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CHAPTER ONE: Gender and History

- **Gender** is a social attribute ascribing some characteristics or norms and modes of behavior to the female and other to the male sex.
- The gender of a person is determined by the society and by its way of up bringing children. Gender is, therefore, the result of the interplay of culture, religion, and similar factor of a society.
- It refers to historically defined identities, roles and behaviors of different groups such as men-women, girls-boys, old men-old women, etc. The female and male sexes are socialized into being one of these groups. The differences among these groups brought about by socio-cultural factors are often mistaken for natural differences between the sexes or considered as a God-given phenomena.
- **Sex** is a natural attribute helping us to identify a person as male or female. A male person biologically differs from a female. This is evident in that while males have mustache, women do not; while women have big breasts that may produce milk, men do not; they also differ in their reproductive organs and their roles in child bearing. Being a male or female is, therefore, a natural phenomenon that we cannot change since the two sexes are born different.

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- **Gender roles** refer to the expected duties and responsibilities, rights and privileges of men-women, girls-boys, etc. that are specified by socio-religious and cultural factors. The interplay of these factors determines what kind of clothing is appropriate for the female and for the male sex. It also decides on the amount of food necessary for each, the type of work they perform, the time and the type of place they are supposed to be at, the type of grouping they can join, etc.

Global and historical perspective on the legal status of women

1. Historical Perspective

The four global women□s conferences 1975-1995

- Four world conferences on women convened by the United Nations in the past quarter of the century have been instrumental in elevating the cause of gender equality to the very centre of the global agenda. The conferences have united the international community behind a set of common objectives with an effective plan of action for the advancement of women everywhere, in all spheres of public and private life.
- The struggle for gender equality was still in its early stages at the inception of the United Nations in 1945. Of the original 51 member

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states, only 30 allowed□women equal voting rights with men or permitted them to hold public office.

- During the first three decades, the work of the United Nations on behalf of women focused primarily on the **codification of women's legal and civil rights**, and the **gathering of data on the status of women around the world**. With time, however, it became increasingly apparent that laws, in and of them, were not enough to ensure the equal rights of women.
- The struggle for equality entered a second stage with the convening of *four world conferences* by the United Nations to develop strategies and plans of action for the advancement of women. The efforts undertaken have gone through several phases and transformations
  - ★ from regarding women almost exclusively in terms of their development needs,
  - ★ to recognizing their essential contributions to the entire development process,
  - ★ to seeking their empowerment and
  - ★ the promotion of their right to full participation at all levels of human activity.

1. The Mexico City conference: Dialogue is open

- The first world conference on the status of women, observed to remind the international community that discrimination against women

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- continued to be a persistent problem in much of the world.
- The Conference, along with the United Nations Decade for Women (1976-1985) proclaimed by the General Assembly five months later at the urging of the Conference, launched a new era in global efforts to promote the advancement of women by opening a worldwide dialogue on gender equality.
- A process was set in motion □ a process of learning □ that would involve deliberation, negotiation, setting objectives, identifying obstacles and reviewing the progress made.
- Was called for by the United Nations General Assembly to focus international attention on the need to develop future oriented goals, effective strategies and plans of action for the advancement of women.
- To this end, the General Assembly identified three key objectives that would become the basis for the work of the United Nations on behalf of women:
  - ★ Full gender equality and the elimination of gender discrimination;
  - ★ The integration and full participation of women in development;
  - ★ An increased contribution by women in the strengthening of world peace

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- The Conference responded by adopting a World Plan of Action, a document that offered guidelines for governments and the international community to follow for the next ten years in pursuit of the three key objectives set by the General Assembly.
- The Plan of Action set minimum targets, to be met by 1980, that focused on securing equal access for women to resources such as education, employment opportunities, political participation, health services, housing, nutrition and family planning.
- The Conference called upon governments to formulate national strategies and identify targets and priorities in their effort to promote the equal participation of women. By the end of the United Nations Decade for Women, 127 Member States had responded by establishing some form of national machinery, institutions dealing with the promotion of policy, research and programmes aimed at women's advancement and participation in development.
- Within the United Nations system, in addition to the already existing Branch (now Division) for the Advancement of Women, the Mexico City Conference led to the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM) to provide the institutional framework

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for research, training and operational activities in the area of women and development.

- An important facet of the meeting in Mexico City was that women themselves played an instrumental role in shaping the discussion. Of the 133 Member State delegations gathered there, 113 were headed by women. Women also organized a parallel NGO Forum, the International Women's Year Tribune, which attracted approximately 4,000 participants.
- Sharp differences emerged among the women gathered at the Forum, reflecting the political and economic realities of the times. Women from the countries of the Eastern Block, for instance, were most interested in issues of peace, while women from the West emphasized equality and those from the developing world placed priority on development.
- Nevertheless, the Forum played an important role in bringing together women and men from different cultures and backgrounds to share information and opinions and to set in motion a process that would help unite the women's movement, which by the end of the Decade for Women would become truly international. The Forum was also instrumental in opening up the United Nations to NGOs, who provided access for the voices of women to the Organization's policy-making process.

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2. The "Copenhagen" Review Process begins

- There was a general consensus that significant progress had been made as representatives of 145 Member States met in Copenhagen in 1980 for the second world conference on women to review and appraise the 1975 World Plan of Action. Governments and the international community had made strides toward achieving the targets set out in Mexico City five years earlier.
- An important milestone had been the adoption by the General Assembly in December 1979 of the Convention on the Elimination of All Forms of Discrimination against Women, one of the most powerful instruments for women's equality.
- The Convention, which has been termed □the bill of rights for women", now legally binds 165 States, which have become States parties and obligates them to report within one year of ratification, and subsequently every four years, on the steps they have taken to remove obstacles they face in implementing the Convention.
- An Optional Protocol to the Convention, enabling women victims of sex discrimination to submit complaints to an international treaty body, was opened for signature on Human Rights Day, 10

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December 1999. Upon its entry into force, it will put the Convention on an equal footing with other international human rights instruments having individual complaints procedures.

- Despite the progress made, the Copenhagen Conference recognized that signs of disparity were beginning to emerge between rights secured and women's ability to exercise these rights. To address this concern, the Conference pinpointed three areas where specific, highly focused action was essential if the broad goals of equality, development and peace, identified by the Mexico City Conference, were to be reached. These three areas were *equal access to education, employment opportunities and adequate health care services.*
- The Conference came to a close with the adoption of a Program of Action, albeit not by consensus, which cited a variety of factors for the discrepancy between legal rights and women's ability to exercise these rights, including:
  - ★ Lack of sufficient involvement of men in improving women's role in society;
  - ★ Insufficient political will;
  - ★ Lack of recognition of the value of women's contributions to society;
  - ★ Lack of attention to the particular needs of women in planning;

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★ A shortage of women□s in decision-making positions;
★ Insufficient services to support the role of women in national life, such as co-operatives, day-care centers and credit facilities;
★ Overall lack of necessary financial resources;
★ Lack of awareness among women about the opportunities available to them.

❣ To address these concerns, the Copenhagen Program of Action called for, among other □things, stronger national measures to ensure women's ownership and control of property, as well as improvements in women's rights to inheritance, child custody and loss of nationality. Delegates at the Conference also urged an end to stereotyped attitudes towards women.

3. Nairobi: "The Birth of Global Feminism"

❣ The movement for gender equality had gained true global recognition as the third world conference on women, The World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, was convened in Nairobi in 1985.

❣ With 15,000 representatives of non-governmental organizations attending the parallel NGO Forum, many referred to the Conference as the "*birth of global feminism*".

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- The women's movement, divided by world politics and economic realities at the Mexico Conference, had now become an international force unified under the banner of equality, development and peace.
- A lot of information, knowledge and experience had been gathered through the process of discussion, negotiation and revision. At the same time, delegates were confronted with shocking reports. Data gathered by the United Nations revealed that improvements in the status of women and efforts to reduce discrimination had benefited only a small minority of women.
- Improvements in the situation of women in the developing world had been marginal at best. The objectives of the second half of the United Nations Decade for Women had not been met.
- The Nairobi Conference was given the mandate to seek new ways to overcome the obstacles to achieving the Decade's goals□ equality, development and peace.
- The Nairobi Forward-Looking Strategies to the Year 2000, the strategy developed and adopted by consensus by the 157 participating governments, was an updated blueprint for the future of women to the end of the century. It broke new ground as it declared all issues to be women's issues. Women's participation in decision-making and the handling of all human

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- Jahans was recognized not only as their legitimate right but as a social and political necessity that would have to be incorporated in all institutions of society.
- At the heart of the document was a series of measures for achieving equality at the national level. Governments were to set their own priorities, based on their development policies and resource capabilities.
- Three basic categories of measures were identified:
  - Constitutional and legal steps;
  - Equality in social participation;
  - Equality in political participation and decision-making.
- Accordingly, the Nairobi Conference urged governments to delegate responsibilities for women's issues to all institutional offices and programs. Moreover, following the Conference, the General Assembly asked the United Nations to establish, where they did not already exist, focal points on women's issues in all sectors of the work of the Organization.
- The Nairobi Conference had introduced a wider approach to the advancement of women. It was now recognized that women's equality, far from being an isolated issue, encompassed every sphere of human activity. Therefore, women's perspective and active involvement on all

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issues, not only women's issues, was essential if the goals and objectives of the Decade for Women were to be attained.

4. **Beijing: Legacy of Success**

- While the efforts of the previous two decades had helped to improve women's conditions and access to resources, they had not been able to change the basic structure of inequality in the relationship between men and women. Decisions that affected all people's lives were still being made mostly by men.
- Recognition of the need to involve women in decision-making had begun to emerge during the course of the series of global conferences held by the United Nations in the early 1990s on various aspects of development such as the environment, human rights, population and social development. All the conferences had stressed the importance of women's full participation in decision-making, and women's perspectives were incorporated into the deliberations and the documents that were adopted.
- However, it was with the next in the series of conferences, the Fourth World Conference on Women held in Beijing in 1995, that a new chapter in the struggle for gender equality can truly be said to have begun.

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- The **fundamental transformation** that took place in Beijing was the recognition of the **need to shift the focus from women to the concept of gender**, recognizing that the entire structure of society, and all relations between men and women within it, had to be re-evaluated. Only by such a fundamental restructuring of society and its institutions could women be fully empowered to take their rightful place as equal partners with men in all aspects of life. This change represented a strong reaffirmation that women's rights were human rights and that gender equality was an issue of universal concern, benefiting all.
- The legacy of the Beijing Conference was to be that it sparked a renewed global commitment to the empowerment of women everywhere and drew unprecedented international attention.
- The Conference unanimously adopted *the Beijing Declaration and Platform for Action*, which was in essence an agenda for women's empowerment and stands as a milestone for the advancement of women in the twenty-first century.
- The Platform for Action specified twelve critical areas of concern considered to represent the main obstacles to women's advancement and which required concrete action by Governments and civil society: Women and poverty Education and training of women; Women and health;

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Violence against women; Women and armed conflict; Women and the economy; Women in power and decision-making; Institutional mechanisms for the advancement of women; Human rights of women; Women and the media; Women and the environment; The girl child.

- By adopting the Beijing Platform for Action, governments committed themselves to the effective inclusion of a gender dimension throughout all their institutions, policies, planning and decision-making. What this in effect meant was that before decisions were to be made or plans to be implemented, an analysis should always be made of the effects on, and needs of, both women and men.
- The introduction of gender mainstreaming called for the re-examination of society in its entirety and its basic structure of inequality. The focus was, therefore, no longer limited to women and their status in society but was committed to restructuring institutions and political and economic decision-making in society as a whole.
- In endorsing the Platform for Action, the United Nations General Assembly called upon all States, the UN system and other international organizations, as well as NGOs and the private sector to take action to implement its recommendations.

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- The Beijing Conference was considered a great success, both in terms of its size and its outcome. It was the largest gathering of government and NGO representatives ever held, with 17,000 in attendance, including representatives of 189 governments. The NGO Forum held parallel to the Conference also broke all records, bringing the combined number of participants to over 47,000.

Historical perspectives on the legal status of women in Ethiopia

- The Ethiopian society can be regarded as a □traditional, ancient and conservative one.
- □Horrendous□ traditional practices, such as female genital mutilation, abduction, marital rape and early marriages would require an attitudinal change not only on the part of men, but also on the part of women.
- Some progress has been made despite great socio-economic, political and cultural odds. The minimum punishment for rape is five years, whereas previously it was the payment of a camel. A new family code has been adopted by some of the regional states and a new criminal code has come into effect.
- Women□s rights had first been recognized as a result of their military contribution to fighting a fascist regime and further progress would only

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- be realized by their continued hard work and toil.
- **Human Rights of Women:** Ethiopia has ratified both the UN Charter adopted in 1948 and the Universal Declaration of Human Rights (UDHR) of 1949. Both these international instruments prohibit the negative discrimination of women based on their sex. The UDHR identifies targets and requires the promotion and protection of civil, political, economic, and social rights of people. Though the UDHR prohibits all forms of discrimination based on sex, an additional instrument was necessary, to accommodate the special situation and needs of women, and accelerate the process of closing the gap between men and women. Accordingly the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) was adopted in 1981. Ethiopia ratified the convention in the same year. CEDAW outlines a variety of political, social, economic, and legislative issues that States have to work on to eliminate discrimination against women and create equality between men and women. It also reiterates that state parties will adopt the necessary measures to achieve human rights of women identified in the Convention. CEDAW also discusses a procedure for reporting and follow up of the measures states have taken in

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order to eliminate discrimination against women.

- The Constitution adopted in 1995 by the FDRE has amplified the provisions given to women, and assures women of equal rights with men in every sphere and affirmative actions would be taken in order to remedy the sufferings of women because of past inequalities. It also reiterates the rights of women to own and administer property. It sounds women□s right to

family planning services and to paid pre and post-delivery maternity leaves. Since the ratification of the 1995 Constitution, a number of strides have been made in the past few years in amending discriminatory laws. Now the pension benefits of women civil servants is given to their survivors, maternity leave has been extended from 45 days to 3 months, and the family law has been revised. However, there is still a lot to be done. For example, women

who marry foreigners are still losing their Ethiopian nationality.

- **Beijing plat form:** The United Nations Fourth World Conference, held in Beijing, in September 1995 came up with the Beijing Declaration and the Platform for Action. The Platform showed a renewed commitment to the goals of equality, development, and peace for all women. It was divided into six chapters and identified 12 critical areas of concern that were thought to be

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- the main barriers to the advancement of women. These were poverty, education and training, health, violence, armed conflict, economic participation, power sharing and decision-making; women focused institutions, human rights, mass media, environment, and the girl child. In October 1998, the UN Division for the Advancement of Women (UN/DAW) sent out a questionnaire to all United Nations Member States requesting a report on the implementation of the Beijing Platform. The responses showed that, except for a few isolated examples where women's lives have improved, in many cases progress has been slow.
- Many of the concerns that were included in the Beijing Platform had been considered and placed at the priority list of the Ethiopian government.
- Attempts have been made to implement policies and proclamations aimed at bringing about gender equality though not much progress has been observed. The constraints include high illiteracy rate, deep-rooted gender stereotyped cultural beliefs and practices, and lack of resources including qualified human labor. In preparation for the Beijing plat form, countries the world developed ways of measuring their countries' progress for women.

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- The UN held five preparatory meetings and at the meeting of March 2000, 'the outcome document' was produced. The document reaffirms the 12 areas of the Platform for Action, including measures to:
  - ★ identify violence against women as a human rights violation;
  - ★ address the issue of honor killings;
  - ★ monitor trafficking of women and condemn exploitation of women and girls for economic and sexual purposes;
  - ★ respond to the impact of HIV/AIDS on the health of women and girls
  - ★ internationally, particularly in Africa;
  - ★ expand entrepreneurship and credit availability, including micro-credit;
  - ★ emphasize "gender mainstreaming" in all economic policies, institutions, and resource allocations;
  - ★ Promote women's role in conflict resolutions and peace-building, and the role of men in promoting gender equality.
- ☠ Ethiopia has committed itself to take the measures included in the document. What needs to be assessed is the progress that the

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- country is making □ implementing the provisions outlined in the outcome document.
- **The Millennium Development Goal (MDG)**: is another instrument that Ethiopia ratified with the aim of reducing poverty. The goals include, among others, enabling all children, both boys and girls, in the world to complete full course of elementary school and eliminating the gender gap at all levels of education, by the year 2015. Though the goals are highly ambitious for most developing countries including Ethiopia, they would reinforce the implementation of CEDAW, Beijing plat form and other national instruments.
- **Labor Law Proclamation**: The Civil Service Proclamation of January, 2002, cover issues of employment, salary, promotion, performance evaluation, training, leave and disciplinary measures. Under employment, it states that no discrimination shall be made on the basis of ethnic origin, sex, religion and political affiliation, and other grounds. In addition to this, the proclamation clearly stipulates that in the employment process, if two candidates a man and a woman have the qualification required for a position, preference will be given to the female candidate. There are also provisions given to female civil servants on maternity related issues. The proclamation states that a pregnant civil servant shall be entitled to paid leave for a medical examination before delivery

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if recommended by a doctor. She will also be entitled to a paid leave of 30 days before delivery and 60 days after delivery. Finally if she does not deliver on the presumed date she can get her annual leave after the 60 days of post-delivery leave. These provisions are supportive of female civil servants, but issues like training and promotion do not seem to take gender issues into account. The personnel statistics issued by the Civil Service Commission shows that, currently many of the training opportunities are utilized by men. These could be because female civil servants have less GPA upon graduation, a problem closely related to the economic, social, and cultural problems a woman encounters in attending and succeeding in education. Therefore, considering the gender related arrangement in our society, mechanisms need to be created to distribute promotions and training fairly among male and female civil servants. If gender issues are neglected in promotion and training the gender equality of the sexes that we are striving to attain will become a dream rather than reality.

- **Political Participation:** In the Ethiopian context, for a woman to hold a key position in politics, economics, and administration is a difficult task. As a patriarchal society, the attitude of the majority of people towards women holding a high position, the way society

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and workplaces are structured, and the gender division of labor all poses a serious challenge. Women have a marginal position in accessing and succeeding in their education. As indicated earlier, the majority of women in the civil service are in clerical and manual jobs.

