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U.S. trade act ignores sexual harassment

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For many women working in Kenya's export-focused factories, sexual harassment has become a norm in the workplace.

As the third amendment of the African Growth and Opportunity Act, known as the AGOA, awaits a vote in the U.S. Senate, human rights organizations are worried. They say the act lacks provisions for workers' rights.

In the International Labor Rights Fund-sponsored documentary, "Out of Silence," the film examines the relationship between international economic policies and the rights of women workers.

In the documentary, one coffee worker detailed how her boss forced her to stay behind and fix the mistakes of her work. He then raped her.

Months later, she came back to her boss to tell him that she was carrying his child. He refused to acknowledge his role in the pregnancy.

She ended up with a sexually transmitted disease from her boss as well.

In another instance, a woman was consistently harassed by her employer for sex. Fed up with his persistence, she lied and said she was HIV-positive. However, his persistence did not stop.

Women from other export-oriented industries, such as tea and flowers, depicted stories like these.

Typically, supervisors find an excuse to hold workers back, such as poor work quality, and then make advances on the women. If the women refused, they were either given harder work, demoted, or fired.

The International Labor Rights Fund had conducted research into sexual harassment in the workplace in Kenya in May 2002.

The study, which interviewed 400 women in Kenya, found that over 90 percent of the participants had experienced or observed sexual harassment in the workplace. In addition, 95 percent of those who had experienced sexual abuse were afraid to report it from fear of losing their jobs.

Although the Kenyan constitution includes certain labor rights, sexual harassment is rarely investigated or prosecuted.

Last year, workers in Kenya's export processing zones went on strike demanding better pay, improved work conditions, and accountability for sexual harassment.

Lori Wallach, Director of Global Trade Watch, sees the poor labor standards in Kenya as connected to U.S. international trade policies, specifically AGOA.

"AGOA sets a set of conditions that are different from other U.S. trade agreements," Wallach said.

Created in 2000, AGOA aims to develop African economies through a U.S.-African free trade agreement. The act requires African countries to reform economic and commercial policies and provides trade benefits for eligible countries.

Requirements for eligibility include the implementation of a market-based economy, the protection of intellectual property, efforts to combat poverty, lessened barriers for U.S. trade and investment, and the protection of workers rights. However, progress in all requirements is not necessary for eligibility.

Currently, 37 countries are eligible for AGOA benefits.

In other free trade agreements, provisions are given for groups to petition a country out of eligibility. Therefore, if companies are ignoring labor rights, workers and unions have recourse to punish the company for its actions.

Under AGOA, however, eligibility is based on the U.S. government certifying a country's progress on the eligibility criteria every year. Therefore, workers have no international remedy to force the companies and investors to change their work environment.

"This is a climate in which countries are forced to get rid of corporate regulations," Emira Woods of Institute for Policy Studies said. "It's more of a benefit to America and American corporations than to Africa."

The House passed the third amendment of AGOA on June 14. The bill is currently sitting in the Senate. AGOA III provides provisions to develop African infrastructure, such as telecommunications and transportation.

However, AGOA III does not include any new provisions for worker rights.

As the Senate debates the applicability of AGOA III, women in Kenya continue to be sexually harassed.

For Wallach, the answer to eradicating this cycle of abuse lies in a systemic change.

"How do you change the underlying rule so that question is not between no job and an inhumane, unfairly paid job?" Wallach asked.