ASSESSMENT OF TRAFFICKING IN WOMEN AND CHILDREN IN AND FROM ETHIOPIA

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Members of the Research Team
Acronyms

AIDS – Acute Immunity-Deficiency Syndrome
CEDAW - Convention on the Elimination of all Forms of Discrimination Against Women
CSOs- Civil Society Organizations
CYAD-Children and Youth Affairs Department at MOLSA
EWLA – Ethiopian Women Lawyers Association
FDRE – Federal Democratic Republic of Ethiopia
FSCE – Forum on Street Children in Ethiopia
HIV – Human Immunity Virus
HPR-House of Peoples’ Representatives
HTPs-Harmful Traditional Practices
ICCPR – International Covenant on Civil and Political Rights
ICESCR – International Covenant on Economic, Social and Cultural Rights
ILO – International Labor Organization
IOM – International Organization for Migration
MoE – Ministry of Education
MoFA – Ministry of Foreign Affairs
MoI – Ministry of Information
MoJ – Ministry of Justice
MoLSA – Ministry of Labor and Social Affairs
NGOs – Non-Governmental Organizations
OAU – Organization of African Unity (Currently African Union)
OPRIFS – Organization for the Prevention, Rehabilitation, Integration for Female Street Children
SCD-Save the Children Denmark
SCN-Save the Children Norway
SCS-Save the Children Sweden
SNNPR – Southern Nations Nationalities and Peoples Regional State
STIs – Sexually Transmitted Infections
UAE - United Arab Emirates
UDHR – Universal Declaration on Human Rights
Executive Summary

1. This study on trafficking in women and children in and from Ethiopia is conducted by the International Organization for Migration. The major objective of the study is to contribute to the prevention of trafficking in women and children in and from Ethiopia by providing reliable information on the extent and character of the problem in the country as well as on factors affecting efforts to combat the problem.

2. Primary data for the report was gathered through focus group discussions and interviews with victims of trafficking and vulnerable groups, representatives of concerned governmental and non-governmental institutions and law enforcement officials. The primary data collection covered five towns, namely, Addis Ababa, Bahir Dar, Awassa, Arba Minch and Dire Dawa. Existing research reports and documents including policy instruments and laws were also reviewed.

3. The first part of the report is a general introduction to the subject, while the second and third parts of the report present the findings of the research relating to the extent and nature of in country and external trafficking, respectively. A review of the national policy and legislative framework and intervention efforts are discussed in the fourth part of the report.

In-Country Trafficking

4. In-country trafficking of women and children from rural areas to urban centers is widespread. The psychological and social legacy of the slave trade that was widely practiced in the country until the 1930s along with the institution of prostitution, which has a long history and strong presence in the Ethiopian society, have created a psycho-social environment that tolerates and even promotes the practice of trafficking in women and children. The major purposes of in-country trafficking are for engaging women and children as domestic workers, as weavers in the traditional weaving industry, and as prostitutes in major regional towns and the capital, Addis Ababa. Although less frequent, trafficking of children for farm labour and begging also takes place. The major push factors identified include poverty, the prevalent discriminatory gender structure and limited access to social services such as education in rural areas, while demand for domestic workers, prevalence of prostitution, and demand for cheap labour in urban areas act as major pull factors.

5. Rural women and children between the ages of eight and twenty-four, who are either illiterate or discontinued their education in the early grades, were found to be most vulnerable to trafficking. Although trafficking in girls and women is by far more common, boys between the ages of seven and ten living in some rural areas of the SNNPRS were also found to be vulnerable, especially for the purpose of labour exploitation in the traditional weaving industry.

6. Although relatives, friends and acquaintances of the victim or her family play a major role in internal trafficking in women and children, illegal employment agents, bar and restaurant owners and long-range vehicle drivers were found to be the usual traffickers.

7. The study identified trends of trafficking in women and children from rural areas of the Amhara Regional State to Addis Ababa and other regional towns mainly for the
purpose of prostitution and domestic work. Another route was identified from Gamo Gofa zone of the Southern Nations, Nationalities and Peoples Regional State (SNNPRS) to Addis Ababa through which boy children are trafficked for the purpose of engaging them as weavers in the traditional weaving industry. The study also identified a route for trafficking of children for farm labour in the Arsi and Bale zones of the Oromia Regional State and from Wolaita and Sidama Zones of the SNNPRS through Awassa and Shashemene towns.

8. The recurrent forms of abuse and exploitation experienced by victims of internal trafficking in women and children were identified as labour exploitation, physical and emotional abuse, as well as sexual abuse and exploitation. Trafficking victims working as housemaids are recurrently overworked, subjected to corporal punishment, and sexually abused by employers and their family. Children recruited to work in the weaving industry are often forced to work for long hours under harmful working conditions. Trafficked women and children living in prostitution suffer sexual, physical and emotional abuse in the hands of community members and are exploited by landladies and bar or hotel owners through free labour and sharing of income.

External Trafficking

9. External trafficking in women and children was found to be prevalent mainly for the purpose of engaging victims as housemaids in Middle East countries. Widespread poverty, unemployment and the disadvantageous economic and social position of women are the major push factors identified.

10. Analysis of the profile of external trafficking victims suggests that women between the ages of eighteen and twenty four, who are high school dropouts with poorer families living in Addis Ababa, are more vulnerable.

11. Recruiters for external trafficking in women and children to the Middle East are local brokers working through facilitators who are the neighbours, relatives or friends of the victim. The local brokers, who play the major role in the trafficking process until the victims leave the country, include individuals with relatives in the country of destination; owners of travel agencies and owners of import/export businesses.

12. Victims of external trafficking to the Middle East face labour exploitation, physical and emotional abuse, as well as sexual abuse and exploitation. The most recurrent forms of abuse are overwork, confinement, denial of wages, emotional abuse, beatings, sexual harassment and rape. The recurrent perpetrators of abuse are employers, agents and the police. Death, physical disability, psychological and health problems as well as imprisonment are the prevalent documented effects of abuse and exploitation.

Policy and Legislative Framework and National Efforts to Combat Trafficking

13. A comprehensive policy on trafficking in women and children is lacking in Ethiopia. Issues of migration and labour are not addressed as independent policy issues. None of the existing policy documents related to women and children directly address the
issue of trafficking revealing a policy vacuum as regards trafficking in women and children in the current policy framework in Ethiopia.

14. Ethiopia has ratified most of the basic human rights instruments and the major conventions on women’s and children’s rights. It has also ratified several UN and ILO conventions that directly address the problem of trafficking in women and children. Ethiopia has not ratified the most recent and comprehensive international instrument on trafficking, namely, the UN Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially of Women and Children (2000). Other relevant international instruments not ratified by Ethiopia include, the Migrant for Employment Convention (revised), 1949 (No. 97); the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the Convention on the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975; the UN International Convention on the Rights of Migrant Workers and their Families, 1990.

15. There is no separate and comprehensive law addressing the issue of trafficking in women and children in Ethiopia. The criminal law of Ethiopia prohibits trafficking in women and children for the purpose of prostitution and forced labour and provides severe punishment on traffickers. Unlawful sending of Ethiopians for work abroad, maltreatment of minors and habitual exploitation (of the prostitution of others) for pecuniary gain are also punishable offences.

16. The civil code of Ethiopia and the labour code could be used to protect victims of internal trafficking working as housemaids and weavers. The civil code of Ethiopia regulates the relationship between live-in domestic workers living in and their employers. It provides for the legal rights of domestic workers and regulates their working and living conditions. The labour proclamation addresses the relationship between young workers and their employers.

17. Although acts of trafficking prohibited by the existing criminal law regime are prevalent, very few cases are prosecuted. This is attributed to the low rate of reporting of cases by the public, lack of essential evidence substantiating reported cases, gaps in the criminal law, lack of awareness about the applicable law on the part of law enforcement personnel, excessive backlog and workload and lack of adequate human resources within the law enforcement agencies and courts.

18. Relevant agencies have intervened in a limited way on issues of trafficking in women and children. This is particularly true for in-country trafficking of women and children which has not been given due attention by the major actors identified thus far. The limited intervention efforts are directed mainly towards labour migration and trafficking in women to Middle East countries.
Part One: Introduction

1.1. Background of the Study

Trafficking in persons, especially women and children, is increasingly becoming an issue of global concern. The international recognition of the problem at least dates back to the Paris conference on trafficking in women held in 1895.¹ This was later followed by the Convention against ‘white slavery’ (1904), the League of Nations International Convention for the Suppression of White Slave Traffic (1910), the International Convention for the Suppression of Traffic in Women and Children (1921) and the UN Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (1949).² Yet, with an estimated annual profit of USD 5-7 billion, trafficking in persons is still a growing and profitable transnational crime enterprise next to drug and weapons trade. According to a 2004 report of Amnesty International, 700,000 people are trafficked each year for sexual exploitation; 2 million girls aged between five and fifteen are introduced into the commercial sex market each year and at least 50,000 women and children were trafficked out of Africa each year between 2001-2002.³ Trafficking victims are subjected to coerced prostitution, or other forms of bonded labour, to earn profits for their traffickers. They suffer from physical and emotional abuse, including rape, torture, starvation, imprisonment, threats and death.

While the problem of trafficking is well documented in some regions, notably West Africa, South East Asia and Eastern Europe, very little information on trafficking exists in others. The few recent studies in this area indicate that trafficking in women and children within and out of Ethiopia is widespread and on the rise. However, the extent and character of the problem remains largely undocumented and there is a dearth of research and information on which to base counter-trafficking activities. IOM has therefore carried out this study considering the vastness of the problem and in response to the interest displayed by the Ethiopian government to address the issue.

1.2. Objectives of the Study

The overall objective of the research is to contribute to the prevention of trafficking in women and children in Ethiopia by providing reliable information on the extent and character of the problem in the country, as well as on factors affecting efforts to combat the problem.

The study has the following specific objectives:

1. To gather in-depth information on the extent and character of trafficking in and from Ethiopia, including the magnitude and prevalence of the problem, the profile of victims and perpetrators, methods of recruitment, routes and means of transportation used and forms of abuse and exploitation faced by victims of trafficking;

¹ Marieke Kalp, et. al. (eds.), Combating Traffic in Persons, 1995, p. 20
² Natalie Kautann Hevener, International Law and the Status of Women, 1938, p. 78.
³ Also see: Claire M. Ronezeti, et. al. (eds.), Source Book on Violence Against Women (2001).
2. To identify gaps in policy, legislation and capacity affecting efforts to combat trafficking, in particular the prosecution of trafficking cases; and
3. To come up with country-tailored and concrete recommended actions to combat and prevent the problem of trafficking in Ethiopia.

Although there is evidence suggesting the existence of trafficking of men, IOM targeted its assessment on trafficking of women and children largely because of the extreme vulnerability of such victims, its abusive nature and the Organization’s expertise in responding to this form of trafficking.

1.3. Working Definition of Trafficking

Defining what constitutes ‘trafficking’ is one of the major problems faced by researchers, policy makers and legislators in combating the problem. This principally arises from the overlap and similarities the term ‘trafficking’ has with voluntary migration and human smuggling. After a survey of prostitution and domestic work in four countries, one research team concluded that “in the vast majority of cases “trafficking” is a corrupted mode of migration, that transforms very specific migratory projects ... [of willing migrants] ... into nightmares”.4 In many cases, legal employment schemes involve deception and exploitation and the “rise in the incidence of unpaid wages, confiscated passports, confinement, lack of job training and even violence” against legal migrant workers indicating an overlap between legal migration and trafficking.5

Another problem in defining trafficking is its similarity with smuggling of persons across borders. Smuggling of migrants has been defined as “… the procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident”.6 Often times, international trafficking involves smuggling across international borders of deceived women and children. Moreover, traffickers resort to illegal entry into a transit or destination country in order to cut off and alienate their victims from their socio-cultural context thereby making them more vulnerable to abuse and exploitation and easier to control.7

A number of notable efforts have been made to address these problems and to come up with a working definition of ‘trafficking’ that identifies its essential elements and that could lead to a uniform understanding of the problem. These definitions emphasize the occurrence of the problem within a country and across international borders, the use of coercion, deceit and violence in the process, and the exploitative purposes of the whole

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5 Ibid. (quoting: AMC, 2000)
undertaking in favour of the traffickers.\textsuperscript{8} For the purpose of this research assessment, IOM relied on the definition of trafficking in persons that is provided in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), usually referred to as the Palermo Protocol.\textsuperscript{9} Article 3 of the protocol reads as follows:

\begin{quote}
(a) \textit{“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.}

\textit{Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”}

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.
\end{quote}

This definition of trafficking identifies the following elements:

1. \textit{Trafficking is a process that includes the recruitment, transportation, transfer or harbouring of victims}: Trafficking covers the whole process of movement of persons starting with securing the consent of victims at the point of origin to the receipt of victims at the point of destination. As such, all persons involved in any aspect of the trafficking process are traffickers.\textsuperscript{10} Moreover, processes related to transit are also considered part of the trafficking process.

2. \textit{The consent of the victim is not by itself a defining feature of trafficking}: The consent of the victim at recruitment or at the latter stage of the trafficking process does not preclude the act from being one of trafficking as long as consent was acquired through coercion, fraud and deception. Moreover, the abuse of legitimate

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\textsuperscript{10} This includes persons who benefit from the exploitation of victims without involving in their movement.
power over the victim; exploiting the vulnerability of the victim; or, securing the consent of a person having control over the victim through the giving or promise of benefits, including financial benefits, do not prevent the occurrence of an act of trafficking in persons. Thus, a person who would otherwise be considered a voluntary migrant consenting to assistance in the migration process becomes a victim of trafficking where the consent is based on deception even if force and coercion have not been used.

3. **The purpose of trafficking is exploitation:** A very important feature of trafficking is its purpose – the exploitation of the victim for the benefit of traffickers. This highlights the role of the end exploiters of victims of trafficking as a defining element.\(^\text{11}\) The definition further elaborates on the forms of exploitation as constituting, at a minimum, sexual exploitation, forced labour or services, slavery or similar practices, servitude or the removal of organs.\(^\text{12}\)

4. **Trafficking can occur within national borders or across international borders:** Although not expressly indicated in the Palermo definition, the trafficking of persons could take place within national borders of one country or across one or more international borders. Understanding these two dimensions of trafficking is important in comprehensively understanding trafficking especially in terms of highlighting the role of intermediate or transit places and actors.

5. **Trafficking does not necessarily involve illegal or clandestine movement of persons:** The Palermo definition does not make the use of illegal migration routes and processes a defining element of trafficking in persons. That is, trafficking *per se* is an illegal act without the presence of illegal crossing of borders, which is an essential feature of human smuggling. Trafficking may not even be clandestine or hidden; it may utilize legitimate processes and procedures for the movement and migration of persons; pervert traditional and customary institutions and practices; or, use legal and accepted employment and other relationships that are not sufficiently protective of the victim.

6. **Women and children are more vulnerable to trafficking in persons:** The Protocol emphasizes the vulnerability and recurrent victimization of women and children to trafficking in persons. This is obvious from the title that emphasizes trafficking in persons “especially women and children”.\(^\text{13}\) The Protocol also addresses “trafficking in children” specifically under article 3 (c).\(^\text{14}\)

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11 Migrant workers who end up in exploitative conditions are often victims of trafficking deceived or their vulnerability exploited by traffickers. Yet, not all exploited migrant workers are trafficking victims.

12 This elaboration of ‘exploitation’ is not comprehensive as the exploitation of victims of trafficking may take different forms even within sexual exploitation and labour exploitation such as exploitation through child pornography, debt bondage, denial of payment, and exploitative conditions of work.

13 The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasizes the protection of women “*all forms of traffic in women and exploitation of prostitution of women*”.

14 Trafficking in children under the Palermo Protocol should be read in conjunction with other child rights instruments. The Convention on the Rights of the Child provides protection of the child from “economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development” and “*all forms of sexual exploitation and sexual abuse*”. This protection extends to “*all other forms of exploitation prejudicial to any aspects of the child’s welfare*”. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (May 2000) also emphasizes the need to
1.4. Research Methods

The information requirements and the methods of data and information collection were geared towards analyzing the extent and character of trafficking within and from Ethiopia and identifying gaps in policy, legislation and capacity affecting efforts to combat trafficking. Accordingly, both qualitative and quantitative data were collected. The researchers relied mainly on secondary sources to gather quantitative information. As a result, primary data collection was limited to gathering qualitative information. The researchers decided to focus on a limited number of informants to gather in-depth information on specific issues. The study used the following data collection methods to obtain the required qualitative and quantitative information:

1. Interviews were conducted with 67 women and children, victims of trafficking. Fourteen key informant interviews were conducted with representatives of relevant government and non-governmental institutions. In addition, 24 interviews were carried out with police officials, prosecutors and judges.

2. The researchers conducted three focus group discussions were conducted with guards in the Addis Ababa cross country bus terminal, "local brokers" and room renters working around the Addis Ababa bus terminal. Each group consisted of five participants.

3. Documents reviewed included research outputs on trafficking in women and children in Ethiopia and elsewhere, reports related to trafficking in women and children (statistics, cases, etc.) by government institutions, NGOs and international institutions as well as newspaper clips.

4. The research team also reviewed legislative and policy documents related to migration and trafficking in women and children in and from Ethiopia. These include international instruments, relevant foreign laws, the FDRE Constitution, relevant policies, subsidiary laws and implementing legislations.

1.5. Limitations of the Study

- It should be noted that victims of trafficking are a ‘hidden group’ that are difficult to access. This is true not only for victims still living in exploitative conditions; but also for returnees who were victims of external trafficking. This in turn put limitations in employing reliable sampling methods.
- The perpetrators involved in trafficking in women and children were not accessible and willing to provide information.
- Institutions involved in intervention activities relevant to combating trafficking in women and children do not maintain easy to access, up-to-date and organized

address the problem of trafficking in children for the elimination of the sale of children, child prostitution and child pornography.
data. This limitation particularly reflected in the collection of statistical data on the number of cases investigated and prosecuted by law enforcement agencies. Therefore this research assessment does not aim to provide a comprehensive picture of human trafficking in Ethiopia, but rather a snapshot of the trade to which IOM and other relevant stakeholders may supplement with future research and operational efforts and to make recommendations that government may wish to consider.
Part Two: In Country Trafficking

2.1. Background

A large number of women and children suffer from different types of inhuman abuses and exploitations as a result of trafficking within Ethiopia. Existing studies indicate that trafficking in women and children from rural to urban areas is a prevalent and steadily increasing practice in the country. However, reliable and comprehensive data on the emergence and development of trafficking in women and children as well as the number of women and children who have fallen victim to in country trafficking in the country are not available. Victims of trafficking remain inaccessible and invisible in their communities. Still, one study concluded:

“Quite a large number of women and children are brought from rural and poor towns to urban centers being deceived and/or forced by traffickers ... trafficking of these vulnerable sections of the society within the national border kept on growing [with time].”

Similar studies conducted in the major regional towns and Addis Ababa also reveal that a substantial proportion of women and children working as prostitutes, domestic workers, beggars, weavers in the traditional weaving industry as well as children living in the streets are victims of trafficking.

The capital city Addis Ababa stands out as the principal destination point for trafficked victims. A law enforcement official in the city stated:

“...we know that a large number of women and children from all corners of the country are brought to Addis Ababa having been told of a better life in the city. However they end up being subjected to exploitation and abuse.”

Some observations also suggest that the trend is picking up in recent years, masked by increasing rural-urban migration and seasonal movement of labour migrants. One indicator of the extent of trafficking in women and children to Addis Ababa is the large number of trafficking victims among those living in prostitution. A study conducted in 1990 estimated that around seven percent of adult women living in the city are engaged in prostitution. From an estimated population of 2.5 million, at the time with, a one to one ratio between the sexes, and fifty percent of the population under eighteen, the number of adult women living in prostitution would be more than forty-three thousand. When added to the reported six thousand child prostitutes, nearly fifty thousand women

15 Mesfin Eshetu, Women and Children Trafficking Within and from Ethiopia, Faculty of Law, Addis Ababa University, Addis Ababa, May 2003, p.54
16 See studies conducted by FSCE, Agrinet, the ILO, Save the Children Sweden, etc… quoted in this report.
17 Id., note 1, p.55, (quoting Interview with Captain Temesgen Fekadu, Head of Department of Children Protection Unit Documentation, Addis Ababa.)
and children in Addis Ababa lived in prostitution. From among these, more than thirteen thousand or 26.8 percent are estimated to be victims of trafficking. This figure does not cover the large number of street children, boy children working in the domestic weaving industry and women and children working as housemaids who constitute a considerable number of victims of trafficking in Addis Ababa. One survey estimates that 6,500 to 7,500 child domestic servants among whom, more than seventy per cent are migrants from other regions, live in Addis Ababa alone. When these groups are added to the previous numbers, the total number of victims of trafficking in Addis Ababa alone could be substantially higher.

2.2 Vulnerabilities

Years of war, civil strife and natural disasters have left many to struggle for the daily necessities for basic survival especially in the rural parts of Ethiopia. The vulnerability of women and children to trafficking is also due to the desperation that results from the limited access to social services, unemployment and the disintegration of the traditional family and other social structures especially in the rural areas. A study conducted on in-country trafficking in five major towns found that three-fifth of trafficking victims were made vulnerable by economic reasons such as poverty and lack of employment opportunities while social causes like violence within the family, unhappy marriage and death of parents were identified as the major push factors for the remaining one-fifth of the respondents.

