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**Protection of Women Workers from Sexual Violence in Ethiopian
Industrial Parks: A Case Study in Hawassa Industrial Park**

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Addis Ababa, Ethiopia

**Protection of Women Workers from Sexual Violence in Ethiopian
Industrial Parks: A Case Study in Hawassa Industrial Park**

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Advisor: Jetu Edosa (Assistant Professor)


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Addis Ababa, Ethiopia

Declaration

I, Nebiyu Markos, declare that this thesis is my original work, and has not been presented for a degree in this and any other University, and that all source of materials used for the thesis have been fully acknowledged.

Declared by: Nebiyu Markos Joba

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Date: May 17, 2022

I, Jetu Edosa, have read this dissertation and approved it for examination.

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Acronyms

AU.....	Africa Union
ACRWC.....	African Charter on the Rights and Welfare of the Child
BoLSA.....	Bureau of Labor and Social Affairs
CAT.....	Convention against Torture
CERD.....	Convention on Elimination of All Forms of Racial Discrimination
CRC.....	Convention on the Rights of Child
DEVAW	Declaration on Elimination of Violence against Women
ICCPR.....	International Convention on Civil and Political Rights
EEOC	Equal Employment Opportunity Commission
EHRC.....	Ethiopian Human Rights Commission
EHRC.....	Ethiopian Human Rights council
EIC.....	Ethiopia Investment Commission
EIPC.....	Ethiopian Industrial Parks corporation
EWLA.....	Ethiopian Women Lawyers Association
FAO.....	Food and Agriculture Organization
GDP.....	Gross Domestic Product
GTP.....	Growth and Transformation Plan
ICESCR.....	International Convention on Economic, Social and Cultural Rights
IPs.....	Industrial Parks
IPD.....	Industrial Parks Development
ILO.....	International Labor Organization
NGOs.....	Non-Governmental Organizations

OAU.....Organization of African Union
SNNPRSouthern Nations Nationalities and Peoples
TNC..... Transnational Corporations
UDHR.....Universal Declaration on Human Rights
UN..... United Nations
UNIDO United Nations Industrial Development Organization
WB..... World Bank

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Abstract

This thesis examines Protection of Women Workers from Sexual Violence in Ethiopian Industrial Parks by taking Hawassa Industrial Parks as a Case study area. Hawassa Industrial Park is selected because it hires large number of women workers than other industrial parks of Ethiopia. This research is conducted by employing qualitative method as it mainly focused on experiences of the persons affected by sexual violence and the responses of the concerned bodies in protecting their human rights. This research made 11 key informant interviews with government officials and officials of civic societies such as Ethiopian Human Rights Commission, Ethiopian Human Rights Council, EWLA and NGOs; Center of Concern and Mizane lawyers. In addition, 12 in-depth interviews and FGD with Women workers in Hawassa industrial park has been be made with participants selecting by applying snowball sampling method. It used semi structured interview. The study finds out that women workers in Hawassa industrial park are exposed to sexual violence. The gap in existing laws, institutions contributed to it.

Key words: Sexual Violence against Women, Industrial parks

Chapter One

1. Introduction

1.1 Background of the Study

After two world wars human rights become the main agenda of the world. The atrocities of the two world wars to human and proprietary distractions have left to human being great lesson. Many different human rights documents enacted from that time onwards. The UDHR is the first ever comprehensive human rights document. It is backed by acceptance of almost all UN members' states and achieved customary law status and currently developed as binding human rights document. UDHR also become foundation for two successive binding human rights treaties, ICCPR and ICESCR. These two sets of human rights covenants transcended ideological difference of the West and East to ensure the protection of basic human rights throughout the world. Now days there are about 9 core UN human rights treaties signed by almost all member countries.¹ Apart from reservation and other methods of setting aside the effects of these treaties, the signing of the countries by itself unequivocally shows their commitment to protect the human rights guaranteed in these treaties.

Ethiopia as one of the founding members of the UN, signed most of these human rights treaties. Ethiopia have ratified about 6 core international human rights treaties such as International Convention on the Elimination of All Forms of Racial Discrimination (CERD), International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment, and Convention on the Rights of the Child (CRC).² This, legislative measure can be taken as good move in the promotion and protection human rights.³ Regionally, Ethiopia is also founder of OAU and subsequent AU and signatory of AU Charter or also known as Banjul charter, regional human rights instrument. Regionally Apart from AU charter, Ethiopia signed African Charter and the Right

¹OHCHR, Available at: <https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx>

² Ibid

³International Human Rights Instruments, Core Document Forming the Initial Part of the Reports of States Parties Ethiopia*,

and Welfare of African Child (ACRWC), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as Maputo protocol and others.

Women are part of the community who have been subjected to different kinds of human rights violation. They have been subjected to differential treatment only due to the very fact that they are different from men. Taking into consideration the UDHR and other successive international human rights treaties provide for the state parties obligation to give especial protection to the right of women.

Sexual violence against women in work place have also witnessed legal and other action initiated by local and national governments and by such international organizations as the European Communities, the International Labor Organization (ILO), FAO, the World Bank (WB) and the United Nations.⁴ UDHR grants recognition for equal rights of women.⁵ It also provides for the right to marry and find family and for equal rights with men during marriage and dissolution.⁶ ICCPR also obliged state parties to ensure an equal enjoyment of the civil and political rights recognized under the covenant.⁷ ICCPR reiterates the right to marriage and to find family as recognized under UDHR.⁸ The novel addition to that of UDHR was the prohibition of execution of death penalty to woman during pregnancy.⁹ ICESCR apart from obliging state parties to ensure equal protection to the women to enjoy social, economic and cultural rights set forth under ICESCR, it obliges the state parties to ensure the right of women to enjoy equal remuneration to equal work.¹⁰

After a decade and half of ratification of two covenants, ICCPR and ICESCR, CEDAW appeared as the first human rights treaty to include the rights of women only. The right of

⁴Joan H. Joshi and Jodie Nachison, Sexual Harassment In The Workplace How To Recognize It; How To Deal With It, A Guidelines Paper, Cgiar Gender Program, Vol. No. 13, October 1996.

⁵ Universal Declaration on Human Rights, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, preamble para.5.

⁶Ibid art 16.

⁷International Covenant on Civil and Political Rights, Adopted by the General Assembly of the United Nations on 19 December 1966, art 3.

⁸Ibid art 23(2).

⁹ Ibid art 5.

¹⁰International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27 Art 3 and Art 7(i).

women provided under these core human rights treaties. Sexual violence against women is one of the rights recognized under the international and regional human rights treaties. Women's right to work is one of the rights recognized under most of those human rights treaties. Among others, the right to work and equal remuneration for equal work, the rights to protection against violence especially on the work place is recognized under these international human rights treaties.

Violence against women defined under Declaration on Elimination of all Forms of Discrimination against Women (DEVAW) as any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹¹ Sexual violence against women according to the definition of the Equal Employment Opportunity Commission (EEOC) of the United States of America in 1980 is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual violence against women has been reported in different work places. Literatures available show the incidence of sexual phenomenon in a wide range of places including businesses, workplaces, the police and military.¹² The research work by paula McDonald,¹³ Cortina and Wasti,¹⁴ Hearn and Parkin,¹⁵ Fitzgerald, Drasgow & Magley,¹⁶ and Gutek,¹⁷ brought concrete findings of sexual violence against women in work places of their study. The study in India by the year 2015 shows the prevalence of sexual violence in Indian work places.¹⁸ In Ethiopia too According to the research conducted in Wolaita Sodo University 45.4% of women experience lifetime sexual violence and, 36.1% and 24.4% of respondents

¹¹ Declaration on the Elimination of Violence against Women Proclaimed by General Assembly resolution 48/104 of 20 December 1993 art 1

¹²Paula McDonald, Workplace Sexual Harassment at The Margins, Work employment and society, April 2015.

¹³Mcdonald, P. (2012). Workplace sexual harassment 30 years on: A review of the literature (Review). International Journal of Management Reviews, 14(1): 1-17.

¹⁴Cortina, L. &Wasti, S. (2005). Profiles in coping: Responses to sexual harassment across persons, organizations, and cultures, Journal of Applied Psychology, 90 (1): 182-192

¹⁵Hearn, J., &Parkin, W. (2001). Gender, sexuality and violence in organizations, London: Sage. Hsueh, (2001).

¹⁶Fitzgerald, L.F., Drasgow, F. &Magley, Sexual harassment in the armed forces: A test of an integrated model. Military Psychology V.J. (1999) :11(3): 329-343.

¹⁷Gutek, B. A. (1985). Sex and the workplace: The impact of sexual behavior and harassment women, men, and organizations, San Francisco, Jossey-Bass

¹⁸Handbook on sexual harassment of women at workplace, Government of India Ministry of Women and Child Development, November 2015.

reported experiencing sexual violence since entering university and in the current academic year, 2015, respectively.¹⁹

Women workers in Hawassa Industrial park faces different problems; among others they encountered, multi-cultural communication barriers, stress due to long working hours, sexual harassment, vulnerability to HIV/AIDs and other sexual reproductive health problems, underdeveloped working culture, stress due to long working hours, low wage and limited social skills.²⁰ Lower wages, language barriers, health problems like hygiene Ergonomics & Safety are some of the problems women faces in Industrial Parks of Ethiopia.²¹

The issues of human rights concerns have become subject for the last few years in Ethiopia. As industrial parks hire a large number of women,²² the performance of industrial parks in the protection of the rights of women should not left out. The rights of women workers in general and that of the right to be protected from sexual violence against women in Industrial Parks of Ethiopia is still pressing problem but hardly researched to cover the area despite the fact that the proliferation of industrial parks continued and incorporated as part of the next growth and transformation plan²³ and still Industrial parks hire a huge number of women.²⁴

Industrial parks Projects are known for their boosting of economy of the particular country. Especially the contribution of Industrial parks for the economy of the developing countries is double fold. It provides them with capital to overcome the foreign currency shortage. Transnational corporations (TNCs) invest in host states and export goods for foreign market.²⁵ Companies investing in industrial parks pay taxes and hires labors from host states. Host

¹⁹ Adinew and Hagos BMC International Health and Human Rights (2017) 17:19 DOI 10.1186/s12914-017-0127-1

²⁰ Dagim Dawit Gonsamo, Challenges and Coping Strategies of Rural Girls to the New Industrial Working Culture: The Case of Female Workers in Hawassa Industrial Park, IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 24, Issue 9, Series. 10 (September. 2019) 26-39 e-ISSN: 2279-0837, p-ISSN: 2279-0845. www.iosrjournals.org

²¹ Margaux Yost and Lauren Shields, “Ethiopia’s Emerging Apparel Industry: Options for Better Business and Women’s Empowerment in a Frontier Market” (BSR, Paris, 2017).

²² Dagim (n20).

²³ Federal Democratic Republic of Ethiopia, Growth and Transformation Plan II (GTP II) (2015/16-2019/20)

Main Text National Planning Commission Volume I: Page 72, May, 2016 Addis Ababa.

²⁴ A study on Women Manufacturing Industry in Ethiopia, Opportunities, Challenges and Strategic Interventions, 2018

²⁵ Alebel Bayrau Weldesilassie, Mulu Gebreeyesus, Girum Abebe & Berihu Aseffa, Study on Industrial Park Development: Issues, Practices and Lessons for Ethiopia, Ethiopian Development Research Institute, February 2017.

states most often aim technological transfer and that of managerial skills.²⁶ By doing these industrial parks projects are aimed at stimulating and stimulate in fact the economy of the host state and increase the gross national products.²⁷

Like that of the governments of host states, which are eager to get the benefits of TNCs, the TNCs also expect economic returns from host states. They are interested in the very cheaper labor that the host states provide for them; the market that buys their products, and the laws that favors them to invest.²⁸ After investing huge capital and business ideas Transnational corporations expect returns, profit. This in turn raises the issue of the rights of workers in working in Industrial parks.