National policies and inputs on promotion of gender equality

1. Policies

- The Transitional Government and the Federal Democratic Republic of Ethiopia have formulated several policies to rehabilitate the social and economic infrastructure and create an environment for sustainable development. These include the economic Policy along with its strategy, the Agricultural Development Led Industrialization (ADLI), the National Policy of Ethiopian Women, the National Population Policy, the Education and Training Policy, Health Policy, Developmental Social Welfare Policy, Environmental Policy, Culture Policy, Policy on Natural Resources and Environment, and others.
- One of the major policies formulated by the Transitional Government of Ethiopia was the Economic Reform Policy. The main objectives of the policy were to:
  - change the centralized economy to free market economy;

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- increase the participation of the people in order to increase the economic activity of the regions by giving ownership;
- Enable local industries to use local raw materials and supplies to strengthen the economy;
- Creating relationship and interdependence among the various sectors, especially between agriculture and industry, so as to reduce dependency on imported raw materials and supplies;
- giving special attention to the agricultural sector since it is perceived to be the basis for the economic development
- ADLI as a strategy is believed to have influence on those engaged in agriculture, which form the majority. It is considered to be the best alternative to revive and further develop the devastated economy. Productivity has to be improved in order for the agricultural sector to become both a supplier of food and raw materials for the industry, while creating a market for the output for the industrial sector. This can be accomplished by applying improved and modern way of farming, through the provision of extension services, agricultural inputs, and infrastructure and credit services to small farmers. In this endeavor, emphasis will be given to farmer with small lands holdings and

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to the establishment of large-scale farms, especially in the lowland areas. This way, it will be possible to get enough yields from limited farming activities and eventually transfer people from agriculture to the other sectors. ADLI also delineates the roles to be played by the government, the people, and the private sector in implementing the strategy. It also describes what needs to be done in the various areas such as industry, minerals, population growth and

- One of the eight issues under the investment program is the participation of women. It indicates that women would be provided with credit services and inputs that would enable them to increase their productivity; conditions will be created and improved to enable women to attend schools and to persist in their education with a view to, improving their

control, science and technology, infrastructure and social services.

- Though women are given some provisions in the strategy, women□s issue has not been mainstreamed in all the sectors. It is obvious that the issue of gender is central to all the sectors including education, health, population, and food security, and in fact women play an important role in agriculture, which is the main

chance of holding decision making positions at various levels; and encouraging women's participation in modern economic activities.

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focus of the strategy. Therefore, gender needs to be mainstreamed in all the strategies and programs that will be worked out in order to realize ADLI instead of putting it as one of the issues to be taken up.

- The main **objectives of the National Policy of Ethiopian Women include**, **creating and facilitating conditions for equality between men and women**, **creating conditions to make rural women beneficiaries of social services like education and health**, and **eliminating stereotypes, and discriminatory perception and practices that constrain the equality of women**.
- A number of **strategies** have also been designed to achieve the above objectives, two of which are the **participation of women in the formulation of policies**, **laws**, **rules** and **regulations**, and **ensuring the democratic and human right of women**.

The structures were clearly put delineating the responsibilities of the Women's Affairs Office (WAO) under the Prime Minister Office and the Regional and Zonal Women's Affairs Sectors, and the Women's Affairs Department (WAD) in the various Ministries. However, assessments done over the years show that both the (WAO) and the (WAD) in the sectoral ministries lack capacity: they have problems with resources and qualified personnel. In many cases WADs

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are marginalized and gender is not mainstreamed in many of the activities in the ministries. The structure has problems reaching the grassroots since it stops at the Woreda level, a problem that has limited the implementation of the policy.

- The **National Population Policy formulated** in 1993 was an instrument aimed at harmonizing the rate of population growth with the capacity of the country. The Policy gives serious attention to the issue of gender and describes the important roles women play in controlling population growth. It clearly stipulates that the situation of women has direct bearings on the fertility level of any society and explains how their education, employment and the provisions in the laws given to women are related to their fertility and reproductive health.
- The goals, objectives and strategies give a central place to the situation and empowerment of women.
- The **goals** include **raising the economic and social status of women**, **empowering vulnerable segments of the society** such as young children and women**, removing all legal and customary practices constraining women's economic** and **social development** and the **enjoyment of their rights.** Many of

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- the strategies revolve around empowering women through education, employment in both government and private sectors and eliminating cultural and legal barriers.
- The **Ethiopian Education and Training Policy** also has some provisions given to women.
- One of the specific objectives in the Education and Training Policy is **to introduce a system of education that would rectify the misconceptions and misunderstandings regarding the roles and benefits of female education**.
- The policy indicates that **the design and development of curriculum and books would give special attention to gender issues**.
- It further states that **equal attention would be given to female participants when selecting teachers; training them, and advancing their careers**. It also states that financial support would be given to students with promising potentials.
- A number of initiatives have been taken to implement the policy. For example, female teachers with less GPA than male teachers are selected and this has increased the number of female teachers in elementary schools. But a lot needs to be done at the high school level.

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- The Women□s Affairs Department in the Ministry of Education has prepared a gender policy and it undertakes a number of activities to help close the gender gap in education.
- Capacity building of female teachers, guidance and counseling services for female students, and awareness creation in the community are some of the activities. The office also gives assertiveness training to female students at the various higher education institutes and organizes panel discussion on gender issues. Women□s focal points in regional bureaus get support from the WAD in the MOE. However, just like other WADs the office is understaffed and encounters shortage of resources.
- The **Health Policy** was one of instruments designed by the Transitional Government of Ethiopia to improve the health status of people and to facilitate the provision of basic health services. Health is such an inter-sectoral matter that it can not be addressed by any one policy or plan of action.
- The goal of the health policy is **to restructure and expand the health care system** and to **make it responsive to the health needs of the less privileged rural population**, which constitute the overwhelming majority of the population, and are the major productive forces of the nation. The policy supports the democratization and decentralization of the

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- health service system□, and strengthening intersectoral activities.
- The policy accords special attention to the health needs of the family, particularly women and children, and hitherto most neglected regions, the rural population, and pastoralists, as some of its priority areas. The implementation of public policy or government plan of action involves the translation of goals and objectives into concrete achievements through various programs.
- The Health Sector Development Program (HSDP) formulated in 1996, is an implementation strategy for the National Health Policy.
- The **Cultural Policy formulated in October 1997** views culture as incorporating the different social, economic, political, administrative, moral, religious, material and oral traditions, and practices of the various peoples and nationalities of Ethiopia. It also recognizes that for development efforts to be effective and sustainable, they have to take into considerations the cultures of people, which impact on the thinking and activities.
- The policy recognizes that the cultural behaviors, practices, and attitudes that support and promote stereotypes and prejudices against women, those that constrain the expansion of family planning services and the promotion of

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- reproductive health should be slowly eliminated.
  Instead, situations should be created to promote the equality of the sexes. The content of the Policy clearly elaborates the unfavorable situation of women, and articulates the need for a change that ensures women's active participation in all cultural activities and guaranteeing those equal rights to the benefits.
- The **Development Social Welfare Policy was formulated by the Ministry of Labor and Social Affairs in November 1996**. The main objectives of the policy included **studying the causes of social problems** and **designing preventive and rehabilitative programs with full participation of all stakeholders including the grassroots**.
- The Policy acknowledges that war, famine, economic crises of the past decades have harmed vulnerable groups, i.e., women, the elderly, children, youth and the disabled, and makes these groups the Policy□s central focus.
- It also explains that women are underrepresented in every sphere including education, employment, politics, and other key decision making positions.
- It further mentions that one of the major causes of social problems is the economic dependence of women on men. However, talking about the various groups such as children, youth, elderly,

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and the disabled, it does not say anything about the special problems females encounter as children, parents, youth, the elderly, and the disabled, nor does it mention the measures that need to be taken to alleviate their problems.

- Community participation, partnership and coordination, capacity building of actors at various levels, advocacy and awareness creation, implementation of international conventions and other social welfare related laws, and the establishment of data bank system are outlined as some of the major strategies. The policy also articulates that the issues of gender will be mainstreamed in all programs, projects, and services in addressing the target groups mentioned in the policy.
- The **Federal Policy on Natural Resources and the Environment was formulated in April 1996** with the overall goal of **improving and enhancing the health and quality of life of Ethiopians** and **to promote sustainable social and economic development through the sound management and use of natural, man-made and cultural resources and the environment** as a whole to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

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- The policy gives importance to a participatory approach and the feeling of ownership in developing and conserving natural resources and an important place is given to gender.
- It underlines the importance of the integration of social, cultural, and gender issues in sustainable resource and environmental management. Giving a high priority to raising the status of women by increasing female participation in the education system at all levels is indicated to be one of the strategies in the cross-sectoral issues.
- Increasing the number of women extension agents in natural resource and environmental management and designing programs that involve and benefit the most disadvantaged groups, particularly women, children, the disabled and the landless are considered important.
- The policyconsiders the disaggregating of data related to environment and to natural and man-made resource use and management, addressing gender issues by ensuring that energy plans adequately address fuel-wood requirement as two of the strategies in the development and conservation of biomass energy resources. In the area of mineral resource development one of the strategies is providing support to women in mineral

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development with special practical training and technical assistance particularly in small-scale and artisan mining. The policy gives a central place to institutionally supporting and establishing Women in Development desks at federal and regional government agencies concerned with natural resources development and environmental management. These desks would scrutinize projects, programs, policies, directives, rules, and regulations to ensure that gender issues are integrated.

- Capacity building for local communities to enable them to fully enfranchise their women, disables persons and, as appropriate, youth and children, to effectively participate in the planning and implementation of all development activities is also given importance. The policy is gender sensitive and it promotes highly the participation of vulnerable groups including women in conserving, sustaining, and managing the environment.

- ***The Women's Affairs Office (WAO):*** The Women's Affairs Office was established in October 1991, headed by a woman with the rank of a minister. It is charged with the responsibility of **coordinating, facilitating and monitoring all government gender programs**, particularly **the implementation**

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of the National □Women□s Policy formulated in 1993**. WAO is also **responsible for creating a conducive environment for all implementations in the country.**

- ***Women□ Affairs Departments:*** The establishment of gender focal points in Federal ministries and regional councils is one of the main strategies for the implementation of gender and sectoral policies. It was also one of the initial activities undertaken by WAO, after the formulation of the Ethiopian National Policy on Women. The regional council women□s affairs department offices were opened up a little later.
- ***Centre for Research Training and Information for Women in Development (CERTWID*)**: was established in 1991 with the financial assistance of UNFPA and Addis Ababa University. At the time of establishment it was placed under the Institute of Development Research. Currently, CERTWID has been upgraded and it is accountable to the office of the Associate Vice President for Research and Graduate studies. The center□s main goal is **to enable women to empower themselves socially, culturally, economically and politically so as to be active participants as well as equal beneficiaries of the development process.** This goal is realized through its research, training, and

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documentation activities. CERTWID undertakes its own research and sponsors other independent researchers and graduating BA and MA students to do their research on various issues related to gender. It also disseminates its findings through workshops and distribution of its publications for consumption by researchers, practitioners, and policy makers. It can be said that CERTWID is making a great contribution in raising awareness about gender, providing information on gender issues and equipping researchers with knowledge and skills in gender sensitive research methodology. But the centre lacks human resources capacity.

- ***Involvement of Men in Gender Equality Work:*** The □outcome document□ for the Beijing plat form contains the 12 areas of the platform □promote □. and the role of men in promoting gender equality. Gender refers to both men and women, but is often taken to be women, because when we deal with gender the focus is on women. The reason for this is that up to the present time, it is women who suffer from the existing inequality between the sexes, and as such women have been the main actors to address the issue. This has probably brought about the feeling that gender is women□s issue to be handled by them. It is also true that, though not at a significant level, men are involved, in some instances showing more

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concern than some women do. In Addis Ababa, there are many consultancy firms managed by men and working on gender, including gender training, having themselves been trained. Many men make positive contributions in many forums. In some instances, especially in the rural setting, men have been seen to pose less resistance to changes that are introduced to achieve improved women□s status.

* ***Poverty reduction strategy (PRS).*** The International Monetary Fund (IMF) and World Bank (WB) made a move in 1999 to encourage governments of low-income and heavily indebted countries to prepare poverty reduction strategies with a broad-based participation of various stakeholders. Ethiopia saw this as relevant, because poverty is deep-rooted and wide-spread, and the country seeks debt relief and plans to continue implementing economic reform programs in collaboration with the IMF and the WB. Further, PRS offers the opportunity for close dialogue between the government, the people and among the different stakeholders, contributing to improvements of the democratic process. The Interim Poverty Reduction Strategy Paper (I-PRSP) was drafted in September 2000 and submitted to the IMF and WB in November of the same year. The aim of the interim paper was, to present a broad picture of the poverty

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reduction strategy that Ethiopia has pursued in recent years, and intended to refine the preparation of the PRSP. The adjustment policies that had been made in cooperation with Breton Wood Institutions had in the mid-1990s triggered Ethiopia to adopt a long-term strategy of Agricultural Development Led Industrialization (ADLI). ADLI envisages a growth process that is inherently poverty reducing, and makes it possible to assess the connection between policies and programs on the one hand and poverty reduction on the other. The federal consultation was conducted at the African Conference Centre on 28-30 March 2002. Issues common for all regions were basic necessities, water, food, shelter, and health care; environmental degradation; infrastructure; capacity; peace and stability; empowerment; traditional practices that have negative impact; governance and human rights; and macro-economic stability. Interestingly all regions identified harmful tradition as being an impediment to the struggle against poverty. Secondly, good governance and human rights was an issue raised by several regions, and the need to promote and protect democracy and human rights was highlighted.

☠ **Impact of globalization on women**

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- Over the past two decades, globalization has created a tremendous impact on the lives of women in developing nations.
- **Globalization** can be defined as □**a complex economic, political, cultural, and geographic process in which the mobility of capital, organizations, ideas, discourses, and peoples has taken a global or transnational form.**
- With the establishment of international free trade policies, such as North America Free Trade Agreement (NAFTA) and GATT, transnational corporations are using the profit motive to guide their factories toward developing nations in search of □cheap□ female labor.
- Corporations prefer female labor over male labor because women are considered to be □docile□ workers, who are willing to obey production demands at any price.
- In developing nations, certain types of work, such as garment assembly, is considered to be an extension of female household roles. Therefore, cultural influences in developing nations also impacts employment stratification.
- Bringing a high demand of employment opportunities for women in developing nations creates an instantaneous change within the social structure of these societies. Although the demand for female employment brings about an

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- array of opportunities and a sense of independence, the glass ceiling continues to exist with the □feminization of poverty□.
- The impact of globalization is different from country to country whether it is positive impact or negative impact. But the difference is highly significant between developed (industrialized) and developing countries. Its positive impacts:
  - *Employment opportunities* for women especially in developed countries. It has created economic and job opportunities for women at all levels.
  - *Education and knowledge* which constitutes a huge advancement in the empowerment of women especially in terms of sharing information.
- **How globalization has affected women in Ethiopia?**
- Globalization is brought by government policies or other channels. Wrong impact of globalization implies wrong utilization of the process.
- In Ethiopia there are three major constraints to women specifically and the society can generally benefit from globalization. These are:
  - lack of proper infrastructure or other communication channel
  - low level of education and
  - language barrier

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- There are policies guiding governments to subsidies from public service such as education and public health. In the free market system, where market controls everything, people are forced to pay for services. Applying these policies in poor countries like Ethiopia, it is the poor who are going to be affected.
- An environmental crisis (climatic change) is the result of the depletion of Ozone. Climatic change, resulting flooding and drought, has affected the production system where women are in turn affected.

Gender socialization

- **Socialization**, as a process of transmitting culture, has been defined as consisting of **complex process of interaction through which the individual learns the habits, beliefs, skills and standards of judgment that are necessary for effective participation in social groups and communities.**
- Socialization is a process, which not only allows the baby to know about the basic norms of the society, but also helps in the gradual development of ones self.
- Development of the self or the the ego comes with the help of role playing, where a child puts himself/herself in somebodys elses shoe and tries to get his/her self image through

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others□ perception. Coming to know about the □other□, he knows about the □self□. Thus the child comes to learn about the norms, expectations and different roles to be played in the group through the process of socialization.

- A child learns about his/her *gender* identity by learning what is s/he expected to do by others. An individual learns about his or her gender identity by knowing what s/he is not, or in other words, by learning about the other which helps in the emergence of one□s self. For instance, a male child learns to confirm to his own gender group by neglecting all activities that a girl child does.
- Socialization is a continuous process that helps one to learn the normative behavior, which mostly happens to be stereotypical behavior. The very first thing the child is socialized into is the views regarding his/her gender identity.
- Socially constituted gender roles form stereotypes. A **stereotype**, according to the Webster□s New World□s Dictionary, (1998), is **an □unvarying pattern, specifically a fixed or conventional notion or concept of a person, group, idea etc. held by a number of people and allow for no individuality or crucial judgment□.** However, social psychologists define a stereotype as being a cognitive structure containing the perceiver□s

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knowledge, belief, and expectancies about human social group. Stereotypic behavior can be linked to the way the stereotype is learned, transmitted and changed and this is part of has socialization process. The process of the stereotypification of gender, has a sort of biological determinism, which starts with the reproductive ability of woman.

- Individuals are converted from biological male and biological female into man and woman respectively with the process of socialization, which takes up the task of gendering individuals.
- Regarding socialization, Ruth Hartley (Hartley cited in Bhasin, 2000) believed socialization takes place through *four* processes, namely, manipulation, canalization, verbal appellation and activity exposure.
  - **Manipulation** refers to how a child is handed. Boys are taken to be strong and girls are given more feminine designation of being pretty. Such experiences on one's physique matters in shaping the self-image and personality of boys and girls.
  - **Canalization** involves the familiarization of boys and girls with certain objects, which later shapes their perceptions, aspirations and dreams. Well, we all know that anything that is pleasurable in the childhood becomes a memory to be cherished through out one's life.

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- **Verbal appellation**□ likes □strong□ for boys and □beautiful□ for girls help them construct different identities. It is always strength versus beauty.
- **Activity exposure** pertains to different kinds activities, boys and girls are exposed to. Girls are asked for help by their mothers and boys usually accompany their fathers outside the house.