The prevalence of biased gender structures in rural areas manifested in the widespread practices of harmful traditions affecting women and children also play a significant role as push factors. Early marriage is a practice deep rooted in the Ethiopian society. Although the percentages of girls married below the age of eighteen vary from one region to another, early marriage is an established cultural practice in all regions of Ethiopia except in the Somali Region. The Amhara Regional State, with a little less than two third of girls married under fifteen, and with an average age at first marriage of fourteen and a half, shows the highest level of prevalence. At the national level, one third of all girls are married by the age of thirteen and the mean age of marriage for all girls and women is seventeen.

Previous studies indicate direct relationship between the prevalence of early marriage and migration. A study conducted by FSCE found that, in a sample of respondents selected from commercial sex workers in major towns, among whom more than one fourth were victims of exploitation, “...50% got married at the age of fifteen and those who were married at sixteen and fourteen were 20.8% each ... [while]... 29.2% were given for marriage before they reached the age of fifteen...and....the average age of marriage [in

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20 Ibid. According to this study, 26.8 percent of the sampled prostitutes were trafficking victims.
21 A report by FSCE indicated that 23.7% of street children are victims of trafficking (3, p. 27).
23 Agrinet I., p.19
24 National Committee on Harmful Traditional Practices in Ethiopia (NCTPE), Ethiopia: Harmful Traditional Practices; Table 5.5, p. 307
the respondent group] was 14.8 years”\textsuperscript{25}. Most of these respondents were pushed into a life of prostitution in an attempt to escape unhappy marriages.

Another traditional practice prevalent across the country is abduction followed by forced marriage. The prevalence of this practice in the regions ranges between ninety percent in the SNNPR and a little less than twenty percent in Addis Ababa\textsuperscript{26}. Marriage after abduction compounds the practice of early marriage and is often a cause for the migration of women and children from rural areas and their vulnerability to trafficking.

Equally relevant to increasing the vulnerability of young women to traffickers’ lures is the demand for cheap domestic labour and attitude of tolerance towards prostitution in urban areas.

\textit{“Domestic servants render important services in many households in urban areas. However, getting domestics in urban areas with low payment may be difficult. …this also stimulates traffickers to recruit and traffic women and children from poor regions to urban centers.”}\textsuperscript{27}

A similar demand in the traditional weaving small industry also acts as a pull factor for the trafficking of boys especially from southern Ethiopia\textsuperscript{28}. Extensive practice of prostitution in major towns especially in Addis Ababa has also created a high demand for rural women and children.

\textit{“… the demand side in urban areas [for prostitutes] also plays the role of a pull factor. Prostitution, which is a fairly public business, kept on rapidly expanding in urban areas especially in Addis Ababa.”}\textsuperscript{29}

The major purpose of trafficking in women and children from rural to urban areas is to satisfy this demand. As a result, \textit{“the majority of trafficked women and children were engaged in sex work... [65.7\% of the total respondent population]...”}\textsuperscript{30}

- Background: Slavery

It is not surprising that a long history of prostitution, slavery and bonded labour in the country have contributed to a tolerant attitude towards trafficking of women and children\textsuperscript{31}.

\textit{“...annual slave exports from southern Ethiopia [to northern Ethiopia] averaged about 12,000 – 13,000, with domestic absorption of slaves in

\textsuperscript{25} FSCE, 2003, p.105.
\textsuperscript{26} Id., fig. 5.9, p. 154.
\textsuperscript{27} Id., note 29, p.56
\textsuperscript{28} Forum on Street Children Ethiopia, Baseline Survey Report on Child Trafficking in Addis Ababa, Addis Ababa, August 2004, p.23
\textsuperscript{29} Mesfin Eshetu, Women and Children Trafficking Within and from Ethiopia, Faculty of Law, Addis Ababa University, Addis Ababa, May 2003, p.56 (quoting Iyassu Haileselassie, The Problem of Girl (child) Prostitution in Addis Ababa, 1991.)
\textsuperscript{30} Ibid., note 28
\textsuperscript{31} Timothy Fernyhough, Slavery and Slave Trade in Southern Ethiopia: A Historical Overview, ca. 1800 – 1935, New Trends in Ethiopian Studies, Papers of the 12\textsuperscript{th} International Conference in Ethiopian Studies, pp. 680 – 702, p.681
The extent of slavery and slave trade in some southern kingdoms of the time was so extensive that slaves accounted for half of the population. Although Emperor Menelik prohibited the practice of slavery in 1876, and recognized its prohibition through bilateral and multilateral treaties with European powers, slavery and slave trade persisted. Even Menelik himself used slave trade as a means of covering the financial burdens of his claim to the throne and successive local and international wars. The tempo of slavery and slave trade only subsided with the introduction of comprehensive anti-slavery legislative and administrative measures by Emperor Haile Selassie in the 1930s. Even then, the slave owner-slave relationship was replaced by a landowner and serfs affiliation under the prevailing feudal system. The existing traditional and legal norms also recognized the right of the landowner to receive household services from the wives and children of his serfs free of charge, while taking disciplinary action on them.

More than a 100 years after the abolition of slavery, the current practice of trafficking still targets women and children. According to a study on slave trade in Ethiopia, women and children were particularly profitable during the slave trade with “...a female slave [earning] ten to fifteen times more...and a teenage girl...even more”.

The currently accepted relationship between housemaids and their employers also bear resemblance with the traditional and legal norms that used to apply to the relationship between a slave owner and a slave, or a landowner and the wives and children of his serfs. Housemaids are often seen as inferior members of the employer’s household who should obey the commands of the employer and members of his family. They are, routinely, emotionally and physically abused and may be subjected to different forms of punishment including corporal punishment. In some cases, the employer or male members of the employer’s family may even sexually abuse them.

A similar parallel with the social conception of the slave owner/slave or landowner/serf relationship is also seen in terms of the acquisition and number of domestic servants being considered a status symbol in modern day urban areas. A household with more housemaids is seen as economically more prosperous and socially notable while one without a housemaid is considered poor and of low status.

32 Id., p.684
33 Id., p.682
34 Id., p.687
35 Id., p.698
36 Id., p.686.
• Background: prostitution

The link between trafficking of women and children and prostitution has also been identified.

“Human trafficking is historically associated with prostitution. Indeed, its origin and development began with the ‘oldest profession’. The fact that the majority of victims of trafficking were (are) women and children (child girl) indicates that prostitution was (is) the common fate of trafficked persons in the past and at present.”

Although prostitution existed in Ethiopia for a very long time, its emergence in a recognizable form is associated with the establishment of royal capitals at the beginning of the Gondarine era in Ethiopian history. According to Pankhurst:

“[prostitution and practices similar to prostitution] were rampant in royal camps and moving capitals during the middle ages. Prostitution flourished with the establishment of Gondar as the capital and flourishing of commercial centers around the main trade routes”.

At the time, prostitution was generally considered as a socially acceptable way of making a living. A contemporary visitor from Europe observed: “Prostitutes or courtesans whose profession was considered entirely natural and suffered little or no reprobation were to be found in most towns and military camps. All adorned with jewels, their profession was as lucrative for them as it was agreeable to others.” They were seen as women of means and were considered versed in the ways of official courts and the world. Poems and songs glorifying their life abound in the local folklore in the northern parts of the country.

“... prostitution went on expanding with the continuing urbanization and/or europeanization of the country. The Italian colonial movement in the northern part of the country and the establishment of Addis Ababa as the capital of the empire in the late 19th century expedited the flourishing and development of prostitution in Ethiopia.”

At present, prostitution is a generally accepted way of life in major towns or cities in Ethiopia. Moreover, with increasing rural and urban poverty and the spread of HIV/AIDS, the number of women and girls who engage in prostitution is rapidly on the increase. The general tolerance towards prostitution coupled with an increase in the

37 Id., note 1, pp.8-9
38 Kassahun Debalke, The Role of the Law in Combating Prostitution, Faculty of Law, Addis Ababa University, April 1996, p.37, p.169.
39 Id., p.37.
40 Id., pp.42 - 43
demand for the services of prostitutes in urban areas serve as major pull factors. Even in recent times, “In Addis Ababa...the average prostitute is ... an ordinary working woman or ...child”. The result is that a large number of women and children, some of them victims of trafficking, end up in prostitution. In 1990, it was estimated that over 7 per cent of Addis Ababa’s adult female population was involved in prostitution. The number of child prostitutes alone was more recently estimated at six thousand.

2.3. Profile of Trafficked Women and Children

Identifying groups of women and children that are particularly vulnerable to trafficking is a difficult task. The difficulty is compounded by the problems involved in distinguishing between voluntary migration and trafficking which are often times overlapping in terms of modes and routes of travel. In many cases, what started as voluntary migration may take the characteristics of trafficking at a later stage. This section outlines the general profile of groups vulnerable to trafficking based on literature review and information gathered during the preparation of this report.

Age at the Time of Trafficking

Children and young women, 8 to 24 years of age appear to be more vulnerable to internal trafficking. A study conducted in the major towns of Ethiopia indicated that more than one-fourth of respondents below the age of 18, and more than one-fifth of respondents between the ages of 19 and 24, were victims of trafficking while 5.3 percent of trafficked respondents were above the age of 25. Traffickers mostly target those who are less powerful and more vulnerable. They belong to this group since they are more susceptible to be misguided and misinformed about the promises of better opportunities in destination places. In effect, they are highly demanded for the purpose of cheap domestic labor and for the informal sex industry in big cities. Moreover, they are largely considered to be docile, malleable and hardworking. In the sex trade, it is believed that children and youth are less exposed to HIV infection. As a result, many clients are beginning to prefer children and youth to adults.

Almost all of the boys trafficked to Addis for the traditional weaving industry and for the purpose of farm work in some places in Oromia region, are younger children between the ages of 8 to 14. All of the nine weaving children the study team interviewed in the suburbs of Addis Ababa were brought to the city between the ages of 8 to 10 years.

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42 I.d., note 11, p.6
43 Ibid, p.5 (Mehret et.al. 1990)
45 Agrinet I, p.18
Sex Composition of Trafficked Children

Both boys and girls are vulnerable to recruitment by traffickers. Boys are mostly trafficked from the southern parts of the country for the purpose of labour exploitation in the cottage industry while girls are trafficked for domestic labour and prostitution. Yet, the number of girl child victims is substantially larger. This may be a result of the preference for girls as domestic servants and their greater susceptibility to sexual exploitation exacerbated by the push factors related to gender inequality.

Educational Background of Trafficked Women and Children

The educational background of internally trafficked children and women is generally low. According to a recent report on in-country trafficking, illiterate women and children constitute the largest group of trafficked victims. Less than one-tenth of the victims had post primary education.\(^{46}\)

Most of the trafficked children and women have barely started or finished their primary education, which may not allow them to make informed decisions about migration and trafficking. The IOM study in 2003 states that 1 out of 6 trafficked children has completed basic elementary education. The ratio is 1 out of 9 in relation to respondents of the current study in Addis Ababa, which includes children in safe homes, working as prostitutes under balukas and children working in the weaving industry. It is worth noting that a large majority of these children were initially lured to the city with promises of better education and training opportunities.

Socio-Economic Background of Trafficked Women and Children

Most of the trafficked women and children come from poor families, even though poverty is not the only factor of vulnerability to trafficking.

2.5. Recruitment

Recruitment of women and children for trafficking can take different forms in terms of the person or persons involved and the methods used to lure the potential victims. In most cases, the recruiter is known to the potential victim. One study disclosed that a large number of recruiters are local brokers followed by friends and relatives.\(^{47}\) Cross-country bus drivers were also identified as recruiters.

Methods recurrently used to persuade the trafficked respondents to migrate to towns include job offers, promise of education/training, and promise of foster parent arrangement.\(^{48}\) Sometimes, recruiters target parents or guardians to coerce the potential victim.

\(^{46}\) Agrinet I, page 18
\(^{47}\) Agrinet I, p.20
\(^{48}\) Ibid.
The recruitment of women and children from rural areas to work as domestic servants in urban areas and cities is a prevalent and generally accepted practice. One study estimated that more than two-thirds of domestic servants working in the capital have migrated from other areas of the country. Many of these domestic workers are brought to the cities as children by relatives as well as friends and neighbours of families who promise their parents good educational opportunities for their children. The children usually end up working as domestic servants without the promised education. This was pointed out by one ten year old girl respondent trafficked from Gojjam at the age of eight who stated:

“I came to Addis Ababa with my uncle after he consulted and agreed with my mother to bring me to the city. He convinced my mother promising that he would provide for my education. I stayed for two years in his home as a housemaid. They provided me food and used clothes, and a sleeping place. I never got paid, my uncle never considered sending me to school, and I never asked. After I worked for him for two years, he got me employed elsewhere as a house servant. I was only instructed by my uncle to follow orders of the employing family members without question. I know no payment made to my services”

Most of the stories of the trafficked girls from the Amhara Region, and some of those from Oromia and SNNPR are similar to the above, particularly as it concerns intermediaries initiating migration who immediately, or ultimately, benefit from the process. The stories are also similar in that most of the children and women have been promised education and gainful employment that never materialized.

The intermediaries initiating migration are mostly persons very well known by the child or woman including relatives, neighbors, friends of the family and sometimes parents/guardians. Perhaps as an extension of the extended family system, and due to the acute population pressure, families in rural areas usually give away their children to relatives in towns and big cities. The idea is that the child would provide domestic services to the the relative/friend from town and he/she would be responsible for her education and upbringing, which may be genuinely executed in some instances. Parents consenting to this kind of arrangement may not expect a monetary gain from the transaction but later on they usually expect benefits from the education and earnings of their children.

In some cases, parents send their children to urban areas with the hope of receiving remittances from the children or direct payment by the trafficker. A 15-year-old girl respondent said (in Addis), “I came here because my father wanted me to work in one of his relative's household so that I can support my family. I came here to fulfill my father's wish”. In such cases, parents negotiate wages to be paid to them for the employment of their children in domestic work or some other gainful employment. Parents hope that involving their children in such transactions might lead to the children acquiring new skills, taking responsibility for their own lives and, ultimately, supporting their family.

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49 Abiy Kifle, Executive Summary.
However, despite the good intentions of parents, the children usually end up becoming victims of exploitation.

In some cases, children are deceived into consenting to migrate without the permission of their parents or are even abducted by traffickers. A study conducted on child trafficking in Chencha Woreda of the SNNPR found that only 35.3% of migrant children migrated with the permission of their parents, whereas 14.7% were stolen or abducted by traffickers while away from home.  

As far as recruitment by relatives, friends and neighbours residing in urban areas is concerned, it usually occurs when they travel to their places of origin for holidays.

Another mode of recruitment involves brokers (called ‘delalas’) who recruit in rural communities in which they are well known. These are usually people who have previously migrated from the same areas and use versions of their own success stories to entice potential victims. The mode of recruitment for domestic labour exploitation can generally be characterized as individual and non-organized. It is not a full time job, save the recruitment by the delalas.

Recruitment for labour in the cottage industry, mostly in the weaving sector follows a similar pattern. The following is a typical case of recruitment reported by a fourteen-year-old boy from Guge kebele, Gamo Gofa Zone of the SNNPR:

“I had the dream of coming to Addis Ababa to learn the weaving trade and earn money. My dream came true at the age of 10 when an adult weaver I know very well in the neighborhood came for holiday. He asked me and four other children to come with him to Addis Ababa, to learn weaving and earn money like him. We all agreed. I left home without telling my mother, a single parent.”

Interviewed children working in weaving workshops have shared similar experiences.

The trafficking of women directly for the purpose of prostitution is not a common practice in Ethiopia. In most cases, women and children go into prostitution when the original purpose for migration or trafficking fails. According to a study conducted on child prostitution in Addis Ababa, 36 out of 70 (51.1 per cent) of the respondents had tried alternative employment such as working as housemaids before engaging in prostitution.

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51 Interview: with a staff of FSCE and also with guards at the Addis Ababa bus terminal.
52 Interview: Addis Ababa and Bahir Dar; see also Forum and Agrinet.
53 Interview with a fourteen-year old boy
54 Save the Children Sweden, Child Prostitution in Addis Ababa, May 1993, p.26
Trafficking victims also become vulnerable to prostitution when the better life and education promised to them do not materialize.

“When my father died, I came to Addis with my aunt who came to Endibir for a holiday (Arafa). She convinced my mother that she could help me get employed and support her. After I arrived here in Addis, I worked for my aunt for two months without any payment performing all the household chores. Then she had me employed in another home for Birr 40 per month. I worked in that home for two years but I was never paid the promised money; nor was any money sent to my mother. Disappointed, I left that home and went to the “delalas” around Merkato. They could not find any job for me but I met women like me who had no money to buy food or any place to stay. These women convinced me after some weeks that the best option available for us is to be involved in the sex trade on the street. I was reluctant at first but I joined them a week later. It is now two years since I started working in the sex business.”

The story of this girl is representative of most of those involved in prostitution under the \textit{balukas} and others who are benefiting from the prostitution of children and women.

In many cases, girls in rural areas are promised work as housemaids or in restaurants and are forced into prostitution upon arrival at the place of destination as a result of lack of other employment opportunities.

“I come from Wolkite Town. We (my family) had a relative around Arat Kilo. He came to Wolkite and asked my father if he could take me to Addis Ababa to give me a job in his restaurant. My father agreed on a salary of Birr 10 per month. But when I came here (Gojjam Berenda), there was no restaurant but a liquor/Areke house. After I worked for four months, he fired his other female employer so that I could take care of everything alone. The local areke was brought from Wollega and we used to sell it. I worked for five months without any salary and never went to school. One day I told my relative ‘this is not what you agreed with my father’. He responded by forcing me to engage in prostitution like other girls and he even tried to rape me. I fled from his house and contacted delalas to find me a job as a housemaid. But, since the job requires a guarantor, it was impossible for me to get it. The only job that does not require me to bring a guarantor is prostitution. The other girls advised me to stand on the street for customers and I started to work as a prostitute.”

A more outrageous process of recruitment for prostitution is reported in a recent research report involving auctioning of victims by brokers. The report includes the following narration:

\footnote{Interview with a twenty-year old woman who was trafficked to Addis Ababa from the Guraghe Zone of the SNNPR as a child}

\footnote{Interview with a fifteen-year-old girl in the Gojjam Berenda area in Addis Ababa}
“There are certain ‘auction centers’ in Addis Ababa where a number of women and children trafficked from different regions of the country are sold to brothel owners like commodities. These places, which are the head offices of the principal ‘agents’ receive their victims from middle men and carry out the human trade.”

Bar and hotel owners recruit women and girls for prostitution. Some bar and hotel owners periodically travel to rural towns to recruit ‘bar maids’ for their establishments. The process often involves local brokers in the towns who bring the potential victims with promises of employment. Other studies of prostitution in Addis Ababa have also revealed that there is a tradition of recruiting prostitutes to bars in Addis Ababa among young rural kin.

2.6. Routes and Transportation

Trafficking routes usually overlap with the normal routes for movement and migration from rural to urban areas. Moreover, the process of in-country trafficking of women and children is not, for the most part, an organized activity involving actors exclusively and recurrently involved in trafficking. A typical case of trafficking involves a person traveling to a rural area for holidays or other purposes not directly associated with trafficking and incidentally recruiting and transporting a relative or acquaintance to a town in which he lives. In most cases, it is only possible to draw a general pattern of movement of women and children from rural to urban centers, and from one urban center to another, usually larger, urban center.

Still, some patterns of transportation and route flow from the recruitment process described above. One such pattern concerns transportation of boys from ‘Gamo Gofa’, one of the zones in the Southern Nations Nationalities and Peoples Regional State, to Addis Ababa. The production of ‘shemma’ and other traditional textiles in home based industries is dominated by the people who currently live in the city and originally come from ‘Gamo Gofa’ Zone, mainly Chencha Woreda. In order to make their businesses more profitable, the weavers engage children from their ‘woredas’ of origin in ‘Gamo Gofa’ whom they force to work for long hours and with little or no payment. To this end, they recruit a large number of children during their seasonal travels to the ‘woredas’ of ‘Gamo Gofa’ for the ‘Meskel’ holiday and other similar events. It is also reported that these weavers have established second families in ‘Gamo Gofa’, which is one good reason to visit the area out of the holiday seasons and thus to create opportunities for recruitment.

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57 Mesfin Eshetu, p. 55 (Interview with brokers/confidential/ working at Arat Kilo, around Zewditu Hotel and at Piazza in front of the Cinema Ethiopia, February 2003.)
59 Interview with Gamo Gofa Zone Police CPU.
60 Traditional cloth made of cotton.
61 Holiday of the finding of the cross celebrated by followers of the Ethiopian Orthodox Church on September 17.
The normal route used for transportation of the boy children extends from kebeles in ‘Chencha woreda’, and other adjoining woredas in ‘Gamo Gofa’, to the town of ‘Arba Minch’ by traditional means of transportation and local public transportation vehicles. Then, the traffickers and their child victims board the cross-country public transport buses at the ‘Arba Minch’ bus terminal to travel to Addis Ababa.

