. *Economic abuse* refers to the abuser's behaviour of controlling the victim's money and other economic resources. This normally involves putting the victim on strict "allowance", withholding money at will and forcing the victim to beg for the money until the abuser gives her/him the money. Such abuse further includes preventing the victim from finishing education or obtaining employment or intentionally squandering or misusing common resources.

Victims of Domestic Violence

Domestic violence occurs across the world and affects people across society. However, although there are controversies on the ratio of men and women

experiencing domestic violence, most researches reveal that domestic violence against women is more, common and observable. Some people call domestic violence against men the hidden side of domestic violence because it is underreported for various reasons such as shame and fear of humiliation. Note that domestic violence can happen to men by men if the union is same-sex union. Moreover, children, old people and persons with disabilities can also be victims of domestic violence.

Effects of Domestic Violence

Victims of domestic violence experience both short-term and long-lasting physical and psychological effects. Physical injuries can range from bruises, cuts, and burns to broken bones, stab wounds, miscarriages (in women), and death. Also, victims experience depression and other psychological distress, eating disorders, and alcohol and substance abuse problems, and they are more likely than other people to contemplate or attempt suicide.

Chapter Three: Cause of Domestic Violence (Theories)

There is no single reason for why domestic violence occurs. Instead, there are different theories attempting to provide the factors that trigger domestic violence.

Psychological theories

According to this theory domestic violence happens because the abuser has psychological problems such as sudden bursts of anger, poor impulse control and poor self-esteem.

Social theory

This theory has the following sub-theories.

A. Resource theory:

According to this theory because women are most dependant on their spouses for economic well being and they have fewer options and few resources, it is difficult for them to leave their spouses or change their

spouses' behaviour. Hence, domestic violence is likely to happen and continue to happen.

B. Social Stress theory:

According to this theory domestic violence may one of the ways that some people use to respond to stress. For instance, due to different factors such as inadequate finance or other similar problems a person's stress or tension may increase. Thus, domestic violence may be used to ease the stress or tension.

C. Social learning theory:

According to this theory domestic violence is learnt. If a person is brought up in an environment where domestic violence is observable, then it is likely that he/she will imitate that violent behaviour. This means domestic violence is transmitted from generation to generation.

Power and control theory

According to this theory, domestic violence happens because some people want to need power and control over others. The cause behind such need may be low self-esteem, the stress of poverty, hostility and resentment, socio-cultural influences, personality disorder, etc.

Alcohol and non-alcohol related theory

According to this theory heavy alcohol consumption can be the cause of domestic violence. There are also other non-alcohol causes of domestic violence such as mental illness, authoritarianism, etc.

Sex and gender theory

According to this theory domestic violence is stereotyped. Men are use physical abuse and women psychological. But the tenability of such assertion is questionable because, for example, men can cause psychological abuse before or together with physical abuse and the vice versa.

Chapter Four: Cycle of domestic Violence (Phases)

Signs of Domestic violence

Affirmative responses the following sample queries are signs of domestic violence.

- ✓ Do you feel afraid of your partner most of the time?
- ✓ Do you avoid certain topics out of fear of angering your partner?
- ✓ Do you think you cannot do anything right for your partner?
- ✓ Do you feel helpless?
- ✓ Does your partner humiliate you?
- ✓ Does your partner blame you for his/her abusive behaviours?
- ✓ Does your partner control where you go or what you do or keep you away from friends or family?
- ✓ Does your partner force you to have sex?
- ✓ Does your partner destroy your belong?
- ✓ Hurt or threaten you to hurt or kill you?
- ✓

Honeymoon phase

This phase is characterized by affection, apology, and apparent end of domestic violence. During this stage the abuser feels overwhelmingly sorry, other leave the situation while others shower their victims with love and affection.

Tension creation phase

This phase is characterized by poor communication, tension, fear of causing outbursts. During this stage, the victim tries to calm down the abuser to avoid violence.

Acting-out phase

This phase is characterized by outbursts of violent, abusive incidents. During this stage the abuser tries to dominate his/her victim with the use of violence.

Chapter Five: National Legal Responses to Domestic Violence

FDRE Constitution

The constitution contains many provisions which are pertinent to domestic violence. See, for example, articles 15-18, 24-25, and 35-37.

Criminal law and Criminal Procedure Law

These two laws contain many provisions which are pertinent to domestic violence. See, for example, articles 560, 564, 576, 580-581, 585, 601-606, 615, and 687 of the Criminal Code and article 67 of the Criminal Procedure Code

Family law

The different family laws applied in the country may have different provisions governing domestic violence. See, for example, articles 49-50, 54, and 210 of the Revised Federal Family Code for Addis Ababa and Dire Dawa.