- It is important to note here that the basic difference between a man and a woman does not seem to have any genetic foundation. It is the result of one□s culture, which is injected into an individual through socialization process.

Gender construction: a psychoanalytic view

- The learning of gender differences in infants and the young children is centered on the presence or absence of penis. □I have a penis□ is equivalent to □I am a boy□ while I am a girl is equivalent to □I lack a penis□.
- “At a very early stage, the little boy develops an object-cathexis of his mother, which is originally related to the mother□s breast□, his father by identifying himself with him. For some time, this two relationships exist side by side, until the sexual wishes in regards the mother become intense and the father is perceived as an

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obstacle to them; this gives rise to the **Oedipus complex.**
- So, □in repressing the erotic feelings towards the mother and accepting the father as superior being, the boy identifies with the father and become aware of his male identity□. The father represents an all-powerful protector; the omnipotent lawmaker who yields the rod of punishment. In psychoanalytic terms, the father is the breaker of the mother-child dyad, the

transcendental signifier of law, culture and language.

1. *Cultural construction of masculinity and femininity*

- The **feminine** that is associated with woman is characterized as **passive**. Tenderness consideration and physical weakness are synonymous to the feminine genre.
- The masculine is defined as dominant and encouraging male violence against women as

while. Men are supposed to be high on strength and prowess. Men and women have different moral orientations. Men speak the language of right and women the language of responsibility.
- Right from their childhood, boys attempt to dominate and control. But girls are encouraged to be good mothers. So the first thing they do is attract a man to depend on: they are expected to be emotional, unstable, weak and talkative about their problems. They are valued for their

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look of smallness but not their strength and brains.

- Men□s predominance in the public domain and their association with reason distanced them from talking about relationships, emotions, which is rooted in culturally construed and historically specific form of masculinity.
- Right from their childhood, men have been treated by their parents as independent and out going. With masked emotional dependence on women and weak skills of communication as far as feelings are concerned, men have also suffered from this gender game. Culture has made women more expressive and it also happens that their expressiveness is confused with the display of weaknesses. In order to conform to the codes of socialization meant for men, men bottle-up their emotions and eventually fail to be expressive. Culture has made them unexpressive for which they suffer from depression and have learnt to keep quite and not to talk about their problems as it is considered feminine. Their silence on problems has been mistaken for strength and courage but the truth is that it shatters them from within.
- The society does not follow one single model of masculinity or femininity.
- There are different expressions of masculinity and femininity. At the level of the society these contrasting versions are ordered in a hierarchy,

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which is oriented around □the defining premise
the domination of men over women. That is why men take advantage from the dominant position of □**hegemonic masculinity□.** Some call this as □patriarchal dividend for those who benefit from it.
- Femininity can be of various types. The most popular and one which has been accepted as a general norm to be followed for women has been named as □**emphasized femininity□**. It complements the □hegemonic masculinity□. It is oriented towards accommodating the desires and interest of men, which is characterized by compliance, nurturance and empathy. It is supposed to be the embodiment of motherhood and sexual reciprocity. This type of femininity is the most prevalent image of woman.

2. *Patriarchy and its structures*

- **Patriarchy** refers to male domination and female□s acceptance and internalization of that dominance. Its literal meaning is the supremacy of the father. In the current discourse it can be replaced with □male rule□.
- □Patriarchy may also be described as a system of social structures and practices in which men dominate, oppress and exploit women.□
- Most of the institutions of the society are patriarchal in nature, regardless of whether it is the state, religion, educational institutions, family or the media.

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- culture itself has certain demands from male and female separately. This male dominant society has looked down upon women.
- Our male dominated society has frequently claimed that the development of the child requires the mother to devote herself completely to the welfare of the child and it is the primary duty of the mother to shower all kinds of affection and care to the child. The father is not expected to carry out such duties. It does not come under the domain of man. It must be noted that motherhood is also socially constructed. Nevertheless, the patriarchal knows how to appropriate results in its favor without giving much effort.
- The world of a man and a woman has been divided into two halves, forming many pairs of binary opposites. It is a world of body versus mind, nature versus culture, emotion versus reason, and private versus public. These dichotomies stand in chainto each other that shape the culturally constituted roles for men and women. This dichotomy is perpetuated by patriarchy itself.

a. ***Nature versus culture:*** The male dominated society and male culture decree that dominance is the male temperament and subordination the women's. Women were allocated domestic service and attending upon children while men did the rest. The limited role allocated to women

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arrested her at the biological level, which was nearer to the animal instinct. When a child is born, the mother in most cultures is usually in charge of breast feeding the baby, taking care and socializing it. Infant and children are considered a part of nature. They are unsocial zed like animals. They are unable to walk upright, they excrete without control and above all, they do not speak. Thus, infants and children are close to □nature□. Moreover, women with their association with infants and children are tagged together with □nature□. Since men lack a natural basis meant for family orientation, i.e., they do not reproduce, the cultural reasoning seems to go that men are the □natural□ proprietors of religion, ritual, politics, and other realms of cultural thought. Thus men are associated with culture, i.e., the higher form of human thought involving art, religion and law.

b. ***Private versus public:*** These physical and social roles of women and men have extended their association with nature and culture respectively. The nature/ culture debate can further be extended to a form of private/ public dialogue which divides the roles of men and women into another dichotomy. No doubt, in our society, a gender hierarchy exists. The ideology of patriarchy remains intertwined with other social institutions. This becomes clear from the

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private/public realm. □The private sphere popularly known as the domestic has no economic, political or historical significance. It does not contribute to one□s social life. It is tagged as the □personal□. The private realm stands in opposition to the public sphere. It needs to be nourished with understanding, co-operation, care, and selfness and of course bundles of emotions. The public sphere is a competitive world, which requires being aggressive, reasonable and ambitious with no trace of emotions.

c. ***Gender and workplace:*** With the industrial revolution came a separation between work place and home. There emerged the idea of public and private space. Prior to this, women had a considerable influence within the household due to their importance in economic production, as the house happened to be the production centre at the same time. Due to the kind of work they took up, **Men were more exposed to the outside world**, thus becoming an integral part of the public sphere due to their participation in local affairs, politics and the market. But **women were relegated to the domestic sphere.** One can see occupational segregation based on gender. This refers to men and women being concentrated in different kinds of occupation. Occupational segregation has two dimensions, vertical and

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horizontal. **Vertical segregation** refers to the tendency of women to remain in the second position, whereas men remain in influential position. **Horizontal segregation** refers to the tendency of men and women to occupy different categories of jobs. Women shouldered the responsibility of taking on household tasks, while men were mostly seen in jobs outside home. Things get extremely difficult for women who are working because they have to bear the double burden of domestic work, as well as work place.

- ***Gender in the Media and Information Technology***
- **Gender and Media**: Media is one of the most important socializing agents. As millions of lives are being conditioned and shaped by what is heard on the radio, what is viewed on television, video and cinema films; what is read in print and what is seen on the stage.
- Media transmit values and attitudes that highly affect the attitude and behavior of individuals.
- The issue of women and media can be looked at from *three* perspectives: **women's portrayal**, **the content**, and **women as media consumers**.
- The relationship between consumers and their decision making capacity, impacts on portrayal. It is a universal phenomenon that women and men are portrayed in stereotypical ways, more

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intensified in many □developing□ countries.

Women tend to be portrayed in roles in which they are trivialized, condemned, or narrowly defined, resulting in the "symbolic annihilation" of women by the media. Men on the other hand, are usually depicted in high-status jobs in which they dominate women. Women are usually portrayed doing domestic chores, or appearing as sex objects and sometimes, they are presented to be selfish and cruel.

5 □Many women do not receive information from the media. Information is at the heart of education; information is the basis of health; information defines every aspect of production, distribution and exchange; and information defines social relationship at all levels. These days there is a fast rate of information transmission and exchange; and this is made possible because of Information Communication Technologies (ICTs). ICTs are growing at a faster rate than any other technology and affecting every aspect of people□s lives. ICTs have the potential to reduce poverty, empower people and facilitate the democratization process. However, it can also widen the gaps between the haves and the have-nots and between women and men. The voices and concerns of women with low or no incomes, and with limited access to education, to public institutions, and

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- to positions of decision-making risk being further marginalized.
- There are a number of constraints women encounter in accessing information, especially accessing information using ICTs. According to (Dominguez, 2001), Ethiopian women share similar constraints in accessing ICTs with women in other African countries. These include low literacy, limited access to resources and decision-making, limited or no access to computers, limited telecommunication infrastructure, unreliable telephone line, high cost of telephone calls, and lack of time.
- Women who have access usually use ICTs for work purposes, and not for personal growth. Even in their work women's utilization of ICTs is often limited to using e-mails. However, considering the important role ICTs play in the provision of information and reducing poverty some efforts need to be made to create access. The World space satellite radio network does not at this stage seem to assist rural Ethiopian women, because there is a missing technological link between the satellite and the rural village. Further, the initial cost of the receiver and the low rural electricity coverage and high bill is beyond the reach of the majority of Ethiopians.
- Ethiopian women are excluded even from conventional information sources. A good

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example here is the case of agricultural extension programs, where information is almost wholly transmitted to men, although women contribute substantially to agricultural production. The formation of the Ethiopian Media Women Association (EMWA), with the objectives of training and exchanging experience for capacity building is an attempt to address problems of gender and the media.

Ethiopia is also a member of the East African Media women Association (EAMWA).

Chapter Two: Theoretical foundation of gender equality theory

I. **Gender equality: R**efers to equal valuing of the roles of women and men. It works of stereotypes and prejudices so that both sexes are able to equally contribute to any social, cultural and political developments within a society. Gender inequality is the result of social, economic, and political differences not the difference in their sex. Some examples:

- ***Social inequality***
  - ★ Women and men usually have different roles and responsibilities in their daily lives.
  - ★ Women have unequal access to education and health services.
  - ★ Social customs that encourage or force girls into teenage marriages

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- ★ There are high levels of incidence of violence against women in all countries around the world which are accepted as □normal□.

- ***Economic inequality***
  - ★ Nearly 70% of the worlds poor are female.
  - ★ Women have unequal access to economic resources, such as capital, credit, limited opportunity for employment and career advancement which restricts and affect their economic situation.
  - ★ Females have unequal access to education and training opportunities which makes them to concentrate on unskilled and low status jobs.
- ***Political and legal in equality***
  - ★ Women are very poorly represented at all levels of formal decision making both at regional and national levels.
  - ★ The legal system in many countries discriminates against women especially in the areas of inheritance, property, and land ownership and criminal law.

II. Models of equality and approaches

Ever since women have claimed equality, there have been several approaches to equality.

1. The formal model of equality

- Regards men and women as being the same and therefore sets out to treat women the same as

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- men. Advocates of such a model will argue for the provision of equal opportunities for women but will go on to expect women to access the opportunities and perform according to the same rules and standards as men.
- The problem with this model is that it does not take into consideration the biological and gender differences between women and men. This places a great pressure on women who have to perform according to male standards.
- Women cannot have access to or benefit from opportunities in the same manner as men when there is so much difference between the conditions of women and men. Or if they do, it will be at great expense to them. For example, if women and men are given equal opportunity to employment and this requires doing shift work at night, women will not be able to have access to this opportunity without some assistance being provided such as transportation, as the social environment is not conducive to women moving about at night. Women who attempt to do this put themselves at risk.
- Formal equality applies to sex-based classifications that discriminate against men, as well as those that discriminate against women. In formal equality terms, the goal is equal treatment for all, not just women. Extending formal equality principles to rules that discriminate against men, or favor women,

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might also be justified on the grounds that rules that appear to benefit women instead promote attitudes and expectations about women, including their dependency or status as victims that disadvantaged them across a wide spectrum of social contexts. Those who offer this rational may favor formal equality as a strategy, but insofar as their choice of principle is based on its woman-centered results or outcomes, they already have their foot in the door of substantive equality.

2. *The substantive model of equality*

- The convention promotes the substantive model of equality and consolidates two central approaches to equality.
- First the convention stresses the importance of ***equality of opportunity*** in terms of women's access on equal terms with men to the resources of a country. This has to be secured by a framework of laws and policies, and supported by institutions and mechanisms for their operation. This is referred to as the **Obligation of means.**
- But the Convention goes beyond this in emphasizing that the measure of a state's action to secure the human rights of women and men needs to ensure ***equality of results***. The indicators of state progress, in the eyes of the Convention, lie not just in what the state does,

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- just in what the state achieves in terms of real change for women. Hence, the Convention stresses that equality must inform the *practice* of institutions. This is referred to as the **Obligation of results.**
- The convention is not concerned so much with equal treatment but with equal access and equal benefits. Hence it recognizes that women and men may have to be treated differently in order for them to benefit equally. This may take the form of providing enabling conditions and/ or affirmative action. (Articles 3 and 4)
- Framing a policy for □people□ implicitly including women and men, while not excluding women per se, may result in a de facto discrimination against women. This is because of the fact that women and men are not the same. Not only is there a significant biological difference between women and men (women bear children, not men), but gender differences (socially created differences between men and women upheld by ideology and perpetuated by socialization processes) also result in norms and assumptions made about what women and men□s roles in society are, what their capabilities, needs and interests are, which influence both policy-making and its implementation.
- Differences between women and men whether based on biological **(sex)** difference or socially

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- created **(gender)** differences results in women□s asymmetrical experience of: Disparity and Disadvantage
- Initiatives for the realization of women□s rights need to compensate for or cater to the difference, disparity or disadvantage. This means taking into account the **ways** in which women are different from men, and ensuring that these differences are acknowledged and responded to by policy or legal interventions and programs.
- The substantive model of equality that the convention promotes, adopts the **corrective approach.** The recognition of difference in the convention is based on the premise that women are in an unequal position because they face current discrimination, or they come bearing the effects of past discrimination, or that the environment, at the family and public levels, is hostile to women's autonomy. This approach assesses specific provisions or rules to see whether the rule in question contributes to women's subordination in the short or long term, whether it builds on existing subordination, thus reinforcing it, or whether it helps to overcome that subordination. Under the corrective approach, if there are job opportunities that require night work, there would be public policies or laws that require employers to make some provision that would

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make it safe for women to work at night instead of placing a ban on night work. This could be the provision of transport for women workers etc.

- The corrective approach requires that socially constructed differences such as the traditional roles ascribed to women and men as well as cultural practices that see women as inferior need to be changed.
- It also recognizes that in order to redistribute benefits equally between women and men, approaches to promoting women□s rights must transform the unequal power relations between women and men in the process. For this to happen, policies, laws and programs must aim to provide the following:
  - enabling conditions, in the form of the basic social, economic and cultural contexts within which women may be able to lead their lives with dignity
  - affirmative action in the form of temporary special measures where women□s needs are specially recognized and catered for in the context of employment, education, financial services, politics and all other spheres of life in order to enable women to overcome barriers that are historical or those that arise from male domination in the system.
- The obligation of the state is to ensure a broad approach to equality that includes:

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- Equality of opportunity
  - ★ Equality of access to the opportunity and
  - ★ Equality of results
- **Resistance to the substantive approach to equality**
  - There is, however, a problem with this approach. The problem is, that employers and others will see that ensuring *de facto* equality may bring an extra burden and as incurring extra costs. While it is true there are costs involved, we need to develop arguments to justify these costs.
  - The first is on the **basis of human rights principles**. Article 1 of The Human Rights Declaration states that, □All human beings are born free and equal in dignity and rights.□ And Article 2 states that □Everyone is entitled to all the rights and freedoms set forth in the Declaration without distinction of any kind □..” Since the Convention promotes the substantive model of equality, we have to point out that by ratifying the Convention, the State has accepted an obligation to ensure that women will be able to enjoy all rights and they are also obligated to regulate all agencies including the private sector to ensure of this even if it means incurring additional costs. This is an argument that establishes women□s entitlement to rights.
  - The second argument is based on **long-term benefits to the country**. The corrective

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approach ensures that all citizens will contribute to the development of their country productively and to the best of their capacity. Everyone□s potential has the opportunity for its fullest development and more skilled human resources will be available to the country. Keeping half the population in a subordinated position also incurs costs as they fall into a dependent category instead of a productive category and have to be provided for.

- The substantive model of equality attempts to bring about social change. Such change does not come about without risk and it is essential that within the project there are components that anticipate the risk and help women cope with the risk. In this regard the participation of women in the design of the project and the processes of implementation is essential. It is only the women concerned who can evaluate the options, assess the trade offs, and decide on the kind of support needed.
- The challenge is to know when to take note of difference, and to decide on appropriate measures for different treatment that will facilitate equal access, control and equal result. Such measures will have to be assessed to ensure that they promote autonomy rather than protection or dependency. This has to be done without compromising the claim for equal rights

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- and equality as a legal standard. For example, there can be no compromise on the claim for legal equality in matters pertaining to personal status such as:
  - ★ *Citizenship and nationality*
  - ★ *Rights within marriage and family relationships*
  - ★ *Rights over children (guardianship)*
  - ★ *Equal treatment before the law. etc,*
- **The need for a broad approach to equality**

- Such an understanding of equality is seen for example in the Canadian Charter of Rights and Freedoms 1982. Section 15 (I) of the charter reads: Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

- This broad legal approach to equality is essential as it would help spell out the different aspects of equality rights to include when seeking legal protection for women: equality in the substance of the legal texts, equal treatment under the law, access to the law and its institutions and finally the de facto enjoyment of equal rights. Taken together they provide a comprehensive coverage. Where there is no such differentiated equality rights,

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jequality law has had little impact on disadvantaged groups. On the basis of such rights, there would have to be further provisions that facilitate the fulfillment of the different levels of equality rights.

- This would provide a comprehensive approach to a systemic problem of inequality. It helps us take into consideration the contexts that create inequality, including past events and history as well as current institutional arrangements. This approach to equality helps us focus on results or effects of a particular law or action rather than on neutrality of the treatment.

Protectionist approach

- Protectionist approaches see the differences between women and men but constitute these differences as weakness or inferiority in women. If right wok is unsafe for women, it is diagnosed that women are weak, not that the environment is unsafe. The solution then is to control or correct the women and not to correct the environment or provide support for women to cope with an unsafe environment. In this sense the difference is considered to be naturally ordained and the approach serves to reinforce the subordinate status of women.