In 2015, Ethiopia enacted proclamation number 286/20215, to launch industrial parks project with the aim of gaining the said benefits of industrial parks. Currently there are about 22 industrial parks that have been operating throughout the country.²⁹ Industrial parks contributed to the increment in parameters such as manufacture, export, employment levels and GDP.³⁰ Albeit these progresses Ethiopia Industrial parks lags in its attention to human rights protection and promotion according to researchers conducted on the area.³¹

The records of Industrial parks in the protection and promotion of human of rights, especially in that of women's right is very low despite these legal protections. There are also tangible evidences that reveal the worst human rights records of these organizations in abroad and in our country too. Amongst the evictions of farmers or residents during the building of industrial parks, the issue of compensation that is equivalent to the expropriation, the emission and wastes those industries remove after processing, and the likes are areas of attention for all stake holders engaged in the area, including researchers.

Industrial Parks experience grave human rights violence, amongst sexual violence against women is the one. A lot of studies conducted in the work places in Ethiopia and elsewhere on many different kinds of human rights; but fewer studies conducted on the right of women to be protected from sexual violence against women in Ethiopian Industry parks. The sexual

²⁶ Ibid

²⁷ CEPHUES research & analytics, Ethiopia's Industrial Parks: A Data Pack on recent performance, July 2019

²⁸ Alebel Bayrau (n22). P 94

²⁹ Ibid

³⁰ Ibid

³¹ Dagim (n20).

violence against women that should be the biggest agenda has been left by scholars in Ethiopian Industry parks.

This paper takes Hawassa Industrial Park, the country's largest industrial park that hires a huge number of women workers,³² as the case of study area. The current status of the right to be protected from sexual violence against women in Hawassa Industrial Park is examined. The performance of authorities, such as Ethiopian government, Ethiopian Industrial Parks Corporation (EIPC), Ethiopian Investment Commission, Ethiopian human rights commission (EHC), as the main stake holders will be examined in depth. The role of employers and managers of industries within Hawassa Industrial Park examined. FDRE constitution, international and regional human rights treaties that provide for the protection of sexual violence against women dealt. More over Ethiopian criminal laws and other laws and their contribution to the protection of the sexual violence against women is the subject of the study. By exploring to the experiences of industrial parks of other countries, this paper proposes remarks and recommendations.

1.2 Statement of Problems

Sexual violence against women is provided as one of the main components of violence against women as defined by Maputo protocol and other international human rights treaties. Accordingly, the State parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence. Declaration on Elimination of All Forms of Violence Against Women (DEVAW) provides states to take all appropriate means and without delay a policy of eliminating violence against women and, to this end, should Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.³³

Women workers in Hawassa Industrial park face different problems; among others they encountered, multi-cultural communication barriers, stress due to long working hours, sexual harassment, vulnerability to HIV/AIDs and sexual reproductive health problem,

³² A study on Women (n25).

³³ Declaration (n11).

underdeveloped working culture, stress due to long working hours, low wage and limited social skills.³⁴ Lower wages, language barriers, health problems like hygiene Ergonomics & Safety are some of the problems women faces in Industrial Parks of Ethiopia.³⁵ However, sexual violence against women as human right in Ethiopian industrial parks is not researched.

Hawassa industrial park is one amongst IPs in Ethiopia inaugurated by Ethiopian government to get economic benefits of IPs. Good numbers of workers in Hawassa Industry Park are women. Ethiopian government in GTP II plan envisaged creating 750,000 new jobs in textiles and garments, leather and leather products, food and beverages, and pharmaceuticals, where 60 percent of low and medium-skilled and 30 percent of high-skilled jobs are expected to be filled by women. According to the studies recently about 90% of workers in Hawassa industrial park workers are women.³⁶

This research paper examines the sexual violence against women in IP of Ethiopia. Since IPs are novel introduction to our country, its human rights concern especially that of sexual violence of women left untouched. Only few researches have been conducted on the IP hardly addressed the issue. It examined how IPs doing with sexual violence against women; whether Industrial parks are safe from the sexual violence against Women and examined the measures that have been taken by the stakeholders to solve the prevalent problem. It further examined the current practice of industrial parks. The existence of mechanisms that entertain the grievances of workers during violation plays vital role in the protection of the rights of women workers from sexual violence. Women workers have the right to work on an environment which is safe from any kinds of violence especially that of sexual violence against women. This research work checks Ethiopian laws that are aimed at protecting the rights of women. Whether the existing laws and legal provisions are sufficient to guarantee women workers from sexual violence against them. By picturing the experiences of IPs of other countries in solving the problem of human rights concerns, especially on that of sexual violence against women, the paper is aimed at providing both theoretical and practical contribution.

³⁴ Dagim (n20).

³⁵ Margaux Yost and Lauren Shields, (n21)

³⁶ A study on Women (n25).

1.3 Objective of the Study

1.3.1 General Objectives

The general objective of this study is to identify the problems that hinder the rights of women workers in Ethiopian industrial parks; protect them from sexual violence against women and assure them with access to justice.

1.3.2 Specific Objectives

- ❖ To assess whether women workers in Hawassa industrial park are affected by sexual violence against women and to assess its impact on the life of women workers.
- ❖ To assess whether the existing legal and institutional mechanisms are adequate to address the problems of sexual violence against women in the context of Hawassa Industrial Parks.
- ❖ To examine the role of the local government in protecting and preventing women workers against sexual violence.
- ❖ To explore the extent of practical realization of laws governing sexual violence against women and its challenges in the study area.

1.4 Research Question

The main question of this study is, whether women workers in Hawassa Industrial Park are protected from sexual violence against women?

- Whether women workers in Hawassa Industrial Park are affected by sexual violence against women?
- Whether Ethiopian laws are sufficient to protect women workers from sexual violence against them?
- What was the role local government in protecting women workers in Hawassa industrial park from sexual violence against women?
- Whether Ethiopian government and institutions committed to entertain cases of sexual violence against women workers in Ethiopian industrial parks?

1.5 Research Methodology

This research is conducted based on qualitative method as it mainly focused on experiences of the persons affected by sexual violence and the responses of the concerned body in protecting their human rights. In qualitative research, the researcher needs to gather qualitative information and synthesize conclusion from the information by applying rules of scientific logic. Thus, the extent of sexual violence against women workers, its impact on the life of women workers, the response of local government, and the response of authorities within Industrial Park studied by qualitative method. Qualitative researchers collect the data from multiple sources by examining documents, by observing behaviors and by interviewing participants and key informants.³⁷ It is very important to have a detail understanding to the issues investigated as it focused on specific cases. Qualitative research method is a form of research in which the researcher makes interpretation about what he/she observes, hears or understands.³⁸ Qualitative research has also a holistic nature as it involves several perspectives in identifying the factors involved in the situation and to understand the context of situations.

1.5.1 Method of Data Collection and Analysis

This research used both primary and secondary sources to gather data. The most common sources of data in the case study are interview, focus group discussion, observation, written documents and archival records. Accordingly, primary sources collected from interviewing selected women workers about sexual violence against them, key informant interview with the local government officials, employers and managers of the investment projects also conducted to get an information on the prevalence of sexual violence against women workers, the measures that have been taken by them and the availability of institutions that support women in order to bring their case before the court of law and get the perpetrator responsible and the victim compensated. According to Gilchrist, key informants are individuals with whom the researcher begins in data collection because they are well informed, are accessible, and can

³⁷Creswell, J. (2014). *Research Design: Qualitative, Quantitative and Mixed Methods* (4th ed.), University of Nebraska-Lincoln, SAGE Publications.

³⁸ Ibid

provide leads about other information.³⁹ This research made 11 key informant interviews with government officials and officials of civic societies such as Ethiopian Human Rights Commission, Ethiopian Human Rights Council, EWLA, BoLSA, MoWCYA Office of Public prosecutors, Court, Ethiopia Investment Commission and non-governmental organizations, Center of Concern (CoC) and Mizan Lawyers. Snowball sampling technique has been applied to select these institutions. According to Creswell Snowball sampling identifies cases of interest from people who know people who know what cases are information rich. In addition, 12 in-depth interviews with Women workers in Hawassa industrial park has been made. Snowball sampling method has been applied. The most common form of interview in qualitative researches are unstructured and semi structure interviews. This research used semi structured interview as it gives the freedom to the interviewees to express their perception freely in relation to the case and fairly directed forward to the issue discussed.⁴⁰

As qualitative research needs deep information concerning the topic, the research focused on the site, Hawassa industrial parks. Secondary sources also used to substantiate the primary sources from both published and unpublished sources, such as books, journal articles, international covenants concerning human right, newspapers, archival sources and reports of the government and non-governmental organizations.

As the study employed a qualitative research method, the gathered information is analyzed based on the qualitative method. Qualitative data analysis is undertaken simultaneously with the process of data collection.⁴¹ So, analysis of this research conducted in the process of data collection to identify the information gaps and information needed in adequately dealing with the research questions. In addition to this, the qualitative data analysis procedures that are stated by Creswell Such as, firstly organize and prepare the data for analysis, then read and look all the data, then coding the data, fourthly categorize the data based on themes and descriptions, then interrelating themes and description of the data and finally interpreting the meanings of themes and descriptions are employed.⁴² As this research will be relied on

³⁹Gilchrist, V. J. (1992). Key informant interviews. In B. F. Crabtree & W. L. Miller (Eds.), *Research methods for primary care*, Vol. 3. *Doing qualitative research* (p. 70–89). Sage Publications, Inc.

⁴⁰Alan Bryman, *Social Research Methods*, Oxford University press, 4th edition, 2012

⁴¹Gutek (n17)

⁴²Creswell, J. (2007). *Qualitative Inquiry & Research Design: Choosing Among Five Approaches* (2nd ed.). California: SAGE Publications

multiple sources, the information collected need to be organized and categorized based on their type and the question they responded such as the condition of women workers in industrial parks towards sexual violence against them, the measures taken by the state and the project holders protect to protect women workers from sexual violence against women and measures taken by the state and judiciary after violence to make responsible the perpetrator and compensate the victim.

1.5.2 Research Design

Research design is a plan of the proposed research work.⁴³ Case studies are used in design research to analyze a phenomenon, to generate hypotheses, and to validate a method.⁴⁴ Qualitative case study methodology provides tools for researchers to study complex phenomena within their contexts.⁴⁵ This research study employed a qualitative case study research design that it relates the Protection of Women Workers from Sexual Violence in Ethiopian Industrial Parks by taking Hawassa Industrial park as a case study area. Case study researches are relied on multiple sources of information in a triangulating fashion such as in-depth interview, key informant interview, focus group discussion, and hard materials like archives, documents and reports.⁴⁶ This study used multiple sources from both primary and secondary sources to triangulate the information.

1.6 Scope of the Study

Ethiopia establishes conducive environment for transnational corporations including enacting the laws and making policies that favor them. Due to this Ethiopia has become one of the major destinations for number investors from the developed countries. Currently, there are 22 industrial parks operating in Ethiopia and in addition to this the government heralded new industrial parks, which shows its proliferation. Hawassa industrial park is one of the pioneers

⁴³Md.InaamAkhtar, Research Design, September, 2016

⁴⁴https://www.researchgate.net/publication/238621009_Case_Study_Method_for_Design_Research_A_Justificati
[i](https://www.researchgate.net/publication/238621009_Case_Study_Method_for_Design_Research_A_Justificati)
n?enrichId=rgreq14ac41ade3e508c632dd55151f1f3fXXX&enrichSource=Y292ZXJQYWdlOzIzODYyMTA
wOTtBUzoyMjQ0Njk2MjU5MDUxNTJAMTQzMDUyOTEzNzE4N_%3D%3D&el=1_x_3&_esc=publication
CoverPdf

⁴⁵The Qualitative Report Volume 13 Number 4 December 2008 544-559 <http://www.nova.edu/ssss/QR/QR13-4/baxter.pdf>

⁴⁶Yin, Case study research design and methods, London: Sage Publications, (2003). (3rded.).

in the history of industrial parks in Ethiopia. 90% of workers in Hawassa industrial park are women. So, for territorial scope, the study is limited to Hawassa as Hawassa industrial park is a huge one and hires most women. It concerned specifically on the sexual violence against women workers in industrial parks.

