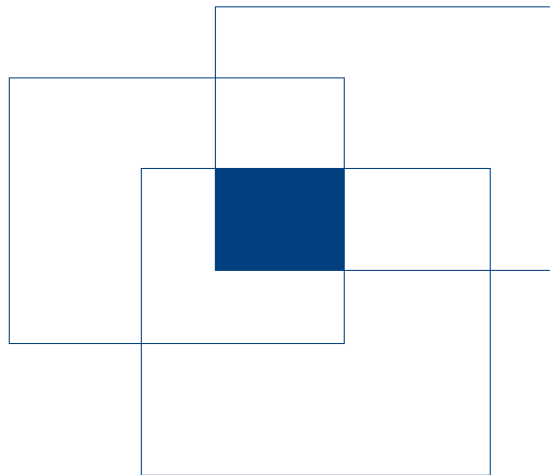




International  
Labour  
Organization

# Trafficking in Persons Overseas for Labour Purposes

The Case of Ethiopian Domestic Workers



**ILO Country Office Addis Ababa in collaboration with the Ministry of  
Labour and Social Affairs, the Ethiopian Employers' Federation  
and the Confederation of Ethiopian Trade Unions**



**T**rafficking in **p**ersons **O**verseas  
**f**or **l**abour **p**urposes  
**T**he **C**ase of **E**thiopian **d**omestic **W**orkers

*Research Conducted by: Play Therapy Africa Ltd*  
*Edited by: Animaw Anteneh*

**ILO Country Office Addis Ababa**  
**International Labour Organization**

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This is the first edition of the research document. Suggestions from readers and users for improving them are very welcome, and should be sent by email to ILO CO Addis Ababa, at: [addisababa@ilo.org](mailto:addisababa@ilo.org).

## **List of abbreviations**

BoJ	Bureau of Justice
BoLSA	Bureau of Labour and Social Affairs
BoWA	Bureau of Women's Affairs
CETU	Confederation of Ethiopian Trade Unions
EEF	Ethiopian Employers' Federation
ILO	International Labour Organization
MoFA	Ministry of Foreign Affairs
MoJ	Ministry of Justice
MoLSA	Ministry of Labour and Social Affairs
MoWA	Ministry of Women's Affairs
NGO	Non-governmental organization
PEA	Private employment agency

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## **Executive Summary**

### **Introduction**

This is a report of the research on human trafficking from Ethiopia carried out by International Labour Organization (ILO) in cooperation with the Ministry of Labour and Social Affairs (MoLSA), the Confederation of Ethiopian Trade Union (CETU), and the Ethiopian Employers' Federation (EEF). The research focuses on overseas trafficking of persons to the Middle East for labour exploitation as domestic workers. The research was conducted between July and October 2010. Data were collected from nine study sites including the federal cities of Addis Ababa and Dire Dawa and the regional cities of Shashemene, Hawassa, Bahir Dar, Jimma, Adama, Dessie and Mekelle. These sites were selected because of the prevalence of human trafficking from or through them.

The research is mainly qualitative, and used both primary and secondary sources of information. Primary information was collected from key institutional stakeholders, law enforcement and judicial officials, representatives of private employment agencies (PEAs), victims and returnees, parents of victims, key informants about the operation of brokers, and community members representing *kebele* administration and different social, religious and community groups.

The research used as secondary sources relevant literature and documents, statistics, court cases, and working documents of PEAs, and service providing institutions. The respondents for the research reached a total of 229 persons. The tools used to gather the primary information were questionnaires and interview/focus group discussion (FGD) guidelines, and review of secondary sources. A total of 21 court cases (13 of which involved 50 victims) and dossiers of 104 returnees/victims and 131 files of potential migrants were reviewed.

### **Overview and background**

Migration is the movement of people from one place to another within a country, or from one country to another for different reasons. In developing countries, many people consider migration as the only option to improve their livelihoods. Despite the demand for cheap labour in the countries of destination, most of these countries have restrictive immigration policies, exposing migrant workers to a range of human rights abuses, including labour exploitation, violence, trafficking, mistreatment in detention, and even killings.

The terms 'trafficking in persons' and 'smuggling of migrants' are often confused and used interchangeably. Perhaps as a result of the lack of any definition given in the existing legal and policy framework, there is no clear and common understanding of the meaning of 'human trafficking' in Ethiopia. The common understanding is far from the definition given under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter Palermo Protocol). This is true across all informant groups, including law enforcement and judicial officials.

Despite the lack of a common and clear understanding, there is ample evidence that trafficking of Ethiopians as domestic workers for labour exploitation is highly prevalent in Ethiopia. The research indicated that the practice has increased recently and the youth are deceived and sometimes coerced into migrating to the Middle East countries and the Sudan without adequate protection from abuse and exploitation.

The prevalence of human trafficking is not uniform across the study sites. Its prevalence is very high or high from Addis Ababa, Adama, Dire Dawa, Shashemene, Jimma and Dessie, while it is relatively low in Mekelle, Bahir Dar and Hawassa. Some of the study sites, such as Addis Ababa, Dire Dawa and Bahir Dar are also transit towns. While those who transit in Addis Ababa and Dire Dawa may come from all over the country, most of them are from Shashemene (Arsi, Bale), Jimma, Wollo and Western Hararghe (only for Dire Dawa). A few are from North Shewa (Selale), Tigray, Gondar, and Gojam. Those who use Bahir Dar as transit point are, however, largely from Jimma, with few reportedly from Dessie, Shashemene, Adama, and Guraghe-Silte. On the other hand, Shashemene, Jimma, and Dessie are found to be source towns whatever the route of trafficking. Hawassa and Mekelle have not yet become high level trafficking source areas.

Poverty and lack of opportunities, failure in educational endeavours, gender stereotypes, and the 'culture of migration' are critical factors behind migration and human trafficking. Most of the economic factors are related to low employment opportunities at the local level, low wage rates, low income, impoverished life and limited access to basic means of production such as land and credit facilities. Factors from the demand side (pull factors) include rapid changes in the local and regional economies, restrictive immigration laws, weak protection regimes for migrant workers, and the role of traffickers in artificially expanding demand for cheap labour. The aforementioned critical pull and push factors do not only reinforce one another, but also they are supplemented by other immediate and intermediary factors including, *inter alia*, peer and family pressure, negative attitudes attached to local domestic work, low performance and motivation in pursuing education, networking and operation of traffickers from the local to the international level, low costs involved in facilitating migration, limited information about regular and legal migration channels, limited enforcement of protective laws, and gaps in the enforcement of the legislative framework designed to prevent and respond to trafficking in persons.

Male migrants are sought in destination countries for household labour activities that may or may not require some level of education and professional experience. Those activities that do not require education and experience include waste disposal, camel and goat herding or, slaughtering, and construction. Female migrants, on the other hand, are mainly trafficked for household labour purposes including cleaning rooms and compounds, laundry, washing cars, cooking, disposing waste, nursing and looking after children and elders, and sometimes attending customers in hotels and restaurants (in Djibouti and Yemen). Female migrants may also be trafficked for commercial sex work, particularly in Djibouti and Yemen, as well as in Sudan.

### **Trafficking in persons in Ethiopia**

According to the findings of this study, the larger proportion, i.e. 53.6 per cent of the migrant female Ethiopians, are between 19 and 25 years of age; about 30.3 per cent are between the age group 25–30; and fewer but a significant percentage (13.5 per cent) migrate at a relatively older age. There is adequate evidence that girls are trafficked before they reach the age of 18. Four (11.4 per cent) of the victims/returnees contacted for this study were child victims at the time of their trafficking. While two of these child victims used formal channels by falsifying their age, the other two left the country through the 'desert route'. The absence of an effective birth registration system in the country and the possibility of falsifying age contribute towards the continued practice of child trafficking. Men migrants are generally older than women migrants and are commonly between the ages of 20 and 35.

Both men and women migrate to Middle East countries. Women mostly use the formal migration channel involving visa and passports; and they use the services of agencies and brokers as facilitators

of their migration. The common trend for men migrants is rather the ‘desert route’, using the services of smugglers. Women constitute the majority of those victimized by traffickers.

The study confirmed that although both educated and uneducated women may be potential migrants and victims of trafficking, female students who failed their national exams at the end of second cycle of elementary (8th grade), junior secondary (10th grade), and sometimes preparatory (12th grade) levels of education are most at risk. Level of education and experience is a critical element in the migration of men who aspire to be drivers, cooks, engineers, masons, carpenters, steel fixers, welders, and plumbers in destination countries.

Even though women and men from the rural areas are increasingly becoming victims of trafficking, human trafficking is more of an urban phenomenon. However, Mekelle, Shashemene, Jimma, and Dessie represent mixed migrant populations with more of rural origins.

## **The process of trafficking**

The study identifies six categories of traffickers distinguishable in terms of their identity, modes of operation, and their role in the trafficking process. The first category is composed of local/community level traffickers who are often members of the same community they target. The second category consists of brokers responsible for the transportation, harbouring and smuggling of migrants across borders. This type of traffickers receive the victims from local brokers, usually in groups, and are likely to transfer them to another trafficker in the same category somewhere along the route before they reach the destination country. The third category is a set of unlicensed employment agencies which consists of brokers in cities that operate as agents in the facilitation of migration and employment in destination countries. These groups operate as agencies and have links with destination country traffickers that trade visas.

The fourth category is composed of overseas private employment agencies (PEAs) that are legally registered and licensed, but that operate in contravention of Proclamation No.632/2009. There are a number of irregularities and loopholes in the operation of PEAs that lead to the conclusion that some of them may be engaged in human trafficking. Such findings are related to, among others: receipt of payments and benefits regardless of an existing code of ethics and legal prohibition; lack of transparency with regard to their commission from employers and destination country agencies; their claim to cover all expenses, including those that should be covered by migrant workers; inadequate protection mechanisms for migrant workers they send; and their partnership with destination-point agencies and individuals who are known for human trafficking or are working closely with traffickers.

The fifth group consists of returnees, visitors, and their representatives, who start a trafficking business by getting involved in the recruitment, transportation, and then employment of victims, including for exploitative purposes, using deception and the vulnerability of potential victims. The last category of traffickers is destination-point traffickers. They consist of sponsoring migrants, visiting recruiters, and those encouraging migrants to escape and work with them in destination countries.

Migrants may use two ways to leave Ethiopia: they either buy an air ticket and take a flight from Bole International Airport to the destination country or cross the border to neighbouring countries using the ‘desert routes’. Trafficking routes identified include irregular migration to South Africa through Moyale; to Saudi Arabia through Bossasso; to Saudi Arabia and UAE through Afar, Djibouti and Yemen; to Sudan through Metema; to Djibouti through Dire Dawa; and to Lebanon, Saudi Arabia and UAE through Bole International Airport.

Different persons may initiate the recruitment of potential victims, including local brokers, returnees and visitors from destination countries, and even relatives and friends. The recruitment process may occur in various ways in terms of who initiates contact, the profile of the recruiter, and the means used. Traffickers widely disseminate information to lure potential victims and proactively scout for and target the most vulnerable. Most use different techniques to prove that their illicit activities are legitimate; make attractive offers; and use success stories to trap potential victims. Disinformation is also used to confuse potential victims on the issue of legality and the disadvantages of migrating through employment agencies.

Trafficked victims face exploitative conditions at work places in destination countries, including long working hours, unbearable workload, having to work in other households, restricted movement and isolation, inability to change employers, lack of leisure, denial of wages, and irregular payment of wages. Their freedom of movement and communication outside the household is also restricted through confiscation of passports and work permits, as well as through monitoring of their contacts with families and friends. Victims may also be subjected to different forms of violence (physical, sexual, and emotional) in the hands of traffickers and employers. Moreover, the threat of deportation in the event of disagreement with the employers is used to keep the victims in exploitative conditions. These conditions amount to strong and medium indicators of deception, coercion, exploitation, and abuse of vulnerability to characterize labour migration cases as human trafficking.

Trafficking has a massive negative impact, first on the affected people and their families, and also on the societies of which they are part. The consequences for victims materialize in their personal, social and economic situations and their health. These also translate into adverse financial, social, and economic impacts at the household, community and national levels.

## **Interventions to combat human trafficking for labour purposes**

Considering that human trafficking is a complex problem, an effective response needs to adopt a coordinated, multi-level, and multi-sectoral approach. Such a response should include prevention, protection, and prosecution measures. One of the areas of intervention identified to effectively combat trafficking in persons is the establishment of a clear and coherent migration policy. Ethiopia does not have a migration policy and has not ratified the Palermo Protocol. The legal and policy framework provides with only a few legal and policy measures that are not adequate enough to define and cater for a comprehensive strategic and operational framework to combat human trafficking.

Another area of preventive intervention is the improvement of migration administration and institutions. Despite the provisions of Proclamation No.632/2009, providing for the establishment of a National Committee, that has not happened one year after the Proclamation has entered into force. This implies the absence of oversight concerning the proper implementation of the Proclamation; the design and implementation of awareness raising, rehabilitation and resettlement programs; the prosecution and redress of human rights violations of victims; and the establishment of national information database.

Other preventive measures such as having effective integration and coordination network in place, running continuous public awareness programs, and signing bilateral labour agreements with destination countries are not being taken as intended. A National Taskforce on Trafficking has been established although it had not met in more than two years. Consequently, efforts of stakeholder institutions in the effective management of labour migration such as MoLSA, the Ministry of Foreign Affairs (MoFA), the Ministry of Justice (MoJ), and the Ministry of Women Affairs (MoWA) are not effectively integrated and coordinated. Public awareness campaigns towards the prevention of

trafficking in human beings are very limited and project-based. Ethiopia has concluded bilateral agreements with Kuwait and the Sudan to ensure regular migration channels for migrants.

The establishment of a labour market information system on jobs at home and abroad, the utilization of modern employment contracts, and the improvement of employment and vocational training are also limited or lacking in Ethiopia. There is a relatively notable effort in the monitoring of PEAs by MoLSA in cooperation with MoFA. However, PEAs complain that the operations of overseas representatives of PEAs are not monitored and MoLSA holds PEAs fully accountable for the operations of overseas representatives even though PEAs do not have the authority to control and monitor their operations.

MoFA provides temporary shelter to victims of trafficking and abused migrant workers in Lebanon and Kuwait. The Ethiopian Expatriates' Directorate General of MoFA has also a directorate responsible for community services and support. However, interviewed PEAs and victims complained that the assistance provided by Ethiopian missions is minimal and staff members are not necessarily caring and understanding. There are also limited protection services to victims of trafficking in Ethiopia. Indeed, compared to the needs of victims of trafficking, the services available are very minimal and are not comprehensive and immediate.

The practice and rate of prosecution of human trafficking is a reflection of the lack of common understanding of human trafficking. Trafficking in persons is commonly confused with smuggling of migrants. Other factors affecting prosecution include the encouragement the society gives to migration and the tolerance it has for human trafficking; the low level of reporting, the low prosecution and conviction rate for lack of evidence, the lack of willingness on the part of victims and the community to testify and provide information about traffickers, and the lack of investigative skills of law enforcement officials.