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- protectionist approaches are inherently limiting in that they do not challenge gender discrimination, but reproduce it in the garb of protecting women.

Non-essentialism

- The non-subordination perspective on women and law shifts the focus of attention from gender-based difference to the imbalance of power between women and men. This perspective, also known as *dominance theory*, makes the relevant inquiry not whether women are like, or unlike, men, but whether a rule or practice serves to subordinate women to men.
- Accordingly, similarities and differences between women and men are important under this theory not as given that produce certain expected, rational consequences in the law, but as part of a larger system of categories and concepts designed to make women's subordination seem natural and legitimate. Dominance theory offers a way of understanding not just the situations of elite women, who are well represented in liberal feminism, and not just women's situation as a function of class, as presented by socialist feminism, but the situation of all women.

Autonomy

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- Many legal standards assume that individuals are capable of having "intent," of exercising "choice" or "consent," and of acting and thinking like a "reasonable" person, and require juries and judges to make findings accordingly. Women's advocates make similar assumptions when they argue that women should have greater personal autonomy, freedom to make their own choices, and power to control their own lives.
- A series of challenges to the law's assumption that individuals act autonomously and to the law's ability to make objective determinations about the individual's intent, consent, and ability to make rational choices were stimulated by intellectual currents in other disciplines known as "postmodernism."
- The postmodern view of the individual or the "legal subject" opposes the Enlightenment view of the stable, coherent self, capable of reason and privileged insight into its own processes and into the 'laws of nature,'' with a more complicated view of the individual as one who is constituted form multiple institutional and ideological forces that, in various ways, overlap, intersect, and even contradict each other. These structures produce "the subject's experience of differentiated identity and . . . autonomy," but a misleading one, for under the postmodern view

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- this experience of what is real, rational, or, in some transcendent sense, true.
- In the hands of scholars of gender and law, however, postmodern insights have not ended efforts to enhance the autonomy and freedom of women but rather have invigorated them. Legal activists and scholars who have enlisted postmodern critiques in the effort to end women's subordination have shown that better understanding of the limits of individual subjectivity and free choice can lead to better strategies for maximizing autonomy. The proposition that autonomy is impossible was restated by some scholars and women's advocates as a practical observation that choice is a relative concept, and that, in some matters at least, more is better than less. At the same time, the meaning of autonomy has been expanding beyond the right to be free from interference by others to include the ability to flourish among and in relation to others.
- Many "anti-essentialist" critiques implicitly or explicitly call for a more sophisticated understanding of relations of power. When we think about oppression, we tend to assume there are people and groups who are oppressed and people and groups who are oppressors.

Chapter three: Gender and family

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1. Traditional marriage and its consequence on women

- ***Child marriage***
- Child/Early marriage refers to any marriage of a child younger than 18 years old, in accordance to Article 1 of the Convention on the Right of the Child.
- While child marriage affects both sexes, girls are disproportionately affected as they are the majority of the victims. Their overall development is compromised, leaving them socially isolated with little education, skills and opportunities for employment and self-realization. This leaves child brides more vulnerable to poverty, a consequence of child marriage as well as a cause.
- Child marriage is now widely recognized as a violation of children's rights, a direct form of discrimination against the girl child who as a result of the practice is often deprived of her basic rights to health, education, development and equality. *Tradition, religion and poverty continue to fuel the practice of child marriage, despite its strong association* with adverse reproductive health outcomes and the lack of education of girls.
- Advocates for gender equality and the abandonment of harmful traditional practices (HTPs) argue that early marriage is one of the most harmful practices as it usually denies girls

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- educational opportunities leads to poverty and economic insecurity and has a serious negative impact on their health and decision-making capacities. It also reinforces other forms of gender-based violence and problems. Early marriage is mostly common in sub-Saharan Africa and Southeast Asia. It is rampant in Ethiopia, although prevalence varies from one region to another. At the national level, 62% of Ethiopian women aged 20-49 get married before the age of 18.
- Types of early marriage in Ethiopia include **promissory marriage**, whereby a verbal promise is made at infancy or even childbirth by the parents to have their children married; **child marriage, in which children under the age of 10 are wedded**; and **adolescent marriage**, which involves girls aged between 10 and 15.

In most cases, the child bride is taken to her in-laws immediately after the wedding; in other cases the parents agree that the girl stays with her parents until she is mature enough to live with her husband. In general, husbands are much older than their young wives. Early marriage is a violation of the fundamental rights of the child. Article 21 of the 1990 African Charter on the Right and Welfare of the Child states that □Child marriage and betrothal of

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girls and boys shall be prohibited and effective action including legislation shall be taken to specify the minimum age of marriage to be 18 years.□

- Also, the Maputo Protocol on the Rights of Women in Africa (October 2005) and the newly adopted criminal law of Ethiopia (2005) acknowledge the minimum age of marriage for women to be 18 years and state that marriage shall only take place with full consent of both parties. Unfortunately, knowledge of and respect for the law is limited among many rural communities.
- ***Child and forced marriage:*** a marriage "conducted without the valid consent of one or both parties and is a marriage in which duress - whether physical or emotional - is a factor". Some believe that any child marriage constitutes a forced marriage**,** in recognition that even if a child appears to give their consent, anyone under the age of 18 is not able to make a fully informed choice whether or not to marry. Child marriages must be viewed within a context of force and coercion, involving pressure and emotional blackmail and children that lack the choice or capacity to give their full consent.

2. Causes of early marriage

- The strongest reason for early marriage is the desire or need to maintain the family□s good

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- ...name and social standing for men in particular; the success of their children is a measure of manhood and community status, and a daughter□s success rests in her making a good marriage and linking her family to another family. Concern about a girl becoming pregnant out of marriage is also prevalent, though not nearly as significant as the issue of stateside.

a. Poverty and economic transactions

- □Poverty is a critical factor contributing to child marriage and a common reason why parents may encourage a child to marry.
- Where poverty is acute, a young girl may be regarded as an economic burden and her marriage to a much older - sometimes even elderly - man is believed to benefit the child and her family both financially and socially.
- In communities where child marriage is practiced marriage is regarded as a transaction, often representing a significant economic activity for a family.
- A daughter may be the only commodity a family has to be traded and sometimes girls can be used as currency or to settle debts. A girl's marriage may also take place as a perceived means of creating stability. In uncertain times, poor harvest conditions or war, a family may believe it is necessary to ensure the economic

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- safety of the daughter and family, through marriage.
- In Africa the monetary value of bride price, or bride wealth, is linked with marriage. Bride price is a sum, either in cash or kind, used to purchase a bride for her labor and fertility.
- In the context of poverty, the practice of paying bride price can encourage early marriage. Young girls, a resource with which their parents can attain greater wealth, are married off at a young age, for the bride price and as a way for parents to lessen their economic burdens.

b. Notions of morality and honor

- Dominant notions of morality and honor are important factors encouraging the practice of child marriage.
- These are influenced greatly by the importance placed on maintaining 'family honor' and the high value placed on a girl's virginity. It is considered that a girl brings shame to her family if she was not a virgin when she married. Therefore, in order to ensure that a girl's virtue remains in tact, girls may be married earlier, in order to ensure their virginity.
- Young girls may also be encouraged to marry older men, due to the perception that an older husband will be able to act as a guardian against behavior deemed immoral and inappropriate.

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- Reasons for getting □married□ (in order of importance):
  - ★ It is a tradition
  - ★ To strengthen relationships
  - ★ For prestige
  - ★ Difficult to get married if older
  - ★ The family will be victim of gossip
  - ★ To earn dowry
  - ★ To protect virginity and avoid premarital sex.

3. □Consequences for Health and well-being□

- In the Ethiopian context, some of these include:
- ***Marital instability*** □ Among the respondents, about 27% of marriages in urban areas and 19% in rural areas had ended in divorce or separation. Of those that had married more than once, 56% reported that their first marriage ended either because they were too young or □not interested□ in the marriage. Many girls run away from unhappy marriages only to be sent back by their parents.
- ***Termination of education*** □ In almost every setting, better-educated women are more likely to use contraception, bear fewer children, raise healthier children, and make better decisions for themselves and their children and to make greater economic contributions to the household. Married adolescent girls□ inability to negotiate safer sex and other social pressures

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represent a critical change of vulnerability to HIV infection.

- ***Inability to plan or manage families*** — Statistically, women who marry early are likely to bear more children. Young mothers exercise less influence and control over their children and have less ability to make decisions about their nutrition, health care and household management.
- ***Impact on sexual health of women and girls*** — Young girls can face considerable physical pain associated with sexual intercourse as a result of the physiological immaturity of their sexual organs. Complications due to pregnancy at a young age frequently include obstetric fistula (perforation of the bladder or bowel, due to prolonged labor).
- ***Vulnerability to HIV infection*** — A girl is physiologically more prone to contracting HIV than a male, as her vagina is not well lined with protective cells and her cervix may be penetrated easily. Young women are several times more likely than young men to contract the disease through heterosexual contact. Also, deeply entrenched socio-economic inequalities further compound their risk. Marriage can increase married girls' exposure to the virus, especially as older husbands may engage in unprotected sexual relations with other

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partners. The risk of HIV infection is higher among the poorest and most powerless in society, and, as such, married adolescent girls will be more at risk of infection than unmarried girls who are not having sexual intercourse. Married adolescent girls inability to negotiate safer sex and other social pressures represent a critical channel of vulnerability.

4. **Custody and support of children**

Federal Constitution provides the umbrella articles for the protection of the rights of the child. As a party to the Convention on the rights of a child, the Ethiopian Government has been revising legislation that does not tally with the provisions of the Convention. One crucial exercise on this front has been the revision of the Penal Code. An important inclusion in the revised Penal Code is the *criminalization of female circumcision and genital stitching.* Two

other important steps were also taken in the upholding of human rights. Proclamation No. 210/2000 was enacted in July 2000 establishing the institution of the Ombudsman. The Human Rights Commission was also set up by Proclamation No. 210/2000.

5. **The role of women in the success of their husband**

Despite significant gains in educational attainment and attitudes toward women,

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- women continue to lag behind men in economic and labor market success. Their role in family has not been considered because of the unnoticed gender-gap.
- Next to child rearing which is an important influence in the life-cycle of women, their contribution to their husband□s success has not been given much attention. Almost all of the empirical evidence points toward gender role beliefs as the key variable shaping the entire family leave alone the husband. It is expected that economically □rational□ decisions and outcomes will only occur when both the husband and the wife share strong progressive gender role beliefs without the domination of one. But most decisions are expected to be largely dominated by the husband□s desire and characteristics and this will affect the economic status of women.
- Femininity has tended to be devalued, even despised or deemed evil, while things masculine have been celebrated and venerated. The unequal and unfair standards between the sexes are reflected in all spheres of life. As their equality is recognized under the constitution of the Federal Democratic Republic of Ethiopia, the revised family code also reflects the same under its provisions.

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Chapter Four: Global and Comparative approaches to violence against women within and outside family

1. Defining Violence against Women

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- Despite the international adoption of DEVAW, however, governments, organizations, and cultures continue to define VAW in a number of ways, taking into account unique factors and circumstances.
- Some law enforcement organizations and national criminal codes, for instance, do not consider psychological abuse to be a form a VAW because, while harmful, in many cases it is not illegal. Others, however, advocate for a broader definition of VAW, contending that physical and psychological harm cannot be separated, and that psychological abuse can be as devastating as physical abuse.

2. Scope and Context

- VAW occurs in all geographic regions, countries, cultures, and economic classes.

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- Many experts view VAW as a symptom of the historically unequal power relationship between men and women, and argue that over time this imbalance has led to pervasive cultural stereotypes and attitudes that perpetuate a cycle of violence.
- Though the specific causes of VAW vary on a case-by-case basis, some researchers have identified community and individual risk factors that may increase rates of violence against women.
- **Community factors** may include cultural norms that support male superiority, high crime levels, poor economic conditions, and a lack of political and legal protection from governments.
- **Individual factors** that may lead to a high risk of becoming a victim of VAW include living in poverty and a previous history of abuse.

a. *Social and Health Consequences*

- A wide range of research highlights the serious social and civil consequences of violence against women. In many societies, women provide emotional and financial support for families and communities. Studies have shown that violence and the social stigma of violence negatively affect the ability of women and girls to participate fully in and contribute to their communities. Research has also found that women who experience violence are less likely

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- to hold jobs and are □more likely to live in poverty than those who do not experience violence. Violence and the fear of violence may cause some women to avoid public places such as schools and the workplace. Some research has also found that women may also be less likely to participate in political activities or development projects because of the threat of physical violence. Moreover, some studies have found that harassment and sexual abuse contributes to low female enrollment rates and high dropout rates from secondary schools.
- The health consequences of VAW are significant, with many victims suffering from severe physical and mental health consequences □ both immediate and long-term.
- Numerous studies have found that women and girls who experience violence have an increased risk of poor physical and reproductive health.

The **physical health impacts** of VAW can be divided into two categories □ ***immediate and functional***. **Immediate consequences** directly result from acts of violence, and may include fractures, gunshot wounds, bruises and lacerations, and death. **Functional consequences** also referred to as □functional disorders,□ include long-term health consequences. They include gastrointestinal disorders, chronic pain (including pelvic pain),

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chronic urinary tract infections, and irritable bowel syndrome.

b. *Prevalence and Circumstances*

- World Health Organization (WHO) multi-country surveys estimate that between 10% and 69% of women have been physically hit or harmed by a male partner at some point in their lives.
- The WHO survey found that levels of violence tend to vary by country, and that women in developing countries may experience higher rates of violence than those in developed countries. Some research indicates that approximately one in five women experiences rape or attempted rape during her lifetime. Surveys in some Asian and sub-Saharan African countries have found high female mortality rates due to female infanticide and nutritional neglect of young girls.
- Many incidences of violence are not reported because of the shame and fear associated with being a victim. Experts generally agree that current levels of violence reported through studies and national and local law enforcement records represent a minimum of actual VAW cases.
- Rates of sex trafficking, sexual violence in armed conflict situations, female infanticide, and violence in schools and the workplace, for example, are thought to be significantly under-

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- documented, particularly in developing countries like Ethiopia.
- Underreporting may occur because victims view violence as normal or expected behavior.
- In addition, in certain circumstances it is difficult for researchers to collect data on VAW prevalence. In conflict situations, for example, potentially dangerous and fluid conditions may affect the ability of researchers to gain access or create conditions conducive to victims coming forward. In addition, some communities, particularly those in developing countries, lack adequate law enforcement infrastructure and reporting services, which may discourage women from reporting abuse.
- VAW can occur in the home as well as in public and private institutions, including the workplace, schools, universities, and state institutions.
- Custodial VAW, which includes violence in prisons, immigration detention centers, social welfare institutions, and jails, is reported in many areas of the world □ though there are not enough to data to quantify its prevalence globally. Moreover, VAW in schools, which can be perpetrated by teachers, administrators, and students, is prevalent in developing countries. World Bank study found that approximately 22% of women reported being sexually abused in

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psychol). A qualitative study in Ethiopia found that harassment and sexual abuse contributed to low female enrollment rates and high dropout rates from secondary school.

Types of Violence

- Violence against women can include both random acts as well as sustained abuse over time, which can be physical, psychological, or sexual in nature.
- Some studies have found that women are most likely to experience violence at the hands of someone they know, including authority figures, parents, sons, husbands, and male partners.
- Studies conclude that one of the most common forms of VAW is intimate partner violence, which can include forced sex, physical violence, and psychological abuse, such as isolation from family and friends.

Examples of Violence against Women

- **Infancy:** Infanticide; psychological and physical abuse; differential food and medical care
- **Childhood:** Female genital cutting; incest and sexual abuse; psychological abuse; differential access to food, medical care, and education; prostitution; trafficking; school-related gender-based violence
- **Adolescence:** Dating and courtship violence; economically coerced sex; sexual abuse in the workplace; rape; sexual harassment; forced

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prostitution; trafficking; psychological abuse; forced marriage; dowry abuse; retribution for the crimes of others
- **Reproductive:** Intimate partner abuse; marital rape; dowry abuse; honor killings; partner homicide; psychological abuse; sexual abuse in the workplace; abuse of women with disabilities; forced prostitution; trafficking
- **Old age**: Widow abuse; elderly abuse; rape; neglect

- ***Honor killings,*** for example, occur when women are stoned, burned, or beaten to death, often by their own family members, in order to preserve the family honor. The practice is most common in Middle Eastern and South Asian countries, though it has also been reported in other parts of the world, such as Latin America and Africa.
- ***Dowry-related*** violence, where victims might be attacked or killed by in-laws for not bringing a large enough dowry to the marriage, is also prevalent in South Asian countries such as Pakistan, India, and Bangladesh.
- ***Female genital cutting*** **(FGC),** which has also been referred to as female genital mutilation (FGM) or female circumcision, is common in some African and Middle Eastern countries.

Harmful Traditional Practices

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- Traditional practices are □part of local cultures and are generally considered socially acceptable; in some cases, they are encouraged by family members and the community.
- “Harmful traditional practices,□ including FGC, intimate partner violence, and child marriage, perpetuate unbalanced sex stereotypes and a cycle of violence. What constitutes a harmful traditional practice, however, is a matter of perspective.
- In some cultures, for instance, both men and women may view violence as a legitimate punishment for female disobedience and as a traditional part of male-female relationships. Moreover, some women may not view forced marital sex as rape, or endure frequent beatings from their husbands, fathers, sons or boyfriends because of cultural or familial legacies. In addition, some do not view child marriage as a harmful traditional practice □ instead they see it as a cultural tradition that should be respected.
- In recent years, some international advocates have increasingly argued that harmful traditional practices should be addressed through anti-VAW programs. They maintain that anti-VAW efforts should focus not only on treatment and services for victims of violence, but also on eliminating harmful traditional practices.

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- Because some of these practices are often a part of a community's culture, however, programs that introduce treatment and services may meet resistance. Some experts argue that harmful traditional practices cannot be significantly altered without sustained, long-term efforts on the local level with national and international support. Finding the most appropriate balance and means of intervention is a challenge that highlights a broader debate with human rights and individual freedom on the one hand, and the right to preserve culture, group identity, and tradition on the other.