In recent years, owing to the relatively better awareness and regulations setup to control trafficking around the bus terminal in ‘Arba Minch’, the normal route of transportation has been modified. The new route avoids ‘Arba Minch’ by using traditional means of transport to the town of ‘Wolayita’ directly from ‘Chencha’ and taking the public transport buses to Addis Ababa. Currently, owing to increased control by law enforcement officials at the ‘Wolayta’ bus terminal, traffickers are reportedly taking public transport from other small towns to arrive to Addis Ababa.62

Another route involves the transportation of women and girl children from rural parts of the Amhara Region to larger regional towns and Addis Ababa. As previously stated, the rural areas of the Amhara Region are the main places of origin for most trafficked women and girl children. Although all parts of this Region are affected by trafficking, various sources have pointed out that ‘Este’ and ‘Farta’ woredas of Southern Gondar Zone are the most affected.63 Traffickers use the normal transportation means and route to bring their victims to Addis Ababa or other urban areas. During travel, the traffickers usually act as or claim to be relatives of the victim(s). According to some employees of the Addis Ababa bus terminal, there are instances where some traffickers dress and act like priests to avoid being suspected of trafficking women and children.64

Though not well documented, a relatively visible pattern of trafficking of boys and girls from woredas in the ‘Guraghe’ zone of SNNPR to Addis Ababa, through the town of ‘Wolkite’ and other woreda towns with connecting roads to the capital, has also been identified.65 Like the other routes, the trafficking route used is the traditional means of transportation to nearby woreda towns and public transport buses directly to Addis Ababa or through the town of ‘Wolkite’. Parents and relatives in the woredas of the zone traditionally send their children, especially boy children, to Addis Ababa at an early age with the hope that they could earn money in the informal sector and support family members at home. The parents and relatives send their children to Addis Ababa following a long tradition of migration from the woredas that suffer from overpopulation and having heard the stories of successful individuals who have previously migrated from their communities. The migrating boy children mostly work as shoeshine boys, street vendors and engage in other forms of labour in the informal sector either living in groups, or with relatives in Addis Ababa, while the girls become housemaids with the hope of being able to send money to their family and save enough to start their own small retail shop. This trend of migration reportedly masks an increasing level of trafficking in

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62 Interview: Law enforcement officials in Arba Minch.
63 Interview in Bahir Dar.
64 Interview: with guards in the Addis Ababa Bus Terminal.
65 Interview with staff of FSCE working at the bus terminal office in Addis Ababa.
children from the ‘Guraghe’ zone. According to these reports, children are recruited and transported to Addis Ababa using the same route without the traditionally required consent of their parents and relatives, and are exploited in the informal sector principally as housemaids and girl prostitutes.

Another less documented route involves the trafficking of boy children from ‘Wolayita’ and ‘Sidama’ zones in the SNNPR to some rural parts of Oromia, mainly to ‘Arsi’ and ‘Bale’ zones. The police authorities in the towns of ‘Awassa’ and ‘Shashemene’ have several times apprehended traffickers traveling with five to ten boy children destined for sale to farmers in rural areas of the ‘Arsi’ and ‘Bale’ zones of the Oromia region. The traffickers recruit the children from ‘Wolayita’ and ‘Sidama’ zones and transport them to the small towns of the two zones of Oromia and their rural environs, where they sell them to farmers who will force them to work as shepherds.

2.7. Exploitation and Abuse

All the victims of trafficking face extensive exploitation and abuse during the different stages of trafficking. The most prevalent forms of exploitation and abuse experienced by victims of in-country trafficking are emotional, physical and sexual in nature. Although these forms of abuse usually occur at the point of destination, a number of instances where victims of trafficking were subjected to abuse during transportation to the place of destination have also been reported like a 16 year old girl trafficked to Addis Ababa from ‘Bichena’ woreda of East ‘Gojam’ zone in the Amhara Regional State. According to the respondent, the bus driver who brought her to the city promising to marry her abandoned her in a hotel room after having repeated sexual intercourse with her for a week.

The nature of abuse and exploitation experienced by trafficking victims vary depending on the purpose of trafficking.

**Trafficking of Victims to Work as Domestic Servants and in the Traditional Weaving Industry**

Domestic work is an activity in which a substantial proportion of trafficked women and children in Ethiopia are engaged at the places of destination. A large number of boy children from the ‘Gamo Gofa’ zone of the SNNPR are also trafficked to Addis Ababa to work in the domestic weaving industry. These child domestic workers and weavers are usually invisible in their communities, toiling for long hours with little or no pay, frequently abused, and regularly deprived of the chance to play or go to school.

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66 Ibid.
67 Interview with law enforcement officials in Awassa (Awassa Zone and Awassa City police)
68 This report is not substantiated by words of trafficked children or available literature.
69 Agrinet I, pp. 22 – 23
70 Interview with a victim of trafficking in Addis Ababa.
71 Ibid.
types of abuse and exploitation faced by this group victims of trafficking mainly include labour exploitation, physical and emotional abuse, and sexual abuse.

Labour Exploitation

The working conditions for most domestic workers are exploitative in terms of the type of work they do and their working hours. They usually take care of all the household chores including cleaning, washing clothes and preparing meals and food ingredients and taking care of younger children in the family. Domestic workers also work for long hours for consecutive days without rest. The majority of women and children engaged as housemaids work all day long and late into the night. The workload and long hours are particularly difficult for child domestic workers.

“...I get up early in the morning before my employer, usually when it is dark, maybe around 6:00 am. I prepare breakfast for my employer, her son and her husband. Since they leave the house early in the morning to go to school or for work, breakfast has to be ready before 7:00 am. Throughout the day, I clean the house, wash kitchen utensils and clothes including diapers for my employer’s infant child, prepare coffee and do other chores around the house. Before the son arrives from school, I prepare his mid-afternoon meal and dinner for the whole family. I also have to carry and attend to the infant the whole day. In the evening, I prepare coffee for the husband ... I sleep when everybody in the family goes to bed which is usually around 11:00 pm...”

An assessment of the situation of domestic workers in Addis Ababa concludes that “many children start work as early as six a.m. and go to sleep as late as twelve p.m.... they work about 11 hours a day seven days a week...[about eighty hours a week].”

Boy children in the domestic weaving industry also bear difficult work and long hours. They have to work confined and crowded in dark pits dug out in a small room filled with dust from the unprocessed cotton yarns.

“The children are forced to work without rest and continuously, beginning from 5 AM in the morning up to 1 AM at night. They work the whole week except on holidays and on Sundays which is only allowed for the senior children while the junior ones (new arrivals) are not given the [Sundays off].”

Since they are required to produce set lengths of ‘shemma’ per week, the smaller and less experienced children have to work for even more hours. These long hours continue over the period of their employment without the benefit of rest days in many cases.

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72 Interview with a ten-year-old girl working as a housemaid in Addis Ababa
73 Abiy Kifle, Executive Summary.
74 Interview with boy children working in a weaving house around ‘Kara Kore’ area of Addis Ababa.
75 Elias Terfassa, p. 7.
Women and children working as housemaids and boy children working in the domestic weaving industry, especially younger children, are seldom allowed leaves or recreation time. Most women and children working as housemaids are not even allowed to go outside the compound in which they work unless they are ordered to undertake chores for family members. In some cases, housemaids, especially children, are locked in the house of their employers when they are alone and can not go outside unless accompanied by members of the employer’s family. Some girl children interviewed for this report said that they are not even allowed to play with the children of the employers. Boys working as weavers are also kept within compounds in the peripheries of the city where the possibility of contact with people other than their employer is very limited. The situation of children who are younger is even more appalling.

Trafficked children working as housemaids are also denied formal education even if the employers or traffickers promised it to victims and their families upon employment or recruitment.76 A ten-year-old girl child relates:

"After agreeing with my father, a woman brought me to Addis Ababa about three years ago. The agreement was that I baby sit a small child and in return pursue my education. When I arrived in Addis, I was assigned other tasks including preparing coffee and meals as well as washing dishes. The woman wakes me up early in the morning and I prepare coffee and breakfast. I stay up until 10:00 pm in the evening taking care of different tasks in the house. I have never been allowed to play in the compound or outside. I have never been to school. When I ask the employer to enroll me at school, she says she is short of money. When I tell her that evening classes are free, she replies that the registration deadline has passed."

As a result, an estimated thirty-five per cent of domestic workers are illiterate and lacking access to education even in Addis Ababa where education is relatively accessible compared to other parts of the country.77 Children who are engaged in weaving are similarly denied access to education since they have to work from early morning to well into the night for 5-6 days a week.

Victims of trafficking engaged as domestic workers and weavers are also routinely subjected to economic exploitation in terms of the low levels of payment and/or denial of payment.78 It is seldom that trafficked women and children agree on their salary at the point of origin. In effect, many of them come to know about their salary at the destination. Some of them are paid at the discretion of the employer while others are out rightly refused payment.

76 Interviewees, in OPRIFS
77 Abiy Kifle, Executive Summary.
78 Mesfin Eshetu, p.57
Salaries to be paid to children and women domestic workers are usually determined by
the prospective employer and the ‘delalas’. Since the victims are not in a position to
negotiate payment, the ‘delalas’ agree on substantial payment for themselves while the
victim, ends up earning very little. The victims, detached from their social context and
usually with no experience in working for financial consideration will, and usually have
to, accept the amount agreed between the employer and the ‘delala’. In some cases, the
victim may not even receive any financial benefit. In cases where small children are
involved, the payment, even where clearly stipulated, is often denied altogether.
According to a study conducted by the International Labour Organization, about two-fifth
of children working as housemaids in Addis Ababa do not receive any fixed monetary
consideration.79

Child weavers are paid depending on the length of ‘shema’ they produce with a
maximum payment of twenty birr per week.80 The payment is effected to the parents of
the child in cash or in kind:81

“The benefit (approximately 20-50 Birr) goes to the family (mostly once a
year) ... the children are not paid for their labour ... a child gets Birr 2.50
per day which he will pay for his meals (50 cents, 1 Birr each for lunch
and supper). In addition, a child is given from 6 to 10 Birr (including the
regular 2.50) on the average every Sunday in the name of “Yeihud Misa”
(Sunday lunch),”82

This mode of payment was also identified in a number of cases by the study on child
domestic workers in Addis Ababa.83 Thus, it is often the traffickers/’delalas’ and,
sometimes, family members who benefit financially while the victims receive little or no
payment. In the case of children working in the domestic weaving industry, the financial
benefits to the employer are estimated to range between Br. 2,400 – 3,510 per child
annually.84

Physical and Emotional Abuse

The physical abuse of domestic workers and children working in the domestic weaving
industry, including corporal punishment, punitive work and deprivation of necessities like
food, is a common occurrence. The assessment conducted by the ILO concluded that,
“child domestics perform their work under stress, intimidation, and threat”.85 Victims
are dependent upon their employers partly because of the traditional authority the latter
wield and even more so because the victim is socially and sometimes culturally and
linguistically isolated. This leaves them with little choice but to comply with the abuse.
The fact that the victims are cut-off from possible means of protecting themselves also

79 Abiy Kifle, Executive Summary.
80 Interview with child weavers in Kara Kore part of Addis Ababa.
81 FORUM, p. 30.
82 Elias Terfassa, p. 54.
83 Abiy Kifle, Executive Summary.
84 Elias Terfassa, p. 50.
85 Ibid.
creates a favourable condition for such abuse. The relationship “… is not a person-to-
person relationship but a master and servant relationship … [making] … verbal and 
physical violence … frequent among child domestics”.

A twelve-year-old child working as a domestic servant in Addis Ababa said: “my 
employer punishes me for any reason. I am punished even when one of her children does 
something she does not like. She slaps me, pinches me and hits me with a broom handle.” 
Children working in the domestic weaving industry are also subject to corporal 
punishment when “they fail to work to the expected standard”.

Similarly, the women and children recurrently experience emotional abuse that usually 
precedes physical abuse:

“Children engaged in domestic work are not expected to have or develop 
initiative. …most employers of child domestics constantly and mercilessly 
criticize and belittle them and, no matter what strenuous jobs they 
accomplish, their employers do not recognize their good work. The lady 
mistress frequently treats them as scapegoats for all the problems 
encountered at home. Child domestics feel they have no respect at all in 
the home of their employers and have multiple bosses in the home.”

The types of abuse may also include insulting, discriminatory practices and denial of 
food. This form of abuse particularly affects children, who are more susceptible to the 
effects of the harsh working conditions.

Sexual Abuse

Trafficked women and children working as domestic workers frequently experience 
sexual abuse. Previous studies indicate that women and children could be sexually abused 
while being transported to a certain area of destination and at their places of work. 
According to one study:

“[Sexual] exploitation often starts when traffickers take a hotel lodge at 
nighttime during their journey. Many of the victims who are found by the 
police responded that they were sexually abused by the traffickers, their 
employers and their household members.”

Women and girl children domestic workers are particularly susceptible to sexual 
harassment and abuse by male members of the employing family.

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86 Abiy Kifle, Executive Summary
87 Elias Terfassa, p. iii.
88 Ibid.
89 Agrinet I, page 38
90 For instance see FSCE, page 31
91 Abiy Kifle, Executive Summary.
“... a good proportion of girls, particularly those over 12 years of age, were sexually harassed, mostly by sons of the employers”\textsuperscript{92}.

“My parents gave me away in marriage when I was 13 years old and since my marriage was unhappy I ran away from Lai Gaint to Gondar where ...I got employed as a maid. After working for two years and seven months, ... the son of the owner raped me when there was no one at home ...When I reported the incident to the mother, she told me not to tell this (what happened) to anyone. Then, when I didn’t have my period, I knew I was pregnant and I told the owner again. She told me to just keep quiet...After six months, he (the son) found out that I was pregnant and started to threaten [to] stab and kill me if I tell anyone that the child is his. I ran away again and worked as a daily laborer in a local beer house until I was in labor. This is when my employer threw me out at a bus stop. I gained consciousness in the hospital. Later on I found out that I was infected with HIV/AIDS”\textsuperscript{93}

The vulnerability of women and girl children engaged in domestic work for sexual abuse is aggravated by their living conditions. They have to work and sleep in the house of the family they work for and are dependent upon their employer for their necessities. Male members of the employing family use this relationship of dependence to sexually exploit the victims. This is particularly true for trafficked women and children who cannot protect themselves and lack access to redress.

\textit{Trafficked Women and Children Living in Prostitution}

Trafficked women and children forced into a life of prostitution face most recurrent and pronounced forms of abuse and exploitation. A study conducted in 1997 reported that “a large proportion (84.8\%) of the respondents confirmed that they were exposed to maltreatment due to their involvement in commercial sex work”. The abuse occurs in almost all situations in which the victims find themselves including their living space and working areas and are perpetrated by nearly everyone they come in contact with including brokers, community members, ‘\textit{balukas}’ and clients.

\textit{Labour Exploitation}

Trafficked women and children forced into a life of prostitution serve owners of the bars and hotels they work in; they become housemaids of the landladies of the rooms they rent or the owners of brothels. Girls working in bars and hotels are also expected to work as waitresses. Their position in these establishments is very similar to housemaids responsible for cleaning, making coffee the traditional way, cooking, shopping and other chores.\textsuperscript{94} They are required to undertake these tasks on top of activities directly related to

\textsuperscript{92} Ibid.
\textsuperscript{93} Interview with a young girl, quoted in Agrinet I, page 39.
\textsuperscript{94} Forum on Street Children Ethiopia (FSCE), Child Sexual Abuse and Exploitation in Shashemenae and Dilla Towns, Addis Ababa, June 2003, p.115 Table 3.4.18
prostitution including waiting for and entertaining clients which in the substantial majority of cases require them to work nine to eleven hours per day. These women and children are seldom remunerated for the services rendered. According to a survey, “very few of these bar-girls receive a salary, and if they do, the amount is very small. In the survey, this salary did not exceed 40 Birr per month”. In addition, the value of bottles and glasses accidentally broken while serving clients in bars is deducted from their payment.

Physical and Emotional Abuse

Trafficked women and children living a life of prostitution repeatedly experience pronounced forms of physical and emotional abuse. Such abuse is aggravated by the living and working conditions as well as socio-cultural factors that make them more vulnerable. A study disclosed that more than four-fifth of respondents engaged in different forms of commercial sex work are victims of physical abuse. The forms of physical abuse faced by women and children engaged in prostitution range from minor beatings to grave forms of violence that may result in disability and even death. Girls working as prostitutes in the streets and working with ‘balukas’ maintain that they are frequently exposed to physical abuse, in particular, when they resist sexual harassment. The most common perpetrators of physical and emotional abuse are clients and street gangs.

Sexual Abuse and Exploitation

Trafficked women and children living in prostitution experience a full range of sexual exploitation. In one study more than three-fifth of respondents reported sexual abuse which includes sexual harassment, sexual deviances and rape.

The most recurrent form of sexual abuse reported by women and child victims involves “…customers insisting on what the girls call ‘deviant practices’, meaning anal or oral sex”. If a girl refuses to involve in such acts or where she fails to agree on the payment, the client sometimes forces himself on her. One report indicates a more appalling form of sexual abuse. It stated: “If the girls refuse to go lower than their average prices, some men [take] revenge by sending a friend to pick up the girl in question and take her to an arranged hotel. There, the rejected customer will wait, and the girl will be raped—often by several men.”

95 Id., p.116.
96 Save the Children Sweden, p.34
97 Interview
98 Forum on Street Children Ethiopia (FSCE), June 2003, p.126
99 Agrinet I, page 38.
100 Ibid
101 Id., note 30, p.128.
102 Ibid.
103 Save the Children Sweden, p.41.
104 Ibid.
Although sexual abuse, especially rape, is perpetrated by customers, owners of bars and hotels where the victims work may also be the offenders besides street gangs and strangers.\textsuperscript{105} A more common role of owners of bars and hotels is initiating new children into prostitution. The following experience of a sixteen-year-old girl, originally from ‘Shashemene’, interviewed from the ‘Gojjam Berenda’ area of Addis Ababa clearly elaborates this role of the owners otherwise known as ‘balukas’:

“…A woman visiting our village brought me to Gojjam Berenda to work for her in an establishment selling local drinks.... When I arrived at ‘Gojjam Berenda’, I learnt that she was just an employee working for the owner. She told the owner she had informed me about my job. On my first night, the owner told me to clean up myself and stand outside the house with the woman who brought me. She told me that she will negotiate the deal when a man approaches me because I was not experienced. When I understood what they were doing, I refused to stand outside for three days although the owner was furious and beat me continuously. On the fourth day, the owner and the woman who brought me took me to a place where beds were rented with a man I saw drinking in the house. I thought that all of us were to spend the night together. After we arrived there, the owner left us saying that he had to bring something. After some time the woman who brought me to ‘Gojjam Berenda’ also left the two of us to get dinner. At midnight, the man told me that they were not coming back. He raped me during the night. In the morning, the baluka offered me 15 birr for sleeping with the man...With the advice of some girls around, I reported the rape to the police. The Baluka and the man were released on bail. The Baluka gave me 200 birr as compensation. The man who raped me is seen in the street frequently. I am no longer following up the case...’’.

This role of bar and hotel owners was reaffirmed by a number of respondents who have worked or are still working in similar situations. In addition to the forms of sexual abuse described above, women and child victims of trafficking engaged in prostitution are also exploited by owners of bars and hotels and landladies of brothels who financially benefit by sharing their income. Women and girls working in bars and hotels are required to pay an “exit fee” to the owner if they leave the bar or serving area of the hotel with a client before the normal closing time of the establishment, which is, at midnight or later.\textsuperscript{106} Those living and working in rooms owned by the ‘balukas’ face a more exploitative environment in which they have to pay up to half of their income from prostitution.\textsuperscript{107} ‘Balukas’ living on the proceeds of the prostitution of women and children use different methods to attract and hold on to their victims. In some areas of Addis Ababa like ‘Mercato’, where there are a large number of street children, landladies who usually are former prostitutes, take in street children and unattended migrants from bus stations and engage them in prostitution providing a working space in return for a share of their

\textsuperscript{105} Forum on Street Children Ethiopia (FSCE), June 2003, p.128
\textsuperscript{106} Save the Children Sweden, p.33
\textsuperscript{107} Agrinet I, p.25
income.\textsuperscript{108} Once the women and girls are initiated into prostitution, the ‘balukas’ keep the girls’ savings and clothes and use various means including threats to ensure the sustainability of their income.\textsuperscript{109} In the exceptional case where a woman or child victim manages to run away from the ‘baluka’ leaving her savings and clothes, she may face harassment, beating and even sexual abuse by street gangs sent by the ‘baluka’. Informants reported that they knew of cases where the victims were accused of theft by the ‘baluka’ and imprisoned when they tried to run away.