## **Recommendations**

The study proposes the following general and specific recommendations:

- creating a common understanding among all officials and particularly among law enforcement and judicial officials on human trafficking and forced labour;
- strengthening and following up law enforcement from the federal to the local levels;
- reviewing the legal regime governing the operation of PEAs and ensuring their accountability; and
- identifying and implementing parallel measures in relation to ensuring the accountability of traffickers other than PEAs;

### **Prevention**

- Elaborating a clear and coherent migration policy;
- Establishing a national, regional, and international cooperation framework addressing human trafficking and labour migration;
- Harmonizing national laws with international standards and providing a clear definition for trafficking in persons;
- Criminalizing human trafficking for all purposes in line with the Palermo Protocol;
- Ratifying the Palermo Protocol and other ILO and UN conventions on migrant workers;

- Establishing alternative regular channels of labour migration;
- Mandating an institution to address and coordinate efforts in relation to trafficking in persons and establishing a formal coordination system between governmental and non-governmental stakeholders;
- Recognizing the active role of NGOs in the prevention of human trafficking and protection of victims;
- Developing an effective communication strategy and launching awareness raising and sensitization programs on proper migration channels and the risks of trafficking;
- Elaborating and concluding bilateral labour agreements with at least major countries of destination;
- Initiating the establishment of an association of migrant workers, especially of domestic workers;
- Developing and utilizing reliable data collection and dissemination systems;
- Strengthening the effective implementation of model employment contracts with destination countries;
- Training migrant workers in skills relevant to their employment abroad;
- Providing alternative employment opportunities in Ethiopia to young persons; and
- Strengthening the monitoring of PEAs and collaborating with their association(s).

#### **Protection**

- Developing an effective referral system under the leadership of MoLSA to ensure a comprehensive, coordinated, and immediate support services to victims of trafficking;
- Providing temporary accommodation for victims of trafficking in countries of destination and origin;
- Ensuring adequate financial and human resources for protection services that can meet the needs and demands of victims of trafficking;
- Establishing a network among governmental and non-governmental organizations for the effective protection and recovery of victims of trafficking; and
- Ensuring adequate financial and human resource in Ethiopian Missions at destination countries and at MoLSA.

#### **Prosecution**

- Developing and providing regular and systematic training to key stakeholder officials, including the police, immigration officials, prosecutors, and judges;
- Developing data management systems among law enforcement and immigration officials;
- Ensuring adequate financial and human resources for effective law enforcement;
- Establishing cooperation with at least major countries of destination and transit for the effective investigation, prosecution, and conviction of trafficking cases.

## **Introduction**

Ethiopia has ratified major international instruments that criminalize trafficking in persons. The FDRE Constitution Article 18 (2) reads: *'No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.'* The revised Criminal Code of Ethiopia further incorporates provisions that criminalize trafficking in persons, particularly of women and children (articles 596, 597, 598 and 635) for certain purposes.

Despite international, regional, and national human rights standards, thousands of Ethiopians are trafficked to different countries including to the Sudan, South Africa, and the Middle East. Most of these suffer from labour exploitation, while there are also reports of sexual abuse and exploitation.

There is, however, very little or no reliable information on the nature and magnitude of these problems in Ethiopia because human trafficking is clandestine by nature and the crime is rarely reported for fear of retribution.

### **1.1. Objectives of the study**

The overall objective of this research is to produce a report of human trafficking for labour purposes from Ethiopia to other countries, with particular emphasis on domestic workers trafficked to the Middle East.

The study, thus, explores the situation, process, and impact of human trafficking for a better understanding of the profile of victims and traffickers; the pull and push factors; the expectations and perceptions of victims and families; the causes and consequences; the trafficking routes and processes; the techniques and trends in the operation of traffickers; and the nature of exploitation victims face. It also explores the policy and legal framework; the strength and gaps in existing responses to combat human trafficking; the collaboration and coordination efforts in the operation of key stakeholders; and the role of the community, the governmental and non-governmental organizations, and the international community to address the problem to finally come up with recommendable measures to effectively combat human trafficking for labour purposes.

The research has limited scope in terms of its thematic focus and geographic coverage. The research focuses on human trafficking and strives to distinguish between human trafficking and smuggling of migrants. The issue of migrant smuggling is dealt with in as long as it is linked with and/or sheds light on the prevalence of human trafficking and operation of traffickers. However, it should be noted that at times it might be difficult to make a clear distinction between smuggling of migrants and human trafficking because officials, returnees, research and the community at large use these terms interchangeably.

### **1.2. Definition**

The UN Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children that supplements the UN Convention against Transnational Organized Crime (2000), known as the Palermo Protocol, defines trafficking in human beings as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of 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.

Where children are concerned, the Protocol stipulates that ‘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 the definition.’

As outlined in the definition, trafficking in persons is more than simply moving someone from one location to another against their will, and more than forcing someone to work in poor conditions.<sup>1</sup> The complex phenomenon of human trafficking is often confused with other forms of people movement, such as irregular migration and smuggling of migrants. As a result, people who have been trafficked are treated as criminals rather than victims.

Where people migrate and lead a life free from exploitation and duress once they reach their destination, they are called ‘migrants’ and not ‘trafficked’. However, where they are coerced, forced or exploited during migration and/or at their arrival to their destination, they become trafficking victims.

On the other hand, when people agree voluntarily with smugglers to cross the borders of a country, the event is known as smuggling, and both the smugglers and smuggled people are considered to have breached the immigration laws of both countries. This may occur where people may not have legal means to cross the border, or they are not aware of the available legal channels to do that, or in some cases, where there are no legal channels for migration at all.

In practice, it is sometimes difficult to differentiate between trafficking and smuggling, because the agreement to migrate may be a result of deception, or may involve an individual or family entering into debt to pay for the travel, debt that puts them at the mercy of the lender. It may result in physical confinement during transfer, or reception. It may result in forced labour, confiscation of identity documents, threats of disclosure to the authorities. In these circumstances, the consent to migrate may not be termed ‘voluntary’ as it is used to coerce, force or exploit the migrants and thus become trafficking of persons.<sup>2</sup>

### **1.3. Scope**

This research uses the term ‘trafficking in human beings’ as defined in the Palermo Protocol. The research mainly focuses on cross border trafficking, and internal trafficking is only assessed in as long as it has relevance to external trafficking. Although external trafficking may be committed for different purposes, this study focuses only on human trafficking for labour purposes, with particular emphasis on domestic labour purpose to countries of the Middle East. In addition, the study briefly looks into the pattern of human trafficking to the Sudan, and South Africa. The focus of the study is on trafficked domestic workers, not only because the overwhelming Ethiopian workers migrating to the Middle East engage in the domestic work sector, but also because migrant domestic workers can be particularly vulnerable to exploitation.

The sites covered by the research include the two federal city administrations of Addis Ababa and Dire Dawa, as well as seven other regional towns: Hawassa (in the SNNP Region); Shashemene, Jimma and Adama (in the Oromia Region); Mekelle (in the Tigray Region); and Dessie and Bahir Dar (in the Amhara Region). These sites were selected because of the prevalence of human trafficking from or through them.

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<sup>1</sup> IOM, 2006, p.2

<sup>2</sup> ILO, (2003, p. 2)

## 1.4. Methodology of the research

The research is mainly qualitative owing to its objectives and scope, particularly its emphasis to exploring the phenomena of human trafficking from the perspective of local populations involved and affected by the practice. Using this methodology made it possible to gather contextual descriptions of how people experienced human trafficking and to obtain culturally specific information about the values, opinions, perceptions, and social contexts of populations involved and affected by human trafficking. While some of these data help to gain a better understanding of a specific social context or phenomenon, some of the description and information may be generalized to other contexts or populations as well.

Quantitative methodology has also been used in the study to a limited extent. However, the number of interviews and focus group discussions is not large enough to derive a national estimate of human trafficking. This type of methodology was used to generate quantitative data to describe the operation of private employment agencies (PEAs), as well as the profile of migrants and victims in terms of age, educational level, family size and related factors. Quantitative information was also gathered by tabulating responses of informants who responded to questionnaires including victims/returnees, institutional informants and parents of victims/returnees. Most of the information gathered from the dossiers of service users in AGAR<sup>3</sup> has also been compiled and tabulated to supplement the information that is gathered from other sources.

### 1.4.1. Data collection methods

Specific data collection tools were developed based on the adopted methodology and subsequently used to gather information from primary and secondary sources. These include the following.

**Key informant interviews (KIIs):** KIIs were conducted with 121 informants representing key stakeholder institutions (MoLSA/BoLSA, MoWA/BoWA, MoJ/BoJ, immigration offices, NGOs working with victims of trafficking); law enforcement and judicial officials (judges, public prosecutors and police); PEAs; returnees and victims of trafficking, parents of victims and migrants; as well as key informants about the operation of brokers and traffickers. The questionnaires that were developed for this purpose are annexed at the end of this study (Annex 1).

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<sup>3</sup> AGAR is an Ethiopian Residents Association that has partnered with three other organizations, namely DIR, *Yeargaweyan Erdata Mesecha Mehaber*, Ethiopian Orthodox Church and Association of Forced Migrants to provide socio-economic reintegration support to the trafficked returnee through temporary shelter service, psychosocial counselling, and vocational skill training to generate sustainable income as well as to raise public awareness by disseminating research outputs.

Table 1. Key informants interviewed

<b>Informant group</b>	<b>Size</b>
Representatives of stakeholder institutions	18
Justice sector officials	25
PEA representatives	17
Returnees/ Victims of trafficking	36
Parents of potential migrants and victims	20
Key informants on brokers	5
<b>Total</b>	<b>121</b>

**Focus group discussions (FGDs)** were used to gather qualitative information from community-based informants, including parents of migrants/victims; *kebele*<sup>4</sup> officials; leaders and members of *idirs*<sup>5</sup>; youth and women’s associations; religious institutions; and other community-based organizations. The total number of participants was 109 (Table 2).

Table 2. FGD participants

<b>Study site</b>	<b>Participants (No.)</b>
Dessie	23
Mekelle	10
Dire Dawa	11
Adama	12
Shashemene	13
Awassa	12
Bahir Dar	10
Jimma	18
<b>Total</b>	<b>109</b>

**Literature review:** relevant research, study reports, statistical abstracts, activity plans and reports of key stakeholders and newspaper clips were considered.

**Policy and legislative review:** legislative and policy documents related to human trafficking, including international instruments, ILO conventions, UN documents, relevant national laws and policies, and implementation reports were assessed.

**Document review:** three categories of documents with specific relevance to the study were reviewed by the research team:

1. First, court cases pertaining to the investigation, prosecution and trial of traffickers in Dire Dawa and Bahir Dar were considered. A total of 21 cases (13 cases from Dire Dawa and eight from Bahir Dar) were reviewed;

<sup>4</sup> *Kebele* is the lowest level of government administration.

<sup>5</sup> *Idir* is a traditional local organization of community members for burial purposes. However, recently both governmental and non-governmental organizations use *idirs* for development purposes and to support orphans and vulnerable children, as well as people living with HIV and AIDS.

2. Secondly, the register and personal file of potential migrants kept by PEAs were accessed to gather personal information on 131 potential migrants using a brief survey instrument and for the sole purpose of analyzing the profile of potential migrants; and
3. Thirdly, dossiers of victims supported by AGAR were assessed. Information kept in these dossiers include profiles of victims of trafficking; experience of abuse and exploitation faced; the health and mental situation of the victims upon arrival and afterwards; as well as the type of support and rehabilitation services they have accessed so far. Dossiers of 104 victims, 39 of whom have residential treatment and shelter services were reviewed by the research team.

The above methods enabled the research team to gather information from a total of 229 persons using questionnaires and interview/FGD guidelines, to review a total of 21 court cases (13 of which involved 50 victims) and dossiers of 104 returnees/victims<sup>6</sup>, and to gather personal information on 131 potential migrants. While the latter was done for the sole purpose of analyzing profiles of potential migrants, information gathered from the former primary and secondary sources were used to present findings across all sections of the report.

The following is a summary of methods used to gather information and the number of informants and respondents reached by the study (Table 3).

Table 3: Summary of data collection methods used and informants reached

<b>Data collection method</b>	<b>Informants/cases (No.)</b>
Key informant interview	121
FGD	109
Survey of profiles of potential migrants	131
Review of dossiers of service users	104
Court cases	21
<b>Total</b>	<b>486</b>

#### ***1.4.2. Data compilation and analysis***

Two principal researchers reviewed legal and policy documents and the relevant literature and documents, as well as conducting the qualitative analysis of all the data gathered. This involved the compilation of the qualitative information and the tallying and tabulation to the extent of generating quantitative information out of the qualitative data. Moreover, SPSS software was used to generate quantified data from the brief survey instrument pertaining to the profile of migrants and to generate as much information as possible from the questionnaires and dossiers of victims/returnees and the interviews with other informants such as parents, law enforcement officials, PEAs and institutional informants.

#### ***1.4.3. Limitations of the study***

The major limitation encountered in conducting this study lies in the way relevant information was accessed. The main causes for this include the following:

- a. Victims of trafficking are a ‘hidden group’ that are difficult to access due to different factors such as cultural acceptability of migration, the clandestine and sensitive nature of trafficking in persons, and negative attitudes towards failed migration experiences. This is true not only for

<sup>6</sup> AGAR was also helpful in facilitating personal interviews with some of these victims to which the research team is grateful.

victims still living in exploitative conditions but also for returnees who were victims of trafficking. This fact put limitations in employing reliable sampling methods and involving only those who were accessed.

- b. Traffickers are not easily accessible and willing to provide information, since they resort to clandestine operation and due to fear of being reported to the police. Key informants on the operations of traffickers are also difficult to find. There is thus only limited insider information regarding the operations of brokers and other traffickers.
- c. Institutions involved in intervention activities relevant to combating human trafficking do not maintain easy-to-access, up-to-date, and organized data. This limitation was particularly reflected in the collection of statistical data on the number of cases investigated and prosecuted by law enforcement agencies.

# Chapter one

## Overview and background

### 1.1. Overview

Migration is the movement of people from one place to another within a country, or from one country to another, prompted by the need for work, a better life, fear of persecution, the horrors of war or disaster, or just because they want to live somewhere else. While some are permanent migrants, others are temporary; some are regular migrants, while others are irregular or undocumented, their status not recognized by the host country. They may make all the arrangements of their migration themselves or with the assistance of others, including personal contacts, employment agencies, recruitment firms, state representatives such as embassies and consulates, and migrant organizations such as the International Organization for Migration.

In developing countries, many people consider migration the only option to improve their lives. At a personal level, migration can improve the income, health, and educational prospects of the migrants and their families. A recent report by Human Rights Watch on abuse against migrants<sup>7</sup> states that more than 215 million people live outside their country of birth. According to World Bank estimates, migrants sent home more than US\$ 440 billion in 2010, US\$ 325 billion of which went to developing countries. According to Human Development Report of 2009, the total inflow remittance for Ethiopia is estimated at US\$ 359 million<sup>8</sup>, representing 1.5 per cent of the gross domestic product (GDP)<sup>9</sup>. Because remittances are vital in improving the livelihoods of millions of people in developing countries, many development authorities and governments consider international migration as a promising form of development.