Abduction

- In some regions of Ethiopia, abduction and rape is a cultural practice used to take a girl as wife by force. Typically, the girl is abducted by a group of young men, and then raped by the man who wants to marry her-either someone she knows, or a total stranger. Elders from the man's village then ask the family of the girl to agree to the marriage; the family often consents because a girl who has lost her virginity would be socially unacceptable for marriage to another man. Sometimes the abductor keeps the girl in a hiding place until she is pregnant, at which time the family again feels it has no option but to agree to the marriage.
- It may seem unlikely a victim would willingly marry the perpetrator of her abduction and

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rape. However, with social and cultural pressure from families and the community, as well as threats from the offender, the girl will often "consent" to marry her perpetrator.

- Both, abduction and rape are criminal offences under the Ethiopian law, but if marriage is subsequently agreed, the husband is *exempt* from criminal responsibility for his crimes. Changing the law to adequately address the injustice that abducted and raped girls face is essential to the realization of the fundamental right to equality in Ethiopia.

Rape

- *Webster□s Dictionary* (1975) defines it as the 'illicit carnal knowledge of a woman without her consent, effected by force, duress, intimidation, or deception as to the nature of the act.'
- Susan Brown Miller also defines it as a conscious process of intimidation by which all men keep all women in a state of fear.
- Allison Morris, in her book *Women, Crime, and Criminal Justice,* writes of rape as motivated by anger (involving an expression of hostility towards women and a desire to humiliate them) and power (involving the assertion of dominance over women).

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1. ***Causes of rape***: Even though the potential causes of rape are varied and controversial, because of personal and cultural beliefs as well as economic status, the most commonly attributed causes of rape are **inequality in gender power relations** and **the anger and sadism of the rapists**.

In Ethiopia's case there is a range of other complex contributing factors, such as culture and tradition, poverty and war.

a. ***Culture:*** Culturally transmitted assumptions about men's dominance over women, men's power over women, etc. contribute highly to the ever increasing number of rape cases reported. Ethiopians are defensive about any criticism directed against their society. They are proud of their culture or social system, and they don't appear to want to change it. Even when women speak about violation of their rights, they are told that they are becoming 'westernized', even by those who are educated. Ethiopian culture tolerates sexual violence against girls and women. Abduction and early marriage, always followed by rape, are the norms in some parts of our society. Kidnapping and the concomitant raping of a woman, as one way of acquiring a wife, is a common occurrence. The social acceptance of this practice puts all women and children in a state of fear, so much so that the UN has reported that women are severely

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reducing the daily water and nutritional intake of their families in order to avoid being in the field or walking to wells to collect water.On top of the fertile ground already existing in our culture, rape, western pornographic videos, films and literatures, which often objectify and devalue women, are proliferating in our society, initially among the affluent but now even among the poor through video-showing outlets. This practice has created a conducive situation for the rapid rise of rape in the country.

b. ***Poverty*****:** Poverty drives women and children into commercial sex and streets, which make them vulnerable to sexual exploitation, abuse and rape. As early marriage is rampant in the rural areas, those escaping this type of marriage, or those simply escaping rural poverty, migrate to towns and cities where they will either become maidservants or join the commercial sex industry. They are, more often than not, raped in places where they make their living as prostitutes or even at the homes where they serve as maids.

c. ***War*****:** History is smeared with a lot of ugly lessons about the interrelation between war and rape. This has happened in almost all the wars that history has known. Rape is used in most wars as revenge against certain races, ethnic groups and religious communities. Putting aside

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for the moment the unforgivable victimization of individual women, the victors use rape for the purpose of demoralizing and intimidating the side to which the victims belong.

Consequences of Rape

1. Psychological

- About 90% of the victims suffer some degree of physical injury and threats of violence compounded by the presence of weapons and intimidating verbal abuses. As a result, the following are some possible psychological consequences which raped women and children face:
  - Fear and phobia, repressed anger leading to overwhelming depression and anxiety, feeling of guilt, self-blame, shame, loss of control over oneself, immense shock and disbelief, confusion, difficulty in making decisions, hatred towards men, diminished self-esteem, feelings of worthlessness, fear of being alone, disobedience, aversion to sexual intercourse, thoughts of suicide, desire for revenge, etc.

2. Social

- Because rape is associated with social stigma, the victims lose their dignity and respect in society. They also find it difficult to participate in social activities, as a result of which they alienate themselves from society.

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- In rural areas, when a woman is abducted and raped, she will no longer get a husband unless her rapist marries her, which of course will add to her misery. She will run away to cities where nobody knows her, only to face prostitution, streets and other social problems.

3. Economic

- Women's participation is very crucial for a sustainable development of any country. For □women□s participation to be realized education is mandatory.
- Among the reasons why girls do not pursue their education in Ethiopia and other developing countries one finds that (1) either girl get abducted and raped on their way to school, or (2) because of fear of being raped and the anxiety associated with it, they will either not attend school at all or perform poorly if they do. These and other such reasons result in their exclusion□s from participating in national development programs. Given the fact that development without women□s participation is unthinkable, the country will be affected negatively, and its future, in terms of manpower development, which basically depends on the number of children born, will also be questionable. As lack of education will also leave women unemployed, poor and powerless,

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violence perpetrated against them will continue unabated.

4. Health

- Rape brings significant health problems to the victims. Most importantly, it can lead to unwanted pregnancies and transmissions of STDs, including HIV/AIDS.
- In Ethiopian law, there is no provision for the right to abort even in cases of rape. As women cannot legally abort, they are forced to resort to illegal and unsafe options, usually carried out by incompetent people, which are more often than not followed by complications. Some of the complications are infection, including HIV/AIDS, torrential bleeding, perforation of the uterus, infertility, etc. These and other physical damages occur especially when rape victims are those who are biologically weak. Moreover, due to the high biological receptivity to viral transmission of young victims, there is a greater risk of contracting STDs, including HIV/AIDS. Worldwide, women between the ages of 15 and 24 account for half of new HIV infections, and there is no doubt that most of them are due to rape. Generally, the consequences of rape are all interrelated. The process is like a vicious circle.

The Extent of Rape in Ethiopia

- In Ethiopia there is hardly any statistical evidence or data on rape apart from what is

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occasionally mentioned on the media. So, we cannot state the extent of its prevalence and distribution in the country. This is because rape is one of the most unreported crimes due to the prevailing attitude that it is shameful and degrading to the victims, and thus, the less said about it the better. However, it is believed that rape has increased over the last few years.

Marital rap:

- is non-consensual sexual assault in which the perpetrator is the victim's spouse. It is also called spousal rape. Due to popular stereotypes of "real" rape, it is often assumed that because spouses have been sexually intimate, forced sexual intercourse in marriage is not as traumatic as rape by a stranger.
- Sexual contact gained through force, coercion, manipulation or fear of harm is rape, a tool to control and overpower another person. This type of control is often found with other violent and abusive behaviors. So the same holds true in the case of marital rape. Marital rape is likely to be part of an abusive relationship. Trauma from the rape adds to the effect of other abusive acts or abusive and demeaning talk. Furthermore marital rape is likely to happen repeatedly.
- In December 1993, the United Nations High Commissioner for Human Rights published the

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Declaration on the Elimination of Violence against Women. This establishes marital rape as a human rights violation. This is not fully recognized by all UN member states. In 1997, UNICEF reported that just 17 states criminalized marital rape. *But in Ethiopia*, men are exempted from penalty for rape □ if they subsequently marry their victims.

Some societal beliefs and misconceptions contributing to the tolerance of marital rape:

- Sexism is at the heart of marital rape, just as it is at the heart of most forms of sexual violence.
- The widespread idea that a husband has a right to sex, and has a right to use his wife's body for this purpose makes it difficult to recognize sexual coercion in marriage.

Sexual harassment

- There are two types of sexual harassment, **□quid pro quo□** and **"Hostile environment□.**

- The targeted person may be harmed emotionally, mentally, and even physically. Hostile environment is the most common form of sexual harassment. Hostile environment is said to occur when it unreasonably interferes with a person□s work or academic performance or it creates an intimidating, hostile, abusive or offensive environment. It usually involves a pattern of repeated behavior, such as:

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- behavior that is □unwelcome□ including request for a date
- behavior that is sexual in nature like a shoulder or back rub
- a behavior that creates a hostile or intimidating environment like comments about the persons appearance.

- **Quid pro quo** is a Latin term meaning □this for that□. This form of harassment is usually easy to recognize. It occurs when a supervisor or faculty member, or a person acting with authority, with □ holds, demands and/or promises a benefit by pressuring an employee or student to submit to unwelcome sexual conduct.
- There are abundant cases of harassment in Ethiopia, but the law does not specifically criminalize it. It occurs at work places, on the streets and educational institutions. The position of power and authority, which the man that harasses a woman has over her, is extremely relevant. The labor proclamation of 1993 (number 42/93) does not mention sexual harassment.

Female genital mutilations

- After-effects range from infections to serious problems during intercourse and child delivery, not to mention the psychological trauma.

Forced prostitution

- Forced prostitution is a violent offence to physical and sexual self-determination. Forced

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- prostitution is a crime. It violates human rights of emotional and physical integrity. The victims of forced prostitution are mostly women.
- Sexual slavery encompasses most, if not all, forms of forced prostitution. Sexual slavery refers to the organized coercion of unwilling people into different sexual practices. Sexual slavery may include single-owner sexual slavery, and ritual slavery sometimes associated with traditional religious practices, slavery for primarily non-sexual purposes where sex is common or forced prostitution.
- The terms "forced prostitution" or "enforced prostitution" appear in international and humanitarian conventions but have been insufficiently understood and inconsistently applied. "Forced prostitution" generally refers to conditions of control over a person who is coerced by another to engage in sexual activity. In 1949 the UN General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention).
- The 1949 Convention supersedes a number of earlier conventions that covered some aspects of forced prostitution. Signatories are charged with three obligations under the 1949 Convention:
  - ★ prohibition of trafficking,

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- ★ specific administrative and enforcement measures, and
  - ★ Social measures aimed at trafficked persons.
- The 1949 Convention presents two shifts in perspective of the trafficking problem in that it views prostitutes as victims of the procurers, and in that it eschews the terms "white slave traffic" and "women," using for the first time race- and gender-neutral language. Article 1 of the 1949 Convention provides punishment for any person who "procures, entices or leads away, for purposes of prostitution, another person" or "exploits the prostitution of another person, even with the consent of that person." To fall under the provisions of the 1949 Convention, the trafficking need not cross international lines.
- The suppression of the traffic in persons and of the exploitation of the prostitution of others resolution declares that the enslavement of women and children subjected to prostitution is incompatible with the dignity and fundamental rights of the human person. It was approved by the UN General Assembly in 1949.
- The convention describes procedures for combating international traffic for the purpose of prostitution, including extradition of offenders. It also prohibits the running of

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brothels and renting accommodation for prostitution purposes.

- The Centre for Human Rights, specifically the secretariat of the Working Group on Slavery, in close co-operation with the Centre for Social Development and Humanitarian Affairs of the Department of International Economic and Social Affairs actively monitors this resolution.

Forced marriage

- Forced marriage is a term used to describe a marriage in which one or more of the parties is married without his or her consent or against his or her will.
- Forced marriage constitutes a human rights violation in and of itself. Article One of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages states that □No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.□

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- The Marriage Convention □addresses the issue of age. According to Article 2 of the Convention, □States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.□ Under General Assembly Resolution 2018 (XX) of 1 November 1965, □Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,□ Principle II states that the minimum age to marry be set no lower than fifteen years.
- Forced marriages differ from arranged marriages. In **forced marriages**, one or both of the partners cannot give free or valid consent to the marriage. Forced marriages involve varying degrees of force, coercion or deception, ranging from emotional pressure by family or community members to abduction and imprisonment. Emotional pressure from a victim□s family includes repeatedly telling the victim that the family□s social standing and reputation are at stake, as well as isolating the victim or refusing to speak to her. In more

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- In several cases, the victim can be subject to physical or sexual abuse, including rape.

- In **arranged marriages**, the parents and families play a leading role in arranging the marriage, but the individuals getting married can nonetheless chose whether to marry or not. Many regard arranged marriage as a well-established cultural tradition that flourishes in many communities, so a clear distinction should be drawn between forced and arranged marriages. However, in some cases the difference between a forced marriage and an arranged marriage may be purely semantic.

1. Motives prompting forced marriage

- Parents who force their children to marry often justify their behavior as protecting their children, building stronger families and preserving cultural or religious traditions. They do not see anything wrong in their actions. Forced marriage is not a religious issue; every major faith condemns it and freely given consent is a prerequisite of Christian, Hindu, Muslim and Sikh marriages.

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- Often parents believe that they are upholding the cultural traditions of their home country, when in fact practices and values there have moved on. Some parents come under significant pressure from their extended families to get their children married. In some instances, agreements are made about marriage when the children were very young.
- Some of the key motives that have been identified are:
  - ★ Controlling unwanted behavior and sexuality (including perceived promiscuity, or being gay, bisexual or transgender) - particularly the behavior and sexuality of women
  - ★ Peer group or family pressure
  - ★ Attempting to strengthen family links
  - ★ Ensuring land remains within the family
  - ★ Protecting perceived cultural ideals which can often be misguided or out of date
  - ★ Protecting perceived religious ideals which are misguided
  - ★ Preventing "unsuitable" relationships, e.g. outside the ethnic, cultural, religious or caste group
  - ★ Assisting claims for residence and citizenship
  - ★ Family honor
  - ★ Long-standing family commitments

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- These motives should not be accepted as justification for denying them the right to choose a marriage partner. Forced marriage should be recognized as an abuse which typically involves criminal offences.

2. Criminal Law and Forced Marriage

- Although there is no specific criminal offence of forcing someone to marry the law does provide protection from the crimes that can be committed when forcing someone into a marriage. Perpetrators usually parents or family members have been prosecuted for offences including threatening behavior, harassment, assault, abduction and murder.

3. Forced marriage in relation to the victim

- Young people forced into marriage often become estranged from their families. Sometimes they themselves become trapped in the cycle of abuse with serious long-term consequences. Many women forced into a marriage suffer for many years from domestic

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- abuse. They feel unable to leave because of the lack of family support, economic pressures and other social circumstances. They may live within a forced marriage for many years before they feel able to challenge the situation.
- ***Isolation*** is one of the biggest problems facing victims of forced marriage. They may feel they have no one to speak to about their situation. These feelings of isolation are very similar to those experienced by victims of domestic abuse. Isolation is also very real for those who have escaped a forced marriage or the threat of one. For many, running away is their first experience of living away from home and they suffer because of having to leave their family, friends and their usual environment. They often live in fear of their own families who may go to considerable lengths to locate them and ensure their return.
- The needs of victims of forced marriage will vary widely. They may need help avoiding a threatened forced marriage. They may need help dealing with the consequences of a forced marriage that has already taken place.
- Whatever an individual's circumstances, there are basic needs that should always be considered, including: Personal safety, Confidentiality, and Accurate information about rights and choices

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Dowry abuse

- "A dowry is the money, goods, or estate that a woman brings to her new husband. Bride price is paid to the bride's parents, and dower which is property settled on the bride herself by the groom at the time of marriage. The same culture may simultaneously practice both dowry and bride price.
- □Dowry abuse occurs when the husband's family continues to press the wife's family for more money or other gains after the marriage, and sometimes involves physical threats.
- In India for example, the practice of dowry abuse is rising. The most severe is □bride burning□, the burning of women whose dowries were not considered sufficient by their husband or in-laws. Most of these incidents are reported as accidental burns in the kitchen or are disguised as suicide. It is evident that there exist deep rooted prejudices against women in India. Cultural practices such as the payment of dowry tend to subordinate women in Indian society.

Trafficking

- Both men and women may be victims of trafficking, but the primary victims worldwide are women and girls, the majority of whom are trafficked for the purpose of sexual exploitation.

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- Traffickers primarily target women because they are disproportionately affected by poverty and discrimination, factors that impede their access to employment, educational opportunities and other resources.
- Human trafficking is the recruitment, transportation, harboring, or receipt of people for the purposes of slavery, forced labor (including bonded labor or debt bondage), and servitude.
- Exploitation includes forcing people into prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. For children, exploitation may also include forced prostitution, illicit international adoption, trafficking for early marriage, or recruitment as child soldiers, beggars, for sports (such as child camel jockeys or football players), or for religious cults.
- Women are trafficked through formal and informal channels all over the world.
- Under international law, governments are obligated to protect their citizens from being trafficked, through programs that aim at prevention and the protection of victims. Prevention of trafficking in women requires examining the factors that contribute to the problem as well as providing education to potential victims.

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- Both government and non-governmental programs should identify women who are at risk for trafficking and provide them with the tools necessary to find work abroad without putting themselves at risk. At the same time, more far-reaching programs that address gender inequalities in the labor market are needed to combat trafficking in women.
- The United Nations High Commissioner for Human Rights produced a report entitled □Recommended Principles and Guidelines on Human Rights and Human Trafficking□ in 2002. It identifies demand as a root cause of trafficking; saying, □Strategies aimed at preventing trafficking should take into account demand as a root cause. States and governmental organizations should also take into account the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice.□
- A comprehensive strategy for combating trafficking must also consider the safety of the victims. Non-governmental organizations (NGOs) and state agencies that work with repatriated victims of trafficking should also address the multiple difficulties women face when they attempt to reintegrate. Victims of trafficking face a range of needs including

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- physical and mental health care, job training and employment issues, housing issues and, possibly, childcare.
- The trafficking of women for sexual exploitation is an international, organized, criminal phenomenon that has grave consequences for the safety, welfare and human rights of its victims.
- Countries are affected in various ways. Some see their young women being lured to leave their home country and ending up in the sex industry abroad. Other countries act mainly as transit countries, while several others receive foreign women who become victims of sexual exploitation. It is a global problem in which INTERPOL actively seeks to increase and improve international law enforcement co-operation in order to help combat this crime.
- INTERPOL derives its actions from such conventions as the United Nations Convention against Transnational Organized Crime, and the additional Protocol to Prevent, Suppress and Punish Trafficking in Persons.
- They give guidelines for law enforcement action and the following are some examples of those actions: The protocol urges an increase in the information exchange between states in order to determine
  - ★ whether individuals crossing or attempting to cross an international border with travel

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documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons,
- ★ the types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons, and
- ★ the means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible means for detecting them

Chapter Five: Women and Education

Education and its Importance

- Different scholars define education differently from different points of view.
- Oxford Word Power Dictionary for Learners of English defined education based on what it involves as □The teaching or training of people especially in schools: primary, secondary, higher etc.□
- others define education based on its aim as □a continuous and creative process that aimed to

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develop the capacities and progress of society, by equipping members of society with spiritual, moral and material knowledge.□

- Education is also defined based on its role for social change as □a powerful instrument for social transformation.□ Education is also important for individuals□ development. The purpose of education for individuals both male and female is to develop the powers and capacities hidden within them so that they may contribute, their share to an ever advancing civilization.
- Education is one of the most important factors that positively affect the life of people who have got access to it and the life of the society and the group they belongs to.
- Though education is important for all and is recognized as one of the human rights in different international regional and national laws, all people have not got equal chance to exercise the right. We can cite the existing huge gender disparity in primary, secondary and higher education in different part of the world as an example.
- There is gender disparity in both enrollment and school completion rate. The number of out of school female children is higher than the number of male children out of school.