\textbf{Effects of Abuse and Exploitation}

Physical, emotional and sexual abuses create a range of consequences for the victims. The most visible consequences are physical in nature such as broken bones, burn scars, temporary bleeding and bruises.\textsuperscript{110} Boys working as weavers also suffer from constant headaches and eye problems due to the lighting and dust in their working areas.\textsuperscript{111} In extreme cases, physical and emotional problems may lead to permanent disability or death of victims. All forms of abuse, especially when recurrent and severe, also lead to severe psychological and emotional problems. The victims, especially those engaged in prostitution, are often exposed to addictive habits such as drinking alcohol, chewing “khat”\textsuperscript{112} and smoking cigarettes, which in turn lead to health problems.\textsuperscript{113}

Documented cases of medical problems encountered by trafficking victims show a high prevalence of illnesses like gastritis, anemia, sexually transmitted infections and bronchitis.\textsuperscript{114} The majority of trafficked children and women also suffer from the effects of psychological problems including low self esteem, constant and severe feelings of sadness, frequent nightmares and excessive crying, suggesting intense psychological distress illnesses.\textsuperscript{115}

The physical and mental consequences of sexual abuse and exploitation are particularly severe and more prevalent on children, as indicated by studies involving children engaged in commercial sex work. The very act of sexual intercourse with children entails major negative health consequences “...given the delicate nature of their physique, children cannot withstand sexual intercourse”\textsuperscript{116}. As such, it leads to recurrence of mental disturbance, abortion, sexually transmitted infections and unwanted pregnancy among children engaged in prostitution.\textsuperscript{117} Moreover, it is believed that children are more

\textsuperscript{108} Ibid. note 38.
\textsuperscript{109} Ibid.
\textsuperscript{110} Forum on Street Children Ethiopia (FSCE), June 2003, p.78, Table 3.3.38; also see Agrinet I, page 38 and Forum, page 26.
\textsuperscript{111} Ibid
\textsuperscript{112} Khat is one of many names for a crimson green plant grown in Ethiopia and chewed or drunk as a stimulant
\textsuperscript{113} Agrinet I, page 43
\textsuperscript{114} Forum on Street Children Ethiopia (FSCE), June 2003, p.140, Table 3.4.54
\textsuperscript{115} Agrinet I, page 28
\textsuperscript{116} National Steering Committee against Sexual Exploitation of Children, Child Sexual Exploitation in Ethiopia: Law and Practice, Addis Ababa, November 1997, p.14
\textsuperscript{117} Forum on Street Children Ethiopia (FSCE), June 2003, p.86
susceptible to sexually transmitted infections including HIV/AIDS “...due to physical characteristics such as their small bodies and the delicate mucous membranes ..., which ... tend to rupture and bleed during intercourse...[and]... give the HIV virus direct contact with blood vessels.”

The susceptibility of trafficked women and children in the commercial sex market to contract HIV/AIDS and STIs, is further aggravated by their low level of awareness about protection. The following statements by respondents asked about using condoms in a survey of child prostitution in Addis Ababa is indicative of this factor.

“I sometimes use condoms, but I don’t feel the danger of AIDS. I use pills to avoid pregnancy.” (14-year old street walker)

“AIDS is not a problem for me. I do not think I will get it, and I don’t want to spend my money on condoms. But sometimes when I have money, I buy condoms. I believe in God. Some men want to do it with condoms, and they want me to buy it with my own money. I never ask them to use condoms.” (16-year old street walker)

“If I insist on condoms, the men will leave, and I can’t afford that.” (17-year old bar girl)

“I have tried to use condoms but the landlady gets angry if I refuse men who don’t want to use it. I can’t afford to choose.” (15 year old street walker)

2.8. Conclusion

Internal trafficking of women and children is often found submerged within broader migration patterns mirroring those of seasonal migrant workers and the flow to the urban centers. With the ever increasing poverty and little access to social services in the rural areas, young women and children are easily seduced into migrating to the apparently more prosperous cities. Once there, they are confined and forced into domestic servitude or prostitution with a potent mixture of hopelessness, fear and a society tolerant of the abusive and exploitative relationships between employers and household employees and prostitution as an accepted way of life deterring those members of the community who are aware of the problem from speaking out. The majority of women and children are trafficked with the active involvement of parents, relatives and sometimes acquaintances (to which are included teachers according to one victim). Whatever the nature of the relationship between the victims and the recruiting person, every trafficking case involves deception, misrepresentation, and failure to fulfill the promise of education and other wishes of the children and women.

118 National Steering Committee against Sexual Exploitation of Children, p.15
119 SCS, 1997, p. 34.
Part Three: External Trafficking

3.1. Background

17,000 Ethiopian women in Lebanon are without diplomatic protection. Their passports are taken away and they are subjected to physical abuse… Trying to escape is impossible. (Al Hayat Newspaper, November 4, 1999)

External trafficking of women and children from Ethiopia, especially to countries in the Middle East, is recognized as a significant problem. Recent studies show that a large number of Ethiopian women and children who migrate to Middle Eastern countries are victims of trafficking.

Official Ethiopian migration records indicate that the number of female migrants has been steadily increasing. According to these records, there were 4,896 female labor migrants between July 2001 and June 2002. This is a significant increase from the first three years after labor migration was re-legalized in 1981, when only 555 women migrated abroad for employment.

Yet, due to the extensive migration of women and children through unofficial and illegal channels, these data do not give the real picture of the magnitude of external trafficking from Ethiopia. To appreciate the actual magnitude of migration and trafficking, it is helpful to examine the situation in the most popular destination for the migration and trafficking of Ethiopian women and children: Lebanon.

According to some reports, Lebanese citizens posing as tourists illegally sent Ethiopian women and children to Lebanon during the prohibition of labour migration between 1975 and 1981. When labour migration was re-legalized, the popularity of Lebanon as a destination country for Ethiopian women progressively increased. According to the Ethiopian Immigration and Citizens’ Affairs Directorate, the average number of women traveling to Beirut per month increased from 23 in 1996 to 413 in 1999. The total number of Ethiopian women who received exit visas between 1996 and 1999 was 10,761.

However, other estimates put the number of Ethiopian women in Lebanon in the tens of thousands. One estimate given by the Pastoral Commission on Afro-Asian Migrants put the number of female domestic workers in Beirut alone at 14,000. The Lebanese Al Hayat newspaper reported that in 1999 there were approximately 17,000 Ethiopian female migrants living in Lebanon, and that 1,000 new Ethiopian migrants arrived each year.

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121 Reporter Newspaper (Amharic), Meskerem 9, 1992
122 Tshay Belayneh and Atsedewoine Teke, Traffic in Women from Ethiopia, Prime Minister’s Office Women’s Affairs Sub-Section and IOM, Addis Ababa, Sene 2000, p. 2, (Immigration and Citizens Affairs Directorate)
A local researcher estimated that “...in Lebanon alone, in November 2002, the number of Ethiopian women migrants is estimated to be between 25,000 – 35,000.” The increase in the number of Ethiopian women traveling to Lebanon in the last ten years is reportedly attributable to the expansion of recruitment by Lebanese agencies, which previously focused on countries like the Philippines and Sri Lanka, into Ethiopia.

Besides Lebanon, other Middle Eastern countries such as Saudi Arabia, Yemen and the United Arab Emirates are also major destinations for trafficked Ethiopians. A recent newspaper report indicated that 130,000 Ethiopian women and children have migrated to the Gulf States.

Women and children use temporary visits to seek employment and stay in the country of destination. “According to an official of the Ethiopian Immigration Authority, most of these women who leave the country through Haji and Oumra use the Moslem pilgrimages as a pretext to migrate for employment in the Arab countries.” The number of people, including women, who leave for these religious pilgrimages, is substantial. In the year 2000 alone, the Saudi Arabian Consulate in Addis Ababa issued 11,000 visas for the pilgrimages.

Trafficked Ethiopian women and children are exposed to various forms of abuse and exploitation in the country of destination. These include prohibition of contact with family members; long working hours, labor exploitation, denial of rest and leave, denial of food, sexual harassment and rape, beatings and imprisonment. As a result of these abuses, many victims of trafficking suffer serious bodily injuries and mental disorders. In extreme cases, deaths and disappearances of victims are also reported.

### 3.2. Vulnerabilities

The major factors contributing to both the migration and the vulnerability of Ethiopian women and children to trafficking are “unemployment, poverty, lack of prospects, the search for better opportunities and income to support themselves and their families.” According to one writer, “…women in Ethiopia have less opportunity to receive an education than do men. As a result, women also have less opportunity for employment. It...”

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125 Mesfin Eshetu, Women and Children Trafficking within and from Ethiopia, Faculty of Law, Addis Ababa University, Addis Ababa, May 2003, p. 27, (Taye Tesfaye, Report on Ethiopians Living in Lebanon, Ministry of Foreign Affairs Documentation, November 1995 E.C., p. 5.)
126 Taye Tesfaye, FDRE General Consul in Lebanon, Assessment of the Conditions of Migrant Workers in Lebanon and Support Structures Required, National Capacity Building Workshop, IOM, Addis Ababa, October 2002, p. 3
127 The Monitor (Amharic Newspaper); Friday, Tikimt 11, 1998 E.C.
128 I.d., p. 4
129 Ibid.
130 Tshay Belayneh and Atsedewoine Teke, p. 2
131 Tshay Belayneh, Research and Communication Strategy Definition, Be Informed: Counter Trafficking through Information, International Organization for Migration, March 2003, p. 23
is not surprising that the trend of migration among women is higher than that of men.”  

These factors have created a ‘pool of recruits for trafficking’ of women and children.  

On the other hand, “expansion of the services sector, a rising female labour (sic) force participation and an aging population in the receiving countries have been listed as factors increasing the demand for overseas workers.”

Ethiopian women and children are attracted by the relatively better financial prospects offered by destination countries. Most are employed as housemaids and a few work in other low paying jobs which fail to attract local labor. However, reportedly 10,000 Ethiopian female migrants in the Gulf States are engaged in prostitution.

Women and children are vulnerable to trafficking as they often use illegal and semi-legal routes and processes for migration. One recent study on the international labor migration of Ethiopian women stated, “…few [Ethiopian] women migrate …through legal channels. Most women migrate through traffickers/illegal agents.”

3.3. Profile of Trafficked Women

Identifying groups of women and children vulnerable to trafficking is difficult, as the larger process of regular migration often masks the trafficking process. In most cases, victims of external trafficking are initially willing to migrate and voluntarily participate in the process. However trafficking, unlike regular migration, involves deception about the ultimate outcome of the migration process and exploitation of the victim. In a typical case, the victim is promised a well-paying job in the country of destination with excellent living and working conditions. Then, once the victim has been isolated from her social context, actors including local brokers, external brokers and employers take control of the migration process and exploit the victim. In discussing the profile of external trafficking victims, age, education, socio-economic status and place of origin are the defining elements.

Age at the Time of Trafficking

A recent study showed that most victims of external trafficking are women between 20 and 30 years old. Only an insignificant number are above thirty-five and the oldest reported victim of trafficking to the Middle East is forty years old. Children less than

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132 Emebet Kebede, p. 5  
133 Ibid., (Rakeb Meselle, Modern Enslavement of Women, p. 1).  
134 Ibid.  
135 The Monitor (Amharic Newspaper); Friday, Tikimt 11, 1998 E.C.  
137 Emebet Kebede, Ethiopia: An Assessment of the International Labour Migration Situation, the Case of Female Labour Migrants, p. 3  
138 These factors are dealt with at the different stages of the trafficking process in this report.  
139 Emebet Kebede, p. 6  
140 Agrinet II. page 12
eighteen years old and as young as thirteen are also trafficked, usually with falsified documents to certify their age.\textsuperscript{141}

Many of the girls and women interviewed for this report were below the age of eighteen at the time of migration. Another recent study on external trafficking that indicated that though a larger number of women than children migrate, children are more likely to become victims of trafficking.\textsuperscript{142} According to this study, more than 87\% of children in the sample group were victims of trafficking.

**Educational background**

As discussed in Part II, most victims of internal trafficking are either illiterate or have only elementary-level education. Generally, though literate, victims of external trafficking lack marketable skills and have a limited knowledge of the situation in the country to which they are trafficked.

Most of the victims of external trafficking interviewed for this report were high school dropouts. A few had completed high school and a small number had post-secondary education. Other studies have also concluded that most victims of external trafficking have either completed high school or are dropouts.\textsuperscript{143} A large proportion of respondents identified failure in education and absence of opportunities to financially support themselves as driving causes for their migration for work abroad. One returnee stated, “I wanted to go to the Middle East because I failed 9\textsuperscript{th} grade. I was very frustrated. I wanted to save money so that I could return and start a business here…”\textsuperscript{144}

Girls who drop out of school for reasons other than educational performance also consider work abroad as a path to economic and social success. One respondent decided to migrate to the Middle East after the disruption of her education in the eleventh grade due to pregnancy and marriage.\textsuperscript{145}

**Socio-Economic Background of Trafficked Women and Children**

Most victims of trafficking interviewed for this study identified economic reasons as the major push factor for their migration.\textsuperscript{146} The purpose of their migration, in most cases, is to earn better wages so they can send remittances home to their families in Ethiopia. In one study involving migrants and returnees, the unemployment rate before leaving Ethiopia was almost eighty percent.\textsuperscript{147} Many women and children migrate hoping to save their earnings and start a small business once they return. However some, even those with a relatively comfortable life in Ethiopia, simply hope that a foreign country can provide a better quality of life.

\textsuperscript{141} Ibid. Moreover, with the lack of birth registration system in Ethiopia, minors could easily change their age and obtain passports. Therefore it could be difficult to know the exact number of migrants who are minors. Also see BR report
\textsuperscript{142} Agrinet II.
\textsuperscript{143} Tsehay Belayneh, p. 35
\textsuperscript{144} Interviewee, Returnee from Beirut
\textsuperscript{145} Interviewee, Returnee from Beirut
\textsuperscript{146} Agrinet II. Page 13, most migrants (73\%) had no jobs before leaving Ethiopia.
\textsuperscript{147} Tsehay Belayneh, p. 36.
In most cases, it is the children of poorer families, especially the eldest child, who work abroad to support their families. Often an incident leading to the aggravation of financial problems, like the death or separation of parents, is identified as the determining factor in the decision to migrate. One returnee stated:

“I am the eldest in the family. My father was taking care of us and life was relatively good. However, when my father died the family faced serious financial problems and we worried about our long-term survival. We agreed that I should use the money we received as severance pay from my father’s employer to migrate and work in one of the Middle Eastern countries. We were hoping that I would be able to send money home to support the family.”

Another returnee identified the separation of parents and subsequent financial problems in the family as the major reason driving her migration:

“My family had a good life. After some time, my parents fell into disagreement. Upon their separation, my father, who was the breadwinner of the family, stopped supporting us. Since I was the eldest of five children, I decided to work abroad to support my mother, sisters and brothers.”

Sometimes, girls whose families are financially better off decide to travel and work abroad in search of self-sufficiency and a better standard of living. One returnee said:

“My parents have good jobs. My father paid the three thousand Birr to the broker without having to borrow money. There is no problem in our house. The only reason I went to Beirut was to improve my life.”

**Place of origin of Trafficked Women and Children**

A typical victim of trafficking lives in Addis Ababa or a major regional town with access to local brokers and employment agencies. Although women and children from both rural and urban areas are trafficked, the majority of respondents of this study were from urban and semi-urban areas. A number of studies on the topic have concluded that most victims of external trafficking are from Addis Ababa, perhaps because most brokers and agencies are located there. Yet increasing public awareness about trafficking in urban centers is progressively forcing brokers to target semi-urban areas where women are more vulnerable, have less access to information and are less likely to complain or seek help or legal advice in abusive situations.

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148 Interviewee, Returnee from Beirut
149 Interviewee, Returnee from Beirut
150 See Emebet Kebede, Tshay Belayneh and Atsedewoine Teke, and Tsehay Belayneh.
3.4. Recruitment

This section examines the profile of recruiters; the roles played by various actors in the recruitment process, the most common recruitment strategies and the recruitment processes.

Profile of Traffickers

The typical recruiter for external trafficking is a person who has returned from the country of destination, has relatives living in the country of destination, or frequently travels abroad for a legitimate purpose. The person is either known to the victim (or her family) or works through a facilitator known to them. Traffickers are most often “…local brokers …relatives and family members of migrant workers …outside brokers [and] legally registered employment and travel agencies….”

Brokers

Local brokers (called ‘delalas’), who operate at the community level and are usually known to the victim and her family, often recruit potential victims for trafficking. Typically the broker is either a returnee from the country of destination or has relatives there.

Reports indicate “…many women who work in [Middle Eastern] countries traffic through their families in Ethiopia.” Community members are more likely to trust traffickers with family members living and working abroad. This has helped some families to establish a small business trafficking women and children. In one case, a returnee reported that the broker who arranged her travel to Beirut operated through her daughters, who live in three different countries in the Middle East.

In some cases, families with children living abroad fraudulently claim that their children will help victims adjust to life abroad. In the words of one returnee:

“A woman introduced me to a broker and promised me that her daughter, who lived in Lebanon, would help me once I arrived. Once in Lebanon, I met with the daughter. She had no idea that her mother had helped to arrange my travel or sent me to her. She was very disappointed and angry with her mother. She asked me why her mother had sent me to Lebanon to suffer after having read all the letters she wrote about the terrible conditions she was facing in Beirut. I would never have trusted the broker or left Ethiopia if it wasn’t for the stories the mother told me about her daughter’s life.”

152 Agrinet II, p.17.
153 Emebet Kebede, p. 26
154 Interview with a returnee from Beirut living in the Gulele area.
155 Interview with a returnee from Beirut living in Addis Ababa
Facilitators
Brokers usually use facilitators for recruitment and do not directly contact victims and their families. Facilitators are typically neighbours or other persons known to the victim. This can also include close relatives and family members.

The main tasks of facilitators in the recruitment process are to seek out potential victims, convince victims and their families of the benefits of working abroad, and arrange a meeting with the broker. Though facilitators present themselves as concerned individuals, they actually receive commissions from brokers for each successfully trafficked woman and child. The story of a returnee interviewed for this report sheds more light on the role of the facilitator in the recruitment process:

“I had just completed high school with poor results and was unemployed. At the ‘Lideta Mariam’\textsuperscript{156} ceremony organized by my mother, a woman I did not know came to our house with a neighbour. The neighbour was a very close friend of my mother and very respected in the neighbourhood. The woman told my mother about girls my age who live in Beirut and send money to their parents. She spoke of a close friend whose daughter lives a very good life and helps her family, and offered to talk to her friend about the possibility of my working in Beirut. The woman took my mother and me to the woman’s house a few days later to talk about the kind of work I am going to do in Beirut and the money we have to pay her. After the first meeting, I met the woman only a few times. My mother paid her a total of three thousand Birr.”

Working through facilitators benefits the brokers in many ways. Since the facilitators are known and trusted by the potential victims, there is a better chance of engaging the victims while at the same time reducing suspicion of active recruitment. The arrangement also makes it easier for the broker to work in communities where he or she is not known. Additionally, the brokers are not held responsible for the victim’s exploitation in the eyes of the community. Even the victims may not hold the broker responsible; since the involvement of a facilitator gives the impression that the victim or her family came to the broker seeking assistance. The facilitator is also often considered blameless and seen as a good-intentioned neighbour or relative. This arrangement has become the normal \textit{modus operandi} in trafficking due to the increasingly hostile atmosphere created by publicity of cases of abuse and the increasing attention given by law enforcement agencies to trafficking, especially in Addis Ababa.

To avoid notoriety and detection by authorities, local brokers do not have established or official places of work. They work from rented houses, neighbourhood cafés or hotel rooms and do not publicly advertise their services. To avoid being identified, brokers also move from place to place in larger towns and work through multiple facilitators.

\textsuperscript{156} A traditional holiday for the followers of the Ethiopian Orthodox Church celebrated on the first day of the month of ‘Ginbot’ (the ninth month in the Ethiopian calendar correlating with May in the Gregorian calendar) commemorating the birth of Saint Mary.
According to a recent study, even the victims do not know the real names and addresses of the brokers who recruited and trafficked them.\textsuperscript{157}

Travel agencies and import-export businesses
Unlike in other countries, organized crime groups do not play a significant role in the external trafficking of women and children in Ethiopia. This does not, however, mean that organized groups are not involved in the process. Travel agencies and import-export businesses are in a position to make the business of trafficking in persons from Ethiopia more efficient, organized and widespread.\textsuperscript{158} Their activities create frequent opportunities for travel to destination countries and contact with employment agents and individuals involved in trafficking at the destination side.\textsuperscript{159}

Not much is known about the recruitment methods used by owners and operators of travel agencies and import-export businesses. They do not advertise their services since they are not licensed to arrange employment abroad. Presumably, they work with local brokers and facilitators at the initial stages of recruitment in the manner discussed above.

The Recruitment Process
As described above, most brokers recruit women and children in an informal manner using a facilitator. The facilitator’s first task is to identify a child or woman who could be convinced to seek the help of the broker. These are often parents in financial difficulty or with children out of school. The facilitator befriends the potential victim or her family and suggests the possibility of employment in a foreign country as a means of dealing with the family’s problems. Once the interest of the victim or parents has been secured, the facilitator offers to arrange a meeting with the broker.