In general, people migrate voluntarily in search of better opportunities. According to Human Development Report of 2009, more than three quarters of international migrants go to a country with a higher level of human development than their country of origin. However, strict migration policies and limited access to resources that enable migration have put some limits to the movement of people. This is especially true for migrants with low skills coming from developing countries. The Human Development Report of 2009 also indicated that people in poor countries are the least mobile. For example, less than one per cent of Africans have moved to Europe.

Despite the demand for cheap labour in countries of destination, barriers to migration are especially high for people with low skills. Destination countries also tend to turn a blind eye to the status and treatment of low-skilled migrant workers. As Navi Pillay, the UN High Commissioner for Human Rights noted at the Fourth Global Forum on Migration and Development in Puerto Vallarta, Mexico on 10 November 2010, 'Although states have legitimate interests in securing their borders and exercising immigration controls, such concerns do not trump the obligations of the states to respect the internationally guaranteed rights of all persons, to protect those rights against abuses, and to fulfil the rights necessary for them to enjoy a life of dignity and security'.

Although impacts of migration may change over time, positive impacts of migration can be seen, from the perspective of countries of origin, on income and consumption, education and health, and

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<sup>7</sup> Human Rights Watch, 2010

<sup>8</sup> UNDP, 2009, p.161.

<sup>9</sup> Ratha, *et al.*2009.

broader cultural and social processes.<sup>10</sup> The nature and extent of impacts depend on who move, how far they go into the country of destination, and their inclination to stay connected with families and friends in the country of origin. This is shown by the flow of remittance, communication and contacts, information and intention to return at some point in time. In many developing countries such as Ethiopia, migration is a household strategy to improve life chances of the migrants and their families. Families support the migration of a family member financially and emotionally in the hope of financial rewards in the near future. Remittances support and diversify the sources of income for families that may in turn support the education and health of family members. However, migrants can only provide this kind of support if their incomes are large enough and once they have adapted to their new working and living conditions. Another factor that appears to affect remittance flows is gender. It is reported that women migrants tend to send a larger proportion of their income home, on a more regular basis, although their lower wages might affect the amount of remittance sent.<sup>11</sup> Increased consumption by families of migrant workers may generate local employment, by way of building and/or maintenance of houses, and establishment or expansion of businesses.

Migration can also affect gender relations at home. Traditional gender roles in relation to child and elderly care may change when women migrate. Wives of men who move may also be empowered to participate in decision-making at household and community levels. However, this might only last until men migrants return. Migration could also provide exposure to better health practices, such as drinking safe water, keeping animals out of living spaces, or going for annual medical check-ups.<sup>12</sup> However, social and cultural effects of movement are not always positive. A ‘culture of migration’ may also emerge where migration is associated with personal, social and material success while staying home is considered as a failure. Migration thus becomes the norm, particularly among the young and the able.<sup>13</sup> Not surprisingly, the likelihood of movement increases for those with links to people who have already migrated.

Recently, few developing countries have started to acknowledge the linkages between migration and development in their poverty reduction strategies. Many African countries acknowledge the role of remittances, the advantages of return and circular migration of skilled expatriates and the value of knowledge transfer from such people.<sup>14</sup> Others like Ethiopia strive to attract development investments from the Diaspora.

The percentage of migrants in the total population has risen rapidly over the past 50 years. In the Gulf countries, migrants account for a much higher share of the population and labour force. For instance, in Qatar 63 per cent of the population is composed of migrants, while 56 per cent in the United Arab Emirates (UAE) and 47 per cent in Kuwait are migrants.<sup>15</sup> Research has shown that migration can stimulate local employment and businesses, and facilitate higher labour force participation among locally born females. Even though there is a debate that migrant workers compete with locals in the labour markets and lower the average wages of local people, this highly depends on the kinds of skill that migrants bring. For instance, hiring migrant domestic workers to perform time-consuming chores, such as cleaning and childcare has reduced the amount of household responsibility from

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<sup>10</sup> UNDP, 2009, p.71

<sup>11</sup> op. cit., p. 74

<sup>12</sup> op. cit., p.79

<sup>13</sup> op. cit., p.80

<sup>14</sup> op. cit., p.82

<sup>15</sup> op. cit., p.83

Kuwaiti women—thus allowing them to enter into the workforce in increasing numbers; to pursue higher education; and generally to engage in more active lives outside the home.<sup>16</sup>

Even though there are significant benefits gained from migration, there are also widespread beliefs that cross border migration has negative impacts on locally born workers. Especially if the skills of migrants match exactly those of locally born workers, then competition will be heightened and the latter might lose out.<sup>17</sup> There is also widespread fear that migrants ‘take more than they give’ by living off the taxpayers by claiming welfare benefits if they are not employed. There are also concerns related to security and crime, including the threat of terrorism.<sup>18</sup>

As a result, a number of contentious issues are raised in relation to migration ranging from control of irregular migration, to discrimination against migrant workers and their integration into destination countries, from restrictive migration policies, to exposure to a range of human rights abuses, including labour exploitation, violence, trafficking, mistreatment in detention, and even killings.<sup>19</sup>

## 1.2. Definitions

The terms ‘irregular migration’, ‘forced migration’,<sup>20</sup> ‘trafficking of persons’, and ‘smuggling of persons’ are often confused and the different characteristics of these terms are not adequately captured.

Although there is no clear or universally accepted definition of the phrase ‘irregular migration’, it is the movement of persons that takes place outside the regulatory norms of the sending, transit and receiving countries. From the perspective of destination countries, irregular migration is an illegal entry, stay, or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the source country, the irregularity is seen, for example, in cases where a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. The term ‘illegal migration’ is commonly used to refer to cases of irregular migrants as well as smuggled migrants.<sup>21</sup>

Exploitation being its main purpose, trafficking should clearly be distinguished from the act of smuggling of migrants. As already explained, trafficking is the use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power, or of a position of vulnerability, or of giving or receiving of payments or benefits to obtain the consent of a person to having control over another person, for the purpose of exploiting the person. Trafficked persons are, thus, considered victims of human rights and labour standards violation.

Though both acts of trafficking and smuggling are profitable businesses involving human beings, smuggling refers to the organized, illegal entry of a person into a state of which the person is not a national or a permanent resident.<sup>22</sup> Thus, smuggling in migrants could be understood as an illegal

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<sup>16</sup> Human Rights Watch, Oct. 2010, p. 22.

<sup>17</sup> UNDP, 2009, p. 85.

<sup>18</sup> *op. cit.*, pp. 71 – 89.

<sup>19</sup> Human Rights Watch, Dec. 2010, p.1

<sup>20</sup> Forced migration does not only include the migration of refugees and asylum seekers, but also the migration of people due to external factors, such as environmental catastrophes.

<sup>21</sup> See Horwood, 2009 cited in IOM, 2009, p. 15

<sup>22</sup> Article 3 of the United Nations Protocol against Smuggling of Migrants by Land, Sea and Air provides that: (a) ‘Smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of then illegal entry of a person into a State Party of which the person is not a

service and assistance provided to facilitate border crossing. A smuggler will, therefore, be involved only in the transportation phase of migration, providing assistance for illegal border crossing and deriving a profit from this service. However, the distinction is not always very clear, as what started as a smuggling situation may end up as a trafficking.<sup>23</sup> This is the case in Ethiopia, where most cases of smuggling end up as trafficking cases.

### **1.3. Components of trafficking and forced labour**

Trafficking in persons consists of three essential components:

1. recruitment– by force or deception;
2. transportation– within a country or across borders, legally or illegally, and
3. exploitation– traffickers financially benefit through the use or sale of the victim.

#### ***1.3.1 Recruitment***

People enter the process of trafficking through recruitment by other people. Most are lured into the process by a false promise of an opportunity, deceived by misinformation or lies, or pushed by need or desperation. In some cases, victims are aware that they are to be employed in a given activity but do not know the conditions in which they will be working. In other situations, victims may be forced or coerced, and in extreme cases abducted. The recruitment may be made by families, relatives, friends, neighbours, brokers, or recruitment agencies.

#### ***1.3.2 . Transportation***

Once the victims are recruited, they are transported from one town, area, or country to another. This may involve someone or a group of people to facilitate and arrange the movement, provide for false travel documents and shelter along the way. There are instances where corrupt border guards, immigration or law enforcement personnel and officials are also involved. Transport providers may or may not know the nature of their cargo.

#### ***1.3.3 .Exploitation***

The main purpose of recruiting and transporting victims in this case, is to exploit them by engaging them, for instance, into prostitution, domestic servitude, forced labour, and, in some instances for body organs removal. In most cases, the main purpose is thus to profit from the exploitation of labour. The notion of exploitation of labour allows for a link to be established between the Palermo Protocol and the ILO Convention No. 29 on Forced Labour.<sup>24</sup> Article 2, paragraph 1 of the latter Convention defines ‘forced or compulsory labour’ as “all work or service, which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Most employers feel they own the migrant workers because they paid for the recruitment and any other related fees, just like they own any other property they have paid for. The lack of social and legal protection in the destination countries gives traffickers and employers power over trafficked victims. This power may be exercised through physical, emotional and sexual abuse and threat.

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national or a permanent resident. (b) ‘Illegal entry’ shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State.

<sup>23</sup> Taran and Chammartin, 2002, 7

<sup>24</sup> See ILO, 2007, pp. 19–20 for report of the Committee of Experts on the Application of the Conventions and Recommendations

To render the victim ‘undocumented’ and an easy target of law enforcement officials for violating immigration regulations, someone or a group of people may, at the destination point, organize the reception process and seize any documentation, including passport. However, it should be noted that, although some victims are brought into the destination countries illegally, others may enter using legal travel documents or valid work visas. Traffickers usually put their victims in prison-like confinements, to prevent them from returning or escaping or moving on. The victims are not allowed to contact friends and relatives in the country of origin or destination for fear that they might get support. Their isolation and exclusion make them more vulnerable to exploitation, other human rights abuse and further limit access to redress. Traffickers and employers also use force and threats to force them to perform work that is exploitative. The victims are forced or coerced into working for very long hours for very little or no salary. Those who were not able to pay the trafficker for facilitating their recruitment, transportation, and employment will become a security against the loan. The victim will then be forced to work to pay off the loan together with its interest, resulting in debt bondage.

The key to understanding trafficking is to recognize the three interdependent elements that must be cumulatively present in order for trafficking to occur – activity, means, and purpose. All three elements must be present and connected to each other for an act to amount to trafficking.<sup>25</sup>

#### **1.4. Demand and supply side factors**

Lack of employment opportunities and increasing poverty has led to increased migration pressures in countries of origin. Over the years, movement of people has been increasing due to globalization that has led to the breakdown of trade and production barriers. The imbalances between market and labour opportunities among countries, regions, and even within the same country has created a situation where people move in the hope of finding better jobs, salaries, and improving their lives.

Evidence also indicates that the decrease in employment opportunities in the formal sector has affected women more than men and is one of the push factors for women to migrate. Gender-based discrimination is another reason that pushes women into looking for better opportunities elsewhere. The growing unemployment rate or lack of employment opportunities for women is another economic factor contributing to trafficking.

On the other hand, the shifts in social and economic patterns in some countries and some areas within the same country have led to a shortage of and thus demand for cheap and low-skilled labour in some sectors, such as in agriculture, food-processing, construction, manufacturing, domestic work, and sex work. Various countries depend on migrant workers to fill labour shortages in sectors that are low-paying, dangerous, and poorly-regulated.<sup>26</sup> These types of jobs are often referred as the ‘3-D’ jobs—meaning dirty, degrading, and dangerous jobs. Such demand is partially or entirely unmet by national workers because of minimal pay, degrading and dangerous conditions of work, and/or low status of these jobs and sectors, as well as access to social welfare for unemployed nationals.<sup>27</sup>

#### **1.5. Restrictive migration policies fuelling trafficking in persons**

The experience of ILO constituents<sup>28</sup> and ILO’s own research demonstrate that restrictive barriers placed between strong push and pull factors make trafficking and smuggling lucrative businesses.<sup>29</sup>

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<sup>25</sup> IOM, 2006, p. 8

<sup>26</sup> Human Rights Watch, Dec. 2010, p.7

<sup>27</sup> Taran, *et al.*, 2002, p.4

<sup>28</sup> ILO constituents are composed of governments, employers’ and workers’ organizations.

<sup>29</sup> ILO (May 2003, p.2)

Thus, poverty on one hand, and the increasing demand for cheap labour, on the other, with the cumulative effect of strict border controls and entry requirements of some countries, have fuelled irregular migration in general and trafficking in persons in particular. As opportunities to immigrate legally are severely limited, migrants increasingly resort to illegal entry and unauthorized stays, and ever-larger numbers use the services of traffickers and smugglers to evade the system, compounding their vulnerability to exploitation and ill-treatment.<sup>30</sup>

A number of developed countries in particular have imposed strict migration policies. Since vulnerable persons, especially women and children, do not have access to legal channels of migration, they fall easy prey to traffickers who use irregular channels to arrange travel, obtain travel documents, cross borders, and find jobs in destination countries or areas. Thus, strict migration policies lead to increased trafficking in persons.

Another factor that fuels trafficking is the policy of tolerance that some countries adopt for poor work conditions and non-regulation of certain employment sectors.<sup>31</sup> Lack of accessible complaint mechanisms, lengthy judicial procedures, restrictive visa policies that make it difficult for migrant workers to remain in the country of destination to pursue their court cases, and the sponsorship system that ties migrant workers' residency to their immigration sponsor do not only put migrants at high risk of abuse, but also they can contribute to situations of forced labour, trafficking, and slavery-like conditions.<sup>32</sup>

The extent of labour trafficking might increasingly be reduced if job seekers had more freedom of geographical movement, access to employment, and information. Trafficking increases not only when borders are barriers to labour supplies meeting demands, but also when knowledge about proper migration channels is not available, when employment is illegal and/or underground, and where bad and illegal conditions of work are tolerated or ignored.<sup>33</sup>

## **1.6. Who are the victims of trafficking in persons?**

Since exploitation is at the heart of trafficking, traffickers mostly target individuals who are easier to exploit and more docile. Women and children being the poorest of the poor, they are less powerful and more vulnerable to be forced, deceived, and misguided by traffickers. Traffickers use promises of better employment opportunities and better life in the countries of destination, but force them into prostitution, domestic servitude, and forced labour upon arrival.

Some countries impose restrictions on entry, admission, and work that indirectly discriminate female migrants. Most legal channels of migration offer opportunities in typically male-dominated sectors such as construction and agriculture. Others impose gender-selective migration policies and regulations for admission and entry, creating a situation that directly discriminates female migrants and expose them to trafficking.<sup>34</sup>

Various studies indicate that the majority of victims of trafficking are barely educated. Their low-level education and poorer access to information on migration, job opportunities, and recruitment channels drive them into the exploitative hands of traffickers. In societies and communities where a culture of migration has developed, the pressure to migrate is intensified irrespective of the risks involved.