The importance of education for women□s life

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- What benefits do you think are associated with girls□ education?

1. **The importance of education for individual growth of girls**
   - ★ Educated girls have more life choice and opportunities to participate in community life and decision-making;
   - ★ Educated women tend to marry later and have fewer, healthier and better-nourished children
   - ★ Educated women yield the highest return in economic terms and
   - ★ Educated women have more exposure to information;
   - ★ Women with formal schooling resist domestic violence more likely than those illiterates
   - ★ Educated women have greater wage earning opportunity
2. **Importance of women education for the society at large**
   - ★ **Education reduce women□s fertility rates**: Women with formal education are much more likely to use reliable family planning methods, delay marriage and childbearing and have fewer and healthier babies than women with no formal education.
   - ★ **Education of women lowers infant and child mortality rate:** Women with some formal education are more likely to seek medical care, ensure their children are immunized, be better

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informed about their □children□s nutritional requirement and adopt improved sanitation practices. As a result their infants and children have higher survival rates and tend to be healthier and better nourished.

★ **Girls□ education lowers maternal morality rates:** Women with formal education tend to have better knowledge about health care practices, are less likely to become pregnant at a very young age, tend to have fewer, better-spaced pregnancies, and seek pre and post natal care. It is estimated that an additional year of schooling for 1000 women helps to prevent two maternal deaths.

★ **Girls□ education reduces vulnerability of girls to HIV**: Girls□ education ranks among the most powerful tools for reducing girl vulnerably. It shows and reduces the spread of HIV/AIDS by contributing to female economic independence, delayed marriage, family planning, and work outside the home, as well as conveying greater information about the disease and how to prevent it.

★ **Girls□ education increases women labor force participation rates and earning**. Education has been proved to increase income for wage earners and increase productivity for employers□ yielding benefits for the community and society

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★ **Girls education creates intergenerational education benefits.** Mothers education is a significant variable affecting childrens education attainment and opportunities. A mother with a few years of formal education is considerably more likely to send her children to school

Education and Ethiopian women

- Like many African countries, the majority of women in Ethiopia hold low status in the society.
- Lack of educational opportunities is one of the crucial disadvantage Ethiopian women have been facing since the introduction of modern (formal) education in the country. Gender inequality in education is high in Ethiopia. The gender gap between girls and boys in primary and secondary school remained constant at 20%.
- Apart from the gender gap, there had also been a higher dropout and repetition rate among girls than boys. The committee on elimination of discrimination against women in its concluding observation of January 2004 indicated the high level of women illiteracy and high rate of dropout and repetition among Ethiopia girls. The level of girls primary school enrollment was

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19% in the academic year 1991/92 though it increased to 53.8 %, 50.1%, and 71.1 % in the academic year 2002/2003, 2003/04, 2004/05 respectively. As we can understand from this figure there is a growth in girls enrollment both in primary and secondary schools though there is still a gap between boys and girls and women and men in the field of education.

- Cultural, social, political and economic factors contribute to under participation and under achievement of women in education.
- Strong bias against investment in female education in rural Ethiopia is one of the factors that contribute a lot to the school enrollment of women and the existing gender discrepancy. Most of the girls are denied schooling merely because of their gender, i.e. irrespective of the income of the household, parental educational status, distance to the school or quality of schooling. This strong bias against girls education relate to cultural factors. For example most cultures highly valued girls contribution to household tasks and family livelihood and as a result women s chance for schooling in that culture is very less. The bias also has some relation with societal belief. In most societies of Ethiopia, there is a belief that females are less

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- competent they males and that education is wastage on them.
- The other factor that contributes to the low school enrollment of women and the existing gender disparity in education in Ethiopia is the **distance of the nearest school from the homestead especially in the rural areas.** Households in Ethiopia are reluctant to send their children to schools far from home. If the school is distant from home parents do not send their girls to school for fear of abduction.
- Forced and early marriage is also one of the factors that contribute to the low school enrollment of Ethiopian women. For example 50% of women in the Amhara Region of Ethiopia are married before the age of 15, the highest early marriage rate in the country.
- Rape and abduction is the other factor that lowers school enrollment of women. For example 69% of currently married women in Ethiopia were abducted and forced into marriage.
- In addition to the above factors teen age pregnancy, child labor, parental sex preference, harassment, discrimination rate as well as inadequate treatment of girls in school have their own role in gender disparity in enrollment and completion in Ethiopian.

Is Education Right or Privilege?

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- The notion that elementary education is a fundamental right is not accepted by all, at least not wholeheartedly. Some even perceive the universalization of education as a threat to the opportunities of their own children. In their view, the role of the schooling system is to act as a "filtering process", which picks the best and the brightest and helps them to realize their potential. If too many children get on board, the prospects of those who currently enjoy the privilege of good schooling facilities will be threatened

Education as a Human Right

- Education has been regarded in all societies and throughout human history both as an end in itself and as a means for the individual and society to grow.
- its recognition in international, regional and national constitutions as a human right is derived from the indispensability of education to the preservation and enhancement of the inherent dignity of the human person

1. **International standards**
   - **The UDHR:** The declaration states, under Article20, "*Everyone has the right to education.* In addition, it says that it shall be free, at least in the elementary and fundamental

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ystages. Elementary □education shall be compulsory. Higher education shall be equally accessible to all on the basis of merit, and technical and professional education shall be made generally available.The UDHR also stipulates that education should be directed towards the full development of the human personality and strengthening respect for human rights. Finally, it acknowledges that parents have a prior right to choose the kind of education that shall be given to their children.

- **The ICESCR:** Articles 13 and 14 of the ICESCR set out detailed formulations of the right to education. Article 13 contains a general statement that everyone has the right to education and that education should contribute to the full development of the human personality. It also specifically stipulates that:
  - Primary education shall be compulsory and available free to all.
  - Secondary education, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, in particular by the progressive introduction of free education.
  - Higher education shall be made equally accessible to all, on the basis of capacity, by

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every appropriate means, in particular by the progressive introduction of free education.
- ★ Fundamental education shall be intensified for those persons who have not received or completed the whole period of their primary education.
- ★ Systems of schools shall be established and the material condition of teaching staff shall be continuously improved.

★ The liberty of parents or guardians to choose their children schools other than those established by the public authorities which conform to minimum educational standards shall be respected. In addition, Article 13 recognizes the liberty of parents or guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 14 requires each state party that has not been able to secure compulsory primary education free of charge, to undertake, "within two years, to work out and adopt a detailed plan of action for the progressive implementation of compulsory primary education free of charge for all.□

★ **CRC:** Articles 28 and 29 of the CRC deal with the right of the child to education. Article 28 is

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ysimilar to the provisions contained in ICESCR. In addition, it states that school discipline should be administered in a manner consistent with a child□s human dignity. Article 29 stipulates that the education of the child shall be directed towards the development of the child□s personality, talents, and mental and physical abilities to their fullest potential.

★ **UNESCO Convention against Discrimination in Education:** The UNESCO Convention stipulates that states parties must undertake to formulate, develop and apply a national policy which will tend to promote equality of opportunity and treatment, and, in particular, to make primary education free and compulsory. In addition, it recognizes parents□ right to freely choose their children□s educational institutions and to ensure the religious and moral education of their children in conformity with their own convictions

★ **CEDAW:** Article 10 of CEDAW also contains provisions dealing with the right to education. It provides, for example, for equal access to career and vocational guidance and to studies at all educational levels; access to the same curricula and examinations; elimination of stereotyping in the roles of women and men; and the same opportunities to benefit from academic scholarships.

2. Regional instruments

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- The right to education is recognized and guaranteed under several regional human rights instruments. ACHPR (article 17), PACHPRWA (Article, 13), SDGEA (Article 8), ACRWC and in human rights documents of other regions

3. National Constitutions

- The constitutions of several countries include provisions on the right to education.
- Article 41(3) of FDRE Constitution guarantees the right of Ethiopian nationals to have access to publicly funded social service which among others includes access to education. The same Article under Sub-Article 5 imposes obligation on the Ethiopian government to provide public education by allocating ever increasing resource for this purpose. The Constitution also prohibited people from requiring or/and permitting children to do work which has hazardous or harmful effect on their education under Article 36(1) d.

Content of the Right to Education and State Obligations

- Legal standards on the right to education encompass two broad components: enhancement of access of all to education on the basis of equality and nondiscrimination, and

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freedom to choose the kind (public/private institutions) and content (religious and moral) of education. Both aspects represent the spirit and cardinal essence of the right to education.

- The demanding nature of the obligations involved in ensuring the right to education is reflected in the number and variety of reservations, declarations and objections relating to the relevant article in the Convention on the Rights of the Child dealt above.

- However, at least four components of the right to education can be gleaned from various legal provisions on the right to education:

  - ★ Equal enjoyment of, and equal access to, educational opportunities and facilities;
  - ★ Compulsory and free primary education;
  - ★ Generally available and accessible secondary education and equally accessible higher education and
  - ★ Freedom of choice in education, and freedom to establish private institutions

- The CESCR, in its General Comment 13 identifies four elements of the state□s obligations with respect to the right to

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education. These are (1) availability, (2) accessibility, (3) acceptability and (4) adaptability.

1. **Availability**

- The duty to provide compulsory and free primary education is undoubtedly a prerequisite for the realization of the right to education. The CESCR in its General Comment 11 on article 14 of the ICESCR considers that states parties have a clear and unequivocal obligation to draw up a plan of action for ensuring compulsory and free primary education. The committee has stated that lack of educational opportunities for children often reinforces their subjection to various other human rights violations

2. **Accessibility**

- At a minimum, governments are obligated to ensure the enjoyment of the right to education through guaranteeing **access to existing educational institutions by all on the basis of equality and nondiscrimination**. For example, as provided for in article 10 of the CEDAW, governments are obligated to take all appropriate steps towards the "elimination of any stereotyped concepts of the roles of men and women at all levels and in all forms of education through such means school programs and the adaptation of teaching methods.

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Under that provision, women and girls also have a right to equal access to specific educational information (including family planning advice) and to sports programs.

3. **Acceptability**

- Based on this duty, states are obliged to ensure that all schools conform to the minimum criteria which it has developed as well as ascertaining that education is acceptable both to parents and to children. This element involves the right to choose the type of education received, and the right to establish, maintain, manage and control private educational establishments. Another important element of acceptability relates to the child-friendly nature of the schools. Based on the Convention on the Rights of the Child, "it is imperative that education respect the right of the child to be curious, to ask questions and receive answers, to argue and disagree, to test and make mistakes, to know and not know, to create and be spontaneous

4. **Adaptability**

- Normally, what a child learns in school should be determined by his or her future needs as an adult. However, the Convention on the Rights of the Child requires that the best interests of the child be given prominence. Thus, the education

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system should remain adaptable, taking into account the best interests of the child.

Definition of Gender Based Discrimination in Education

- Discrimination on the basis of gender is defined in different international instruments.
- Among others, CEDAW under its Article1 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 the basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field.*
- Accordingly, discrimination on the basis of gender is caused when distinction, exclusion or restrictionis made on the basis of sex- the fact of being female or male; and the distinction, exclusion or restriction should have the effect of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms.
- Does the gap that exist between female and male enrollment in education and school completion rate amount to discrimination on the

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basis of gender as defined under CEDAW? To answer this it is very important to question

- ★ The base for the existing gender gap in enrollment and school completion rate.
- ★ As to whether right to education is human rights or not
- ★ If the answer to question B is in the affirmative, as to whether or not the distinction have the effect of impairing or nullifying the exercise, enjoyment or recognition of this human rights

⁝ As indicated in the discussion above, the low level of women enrollment in education and school completion rate mainly relate to the distinction made on the basis of sex and this has hazardous effect on the enjoyment of one of the human rights, right to education, by women. Hence, the existing gender gap between female and male enrollment in education and school completion rate amounts to discrimination on the ground of gender as defined under Article 1of CEDAW.

Addressing Discrimination in Education with Temporary Special Measures

⁝ CEDAW clearly endorses the implementation by state party of □temporary special measures□ for women. These refer to programs, politics, and

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laws that place them□ in a situation of comparative advantage to men for a limited period, with the aim of achieving substantive equality between the two sexes in the long term. Specifically Article 4.1 of the Convention reads: Adoption by states parties of temporary special measures aimed at accelerating ***de facto*** equality between men and women shall not be considered discrimination as defined in the present convention, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; these measures shall be discontinued when the objective of equality of opportunity and treatment have been achieved.

- As it aimed to accelerate de facto equality, temporary special measures may depart from formal equality in order to achieve substantive equality between men and women. While formal equality promotes equal treatment, the gender blind character of formal equality masks structural discrimination and privilege that are embodied or built into institutions as a result of past discrimination that temporary special measure aimed to redress.
- To achieve its goal temporary special measures must be accompanied by or operate in the context of enabling mechanism which support the achievement of substantive equality. These mechanisms may include services, structural

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- policies, and effective institutional remedies to overcome and deter discrimination

Justification for temporary special measures

Giving the CEDAW Convention`s aim to end structural discrimination and secure substantive equality, temporary special measures can be justified on the following grounds.

1. **On the ground of compensatory justice**

- Compensatory justice seeks to make up for past harms and disadvantages women suffered as a group or, can be based on forward-looking principles, which aim at future equality for them as a group. After all a divided past cannot permit a shared present and a shared future unless the present generation finds ways of pacifying its aggrieved and tormented victims.□ Past discrimination against women, particularly those who face multiple barriers, lays the groundwork for their continued patterns of structural discrimination. Temporary special measures are therefore justified to remedy the lingering effects of discrimination.

2. **On the ground of distributive justice**

- Distributive justice is a forward-looking justification, oriented towards correcting current imbalances between women and men with respect to their access to the elements of a

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□human life.□ Despite □obligations under the CEDAW Convention (i.e. to end discrimination against women), and the Beijing Platform for Action adopted at the 1995 Fourth UN World Conference on Women (i.e. to develop □national platforms for action□), disparities persist between men and women. For example, UNIFEM□s □Progress to the world□s Women 2000□ biennial report reveals that there is much progress to be made before the gender gap in

earnings is reduced, and before women in all countries can hold 30 percent or more of decision-making positions in the economic field.

3. **On the ground of Social utility**

- The social utility justification for temporary special measures emphasizes their positive effects in terms of (i) mobilizing the economic and social potential of women for the common good of society, and (ii) encouraging and facilitating the social transformation and the promotion of diversity. An example of the first case is temporary special measures that are aimed at narrowing the wage gap between men and women. Besides benefiting women, such programs often benefit children by supporting them with maternal income and therefore add utility to society as a whole.

4. **On the ground of access to rights**

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- A further justification for temporary special measures is how such measures allow women to fully claim and realize their human rights. Because human rights are interdependent, the adoption of temporary special measures that assist women achieve one set of rights will likely help them achieve other rights. For example, given the interlocking nature of civil and political rights, on the one hand, and economic, social and cultural rights, on the other, gender equality measures in the employment context may promote women□s enjoyment of economic rights, such as the right to work or the right to enjoy an adequate standard of living. Alternatively, temporary special measures in the form of gender-sensitive policies of poverty alleviation, education and skill-building facilitate women□s access to civil and political rights, such as reproductive rights and access to legal redress.

Some Temporary Special Measures Taken by the Ethiopian Government to Address Gender based Discrimination in Education

- Ethiopia signed CEDAW on 8, July 1980; hence it is obliged to take temporary special measure to end discrimination and gender stereotype.
- On 28 October 2002, an Ethiopian representative indicated in the combined fourth

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- and fifth periodic report□ to the Committee on the Elimination of Discrimination Against Women that Ethiopia government gave special emphasis to women education by ensuring policy reform.
- The representative particularly explained the two categories of measures taken by Ethiopia government that aimed to enhance the advancement of women increasing the school enrollment, and completion rate of women at primary, secondary and university level.
- The government of Ethiopia has taken affirmative action to increase enrolment of female students in the educational institutions at different levels. As indicated in the report, thirty percent of the total number of seats has been reserved for female student in higher educational institutions (universities). The report also indicated that the introduction of girl□s scholarship program is a major step forward in the advancement of Ethiopia women and that the scholarship is proven effective in promoting education and encouraging girls to remain in school.
- The same report indicates that the promotion of girls□ education by rewarding individuals and institutions for their noble contribution is another recent initiative in the country. This is intended to encourage a wider section of the

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- population, including media and press people, to take an active part in the promotion of girls□ education.
- Apart from affirmative actions, appropriate policy instruments and strategic measures have been initiated by the ministry of education to sustain change as well as to effect greater change so as to eliminate systematic discrimination and provide less fortunate girls with the necessary assistance to ensure their

education). One of the major conceptual shifts in this regard is the action to bring about change in the subsistence of educational material. The specific actions that are being taken to influence policy are the following:

- ★ Development of girls education policy
- ★ Development of policy implementing strategy

- ★ incorporating the concept of gender mainstreaming in, *inter-alia*, curriculum development and parent□s counseling
- ★ Capacity building of head teachers in high schools and gender focal points in the regions to deal with gender matters
- ★ Conducting research in the area in order to devise mechanisms for increased girls participation in primary, secondary and tertiary education

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- The expansion of educational provisions is also among the measures taken by the Ethiopian government to increase the enrollment of female students. The increase in the construction of school in the rural areas of the states is helping girls to attend classes near their localities. The arrangement of tutorial class for female students, the increase in the number of women teachers and awareness raising activities are among the measures taken by the Ethiopian government to increase the number of female students and encourage them to remain in school.