Law of Persons

This law also contains many provisions which are pertinent to domestic violence, particularly against children. See, for example, articles 265ff.

Law of Extra-contractual Liability

Tort law also contains many provisions which are pertinent to consequences of domestic violence. See, for example, articles 2028ff.

Other laws

Other legislation may also exist in the field of domestic violence. Hence, attention should be paid to it, if any.

Chapter Six: Regional Legal Responses to Domestic Violence

African Charter on Human and Peoples' Rights

This charter contains many provisions which are elegant to domestic violence against the people of Africa. See, for example, articles 2-7, 12, and 17-18.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of women

This Protocol also contains some provisions which are pertinent to domestic violence against African women. See, for example, articles 3-5, 8, 12, 14, and 22-24.

African Charter on the Rights and Welfare if the Child

This Charter contains many provisions which are pertinent to domestic violence against children in Africa. See, for example, articles 4-5, 11-13, 16, 19-20 and 27-28.

Other laws, declarations and resolutions

If there are other laws, declarations or resolutions on domestic violence at regional level, they should be exploited.

Chapter Seven: Global Legal Responses to Domestic Violence

Universal Declaration of Human Rights

This declaration, which is the basis for many international human rights documents, contains a number of stipulations which are pertinent to domestic violence. See, for example, articles 1,3,5,12,23,26, etc.

Convention on the Elimination of Discrimination against Women

This convention also contains a number of stipulations which are pertinent to domestic violence against women. See its provisions

International Covenant on Civil and Political Rights

This covenant contains many provisions which are related to domestic violence.

See some of the articles

Convention on the Rights of Child

This convention has enshrined a number of stipulations which are pertinent to domestic violence against children. See some articles

Other laws, declarations and resolutions

If there are other laws, declarations or resolutions on domestic violence at global level, they should be exploited.

Chapter Eight: Victims of Domestic Violence Assistance Work (Programme)

Medical assistance, Economic assistance, Psychological assistance (Counselling): Domestic violence demands working with others. Hence, students have to look for a way to cooperate with professionals of other fields or other organizations to help the victims of domestic violence get help. The help can be medical, or economic, or counselling (counselling from different perspectives). For example, students may seek help from community service, if any, to make the victim of domestic violence get aids.

Chapter Nine: Case Analysis

- 9.1 Domestic violence cases against women
- 9.2 Domestic violence cases against men
- 9.3 Domestic violence cases against children
- 9.4 Domestic violence cases against elderly and disabled persons

Chapter Ten: Counselling and handling real Cases

Rendering legal advice, handling real civil cases, and handling real criminal cases: Since this course is a clinical programme course and its primary purposes is making students learn by doing, substantial part of the time allocated to the

programme should be allocated to this chapter. Students must engage in real practice of the law. They must render legal advice and also handle active case, both civil and criminal.

Sample reference materials

Laws

FDRE Constitution, 1995

African Charter on Human and Peoples' Rights, 1981

African Charter on the Rights and Welfare of the Child, 1990

Convention on the Elimination of All Forms of Discrimination against Women, 1979

Convention on the Rights of the Child, 1989

FDRE Criminal Code, 2004

Civil Code of the Empire of Ethiopia, 1960

Family Laws (Federal and Regional)

Criminal Procedure Code of Ethiopia, 1965

International Covenant on Civil and Political Rights, 1966

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003

Universal Declaration of Human Rights, 1948

Other resources

Robert, A.R. (1998), *Battered women and their families: Interventions, strategies, and treatment programs*, Springer Publishing Co.

Rudo, Z.H. (1996), *Family violence: A review of literature*, available at <http://www.fmhi.usf.edu/intitute/pubs/rudo-powel-violence.html>

Tjaden, P. and Thoennes, N. (2000), *Research Report, Extent, Nature and Consequences of Intimate Partner Violence*, available at <http://www.ojp.usdoj.gov/nij/victdocs.html>

Ending Violence Against Women, available at <http://www.jhuccp.org.111edsum.stm>

Priod-Good, M. and Stets, J.E. (1989), *Violence in dating relationships*, Praeger

Quinn, M.J. and Tomita, S.K. (1997), *Elder abuse and neglect: causes, diagnosis, and intervention strategies*, (2nd edition), New York, NY: Springer Publishing Co.

Tatara, T. (1999), *Understanding elder abuse in minority populations*, Philadelphia, PA: Taylor and Francis

Some internet resources

Minnesota Centre Against Violence and Abuse, Visit at
<http://www.mineava.umn.edu/index/asp>

Violence Against Women Office, visit at
<http://www.ojp.usdoj.gov/vawo/statistic.htm>

Women Issues-3rd World, Visit at
<http://womenerdworld.miningco.com/newsissues/women3rdworld/>