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<sup>30</sup> IOM/UNHCR, 2008 as quoted by Horwood, April 2009, p. 18)

<sup>31</sup> Taran, *et al.*, 2002, p.5

<sup>32</sup> Human Rights Watch, Dec., 2010, p. 35

<sup>33</sup> Taran, P.A., *et al.*, 2002, 8

<sup>34</sup> *op. cit.*, p. 10

## 1.7. Specific situation of trafficked domestic workers

The demand for care work has been on the rise everywhere in the past two decades. The growing participation of women in the labour force, the ageing of societies, the intensification of work, the feminization of international migration, and the frequent lack or inadequacy of policy measures to facilitate the reconciliation of family life and work underpin this trend. Domestic work is, nonetheless, undervalued and poorly regulated, and many domestic workers remain overworked, underpaid, unprotected, and physically, emotionally, and sexually abused. Domestic work in many countries is not regulated and inspected, and labour law does not provide them with protection. This is especially true for live-in and migrant domestic workers. As if that was not enough, a large number of domestic workers are children in many countries.<sup>35</sup>

For instance, the Kuwaiti labour law excludes domestic workers; and as such migrant domestic workers do not have guaranteed weekly day offs and specified working hours. Even though other Kuwaiti national laws afford migrant domestic workers certain protections,<sup>36</sup> and set forth obligations upon the recruitment agency and the employer, the poor enforcement of laws leaves migrant domestic workers with few effective avenues against abuse and exploitation.<sup>37</sup>

Paid domestic work remains virtually invisible and undervalued as a type of employment in many countries. It is performed in the home behind closed doors and the tasks may vary widely over time, are vague, and sometimes boundless. The overwhelming majority of domestic workers are women, although in some countries a significant number of men are employed in private homes as gardeners, guards, and chauffeurs.

The number of domestic workers throughout the world is hard to estimate for various reasons, including the high incidence of undeclared domestic work, under-reporting, and the varying definitions of domestic work in statistical surveys. One of the most striking changes in domestic work in the past 30 years has been the growing prevalence of migrant work. In several regions, including the Gulf countries and the Middle East, the majority of domestic workers today are migrant women. Another change is the higher proportion of domestic workers who are not live-ins and work for more than one employer.<sup>38</sup>

For instance, demand for migrant domestic workers in Kuwait has increased exponentially since 1965, when Kuwait saw a huge increase in its oil revenues in the mid-1970s. By 1989, the number of migrant domestic workers had increased from 1,000 in 1965 to between 100,000 and 130,000. By 2009, the number had exceeded 660,000.<sup>39</sup> Ethiopian women are one of the most widely-represented nationalities among Kuwait's domestic workers. Kuwait employs the second-largest number of migrant domestic workers in the Middle East after Saudi Arabia.<sup>40</sup> The latter has approximately 1.5

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<sup>35</sup> ILO, 2010, p.1

<sup>36</sup> Kuwaiti national laws prohibit agencies from collecting recruitment fees from workers, protect them against forced confinement, and recognize the right to redress when it comes to criminal offences, including physical and sexual assault.

<sup>37</sup> Human Rights Watch, Oct. 2010, p.27

<sup>38</sup> International Labour Office, 2010, pp. 6–7

<sup>39</sup> Human Rights Watch, Oct. 2010, p.21.

<sup>40</sup> Ibid.

million migrant domestic workers.<sup>41</sup> In Lebanon, it is estimated that there are 200,000 migrant domestic workers, primarily from Sri Lanka, Ethiopia, the Philippines, and Nepal.<sup>42</sup>

Reports show that domestic workers are paid differently depending on their sex and race. In some regions, certain nationalities seem to be better remunerated than others, irrespective of education, competence, or experience. For example, in Jordan, Filipino domestic workers are reported to receive higher wages than Ethiopian and Sri Lankan nationals. Non-payment or late payment of wages is also common.<sup>43</sup> A 2004 ILO study on domestic work in Arab states found that female domestic workers in Kuwait worked an average of 101 hours per week.<sup>44</sup> Non-payment of salaries and unrestricted working hours are on top of the list of complaints by domestic workers in Kuwait.<sup>45</sup> Locking migrant domestic workers inside homes, confiscating their passports, or denying them food, are commonplace abuses.

In countries like Kuwait and Saudi Arabia, migrant domestic workers become trapped in exploitative or abusive employment because of the sponsorship system.<sup>46</sup> They will face criminal penalties if they try to leave a job without their employer's permission. They may be arrested by government authorities if they are reported as 'absconding' and deported, even if they have been abused and are seeking redress.<sup>47</sup> In countries like Lebanon, lack of accessible complaint mechanisms, lengthy and costly judicial procedures, and restrictive visa policies discourage migrant domestic workers from reporting abuse and exploitation.<sup>48</sup>

A decision was taken at the ILO's International Labour Conference in June 2010 to establish a first ever international labour standard for domestic workers. Entitled 'Decent Work for Domestic Workers', the proposed new standard is expected to be adopted in 2011.

## **1.8. Consequences of trafficking in persons**

Traffickers use a range of coercive techniques to control their victims throughout the process of trafficking. Given the fact that the main purpose of trafficking in persons is to profit from the exploitation of victims, traffickers make sure that their victims remain submissive and do not try to escape in order to protect their interests. This is exercised by using a wide range of coercive control mechanism, including debt bondage; isolation through the removal of identity and travel documents; isolation through prohibition to communicate with family members, friends, and people coming from the same area or country; locking inside the home; use of violence and fear; and use and threat of reprisals against victims' families.<sup>49</sup>

From the first phase of the trafficking process, the victim may suffer serious violations of their human rights, as recruitment mostly occurs in a situation where the victim is forced, deceived, and misguided. During transportation and upon arrival at the destination, the victims may repetitively be

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<sup>41</sup> Human Rights Watch, Dec. 2010, p.13

<sup>42</sup> *op. cit.* p.11

<sup>43</sup> ILO, 2010, p.7

<sup>44</sup> Esim and Smith (eds.), June 2004, p.18 as quoted in Human Rights Watch, Oct. 2010, p. 50

<sup>45</sup> Human Rights Watch, Oct. 2010, p.49

<sup>46</sup> Migrant workers' residency is tied to their immigration sponsor (a company or an individual employer), who must provide consent for the worker to change jobs or to get an exit visa to leave the country.

<sup>47</sup> *Ibid.*

<sup>48</sup> Human Rights Watch, Dec. 2010, p.11

<sup>49</sup> IOM, 2006, p. 6

physically, sexually, and psychologically abused. In a deliberate act of keeping them under control and in a subservient position, traffickers and/or employers confiscate their passport and render them 'undocumented'. In such circumstances, the victims will usually be trapped in a condition where they cannot even seek help from authorities if ever they know where to go for assistance. If ever, victims manage to escape, they may be re-victimized by authorities for breaking immigration laws. If they end up deported or have to return to their communities, they may be stigmatized for what they have been forced to do.

The existence of trafficking is also a threat to the economic development of a community. If the problem is not adequately addressed, and protection is not available to potential and actual victims, corruption might thrive and the Government might lose public confidence and trust.

## **1.9. Responding to the problem of trafficking in persons**

To summarize, trafficking in persons occurs because of restrictive migration policies; when labour demands do not meet the supply; when information about migration is inaccessible or scarce; when migration policy, administration and institutions are weak; when there is gender inequality in access to employment, education, and training in countries of origin; and when there is lack of respect for labour standards and adequate conditions of work.

One of the reasons ILO was established is because 'conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled'.<sup>50</sup> ILO is, thus, primarily concerned by the human rights dimension of human trafficking, as one of its four strategic objectives is to promote and realize standards and fundamental principles and rights at work. ILO also works to combat the practice and the conditions that give rise to forced labour, including trafficking, debt bondage, and other forms of modern slavery. ILO strives to promote and protect the human rights of all migrant workers, regardless of their status. In particular, the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which are reflected in the eight fundamental ILO Conventions,<sup>51</sup> and the relevant UN human rights instruments aim at ensuring that all migrant workers benefit from these principles and rights.

ILO is equally concerned by the labour dimensions of human trafficking since it views trafficking as an assault on labour protection and a denial of workers' opportunities to make the most of his or her resources and to contribute to the economic development of his or her nation. The exploitation suffered by victims of trafficking is contrary to "*full, productive and freely chosen employment*"—even more so for trafficked children, who often suffer the loss of their potential to become productive adults.

ILO's work on migration recognizes the crucial role of social partners, social dialogue and tri-partism in migration policy, and advocates for gender-sensitive migration policies that address the special problems faced by women migrant workers. It further stands resolutely against the dangerous proposition that human labour should be valued merely as a commodity.<sup>52</sup>

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<sup>50</sup> Preamble of the ILO's Constitution

<sup>51</sup> Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29), and Abolition of Forced Labour Convention, 1957 (No. 105); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

<sup>52</sup> Chammartin, (undated), pp. 3–4.

ILO also recognizes that policies and mechanisms need to be put in place to regulate and manage present-day labour migration. To this end, ILO has adopted a Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for A rights-based Approach to Labour Migration, 2004. Principle No.11 of this Framework recommends that governments should formulate and implement, in consultation with the social partners, measures to prevent abusive practices, migrant smuggling and trafficking in persons; they should also work towards preventing irregular labour migration. According to ILO's Framework, comprehensive response to the issue of trafficking should integrate four main activities: (1) prevention, (2) protection, (3) migration management improvement, and (4) prosecution.<sup>53</sup> Let's deal with each of these main activities in more detail,

### **1.9.1. Prevention**

Much emphasis has been given to prevention activities that can be implemented by sending countries or areas to stop potential migrants from being trapped by traffickers. This is especially true for women and children, since they lack access to information on migration, job opportunities, and legal recruitment channels.

A major incentive for labour trafficking is the lack, or inadequate application and enforcement of labour standards in countries of origin and destination, including respect for and consent to minimum working conditions. The fact that countries of origin and destination tolerate restriction on freedom of movement, long working hours, poor or inadequate health and safety protections, non-payment of wages, and substandard housing contribute to expanding a market for trafficked migrants who have no choice but to labour in conditions simply intolerable and unacceptable for legal employment.<sup>54</sup> Another factor that contributes to the proliferation of trafficking is the absence of labour inspection and monitoring in countries of destination. This is especially true in already marginalized sectors such as agriculture, domestic service, and sex work.

ILO projects and studies have identified areas of intervention of an integrated migration management package necessary to effectively combat trafficking and organized criminal involvement. Areas of intervention in countries of origin include the following<sup>55</sup>:

- the establishment of a clear and coherent migration policy;
- the improvement of migration administration and institutions;
- public awareness campaigns;
- the elaboration of bilateral labour agreements ensuring regular migration channels for migrants and recognition of their diplomas;
- the establishment of a labour market information system on jobs at home and abroad;
- the general utilization of model employment contracts;
- the improvement of employment and vocational training policies and opportunities and the expansion of the choices for vulnerable groups, with particular attention to gender-related issues; and
- the monitoring of private recruitment agencies.

Areas of intervention in countries of destination include the following:

- the improvement of labour inspection service;
- the strengthening of migrants' labour rights and the reduction of the widespread demand for clandestine and unregulated labour; and

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<sup>53</sup> ILO, 2006, pp. 13–14.

<sup>54</sup> Taran, *et al.*, 2002, p.9.

<sup>55</sup> Chammartin (undated), pp.11–12

- the mobilization of the social partners to combat human trafficking, at both ends of the processes of migrations.<sup>56</sup>

An informed and transparent labour migration management system designed to respond to measured, legitimate needs and taking into account labour concerns seems to be the most effective way to fight trafficking. The effectiveness of such a system is guaranteed if it relies on regular labour market assessments to identify and respond to current and emerging needs for highly, semi-skilled and low-skilled workers.<sup>23</sup>

Channels or structures for information exchange and international cooperation should be created and strengthened to address abusive migration conditions. Disseminating information on the different options of legal migration and the risks of trafficking and irregular migration is critical to warn potential victims of its dangers, and raise public awareness on the issue. Disseminating information is equally critical in countries of destination to eliminate misleading propaganda relating to labour migration and promote migrants' labour rights.

### ***1.9.2. Protection***

In addition to preventive activities, the rights and well-being of victims should be protected in order to provide them with comprehensive and immediate services for the injuries and trauma they survived. Comprehensive and victim-sensitive redress should be available to ensure not only adequate redress, but also to avoid secondary victimization, including being treated as a criminal instead of a victim, risk of detention and deportation if the employer has notified police that the worker has absconded, and not being able to explain what happened to police and service providers due to language barrier.

Comprehensive and immediate services that should be available to victims include temporary shelter, medical and psychosocial care, legal aid, food, clothing, and safe voluntary return and reintegration (including vocational and skills training, micro-finance, and employment creation). Particular attention should be given to the specific needs of women and children.

Measures aimed at detecting and identifying abusive practices against migrant workers should be taken and intensified, including physical or sexual harassment or violence, restriction of movement, debt bondage, forced labour, withholding, underpayment or delayed payment of wages and benefits, retention of passports or identity or travel documents, and threat of denunciation to authorities, particularly in those sectors that are outside the usual avenues of regulation and protection, such as domestic work.

Destination countries should implement effective and accessible remedies for workers, whose rights have been violated, regardless of their migration status, including remedies for breach of employment contracts such as financial compensation and impose sanctions and penalties against individuals and entities responsible for abusive practices against migrant workers.

Measures should be adopted to encourage migrant workers and trafficking victims to denounce abuse, exploitation and violation of their rights, taking account of the special circumstances of women and children, and to this effect establishing mechanisms for migrant workers to lodge complaints and seek remedies without intimidation or retaliation.

### ***1.9.3. Prosecution***

Adopting and implementing adequate legislation and policy to hold traffickers responsible for their criminal act is an important response to fight the problem of trafficking in persons. In some countries,

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<sup>56</sup> Ibid.

the assets of traffickers are confiscated and used to fund victim assistance programmes.<sup>57</sup> Successful prosecution of traffickers often require the testimony of victims. Effective response should provide with victims adequate protection and prevent their deportation to their country of origin in return for them to provide evidence for the prosecution of traffickers or criminal networks.

Given the fact that trafficking is a transnational problem, international cooperation is an essential component of an effective prosecution. It is critical that countries of origin, transit, and destination work together to ensure that adequate evidences are gathered for effective prosecution, and comprehensive and immediate services are provided to victims to ensure that they fully and effectively participate in the prosecution of traffickers.