1.7 Significance of the Study

This study provides an important knowledge on the human rights concerns of industrial parks operating in Ethiopia by taking the sexual violence against women workers as human right and Hawassa industrial park as area of the study. Researches are scanty in this area. A few researches conducted in this area hardly cover sexual violence against women in industrial parks as a human right. So, this research helps fill the knowledge gap in the area and also helps other potential researchers as impetus to conduct additional research in the area. It could also serve as an input for policy and law makers in setting standards for protecting the human rights of citizens and help give especial attention for women workers. By giving insight about the conditions of women working in industrial parks in relation to the sexual violence against them, it helps organizations working on the area, such as Ethiopian Human Rights Commission, Ethiopian Human Rights Council, Ethiopian Women Lawyers Association (EWLA) other civic societies and Non-Governmental Organizations (NGOs).

1.8 Organization of the Study

This study has four chapters. The first chapter consists of the background of the study, problem statement, general and specific objectives of the study, general and specific questions of the study, method and research design of the research, scope of the study, significance of the study, the organization of the study and literature review. The second chapter contains conceptual framework of the research and study area description. It consists the conceptual framework of the research, Industrial Parks in Ethiopia, Industrial Parks vis a vis human rights, Sexual violence in light of Human Right documents, Definition of Sexual Violence against Women, Human Rights Instruments and Sexual violence against Women and The Right to Work. The third chapter presents data, the findings of the research and discusses the data from perspective the rights of women recognized under different international, regional and national human right legal frameworks. It consists of Introduction, Prevalence of Sexual

Violence against Women in Hawassa Industrial Park, The Impact of sexual Violence against Women on the Life of Women Workers in Hawassa Industrial Park and Sexual Violence against Women from the Perspective of Human Rights. It presents the data obtained from different sources by employing the proposed method of research and data collection and discusses the findings of the research from the perspective of human right, sexual violence against women. Chapter four discusses the impact of sexual violence in detail in light of the right to health of women workers. The impact sexual violence on the right to health of women workers particularly discussed under this chapter. Finally, the chapter suggested policy and administrative solution for the problems discussed. Conclusion and recommendation make up the last part of the research.

1.9 Literature Review

Different literatures discussed the issue of sexual violence in different work places. Sexual violence and harassment against women on work place was part of the discussion of 7 the UN Forum on Business and Human Rights.⁴⁷ According to the survey, lack of awareness among business of how to provide an effective remedy to victims of sexual violence and assault, as well as the best way to prevent and address violence and harassment in the world of work is the main problem to halt sexual violence in the work place.

The discussion group defined sexual violence as one of Gender based violence (GBV). Accordingly, GBV disproportionately affects women and may particularly impact women from vulnerable groups, such as local communities, jobseekers, victims of trafficking, indigenous women, sex-workers, domestic workers, undocumented migrants and refugees. As per the survey by the group at least one in three women around the world will experience sexual violence or harassment in her lifetime. The study stressed on the suffering that caused to the victims due to sexual violence. It causes individual pain and suffering which can include unwanted pregnancies or physical/mental illness, negative impacts on families and communities. It is a major barrier to decent work, diminishes business profits, negatively affects GDP, and stalls development.

⁴⁷ Gender Discussion Group: Sexual violence and harassment against women 7 the UN Forum on Business and Human Rights

According to the study by world report on Violence and Health, sexual violence occurs throughout the world.⁴⁸ According to this report sexual violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.

This research work stressed on the consequences of sexual violence to the mental and physical of the victim. It emphasizes on that sexual violence can occur to both sexes; however, the prevalence is higher to women. According to it sexual violence can occur in different forms. An unwanted sexual advances or sexual harassment, including demanding sex in return for favors are one of some forms in which sexual violence can occur. Fewer research on the area, determining effective responses, addressing sexual abuses within the health sector and giving due attention for prevention are some of the recommendations according to this report.

According to the research conducted by Yohannes Mehretie Adinew and Mihiret Abreham Hagos⁴⁹ in Woliata Sodo University the finding shows that due to different reasons, such as inter parental violence as child, rural child hood residence, having regular boyfriend, alcohol consumption, and having friends who drink regularly, sexual violence against students of Wolaita Sodo University is prevalent. The result of this study show that Lifetime sexual violence was found to be 45.4%; however, 36.1% and 24.4% of respondents reported experiencing sexual violence since entering university and in the current academic year respectively among 462 regular students between the age of 18-2, according to the cross-sectional study conducted by the 2015 academic calendar by the researchers.

The study on Women in Manufacturing in Ethiopia, Opportunities, Challenges and Strategic Interventions⁵⁰ discusses the plan of the government to expand building of industrial parks. Industrial that have been in operation are hiring large number of people and majority of them are women. This research work identified some of the challenges that women face in relation to job in industries and other work places. Access to information and entry barriers to

⁴⁸ World Report on Violence and Health

⁴⁹ Adinew and Hagos BMC International Health and Human Rights (2017) 17:19 DOI 10.1186/s12914-017-0127-1

⁵⁰ A Study on Women (n25)

manufacturing jobs, weak university-industry linkages and poor school-work transitions, lack of system for continued education, training and personal development, low wages, lack of safe and affordable housing and gender roles, cultural barriers, reproductive health and sexual harassment are among the problems faced by women in work places according to this work. Absence of mechanisms to report and address sexual harassment) and violence (both on and off the work premises) is one the problems faced by women in manufacturing industries in Ethiopia.

The systematic review and Meta-Analysis on Prevalence of Sexual Violence in Ethiopian Work places conducted found out the prevalence of sexual violence such as attempted rape, rape and sexual harassment in work places in Ethiopia.⁵¹ Women workers in Hawassa Industrial park faces different problems; among others they encountered, multi-cultural communication barriers, stress due to long working hours, sexual harassment, vulnerability to HIV/AIDs and sexual reproductive health problem, underdeveloped working culture, stress due to long working hours, low wage and limited social skills.⁵² Lower wages, language barriers, health problems like hygiene Ergonomics & Safety are some of the problems women face in Industrial Parks of Ethiopia.⁵³

The above researches are all related works, on sexual violence against women in industries, Universities and other work places. There are researches conducted the areas of industrial parks. Researches on Human rights such as housing, collective bargain,⁵⁴ wages and compensation⁵⁵ Sanitations, housing, evictions⁵⁶ are conducted in different Industrial Parks of Ethiopia. Some of them are targeted on the rights of women. There is a survey, conducted by ILO to cover the sexual violence against women in Hawassa industrial parks of Ethiopia; but

⁵¹ Prevalence of sexual violence in Ethiopian workplaces: systematic review and meta-analysis, Mulugeta Dile Worke, Zewdie Birhanu Koricha, Gurmesa Tura Debelew available Worke et al. *Reprod Health* (2020) 17:195 <https://doi.org/10.1186/s12978-020-01050-2>

⁵² Dagim (n20).

⁵³ Margaux Yost and Lauren Shields (n21).

⁵⁴ GifawosenMarkos Mitta, Labor rights, Working Conditions and the workers' Power in the Emerging Textile and Apparel Industries in Ethiopia in the Case of Hawassa Industrial Park, New Research in GPE Working Paper No. 01/2019.

⁵⁵ Christian Johannes Meyer, Eduard Krkoska, Koen Maaskant, Wages and Compensation in Ethiopia's Industrial Parks: Evidence from A Firm Survey* April 1, 2021

⁵⁶ GifawosenMarkos Mitta, Labor rights, Working Conditions and the workers' Power in the Emerging Textile and Apparel Industries in Ethiopia in the Case of Hawassa Industrial Park, New Research in GPE Working Paper No. 01/2019.

not in a sufficient manner.⁵⁷ Other research works revealed the occurrence of sexual violence in work places other than Industrial parks. The research work by paula McDona,⁵⁸ Cortina and Wasti,⁵⁹ Hearn and Parkin,⁶⁰ Fitzgerald, Drasgow & Magley,⁶¹ and Gutek,⁶² are brought concrete findings of sexual violence against women in work places of their study. The study in India by the year 2015 shows the prevalence of sexual violence in Indian work places.⁶³

⁵⁷ ILO, (n120)

⁵⁸ Mcdonald, (n13).

⁵⁹ Cortina, L. &Wasti, (n14).

⁶⁰ Hearn, J., &Parkin, (n15).

⁶¹ Fitzgerald, L.F., Drasgow, F. &Magley(n16).

⁶² Gutek, (n17).

⁶³ Handbook (n18).

Chapter Two

2. The Legal and Conceptual Framework on the Right of Women Workers

This chapter has two parts. The first part deals with conceptual frame works. It categorically focusses on important issues of the research such as Industrial parks, the relationship between Industrial parks and human rights, sexual violence as human right. The status of international, regional and national legal instruments in relation to sexual violence against women in general and at work place in particular has been discussed. The second part exhaustively deals with related literary works in relation to the topic under study.

2.1 Industrial Parks in Ethiopia.

The concept of industrial park can be dated back to the industrial revolution of the 18th century during which countries formed industrial areas to facilitate industrialization. These industrial areas vary depending on their causes of formation, and can be developed in to industrial parks.⁶⁴ According to the Definition of United Nations Industrial Development Organization (UNIDO) Industrial Park is defined as

“a tract of land developed and subdivided into plots according to a comprehensive plan with or without built-up (advance) factories, sometimes with common facilities and sometimes without them, for the use of a group of industrialist”.

Ethiopian industrial parks proclamation⁶⁵ defines Industrial Park as

"Industrial Park" means an area with distinct boundary designated by the appropriate organ to develop comprehensive, integrated, multiple or selected functions of industries, based on a planned fulfillment of infrastructure and various services such as road, electric power and water, one stop shop and have special incentive schemes, with a broad view to achieving planned and systematic, development of industries, mitigation of impacts of pollution on environment and human being and development of urban centers, and

⁶⁴ Industrial Areas are centralization and gathering of industry in a certain area and those of high level have developed into national industrial bases. Ruhr Industrial Areas in Germany and Pittsburgh Industrial Areas in US are two examples of Industrial areas with distinctive industrial features but cannot be called Industrial Park

⁶⁵ Industrial Park Proclamation No.886/2015"

includes special economic zones, technology parks, export processing zones, agro-processing zone, free trade zones and the like designated by the Investment Board

Industries have been operating in scattered manner before the introduction of industrial parks. Due to numerous reasons the idea of industrial parks has introduced. Sweeping technological changes, particularly in communications trade liberalization, emerging financial markets and declining cost of transportation has propelled globalization.⁶⁶

After World War II, investors began to invest in foreign countries than their home. That could be due to the fact that many African states decolonized after WWII. For developing countries, investing in foreign countries is the major source of external financing and provide important means of implementation for development goals and also leads to development of private sectors. For the host states the importance of foreign direct investment is multi facial. Most of host states, especially, African states aims that they will gain economic advantages of Industrial parks, such as technological transfer, transfer of managerial skills, Capital flow and other.