The story of a returnee from Beirut describes this mode of recruitment:

“\textquote[^2]{}I was out of work and lived in my mother’s house. My family was facing financial problems since my father left us. Although my mother was employed, she could not earn enough to support my four younger brothers and sisters. A neighbour who works as a broker for housemaids told my mother about a woman who makes arrangements for employment in Lebanon. Our neighbour advised us not to miss the chance to talk to her, even if I decided not to go abroad. A few days later he arranged for a meeting at her house.”\textquote[^2]{}

The meeting with the broker may take place at his or her home, as in the above case. However, in most cases the first meeting takes place in public places, which will be the only address the potential victim knows if the meeting is not successful.\textsuperscript{160} Sometimes,
brokers use the office of a legitimate activity, such as small brokerage houses for housemaids and places for purchase and sale of property, as cover operations.

More cautious brokers depend on prescreening by facilitators and contact only the victims they deem viable. In such cases, the brokers use private meeting places like rooms rented in a private compound at an address known only to the facilitator. These rooms, arranged to make the victims assume that the broker lives there, are in many cases rented for a short time. The broker moves periodically among different communities and neighbourhoods.  

The purpose of the first meeting is to create a resolve on the part of the potential victim to migrate. The broker reinforces her vision of migration abroad as the solution to her financial problems. The broker draws an attractive picture of life in the destination country and of the promising conditions and terms of employment. He reinforces these images with the often fictional stories of others he has sent to that country in the past. The potential victim may not have a preferred country or may doubt the selection of the suggested country. In this case, the broker will describe its many attractions in such a way that the potential victim is persuaded to select the country in which the broker has contacts. The potential victim is not informed of any problems or challenges unless she specifically raises questions. In cases where the victim asks about such matters, they are downplayed as rare incidents caused by exceptional circumstances.

Once the victim has been convinced to use the services of the broker, the issue of payment for these services is raised. This may be done at the first meeting or in subsequent meetings. In cases where the broker is hiding from the authorities or fears exposure, the facilitator may handle all negotiations with the potential victim. According to one respondent, she never met the broker who arranged her travel to Beirut. A friend, who herself was a recent returnee from the same country, handled everything. The normal role of the facilitator in these meetings is as an advisor to the potential victim. The facilitator, who has the trust of the victim, convinces her that the payment set by the broker is fair. The total amount and manner of payment depends on a number of factors. The country of destination appears to be the most significant determinant, though there is substantial variation among specific cases. Returnees interviewed for this report paid between two and eight thousand Birr. The highest amount, eight thousand Birr, was paid by returnees from Dubai while the lowest, two thousand Birr, was paid by a returnee from Yemen. Those who traveled to Qatar and Bahrain paid five thousand Birr while those who traveled to Beirut paid between three to seven thousand Birr.

Another factor that affects the fee is whether it is directly negotiated by the victim. Payments tend to be higher when negotiations are mediated by a facilitator, who earns a commission on the deal. A returnee from Beirut stated that she secured a two thousand Birr deduction on the original eight thousand Birr fee when she contacted the broker directly.  

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161 Interview with returnees and discussion with families of victims.
162 Interview with a returnee from Beirut.
163 Interview with a returnee from Beirut.
The agreement reached between the broker and the victim is almost always an oral agreement that is not witnessed by third parties.\textsuperscript{164} Sometimes, brokers use their confidants as witnesses to create an appearance of formality. There are, however, instances of agreements in writing.\textsuperscript{165}

Normally, the fee is paid in two installments of equal amount. These installments cover the total expenses of the victim for the services of the broker and transportation to the destination country. The first payment is due before the broker starts looking for employment. The second is paid after travel arrangements have been completed,\textsuperscript{166} marked by the procurement of the entry visa or confirmation of the flight.

In many cases, parents finance their children’s migration by borrowing money from illegal loan sharks at exorbitant interest rates. Facilitators and local brokers with contacts with local loan sharks may arrange the loan. One returnee stated that her mother borrowed six thousand Birr to pay the local broker.\textsuperscript{167} Another interviewee reported:

\begin{quote}
\textit{``since my family was not in a position to pay the six thousand Birr the broker asked, my mother borrowed the money from a man who gives loans at interest. My mother paid more than two thousand Birr in interest.''}\textsuperscript{168}
\end{quote}

Once the fees are agreed upon and the first payment is made, the potential migrant gives the broker a copy of her passport, one full body and one passport size photograph, and a medical examination report proving that she does not suffer from any major ailment, in particular HIV/AIDS. Sometimes, brokers keep the original passport so that the victim cannot approach other brokers for a cheaper deal.\textsuperscript{169} Copies of the victim’s passport and the photographs are then sent to the broker’s contacts in the country of destination for selection by potential employers. Finding an employer through the foreign contacts usually takes a few weeks. Upon confirmation of an interested employer, the broker faxes copies of the relevant documents to the country of destination to process and secures the necessary entry visa.\textsuperscript{170}

The victims handle all official processes within Ethiopia. Brokers make non-official travel arrangements like purchasing tickets and confirming flights. In this way, the brokers avoid contact with any government authority and officially maintain the appearance of sending a legitimate migrant who secured employment abroad independently.\textsuperscript{171}

\begin{flushright}
\textsuperscript{164} One respondent reported that she was made to sign a paper stating that she will pay the brokers fee before leaving the country which her mother also signed as guarantor.
\textsuperscript{165} Tshay Belayneh and Atsedewoine Tekle, annexes.
\textsuperscript{166} Emebet Kebede, p. 6 (Atsedewoine).
\textsuperscript{167} Interview, returnee from Beirut.
\textsuperscript{168} Interview with a returnee from Beirut
\textsuperscript{169} Interview with a returnee from Beirut
\textsuperscript{170} Most of the destination countries for traffic in women and children from Ethiopia are not represented by Embassies in Addis Ababa.
\textsuperscript{171} Tshay Belayneh and Atsedewoine Tekle, p. 6
\end{flushright}
After the entrance visa is sent to Addis Ababa, usually within a period of one month to one year, victims receive the visa and airplane ticket to the country of destination.

### 3.5. Countries of Destination, Routes and Transportation

The major countries of destination for Ethiopian women and children are Lebanon, United Arab Emirates, Saudi Arabia and Yemen with Beirut, in Lebanon, accounting for the highest number. The Middle East is a popular destination due to its proximity and high demand for domestic workers. Beirut is the preferred destination, especially for non-Muslim migrants, due to the relative religious freedom and its large Ethiopian community.

Saudi Arabia is also a popular destination for women and children traveling under the pretext of annual religious pilgrimages. Local brokers and travel agencies coordinate extensively during the period just before the pilgrimages to send victims to foreign agents in Saudi Arabia where they will be engaged as housemaids or in other activities. In recent years, the United Arab Emirates has also become popular due to reports of higher paying jobs. Local brokers also push potential victims to travel to the UAE since the fees are higher for that destination.

Besides Middle Eastern countries, other destinations for Ethiopian women and children include Sudan, South Africa, Djibouti, and Egypt. A returnee from Dubai reported that she knew of women and young girls, including her sister and close friend, who had been trafficked to Sudan and forced to work as housemaids after being deceived that it was a transit stop on the way to Bahrain.

The majority of women reported that they traveled alone until they arrived in the destination country. Victims of trafficking traveling to destinations in the Middle East have traditionally used direct air transport from Addis Ababa. Recently, however, many trafficked women first fly to neighbouring countries such as Kenya, Djibouti and Sudan, where entry visas are not required for Ethiopians. From there, they board a plane to their country of destination. This route is used to avoid the requirement that all Ethiopians traveling to foreign countries on migrant worker visas must produce a contract of employment approved by MoLSA at the immigration desk of the Addis Ababa International Airport.

Routes via land and sea have also become popular in recent years. There are reports that a land route through Sudan, Libya and Morocco is used to reach Europe. An Ethiopian newspaper recently reported the arrest of irregular migrants near the northern town of

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173 Interviewees, and ex. director, Gemenaye
174 Ibid.
175 IOM, Situation analysis, page 17
176 Interview with a returnee from Dubai.
Nador by the Moroccan police and navy units. They were attempting to reach Spain by boat.\textsuperscript{177} Although the reports did not identify the migrants as Ethiopian, there were indications that they used a trafficking route originating in Ethiopia.

Another popular route to reach the Middle East requires victims of trafficking to travel by land to Djibouti or Somalia and then by boat to Yemen.\textsuperscript{178} They depart from Dire Dawa in Eastern Ethiopia and then travel by train to Dewele or take public transport to Hartishek through the town of Jijiga. Those who travel through Dewele bypass the Ethiopian and Djibouti immigration posts located near the town of Alisebi and board the train to Belbela near the Ethiopian dry port in Djibouti. The local brokers residing there work within the substantial Ethiopian community living in Ariba where local security officers are less likely to venture. Upon payment of between six and eight hundred Birr, these brokers arrange travel by boat to Yemen.

The alternative route through Hartishek leads to Hargessa and Berbera. The latter destination is preferred since the transit to Yemen is reportedly arranged by brokers working with UNHCR who can provide legitimate passage to Yemen and a one-month residence permit for a fee of one thousand Birr or one hundred dollars. There is also a reported route to Yemen via Bosaso, a port in Somaliland.\textsuperscript{179} At the port of Bosaso, a thirty-six hour-long boat ride to Yemen can reportedly be bought for a sum of two hundred and fifty Birr.

Reports by the police indicate that they have rescued women and children abandoned by brokers in Jijiga and that some traffickers are being prosecuted.\textsuperscript{180} According to these reports, the rescued women and children disclosed that they were recruited from as far as Wollo and Jimma under the premise that they would travel by boat to Yemen via Somalia.\textsuperscript{181} This route to Yemen is believed to be the first leg of the trafficking process ending in many Middle East destination countries. Victims are attracted to this route by lower fees, which can be as low as one thousand Birr.\textsuperscript{182}

Some reports indicate that another land route through Kenya, with South Africa as the final destination, is used by traffickers. According to a Kenyan newspaper, Nairobi police authorities arrested a suspected trafficker traveling with sixty-one Ethiopians.\textsuperscript{183} The group is believed to have been heading for South Africa traveling by road through Zambia and Mozambique.

3.6. Abuse and Exploitation

\textsuperscript{177} The Ethiopian Herald, Wednesday 21 September 2005.
\textsuperscript{178} Based on interview with a young male returnee from Yemen.
\textsuperscript{179} Based on second hand reports by the above male returnee from Yemen.
\textsuperscript{180} Interview with Dire Dawa Council Law and security department and police
\textsuperscript{181} Ibid.
\textsuperscript{182} Ibid.
\textsuperscript{183} The nation-Kenya (July 12, 2005)
Before examining the forms and prevalence of abuse and exploitation faced by Ethiopian victims of trafficking, it may be relevant to discuss the official status of victims in the country of destination. Lebanon, where the largest number of Ethiopian women and child migrants work, provides a fitting example.

In the words of the Ethiopian Consul in Beirut; “...according to Lebanese law, migrant workers in possession of a work permit are entitled to enjoy full social rights.” Thus, in theory a work permit ensures that the basic rights of Ethiopian labor migrants will be protected. However, traffickers (including employers and agents) prevent their victims from obtaining work permits. A passport must be shown upon arrival to secure a work permit. However, traffickers often confiscate their victim’s passports at the airport. In addition, police or immigration officials may hand over the victim’s passport to the trafficker, regardless of whether the victim has a legal visa to enter the country and of the illegality of confiscation of passports under the law.

Traffickers may also demand that victims pay exorbitant amounts for work visas, sometimes up to four hundred dollars or three to four months salary. Traffickers may use coercion or deception to force victims to accept dangerous or demeaning obligations under their contract. To release victims from these obligations, traffickers may demand as much as three thousand dollars, which is the equivalent two and a half years salary.

According to a study involving returnees and migrant Ethiopian women, the most prevalent forms of abuse and exploitation faced by women and children working as housemaids in Middle East countries are overwork, sexual abuse, confinement, insult and belittlement, physical abuse and withholding of salary. These and other forms of abuse and exploitation are examined in this section under three general categories of abuse and exploitation: labour exploitation, physical and emotional abuse and sexual abuse and exploitation.

**Labour Exploitation**

Previous research has shown that labour exploitation of victims of trafficking working as housemaids is the most commonly reported type of abuse. Labour exploitation is often related to the drafting and implementation of the employment contract, the conditions of work, the payment of salary and the termination of the employment contract.

Often, victims of trafficking arrive in the destination country without an employment contract, where they may be forced to sign a contract written in Arabic after their arrival. Even when an employment contract has been signed before leaving Ethiopia,
agents and employers routinely compel the victims to sign a contract prepared in Arabic.\footnote{Ibid.} Thus, the victims’ knowledge and understanding of the terms and conditions of their employment is entirely based on what they have been told by the broker in Addis Ababa, which in many cases is untrue.\footnote{Ibid.} A study conducted for the Ethiopian government concluded:

“Negotiations on the contract of employment were not undertaken in most of the cases. Even where such negotiation existed, it was between the brokers in Addis Ababa and agents in Beirut. Moreover, the contract of employment is written in Arabic. Employees do not have the right to complain where the terms of the contract are not adhered to and the employers can do whatever they like.”\footnote{Tshay Belayneh and Atsedewoine Teke, p. 7}

The contracts, whether signed in Addis Ababa or in the destination country, are in most cases negotiated between the local broker or foreign agent and the employer, without even the nominal involvement of the victim. Once a deal is struck, the victim is asked only to sign the final contract though she may not understand the terms and conditions stated within.

In negotiating the employment contract, both the employer and the agent strive to protect their respective interests and maximize their financial benefits. Yet the interests of the employer and the agent can be served only at the cost of the employee. The employer, having already paid a substantial sum to the agent, may consider the employee his personal property. His objective then is to extract the most labour for the least additional payment in salary.

The agent, who purportedly negotiates on behalf of the employee, uses lower salaries as bargaining chips to secure the highest possible commission for himself.\footnote{Taye Tesfaye, p. 2} The role of the agent in the process of negotiating the employment contract is best expressed by the Ethiopian General Consul in Lebanon which stated: “...the agencies have power over both employers and workers, allowing them to elicit very high rates from the former, while ensuring, on behalf of employers, that the workers are provided with the bare minimum.”\footnote{Id., p. 4} Though this statement primarily addresses the role of foreign agents, brokers in Addis Ababa play a similar role in the preparation of employment contracts between the foreign employer and the employee.

Employment contracts often include onerous terms and conditions for the employee, such as the waiver of basic rights such as freedom of movement and unrealistic obligations to be fulfilled by the employee in case of termination.\footnote{Emebet Kebede, p. 7} For example, one study reported that, according to contracts discovered in the hands of traffickers, victims trafficked to
Lebanon must pay three thousand dollars to the employer if the employment contract is terminated for any reason.\textsuperscript{198}

The circumstances for the labour exploitation of the victims are put in place long before they set foot in the employer’s household or even leave Ethiopia. When they are deceived or coerced into signing the employment contract, potential victims bind themselves legally to an exploitative employee/employer relationship.\textsuperscript{199}

Contracts of employment are also altered without the consent of the employee. This occurs even when the changes relate to basic terms of the contract such as the identity of the employer, the place of work and the type of work. A victim of such acts reported:

“...the agency sent me to work for an employer other than the one named in my contract. My name in my passport is different from the name in a document kept by the employer...This has become a reason for abuse by my employer who believes that I have cheated with a fake passport... later on I learned that the agency apparently switched my name intentionally to favor another person...”\textsuperscript{200}

Women who sign a contract to work in an urban household may be sent to employers in deep rural locations without their consent.\textsuperscript{201} Agencies also transfer their domestic workers to another agent by altering and transferring the documents of the victim. In the words of one respondent: “...the agent agreed with another agent and transferred my passport and other documents. In effect, I was sold.”\textsuperscript{202} Another respondent made an agreement with a local broker to work as a nurse in a private clinic in Beirut. She signed a contract to this effect in Addis Ababa after a friend translated the document from Arabic. Upon her arrival, she was told that she must either care for an elderly person or return to Ethiopia.\textsuperscript{203}

Salaries of Ethiopians working as housemaids are usually far below what is paid to migrant workers from other developing countries. According to one report, “Filipinos, Sri Lankan citizens and citizens of other countries are paid USD200 per month. Ethiopians who speak English are paid USD150 while [Ethiopians who do not speak English] are paid USD100.”\textsuperscript{204}.

\textsuperscript{198} Ibid.
\textsuperscript{199} Taye Tesfaye, p. 2: “...according to Lebanese law, migrant workers in possession of a work permit are entitled to enjoy full social rights, though it must be added that they are not covered by Labour law. Their status is governed by a contract between the worker and the employer. The fact that migrant workers are not governed by labour law means that they are denied a right to earn Lebanon’s minimal salary, the maximum number of working hours is not set, that they have no guaranteed time-off or vacation, they are generally denied accident or end of work compensation...[unless agreed in the contract of employment].
\textsuperscript{200} Interviewee, recent returnee from Dubai, 2004
\textsuperscript{201} Interviewees, Returnees from Beirut and Dubai
\textsuperscript{202} Interview with a returnee.
\textsuperscript{203} Interview with a returnee from Beirut.
\textsuperscript{204} Reporter Newspaper (Amharic), Meskerem 9, 1992 E.C.
Withholding and denial of salary is a technique used to intimidate or prevent victims from terminating their employment. Salaries may never be paid to victims; for example, one returnee from Dubai was forced to return to Ethiopia without receiving her salary for the last seven months of her employment. Employers may take advantage of the power imbalance between themselves and the employee to deny payment of salary. Reportedly, employers also take the savings of their employees through deceit and coercion.

The housemaid in a typical household is responsible for all household chores. This includes washing clothes and floors, ironing, vacuuming, dusting and washing carpets, making beds, tidying, looking after children, shopping at the local store or accompanying her employers to the supermarkets on a daily basis. Many Ethiopian migrants find the work arduous especially when they work for employers with large families. In cases where the employer owns more than one house, housemaids may be required to work in multiple locations. As reported by the Amharic newspaper The Reporter, some housemaids are “loaned” to friends or relatives of their employers but do not receive additional payment. One study indicated that slightly more than two in three housemaids are forced to work outside their employer's household. It is not clear whether or not the employers benefit financially from these arrangements.

Domestic workers reportedly work between nine and nineteen hours a day with very limited rest throughout the day. A very disturbing story in the Al-Hayat Arabic newspaper reported the case of an Ethiopian victim who was forced to work for eighteen hours a day, every day, for three years without leaving the employer’s house. A disturbingly high number of respondents for this and previous studies reported similar cases of exploitation, bordering on enslavement.

A returnee from Dubai described her typical day as follows:

“I wake up at six in the morning and work until ten in the evening [sixteen hours] without any rest. I sometimes work longer hours when I must serve guests who visit late at night and stay until three in the morning. But no matter how late I work the previous night, I must begin work by six in the morning the next day.”

The existence and frequency of leave depends on the goodwill of the employer. One study involving about four hundred domestic workers reported that 40% of the respondents had no days off at all while the rest had days off ranging between one half

205 Agrinet II. page 21
206 interviewee, recent returnee from Dubai, 2004
207 Interview with a returnee from Dubai
208 Emebet Kebede, p. 11
209 Ray Jureidini, Women Migrant Domestic Workers in Lebanon., page 9
210 Agrinet II, page 21, also see Emebet Kebede.
211 Ray Jureidini, page 8, Agrinet II. page 34
212 Tshay Belayneh and Atsedewoine Teke, p. 3: (Al-Hayat Newspaper, November 4/1999)
213 The issue will be dealt with separately at the end of this section.
214 Interview with a returnee from Dubai
day to one day. According to another study, the only time-off for housemaids is the hours when they attend religious services, where they are usually accompanied by their employers. In many cases, the victims are not allowed to leave the employer’s compound except when it is part of their household chores.

**Physical and Emotional Abuse**

Ethiopian women and children trafficked to the Middle East suffer from recurrent physical and emotional abuse by employers. The most common forms of physical abuse are beatings and corporal punishment inflicted by the female employers although physical abuse by male employers, agents and the police has also been reported.

According to returnees, employers resort to intimidation and physical abuse routinely as a way of reviving the attention of an over-worked housemaid and as punishment for minor mistakes. Women employers attempt to disfigure the face of housemaids to discourage imagined or actual sexual attentions of male employers.

The most common form of emotional abuse is insult and ridicule based on appearance or skin color. Some respondents also reported threats and harassment, as well as insults resulting from suspicion of sexual relations with male employers. Some employers insist on keeping housemaids segregated within the household to create a feeling of inferiority. One respondent said:

“...The wife shouted at me not to touch any of her children. I was not even allowed to take meals with cups, spoons or trays that the family used. She had set aside a spoon, a cup and a tray that I could use to have my meals which she kept separately in the bathroom...”

Another returnee reported that her female employer called her a prostitute whenever she spoke to her. Respondents have also reported incidents where members of the employing family remarked that their employees eat too much because they had nothing to eat while in Ethiopia.

Many returnees agree that the usual perpetrators of emotional abuse are female employers although there are times that other members of the family including children participate in ridicule and belittlement. In some cases, parents reportedly encouraged their children to use hurtful remarks towards the housemaids.

Many domestic workers are not given enough food and are expected to survive on the leftovers of the employing family. One returnee reported that she had to survive on milk and bread that she bought with her own money. The employer gave her a scanty

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215 Agrinet II, page 22
216 Ray Jureidini, page 8
217 Ray Jureidini, page 9
218 Agrinet II, page 28
219 interviewees from Beirut and Dubai
220 Ray Jureidini, page 34
221 Ray Jureidini, page 11
meal once or twice a day and called her a thief if she caught her eating the food she bought for herself. Some employers also use denial of food as a means of punishment.