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<sup>57</sup> IOM, 2006, p. 11

## Chapter two

### Trafficking in persons in Ethiopia

#### 2.1 . Understanding of human trafficking

One of the findings of the study indicated that there is no clear understanding of trafficking in human beings among key stakeholders and the community in general. The representative of MoLSA noted that the legislation does not provide for a definition of trafficking in human beings. None of the respondents for this study identified the three elements of trafficking in human beings. However, most respondents defined trafficking in line with the Proclamation on Employment Exchange Services No.632/2009; i.e. traffickers are all individuals or entities who send migrants without having the license from the relevant authority. Some further add that there are private employment agencies that have the license to send migrants abroad, but that nevertheless engage in the trafficking of human beings by accepting payment in kind or in cash from potential migrants. In this way, anyone who uses the services of an individual or entity that does not have a license to send migrants abroad from MoLSA, and/or anyone who uses the services of a private employment agency at a fee is considered to be trafficked. The element of exploitation is not necessarily taken into account.

There is also no distinction made between smuggling and trafficking. As explained below, government officials who come in contact with smuggled and/or trafficked victims do not screen the migrants to determine whether they are smuggled or trafficked. They let all smuggled and trafficked victims go and arrest the smugglers and traffickers. There is no indication that the officials press charges against smuggled persons for illegally crossing borders and violating the immigration law.

According to interviews with government officials, the understanding of human trafficking among law enforcement and judicial officials, and key stakeholders' institutions does not take into account the three elements of human trafficking namely recruitment, transportation, and exploitation. Rather, elements commonly mentioned to define trafficking rather refer to:

- *illegal migration*: migration using irregular channels, evading authorities, travel without having passport and visa, illegally crossing borders;
- *deception*: misinformation of migrants including providing inadequate information about challenges in destination countries; and
- *benefiting from the migration*: undue payment to agencies, brokers and smugglers, networking to benefit from the migration of others.

None of the respondents linked trafficking with abuse and exploitation in destination countries and along the way. There is also an assumption that victims use fraudulent visa and/or passport. Some use the term 'illegal trafficking', which presumes the existence of 'legal trafficking'.

#### 2.2. Prevalence of trafficking

According to a study conducted by IOM in April 2004 in Egypt, Yemen, Saudi Arabia, and Lebanon, 7.5 per cent of all Ethiopian migrants who had left their country for employment and other purposes were between the ages of 13–17 years at the time of their migration. The study also showed that 87.1 per cent of these migrants were trafficked.<sup>58</sup>

Different reports document that cross-border human trafficking is highly prevalent in Ethiopia. This is further confirmed by this study. As shown in Table 4, a substantial majority of key informants

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<sup>58</sup> See AGRINET, 2004, pp.8 and 12

from stakeholder institutions and justice sector officials agree that the prevalence of trafficking is very high or high in Ethiopia and in the research sites.<sup>59</sup>

Table 4. Key informants and law enforcement officials' perception on prevalence of trafficking

	Key institutional stakeholders	Judicial & law enforcement officials	All key informants	%
Very high	10	11	21	51.2
High	4	6	10	24.4
Medium	2	3	5	12.2
Low	0	0	0	0.0
Don't know	1	4	5	12.2
<b>Total</b>	<b>17</b>	<b>24</b>	<b>41</b>	<b>100</b>

Key institutional stakeholders said that the prevalence of trafficking is medium only in Tigray, whereas it is very high or high in all other sites. The response from Dire Dawa is supported by figures which show that an average of 3,000 persons, identified as illegal migrants, are relocated per annum from Djibouti to Ethiopia and then to different parts of the country. The Justice Bureau of Dire Dawa Administration City further estimates that an average of 15 cases may be reported to them per month.

Similarly, Adama Department of Labour and Social Affairs noted that in 2009 two traffickers reportedly recruited more than 192 persons to transport them to Dire Dawa and Metema, with the intent of smuggling or trafficking them respectively into Djibouti and Sudan. A *kebele* administration official in Shashemene also recalled that the Kebele Administration has formally been notified of two rounds of recruitment of 40–60 persons (both female and male) for work in Sudan by Sudanese traffickers or smugglers<sup>60</sup> (see also the case story in Box 1). Representatives from the Adama Police Department, the Amhara Region Justice Bureau, the Tigray Region BOLSA, and the Police Department and DOLSA at Dessie recounted reports of human trafficking to Sudan and Djibouti. Nevertheless, it should be noted that this is just the tip of the iceberg and these types of cases mostly fail to be reported, prosecuted or brought to court to different factors, including lack of evidence and inability to trace the traffickers. There is also some information on the existence of a child trafficking route to Sudan through Metema.

Community representatives, returnees/victims, and parents of migrants have similar perception about the prevalence of trafficking from Ethiopia in general and from the study sites in particular.<sup>61</sup>

The incidence of migration in general and human trafficking in particular is not uniform in all the

**A witness about the increasing prevalence of migration of women to the Arab countries**

The migration of women from around Shashemene to Arab countries has increased drastically for the past two years. It is as if most people are considering migration as the only option to escape the state of life here and as if trading in human beings has been declared legal.

*A community member in Shashemene*

<sup>59</sup> Tabulation of questionnaire distributed to key institutional informants from M/BOLSA, BOWA, BOJ, immigration authorities, law enforcement agencies and relevant NGOs.

<sup>60</sup> Kebele Chairperson participating in the FGD in Shashemene on 3 Aug. 2010

<sup>61</sup> Field notes of FGDs from these cities: Adama, 23 July 2010. Statements that labour migration is increasing were made by community representatives in Adama, Hawassa, Dessie, Mekelle, Jimma and Bahir Dar.

study sites. As it will be further discussed in Section 2.4, prevalence is high or very high in Addis Ababa, Adama, Dire Dawa, Shashemene, Jimma, and Dessie, while it is low or medium in Bahir Dar, Mekelle and Hawassa. Some of the study sites, such as Addis Ababa, Dire Dawa and Bahir Dar are also transit towns, even though the incidents of migration and trafficking from the city of Dire Dawa are significant as well. Shashemene, Jimma and Dessie are reported to be places of origin whatever the route of trafficking. As it will further be discussed below, these are places where a ‘culture of migration’ has emerged creating chains of brokers from the local to the international level so as to make the trafficking practice an accepted norm of the community. Hawassa and Mekelle have not yet become high level trafficking source areas because migrants from these areas are reported to use the formal channels of agencies and quasi-agency brokers sending people abroad by trading in visas. It is reported that recently a significant number of young people came to apply for overseas employment to a private employment agency (PEA) that opened a branch office in Mekelle.<sup>62</sup>

### 2.3. Causes of trafficking

The causes of trafficking in persons are varied and interrelated. The causes may be categorized into two, namely, supply-side factors (push factors) and demand-side factors (pull factors). Supply-side factors are understood as the reasons behind migration in general, as well as the conditions for the incidence of trafficking within the country of origin; i.e. Ethiopia. This section of the study gives particular attention to these factors, taking into account the nature and context of the study. Demand side factors, on the other hand, are reasons and situations creating demand for migrant labour and exploitative working conditions in countries of destination.

#### 2.3.1. Supply-side factors

Similar to the global trend, lack of employment opportunities and increasing poverty are the major factors behind the prevalence of migration and trafficking from Ethiopia. The overall context of poverty, especially rural poverty, is the most important push factor. Socio-economic poverty is manifested in the form of a large and predominantly young rural population with limited access to means of production such as land, limited access to social services, including vocational and higher education, and limited employment opportunities. As shown in Table 5, high rates of unemployment and low levels of earning stand out as key economic reasons as well in all the study sites and by all categories of informants. Only one in five victims of trafficking receiving support services from a local NGO were employed before they migrated to Middle East countries.<sup>63</sup>

Table 5. Motivation factors listed by returnees and victims

Motivation factors	Frequency <sup>64</sup>	%
• Failure to succeed in educational endeavours (most commonly after completion of Junior secondary level (10 <sup>th</sup> grade)	10	18.5
• Poverty of family and poor life situation	7	13
• To improve personal and family life situation/living standard, search for better life and better paying job	21	38.9
• Peer and family pressure and success of others	6	11.1

<sup>62</sup> Tigray BoLSA wrote a letter of support to all the *woreda* department offices for the PEA, which in turn promoted the work of the agency to the public. This has resulted in a high influx of potential migrants seeking issuance of passports at the Regional Immigration Office and getting registered at the PEA and possibly other brokers.

<sup>63</sup> From among 84 respondents, 16 (19%) reported they were employed prior to migration, while 68 (81%) were unemployed.

<sup>64</sup> They were allowed to mention more than one reason.

• Failed marriage	2	3.7
• To get initial capital to start a business	4	7.4
• Unemployment	4	7.4
<b>Total</b>	<b>54</b>	<b>100</b>

A key informant interviewed in Jimma reported that overpopulation is another issue in light of the fact that land is limited. According to this informant, there are six to seven children per family and the landholding is not sufficient at subsistence level. Access to education is still limited in rural areas and the only other option is marriage, which is not popular among girls.

Failure in educational endeavours is another critical push factor. This is usually expressed in relation to completing junior secondary (10<sup>th</sup> grade) education with sufficient scores to pursue through senior secondary (preparatory, i.e. grades 11th and 12th) and then tertiary levels of education, as well as in relation to pessimism about the possibility of succeeding in education at all and in getting employment after graduation. This reason is reported to have pushed many young girls and boys to consider migration as the only viable option to further personal goals in their lives (see case stories in Box 2). As presented in Table 6, more than 90 per cent of victims/returnees involved in the study have failed in their educational endeavours.

Table 6. Educational profile of migrants, as noted by victims/returnees

Education level	Frequency	%
<b>5–8</b>	13	36.1
<b>9–10</b>	13	36.1
<b>11 12</b>	7	19.4
<b>&gt;12</b>	2	5.6
<b>Sub-total</b>	<b>35</b>	<b>97.2</b>
Missing system	1	2.8
<b>Total</b>	<b>36</b>	<b>100</b>

#### Box 2

##### Case stories depicting lack of job opportunities in homeland as one of the push factors

I have a daughter who has a diploma but could not find a job. She migrated to Kuwait through a private employment agency in Addis Ababa three months ago.

*An FGD participant in Bahir Dar*

I do not think migration and trafficking are decreasing since the main cause, i.e. lack of employment opportunities, persists. Even the educated often can't get gainful employment after graduation. Moreover, many young people do not have a chance to continue their education beyond 10th grade.

*An informant in Jimma*

The gender dimension of poverty in Ethiopia is another very important push factor deserving treatment as a distinct structural cause. Deep-rooted practices of gender discrimination that characterize Ethiopian communities have created a climate where migration of women is encouraged and the practice of trafficking in women is perceived as morally acceptable (see stories in Box 3). Important elements of the gender dimensions of poverty in Ethiopia with evident consequences for the prevalence of trafficking include prevalence of harmful traditional practices, such as early

marriage, and increasing responsibilities imposed on young girls in areas where the ‘culture of migration and trafficking’ has taken some root—like Jimma, Wollo, and Arsi—to migrate and support their respective families. Male-dominated institutions at the community level pressure young females to consider migration to support their family at the expense of their education and whether or not they are married and have children.

### **Box 3**

#### **Case stories showing how migration of women is encouraged by families in some parts of Ethiopia**

Five girls aged 20–22 years, married, with children, and living in Dessie, indicated that they agreed to pay a local broker ETB 4,000 if he facilitated their migration to Jeddah. Pressured by their family members, they all decided to migrate, leaving their children and marriage behind, to support their families.

*Five potential migrants contacted at a public bus terminal in Dessie*

The community believes it is the duty of the husband to send his wife to Jeddah. When a man asks the hands of a woman in marriage, it is common for family elders to ask whether he will send his wife to Jeddah to support her family. They may also enquire if the man has the means to send her. They will not accept his request unless he is willing to send her to Jeddah.

*An FGD participant in Dessie*

The ‘culture of migration’ is another key factor underlying high levels of trafficking. Cross-border migration is considered as personal, social, and material success in most communities, creating wrong role models for the younger generation (the case story in Box 4 depicts about this influence). The ‘culture of migration’ has emerged in some areas, such as Kombolcha, Kemisse, Dessie and its environs, as a result of the great number of Muslim population that have travelled to Mecca and Medina, Saudi Arabia, for the Muslim pilgrimage.

### **Box 4**

#### **How the social construct of migration influences young girls to migrate**

Three girls from poor families in Shewa Robit, North Shewa; Bistima, Wollo; and Alamata, Tigray confessed that they were pressured to migrate to Middle East countries (particularly to Jeddah and Dubai). They noted they grew up listening about opportunities abroad and successful stories of relatives and neighbours who migrated abroad; and thus, they decided to migrate to Jeddah through the Afar route to abide by the norm and support their family. One of them said she was 15 and the other two 17 when they migrated.

*Three victims receiving support services from AGAR, a local NGO*

Returnees contribute their share to the process by embellishing opportunities and life abroad. Because of this and limited legal channels of migration emerge a culture of tolerance for the practice of trafficking and smuggling. While those who have links abroad may migrate much more easily, others try their luck through traffickers and smugglers.

The afore noted structural causes are supplemented by a number of intermediate causes to constitute the totality of push factors for migration in general and trafficking in particular in Ethiopia. The key institutional informants and community members contacted under the study, listed down the following to be intermediate push factors:

- negative attitudes attached with low paying and informal jobs;

- Poor work ethics amongst the youth;
- Existence of large a number of local brokers with networks extending to countries of destination;
- Misinformation and false promises by brokers/traffickers;
- Inability of families to pay for tertiary education for their children;
- The fact that even people with low level or no education can find an employment abroad;
- The fact that most people can raise the amount of money to pay brokers/traffickers and/or the fact that it is possible to pay the service charge after migration;
- Success stories of those who already migrated;
- Family and peer pressure: children, especially daughters are expected to support their families once they reach a certain age; they are advised to bear the pain and suffering when they report the hardship and challenges of migration;
- Dissolution of marriage: widows and divorcees may opt for migration to support the education of their children or as a transition period to start a new way of life;
- Limited knowledge about the legitimate process of migration and accessibility of this to female migrants in the rural areas; and
- Lack of an effective legal framework and its implementation.

### *2.3.2 . Demand-side factors*

There are a range of causes for the high and increasing demand for the exploitative use of migrant labour in destination countries. While a more detailed study in the respective destination countries, such as Kuwait, Saudi Arabia, the Sudan, U.A.E., and Lebanon, is necessary to reach definitive conclusions, the available information points towards three major pull factors across destination countries. These are: rapid changes in the local and regional economies, weak protection regimes for migrant workers, and the role of traffickers in artificially expanding demand.<sup>65</sup>

The major destination countries for Ethiopian migrant workers and victims of trafficking have experienced favourable economic conditions that have enhanced the living standards of their nationals. This has in turn created a shortage in low-paying, informal, and dangerous sectors, such as domestic work, construction, agriculture and sex work. To address this gap, countries of destination are looking towards developing countries where they have a significant comparative advantage in terms of better payment offers and living conditions. Unskilled young people in developing countries such as Ethiopia find these work and living conditions very attractive to improve their life.