Ethiopia and other African states are competing to attract foreign invest. To create conducive environment for both foreign and international investors to invest in Ethiopia, Ethiopian government have built some concrete grounds, including legal basis. Ethiopian Industrial parks proclamation, Proclamation number 886/2015, was also enacted by the year 2015. As clearly expressed under the proclamation Accelerating the economic transformation and development of the country through the establishment of Industrial Parks in strategic locations to promote and attract productive domestic and foreign direct investment thereby upgrading industries and generate employment opportunity; recognizing, the need to enhance export promotion, protection of environment and human wellbeing, economical land use and establishing and expanding planned urban centers; recognizing, the paramount impedance of legislation in respect of establishment, development, operation, management and regulation of IPs are the main objectives which the proclamation aimed to achieve. The same proclamation provided for the establishment of Ethiopian Industrial Parks Corporation (IPDC). EIPC established by Ethiopian government by the year 2014 by aiming to achieve advantages of

⁶⁶ Caji O. Falcke, Ph.D, Industrial Parks principles and practices, Journal of Economic Cooperation among Islamic Countries 20 (1999) 1-10.

Industrial parks. Inspired by the full support of the government, IPDC is becoming an engine of rapid industrialization that nurtures manufacturing industries, accelerates economic transformation, promote and attract both domestic and foreign investors.

Currently Ethiopia is having a total of 22 IPs under various phases of establishment including Ethiopia's first large-scale private industrial park (Eastern Industrial Zone in Dukem) is now nine years old while the first public industrial park (Bole Lemi) is five years old. Following these two pioneer cases, nine are operational (five government and 4 private); two have been recently inaugurated and set to start operations (Jimma and Debre Birhan); five are likely to be opened over the coming year; and six are at early stages of planning.⁶⁷ The second Growth and Transformation plan of Ethiopia (GTP II) plans for speeding up IPs development at both federal and regional levels, attracting and encouraging potential investors (including local investors) of quality and high impact in the sector needs to be given utmost emphasis in GTP II.⁶⁸ In this regard GTP II can be said successful as well. The plan for proliferation of Industrial parks by Ethiopia government has been continued as the newly elected government also included it as one of the main economic tools.

Last year, 2021, Ethiopian prime minister announced an opening of 2 new industrial parks, namely Somali and Yirgalem industrial parks. The newly elected government of Ethiopia, Prosperity party, has 10 years perspective development plan (2021-2030) called Path way to Prosperity; which aims to make Ethiopia an Africa's beacon of prosperity by the year 2030.⁶⁹ According to this plan IPs are one of its main potentials.

No doubt, the existing and emerging IPs take significant share on ushering Ethiopia's economy. Overcoming unemployment is one of the bottlenecks of developing countries and the case of Ethiopia is not odd. According to the statics from the recent survey of World Bank, IPs showed success in creating jobs. Before the COVID-19 pandemic, 14 IPs across the

⁶⁷ CEPHEUS Research and Analytics, Ethiopia's Industrial Parks: A Data Pack on recent performance, Jul 1 2019.

⁶⁸ Federal Democratic Republic of Ethiopia, Growth and Transformation Plan II (GTP II) (2015/16-2019/20) Main Text National Planning Commission Volume I: Page 72, May, 2016 Addis Ababa.

⁶⁹ Ethiopia 2030: The Pathway to Prosperity Ten Years Perspective Development Plan (2021 – 2030).

country provided employment for about 88,000 workers.⁷⁰ The significant amount of this number is made up of women workers. GTP II Ethiopian government aimed to ensure equitable and inclusive progress where youth, women and all communities can benefit from growth in the manufacturing sector. To this end, the plan envisages creating 750,000 new jobs in medium and large-scale manufacturing industries by 2020.⁷¹ Even though, it encounters a number of critics in terms of wages, sanitation and safety, housing and other services, IPs are successful in creating job opportunities for tens of thousands of Ethiopians.

2.2 Human Rights and Industrial Parks

A. Human Rights

Human rights are rights inherent to all human beings.⁷² After WWII the issue of human rights got the attention of international community. Universal declaration on human rights laid an impetus for human right to hold the current structure. It was the first detailed expression of the basic rights and fundamental freedoms to which all human beings are entitled.⁷³ Universal declaration on Human rights constitutes a bundle of rights and included both civil and political rights social, economic and cultural in a single document; though non-binding document at the beginning. Later UDHR backed by state practice and *opinio juris* and able to attain the customary law status.

After WWII, the West capitalists and East communists began the cold war. Due to this both groups were skeptical of human rights provision that they thought more helpful for their counterpart. ICCPR and ICESCR emerged as binding human rights treaty. ICCPR provides for Civil and political rights also known as first generation rights. There are 68 signatory and 115 state parties for ICCPR. ICESCR constitutes economic, social and cultural rights or usually known as second generation rights. ICESCR was not easily welcomed as ICCPR, because of the thought that it needs more resources than ICCPR to implement. Due to strong

⁷⁰ Christian Johannes Meyer, Eduard Krkoska, Koen Maaskant, Wages and Compensation In Ethiopia's Industrial Parks: Evidence From A Firm Survey* April 1, 2021

⁷¹ A Study on women (n25)

⁷² United Nations Human Rights, Office of Higher Commissioner of Human Rights Handbook No 26.

⁷³ United Nations Human Rights commission.

arguments, it become clear that both spheres of rights need resource to fulfil. Currently there are nine core human rights treaties.⁷⁴

Although all the above treaties and other covenants of bill of rights and core human rights treaties provide for the rights of women as that of the rights of men, there was no separate human rights treaty to provide for the rights of women only. Convention on Elimination of all forms of Discrimination against women (CEDAW) is the most comprehensive agreement on the basic rights of women.

B. Industrial Parks vis a vis Human Rights

Foreign Direct Investment (FDI) has a direct relationship with human rights.⁷⁵ Results of many different researches show that IPs have both direct and indirect and positive and negative impact to the life of human being. The labor-intensive industries, since the early 1970s, the sector have shown a massive expansion, providing employment opportunities to millions of workers in the developing countries of the world.⁷⁶ As have seen from the experience of Ethiopia, IPs are able to create jobs for hundreds of thousands. Fundamentally, the combination of national governments' interest to embark on industrialization and companies' interest of lowering production cost facilitated the sector's growth.⁷⁷ Caveat investment requires extensive lands which can cause displacement of people from their land.⁷⁸ If that is the case it requires displacement of inhabitants of that land. Usually, displacement results in making the life of displaced people miserable. As stated above, IPs hire large number of workers. The wage they pay for workers are most often meager. As survey by World Bank indicates that the median industrial park production worker earns a base pay of 1,800 Ethiopian Birr (ETB) per month plus variable pay of 1,175 ETB. Combining base and variable pay shows that the median industrial park firm pays nearly 3,000 ETB per month in

⁷⁴ OHCHR

⁷⁵ Hailemariam (n114)

⁷⁶ GifawosenMarkos (n54)

⁷⁷ Ibid

⁷⁸ Ibid

monetary terms.⁷⁹ In publicly-owned industrial parks, these payments are smaller. For instance, in Hawassa Industrial Park the median monetary payment is slightly more than 2,100 ETB, while in Bole Lemi Industrial Park and Kombolcha Industrial Park median monetary pay is 2,700 ETB because of the fact that Public owned IPs are focused on garments and textiles, while firms in privately-owned industrial parks are focused on other sectors.⁸⁰

Most of workers in industrial parks in Ethiopia are women for rural Ethiopia. Currently, the garment sector employs about 62,000 workers throughout the county, representing 17.5% of the entire manufacturing labor force. For instance, women make up 60% of all workers in the cutting stage of production, while 85-90% of all workers in the sewing stage of production are female.⁸¹ According to ILO case study this large number of workers face problems at industrial parks. At Hawassa Industrial Park, one of IPs in Ethiopia especially female workers face the problems of Wages and high cost of living, decent housing, personal safety, Workers' occupational health, Education and training, Freedom of Association and Collective bargaining and Grievance mechanisms to overcome these problems. Sexual violence against women is the most common problem that female workers face in the IPs in particular and in working places in general. In general industries are highly attached to human rights both positively and negatively.

2.3 Sexual Violence in Light of Human Rights Documents

Most part of the life of human beings is not about equality. Human beings are familiar with the concepts of dominance of one group over the other. Discrimination based on skin color, race, sex, nationality, political view and others is common throughout the life of mankind. Inequality between men and women lasted still recent times. Women face different forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status,

⁷⁹ UNIDO, Department Of Policy, Research and Statistics Working Paper, Industrial park development in Ethiopia Case study report, 21/2018.

⁸⁰ Ibid

⁸¹ ILO, Improving Worker Wellbeing In Ethiopia's Garment Industry Through The Model Of Shared Responsibility

education, disability and socioeconomic status, among other grounds.⁸² Currently we can find laws that provide for equality between man and women.

Through time there are some developments to the rights of women. They get an opportunity to take part in activities that were thought taboo for them since long time. Economic inequality between men and women was the root cause for in equality between men and women. Therefore, it is not doubtful that empowering women economically is the main tool to bring equality between men and women. Nowadays, women have the right to work and take part in any activities that give them economic gains. Affirmative action, correcting the past mistakes by providing some privileges for women, introduced. By using the legal rights and other affirmative action women are able participate in many different works and activities.

However, it is difficult to say that practical equality between men and women become inevitable. The gap widens on developing countries. In developing countries factors such as illiteracy, culture, poverty and others play the major roles for inequality between men and women.

Industries are able to create jobs for millions in the world, especially in the developing countries including Ethiopia. The rapid growth of the Ethiopian economy over the last decade has resulted in increased women's participation in the labor force.⁸³ Large numbers of workers in Ethiopian IPs are women. As Industries proliferate the number could increase at the level of doubling the current number. These numbers depicts that there is good progress on economically empowering women; that at least they are able to get jobs. However, it does not mean that work is done. The rights and protection guaranteed for women should be observed.

Women in the working environment sustain a number of problems. They face problem as worker in general and as women in particular. The right to collective bargain is the right given for workers and women enjoy it as workers. Whereas the right against sexual violence for instance rape in work place is the right they guaranteed as women. The problems of Wages and high cost of living, decent housing, personal safety, Workers' occupational health,

⁸² Women's Rights are Human Rights, UNOHCHR, New York and Geneva, 2004

⁸³ A Study (n30), page 11

Education and training, Freedom of Association and Collective bargaining and Grievance mechanisms to overcome these problems. Sexual violence against women is the most common problem that female workers face in the industries in particular and in working places in general. Sexual violence occurs throughout the world.⁸⁴ However, sexual violence against women in Ethiopian industrial parks little or hardly researched yet.

Laws that grant protection for women right in work place are ratified by Ethiopia. Since Ethiopia is the founding member of both League of Nations and United Nations, she ratified many international treaties. Ratification by itself is not guarantees the protection of the rights guaranteed. It needs to be domesticated, incorporated into national laws, so that local courts should take judicial notice and legislatures and policy makers take the rights into considerations.

2.3.1 Definition of Sexual Violence

Sexual violence is a global health problem and a serious breach of human rights.⁸⁵ Sexual violence has a profound impact on physical and mental health.⁸⁶ The need of economic empowerment of women is indispensable for the equality of women. Thus, sexual violence causes multi facial problem for the victim. It can have far-reaching consequences for mental, physical, and sexual and reproductive health, as well as economic consequences for society.⁸⁷

According to the definition by WHO Sexual Violence is

any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.