**Sexual abuse**

According to one study, forty-three percent of respondents reported sexual abuse in the workplace.222 The most common forms of sexual abuse on housemaids are verbal sexual harassment and sexual contact. One respondent said: “The husband comes to the kitchen while his wife is asleep and caresses me and holds my breasts.”223 In some cases, women who work as housemaids are coerced into becoming their employers’ mistresses.224 A large number of respondents involved in the above study also reported instances of rape.225 Male employers were identified as the usual sexual abusers. However, some respondents reported cases where female employers were the perpetrators of sexual abuse.226

**Effects of Abuse and Exploitation**

A 2002 report on trafficking in women concluded that, “the ripple effects of trafficking are enormous, as it is a political, economic, crime, health, migration and most importantly a human rights issue.”227 This conclusion undoubtedly applies to trafficking in women and children from Ethiopia. Yet, the primary effects of the process are borne by the women and children who suffer the abuse and exploitation.

According to a local newspaper, statistics from the Quarantine Office at the Addis Ababa International Airport show that 67 bodies of Ethiopian women, who allegedly committed suicide, arrived from Middle Eastern countries between 1996 and 1999.228 According to statistics obtained from the Quarantine Office for this study, the number of dead bodies that arrived from Jeddah, Dubai and Beirut between 1999 and 2005 was 58, 21 and 50, respectively.

The official cause of death in all cases was suicide by means including hanging, jumping from buildings, and using firearms. Although it is not hard to accept the suicide of a victim of abuse and exploitation, many of the official documents accompanying the bodies are either incomplete or written in Arabic, leading many to doubt the authenticity of the official testimonies. These suspicions are reinforced by allegations by citizens of destination countries of lack of diligence on the part of the police authorities examining the causes of death. Reports of missing victims by families and the testimony of returnees also suggest that these deaths are not isolated incidents

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222 Agrinet II. page 29
223 Interview with a returnee.
224 Interviewee, Abdusalm Daud, there are instances/reports where domestic workers could be seduced to become mistresses of their employers in a rented house.
225 Agrinet II. page 29
226 Agrinet II. page 30
228 Emebet Kebede, p. 24
The following case, reported to the Ethiopian Women Lawyers’ Association, depicts the circumstances surrounding the death of many Ethiopian migrant workers:

“An Ethiopian woman went to Beirut to work as a housemaid. While in Beirut she died, and her body was returned to Ethiopia accompanied by a report declaring it death by natural causes. Though the Ethiopian broker who sent her advised the family not to open the coffin, the family insisted on seeing the body. When the coffin was opened they discovered that her throat was slit and her hands and legs were broken.”

There are also reports of disability and severe injury. Respondents interviewed for this assessment, report of Ethiopians suffering from partial disability, loss of speech, mental disorders and severe burns.

The working and living conditions suffered by many victims of trafficking may push them to prostitution. Women and children who run away from their employers without their passports and other identity documents are reportedly engaged by owners of nightclubs and pimps as prostitutes. These women and children face imprisonment if caught by the authorities without their residence and work permits. Although direct recruitment for the purpose of prostitution has not been reported on a noticeable scale, the number of Ethiopian women and girls engaged in prostitution in Lebanon alone is reportedly in the thousands. Individuals, including Ethiopian women, who base their livelihood on the prostitution of Ethiopian women and girls, have been reported in Saudi Arabia, Dubai and Bahrain.

The number of Ethiopians in Lebanese and other prisons is also reported to be high. Most are imprisoned on the basis of complaints and accusations of theft by their employers. These claims are not often investigated by the authorities. According to some reports, Ethiopian migrants in Middle Eastern countries are routinely imprisoned by the Security Police for extended periods without charges or for failing to produce proper identification documents and permits. In some cases, victims of abuse and exploitation who retaliate against the perpetrators are prosecuted and imprisoned. In one highly publicized case, a young Ethiopian woman was sentenced to death for killing her employer, who she claimed had repeatedly raped and abused her. At least two cases of alleged suicide by imprisoned Ethiopians by hanging and use of firearm have been reported by the local press in Ethiopia.

3.7. Conclusion

229 Documentation from the legal clinic of EWLA.
230 Agrinet II, pp. 12-13; a recent report in a local Amharic newspaper also puts the estimated number of Ethiopian women and girls living in a life of prostitution at ten thousand.
231 Id., p. 18.
The scale of trafficking of young Ethiopian women and children mainly to the Middle East is difficult to estimate at this stage. The Ethiopian government, like many others, does not collect specific data on trafficked persons. Anecdotal accounts however show that trafficking for the purpose of engaging victims as housemaids is on the increase. The extent of abuse usually forces the victims to run away or be deported since they are usually treated as criminals in breach of immigration laws. The deported victims may face stigmatization at home where very few, if any, support services exist to assist them with reintegration. In effect, the same conditions of poverty, unemployment and lack of opportunities that led to their initial vulnerability await them. Coupled with the trauma of their ordeal, these factors may push them to be retrafficked.
Part Four: National Efforts and Capacity to Address the Problem of Trafficking in Women and Children

As discussed in the previous parts, both external and in-country trafficking of women and children is widespread in the country. Many children and women have been victims of trafficking and they are experiencing the most dreadful forms of abuse and exploitation in the process. Apart from being a serious human rights violation of victims, trafficking has various forms of social impacts. Consequently, it has become a serious social problem that requires strong and concerted measures to be taken by all stakeholders.

This part discusses the Ethiopian policy and legislative framework in combating and eradicating trafficking in women and children in and from Ethiopia. It also highlights measures taken by relevant institutions and structures and their capacity to address the issue of trafficking in women and children. In doing so, the primary focus would be on identifying policy and legislative opportunities and gaps, as well as strengths and limitations in the capacity of relevant implementing institutions, in addressing the issue of trafficking in women and children, in particular in prosecuting trafficking cases.

4.1. Policy and Legislative Framework

4.1.1. Policy Framework

Trafficking in women and children is a complex problem touching upon wide ranging and crosscutting socio-economic issues related to gender, education, employment, migration, health, culture, human rights and development at the community, local, regional, national and international levels. As such, a viable and effective response requires the involvement of various stakeholders including government structures, donors, non-governmental organizations, community structures, religious institutions and international organizations working at different levels by using alternative approaches to address different aspects of the problem. The fundamental role of a national policy framework on trafficking in women and children, is providing for a clear and conducive political and legal context for the coordination of intervention measures to be taken by the different actors, in order to achieve clearly defined objectives in a manner consistent with the developmental, social and strategic objectives of the country. It also expresses commitment on the part of the government to combat and eradicate trafficking in women and children by taking the initiative and responsibility for the matter as well as providing leadership.

Many countries, in which trafficking in women and children is a serious problem, have put in place comprehensive national policies on trafficking in women and children.233 These policy documents identify the extent of the problem; set out the national objectives and guiding principles of government action; identify stakeholders and their respective

233 Asian countries like Thailand, Sri Lanka, Philippines are cases in point.
roles in combating and eradicating the problem; and, identify key strategies, structures and processes for intervention, coordination and participation. The policy documents are supported by national action plans and memoranda of understanding focusing on specific issues related to trafficking in women and children like commercial sexual exploitation and prostitution. Moreover, these policy documents are only part of the overall policy framework that also includes policy instruments on related issues like education, employment, gender, migration and social justice.

Ethiopia is a country highly affected by in-country and external trafficking in women and children. Yet, the existing policy framework does not include a comprehensive national policy on trafficking in women and children. Policy instruments on some other areas directly relevant to the problem such as labour and immigration policy are also lacking. Although national policies including the National Women’s Policy, the National Education and Training Policy, the Developmental Social Welfare Policy, and the Social Policy have been put in place, none of them specifically deal with trafficking in women and children as a related issue. Although these policies may contribute in addressing some aspects of the problem, their utility in terms of guiding and coordinating efforts to combat trafficking is minimal. In general, it can be concluded that the prevention and suppression of trafficking in women and children has not been given priority at the policy level in Ethiopia.

4.1.2. Legislative Framework

A. International Instruments

As trafficking in persons has been a global problem of long duration, efforts to address the problem by the international community dates back at least a century, as evidenced by the Paris Conference of 1895 and the adoption of the International Agreement for Suppression of the White Slave Trade in 1904. The United Nations also started taking actions on the problem of trafficking in its early days by adopting a Convention in 1949 for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. At present, there are a number of international instruments that have been adopted by the UN and the ILO dealing with trafficking in persons. While some of these instruments are directly and wholly devoted to trafficking issues, others deal with trafficking indirectly or partly\textsuperscript{234}.

Among the UN Conventions in the area, the most recent and comprehensive instrument concerning trafficking in persons is the UN Protocol to Prevent, Suppress and Punish

\textsuperscript{234} For example the Rome Statute of the International criminal court condemns the exercise of any or all of the powers attaching to the right of ownership over a person and gives special attention to the exercise of such power in the course of trafficking in persons, in particular women and children. Accordingly, trafficking in persons is considered as the most serious crimes of concern to the international community as a whole.
Trafficking in Persons, Especially of Women and Children, which is otherwise known as the Palermo Protocol. The Protocol was adopted in December 2000, supplementing the UN Convention Against Transnational Organized Crime. The Palermo Protocol is the first international instrument that deals comprehensively with the issue of trafficking in persons. The Protocol addresses the crime of trafficking in persons on a transnational level and defines trafficking in persons broadly. Ethiopia has yet to ratify the Palermo Protocol as well as its parent instrument, the Convention Against Transnational Organized Crime.

Ethiopia has ratified most of the general UN conventions as well as several ILO conventions dealing with employment and labour issues. These are:

- UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949;
- UN International Covenant on Economic, Social and Cultural Rights, 1966;
- UN International Covenant on Civil and Political Rights, 1966;
- UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979;
- UN Convention on the Rights of the Child (CRC), 1989;
- ILO, The Private Employment Agencies Convention (No. 181, 1997);
- ILO, The Abolition of Forced Labour Convention (No. 105, 1957);
- ILO, The Discrimination (Employment and Occupation) Convention (No. 111, 1958);
- ILO Convention No. 182 on the Worst forms of Child Labor.

The major UN and ILO instruments relevant to the issue of trafficking in women and children not ratified by Ethiopia are:

- The Migrant for Employment Convention (revised), 1949 (No. 97);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- The UN International Convention on the Rights of Migrant Workers and their Families, 1990;

According to Article 9(4) of the 1995 Constitution of the Federal Democratic Republic of Ethiopia, all international agreements ratified by Ethiopia are considered as part of the law of the land. Thus, provisions of the above listed UN and ILO conventions ratified by Ethiopia are formally considered to have been issued by the Ethiopian legislature and can be directly applied in their totality.

Yet, there are major problems of form, content and application that make them less relevant to the actual situation in Ethiopia. First, official translation of international instruments into the official working language is seldom undertaken. Although the instrument in question formally becomes part of the laws of the country upon official
publication of ratification, the absence of official translation and publication makes it
difficult to apply it in practice, particularly in courts. Secondly, the provisions of
international instruments are inherently general in nature and focus on government
obligations rather than giving clear definition of rights and the establishment of
implementing structures and procedures at the national level. Most of these provisions
require the promulgation of subsidiary legislation by the national lawmaking body in
order to be applicable.

The value of ratification of international instruments in large part lies in providing
internationally accepted standards for the issuance of subsidiary laws. All international
instruments include provisions relating to the obligation of member states to take all
appropriate policy, legislative and administrative measures including policy and legal
reform to implement the provisions of the instrument. Thus, ratification of the above
listed UN and ILO instruments is primarily an expression of commitment on the part of
the government to the standards contained in their provisions.

B. Regional Instruments

1. The African Charter on Human and People’s Rights

At regional level, African leaders have committed themselves to a number of human
rights instruments since the Charter of the African Unity (AU) was in place. The African
Charter on Human and People’s Rights was adopted in 1981 and came into force in 1986
has been ratified by more than forty African states, thus becoming the most widely
accepted regional convention.

The Charter grants the same protection to civil and political rights as is found in other
regional and international instruments. Under Article 2 of the ACHPR, the equality of
women with that of men is clearly guaranteed under the non-discrimination clause.
Though trafficking in persons is not explicitly mentioned, the Charter, under Article 5,
condemns all forms of exploitation and degradation particularly slavery, slave trade,
torture, cruel, inhuman or degrading punishment and treatment. Given the multifaceted
challenges that trafficked women and children face, trafficking in persons can be
considered as one form of modern slavery. Thus, one can easily argue that women and
children are protected under this Charter from any form of exploitation including
trafficking.

2. The Protocol to the African Charter on Human and Peoples Rights on the Rights
   of Women

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of
Women in Africa was adopted on the 11th of July 2003 by Heads of State and
Government of the African Union (AU). The Protocol came into effect as of October 26
2005. The adoption of the Protocol was pushed by widespread sentiments that African
women continued to suffer human rights violations simply because they were women and
the existing guarantees for the protection of their rights were felt to be inadequate.
The Protocol recognizes and guarantees a wide spectrum of women’s civil and political rights as well as economic social and cultural rights. It thus reaffirms the universality, indivisibility and interdependence of all internationally recognized human rights of women. The Protocol explicitly, calls for the adoption and implementation of measures to prevent and condemn trafficking in women while prosecuting the perpetrators of such acts under Article 4 (2(g)).

The Adoption of the Protocol on the Rights of Women in Africa is a significant development which should serve to ensure the full integration of women’s human rights concerns in the regional human rights framework. Most importantly, the Protocol offers a real remedy for women at the regional level when remedies for violation are exhausted at national level. This will give women victims of human rights violations an alternative forum where remedies for violation are not available at national level.

C. Domestic Legislations

The Federal Democratic Republic of Ethiopia Constitution, which is the fundamental law of the country, has incorporated pertinent provisions on trafficking. Articles 35 and 36, which provide for the rights of women and children respectively, are among the relevant provisions of the Constitution. Article 36(e) strictly prohibits exploitative child labour, while under article 35(4), laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited. In addition to these general provisions on the rights of women and children, which could be instrumental in combating trafficking, the Constitution has specifically addressed the issue of trafficking under article 18. Article 18(2) reads: “No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.”

The wording of the article makes it clear that trafficking in general, i.e., trafficking of a human person, be it male or female, adult or child is generally prohibited. It is also important to note that, as per this article, trafficking is outlawed no matter what the purpose might be. Moreover, being a constitutional provision, it puts a duty on the legislature to promulgate more detailed rules for its implementation and prohibits any law, practice or custom contrary to it by the mere fact of its existence.

Although the importance of the above Constitutional provisions in combating trafficking could not be undermined, more detailed rules covering various aspects of trafficking are required to effectively and adequately address the problem of trafficking in women and children. These detailed rules are normally provided in subsidiary legislations. Unlike some countries, Ethiopia does not have a single and comprehensive anti-trafficking legislation. Rules dealing with various aspects of trafficking are found in different legislations. For convenience, these legislations are dealt with herein-under by taking into account the three-pronged approach to trafficking, i.e., punishing traffickers, protecting/assisting victims and preventing trafficking.

i) Trafficking as a Criminal Offence
Criminal law, which sets down acts and omissions that are punishable by the state, and the form and extent of punishment accorded has a definitive as well as preventive role in addressing social problems. First, with a view to giving members of the society adequate advance notice of punishable behaviour, criminal law defines the elements of the offence. Incidentally, it provides a reliable definition of the social problem as understood within that legal system in terms of what the act constitutes and the different forms of participation. In addition, since the penalty attached to the commission of an offence is generally proportional to the perception of its harmfulness in that society, it gives insight into the level of tolerance accorded to the act.

The second role of criminal law is its preventive role in deterring members of the society from behaviours considered to be harmful by the society. The recognition of an act or omission as a criminal offence that carries some form of punishment discourages potential offenders from committing the act within that community. The actual imposition of punishment on offenders, serves a more realistic preventive purpose by making an example of individuals who engage in unacceptable behaviour and provides a sense of justice on the part of the victim and the society.

The primary legal instrument of criminal law in the Ethiopian legal system at present is the Criminal Code (2005) that replaced the Penal Code of the Empire of Ethiopia (1957). Yet, the 1957 code is still applicable to offences committed before the entry into force of the new Criminal Code in April 2005. Moreover, Proclamation number 104 /1998 dealing with the establishment and operations of private employment agencies also contains provisions of a criminal nature relevant to the issue of trafficking in women and children.

**The Penal Code of the Empire of Ethiopia (1957)**

As indicated above, the 1957 Penal Code is still applicable to acts of trafficking in women and children committed before the coming into force of the new criminal code, including cases already brought to trial, by virtue of the principle of non-retroactivity. The relevant provision of the 1959 Penal Code is article 605 that deals with the “Traffic in women, infants, and young persons”. It reads:

*Whosoever, for gain, or to gratify the passions of another:
(a) traffics in women or infants and young persons, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent, or
(b) keeps such a person in a disorderly house or to let her out to prostitution,

is punishable with rigorous imprisonment not exceeding five years and a fine not exceeding ten thousand dollars, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.*

According to this provision, the following elements need to exist in order for an act of trafficking in women, infants and young persons to be punishable.
The nature of the act should constitute trafficking. Since article 605 does not explain this term, we have to assume that it is used in the ordinary sense of the term that is equivalent to ‘movement or transport for trade or barter’. Thus, trafficking involves a movement from one place to another and transaction between two persons;

- The object of the transaction, i.e., the thing that has been trafficked, must be women, infants and young persons. The terms infants and young persons cumulatively cover persons under the age of 18.
- The method used should fall under seduction, enticement or other forms of inducement. In effect, the use of coercion, fraud or deceit in the method employed to convince the victim is not necessary for the act to be covered by this provision. Furthermore, the provision is applicable even if the victim has consented to be trafficked.
- The purpose of the act should be engaging the person in prostitution.
- The element of gain for the trafficker is not mandatory.
- The provision is applicable not only on the person who convinced the victim to engage in prostitution. Anyone who keeps a victim of trafficking in a disorderly house, meaning a house of prostitution or benefits by engaging her in prostitution is also punishable under this provision.

In sum, this provision covers trafficking in women and children for the purpose of prostitution even if the victims are consenting and despite the absence of gain to the trafficker.

When examined in light of the generally accepted international standard in terms of defining trafficking in women and children as expressed in the Palermo Protocol, article 605 of the 1957 Penal Code has the following weaknesses:

- The purpose of trafficking in women and children has to be prostitution in order to be punishable. Trafficking in women and children for sexual exploitation other than prostitution and exploitation of a non-sexual nature are not covered under this provision.
- Participation in the offence is not clearly addressed in the provision since it uses the term traffics unlike the definition in the Palermo Protocol that specifically refers to recruitment, transportation, transfer, harboring or receipt of persons as part of trafficking.

Trafficking in women and children for the purpose of engaging them as housemaids, which is identified as a prevalent practice in Ethiopia, is not punishable under the 1957 Penal Code. The provision that used to be invoked against such traffickers was the enslavement provision under article 565 of the Penal Code that is an altogether different offence.235 And, since it requires the element of coercion, it could not be invoked against

235 Art 565 – Enslavement
Whosoever
Enslaves another, sells, alienates, pledges or buys him, or trades or traffics in or exploits him; or
those traffickers who transport victims voluntarily through fraud, false promises, etc. This enslavement provision, as a result, could not provide an alternative remedy for penalizing labour trafficking offences and the Code may be said to be insufficient to address the problem comprehensively.

In terms of punishment, trafficking in women and children as defined under article 605 of the 1957 Penal Code carries a maximum punishment of rigorous imprisonment for five years and a ten thousand Birr fine. Where such acts of offences are undertaken as a profession and involve a victim less than fifteen years of age, the penalty will be aggravated to three to ten years imprisonment and a fine not exceeding twenty thousand birr (article 606).²³⁶


The shortcomings of the 1957 Penal Code related to trafficking were among the issues considered in the drafting of the Criminal Code of 2005. In most cases, the new Criminal Code provides for increased penalties and introduces new offences including acts constituting trafficking.

Articles 635-638 of the Criminal Code deal with trafficking in women and minors for sexual exploitation. Article 635 of the criminal code dealing with *Traffic in Women and Minors* reads:

*Whoever, for gain, or to gratify the passions of another:*

(a) traffics in women or minors, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent, or

(b) keeps such a person in a brothel to let her out to prostitution, is punishable with rigorous imprisonment not exceeding five years and a fine not exceeding ten thousand Birr, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.

Apart from replacing the phrase *disorderly house* with *brothel* and *dollar²³⁸* with Birr, the new Criminal Code has maintained article 605 of the 1957 Penal Code in terms of elements of the offence of “traffic in women, young persons and infants” and the punishments provided for committing the offence.

Keeps or maintains another in a condition of slavery, even in a disguised form, is punishable with rigorous imprisonment from five to twenty years, and a fine not exceeding twenty thousand dollars. Those who knowingly carry off, transport or conduct whether by land, by sea or by air, persons thus enslaved, in order to deliver them at their place of destination or, who aid and abet such traffic, whether with in the territory of the empire or abroad, are liable to the same punishments.²³⁹

²³⁶ This punishment can be compared with the severity of the maximum punishment of traffic in women, infants and young persons through the use of violence, which is ten years rigorous imprisonment, with robbery which involves the use of violence to commit theft, the maximum penalty for which is fifteen years rigorous imprisonment.