Local law enforcement agencies in the destination countries have not given adequate and timely attention to trafficking as a serious problem. The resulting weak protection regime in destination countries gives traffickers a free ground for their illicit operation. A telling sign in this respect is the reported use of ‘visas-on-demand’<sup>66</sup> by traffickers in Addis Ababa.

The pull factors are particularly strong in border areas and transit towns near the borders. In Dire Dawa,<sup>67</sup> the demand for labour in nearby Djibouti has been identified as most important.<sup>68</sup>

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<sup>65</sup> Traffickers are known for making false promises of high-paying employment opportunities in destination countries, thus artificially increasing the demand for migrant workers from countries of origin, such as Ethiopia.

<sup>66</sup> Visa that can be collected with no other preconditions.

<sup>67</sup> Dire Dawa: Aug. 8, 2010

<sup>68</sup> According to informants, male migrants are sought for in destination countries for household labour purposes including waste disposal, herding camels and cattle, slaughtering goats, and in the construction business. Female migrants, on the other hand, end up as household maids, even though there are trends for their

## 2.4. Profile of migrants and victims of trafficking

Information for this section is gathered from different sources, including: returnees/ victims contacted for the study, parents of migrants, secondary data on the profile of victims registered by PEAs, and a service providing NGO called AGAR, and responses of key institutional informants and community members.<sup>69</sup>

### 2.4.1. Age at the time of migration

Owing to their inexperience, vulnerability, sense of adventure, and responsibility, it is not surprising that young persons and children commonly fall prey to traffickers and those benefiting from the migration process. A large percentage (53.6 per cent) of Ethiopian migrants were between the ages of 19 and 25, followed by the age group 25 to 30 (30.3 per cent), and fewer but significant number migrating after the age of 31 (13.5%). It is reported that men migrants are generally older (between 20 and 35) than women migrants. As shown in Table 7, four (11.4 per cent) of the returnees interviewed for this study migrated before they reached the age of 18,<sup>70</sup> indicating the prevalence of child trafficking. While two of these child victims of trafficking migrated using falsified passport, the other two left the country through the ‘desert route’.

Table 7. Age of migrants and victims of trafficking

	Potential migrants		Returnees		Agar shelter		Cumulative	
	No	%	No	%	No	%	Sum	%
<b>Younger than 18</b>	1	0.8	4	11.4	2	2.0	7	2.6
<b>19–25</b>	79	60.8	22	62.9	42	41.2	143	53.6
<b>26–30</b>	34	26.2	6	17.1	41	40.2	81	30.3
<b>31 or older</b>	16	12.3	3	8.6	17	16.7	36	13.5
<b>Total</b>	<b>130</b>	<b>100.0</b>	<b>35</b>	<b>100.0</b>	<b>102</b>	<b>100.0</b>	<b>267</b>	<b>100</b>

The information falsifying age is confirmed by qualitative information from parents, community members and law enforcement officials, as well. These groups pointed out that the age profile of a typical migrant ranges from 16 to 25 (Hawassa and Mekelle), 16 to 30 (Adama, Bahir Dar and Jimma), 16 to 35 (Shashemene and Dire Dawa), and 13 to 22 (Dessie). The lower age limit is put as 16 or 17 by most of the community level informants, while this goes down as low as 13 according to informants from Dessie. This could not be prevented mainly due to the absence of birth registration and the possibility of falsifying age (see Box 5 for an informant’s view on this). Brokers/traffickers using the ‘desert routes’ do not also focus on the age of their clients.

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recruitment and engagement in the sex industry in Djibouti and other harbours. Girls from Dire Dawa are said to be particularly targeted for this purpose by hotel/brothel owners from Djibouti.

<sup>69</sup> Owing to the varying understanding of trafficking among respondents, it was necessary for the research team to process the raw data to distinguish instances of trafficking by establishing the existence of each of the core elements, i.e., deceptive and coercive recruitment and recruitment by abuse of vulnerability and the incidence of coercion, labour exploitation, and abuse of vulnerability at destination.

<sup>70</sup> Potential migrants below the age of 18 are advised by traffickers to claim to have attained majority to be able to get a passport. Those who want to migrate to Saudi Arabia are advised to claim to be 21 as they will not be able to secure a visa otherwise.

#### Box 5

##### **An indication that falsifying age is common in some areas**

“Wollo is a place where you can easily change and prove your age as you wish’.

*An informant from Dessie*

#### 2.4.2. Sex

Both male and female Ethiopians migrate to the Middle East countries, but their proportion may be different depending on whether we are considering potential migrants or victims and in relation to the migration channel (see Box 6). According to information collected from PEAs and key informants about brokers/traffickers, women mostly use the formal migration channel involving visa and passports. Most of those getting registered at PEAs as potential migrants are women. Only few of these agencies such as GMA, Mefthe and Al-Lode provide overseas employment services to men. However, even in these agencies, the number of women applicants is much larger than that of men. It is also reported that women constitute the majority of clients of brokers/traffickers. All parents interviewed for the study also spoke of their daughters and not of their sons, who have passed through deceptive recruitment practices and been exposed to abuse and exploitation. Women constitute 96.4 per cent of returnees and victims involved in the study.

On the other hand, it is reported that men mostly use the services of smugglers and the majority of migrants who use the ‘desert route’, i.e. through Afar, Dire Dawa and Metema, are men. Reports of irregular migration of young men to Middle East countries have been noted from Jimma, Mekelle, Dire Dawa, Shashemene, Adama, Bahir Dar and Dessie.<sup>71</sup> However, it is also noted that the number of women migrants using the services of smugglers is on the increase.

#### Box 6

##### **The gendered aspect of vulnerability to migration**

Men are not as vulnerable as women and they only suffer hardship in rare circumstances.

*An informant from Shashemene*

#### 2.4.3. Educational background

Level of education is not a critical criterion for women migrants to be engaged in domestic work and men migrants to be engaged in manual labour of any kind. Few PEAs register men applicants who are educated and experienced for employment as drivers, cooks, engineers, masons, carpenters, steel fixers, welders, and plumbers. It is reported that men migrating through the ‘desert route’ have similar educational background and experience.

According to primary sources, both educated and uneducated women may be potential migrants and victims of traffickers. This is because most women migrants are mainly trafficked for domestic work purposes, including child and elderly care. To a lesser extent, women migrants are also trafficked for commercial sex work, in countries like Djibouti, UAE, and Yemen. It is, however, reported that most are students who have failed their national exams they sat for upon completion of 8<sup>th</sup> (second cycle of primary education), 10<sup>th</sup> (first cycle of secondary education) or sometimes 12<sup>th</sup> grades (preparatory). Community members participating in FGDs in Hawassa, Shashemene, Adama, and Dire Dawa have specifically mentioned the 10<sup>th</sup> grade as a common hurdle for young girls. Young people who have given up their education for different reasons, including marriage or giving birth, death of parents,

<sup>71</sup> Sources in Hawassa indicated that the majority of men migrants move to Kenya with the intention of reaching to South Africa.

repeated failure to pass a grade, and other causes also opt for migration to change their life.<sup>72</sup> It is reported that brokers/traffickers mostly target young girls who have graduated from high school and are unemployed.<sup>73</sup> This is because they understand that these girls have no hope of alternative education and training or employment opportunities and hence consider themselves as burdens to their families and are forced to consider migration. It is reported that recently less educated women are migrating, especially to the Sudan (see Table 8 for further information).

Table 8. Educational background of potential migrants and returnees

Education level attained	Potential migrants		Returnees	
	No	%	No	%
0–4 (First Cycle Primary)	20	15.3	0	0.0
5–8 (Second Cycle Primary)	51	38.9	13	36.1
9–10 (First Cycle Secondary)	43	32.8	13	36.1
11–12 (Second Cycle Secondary)	10	7.6	7	19.4
Above 12	3	2.3	2	5.6
<b>Total</b>	<b>123</b>	<b>100.0</b>	<b>35</b>	<b>100.0</b>

#### 2.4.4. Family background

It is reported that women from poor families are more vulnerable to be trafficked. In Shashemene, Adama, and Jimma young women from rural families with low-income levels are reported to be more affected. Some informants have, however, reported that middle-income families living in urban areas are more likely to send their children abroad through both formal and informal means (see the story in Box 7).

It is reported that very poor families have financed migration of their children by borrowing from credit facilities, selling their cattle (milk cows), cart-horses, and also by drawing from their savings. In these cases, the money is collected by sacrificing basic economic interests and survival needs of the family. This could lead an already impoverished family to total destitution.

#### Box 7

##### A story about economic background of families of some migrants

It is neither the poorest of the poor nor the better off who are migrating. The migrants belong to low and middle-income families. The rich are not sending their children because they can ensure a better future for them. The poorest of the poor cannot afford the cost involved. It is thus those with middle incomes who are sending their children by covering the cost involved.

*A community leader from Hawassa*

#### 2.4.5 Place of residence

It is not easy to profile potential migrants by place of residence. Anyone who is affected by the causes behind migration may be a potential migrant given the availability of adequate or misleading information. The findings of the study with regard to the place of residence of potential migrants and victims of trafficking is therefore limited to reviewing which urban and rural areas are source and transit places of human trafficking.

<sup>72</sup> According to an informant in Adama, “Most migrate because they fail their national exam.”

<sup>73</sup> FGD in Hawassa, SNNPRS, 12 July 2010.

Taking the study sites as reference points, it is reported that victims of human trafficking originate from various areas, but mostly they come from urban areas and their environs, including Addis Ababa, Dire Dawa, Adama, Hawassa, and Bahir Dar. In particular for Adama, a significant number of migrants come from the surrounding rural areas of Eastern Shewa (Adama-Zuria, Amibara, Metehara, Wonji) and Eastern Arsi (Assela Zuria). It is also reported that a significant number of urban and rural people come from different directions of the country to transit through the cities of Addis Ababa, Dire Dawa, and Bahir Dar to be trafficked through the ‘desert routes’. Many come to Addis Ababa to be trafficked by brokers/traffickers who will assist them in getting a passport and visa as well. Some of the common source areas include Dessie, Arsi-Bale, Jimma, Hawassa, Dire Dawa, Adama, Shashemene, and Bahir Dar.

Another common transit point is Dire Dawa, where people of both sexes and from rural and urban communities (only 10 – 20 per cent women and urban migrants), come from all over the country with the intention of migrating to Djibouti or moving on to Yemen and Saudi Arabia. according to the representative of Dire Dawa Police Commission, most of those who transit in Dire Dawa come from Arsi-Bale, Jimma, Western Hararghe and Wollo, while some come from North Shewa (Selale), Tigray, Gondar, and Gojam. In line with the above, of the 13 cases tried by the Federal High Court in Dire Dawa for 6 months between January and July 2009, more than half of the victims were recruited from Jimma (27/50), while the others come from Bale, Arsi, Tigray, and Western Hararghe.

Young girls from Dire Dawa also use Djibouti and Yemen as transit countries to move on to other countries of destination. Community level informants report that almost every poor and average family have sent their children to Arab countries, while some have sent three to four of their daughters. Each family also has sad stories to tell about traffickers and harsh realities faced by their migrant children.

Bahir Dar is another transit point to move on to Metema and then the Sudan. Most of those using this route are reported to be rural migrants from around Jimma, and SNNPR (mostly Gurage-Silte). It is further reported that human trafficking is closely linked to Shashemene, Jimma, and Dessie, where a ‘culture of migration’ has emerged putting pressure mostly on young women to use any means to migrate.<sup>74</sup>

In sum, the following rural and semi-urban areas were identified as sources with high and growing incidence of migration in general and trafficking in particular.

- Dessie (North and South Wollo):
  - Very high and high incidence areas: Kemise, Bati, Kalu (Kombolcha), Dessie and its surroundings, Tehuledere (Haiq, Girana, Bistima, Bakaksa, Worebabo), Mersa, Woldia, and Shewa Robit (Northern Shewa); Most of these areas are characterized as lowlands dominantly populated by Muslims.
  - Medium rate of incidence of trafficking but with an increasing trend: Legambo, kelala, Wogdi, Kutaber, Wadla Delanta, Wore-Illu, Debre Birhan (Northern Shewa)
- Shashemene (Western Arsi and Bale)
  - Very high and high incidence areas: Shashemene-Zuria, Kofele, Kore, Assassa
  - Medium and low incidence areas: Adaba, Robe, Dodola, Kokosa-Hebeno, Arsi-Negelle,
- Jimma (Western Ethiopia covering Kaffa, Wolega and Illubabor)
  - Very high and high incidence areas: Mana, Kerisa, Dedo, Agaro, Setema, Sigo, Omo and Gomma

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<sup>74</sup> Dessie combined with Komobolcha may be taken as transit point leading to different trafficking routes (Addis Ababa-Middle East, Dire Dawa-Djibouti/Yemen, Afar-Djibouti/Yemen, Bahir Dar-Metema/Sudan).

- Medium and low incidence areas: Lekempt, Mizan-Teferi
- Mekelle/Tigray
  - High incidence areas: Alamata, Kobo, Raya, Erob, Edaghamus, Gulomehadi, Etsebi, Weneberta
  - Low incidence areas (Axum, Adigrat, Quha)
- Others
  - Other high incidence areas in Oromia: Assela-Zuria, Adama-Zuria, Ambo, Fitcha, Chanco, Western Hararghe (Hirna, Gelemso)
  - Other low incidence areas in Oromia: Lekempt, Mizan-Teferi
  - Other High incidence areas in Amhara: Shewa Robit, Debre Birhan, Debre Tabor
  - Other low incidence areas in Amhara: Gondar, Debre Markos

## Chapter three

### The process of trafficking

As defined by the Palermo Protocol, human trafficking is composed of three elements: recruitment, transportation, and exploitation. Below is described the process through which Ethiopian women are trafficked to Middle East countries.

#### 3.1 Recruitment

Recruitment of potential victims is the first step in the process of human trafficking. This section presents findings pertaining to a better understanding of who perform the recruitment and the process and techniques used to recruit potential victims. The findings are drawn from primary information provided by returnees, parents of migrants, community members and key informants representing institutional stakeholders.

It is reported by different groups of informants that recruitment of victims may be initiated by different people, including local brokers, returnees and visitors from destination countries, relatives and friends of these, and licensed or unlicensed agencies (see Table 9). Similarly, victims of trafficking benefiting from the support services provided by AGAR reported that they heard about the recruitment and recruiters from different sources (see Table 10).