This definition includes sexual violence at work place as one form of sexual violence. I state that sexual violence can occur in the form of unwanted sexual advances or sexual harassment, including demanding sex in return for favors. Although sexual violence can occur to men, the

⁸⁴ World Report on Violence and Health

⁸⁵ Willy van Berlo & Rachel Ploem, Sexual violence Knowledge file, Utrecht, October 2018

⁸⁶ 21 Handbook (n21)

⁸⁷ Adinew and Hagos (n22)

main focus under this definition is on the various forms of sexual violence against women, as well as those directed against young girls by people other than care givers.⁸⁸

Declaration on violence against women (DVAW) defines VAW as

"Violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. According to this declaration, sexual violence is one of violence against women. DVAW is not binding instrument, it is a declaration. However, it is adopted by a consensus of all UN member states in the general assembly, that it has persuasive value.

Maputo Protocol is a protocol for African Charter on Human and Peoples Right on the Rights of Women in Africa. According to this protocol violence against women is defined as

“All acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war. This definition included sexual violence in private or public life in peace or in the times of armed conflicts or war as violence against women.

2.4 The Rights of Women in Light of Human Rights Instruments

The rights of women have been incorporated as one of human rights on international Human rights documents. Since the founding of the United Nations, equality between men and women has been among the most fundamental guarantees of human rights. International community under the United Nations Charter (UN Charter) set equal rights of men and women as one of their goals. Paragraph two of UN charter reads that we the peoples of United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. Article 1(3) of the same provides

⁸⁸ Handbook (n21)

non distinction between as to sex in promoting and respecting human rights and fundamental freedoms. It reads

- To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

The word nondiscrimination based on sex repeated in the UN Charter under article 13(1)(b) as it reads promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and that of article 55(c) UN shall cooperate to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The Universal Declaration of Human Rights UDHR, adopted in the year 1948, recognizes the right of women by referring to the commitment of international community. Under its preamble paragraph 4, UDHR, contained fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. In drafting the Declaration, there was considerable discussion about the use of the term “all men” rather than a gender-neutral term.⁸⁹ The Declaration was eventually adopted using the terms “all human beings” and “everyone” in order to leave no doubt that the Universal Declaration was intended for everyone, men and women alike.⁹⁰

ICCPR and ICESCR enacted as binding human rights treaty together to make up international human rights bill of rights. Both Covenants use the same wording to prohibit discrimination based on, inter alia, sex (art. 2), as well as to ensure the equal right of men and women to the enjoyment of all rights contained in them (art. 3).⁹¹

⁸⁹ Johannes Morsink, “Women’s rights in the Universal Declaration”, Human Rights Quarterly, vol. 13, No. 2 (May 1991).

⁹⁰ UDHR (n5)

⁹¹ Ibid

With existence of the rights of women recognized on international human rights documents the, the world community found it not sufficient to bring equality of women. This necessitated the enacting of new legislation, Convention on Elimination of all Forms of Discrimination against women (CEDAW). The preamble of CEDAW clearly points out that the noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women however, concerned of the fact that despite these various instruments extensive discrimination against women continues to exist.

CEDAW covers civil and political rights and economic social and cultural rights. It covers the specific obligations of States to eliminate discrimination against women in political, social, economic and cultural fields are laid out in 16 substantive articles. It defines Discrimination and provides different way in which state parties eliminate discrimination. Accordingly, article 1 of CEDAW defines discrimination against women as

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Accordingly, discrimination encompasses any difference in treatment on the grounds of sex which, intentionally or unintentionally disadvantages women; Prevents society as a whole from recognizing women's rights in both the private and the public spheres; Prevents women from exercising the human rights and fundamental freedoms to which they are entitled.⁹²

Convention on the rights of Child (CRC) is another international human rights instrument to prohibit discrimination based on sex. Under its article 2, it obliges state parties to respect and ensure the rights guaranteed in the convention on the rights of children within the jurisdiction of that particular state without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

⁹² CEDAW

International Convention on the Protection rights of All Migrant Workers and Members of Their Families under its art 7 provides for prohibition of discrimination based on sex. International Convention on the Rights of Persons with Disabilities, article 6 requires all state parties to take all appropriate measures to ensure the full development, advancement and empowerment of women.

International Convention on the Elimination of All Forms of Racial Discrimination and The Committee against Torture works to eliminate discrimination based on sex. African charter on human and Peoples' Right, The Charter of the Organization of American States, The European Convention on Human Rights and Fundamental Freedoms are regional human rights instruments to include the rights of Women.

2.5 The Right to Work

The right to work and taking part in activities that bring economic gains to women is the main tool to bring equality of women. International and regional human rights instruments recognize the right to work and take part in activities that gain economic advantages for women. National laws need domestication, to include the rights recognized as part of their domestic laws. The right to work and equal access with that of men is recognized. The right to work should be free from any kind of violence.

UDHR, ICESCR, CEDAW, ILO, CEDAW and ACHPR, Maputo protocol, Inter American convention on human rights guarantees the rights of women to work in the work environment free from violence of any kind, including sexual violence.

UDHR art 23 stipulates for the right of everyone to work. This provision grants the right to work and equal payment for equal work without discrimination. It adds that the working condition should be favorable; this includes the working environment should be free from sexual violence. ILO included physical violence and sexual abuse interchangeably and considers it as one of forced labor.

ICESCR contains the bundle of social, economic and cultural rights. The right to work is one of social, economic and social rights. ICESCR Art 6, recognizes the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. Among other

ICESCR recognizes equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. According to this provision the state parties are obliged by the covenant to ensure that women enjoy equal working conditions with that of men. Art 2 of ICESCR obliges states to take steps with a view of achieving progressive realization the rights recognized in the covenant, which include the rights of women to work on the favorable work environment with that of men. Pursuant to the General Comment number 3, general comment on the Nature of the State Parties Obligation, the phrase “take steps” under ICESCR is elaborated as steps towards the goals, progressive realization, should be taken within short period of time after entry into force of the covenant.⁹³ Accordingly, the obligation of states are extended to include legislative measures as, domestication, revising national laws in line with the covenant as one of the steps to be taken by the state parties. Thus, the right to work of women recognized under ICESCR. This right should be enjoyed by women without violence of any kind, including sexual violence. The concerned member states should take steps as stipulated in the covenant and the general comment number 3.

CEDAW is another international human rights instrument to recognize the right to work of women. It provides the right to work as inalienable human right and hence state parties should take appropriate measures to ensure the right of women to work. The Covenant broadly guarantees the right to work and other related rights of women that include conducive working environment.

DVAW art 2(b) provides that sexual violence and intimidation as one of violence against women. And it obliges states to take all appropriate means to eliminate violence against women. Even though DVAW is declaration it has persuasive value; and it might be signed by states and emerge as treaty in the future.

Regionally, African Charter on Human and Peoples right (ACHPR), protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Council of Europe Convention on Preventing Violence against Women, The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women,

⁹³ ICESCR General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant) Adopted at the Fifth Session of the Committee on Economic, Social and Cultural Rights, on 14 December 1990 (Contained in Document E/1991/23), Art 2.

known as Belém do Pará, Council of Europe convention on Preventing and Combating Violence against Women are regional instruments that stipulate on sexual violence and other right of women.

ACHPR (Banjul Charter) art 15 stipulates for the right to work under equitable and satisfactory working conditions and equal remunerations for equal work as the rights of everyone. The charter provides for prohibition of discrimination based on sex under its preamble paragraph 5 and article 2. Thus, the right of women to work and take part in activities that give them economic advantages is recognized under ACHPR. Accordingly, this right should be exercised without any kind of violence, including sexual violence against women. Maputo protocol is a protocol to the African Charter on the rights women. Maputo protocol art 13, obliges the state parties to take measures to guarantee women equal opportunity in work and career advantage and other economic opportunities. It further stipulates under art 13 (c) that the state parties shall take measure to ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace. Hence according to this protocol, the government is obliged to ensure women's right to work and ensure that women exercise this right free from sexual violence.

Council of Europe convention on Preventing and Combating Violence against Women is another regional human rights instrument that guarantees the rights to work. Further it includes sexual violence as one of violence against women, Art 3(a).⁹⁴

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, is also one of the region human rights instruments to guarantee the rights of women to be protected from sexual violence.

To sum up the right to work of women is guaranteed by the international and regional human rights instruments. The right includes the right to work and participate in activities that give women economic gains free from sexual violence against them. It lays obligation on the state parties to take measures to ensure women right guaranteed under state these international treaties.

⁹⁴ Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11.V.2011

Chapter Three

3. Protection of Women Workers from Sexual Violence in Ethiopian Industrial Parks: A Case study in Hawassa Industrial Park

Introduction

Industrial parks play priceless role to the overall development of the country. The labor market it creates, currency flow, technology transfer and managerial skill it shares contributes high to the development of the country. Aiming these advantages of IPs, the government have built and building a number of IPs in different parts of the country. Hawassa Industry Park is one of the IPs in operation in Ethiopia. As it hires large number of women workers, it is the main focus of this study. Hawassa industrial park is able to large number of employment opportunity. So, this research examines the human rights conditions of women Workers especially sexual violence against women.

This chapter has two sections. The first section presents the data obtained from different participants by employing the basic data collection methods which were proposed to address the research question, such as in-depth interview, key informant interview, focus group discussion and document review from different others sources. In order to find comprehensive data about the human rights especially sexual violence against women, this data is collected from multiple sources: victims of sexual violence against women, government officials, nongovernment organization and civic societies working on the rights of women workers in industrial parks. The second section deals with sexual violence against women in light of international, regional and domestic human rights instruments.

3.1. Prevalence of Sexual Violence in Hawassa Industrial Park

Women workers in Hawassa industrial park face different kinds of problems. They sustain beating and other physical violence from employers. Unreasonable and illegal cut from payments and wages, illegal suspension and termination of employment contract are some of the problems that the workers in general and women workers in particular face in industrial parks. Women in Hawassa industrial park face not only physical violence but also sexual

violence. They face sexual violence from different bodies, including community they joined, from employers and coworkers.

Most women victims of sexual violence do not report the incident to law enforcement authorities such as police nor did they seek remedies from court of law. According to informant workers in Hawassa industrial parks, women fear to report for police and other authorities about sexual violence against them. First of all, they do not have knowledge about their rights during performing their work. They know that it is the will of employer to do whatever she/he wishes against her or his employee. This includes working for long period of time than legally prescribed working hour. Shouting and beating are common in Hawassa industrial park. Women fear reporting for police for several reasons. According to respondent from women workers in Hawassa industrial park she fears reporting to police because of fear of losing her job. If she loses job, she has nothing to lead her livelihood; to pay bills including house rent; nothing to support her family and to fulfill other basic needs. If she loses this job, she hardly could get another job.

Concerning their awareness about their rights during performing their work, women workers in Hawassa industrial park have bare legal knowledge about their rights. Women who worker more than three years have not received any kind of leave for the last three years including annual paid leave. Leave is included under Ethiopian labor proclamation as one of conditions of work.⁹⁵ According to art 77 an employee is allowed to receive paid annual leave of 16 days for the first year and one more year for one additional year of service. More over article 76(1) of Labor proclamation no 1156/2019 stipulates that an agreement by a worker to waive in any manner his right to annual leave shall be null and void. This shows the strong stand of the law on the behalf of the workers right to paid annul leave, that the worker cannot agree otherwise. Due to lack of legal knowledge the violation of any kind against workers and specially that of women remain underreported. Seeking for legal advice considered as betrayal against their institution as according to my informant who works in Hawassa industrial park.

Even though most of the incidents of sexual violence in industrials parks of Ethiopia and that of Hawassa industrial park remain underreported, there are a number of cases that sought the attention of different organizations working on the rights of women and some of them get the

⁹⁵ Labor Proclamation No.1156/2019, article 2(7)

attention of law enforcement authorities, including police and court. The case of women worker in Hawassa industrial park was well known by dwellers of Hawassa City. The woman was raped and later became pregnant and gave birth to a child. She did not know who the father of the child because of the fact that she was raped by four white men whom she could not identify their identity. Finally, this woman was worried to up bring the child whose father is unknown; and backed with an economic hardship she faces during working in the park like another workers, she beheaded her child and dumped in the garbage. Lately, she was prosecuted by police and convicted and currently she is serving seven years imprisonment for this crime. Sexual violence against women like this and other kinds are recurrent within the compound and outside the compound of the park in the Hawassa city; especially surrounding kebeles of the city.