Chapter Six: Women and Employment

- Worldwide, there is gender based discrimination in access to employment as can be observed from the existing huge gender difference in the labor force.
- The gap becomes wide as one goes from developed to developing countries.
- Women□s lower educational attainment due to lack of access to education and training opportunity, the existing misconception about the role and contribution of women in employment and the contribution of women in family labor, i.e. their family responsibility (women devote 70 percent of their time providing care for their families and

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communities while men devote only 30 percent of their time on such activity) are some of the contributing factor for the existing gender based discrimination in employment.

- Women also often suffer employment discrimination because they need to take time off for maternity leave or when a child is sick.
- Those women who have access to employment face many obstacles. Most of the employed women are placed in lower grade and lower paid jobs. Elite women who wish to improve their legal and economic status must expect to lose honor and respect. There is often sexism in job promotions and unpleasant consequences if women stand up to men. There is often more respect for male professionals (even from women themselves) than there is for female. Career women often have to work harder at their jobs to keep even with their male counterparts.
- The existing gender based discrimination in employment and its negative impact on the economy of the victim, the victim's family, the victim's country and that of the world as well as its impact on the person of the career led different international, regional and national organs to take legislative and other measures against gender based discrimination in employment.

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- According to the 1958 Discrimination (Employment and Occupation) Convention, discrimination in employment is any distinction, exclusion or preference based on designated criteria such as race, color, sex, religion, political opinion, national extraction, social origin or other designated criteria which have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The discrimination may be de facto or de jure. A de facto discrimination shows the existence of discrimination in fact (in reality or in practice) while de jure discrimination refers to the existence of discrimination in law.
- Gender based discrimination occurs for example when a woman or a man who satisfy the criteria for a certain job failed to get the job only because she is female or he is male; respectively. Gender based discrimination also occurs when a women or a man is unable to obtain payments and/or other benefits she or he would have obtained had she been a man or had he been a women, respectively. The latter example illustrates how sex impairs equality of treatment in employment.
- The decision of the committee does not amount to gender based discrimination in employment. As per Article 5 of Discrimination in Employment and Occupation Convention, measures taken to meet the requirement of persons who need

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- special protection for reasons to do with sex, age, disablement, family responsibility or social or cultural status shall not be deemed to be discrimination. In the given case Aster is specially treated for the reason that she is female. In other words she is specially treated because of her sex. We call such special protection as positive or affirmative action.
- Positive or affirmative action aimed to eliminate the current direct and indirect consequences of past discrimination, special measures may need to be designed in order to achieve de facto equality of opportunity and treatment. Such positive measures (also termed affirmative measures) are intended to be temporary: once the consequences of past discrimination have been rectified, the measures should be removed. Positive action is seen as essential for the achievement of genuine equality between women and men in the world of work and society. Positive action may encompass a wide range of measures, including corrective actions such as setting targets for women's participation in activities from which they have previously been excluded, or promotional measures designed to give women access to wider opportunities.
- Sex discrimination can be overt or direct discrimination or more subtle, indirect discrimination. Employers may discriminate

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against women directly by limiting applications for certain jobs to only men or only women. Discrimination is indirect when employers impose criteria for applicants or specify characteristics which are not closely related to the inherent requirements of the job, as a screening device. The purpose of the screening is either to exclude women or men or to obtain workers of a certain type.

Right to Employment, a Human right of women

- The right of women to equal employment opportunity with that of men is enshrined in a very large number of international and regional human rights documents and constitutional texts which provide either for equality of rights without discrimination on the basis of sex, or prohibit discrimination based on such grounds

1. **International Standards**
   - **UDHR:** Article 23(1) of the UDHR recognized the right of every one, women as well as men, to work. As per this provision any act that prevent women from participating in labor market amount to violation of human rights of women
   - **ICESCR:** Under Article 6 State parties to the covenant recognized, the right of every one,

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both men and women, to work and to get the opportunity to gain his/ her living by work.

2. **Regional standard**

★ **ACHPR:** The charter under Article 15 guarantee to every one the right to work and as per Article 2 of the charter the right shall be enjoyed without distinction of any kind including sex.

★ **PACHPRWA:** Article 13 of the protocol has imposed obligation on the state parties to adopt and enforce legislative and other measures to guarantee, women, among others, equal opportunity to work. The same provision, under Sub-article (a), has also imposed duty on state parties to promote equality of access to employment

3. **National laws**

⋆ **The FDRE Constitution:** Article 34 of the FDRE constitution expressly has recognized the right of women to equality in employment

Women Right to Equal remuneration

1. **International standards**

★ **UDHR:** Article 23(2) of the UDHR recognizes the right of everyone to equal pay for equal work.

★ **ICESCR:** Under Article 7 of the covenant state parties recognized the right of every one to work which ensure, among others, equal remuneration for work of equal value without distinction of any kind.

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★ **Equal Remuneration □Convention, 1951** :
After defining equal remuneration for women and men workers for jobs of equal value or rate of remuneration established without discrimination based on sex, the convention imposed duty on all states members to ILO which ratifies the convention to promote and ensure the application to all workers of the principle of equal remuneration for men and women workers for works of equal value. (Article 1, and 2 of the convention) The convention also stated what remuneration includes. As per sub-article (a) of Article 1 of the convention, remuneration includes ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment. The convention further obliged state members to legally establish and organize machinery for wage determination under Article 2 sub article b. As can be learned from the reading of Article 3 differential rate of wage between workers which correspond to difference in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

2. Regional standard

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★ **ACHPR:** The Charter under its Article 15 guarantee to every one a right to equal pay to equal work
★ **PACH PRWA:** Article 13(b) imposed obligation on state parties to adopt and promote the right to equal remuneration for jobs of equal value

a. Maternity protection

⁝ Motherhood and childhood are protected by different international regional and national laws.
⁝ The right to care and assistance to which motherhood and childhood are entitled may include the **right to health protection, the right to maternity leave, the right to leave in case of illness and complication and the right to employment protection and non-discrimination**.

⁝ The **right to health protection** is aimed protecting pregnant or breastfeeding women from being obliged to perform work which is determined by the competent authority to be prejudicial to the health of the mother or the child, or which involves a significant risk to the mother's health or that of her child.
⁝ **Maternity leave** is leave in relation to child birth. The right to maternity leave is a right guaranteed to women upon the production of

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- medical or other certificate, as determined by national law or practice, which state the presumed date of child birth. Almost all international laws, except the Convention Concerning the Revision of Maternity Protection Convention 2000 which fixed 14 weeks as the shortest period of maternity leave, failed to state the period of maternity leave; hence the period varies from jurisdiction to jurisdiction. Maternity leave includes prenatal and post natal leave. Prenatal leave is leave given for certain period before the presumed date of child birth whereas postnatal leave is leave for certain period after child birth. As per Article 4(4) the ILO Convention Concerning the Revision of Maternity protection, postnatal leave shall not be less than six weeks period.
- As per Article 4(5) of the ILO Convention stated above whenever a child is born certain days after the presumed date of birth, the prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.
- Women are also entitled to leave after or before maternity leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum

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duration of such leave may be specified in accordance with national law and practice.
- To women who are absent from work on leave referred above, cash benefit shall be provided. The amount of the benefit differs from one country to another but in any case it shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. In addition to the cash benefit women are entitled to medical care which include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.
- Women are also entitled to **employment protection that the employer can not legally terminate the employment relationship during her pregnancy or absence on maternity leave or leave in case of absence**. However, an employer may legally terminate his/her employment relationship with pregnant, breast feeding or confined women if the ground for termination is unrelated to pregnancy, birth of the child and its consequence or nursing. The burden of proof in such case lay on the employer.

b. Sexual harassment in work place

- Sexual harassment is a form of gender □ specific violence against women.
- A woman who is victimized by sexual harassment is subjected to pressure,

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degradation or hostility that men make co
workers don□t have to endure. At the most basic level, harassment or other sexually coercive behavior constitutes violence against women because like all forms of violence, such behavior undermines the inherent human dignity of its victims.

- Sexual harassment speaks more to power relationships and victimization than it does to sex itself. It results from a misuse of power □ not from □sexual attraction□, and reflects a disparity in power between the perpetrator and the victim, which more often than not, mirrors the power differentials between men and women in society. Indeed, in the vast majority of cases, victims of sexual harassment are women while the perpetrators are men. This observation does not reflect a biological proclivity in men to sexually harass women, but rather speaks to the unequal structuring of society along gender lines. Additionally, social and cultural norms may serve to validate or even encourage the behavior of sexual harassers.
- At the same time, it is important to recognize sexual harassment as a form of discrimination against women. Due to unequal gender relations, it is a phenomenon that primarily affects them, and creates distinction, exclusion or restriction which has the effect of impairing

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or nullifying their human rights. For example, in the context of work, women who are sexually harassed can be said to be deprived of their right to a safe and secure working environment. This may affect their productivity levels, and subsequently lead to their dismissal thus denying them the right to employment and livelihood. Since all rights are interrelated, this situation will also result in other rights being similarly violated. In this way as well, sexual harassment perpetuates inequality between women and men.

- Perpetrators of sexual harassment are traditionally employers, superiors or co-workers. Women are largely the victims, even though there have also been reported cases of male victims sexually harassed by female or male colleagues. Women are particularly vulnerable to victimization through sexual harassment since the majority of them occupy jobs with low security, low pay, and low conditions of work, low status, and low bargaining power in a narrow range of occupations. In situations where there is a large supply of young women and limited job opportunities, sexual harassment is said to be common during hiring and recruitment. The migration of women from rural to urban areas in search of employment also places them at greater risk of sexual violence, including sexual harassment.

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- Studies on sexual harassment cases and experiences of women have shown two dominant categories: one where sexual favors are demanded for employment benefits (i.e. quid pro quo harassment), and the other which involves a constant abuse of power, unrelated to favors, to demean a victim and create hostile working conditions for her (i.e. hostile working environment harassment). The two categories have evolved over the years in Western jurisprudence and are broadly descriptive of the trend of cases . It is important to reiterate that they are not conclusive or intended to limit the scope and nature of the problem

A. Quid pro quo Harassment

- This refers to situations where an employer or superior at work makes tangible job- related consequences conditional upon obtaining sexual favors from an employee. This form of sexual harassment involves making conditions of employment (hiring, firing, promotion, retention etc.) contingent on the victim providing sexual favors. Such an action must prove that:

★ The employee was subjected to unwelcome sexual advances or requests for sexual favors; and

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★ their reaction to the harassment rejection or submission, as the case may be, affected tangible aspects of the employee□s compensation, thrums, conditions, promotion, access to training opportunities and/or any other privileges of employment.

B. Hostile Working Environment Harassment

Sexual harassment whether verbal, physical or visual, has been acknowledged as affecting and unreasonably interfering with an individual□s job performance or creating an intimidating, hostile or offensive working environment. Regardless of whether it actually results in psychological harm to the victim, which may well be the case, it is now known to constitute an environment of hostility or abuse towards one or more employees.

The responsibility to correct and remedy this environment is place on the employer. Further, some courts have tended to look for the frequency and severity of the offending conduct, as well as the nature of the harassment-i.e. whether it was physically threatening or humiliating, or constituted of offensive utterances- when assessing the extent of hostility created by the conduct.

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- The indicators of an □unwelcome□ relationship include a difference in institutional power between the parties and the threat of some substantial sanction or the promise of some substantial reward predicated upon entry into the relationship.
- Secondary evidence used in such cases includes factors that might distinguish the relationship from more mainstream relationships, such as a wide age difference, an adulterous nature, a homosexual relationship where one of the parties had previously been heterosexual and vice versa, the secret nature of a relationship and so on , Secondary indicators must be used in conjunction with primary indicators to establish the unwelcome nature of a relationship.

International Human Rights Standards

- More specific international standards in relation to sexual harassment at the workplace are embodied in the CEDAW Convention. The issue has also been dealt in several other UN treaties, declarations and various regional instruments as explained below.

★ **CEDAW**

- Article 1 of the CEDAW convention defines discrimination as: *Any distinction, exclusion or*

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restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition enjoyment or exercise by women (□) on a basis of equality of mane and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

- Further, under Article 2(e), states parties are obliged to □take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise□.
- Furthermore, Article 15 of the convention affirms the general principle that States □shall accord to women equality with man before the law □. This means that not only does a State has an obligation to protect women against the violation of sexual harassment but also must provide adequate recourse in the event that this right is violated.
- More specifically, Article 11 of the convention contains a principal substantive provision on sexual harassment in international law. It reads: States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure , on a basis of equality of men and women, the same rights , in particular :

a. The right to work as an inalienable right of all human beings.

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1. The right to protection of health and to safety in working conditions.

- In 1992, the CEDAW committee went one step further by formulating and adopting General Recommendation No. 19 which expressly recognizes sexual harassment as humiliating and may constitute a health and safety problem. It is a discriminatory form of violence against women. This defines sexual harassment as an □unwelcome sexually determined behavior (such) as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions, It further elaborates that (such conduct can be when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruiting or promotion, or when it creates a hostile working environment. Also important is how General recommendation No. 19 spells out how states parties should bear responsibility for acts of gender- specific violence perpetrated by private actors
- Discrimination under the convention is not restricted to action by or on behalf of Governments. Under general international law and specific human rights covenants, States may also be responsible for private acts if they

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fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.

* **ICESCR:** The ICESCRS obligates states parties to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights set forth in the Convent. It recognizes the right to work, which includes the right of everyone to the opportunity to gain his (or her) living by work which he (or she) freely chooses or accepts , and requires states parties to take appropriate steps to safeguard this right. The covenant also guarantees basic rights regarding employment conditions and remuneration. For example, its Article 7 acknowledges the right to 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 , as well as equal opportunity for promotion and the right to safe and healthy working conditions.
* **ICCPR:** Article 17 of ICCPR recognizes the right to privacy and to personal integrity. Article 26, on the other hand, recognizes the equality of all people before the law and acknowledges the right to equal protection. Sexual harassment invokes all of these rights since victims have

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their right to privacy and personal integrity violated, and the state has an obligation to protect all its citizens, both men and women, from having their rights violated. Therefore, it follows that under the law, the state has an obligation to provide protection to victims of sexual harassment.

- **International Labor Organization Discrimination (Employment and occupation) Convention:** Adopted in 1958, this convention defines discrimination as any distinction, exclusion or preference made on the basis of sex which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. It requires states parties to implement a national policy to eliminate all forms of employment discrimination. Even though the convention odes not specifically address the issue of sexual harassment, the fact that women are disproportionately affected by such behavior brings it within the conventions definition of employment discrimination. Thus, states that are party to this treaty are obligated to declare and implement a national policy to combat sex discrimination, including harassment, by employing measures that are appropriate to the local context
- **UDHR:** UDHR affirms that all human beings are born free and equal in dignity and rights. Article

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2 establishes that all people are entitled to the declaration□s enumerated rights and freedoms without distraction, including one that is based on sex, while article 3 provides for a universal right to life, liberty and security of person. Besides, all people are entitled to equal protection under the law, and everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law. In addition to these overarching provisions, the declaration□s Article 23(1) carries significant weight in the context of sexual harassment, as it establishes □the right to work, to free choice of employment, to just and favorable conditions or work, and to protection against unemployment. Although this declaration is only a morally- binding document, it is still important because it establishes clear international norms that human rights violations are unacceptable and must be remediable by law.

* **Declaration of Violence against Women:** The 1993 UN Declaration on Violence against Women states, □violence against women shall be understood to encompass, but is not limited to, the following: physical, sexual and psychological violence occurring in the general community, including sexual harassment and intimidation at work. As such, it creates an

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- obligation for states to exercise all due diligence in eliminating such forms of unacceptable behavior.

* **The Beijing Declaration and the Beijing Platform for action**

- The UN Fourth World Conference of Women in 1995 produced two important documents: the Beijing declaration and the Beijing Platform for Action. The former reaffirms an international commitment to the principles of human rights and dignity enshrined in the UN Charter, the universal Declaration of Human Rights, the declaration on Violence against Women, and the CEDAW convention. It professes a determination by member states to □take all necessary measures to eliminate all forms of discrimination against women and remove all obstacles to gender equality and the advancement and empowerment of women to prevent and eliminate all forms of violence against women and girls, and to ensure women□s equal access to economic resources.
- The Beijing Platform for Action (BPFA), on the other hand, includes in its list of critical areas of concern □violence against women, and inequality in economic structures and policies, in all forms of productive activities. It also outlines specific measures that states parties

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- should undertake to achieve the objectives set forth in the Beijing Declaration.
- The BPFA includes sexual harassment and intimidation in its definition of violence against women. It further states that the experience of sexual harassment is an affront to a worker□s dignity and prevents women from making a contribution commensurate with their abilities. Accordingly, the BPFA recommends that states enact and enforce laws and develop workplace policies against gender discrimination in the labor market, especially regarding discriminatory working conditions and sexual harassment.
- In 2000, UN member states reinforce their support for the Beijing Declaration and the BPFA by endorsing an outcome document on future actions and initiatives. In outlining the obstacles to the implementation of the BPFA, the document noted among other things, that □sexual harassment is incompatible with the dignity and worth of the human person and must be combated and eliminated. It also highlighted the persistence of discriminatory legislation and the continuing existence of legislative and regulatory gaps that failed to provide women with adequate protection from gender □ based violence as one of the obstacles to achieving gender equality.

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- In the context of sexual □harassment, this refers to the failure of states to fully implement all measures necessary to secure for women, safe, healthy and equitable working environments. Prosecuting offenders, breaking cycles of gender- based violence and providing adequate redress for victims of such violence are simply not possible in the absence of legislation authoring such actions to be taken. Sexual harassment must be addressed at the national level if its prevention and eradication are to ever become meaningful and attainable goals.