²³⁷ For the purpose of comparison, article 598 of the 2005 Criminal Code dealing with *Unlawful Sending of Ethiopians Abroad* is treated with the penalty provision of the Private Employment Agency Proclamation.

²³⁸ At the time when the Penal Code of the Empire of Ethiopia was issued, the official currency was called the Ethiopian dollar.
Instead of redefining the purpose of trafficking in women and children, the new Criminal Code has introduced additional provisions to address the problem of trafficking in women and children for the purpose of labour exploitation under articles 597-600. Article 597, which deals with *Trafficking in Women and Children*, provides:

(1) Whoever by violence, threat, deceit, fraud, kidnapping or by the giving of money or other advantage to the person having control over a woman or a child, recruits, receives, hides, transports, exports or imports a woman or a minor for the purpose of forced labour, is punishable with rigorous imprisonment from three years to twenty years, and fine not exceeding fifty thousand Birr.

(2) Whoever knowingly carries off, transports or conducts, whether by land, by sea or by air, the victims mentioned in sub-article (1), in order to deliver them at their place of destination, or who aids and abates such traffic, whether in Ethiopia or abroad, is liable to the penalty prescribed under sub-article (1) above.

When we examine the elements of the offence of *trafficking in women and children* with the definition under the Palermo Protocol, the only difference is that article 597 of the Criminal Code only addresses trafficking in women and children for the purpose of forced labour.

The cumulative consideration of articles 635 and 579 of the Criminal Code of 2005, in light of the definition of trafficking in women and children in the Palermo Protocol, reveals the following points of strength:

- The strengths of the 1957 Penal Code in relation to the means of commission and irrelevance of the consent of the victim in cases of trafficking in women and children for the purpose of prostitution have been maintained;
- The elements of trafficking in women and children for the purpose of forced labour are consistent with the definition in the Palermo Protocol;
- The scope of article 597 covers the carriers, conductors and transporters who deliver the victims to their place of destination and those who aid and abate such act; and
- Trafficking in women and children for the purpose of forced labour expressly covers both internal and external trafficking as well as participation in the commission of the offence.

On the other hand, the same comparison reveals the following weaknesses:

- In order to be a crime under the new Criminal Code, the purpose of trafficking in women and children should be either prostitution or forced labour. Trafficking in women and children for other exploitative purposes including sexual exploitation other than prostitution, labour exploitation other than forced labour and trafficking for the removal of organs are not covered.
Participation in the different stages of trafficking in women and children for the purpose of prostitution has not been clearly addressed like that of trafficking in women and children for the purpose of forced labour. Generally, the 2005 Criminal Code approaches the criminalization of trafficking in women and children from the perspective of the purpose of trafficking. This appears to have resulted from the structure of the code, which puts trafficking for different purposes in different parts of the code. That is, while trafficking in women and children for forced labour is a crime against liberty (along with abduction and slavery), trafficking in women and children for the purpose of prostitution is a crime against morals (with rape and sexual deviations under the same category).

The new Criminal Code provisions on trafficking in women and children seem to have potential problems related to the meanings of some terms. The first such problem is the use of the word traffic in article 635. To maintain clarity and consistency, it may be advisable to replace it with ‘recruits, receives, hides, transports, exports or imports’ as in article 597. Otherwise, courts may interpret the difference as intentional on the part of the lawmaker and apply a narrower meaning to article 635 thus, limiting the range of actions that are punishable and participants held responsible. Another term with the potential to create problems in interpretation is ‘forced labour’. The new Criminal Code still does not define the term. This is liable to create confusion with article 596, which deals with enslavement including slavery in a disguised form.239

In terms of penalties, the new Criminal Code maintains the maximum penalty of five years rigorous imprisonment and ten thousand Birr fine for trafficking for the purpose of prostitution with possible aggravation to three to ten years rigorous imprisonment and a ten thousand Birr fine. The punishment for trafficking in women and children for forced labour is three to twenty years rigorous imprisonment and a maximum fine of fifty thousand Birr. This indicates that trafficking in women and children for forced labor is a much more serious offence under the new Criminal Code than for the purpose of prostitution, which is, in the least, hard to explain.240

**The Private Employment Agency Proclamation No. 104/1998**

The Private Employment Agency Proclamation No. 104/1998 defines the rights and duties of private employment agencies in their role of matching offers of application for

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239 This provision is identical to article 565 of the 1957 penal code mentioned in the previous section.

240 To put this in perspective the following hypothetical situation can be considered: a professional trafficker through violence and intimidation, sends a twelve year old child he adopted for the purpose to a foreign country to be engaged in prostitution by a professional procurer as a result of which the child committed suicide. The penalty the person will face under article 635 and 636 of the 2005 Criminal Code is rigorous imprisonment for ten years or less and fine of ten thousand Birr or less. On the other hand, the maximum penalty a person involved in trafficking in women and children in a non-professional manner, who does not have any special relationship of dependence with the victim faces is rigorous imprisonment for twenty years and possible fine of up to fifty thousand Birr. Clearly, trafficking in women and children for labour exploitation carries a substantially more severe penalty than trafficking in women and children for prostitution.
local as well as foreign employment. The Proclamation does not directly define trafficking as an offence. However, it does have penalty provisions that can be used against traffickers. According to article 18 (1) (a) of the Proclamation, a person who performs employment services without having obtained a license in accordance with the proclamation is punishable with imprisonment for three years to five years and a ten thousand Birr fine. If the act is committed by sending an Ethiopian aboard, the punishment will be five to ten years of rigorous imprisonment and twenty five thousand Birr fine. This punishment will be aggravated to five to twenty years of rigorous imprisonment and fine up to Birr fifty thousand where the human rights and physical integrity of the Ethiopian sent abroad has been injured.

Article 18 of the Proclamation also provides that the provisions of the Penal Code will apply instead of these penalty provisions where the Code provides more severe penalties applicable for the specific case. This cross-reference directs us to article 598 of the 2005 Criminal Code dealing with Unlawful Sending of Ethiopians for Work Abroad, which reads:

1. Whoever, without having obtained a license or by any other unlawful means, sends an Ethiopian woman for work abroad is punishable with rigorous imprisonment from five years to ten years, and fine not exceeding twenty five thousand Birr.

2. Where the Ethiopian woman sent abroad, owing to the act mentioned above, suffers an injury to her human rights, or to her life, body or psychological make-up, the sender shall be punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

3. Provisions of this article shall apply where similar acts are committed against Ethiopian men.

In terms of content, this provision, except for the specific reference to women, is identical to article 18 of the proclamation. Thus, the application of either of these provisions will have the same effect in all cases, including cases where the victim is a woman. One possible consideration for future amendment may be to include a provision on unlawful sending of children since children are the most vulnerable groups with respect to unlawful sending for work abroad.

The purpose of including penalty provisions in the proclamation is to suppress illegal trafficking by other possible means in addition to the Criminal Code remedies. According to the Criminal Code, a person shall be punished for having directly committed an offence by transporting, harbouring or receiving a person by means of fraud or deception…. for the purpose of labour exploitation. The fact that the person has committed specified acts of trafficking should be proved. Unlike the Criminal Code, the Proclamation punishes any person who performs employment activities, within or out of Ethiopia, without having a license. The only requirement that has to be met in such a case is the absence of a license. The fact that a person is exploited or not is irrelevant as far as
criminal liability is concerned but is significant to aggravate the penalty as specified under articles 18(3). If the human rights and physical integrity of the Ethiopian sent abroad is injured, the penalty may be increased from 5 to 20 years rigorous imprisonment and a fine up to fifty thousand Birr.

Labour trafficking cases resulting in slavery or practices similar to slavery, servitude or the removal of organs, which are not fully covered under the provisions of the criminal code, may, as a result, be indirectly treated under the Proclamation. The Proclamation is a significant development in filling the gaps of the provisions of the Criminal Code. The Proclamation seems to have provided criminal law remedies to all forms of trafficking for labour exploitation by providing a catchall provision. Any case of trafficking in persons, including trafficking in women and children, which is not clearly covered by the Criminal Code, can be prosecuted based on the penalty provision (article 18/1/a) of the Proclamation in spite of the nature and the way the act is committed. Moreover, it makes prosecution of trafficking cases easier as the prosecutor is only required to prove that the accused has conducted employment activities without having a license to do so.

**ii) Protection and Assistance to Victims**

One defining feature of trafficking in women and children is the different forms of abuse and exploitation to which victims are exposed. Victims of trafficking face labour exploitation, physical abuse, sexual abuse and exploitation as an integral part of their situation. Situations of exploitation and abuse dealing with in-country trafficking, identified in this report, mainly exist in three relationships: housemaid vis-à-vis employer in households, child worker vis-à-vis employer in the traditional weaving industry; and a woman/child vis-à-vis client/bar, owner/hotel, and owner/landlord/landlady. A similar situation of exploitation was also identified in the relationship between the victim of external trafficking and her employer in the country of destination.

The main role of the law in protecting victims of trafficking would be to set standards for these relationships in a way that compensates for the disadvantaged position of the victim in the relationships and to even out the imbalance in the bargaining power. In order to achieve these objectives, the law should recognize and formalize the relationship, set down the rights and duties of each party, provide for remedies for violation of rights and failure of duties, and put in place enforcement mechanisms.

The relationship between housemaids and household employers is governed by the Civil Code of Ethiopia (1960) under Title XVI dealing with *Contracts for the Performance of Services*. The relevant provisions of the first chapter of this title (Articles 2512 - 2593) applicable to *Contracts of Employment in General*, and Section Three of Chapter two (Articles 2601 - 2604) specifically applicable to *Contracts of domestic servants living in* provide for the different aspects of the relationship from employment to termination. To protect the housemaid from entering into an arrangement of abuse or exploitation, article 2522, dealing with *terms unfavourable to the employee*, provides that where terms

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The provisions of the law of obligations applicable to all contracts also apply to the relationship between housemaids and employers where they are mandatory and in areas where these provisions are silent.
of the agreement between a domestic servant and an employer are less favourable than those provided under the Civil Code provisions, the unfavourable ones will not be valid.

The contract of employment between housemaids and employers is not required to be in writing or attested by witnesses. That is, it may be an oral agreement or a written agreement based on the interest of the parties. The following are the obligations of the housemaid:

- Perform all the work for which she has been employed;
- Carry out her work with care;
- Obey the orders of the employer relating to the work except where the orders are not contrary to their agreement, the law, morals or where it entails danger;
- Give one month notice of intent to take annual leave;

The rights of the housemaid are:

- to receive the agreed wages;\(^\text{242}\)
- usual hours and days of rest
- annual leave with pay for ten consecutive days after one year, fifteen days after five years, and twenty days after fifteen years;
- at least one month maternity leave;
- to receive at least one month notice for termination; two months if employed for more than one year

The obligations of the employer under the general part include:

- to take all reasonable steps to safeguard the health and moral well being of the employee in regard to living quarters, food, times of work and rest;
- to provide care either by way of medical attendance at his house or by sending the servant to hospital, where the employee falls sick;\(^\text{243}\)
- pay wages as per the agreement or every three months where a period of payment has not been fixed.

The provisions of the Civil Code thus recognize the relationship between a housemaid and her employer. They also set down the rights and obligations of the housemaid and the employer. The provisions are enforceable in a court of law.

Compared to the protection accorded to employees under the Labour Proclamation, these provisions of the Civil Code provide diminished protection for domestic servants. Some of the protections provided by the Labour Proclamation such as the limits on normal working hours are incompatible with the conditions of work for domestic workers who usually live-in. However, other protections, especially those relating to periodic and other rest days, seem to be unjustifiably denied to domestic workers by the law. Considering the fact that most domestic workers are children and young girls and in the absence of minimum age limitation in their employment, the law should provide more, rather than

\(^{242}\) Any work is deemed to be done for payment by the law. Where wages have not been agreed, the housemaid has the right to the customary amount of wages in the absence of which the court will fix the wages due.

\(^{243}\) The employer may set-off his expenses from the wages due the employee during the period of sickness.
less protection for them. Otherwise, the legal system will be contributing to and sustaining the vulnerability of women and children engaged as domestic workers.

The provisions of the Labour Proclamation No. 377/2003, including the provisions dealing with Young Workers, govern the relationship between the child employee and the owner of a traditional weaving industry. Except for the conditions provided under articles 89 – 91 of the Labour Proclamation, young workers enjoy the same conditions of work as adults. Article 89 (1) and (2) identify young workers as persons between the ages of 14 and 18 and prohibit the employment of persons under fourteen years of age. Article 89 (2), providing for the general nature of work for which the employment of young workers is prohibited reads:

*It is prohibited to employ young workers [for work] which on account of its nature or due to the conditions in which it is carried out, endangers the life or health of the young workers performing it.*

In addition to this general prohibition, a list of activities prohibited for young workers is to be prepared by the Ministry of Labour and Social Affairs. The Proclamation also provides for normal, night and overtime work by young workers. Article 90 provides that “the normal hours of work for young workers shall not exceed seven hours a day” instead of the eight-hour working day for adult workers under article 61 (1). The employment of young workers for night work, overtime work, work on weekly rest days and on public holidays is prohibited under article 91 of the Proclamation.

In all other matters relating to the relationship between the young worker and the employer, the Labour Proclamation accords the young worker the same protection as the adult worker. The Labour Proclamation 377/2003 also provides for penalties for contravention of its provisions by the employer under articles 183 – 187. The penalty provision relevant to our discussion, article 184 (1), addresses three acts of violation by the employer: violation of provisions relating to working hours; violation of provisions on weekly rest days, public holidays or leaves; and, violation of the duty to inform the Ministry upon the suspension of the contract of employment. The first two offences apply to violations of article 90 and article 91 respectively. The punishment for both offences is a fine of five hundred Birr.

The Labour Proclamation does not provide for penalties for the violation of article 89 (2) prohibiting the employment of children less than 14 years of age. This, however, does not mean that it carries no penalty. For instance, article 576 of the Criminal Code under sub-article 1 dealing with *Maltreatment of Minors* provides that:

1) **Whoever, having the custody or charge of a minor, ill-treats, neglects, over tasks or beats him for any reason or in any manner, is punishable with simple imprisonment not exceeding three months,**

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244 Children working for owners of traditional textile cottage industries qualify as workers under articles 2 (3) and 4 of Proclamation No. 377/2003.
Thus, the owner of a traditional weaving industry who employs children less than 14 years of age is in violation of this provision for making a child who lives in his house, and is therefore in his charge, to work for long hours and perform duties not commensurate to his age. Accordingly, the employer may be imprisoned for a maximum period of one month. If it can be shown that the child has been harmed physically or psychologically or that the general well-being of the child has been negatively affected or that his education suffered or was disrupted, the punishment will be a minimum of one-month imprisonment (up to a maximum of five years).245

Although prostitution is not by itself a crime, article 634 of the Criminal Code, dealing with Habitual Exploitation for Pecuniary Gain, states that it is a crime to make a profession of or live by procuring on the prostitution of others. Thus, the law sees the relationship between women and children living in prostitution and their employers as illegal. Labour rules are also not applicable to such types of relationships. In order to avoid this perpetual victimization of women or children, some countries accept the prevalence of prostitution as a fact that cannot disappear and recognize some of the relationships that arise from it. This approach, though criticized for corroding the moral basis of the law, is a realistic way of protecting the woman or child victim in the relationship.

The laws of the country in which they live in govern the relationship between an Ethiopian woman who works as a housemaid for a foreign employer in a foreign country and her employer. For example, if an Ethiopian woman migrates to Lebanon and becomes a housemaid for a person living in Beirut, the relevant laws of Lebanon regulate their relationship. This does not mean that there are no protective laws pertinent to this relationship. However, the role of the law in Ethiopia will be to provide for mechanisms and structures to ensure that the contract of employment and the laws of the country of destination provide sufficient protection to the Ethiopian housemaid.

Article 170 (2) and article 172 (4) of the Labour Proclamation (2003) empower the Minister of Labour and Social Affairs to establish employment services which, among other things, determines the manner of employment of Ethiopian nationals abroad. Article 170 (1) (f), on the other hand, directs the Minister to issue directives on the employment of Ethiopian nationals outside the country. Based on these powers and functions, the Minister of Labour and Social Affairs promulgated the Directive Issued to Determine the Manner of Employment of Ethiopian Nationals Abroad (MOLSA 1994).

The major purpose of the directive is to implement article 175 of the Labour Proclamation through provisions that are more detailed and to create the structural setup and procedures for implementation. Article 175 of the Labour Code on Employment of Ethiopian Nationals Abroad reads: an Ethiopian national may be employed outside of Ethiopia where the Minister has obtained adequate assurances that his rights and dignity shall be respected in the country of Employment.

245 When simple imprisonment is provided for in terms of minimum sentence and the crime is of a grave nature, the maximum possible length of simple imprisonment, five years, under article 106 of the Criminal Code is the maximum penalty.
The Minister examines the contract of employment in order to ascertain that the rights and dignity of an Ethiopian employee are protected.\textsuperscript{246} There are two sets of criteria used to evaluate the contract of employment once it is submitted to the Minister. The first category of criteria relates to the form of the contract. Accordingly, the contract should be:

1. translated if not written in Amharic or English, and the translation verified by the Courts in Ethiopia;\textsuperscript{247}
2. in writing and signed by both the employee and the employer;
3. submitted to MOLSA for verification;

These requirements are aimed at making sure that the Ethiopian employee understands the nature and consequences of the obligations s/he enters into as well as the terms and conditions of employment as stipulated in the contract.

The second category of requirements relates to the content of the contract in terms of the rights and benefits of the Ethiopian employee and the obligations of the employer. The contract will not be approved unless it contains information on: the place and type of work, duration of employment, rate of wages, food and lodging, medical and accident insurance, annual leave with pay, round trip traveling expenses, entitlement of the worker to all legal benefits and favourable employment conditions stipulated in the labour law of the host country, manner of dispute settlement, and entitlement of the worker to a work permit and an entry visa to the country of service.\textsuperscript{248} Information on these issues is essential in order to determine whether or not the terms and conditions of work respect the rights and integrity of the Ethiopian employee.

The Ethiopian law also provides for the protection of an Ethiopian employee working abroad by regulating the recruitment and employment process through private employment agencies. This is done through the Private Employment Agency Proclamation (Proclamation number 104/1998). Article 14 of the Proclamation requires a private employment agency that sends a worker abroad to make and maintain deposits in a confirmed irrevocable bond. This deposit is to be used for the protection of the rights and benefits of the worker and to ensure the fulfillment of the obligations of the agency. The amount to be deposited and maintained is USD 30,000 for up to five hundred workers, USD 40,000 for up to one thousand workers and USD 50,000 for more than one thousand workers. This guarantee fund may be released by the Ministry “within three months upon the termination of the employment contract and the fulfillment of the legal rights of the worker sent abroad by the private employment agency, unless a claim connected with the worker’s rights and benefits is pending before an authorized body”\textsuperscript{(article 14 (3)).

\textsuperscript{246} This is a service provided by the Ministry at the discretion of the employee. As such, an Ethiopian who is in the process of securing employment abroad is not obliged to submit the contract of employment.

\textsuperscript{247} Model Agreement on Temporary and Permanent Migration for Employment, annex to Migration for Employment Recommendation (revised), 1949 (No. 86): Article 22; Contracts of Employment (2).

\textsuperscript{248} Ibid.
The Proclamation also provides for the monitoring and inspection of private employment agencies under articles 12 and 16. Article 12 (2) (d) requires a private employment agency to keep a register of workers sent abroad with the relevant particulars, register the employers at the embassy nearest to the country of employment and submit a report on their situation to the Ministry annually or as required by the Ministry. In addition, article 16 empowers the Ministry to conduct inspections to ascertain that the obligations of the agency have been fulfilled, and the rights of the workers are protected, including inspection of the office of the agency.

Moreover, there are provisions in different laws that can be used by any victim of a crime, including victims of in-country and external trafficking. For instance, Article 102 of the Criminal Code provides that victims of a crime who suffer damage shall be entitled to claim that the criminal be ordered to make good the damage.249 Article 2032 of the Civil Code also specifies how victims of any criminal act shall be compensated, considering violation of any criminal law provision as a fault.250

iii) Prevention of Trafficking

There are various strategies and activities that could be used to prevent trafficking in persons. These include creating public awareness; data collection and dissemination; mobilizing public participation; setting appropriate labour standards; properly regulating employment services; promoting the rights of vulnerable groups; and following up and monitoring the situation and problems of trafficking, etc. The proper place to address some of these preventive activities would be a national policy or plan of action. Accordingly, major national policy instruments including the Developmental and Social Welfare Policy, National Education and Training Policy, Social Affairs Policy and the National Population Policy address some of the root causes of trafficking in women and children including rural poverty, limited access to social services and gender based discrimination.

The role of subsidiary legislation in preventing trafficking in women and children is to be seen in terms of criminalizing the act itself and other behaviours contributing to its prevalence as well as regulating circumstances in which it occurs. Since the law criminalizing trafficking in women and children has already been examined in the previous sections, we will only deal with the laws relating to criminalization and regulation of behaviours contributing or leading to its prevalence.