Most of the cases of sexual violence against women are underreported for different reasons. Lack of an institution that keep the confidentiality of information obtained from compliant women workers is one of the reasons. Women worker has to report the case to male police. According to the key informants from Hawassa Industry Park told me that male polices are usually double victimizing women complaints. Because of these women become shy and frustrated to report for male police about sexual violence they sustained. Lack of skilled and trained professional and that of institutional platform that investigate sexual violence against women is the main problem in this regard. Women complaints are required to bring evidence in order to charge the criminal. However, it is difficult to women to bring evidence of sexual violence against them within and outside of the park. In this regard lack of sophisticated scientific investigation that could help women bring witness so that perpetrators could charge and held responsible is another problem worth attention.

The perception of the society in the case of sexual violence against women needs series attention. Most often the community members once women are raped or victim of other forms of sexual violence entertains the case in clear contrast to what the laws prescribe. Elders handle the case and works to solve the case amicably without regard to the severity of the case. Basically, the law doesn't allow elders or customary courts to entertain criminal cases. In spite of all arguments for and against letting customary and religious courts to entertain criminal cases the constitution clearly prohibits it. The constitution reads that this constitution

shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute.⁹⁶ Here the law only allows personal and family matters to be adjudicated by customary and religious courts based on the consent of the parties to the case. The law is silent regarding criminal matters to be entertained by customary and religious cases. However, the practice spares from this. Courts and public prosecutors are allowing elders and religious fathers to entertain criminal matters. It is not uncommon to see them entertaining cases involving criminal cases including sexual violence against women in general and rape cases in particular. Customary and religious father entertain criminal cases in the manner they entertain civil matter such as personal and family matters. Customary and religious way of entertaining cases most often propagates amicable solution for cases brought before them. Entertaining criminal cases especially grave cases such as rape and other sexual violence is against the object and purpose of criminal law and criminal punishment. Elder and religious fathers undertake the woman victim of sexual violence to marry the perpetrator. In this way most of the victims of rape sign an agreement which shows that she consents to marry the man who raped her.

The government of the host states most often do all the best to hide the hardships that workers in general and women workers in particular face in industrial parks. They hide not only hardships of worker like lower wages, lack of housing, transport services and many others, but also, they hide the scandals of employees, managers and enterprise owners in relation to sexual violence too. The case of Ethiopia is not exception to this. The government tries to solve some grave crimes of human rights including sexual violence against women by those persons to solve amicably. According to the key informants to this research, judges and lawyers from Addis Ketema kifle ketema Hawassa city first instant court witness that cases involving IPs are so sensitive and are entertained by judges loyal to the government authorities, such as presidents of courts. Most of cases of sexual violence against women workers are solved amicably even though they are grave. Case of beating, series physical damages, illegal termination of contract of employment to men workers of the parks are most often entertained by these judges and are solved amicably. The case involving industrial parks are not left to the attention of police or that ordinary judge and that of the media too.

⁹⁶ FDRE constitution art 34(5)

In fact, industrial parks have potential to usher the economy of developing states. The flow of foreign currency, an employee that IPs hire that make employment opportunities for the population of developing states, transfer of technologies and managerial skills and many other benefits of industrial parks has significant impact on the economy of the developing states. To this end the governments of host states create conducive environment to attract investors. This should not be in the expense of the rights of citizens.

Concerning the prevalence of sexual violence in Ethiopian industrial park in general and Hawassa industrial park in particular, my key informant, director of labor market in Ethiopian investment commission said that IPs are the safest places in which prevalence of sexual violence is unthinkable. For the question whether Ethiopian Investment Commission (EIC) conducted any research about the issue ever before, an informant responded literally no. Without conducting any research on the issue, sexual violence against women, in industrial parks thinking IPs as safest place in which prevalence of sexual violence against women cannot be imagined is absolutely misunderstanding. What makes things even worse is that an informant is higher official in the main Organization who is empowered to follow up each and every step that is happening in the industrial parks. The perception of an informant from Ethiopian Investment Commission is a contrary to what is on the ground.

The key informant to this research, director of labor market in EIC, informed that his office has not received any complaint of sexual violence against women in relation to women workers in Ethiopian industrial parks including, not limited to Hawassa industrial park. In spite of the fact that he thinks Industrial parks are the safest place in which one cannot imagine sexual violence against women to happen, he did not hide the information that sexual violence against women happens to women workers outside the compound of the park by members of the community. According to him women workers of the park faces different kinds of sexual abuses including rape outside the park. This data further confirmed by informant women workers to this research. However, the role of the government in improving the living condition of women workers; by rising wage, by giving skill trainings, by providing shelter with affordable price and other facilities still remains according to the director of the labor market in ELC.

Among 48 cases handled by Mizan Lawyers by the year 2020, 44 cases involving women. Some of the cases are from Hawassa industrial park and involve sexual violence, physical assault by employers. As one of the respondents from Hawasssa industrial park witnessed that she was fired from her work because of she stayed long time in the restroom. The main reason she was fired is that she refused to submit to the employer. There might be average time that one human being stays in toilet. However, it depends on the case basis that an individual may face disease like abdomen ache.

One woman worker, informant to this research was absent to work for one day. In the next day when she reported for work and her employer told her that she was fired and confiscated her clothes and she left her work place with nude. In fact, an employer has power to terminate contract of employment without notice. However, he could do this only if the worker or employee is absent for a total five days in six months period while being warned in writing of such a problem; and where the absence cannot be classified in any of the leaves provided under the Proclamation.⁹⁷ Women workers work for a longer hour; to seat down while working is strictly forbidden for them. One of the informants is a pregnant woman working in garment in Hawassa industrial park sought for a seat. When her employer sows her sitting, he waited until she stands up. When she stands up an employer took a chair without her attention and she fall and aborted.

Lack of knowledge concerning leaves, other rights of workers during work and in their relation with employer is the main problems that expose women workers in industrial parks to sexual and other kinds of violence. Women workers do not report sexual violence for the fear of loss of job. The problem of women workers concerning employment rights are deep rooted. Some of the informants informed the researcher that they are undertaken to terminate their work because they refused to submit to their employer. What is worse is that employers force them to sign an agreement which states that they, employees, resigned based on their consent. It is not uncommon to get women whose contract is terminated due to sexual violence. When she refuses to submit and applies the case to authorities, she got fired for making violence or chaos in the park.

⁹⁷ Labor Proclamation No.1156/2019, article 27(1)b

Regarding situations like this, EIC director of labor market for the question whether his office receive any compliant form the workers or whether his office has any information in this regard and any measures based on the information, he said that there is no report so far. According to him if they receive any compliant from the park, it would not tolerate under the guise of benefits that the government gets from the park. According to him there will be zero tolerance on the behalf of the government on human rights violations. Further he said that there is neither measure taken against any company operating inside the park nor individual sued for sexual violence against women. According to one of my key informants, investment expert in EIC, companies operate in accordance to the memorandum of understanding and violation of which entails in the loss of permission. However, there is no compliant received and no measures have been taken against companies or individual owners of enterprises, managers and other perpetrators because of those reasons as he said. No company has lost investment license due to sexual violence against women and other human rights violation. There are companies who shut down according to him, but they did it because of lack of capacity to operate with covid 19. According to EIC director of labor market, companies and employers operate by observing the laws of the country and that of international laws. However, laws do not apply against them despite wide spread sexual violence against women in industrial parks as witnessed by informants. Thinking industrial park as the safest place in which sexual violence cannot be imagined without conducting any research in the area shows how the authorities are reluctant to the issue.

Sexual violence against women workers in Hawassa industrial park do not only occur from their employers only. They face sexual violence outside of industrial park, from community members too. Women workers in order to overcome the cost of housing, they rent houses in peripheries of Hawassa city. Most of the areas they live are dark since electricity is not addressed; which exposes women workers to sexual violence against women by young men of the community members.

Women workers are sometimes affected by sexual violence by their coworkers. After the incident they report the case to police according to an informant worker. Then the police arrest the suspect however; most often they release the suspect on bail, without taking due

care whether the case is bailable or not. This paves the way for the suspect to abscond, leave the area, since most of the workers are from different parts of the country.

3.2 The Impact of Sexual Violence against Women on the Livelihood of Women

Workers

Women workers in Hawassa industrial park are young women from rural areas of Sidama regional state and other surrounding regions and zones. Most of them are Sidama language speakers who are having language barrier of the city. When they start work in Hawassa city they have to adapt new ways of life than that of their country side. With the meager wages paid to them, women workers fight to adapt and survive in expensive city life. One of respondents of this research who works in Hawassa industrial park informed that she shares one small cell room with eight women friends who are working in Hawassa industrial park.

Ethiopian Investment Commission in order to overcome the problems expressed above; according to my key informant in EIC, the commission prepares skill training on different topics. To cope up with the community, those women workers newly joined and to adopt the city life according to key informant information from EIC to this research, the commission establishes the life skill trainings. According to him the trainings have importance not only for the trainee workers, but also it helps industrial parks as their skill improves, their quality increases and the income of the parks increases. The information of the authority, my key informant, in this regard would be appreciated if it is backed by practice in reality. Concerning the practice that how many of workers, especially those of women workers have taken this skill training an informant does not have a clue about numerical data in this regard. This makes his information a mere conceptual than practical. It is just for the purpose of report than what is really on the ground. According to informants who have been working in Hawassa industrial park for the last three years, they told me that they haven't taken any training on this regard and they don't know any friends of them who have taken this training.

Severe economic problem and dependence undertakes women workers to submit for seduction and promise of marriage. By trusting the promise that the guy would marry her, needy women have unprotected sex with men. This causes series health problem to women workers in Hawassa industrial park. There are lots of paternity cases that get the attention of

courts due to the reasons expressed. During cash crop season the cases began to get worst. Men from Tula, the town near Hawassa, get additional income by selling their cash crop. These men promise marriage for women industrial park workers and have unprotected sex. Women who get paid meager wages and with which fighting to survive city life submit herself for fake promises of men from Tula according to my informant lawyer from Mizan lawyers. What is sad is that they have sex not only unsafely but also in unsafe places including jungle. Both of them, men from Tula and women workers from Hawassa industrial park do not have reproductive health knowledge and do not know how to have protected sex at least. This resulted in severe reproductive health problems including HIV/AIDS to the women workers of Hawassa industrial park according to my informant from Hawassa Adare health center. According to her there are also large numbers of cases of abortion from women workers from the park. Health problems such as cervical cancer are also the main health problem of women workers in Hawassa industrial park according to key respondents from Adere health center. Men using drugs that help them to be sexually aggressive have harder sex that causes women to cervical cancer disease. Men watching porn movies also have harder and abnormal sex such as oral, anal, and other positions which cause many reproductive health diseases to women.

Women workers after the work move to home in group to their residents which is longer 3 to 5 kilo meters from Hawassa city. The way these workers moves exposes them to sexual violence against women including rape. As researcher himself observed women come out from work at 5:30 to 6:00 pm, which is the darker time to women workers who move long to their residents that makes things to women even worse. The residences in which women are living located outside of the city because of the cost of house rent in the Hawassa city is expensive that these workers cannot afford with the meager wage they are paid. These areas are too remote that electricity is not available adequately that exposes women workers during night time to sexual violence of different kinds from verbal abuse to rape. Administration of Chafe Koti Jebessa, kebele towards the residences of most of workers worked harder to improve the situation. However, the kebele has limited capacity to handle the problem in relation to the large number of workers in industrial park.