Chapter Seven: Political Participation of Women

- According to Womankind, women□s political participation refers to □women□s ability to participate equally with men, at all levels, and in all aspects of political life and decision making.□Women constitute slightly more than half of the world population. Their contribution to the social and economic development of societies is also more than half as compared to that of men by virtue of their dual roles in the productive and reproductive spheres. Yet their participation in formal political structures and processes, where decisions regarding the use of societal resources generated by both men and women are made, remains insignificant.

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- Presently, women's □representation in legislatures around the world is 15%, of course there are countries where in the participation of women in politics goes to 33%. According to Womankind, women□s participation in public life and decision making varies from one country to country depending on the work done by countries to:
  - ★ raise women□s awareness of their rights and how to claim them
  - ★ provide access to information about laws, politics and institutions and structures which govern their lives
  - ★ raise women□s confidence, self-esteem and the skills so that they themselves challenge and confront existing power structures
  - ★ Support networks and positive role models
  - ★ Create an enabling environment, meaning to create a political, legal, economic and cultural climate that allows women to engage in decision making process in sustainable and effective way.

Women□s right to participate in politics as a human right

- With an increasing recognition among international community of women's historic exclusion from structures of power, a global commitment has been made to redress gender imbalance in politics.

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- Women's enhanced participation in governance structures is viewed as the key to redress gender inequality in societies. To enhance the political participation of women, many international human rights documents as well as national constitutions and laws enshrined provision that recognize the right of women to equally participate in politics.

1. **International standard**

- **UDHR:** The declaration under Article 21 recognized the right of every one, including both women and men, to take part in the government of their country, directly or through freely chosen representative
- **ICCPR:** Article 25 of ICCPR guarantees all citizens of state parties to the convention to take part in the conduct of public affairs without discrimination on the ground of, among others, sex. The provision further assure all citizens, men as well as women, to vote and to be elected at genuine public election
- **CEDAW:** CEBAW elaborate the nature of women□s political rights and the steps required to promote greater equality between women and men in this area.
- **Beijing Platform for Action:** The Beijing Platform for Action, the principal international action plan on women□s rights, contains a section on women in power and decision-

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making, which states that "women empowerment and autonomy of women and the improvement of women□s social, economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life

2. **Regional instrument**

⋆ **PACPHRWA:** This protocol impose obligation on state parties to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures so as to ensure the participation of women in national elections without discrimination, equal representation of women at all electoral process with that of men, partnership of women with men at all levels of development and implementation of state policies and development programmers.

3. **National instrument**

⋆ **The FDRE Constitution:** The Federal Democratic republic of Ethiopia Constitution like the constitution of most countries of the world guarantee women equal right with that of men to equally participate in politics.

The two main reasons that justify the promotion of women□s participation in public life

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- Different scholars justify the need to promote the political participation of women differently as we can understand from the following two line of arguments stated above.
- The first line of argument is the **intrinsic argument.** According to this line of argument, equal participation of women in politics forms the human rights perspective. According to the proponenst of this argument, women constitute half of the world population and therefore, it is only fair, that they should have equal participation and representation in world democracies.
- The second line of argument is the **instrumentalist line of argument.** This argument stresses that women have different vision and concepts of politics owning to their sex and their gender role as a mother. The proponents of this argument therefore assume that women in politics will bring a special caring focus and female values to politics.

Factors Hindering Women□s Political participation

- The structural and functional constraints faced by women are shaped by social and political relations in a society. The following are some of

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the factors which constrain women's participation in public life and decision making

5. **Ideological factors**

- Patriarchy as a system of male domination shapes women's relationship in politics. It transforms male and females into men and women and constructs the hierarchy of gender relations where men are privileged. Andrienne Rich defines patriarchy as: *A familial-social, ideological, political system in which men by force, direct pressure or through ritual, tradition, law, and language, customs etiquette, education, and the division of labor, determine what part women shall or shall not play in which the female I everywhere subsumed under the make,*
- The gender role ideology is used as an ideological tool by patriarchy to place women within the private arena of home as mothers and wives and men in the public sphere. This is one of the vital factors that shape the level of women's political participation globally. However, this ideological divide is not reflective of the reality.
- Women have to negotiate their entry into and claim public space according to the discursive and material opportunities available in a given culture and society. Although the gender role ideology is not static rather remained in a flux

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while intersecting with □economic, social and political systems of a particular society, women continue to be defined as private across countries which resulted in their exclusion from politics

6. Political Factors

- The nature of politics is an important factor for the inclusion or exclusion of women in politics. Vicky Randall defines politics as an □articulation, or working out of relationships within an already given power structure□, which is in contrast with the traditional view of politics that defines it as an activity, a conscious, deliberate participation in the process by which resources are allocated among citizens. This conception of politics restricts political activity only in public arena and the private sphere of family life is rendered as a political. This public-private dichotomy in traditional definition of politics is used to exclude women from public political sphere and even when women are brought into politics they are entered as mothers and wives.
- Male domination of politics, political parties and culture of formal political structures is another factor that hinders women□s political participation. Often male dominated political parties have a male perspective on issues of national importance that disillusions women as

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their perspective is often ignored and not reflected in the politics of their parties. Also women are usually not elected at the position of power within party structures because of gender biases of male leadership. Meetings of councils or parliamentary sessions are held in odd timings conflicting with women□s domestic responsibilities.

- The larger democratic framework and level of democratization also impact women□s political participation. Secular democracies in Europe as well as in some of the developing countries have created a relatively more space for women□s participation in politics as compared to countries where religious orthodoxy has been shaping politics and democracy.

7. Socio-Cultural Factor

- The subordinate status of women vis-à-vis men is a universal phenomenon, though there is a differences in the nature and extent of subordination across countries. Gender role ideology only creates duality of femininity and masculinity, but also places them in a hierarchal fashion in which female sex is generally valued less than male sex because of their socially ascribed roles in the reproductive sphere.
- The gender status quo is maintained through low resource allocation to women□s human development by the state, society and the

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family. This is reflected in the social indicators which reflect varying degrees of gender disparities in education, health, employment, ownership of productive resources and politics in all countries. In addition gender is mediated through class, caste and ethnicity that structure access to resources and opportunities.

- The socio-cultural dependence of women is one of the key detrimental factors to their political participation in public political domain. Women also find it hard to participate in politics due to the limited time available to them because of their dual roles in the reproductive sphere. With their primary roles as mothers and wives and competing domestic responsibilities and care worked, they are left with little time to participate in politics.
- **Economic Factors:** Politics is increasingly becoming commercialized. More and more money is needed to participate in politics. Women lack access to and ownership of productive resource, which in turn limits the scope of their political work.
- **Lack of Social Capital and Political Capacities:** Women often lack social capital because they are often not head of communities, tribes or kinship groups, resulting in the absence of constituency base for them and means of political participation such as political skills, economic resources, education, training and access to information.

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Strategies for women□s political participation

10. Quotas Argument for and against

- It emerged as a global fast tract strategy to redress the historic exclusion of women from the formal arena of politics. Over the last half of the 20th century, many countries have instituted gender quotas either voluntarily or through legislation. The gender quota is marred with discursive controversy. Without debating the two distinct opposing views, this section summarizes some of the issues highlighted in comparative studies on gender quotas.
- There is a clear consensus in the literature that gender quota is an effective tool in addressing women□s exclusion and ensuring their presence in formal structure of politics. However, the controversy starts around the vital question as to what extent women□s presence in political structures has led to an effective mainstreaming of gender concerns in politics. This has raised issues on the nature and modalities of gender quotas and its limitation to empower women in politics.
- Gender quotas are instituted within the context of gender disparities, which are structural and systemic. Without addressing the structural constraints to women□s political exclusion, their inclusion through gender quota cannot lead to an effective representation. The gender quotas,

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- therefore, need to be linked with the social and economic redistributive justice in the society.
- Gender quotas are also riddled with essentialist assumptions of women as a distinct group with a distinct perspective and the universalization of women as a category. Women are homogeneous groups. They are divided along the line of class, ethnicity, religion and rural/urban background.
- □he domination of elite women in political structures due to state quotas calls for locating the gender quota within the framework of diversity and difference to ensure women□s political empowerment.
- The gender gap in politics cannot be redressed simply by bringing more women in to the system. It is also a policy and outcome issue, which cannot be addressed unless supportive mechanisms are put in place and provided with an enabling environment to work effectively. This makes the nature and process of quotas systems central to an affirmative action measures.
- Lastly, the wider context of politics and democracy is equally important to determine the success of fender quota. It is concluded that without the transformation of the wider politics, gender quota cannot lead to women□s political empowerment.

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11. Enabling environment for women participation in politics and development

- The goal of equal participation of women in politics can be achieved when socio-cultural, political and economic structural barriers are changed.
- The first important element of the enabling environment relates to the **nature of democracy** and the **level of democratization in society.** The participative and decentralized form of governance creates greater space for citizens to participate in governance processes and structures. It also creates space for greater interaction between the state and the society.
- Access to education, health and employment is directly linked with women□s ability to create space for themselves in politics and development.
- Women□s consciousness of their political rights is another critical element for women□s□ individual and collective agency. Political consciousness through building transformative communities is one sustainable way to transform politics and development.
- A strong **women□s movement and civil society** is another condition of enabling environment that can influence the direction of politics and development in favor of women.

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- Triple roles of women in productive, reproductive and community management spheres must inform the efforts for crating supportive environment for women□s political participation. Provision of child care and care work is vital to enabling women to participate in the development processes.

Participation of Ethiopian Women in Public Life and Decision Making

- Ethiopia is one of the countries wherein women□s participation in politics is minimal due to the factors dealt here in above.
- To enhance the political participation of women, the Government of Federal Democratic Republic of Ethiopia ratified the Convention on Elimination of all forms of Discrimination against Women, integrated the same in the country□s Constitution and made it the law of the land.
- The FDRE Constitution promote women□s participation in politics declaring under Article 38 the right of every Ethiopian to participate in public affairs, to vote and to be elected to any office at any level of government and to be a member of any political organizations, labor union, trade organization and etc; without discrimination on the ground of sex. In addition the Constitution entitled women to affirmative measures in politics, under Article 35(3), in

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- order to remedy the historical legacy of inequality and discrimination suffered by Ethiopian women by enabling them to participate and compete on the basis of equality with men, including in political life.
- Besides, the government initiated various policies and strategies such as the National Policy on Women of 1993 and the five years (2005/06-2009/10) plan for Accelerated and Sustained Development to End poverty (PASDEP). The national policy for women is aimed at institutionalizing the political and socio-economic rights of women by creating appropriate structures in government institutions so that public policies and interventions are gender sensitive and geared towards ensuring equitable development for all Ethiopians.
- The attainment of equality between men and women, among others, in the political and development endeavor of the country is one of the goals of PASDEP. Building women□s and girls capacity in the areas leadership and managerial skill so that they can exercise their rights and initiating specific measures to increase gender balanced representation within political and public sphere are among the general objectives of PASDP.
- Efforts have also been made both by governmental and non governmental

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organizations to disseminate women rights information to the people including, but not limited to, women□s right to participate in politics equally with that of men.
- The translation of Human Rights Conventions which enshrined provision that recognize women□s right to participate in politics into working local language and the improvement in the education of gender issues in media are part of the effort made to promote the political participation of women in the country.
- The increase in the number of women both in the House of Peoples Representatives and House of Federation, in almost all political parties and the state councils are indicators of the enhancement of women□s political participation in Ethiopia though the increase is not as large as it should be due to the continuation of stereotypes.

Chapter Eight: Reproductive Rights of women
- Different materials and laws define reproductive health almost similarly but using different languages. For example, Wikepeda Encyclopedia defined reproductive health right as rights related to sexual reproduction and reproductive organ. As per the same source, reproductive health rights include:
- ★ The right to legal or save abortion ;

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★ The right to control one□s reproductive functions;
★ The right to access quality reproductive health care and
★ The right to education and access in order to make reproductive choice free from coercion, discrimination and violence.

⁉ Reproductive health is comprehensively defined in Cairo International Conference on Population and Development Program of Action. In the conference, State parties to Convention in Elimination of Discrimination Against Women committed themselves to further the right to reproductive health and defined reproductive health as □*a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its function and process*

❗ The above definition is very important as it disclose the wrongness of defining right to reproductive health as freedom from reproductive diseases. Right to reproductive health does not mean freedom from reproductive disease; it means ensuring that people have access to acceptable and affordable reproductive care that permits them to avoid or treat productive health.

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- As per Article 14 of □rotocol to the African Chapter on Human and People□s Right on the Rights of Women in Africa, reproductive right is a right that includes:
  - ★ The right to control one□s fertility;
  - ★ The right to decide whether to have children, the number of children and the spacing of children;
  - ★ The right to chose any method of contraception;
  - ★ The right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
  - ★ The right to be informed on one□s health status and on the health of one□s partner, particularly if affected with sexually transmitted infections including HIV/AIDS in accordance withinternationally recognized standards and best practices and
  - ★ The right to have family planning education.

Reproductive Health Right as a Human Right

- Different international, regional and national Constitutions recognized reproductive health right of women as a human right realizing the fact that women can not experience the overall enjoyment of the right to health unless their reproductive health right is respected, fulfilled and protected. Herein under are the lists of international, regional and national standards

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that recognize the reproductive health right of women as human rights.

1. **International standard**
   a. **Teheran Declaration: The** idea of reproductive health rights as part of human rights was first discussed at the United Nation International Conference on Human Rights in Teheran, 1968. The sixteen Article of Teheran Proclamations recognized reproductive right as a subset of human right and states that parents have a basic human right to determine freely and responsibly the number and the spacing of their children.
   b. **CEDAW:** State parties to CEDAW under Article 11(1) F and (2) affirmed the right to family planning and maternity health and have accepted the legally binding obligation to protect these rights and safeguard women□s reproductive right.
2. **Regional Standard**
   a. **PACPHRWA:** After stating what rights are included in reproductive rights of women ,the protocol imposed obligation on state parties to:
   • Provide adequate, affordable and accessible health services, including information, education, and communication programmes to women especially those in rural areas;

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- Establish and strengthen existing pre natal, delivery and post natal health and nutritional service for women during pregnancy and while they are breast feeding and
- Protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape incest, and where continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.

3. National standard

a. The FDRE Constitution: The FDRE Constitution under Article 35(9) recognized women□s rights of access to family planning education, information and capacity. Besides, it guaranteed women the right to prevent harm arising from pregnancy and childbirth.

b. **Abortion as Human Rights:**

- Induced abortion or deliberate termination of pregnancy is one of the most argumentative legal issues. The argument is between those who support the legality of safe and legal abortion and those who oppose the legality of abortion.
- There are many factors that contribute to the argument for and against abortion. Of all the factors, religious outlook is the main one that has influenced the current position of many

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local laws. Major religions such Catholics, Hinduism, Buddhism and Humanists condemn abortion and consider it as a deliberate taking away of life that should be prohibited upon punishment.

- Contrary to what the religious groups argue, advocates of women□s rights support the legality of abortion. According to them women have a right to independently decide in all matters in relation to their reproductive right including the issue of abortion. The advocates justify their argument saying equitable access to safe abortion service is first and for most a human right.
- According to Human Rights Watch, one of the proponents of the legality of abortion, the denial of pregnant women□s rights to make an independent decision regarding abortion violates or poses a threat to a wide range of human rights. Such as: the right to life, the right to health, the right to freedom from Discrimination, the right to security of person, the right to liberty, the right to privacy, the right to information, the right to be free from cruel, inhuman or degrading treatment, the right to decide the number and spacing of children and the right to thought and religion.
- Women's access to safe and legal abortions is restricted in law or in practice in most countries in the world. Even where abortion is permitted

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- by law, women may only have limited access to safe abortion services. Only a small number of countries prohibit abortion in all cases. In most countries and jurisdictions, abortion is allowed to save the pregnant woman's life, or where the pregnancy is the result of rape or incest

Abortion in Ethiopia

- Unsafe abortion, according to the FDRE government report, is the fifth leading cause of hospital admission and the second leading cause of death among hospitalized women in Ethiopia.
- This shows the fact that women carry out abortion disregarding the legal prohibition of the act in the Penal Code of 1957. Most of the abortion service in Ethiopia is staffed by non specialists and mid level providers in an unsafe manner and as a result most of the women in the country who carried out abortion are victims of abortion related complications.
- Understanding the tremendous tragic toll that unsafe abortion takes in Ethiopia especially on young and poor women, the government of Ethiopia approved a number of legal reforms and took policy measures that aimed at promoting women□s reproductive health and rights. The main legal reform taken to promote women reproductive right is the revision made

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to the penal code of Ethiopia, particularly the amendment of the provisions with the in relation to the reproductive right of women. For example under the 1957 Penal Code of Ethiopia, abortion was considered as a criminal act which is punishable unless in some stated exceptional situations. As stated under Article 534(1) termination of pregnancy is not punishable where it is done to save the pregnant women from grave and permanent danger to life or health which is impossible to avert in any other way. Similarly Article 545(1) of the revised Criminal Code of 2004 considered intentional termination of pregnancy as a criminal act. However, the exceptional situations have been put in wider context. Accordingly termination of pregnancy is not punishable in Ethiopia if:

- The pregnancy is the result of rape or incest;
- The continuation the pregnancy endangers the health or life of the mother or the child or where the birth of the child is a risk to the life or health of the mother;
- Where the pregnant women owing to a physical or mental deficiency or minority is physically as well as mentally unfit to bring up the child

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Moreover, Article 350 of the Criminal Code stated that the court shall mitigate the punishment put under the law, where the pregnancy has been terminated on the account of poverty.
The government also drafts a five years action plan with the objective of, among others, improving women and girls reproductive rights called **A plan for accelerated and sustainable development to end poverty.** In the plan the government committed to protect women□s reproductive rights, to improve the health status of women and girls, to improve maternal health care service, to provide and ensure access to gender sensitive health information by men and women, to implement gender sensitive HIV/AIDS prevention and to promote male involvement in reproductive rights and health activities.