Table 9. Recruiters for human trafficking (according to victims of trafficking)

<b>Recruiters</b>	<b>Frequency</b>	<b>%</b>	<b>Valid %</b>	<b>Cumulative %</b>
PEAs	10	27.8	28.6	28.6
Illegal broker/unlicensed agents	12	33.3	34.3	62.9
Family/friends of residents of Middle Eastern countries	13	36.1	37.1	100.0
<b>Sub-total</b>	<b>35</b>	<b>97.2</b>	<b>100.0</b>	<b>n.a.</b>
Missing system	1	2.8	n.a.	n.a.
<b>Total</b>	<b>36</b>	<b>100.0</b>	<b>n.a.</b>	<b>n.a.</b>

n.a. = data not available

Table 10. Recruiters of victims (according to service recipients)

<b>Recruiters</b>	<b>Frequency</b>	<b>%</b>	<b>Valid %</b>	<b>Cumulative %</b>
PEAs	38	35.2	37.3	37.3
Illegal brokers	62	57.4	60.8	98.0
Others	2	1.9	2.0	100.0
<b>Sub-total</b>	<b>102</b>	<b>94.4</b>	<b>100.0</b>	<b>n.a.</b>
Missing system	6	5.6	n.a.	n.a.
<b>Total</b>	<b>108</b>	<b>100.0</b>	<b>n.a.</b>	<b>n.a.</b>

n.a. = data not available

### **3.1.1 . Profile of traffickers**

According to a paper presented by the Ministry of Foreign Affairs,<sup>75</sup> t there are more than 1000 illegal brokers in Addis Ababa alone, while there are between 8 and 25 illegal brokers in the regions. However, the paper has not indicated the methods used to come up with these figures. In addition, these figures are very doubtful as the practice is hidden and reported cases are only the tip of the iceberg.

This study identifies six categories of traffickers distinguishable in terms of their identity, modes of operation, and their role in the trafficking process. It is important to note here that most of the traffickers work as part of a network that starts from the place of origin of the victims and extends up to the country or countries of destination.<sup>76</sup>

#### **Local brokers**

Local brokers are individuals going around at the community level recruiting migrants from the communities they live in. These people are known by community members as key links in the migration process, providing them with important information about opportunities abroad and the process of migration. They promote their services by using success stories of people they have already sent abroad. They also actively disseminate information about employment opportunities in Arab countries, routes that result in successful migration, and returns and benefits of migration. They particularly target girls with economic, social, educational, and family problems. Once potential migrants or family members contact them, they fill them with wrong information about issues like working and living conditions in the destination countries, and the possibility of bonuses and gifts from employers. If anyone challenges them with facts about failed migration stories, abuse, and exploitation suffered by migrants, they argue saying that is the result of bad facilitation by inexperienced and untrustworthy brokers and bad luck. Some may completely deny the facts.<sup>77</sup>

According to data drawn from the informants, local brokers are responsible for the first stage of recruitment of most victims of trafficking for the purpose of labour from Ethiopia to Middle East countries (see Figure 1 for the data provided by informants from AGAR<sup>78</sup>).

The significant majority of victims have reported being recruited by an individual broker.<sup>79</sup> In contrast, the role of local brokers in the recruitment of second-time migrants as a whole has been found to be significantly lower. This indicates that first time migrants are more likely to be recruited by local brokers.

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<sup>75</sup> Ministry of Foreign Affairs of FDRE (MoFA) (2010, pp.2–3).

<sup>76</sup> This categorization of traffickers is informed by data collected from a range of primary sources, including returnees and victims of trafficking, as well as parents of migrants, judicial and law enforcement officials, persons involved or having special knowledge of the trafficking process, and community members across the research sites.

<sup>77</sup> Summary of field notes covering FGDs in Dessie (2), Shashemene, Mersa and key informants from Dire Dawa, Mekelle and Dessie.

<sup>78</sup> The data set is based on personal information forms filled by returnees seeking support from the shelter and other services provided by AGAR. All returnees seeking support from AGAR have suffered abuse and exploitation in the countries of destination.

<sup>79</sup> Some brokers use similar processes and formalities as PEAs. Most brokers claim to be legal agents. There are also unconfirmed reports that some local brokers officially act as agents of PEAs.

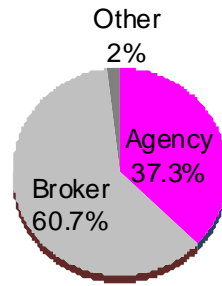


Figure 1. Profile of recruiters/facilitators (according to recipients of services at AGAR)

It is further reported that local brokers may not necessarily reside in the rural areas and small towns where they recruit potential victims. If the brokers are regular residents, they are usually recognized and protected by the community. There are also unconfirmed allegations about Sudanese nationals recruiting potential victims from Bahir Dar and Shashemene.<sup>80</sup>

As key links for the process of trafficking, local brokers create contacts and facilitate migration schedules and routes for other brokers and traffickers within their network. They provide their clients with information about the next trip—when it takes place and how to be part of it. This is the case in the recruitment of most migrants from Wollo, Northern Shewa, Tigray, Western Hararghe, Arsi, and Jimma.

Some local brokers are reported to benefit from potential migrants by escorting them to immigration authorities for the issuance of passports, to private employment agencies to get registered, or to request information about migration. There are also small-scale brokers who benefit from merely pointing out transportation routes and mechanisms and providing information on how agencies and other migration and employment facilitators operate.

The contribution of traffickers and persons incidentally benefiting from the process was also underlined.<sup>81</sup> According to informants, there are a large number of people in Dire Dawa and Djibouti who draw a significant amount of benefits from irregular migration and trafficking of people from all over the country and from the prostitution of girls from Dire Dawa. These include persons who facilitate the recruitment, transportation, employment and security of those in the sex industry, as well as local communities in route providing services to migrants, victims of trafficking and traffickers.

***Brokers for transportation, harbouring and smuggling***

These are individual or a chain of individuals responsible for the transportation, harbouring, and smuggling of migrants across borders. This type of traffickers receive the victims from local brokers, usually in groups, and are likely to transfer them to another trafficker within the network before they reach the destination country (refer to the story in Box 8, for example). Such individuals are reported to be located on the desert and sea routes, as well as on the route to the Sudan. Most of these are returnees or contraband merchants who know the desert routes very well and have contacts with brokers in transit countries, such as Djibouti and Yemen, and in destination countries, such as in the

<sup>80</sup> Community members from Bahir Dar pointed out that there is a Sudanese company promoting and facilitating labour migration to the Sudan.

<sup>81</sup> The prevalent tradition of economic migration from the City to Djibouti through regular and irregular channels and tolerance of such a trend within the urban community have also been mentioned in terms of engendering tolerant attitudes towards migration and trafficking from and through Dire Dawa.

Sudan and Saudi Arabia. These individuals function by securing protection from local authorities and armies patrolling the desert routes.

#### **Box 8**

##### **A case story showing how unlicensed agents engage in facilitating migration**

My partner and I operate as unlicensed agents. Agents like us take advantage of the fact that most potential migrants do not know how to seek employment abroad and process a visa. We went into this business because we have contacts with Ethiopians residing in destination countries who knew how to secure visas for migrant workers. The arrangement was that we recruit workers from Ethiopia, while they process the visa, receive them and get them employed in the destination country. Regarding payments, we get our share from migrants, while they collect their share from the employers or agencies in destination countries.

*An unlicensed agent in Addis Ababa who facilitated irregular migration of more than 30 migrants*

The smuggling practice usually starts once local brokers have transferred to the smugglers an adequate number of migrants to form a manageable group to cross borders. The responsibility of this category of traffickers is to take the irregular migrants through arduous territories and smuggle them through non-patrolled sections of the border. In some cases, irregular migrants are transferred to other brokers responsible for the remaining section(s) of the route. The covert and arduous nature of irregular migration puts migrants in a vulnerable and dependent position. It is reported that this category of traffickers/smugglers routinely abuses migrants under their care to ensure compliance and/or take economic and/or sexual advantages.

##### ***Unlicensed employment agencies***

While there are overseas private employment agencies (PEAs) that have a license from the relevant authority to facilitate regular migration and employment of citizens in foreign countries, there are also others which provide similar services without the required license. It is reported that most of the irregular migration is facilitated by these unlicensed agencies. Representatives of PEAs' particularly point out that more than 70 per cent of irregular migration to Middle East countries is operated by these types of agencies.

It is further reported that local employment agencies providing employment services for local domestic workers facilitate overseas employment behind the scene. These agencies might have a license for the provision of local, but not overseas, employment services. It is reported that these brokers know what they do is illegal and take precaution not to be caught by the authorities.

Potential migrants do not usually make a distinction between unlicensed agencies and PEAs. In many instances, returnees who reported that their employment was handled by a PEA were not able to name the agency. In most cases, they mention that the agent had an office somewhere in town, but they are unable to confirm whether the agency had a license. Parents and community members further stress that the process was 'legal' because a passport and/or a visa was/were issued; travel was made by air; and/or the agent had an office.

##### ***Licensed Private employment agencies (PEAs)***

A number of reports identify PEAs as actors in the trafficking of human beings. This fact is corroborated by interviews with a number of stakeholders, including the representatives of the Ministry of Foreign Affairs; bureaus of labour and social affairs in Bahir Dar, Jimma, and Hawassa; and AGAR. There are also many cases reported by informants suggesting that there are PEAs that

recruit potential migrants for the purpose of labour exploitation. In the past, a number of reports of human trafficking were made against Abu Miftah, Meskerem, and Serkalem PEAs.

Even though this study did not find substantial evidence to prove that all or some PEAs are engaged in human trafficking, it did, however, identify a number of irregularities and loopholes in the operation of PEAs that may expose migrants to abuse and exploitation both in Ethiopia and in countries of destination. These findings are presented next.

As of September 2010, 54 PEAs<sup>82</sup> were legally registered by the Ministry of Labour and Social Affairs according to the revised Proclamation on Employment Exchange Services No. 632/2009. **PEAs sending workers to Kuwait** were 49 in number, **those sending workers to KSA** were 22, and **PEAs sending workers to UAE** were 2. This means some of the PEAs send workers to different countries. In fact the number of PEAs was up to 122 when the Private Employment Agencies Proclamation No.104/1998 was operational. Some PEAs complained that the increased amount of guarantee that PEAs deploying workers abroad have to deposit might have forced some of the agents to go underground.<sup>83</sup>

Because the guarantee that PEAs have to deposit is very high, there is only one PEA (Tom PEA) that has the license to send workers to three countries of destination (Saudi Arabia, Kuwait, and UAE). Eighteen PEAs have the license to send workers to two countries of destination (Kuwait and either Saudi Arabia or UAE), while five of them can only send migrant workers to Saudi Arabia. However, currently PEAs can only send workers to Kuwait. This is mainly because the Embassy of the Kingdom of Saudi Arabia has stopped issuing visas to migrant workers for unknown reasons. This restriction has opened doors for traffickers to illegally send people to this country through Djibouti and Yemen.

Most PEAs send female workers for the purpose of domestic work. However, very few like Mefthe, Al-Lode, and GMA PEAs also send male workers for the purpose of work within companies, gas stations or boy schools.

Some of the PEAs have opened branch offices in the selected towns where the study was conducted (see Table 11). The highest number of PEA branch offices is found in Dessie, where eight PEAs have opened branch offices. Few PEAs like Sabrine PEA and Nile PEA have not started work in Jimma and Dire Dawa although they have completed the processes to open branch offices. Awassa was the only town selected by the study that did not have a PEA.

Table 11. PEAs that have branch offices in the regions

	Adama	Shashemene	Jimma	Bahir Dar	Dire Dawa	Mekelle	Dessie
Mefthe PEA				x			x
Senait Family PEA	x	x		x			

<sup>82</sup> They were 19 for a long while.

<sup>83</sup> Article 23 of Proclamation No. 632/2009 provides: (1) Any PEA which deploys workers abroad in accordance with the Proclamation shall, for the purpose of protecting the rights of the workers, deposit the following amount of money, 50% in a blocked bank account and 50% in the form of approved and irrevocable instrument of guarantee from a recognized financial organization: (a) for up to 500 workers, US\$ 30,000 or its equivalent in Birr; (b) from 501 up to 1,000 workers, US\$ 40,000 or its equivalent in Birr; (c) for 1,001 and above workers, US\$ 50,000 or its equivalent in Birr. (2) A PEA that deploys workers abroad in more than three countries shall be required to deposit an additional amount of guarantee as provided in paragraphs (a), (b) or (c) of sub-article (1) of this article.

Nile PEA		x		x		
Fitaw PEA					x	x
GMA PEA					x	x
Sabrine PEA		x				
Al-Lode PEA	x					x
Awqurra PEA				x		
Fayza Enterprise PEA			x			x

With branch offices in the regions, PEAs explained that their services are now more accessible to people in the regions and cut the costs of applicants coming from the regions. However, branch offices are only engaged in registration of applicants in the regions. Once employers in the country of destination have selected their application, potential migrants will still have to go to Addis Ababa to process their travel through the main PEA's office. Previously, interested persons had to come to Addis Ababa to register and wait until an employer selected their application, which might take up to six months. As a result, potential migrants incurred costs at least for accommodation, food, and travel while they stayed in Addis Ababa.

PEAs complained that until recently they have not been allowed to open branch offices in the regions; whereas, the services of traffickers and illegal brokers have been accessible at lower levels, making it easier for potential migrants to use the services of traffickers rather than those of PEAs. However, even with branch offices in the regions, PEAs complain that they still cannot compete with traffickers because they, so far, have only opened branch offices in major towns, while traffickers are present through their network at the local level.

It should also be noted that although PEAs are allowed to open branch offices in the regions, regional bureaus of labour and social affairs do not have a clear guidance on how to monitor and regulate the work of PEAs. For instance, the bureaus of labour and social affairs in Shashemene, Jimma and Bahir Dar have complained about the lack of guidance on how to monitor and regulate the operation of branch offices.

Most PEAs also complain that one of the reasons why potential migrants prefer to use the services of traffickers is the length of time it takes a PEA to send migrant workers. A trafficker will send a migrant worker within two weeks, while it takes, on average, one to three months for a PEA to do so. PEAs take more time because the relevant documents have to pass through a number of institutions in the country of destination, as well as in Ethiopia. However, 33 per cent of the interviewed PEAs stated that it takes them much shorter period of time to secure employment for Muslim applicants, returnees (and thus with experience and knowledge of Arabic) and/or skilled workers.

Furthermore, PEAs complain that some of the agencies in the country of destination that work with them also work with traffickers in Ethiopia, which leads to unfair competition with negative effects on PEAs. In such circumstances, agents in the countries of destination try to put pressure on PEAs saying that the traffickers are finding them workers for much lower salaries (as they do not have to abide by the minimum wage set by MoLSA), and much lesser costs (as the employer does not have to buy an insurance coverage, authenticate the employment contract at the Ethiopian Embassy/mission, and pay a lesser amount of commission to the agent as the trafficker takes his share of payment from the worker). One PEA reported that an overseas representative that has been blacklisted for trafficking by another sending country is now working with a PEA in Ethiopia. The PEA recommends that the Government of Ethiopia should collaborate with other sending countries and exchange data on blacklisted overseas representatives.

With regard to the prevalence of human trafficking in Ethiopia, 78 per cent of PEAs stated that it is very high, while 11 per cent believe it is high. Furthermore, 67 per cent of PEAs believe that PEAs are involved in this practice. They explained that most of them are involved in trafficking because the competition with traffickers is very strong and most overseas representatives complain that the costs for getting a worker from Ethiopia through the legal process are very high. They, thus, get involved in trafficking as the monitoring by the authorities is relatively weak and as it allows them to make high profits.