Before few years ago there was no transport service for workers in Hawassa industrial park. Nowadays, as good side the park provides transport service. However, the cost which will be deducted from the meager wage paid for workers which in turn creates other difficulties for the life of workers in general and that of women workers in particular.

3.3 Sexual Violence against Women from the Perspective Human Rights

In overcoming the economic problems of developing countries industrial parks play significant role. As industrial parks hire large number of people it creates job opportunity for states like Ethiopia whose majority of the population is young people of active age. All industrial parks in Ethiopia have majority of its employees constitute young women. This helps women to empower economically and thereby helps them fight other forms of inequality. In Hawassa industrial park most industries hire large number of young women. However, women workers in industrial parks face a number of problems during performing their work. Different international, regional and domestic human rights instruments to which Ethiopia is a party prescribe for the rights of women, to exercise their right to work free from any kind of violence. The right of women to get protected from sexual violence is recognized as human right. The rights of women workers to be protected from sexual violence is violated during performing their work in industrial parks either directly or indirectly through violation of other rights which are interrelated to other rights of women.

Women workers in Hawassa industrial park were undertaken to long time than legally prescribed time. Workers in general and women workers in particular are paid meager wage that could hardly cover the cost of living to include housing, food, transportation and other basic things. There are some basic rights for women workers and workers in general as paid annual leave, minimum working hour and additional payment for additional work if applicable, the right to work in safe and healthy environment and other rights. Women have also the right to get paid maternal leave.

It is very long time since international community discussed about minimum working hour. However industrial parks operating in Ethiopia don't want to consider this basic human right of their workers. Enterprise owners are business men and they always prioritize their profit than the rights of their workers. UDHR, one an international bill of rights stipulates that

everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.⁹⁸ This provision clearly stipulated that the working condition should be favorable. ICESCR also provides for the right to work. According to it the right the States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.⁹⁹

The minimum working hour is one of the conditions of work and recognized under different international instruments. Ethiopian labor law provides for minimum working hour. Accordingly, it clearly provides that the working hour shouldn't be exceeded from eight hours. It reads that hour of work shall spread equally over the working days of a week, provided, however, where the nature of the work so requires, hours of work in any one of the working days may be shortened and the difference be distributed over the remaining days of the week without extending the daily limits of eight hours by more than two hours.¹⁰⁰ There could be scenarios that worker could work more hours than the provided eight hours per day. However, this should not be without additional remuneration for additional work according to the Labor proclamation. It states that an employer who Causes workers to work beyond the maximum working hours set forth in this Proclamation, eight hours, or contravenes in any manner the provision relating to working hours shall be liable for punishments prescribed under article 185(c) of the same proclamation. The punishment is also extended to the infringements of leaves. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays is also recognized under ICESCR. However, Hawassa industrial park workers right related with working hour is violated commonly. They work day and night even without sitting and paid the same or with a significant cut of wage due to offences that the workers do not even know. Concerning leave one of the key informants to this research, a woman worker who was absent from work place because of health problems for one day. The next day when she come to report for work, she heard that she was fired and her contract has terminated. Even worse, an employer confiscated

⁹⁸ UDHR (n5), art 23(1) para 67

⁹⁹ ICESCR (n10) art 6(1)

¹⁰⁰ Proclamation No. 1156/2019, art 63

her clothes that she dressed and told her to leave naked. This is inhumane action against women workers in Hawassa industrial park.

The covenant, ICESCR provides that steps should be taken by state parties to realize this right. Accordingly technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual are one of the steps to be taken by the state parties. However, most of the women workers in Hawassa industrial park are from rural areas of Sidama region and surrounding zones of SNNPR, Oromia region and other parts of the country. These women have bare knowledge on the basic human rights during performing their work. They even don't know their rights and responsibility and that of the extent of the power of the employer against them. This gives loopholes for an employer to abuse his employees.

According to an informant to this research, worker in Hawassa industrial park, women are forced to submit to her employer under the pain of losing her job. Work is the only means from which she earns the means of her livelihood and means of administering her whole family. Once she loses her job in this company, she hardly could get another job. Ethiopian government, as a signatory party to the said conventions should give due training that will help women workers in Hawassa industrial park enhance their skill technically and vocationally. One of the key informants of this research, EIC director of labor market, said that the government has been providing training to employees that will enhance their skill. Further the government is planning wider training for industrial park worker, according to him. However, during focused group discussion with women workers each of who has been working in Hawassa industrial park for the last three years said that they didn't take part in any kind of training. Moreover, they don't know anyone who participated in this kind of training. Preparing training programs to workers in order to prevent employment injuries is also provided under labor proclamation too.¹⁰¹

The wage paid for women workers is meager that cannot cover the basic costs of living. According to survey by World Bank indicates that the medium industrial park production worker earns a base pay of 1,800 Ethiopian Birr (ETB) per month plus variable pay of

¹⁰¹ Proclamation No. 1156/2019

1,175 ETB. Combining base and variable pay shows that the median industrial park firm pays nearly 3,000 ETB per month in monetary terms.¹⁰² In publicly-owned industrial parks, these payments are smaller. For instance, in Hawassa Industrial Park the median monetary payment is slightly more than 2,100 ETB, while in Bole Lemi Industrial Park and Kombolcha Industrial Park median monetary pay is 2,700 ETB because of the fact that Public owned industrial parks are focused on garments and textiles, while firms in privately-owned industrial parks are focused on other sectors.¹⁰³

Women workers in Hawassa industrial park are influenced to work for more hours with this payment. According to ICESCR the state parties should take steps to ensure that fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. The implication of wage on the life of workers, especially that of women workers is significant.

In order to survive in their work with this payment women workers are usually exposed to sexual violence against them. One of the respondents to this research, woman working in Hawassa industrial park told me that she travels three to five kilometers after work to her home. During night time often after work she moves to her home with her colleagues, she faces the group of men sitting there and insulting them or following them. Usually women face rape, verbal abuse, physical assault and other kinds of sexual violence against them. What makes things even worse is that in addition to traveling long distance and remote areas in order to overcome the housing problem, these women workers share single room for eight according to the respondents. Some of women workers are engaged in commercial sex work while working in industrial park. These women suffer severe health problem especially of reproductive health problem. The cost of health care is still to be covered by the meager wage that they earn.

Different international instruments recognize that the rights of women to be protected from sexual violence against women. According to Declaration on Elimination of Violence against Women recognizes violence against women constitutes a violation of the rights and

¹⁰² UNIDO (n118)

¹⁰³ Ibid

fundamental freedoms of women and a manifestation of historically unequal power relations between men and women and it calls on state parties to the eradication of sexual violence against women.¹⁰⁴ ACHPR (Banjul Charter) art 15 stipulates for the right to work under equitable and satisfactory working conditions and equal remunerations for equal work as the rights of everyone. Protocol to the African charter on Human and Peoples Right on the Rights of Women in Africa defines sexual violence against women as all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war. According this protocol the state is duty bound to protect women from sexual violence against them in both private and public spheres. Women workers in Hawassa Industry Park are exposed to sexual violence, including rape and verbal abuse according to my informants. Women workers who are not responsive for the request of the employer, manager or owner of the enterprise will lose her work. These men are powerful in relation to illiterate rural women worker. Most often, these men intimidate the woman refusing to submit to sign an agreement that shows she left her job consensually.

An impressive development is that the newly emerged labor proclamation, proclamation No.1156/2019 included sexual harassment. Accordingly sexual harassment is defined as to persuade or convince another through utterances, signs or any other manner, to submit for sexual favor without his/her consent. And if force is inflicted it is termed as sexual violence. Further, according to this proclamation it is the right of worker to terminate contract of employment without prior notice where the workers has been a victim of sexual harassment or sexual violence by the employer or a managerial employee. Here, the law grants better protection to workers in general, as definition includes men, and for women in particular.

This proclamation, proclamation number 1156/2019, under article 55(2) also stipulates that a Regulation of the Council of Ministers shall determine the powers and responsibilities of a Wage Board which shall comprise representatives of the Government, employees and trade unions together with other stakeholders that will periodically revise minimum wages based on studies which take into account the country's economic development, labor market and other

¹⁰⁴ Declaration (n11) art 1

considerations. However, the regulation that provides determines the minimum wage has not been enacted yet. This has tremendously affected the rights of women workers in industrial park.

The cases of sexual violence either directly or indirectly getting sever in Ethiopian industrial park as the data collected from Hawassa industrial park indicate. Even though the provisions of labor proclamation and other pertinent laws are serious on the case of sexual violence against women the cases are increasing in staggering number. Despite these realities there haven't been any measures taken against any individual employer, manager or owner of the enterprise nor the license of any industry denied according to my key informants from Ethiopian Industrial Parks Corporation (EIPC) Gender department. This data is also confirmed by the key informants from EIC, investment expert and that Director of labor market during my interview.

The newly enacted employment proclamation of Ethiopia stipulates sexual harassment or violence at work place as prohibited act.¹⁰⁵ This is impressive development by the newly enacted proclamation towards the rights of women and particularly sexual violence against women. But we cannot find this kind of legal provisions on 2004 criminal code of Ethiopia. It does not sufficiently cover the full content of the right and the punishment provided for it is simple. It neither define the sexual violence against women clearly nor put series punishment on the perpetrators of what is termed as “Public Indecency and Outrages against Morals” under its art 639.¹⁰⁶ Ethiopia state is signatory to Maputo protocol, protocol to the African charter on human and peoples' right, which is excellent development.¹⁰⁷

Ethiopia fails to make periodic reports, the main mechanism to check human right performance of the particular country. For instance, the state for the last time made report to the committee on Economic, social and cultural rights and the committee have given concluding observations by the 2012.¹⁰⁸ Concerning sexual violence against women there are

¹⁰⁵Labor Proclamation No. 1156/2019 of Ethiopia, article 14(1(h)).

¹⁰⁶Proclamation No.414/2004, the Criminal Code of the Federal Democratic Republic of Ethiopia.

¹⁰⁷Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa Ratification Proclamation No.1082/2017, art 3.

¹⁰⁸Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant, Concluding observations of the Committee on Economic, Social and Cultural Rights on Ethiopia, Committee on Economic, Social and Cultural Rights Forty-eighth Session 30 April-18 May 2012

reports of severe sexual violence and bodily harm against women throughout the country let alone work places like industrial parks.

Ethiopian investment proclamation¹⁰⁹ stipulates for Grounds of suspension of Investment Permission. None of the sub-articles of this provision deals with sexual violence as a ground for suspension of Investment permit. Art 13(1)(f) of the same proclamation provides for violation of that very proclamation and other pertinent laws as the ground of suspension of the permit. This may be aimed at extending the legal effect to other pertinent laws such as the latest labor proclamation no 1156/2019. However, Art 13(2) of the same states an investor whose permit is suspended shall be given back with one year grace period to take corrective measures. This reveals that the stand of the commission and that of government is in the favor of the Investors disregard to the gravity of their fault.

¹⁰⁹ Investment Proclamation No 1180/2020

Chapter Four

4. The Impact of Sexual Violence on the Right to Health and Livelihood of Women Workers

4.1 Introduction

Under the previous chapter the data collected from different sources presented and discussion has been made in the perspective of different international, regional and domestic human rights instruments. Accordingly, women workers in industrial park face severe cases of sexual violence against women in Hawassa industrial park. Managers, owners of enterprises and employers, coworkers, community members and others are the main perpetrators as have discussed in chapter three. The contribution of meager wage, lack of adequate housing, lack of the basic knowledge on their rights during performing their work and during making complaint are factors that contributed for wide range sexual violence against women to happen against women workers in Hawassa industrial park. According to the data presented women workers face serious health problems because of sexual violence they sustain.