The Private Employment Agency Proclamation is one of the major legal instruments intended to prevent trafficking in women and children. From the reading of the preamble,

249 It reads:
(1) where an offence has caused considerable damage to the injured person … particularly in cases of death, injuries to the body or health … the injured person … shall be entitled to claim that the offender be ordered to make good the damage or to make restitution or to pay damages by way of compensation;
(2) The right to sue, the conditions under which an award is to be made and the right and the extent of the restitution, damages and indemnification shall be governed by the provisions of civil law on such matter.

250 Extra-Contractual Liability, also called ‘Tortious Liability’ under some legal systems, is a kind of civil liability arising without prior contractual obligation usually to make good damage caused by the act of one person to another.
one of the reasons for its promulgation is the need to protect the rights, safety and dignity of Ethiopians employed and sent abroad. The proclamation attempts to prevent trafficking in women and children within and from Ethiopia by strictly regulating the private employment service.

The regulatory regime under the Private Employment Agency Proclamation applies to any person, other than the government, that provides employment services by matching offers and applications or by making a worker available through a contract of employment without direct or indirect payment by the worker. All services falling under this definition that are provided within one region or in two or more regions within the country, including employment services to hire and send an Ethiopian worker abroad, are subject to the provisions of the Proclamation.

Provisions of the Proclamation aimed at preventing trafficking in women and children include requirements of licensing and registration. All employment agencies, regional, inter-regional or those facilitating employment of Ethiopians abroad, are required to secure a license for employment services in addition to business registration. This license, issued by the regional authorities for operation within one region and by the Ministry of Labour and Social Affairs for inter-regional and foreign employment, is issued upon fulfillment of conditions and requirements relating to business registration and other requirements set down under the Proclamation. A license for hiring and sending Ethiopians abroad additionally requires the fulfillment of guarantee obligations under the same Proclamation.

4.2. Enforcement of Legislations and Other Initiatives to Combat Trafficking

Enforcing pertinent legislation on trafficking to combat trafficking requires the institutional capacity of concerned government agencies. It is important to assess the extent of involvement by the concerned government agencies in addressing the problem and the capacity limitations they face in discharging their responsibilities. Among other things, the outcome of this exercise will have practical relevance in shaping the kind of program interventions required to address the problem. Following is a discussion on the capacity issues affecting the effort to combat trafficking, in particular the prosecution of trafficking cases.

4.2.1. Status and Problems in Prosecuting Traffickers

251 The role of the agency in the first case is that of a facilitator who is not party to the contract of employment while the contract of employment is signed between the worker and the agency in the second case.
252 Article 5 of Proclamation 104/98
253 Id. Art. 14
As discussed in the previous section, the 1957 Penal Code, the 2005 Criminal Code and the Private Employment Agency Proclamation, criminalize important aspects of trafficking in women and children and entail penalties on persons committing the act. Considered cumulatively, these three instruments prohibit and provide punishment for trafficking in women and children for the purpose of prostitution or forced labour and for undertaking employment services without a license. \(^{254}\) Though the issue of trafficking in women and children is yet to be addressed comprehensively in the Ethiopian criminal law, the available legal regime covers the major concerns relating to the issue as they are manifested in Ethiopia. Persons involved in the trafficking of women and children from rural to urban areas for the purpose of prostitution; engaging them as housemaids or in the domestic cottage industry, as well as persons involved in trafficking Ethiopian women and children to the Middle East or other countries are criminally liable under the law as it stands now. In short, the scope of these laws provides the legal basis for the prosecution of persons involved in internal and external trafficking in women and children.

The issuance of criminal law provisions addressing prevalent problems relating to trafficking in women and children can be of practical use only when enforced. The realization of the potential punitive and preventive values of these provisions requires law enforcement agencies with the capacity to effectively and efficiently identify, investigate and prosecute incidents of trafficking in women and children. Although the primary purpose of criminalizing trafficking in women and children is punishment of the offenders, successful prosecution of cases goes a long way towards deterring other potential offenders by providing an example to others. It will also help create public awareness of the status of trafficking in women and children as a crime and thereby reverse the tolerant public attitude towards such practices that sustains the prevalence of the problem.

Recognizing the essential role of law enforcement agencies in combating trafficking in women and children, one of the objectives of this study is to determine the status of law enforcement efforts to address the issue and identify the problems faced in the implementation of criminal law provisions through prosecution. The data collection process indicated that there is an acute problem in terms of maintaining a systematic register of the status of cases. Current and comprehensive data, segregated by status indicating the number of cases reported, investigated, and prosecuted within a timeframe, is not readily available.

\(^{254}\) The 1957 Penal Code, applicable for offences committed before May 2005 only penalizes trafficking in women and children for the purpose of prostitution; the 1998 Employment Agency Proclamation penalizes provision of employment services without a license committed after March 1998; and the 2005 Criminal Code penalizes trafficking in persons for the purpose of prostitution as well as trafficking in women and children for the purpose of forced labour. Thus, we have three time spans with different criminal law regimes: (1) Before March 1998 – only trafficking in women and children for the purpose of prostitution is a crime; (2) From March 1998 – May 2005 – trafficking in women for the purpose of prostitution and provision of employment services without a license are crimes; (3) After May 2005 – All three acts are punishable.
The police keep statistics on all reported criminal acts. For this purpose, the police classify crimes into 62 categories. However, trafficking is not included in this list of categories. As trafficking cases are usually accompanied by other crimes like rape, bodily injury, labour exploitation and fraudulent misrepresentation, the police usually register trafficking cases under these titles. The filing system in the prosecution offices and courts is not well organized either.

Despite the above mentioned problem of getting accurate data on trafficking cases, there are some indications that the status of prosecution of trafficking cases in the country is poor and compounded with a number of problems. Most judges and prosecutors at higher levels in regional towns stated during interviews that they had never come across a trafficking case. They have also strong doubts that trafficking cases have been instituted in lower courts. Their argument is that they would have seen the cases on appeal if such cases were entertained in lower courts.

One report, based on information issued by the Federal Police in the period from January 1997 to June 2000, revealed that the police received complaints on 19 persons suspected of trafficking 410 women and children resulting in 13 deaths and abuse and exploitation of 10 victims. According to a list of trafficking cases prepared a year ago by the Representative Office of the Ministry of Justice in the Addis Ababa Administration, the total number of trafficking cases handled by the Office since 1997 was about 38. The majority of these cases involved external trafficking. More than half of these cases are pending in court, while several of them are closed due to the absconding of the accused or for lack of sufficient evidence. The prosecution managed to get conviction only in a few of the cases.

Forum on Street Children in Ethiopia (FSCE), a child-focused NGO, runs a project on internal child trafficking in Addis Ababa in collaboration with the Addis Ababa Police. According to data obtained from FSCE, about 46 cases of child trafficking were reported since the project was launched in January 2004. Out of these cases, only 4 were transferred to the prosecution office while 24 were closed by the police for lack of evidence. Six of the accused were released on bail by the police and ten others by the courts. Only two persons were convicted by the court and even then, one was sentenced to a six months imprisonment while the other was sentenced to a month and half.

The above facts and figures, though not conclusive, indicate the low status of prosecuting trafficking offenders. In a country where women and children are trafficked in large numbers annually, the above figures are insignificant. The low rate of prosecution of traffickers is a problem shared by almost all countries and legal systems. The most common problem is that authorities are often unable to gain enough information and evidence against traffickers in order to effectively prosecute them which is mainly due to the nature of the crime. Even developed countries with adequate financial strength and technical expertise have found it a daunting task to effectively prosecute traffickers. A case in point is the United States. With an estimated fifty thousand women, children and

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255 Tshay Belayneh and Atsedewoine Tekle, p. 17
men trafficked annually to the country, there were only ninety-one investigations pending with the US Department of Justice as of February 2001.\textsuperscript{256}

A number of factors, many of which are common to most legal systems, contribute to the low rate of prosecution of trafficking cases in Ethiopia. The major ones are discussed below.

\textit{Low rate of reporting of trafficking cases}

For traffickers to be prosecuted, the case has to be brought to the attention of the police for investigation. However, only a few cases are reported to the police. As for internal trafficking, cases reach the police mainly in two ways. The first is the situation where victims report crimes such as bodily injury, rape, refusal to pay salary, etc.to the police. When the police probe further, they may come across a trafficking case. The second situation is where suspected traffickers are caught, usually in bus terminals, while traveling with two or more children. As far as external trafficking is concerned, cases reach the police when returnee victims lodge complaints with the police, or to NGOs like EWLA, FSCE or even to IOM to get their money back from illegal traffickers. Sometimes, family members of trafficked women lodge such complaints.

The number of cases that reach the police through the above mentioned ways are only a fraction of the total number of cases that really occur on the ground. Lack of awareness among the public in general, and the victims in particular, about the criminal nature of trafficking as well as lack of a more systematic and proactive reporting system of trafficking cases, partly explains the situation. At any rate, the low rate of reporting of trafficking cases is a serious problem that hampers the prosecution of traffickers.

\textit{Lack of evidence}

Lack of proper evidence incriminating traffickers is another factor contributing to the poor prosecution status. Traffickers, especially those who send women abroad, are very cautious. They make it a point not to give receipts or other evidence that might incriminate them. Internal trafficking, especially in the Southern Region, usually takes place with the consent of the families of the child, making it difficult to get the victim and/or the families as witnesses. The nature of the crime also has a bearing on the collection of evidence. The trafficking act is usually committed across jurisdictions. Some trafficking cases end up disappearing when going back and forth from one jurisdiction to another.

\textit{Gaps in Laws}

Most of the existing trafficking cases are being tried under the provisions of the 1959 Penal Code as the 2005 Criminal Code came into force very recently. As discussed

earlier, the 1957 Penal Code has not criminalized labour trafficking. As a result, traffickers were usually charged under the enslavement provision. However, since the latter provision has the element of coercion, convicting “labour traffickers” in situations where the victims voluntarily traveled for employment has created a problem for the courts. The other provision that used to be invoked against traffickers was article 656. This provision deals with fraudulent misrepresentation and normally entails simple imprisonment and, in grave cases, rigorous imprisonment not exceeding five years.

Some interviewed prosecutors in regional towns stated that, for lack of an alternative, they were charging trafficking cases under petty offense provisions of the Penal Code that make infringement of any law, regulation, or directive an offense. For instance, a trafficker who was caught trafficking a child less than 14 years old would be charged for infringing the minimum age rule in the Labour Proclamation. The highly mitigated penalty, specified in the petty offence provisions could not, however, be an alternative remedy for a grave offence like trafficking. Thus, the absence of provisions addressing labour trafficking in the 1957 Penal Code was a significant problem affecting the efforts towards prosecuting traffickers. It should be noted that as mentioned previously, the Criminal Code has already filled this legal gap.

Lack of awareness and attitudinal problem

There is a considerable degree of lack of awareness among many law enforcement officials about the details of all the relevant provisions dealing with trafficking. For instance, several law enforcement officials contacted in the regions were not aware of the existence of the Private Employment Agency Proclamation. There is also a tendency among some law enforcement officials not to consider the act of trafficking in women and children as a crime by itself, unless it is accompanied by other acts like rape, bodily injury and the like. It is surprising to find judges and prosecutors at higher levels who are less versed with the relevant laws on trafficking than their counterparts at the lower levels. The reason for this seems to be the fact that they had not got the chance to handle trafficking cases, since only few cases of trafficking reach the higher levels.

Workload and shortage of adequate human resource

There is a significant mismatch between the workload and the available human resource both in the law enforcement agencies (the police and prosecution office) and the judiciary (courts). This has had a negative impact on the timely handling of all criminal cases, including trafficking cases. The longer the delay in prosecution, the lesser the chance of getting a conviction. According to a list of trafficking cases handled by the Representative Office of the Ministry of Justice in the Addis Ababa Administration, there are still pending cases that were started as far back as 1997. This delay in the prosecution has given a chance for some of the accused to abscond. According to data gathered for this study, a number of trafficking cases were closed because the accused could no more be found.
4.2.2. Interventions and Measures taken by Other Government Institutions

The increasing number of reports of abuses of Ethiopian Women in the Middle East countries led to the formation of a National Committee on Trafficking in Women and Children in June 1998. The Committee, chaired by the Ministry of Foreign Affairs, had created a forum for exchange of information as well as coordination among the institutions relevant in combating trafficking in women and children. The members of the Committee were the Immigration and Citizenship Affairs Directorate, the Federal Police Investigation Coordination Department, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Information, and the Women’s Affairs Department of the Prime Minister’s Office. The committee had conducted studies on the situation of Ethiopian migrant women in Lebanon; push factors for the existence of such trafficking; local brokers and employment agencies in Lebanon engaged in trafficking and employers of trafficked women and children.257 However, the committee ceased functioning after some years.

Recently, a National Task Force on trafficking, chaired by the Ministry of Justice, has been established in November 2004. Members of the National Committee mentioned above are again included in the Task Force. The Task Force organized itself into legal, information, research and media committees and is preparing a plan of action to combat trafficking.

Prevention of Trafficking in Women and Children

The Ministry of Labour and Social Affairs is the key institution engaged in preventive activities of trafficking. The major preventive interventions carried out by the Ministry revolve around its role in the implementation of the Labour Proclamation and related laws. The Ministry issues directives and guidelines to facilitate the implementation of laws and policies and to adapt its structures and procedures to changing circumstances. Among these, the directive for the implementation of the Employment Agency Proclamation, which provides for direct recruitment of Ethiopian nationals abroad, is directly related to trafficking in women and children. The Ministry also undertakes research to evaluate and improve its structure and operation. Among these is a recent study on the management of the private employment licensing procedures within its internal structure.

The Ministry of Foreign Affairs also has a key role to play in combating external trafficking in Ethiopian women and children since the issue involves problems to be addressed both in Ethiopia and the countries of destination. To this end, the government of Ethiopia has opened representative offices in major destination countries for trafficked Ethiopian women and children. These include Lebanon, the UAE and Saudi Arabia. The opening of these offices is a major step in the prevention of trafficking and protection of the rights of Ethiopian women and children working and living there. The offices also play a major role in ensuring the availability of reliable information on the life situation.

257 Tshay Belayneh and Atsedewoine Tekle, Traffic in Women from Ethiopia, Prime Minister’s Office Women’s Affairs Sub-Section and IOM, Addis Ababa, Sene 2000, p. 2,
of Ethiopian women and children in countries of destination for migration and trafficking. However, the capacity of these diplomatic missions in terms of human and other resources is very limited in light of the magnitude of the problem.

The Immigration Authority is another key player in preventing trafficking as it is the institution mandated to ascertain all exits out of the country. Accordingly, it checks the existence of employment and the necessary authorization by MOLSA at Bole international airport. It also patrols the borders of the country, including those used by traffickers to cross the country through land routes. However, due to manpower and other resource limitations, the border guards are not able to control all the routes.

Protection and Assistance to Victims of Trafficking in Women and Children

Although the Ministry of Labour and Social Affairs is primarily engaged in preventive intervention, it has also taken measures to protect and assist victims. The Ministry, through its mandate to inspect and regulate private employment agencies, has conducted a visit to Lebanon to inspect the operation of private employment agencies. After the visit, the Ministry has come up with recommendations for the protection of the rights of Ethiopian migrant women living in Lebanon. The recommendations relate to the need for a bilateral agreement with the Lebanese government and building the capacity of the new Ethiopian Consulate in Beirut.

According to information issued by the Ministry of Foreign Affairs, the Consulate in Beirut has undertaken various activities towards the protection of victims of abuse and exploitation. These include discussions with relevant bodies of the Lebanese government (labour office, police and courts), and legalizing the status of Ethiopian women who entered the country prior to the issuance of Proclamation 104/1998 upon the recommendation of the National Committee on Trafficking. Assistance was also given to Ethiopian women in difficulty. Notable among these are, the renting of a temporary shelter for migrant workers facing problems in Lebanon, giving assistance to mentally traumatized victims by seeking assistance from Sri Lankan and Philippines migrant communities, issuing laissez-passer to Ethiopian migrants with health problems and repatriation assistance through fund raising. The Consulate also provided legal assistance to Ethiopian women accused of or arrested for alleged crimes through its lawyers; conducted appeals to higher courts and government bodies in specific cases; and paid visits and provided assistance to Ethiopians in hospitals and prisons.

Other efforts made by the Ministry include, the preparation of a model employment contract for domestic workers on the basis of the experience of the Philippines and Bangladesh for the purpose of verification by the MoLSA, and initiating a plan to identify illegal agents in Lebanon in collaboration with the Consulate and Ethiopians living there.

In order to address the issues relating to Ethiopian expatriates, the General Directorate in charge of Ethiopian Expatriates Affairs was established in January 2002 within the Ministry. The major objective of the Directorate is to create a mechanism for effective
intervention with different Ministries in matters concerning the Ethiopian Diaspora at home. One of the functions of the Directorate that is relevant to the protection of victims of trafficking and subsequent abuse and exploitation is keeping and regularly updating a database of the Ethiopians in Diaspora and making it available for users.
Recommendations

Formulation of Relevant Policies: The fact that Ethiopia does not have a comprehensive national policy on trafficking in women and children is one of the major problems in combating trafficking. This has created confusion on the role of different actors and in the coordination of their intervention activities. The intervention activities seem to be sporadic and directed by the more visible and immediate problems without looking at the overall problem. The focus on external trafficking of women and children to the Middle East should be redirected at the policy level to accommodate the prevalent internal trafficking of women and children from rural areas to urban centers. These problems can best be addressed through a comprehensive national policy to guide the whole effort to combat trafficking in women and children in a coordinated and comprehensive manner. Such a policy should also be accompanied by a national plan of action that sets clear goals, objectives, strategies and activities to be implemented within a predefined period.

Law Reform: the promulgation of the new Criminal Code indicates that increased attention is given to the issue of trafficking in women and children by lawmakers. However, the law has not addressed the issue comprehensively. One problem arises from the focus on the purposes of trafficking rather than on the process of trafficking. This has resulted in a legal regime that is riddled with gaps and is difficult to enforce. The role of the law in the protection and provision of assistance to victims as well as prevention of trafficking has not been adequately utilized. Thus, it would be important to critically assess the legal gaps in such areas and take legislative measures to fill them. This can best be done through the issuance of a trafficking in persons proclamation that criminalizes trafficking in women and children for all purposes and that addresses issues of protection, assistance, rehabilitation and re-integration of victims.

Ratification of International Instruments: The issue of trafficking in women and children has been addressed extensively in international legal instruments providing standards of protection and assistance as well as indicative measures towards combating the problem. Although Ethiopia has ratified several international instruments relevant to trafficking, some important international instruments are not yet ratified. The most notable is the Palermo Protocol. Other relevant international instruments not ratified by Ethiopia include the Migrant for Employment Convention (revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Convention on the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975, the UN International Convention on the Rights of Migrant Workers and their Families, 1990. The ratification of these important international instruments would go a long way in indicating the direction of the national policy and legislative efforts in terms of achieving the international standards of prevention, protection and assistance. It would also facilitate cooperation with the international community, and destination
and transit countries involved in external trafficking of Ethiopian women and children in order to appropriately address the problem.

**Awareness Creation**: Lack of information and awareness on the prevalence, process and effects of trafficking as well as the laws and other available remedies is one of the main causes for the wide prevalence of the practice and the poor status of prosecuting traffickers. Extensive public awareness activities should be carried out to change this situation. As a matter of fact, public awareness should focus on vulnerable groups. Apart from general public awareness activities, detailed and continuous training should be given to law enforcement officials and other actors.

**Building the Capacity of Law Enforcement and Other Government Agencies**: Most law enforcement and other relevant government agencies are not well equipped in terms of human and other resources to properly combat the problem of trafficking. Gathering evidence, filing and information management related to the status of cases and investigative skills need to be strengthened in order for these institutions to be able to discharge their responsibilities efficiently.

**Collection of Data and Conducting Studies**: Only a few studies have been conducted so far on the phenomenon of trafficking in Ethiopia. Relevant and comprehensive data are not readily available on different aspects of trafficking. Therefore, relevant data on trafficking should be regularly and systematically collected and analyzed. Such information could serve as a baseline to effectively design intervention strategies and implement the same with the desired result.

**Strengthening of Diplomatic Missions**: The establishment and strengthening of diplomatic missions in countries where a large number of Ethiopian migrant workers are found is very important to minimize the abuse and exploitation they are experiencing.

**Providing Assistance and Protection to Victims**: Trafficking has multiple negative effects on the victims. It usually results in physical and psychological injuries, displacement, financial difficulty, loss of self-esteem and so forth. Providing guidance and counseling, housing and medical services, training and skill upgrading, etc. are very important to rehabilitate and reintegrate victims of trafficking.

**Promoting the Rights of Vulnerable Groups**: One of the root causes or push factors of trafficking is the denial of the rights of the vulnerable groups. Lack of access to education, information and other social services as well as harmful traditional practices like early marriage and low value accorded to women and children in the society are among the major push factors. Therefore, extensive efforts should be made to promote the rights of vulnerable groups including access to education, information, employment and other social services, the right to economic independence, equality and to be protected against harmful traditional practices.
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