The government is the main organ that checks the human rights instruments signed by Ethiopia. The government is duty bound to respect human rights. It also is duty bound to protect human rights from violation by government security forces and other non-state actors. The government still builds and launches new other industrial parks. Industrial parks the existing and the newly built ones are hiring lots of women workers. It is necessary to balance the benefits from industry and the human rights concerns of the workers in general and women workers in particular. However according the data collected the government organs have failed to protect women workers in Hawassa industrial park from sexual violence against women. Ethiopian Industrial Parks Corporation, whose main mandate is to administer industrial parks has no policy devise to solve the problems of women workers in industrial Parks. Ministry of women, children and youth affairs are busy with political projects such as celebrating days than solving the problem of women. This organ too doesn't have any policy device that includes women workers in industrial parks. Police is double criminalizing the victim when she is there to report her harm. The court acquitted the criminal for mere reason that he, the perpetrator, is their former staff in Hawassa city. The chapter presented the role

that different government organs should play to halt sexual violence against women in industrial parks.

4.2 The impact of Sexual Violence on the Right to Health and Livelihood of Women

Workers

Sexual violence against women detrimentally affects the health and livelihood of women workers. Different international instruments recognized the right to health as well as protection against sexual violence. According to UDHR everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family.¹¹⁰ The right to health cannot be exercised independent of other interrelated rights. According to UDHR, food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control are indispensable to the right to health.

Women workers in Hawassa industrial park paid meager wage that is not enough to cover let alone the cost of their health care service, it hardly covers the cost of food and housing. Due to meager wage and lack of another option than their work in the Hawassa industrial park, women workers travel more kilometers to rent the cheaper house. They share small cell of room for eight. During their way to home in the night time from 6:00 pm women workers are exposed to sexual violence against them by the local community members.

The lower wage backed with the bare knowledge of women workers about their rights, women workers are victims of sexual violence against women perpetrated by managers, employers and owners of the enterprises and that of coworkers according to the data presented above. According to health professionals, sexual violence causes increased incidences of depression, anxiety, posttraumatic stress disorder, and suicide; increased risk of cardiovascular disease. It harshly affects the health and livelihood of women workers. As presented in the previous chapter there are a lot of cases of abortion from women workers of Adere health care center.

The government of Ethiopian should observe different international human rights instruments that it ratified. According to ICESCR the government is duty bound to ensure the right of

¹¹⁰ UDHR (n5) art 25

everyone to the enjoyment of the highest attainable standard of physical and mental health. It should ensure safe and health working condition which is free from sexual violence. Women workers should not be subjected to sexual violence against women under pretext to attract investment. It should balance the rights of women workers in industrial parks and the protection granted to investors to attract investment. EIC should have a policy device that will help women workers improve their life. The mere existence of the body that monitors how industrial parks operate has no sense unless it works to solve the problem on the ground. The Ministry of Women, Children affair shall stick on the problem of women on the ground than celebrating days of women for political consumption. Civil societies and NGO's working on the areas of women should work according to the goal they are established for. National human rights institutions should serve as watch dog and agent for the rights of women workers in industry parks.

The police force and investing offers usually criminalize women workers according to the data presented. The court acquitted the criminal of rape in Hawassa city. Cases like this erode the confidence of the people on the court. These institutions are the main organs of justice. Hence, they should work hand in hand to eradicate or at least reduce sexual violence against women in industrial parks.

4.3 Conclusion

Industrial parks play formidable role in transforming the economy of developing states. Bearing in mind this importance of industrial parks, developing states are in fierce competition to better attract investors. Ethiopian government also took massive measures on this regard. Revisions of tax laws, providing shades in industrial parks within the park for free or with smaller price, tax incentives and holiday for investors, removing tariffs and other barriers during importing inputs are some of the steps taken by Ethiopian government to attract investment. Because of these, nowadays Ethiopia is the home for many foreign investors. Aiming more investment, the government of Ethiopia is working day and night to proliferate industrial parks in different parts of the country to meet the goal set by Ethiopian government, i.e., transforming the state from agrarian based economy to industrialization.

Industrial parks have shown improvements through time in terms of the benefits believed to be obtained from them. It helped the country to overcome foreign currency bottleneck. Managerial skill, technological transformations are some of its importance. Among others industrial parks helped the country by employing large number of unemployed youths. Among workers of industrial parks in Ethiopia vast majority constitute women workers.

However, the life of these women workers in Hawassa industrial park becomes miserable. The government whose primary function is to ensure the implementation of human rights enshrined in international human rights instrument become bystander as the human rights of women workers in industrial parks violated.

The proliferation Industrial Parks continue the number of sexual violence against women increase in staggering number as it hires huge amount of young and less skilled and trained women with meager wage. Sexual violence against women caused directly and indirectly through violation of other rights as human rights are interrelated. Hence it in turn attacks other rights of women such as the right to health, livelihood and others. In general, expanding industrial parks building and employing women workers by itself is not an end.

4.4. Recommendations

- Laws such as investment proclamation should be revised to take series measures against perpetrators of the crime of sexual violence against women. FDRE Criminal law should sufficiently define the elements of sexual violence and its punishment in line with international conventions and declaration on violence against women.
- The government should set the minimum wage that should be paid to workers of industrial parks and that of women workers in particular as provided under article 55(2) of labor proclamation number 1156/2019.
- The stake holders such as EIC should to follow up the activities of industries operating in Ethiopian industrial parks. Other institution civil societies, and national human rights institutions such as Ethiopian Human rights commission should follow up and report the human rights situations of workers in industrial parks of Ethiopia. This enables women exercise their rights as worker freely. Enterprises owners and managers would observe laws and respect the rights of their employees, especially that of women workers, had there been strict follow up procedure by the concerned body.
- Life skill training, legal awareness creation and other kinds of trainings that could help women workers build their capacity should be facilitated by the initiation of the government, enterprise owners and other concerned bodies to women workers in Ips.
- The government, especially those organs working on the rights of women should device policy to ensure the protection the rights of women workers in Ips.
- Stakeholders concerned with the investigation of the crimes of sexual violence should be equipped with special training. I recommend those police investigators should be assigned to investigate the cases of sexual violence be women because of the fact that women workers hardly report the violence committed against them for male police and even if they do as findings of this research shows the response of male police is negative to the victim women.
- Adequate housing should be provided to women workers of Ethiopian IPs.
- Adequate transportation service should be facilitated for women workers. The cost of transportation should not be deducted from the monthly salary of women workers.

- Awareness should be given to the local people on the rights of women workers and that their duties.
- Ethiopian government should make periodic report to international human rights enforcement organs which are empowered with checking enforcement of human rights enshrined under international, regional as well as national human rights.
- Courts should enjoy independence and act impartially as prescribed by law when entertaining the case involving workers of industrial parks. No cases should be referred to presidents of courts or any judges else presumed to be loyal to political organs.
- Adequate security forces and adequate light system shall be allocated to those areas in which large numbers of women workers are residing.

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Appendix

Interview Guidelines

Key Informant Interview Guide Questions

Dear/ Sir/ Madam; Respondent,

My name is Nebiyu Markos, I am a student of international human rights law at Addis Ababa University (AAU) post Graduate program.

First of all, I would like to say thank you, for your kind cooperation to give your honest and accurate response. Currently, I am working on my master's degree thesis in International human rights law. This interview questionnaire is prepared for my research entitled " Protection of Women Workers from Sexual Violence in Ethiopian Industrial Parks: A Case study in Hawassa Industrial Park" used for partial fulfillment of the requirement of the degree of master of Law. Taking part in the interview is voluntary. You do not have to participate in the survey if you do not want to. If you do not want to participate, you will not be negatively affected in any way. It is purely academic research.

Confidentiality: I would like to assure you that, this questionnaire will be used only for academic purposes and the information you provide will be kept confidential. I will not share any information about you or anything you tell me with anyone.

Interview Timeframe and Procedure: The interview will take about half an hour.

Contact Information: If you have any questions about this research study in the future, please contact me using the following contact information.

Email: - nebumark@gmail.com

Phone: - 0919725180.

Thank you.

1. Interview Questions for Women workers in Hawassa industrial Park

2. Have you ever encountered sexual VAW during working in Hawassa Industrial Park?

1.1 By whom?

2.2 How many times

3. If your answer is yes, what measures did you take after sexual VAW?

4. Have you reported the case for stakeholders and what was their response?

5. What kind of problems after you faced sexual VAW?

2. Interview questions for Managers of Industries in Hawassa Industrial Park.

1. Have you ever received complaints from women; in relation to sexual VAW?

1.1 How much?

1.2 What kinds of sexual VAW?

2. What was your measures based on compliant?

3. Is there any program to your organization that works with awareness creation and other

Empowerment to women workers in Hawassa industrial park?

4. Is there any institution in your organization that provides consultancy and psychological treatment to victims of sexual VAW, in case sexual VAW happen?

3. Interview Questions to office of public prosecutor

1. Have you handled cases involving sexual VAW against women workers in Hawassa Industrial Park?

1.1 How many cases did you handled? How many cases are prosecuted?

2. What kinds of verdicts are rendered?

3. What kinds of investigation methods have you applied?

4. Interview Question to court?

1. Have you ever administered cases involving sexual VAW from Hawassa Industrial Park?

1.1 How many?

1.2 What are final decisions?

5. Interview Questions to Ministry of Labor and Social Affairs

1. What are your policy devices for workers in industrial parks in Ethiopia in general and women workers in particular?

2. What special protection guaranteed for women workers in industrial parks; to protect them from sexual VAW and other problems?

3. Is there any policy devices for women workers in industrial parks?

6. Interview Questions to ministry of women children and youth

1. Have you ever receive complaints of sexual VAW workers of industrial parks?

2. What measures had your organization take based on the complaint?

3. What kinds of policy devices do your office have to eradicate or halt sexual VAW against women workers of industrial parks?

7. Interview Questions to EIC

1. What problems do you women workers in Ethiopian industrial parks face?

2. Do your organization conduct any research on the area?

3. Did your office receive any complaint related with sexual VAW?

4. What did your organization do to reduce or halt sexual violence against women in Ethiopian industrial parks?

5. Is there any policy devices to protect sexual violence against women?

6. If there any firm or an individual against whom measure taken due to sexual violence against women?

8. Interview Questions for Mizan lawyers

1. Do you think the Ethiopian laws are sufficient to protect women workers from sexual violence against women?
2. Have you handled cases involving sexual violence against women from Hawassa industrial park?
3. What was the verdicts?
4. Do you think victims of sexual violence against women have access to justice in practice?

9. Interview Questions for Center of Concern

1. Do you think the Ethiopian laws are sufficient to protect women workers from sexual violence against women?
2. Have you handled cases involving sexual violence against women from Hawassa industrial park?
3. What was the verdicts?
4. Do you think victims of sexual violence against women have access to justice in practice?

10. Interview Questions for Ethiopian Human Rights Commission

1. Do your organization, EHRC, have received any complaint related with sexual violence against women from women workers working in Ethiopian Industrial parks in general and Hawassa Industrial Park in particular?
2. What measures did your organization take based on the complaint?
3. Is there any support of any kind that your organization grants for women workers in general and Women workers in Industrial parks in Particular?
4. Is there any pressure made by your organization so that the government take the issue of women workers in Ethiopia seriously?

11. Interview Questions for Ethiopian Human Rights council

1. Do your organization, EHRC, have received any complaint related with sexual violence against women from women workers working in Ethiopian Industrial parks in general and Hawassa Industrial Park in particular?
2. What measures did your organization take based on the complaint?
3. Is there any support of any kind that your organization grants for women workers in general and Women workers in Industrial parks in Particular?
4. Is there any pressure made by your organization so that the government take the issue of women workers in Ethiopia seriously?