One irregularity that may expose potential migrants to exploitation is the fact that PEAs receive payments and benefits from workers regardless of the law. While there are reports that some PEAs ask applicants for payment for their services, others provide their services for applicants who accept to forego up to three months of their salary.

In line with the ILO Convention No.105 on Private Employment Agencies of 1957, article 25 of Proclamation No.632/2009 prohibits the charging of payments in cash or in kind from a worker other than provided for in article 15 (2) of this Proclamation. Article 15 (3) stipulates that the cost of medical examination referred to in sub-article (2) of this article shall be covered by the agency if conducted for more than once.<sup>84</sup> Article 16 (2) (b) further provides that the PEA should confirm that the overseas position is secured and all other pre-requisites are fully realized before it refers the worker for medical examination.

According to the data collected from PEAs, the different expenses related to migration are: issuance of passport, pre-registration medical examination, photographs, authentication of the employment contract in the country of destination, insurance, fingerprinting, post-selection medical examination, visa, return ticket, and the authentication of employment contract in Ethiopia. All PEAs confirmed that except for the authentication of the employment contract in the country of destination, insurance, and the return ticket, migrant workers cover all other costs. One of the ten PEAs interviewed admitted that they also request applicants to pay ETB 50 for registration. With regard to pre-registration medical examination costs, 71.4 per cent of the PEAs interviewed stated that they request all applicants to undergo and cover the costs of medical examination before the employment is secured in the destination country. An applicant, who contacted one of the PEAs that stated that they do not request their applicants to undergo pre-registration medical examination, was actually requested to do so. PEAs argue that pre-registration medical examination is required because employers want to make sure that the applicants are medically fit to work before they start incurring costs to process the visa. A thorough medical examination will then be conducted once the selection is made, the results of which are considered by the Embassy before a visa is issued. However, PEAs request workers to cover both of these costs irrespective of Proclamation No.632/2009 providing that the cost shall be covered by the agency if medical examination is conducted more than once.

The interview with the PEAs further revealed that all PEAs request workers to cover the cost of visa fees to the country of destination. This contravenes the provision of Proclamation No.632/2009 stipulating that the employer should cover this cost.

Another factor that links PEAs with trafficking is the lack of transparency with regard to the amount of commission they get from their overseas representative and/or employers. Most PEAs were not

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<sup>84</sup> Article 15 (1) provides that an employer shall, through the PEA, be responsible for the payment of the following costs in relation to the employment of a worker: visa fee of the country of destination; round trip ticket; residence and work permit fees; embarkation fee; and insurance coverage. Sub-article 2 provides that the worker shall be responsible to cover the costs of: issuance of passport; authentication of documents within the country; medical examination; vaccination; birth certificate; skill testing and certificate of clearance from any crime.

comfortable to tell how much commission they get for sending workers abroad. Most of them seem to reduce the amount of commission they get,<sup>85</sup> while others complain that overseas representatives do not send them their commission on time and that they deduct certain amounts for any silly reason.

PEAs claim that they facilitate the migration and overseas employment of applicants even when workers fail to cover facilitation costs. Furthermore, 62.5 per cent of the PEAs interviewed claim that they either provide loans or cover the costs of workers who cannot afford to do so themselves. Among those claiming to provide loans to workers, 20 per cent said that they will ask the employer to deduct the amount from their salary. One PEA stated that all costs are covered by the agency and are later on recovered from the employer once the worker has been sent. Another PEA reported that it covers the costs if workers cannot afford to do so themselves. PEAs explain that they do this so that the visa will not be lost and the PEA will not have to refund the employers all the costs they have incurred after the selection of the worker.

The protection mechanisms put in place by PEAs in monitoring the security of migrant workers is another gap. Sixty-seven per cent of the interviewed PEAs admitted that they have received complaints from migrant workers they have sent. Table 12 summarizes the types of abuse PEAs said their clients have complained about. Some migrants also reported that they don't see differences between services of PEAs and those by illegal brokers (see the case story in Box 9).

Table 12. Complaints of abuse

<b>Types of abuse</b>	<b>Frequency</b>	<b>%</b>
Overwork	3	43
Salary withholding	2	29
Isolation	2	29
Refusal to contact family	3	43
No day off	1	14
Salary deduction	1	14
Not giving enough food	1	14
<b>Physical abuse</b>	1	14

**Box 9**

**A case story showing that neither illegal brokers nor PEAs help migrant domestic workers experiencing miseries in the countries of destination**

My friends and I do not see the difference between the services from an illegal broker and those from a PEA. Whether you use the services of an illegal broker or that of a PEA, you will suffer abuse and exploitation by your employer. Neither the illegal broker nor the PEA will assist you when that happens in the country of destination.

*A victim of trafficking receiving services from AGAR*

Approximately 25% of the PEAs believe that first-time migrant workers are more vulnerable to abuse, because they lack experience and at times have high expectations about life and work abroad. Equally vulnerable are returnees because, according to PEAs, returnees think they know more about their rights and enter into confrontational arguments with their employers. Migrants who do not have

<sup>85</sup> Eleven per cent stated that they only get less than US\$ 50 per worker sent, while 33 per cent stated that they get between US\$ 51 to 100; another 11 per cent stated that they get between US\$ 101 and 150 per worker sent. Only 22 per cent admitted that they get more than US\$ 151 per worker sent.

skills; do not speak Arabic or English; and who come from the rural areas with little exposure to city life are similarly vulnerable to abuse. One PEA noted that beautiful women migrant workers are more vulnerable to abuse.

Regarding measures taken to fight human trafficking, PEAs protest that the Government always blame PEAs for human trafficking and contravening Proclamation No. 632/2010, even though it does not take any actions against illegal brokers. They complain that human trafficking has been flourishing in the last year and that has made it very difficult for PEAs to work with their overseas representatives. They reported that, although the Government had previously taken a number of measures to combat trafficking, most of these measures are not being taken anymore. For instance, MoLSA used to provide identification cards (ID) for workers who had fulfilled all the requirements before they migrate. At departure, immigration officials used to check whether migrants had this ID before letting them leave the country. This practice had, according to PEAs prevented trafficking to a great extent as only workers who had processed their travel through a PEA and MoLSA were allowed to migrate. However, Immigration and Nationality Affairs Authority have discontinued this practice for unknown reasons.

In addition, PEAs complain that the public employment service allows potential migrants to process their migration directly through friends and relatives without having to go through PEAs. This has opened doors for traffickers who can advise their clients to finalize their process through MoLSA claiming that they found the employment opportunity abroad through a friend or a relative.

Approximately 60 per cent of PEAs have been trained in the topics of trafficking in persons by MoLSA, IOM, and ILO and understand the legal limits between legal employment services and trafficking. The rest have not been trained.

#### ***Returnees, visitors, and their representatives***

Returnees are involved at various stages of the trafficking process in different capacities. While some might just facilitate migration for a fee through their contacts in Addis Ababa or in the country of destination, others have established a trafficking network handling the whole process (a returnee from Abu Dhabi, UAE, corroborates this practice—see Box 10). Often times, these returnees start by helping a sibling, relative, friend or neighbour to migrate for work and get into the practice as local brokers or unlicensed agents thereafter. While some migrants return to their communities and stay there for good, others make various trips to Ethiopia to spread the word about their services and recruit potential migrants. It is also very common for migrants involved in the practice to be represented by relatives and friends in their place of origin during their absence. These kinds of traffickers are very common in communities where a ‘culture of migration’ has emerged.

#### **Box 10**

##### **A witness about returnees turning to recruiters and traffickers**

Most Ethiopians aspire to benefit from recruiting and placing others once they migrate and settle in Middle East countries.

*An informant who returned from Abu Dhabi, UAE, now living in Shashemene.*

Returnees are also reported to be active and successful recruiters as they are members of the same community and can tell success stories of their own more convincingly (see Boxes 10 and 11). Even if they had encountered hardships, returnees seldom, if ever, communicate the information to potential victims.

**Box 11**

**How families are consider as an incentive the migration of someone from a neighbourhood**

The fact that someone in the neighbourhood has migrated is by itself an incentive for other families to send their children abroad. They are willing to pay brokers from ETB 7,000 to 10,000.

*An informant from Jimma*

***Destination point traffickers***

The last category of traffickers is destination-point traffickers. They consist of individuals who exploit the vulnerability of migrants in destination countries and who put them in situations of vulnerability, abuse, and exploitation using fraud, abuse of vulnerability, control, coercion, and threat. These traffickers are residents of the destination countries and have usually formed links with local and unlicensed agents or enticed friends and family members to handle the local aspect while they handle the process at the destination end. The study further identifies three categories of destination-point traffickers.

The first category is composed of Ethiopian migrants who turned traffickers like Mesi (refer to the story of Mesi in Box 13). The second category of destination-point traffickers is composed of sponsors. These are usually well-established male and female residents in Saudi Arabia and UAE, who have strong links with chain of brokers and smugglers in Ethiopia, Djibouti, and Yemen, as well as with agents in the countries of destination. In Saudi Arabia, these traffickers ‘sponsor’ the smuggling of migrants who have arrived in Djibouti or Yemen with the intention of benefiting from their exploitation and vulnerability once they arrive in Saudi Arabia. The ‘sponsoring traffickers’ are also involved in the recruitment and transportation of the victims from their place of origin (such as Bistima, Alamata or Shewa Robit) to Djibouti and Yemen through the Afar or Dire Dawa routes. It is reported that those who use sponsors to move on from Yemen to Jeddah are required to have the telephone address of their sponsors or agents who would pay the fee for Yemeni brokers. The latter make sure that those on whose behalf the fees are paid reach would safely to Saudi Arabia and hand them over to their sponsors. The ‘sponsor’ will receive them upon arrival, provide them with shelter, place them as domestic workers and collect their salary directly from the employer. Through this arrangement, ‘sponsors’ make sure that they get back the amount of money they invested and much more from the hard work and exploitation of the victims (see the story of Hadar in Box 12).

### Box 12

#### A case showing how sponsors exploit victims

Hadra is from Bistima, Wollo. She migrated to Jeddah when she was 17 through the Afar route and by illegally crossing the borders of Djibouti, Yemen, and Saudi Arabia. She started the journey with six other girls. A local broker who orchestrated the migration process from the local level to Yemen recruited them all. They paid a total of ETB 28,000, i.e. ETB 4,000 each. The payment for the broker in Yemen is not included as that is covered by a sponsor in Jeddah, who happens to be Hadra's uncle. Hadra's uncle is a resident of Saudi Arabia who works as a chauffeur, providing transportation services to students. Every female migrant following this route is required to have a sponsor who resides in Jeddah and who agrees to cover the costs of the Yemeni brokers. The uncle paid a sum of 3,500 Riyal to the Yemeni brokers to cover expenses necessary for the transportation of three of the migrants (Hadra and her two friends) from Yemen to Jeddah. Hadra's uncle received the three young women upon their arrival, and provided them with shelter. He then placed them as domestic workers within three days of their arrival. Hadra worked for three months. The employer paid 800 Riyal per month for her services but her uncle collected the money as payment for her debt. She was deported after she was caught as an irregular migrant.

*An informant receiving services at AGAR*

On the other hand, 'sponsors' in UAE are reported to facilitate the issuance of visa for migrants. When the migrants arrive in Dubai, they receive them, provide them with shelter and place them either as domestic workers or commercial sex workers and collect their salary until they recover what they consider is their due.

### Box 13

#### A case story depicting how Ethiopian migrants turn destination-point traffickers

Mesi migrated to the Middle East seeking employment after failing her national exams. Her parents paid a local broker to facilitate the process. Mesi returned after a few years to visit her family. She was asked by a neighbour to help their daughter Fasika to secure employment abroad. Considering Fasika's situation, Mesi contacted the same agent who found her work and facilitated Fasika's migration. The second time Mesi returned to Ethiopia, she had already formed a partnership with the agent in the destination country where she became responsible for the recruitment of young women in her community for work abroad. She recruited her younger sister who completed high school and was unemployed, and many others for a small fee. By the time she left for the Middle East, she has already made arrangements with local brokers, including family members, to recruit other young women in and outside the community and handle the immigration formalities. Since then, Mesi has become popular for offering post-payment modalities, i.e. payment to be collected after arrival and employment, and 'helped' many migrants for a fee of ETB 5,000 per person. She still lives in the Middle East and comes home every year or two. But, nowadays she does not get directly involved on the local side of the 'business' for fear of legal consequences.

*An informant in Addis Ababa*

It is reported that traffickers at destination points do not only sponsor migrants, they but also benefit from leasing rooms to newly arriving migrants and escapees, and from facilitating their employment. According to Hadra, her uncle has rooms that can accommodate up to a total of 200 migrant workers from whom he collects 340 Riyal each over a period of three months. He also operates as an agent for their employment, and provides them with transportation to and from their workplace to his place when they seek that service. Migrant workers use his rooms to rest and mingle with each other. They also use it as accommodation when they are too sick to work and are out of job.

Traffickers in destination countries do not only target new migrants but also migrant workers who are already in the destination country. They usually promise migrant workers better payment and working conditions if they escape from their current employer. They even assist them in organizing their escape. As most countries in the Middle East have the sponsorship system, once the worker escapes, employers have the legal obligation to notify the authorities. Migrant workers who abscond may be fined up to US\$ 2,077 or sentenced to up to six months imprisonment, while those charged with this offense and never convicted may be detained indefinitely and deported from the country.<sup>86</sup> Thus, once they escape from their employers, migrant workers do not only become irregular migrants but also fall under the absolute control of these traffickers. The victims are often times employed in households chosen by the traffickers and forced to change households at their whim. They usually force them to go in and out of jobs because the traffickers get a commission from employers. Fearing that they will be reported to the authorities, the victims can do nothing but accept their enslavement. This may include forcing young girls into prostitution and in illicit trades such as drug and alcohol trafficking.

#### **Box 14**

##### **How destination-point traffickers use victims as their income sources**

Genet is from Dessie and was trafficked to Dubai, UAE, by a local broker. Her agent placed her in and out of jobs. Every time she got hired, the agent in Dubai calls her back to his office after few days to show her to another employer. He kept doing that for seven months because the agency got a commission from each employer. The duration of her employment spanned 4–33 days. The longest was with her first employer with whom she disagreed over pay and workload. She was one of 21 other migrant workers who were put in a similar situation by the agent.

*A victim of trafficking from Dessie*

Those who are engaged in this practice are mostly men, because only men are allowed to rent a house and become a sponsor in most of these countries. This does not, however, mean that women are not involved in this business. There are women who have rooms to lease to victims and escapees, and which they have rented through their Arab or Ethiopian boyfriends or other men with resident permit.<sup>87</sup>

The third category of traffickers at destination point is individuals representing the interests of licensed or unlicensed agencies here in Ethiopia or those they are working with in destination countries. Most of the victims contacted for this study reveal that there are Ethiopians, Philippines, and Arabs who receive them upon their arrival and then established contact with employers or agencies. These individuals usually promise to assist them if and when the migrant workers are abused and exploited by their employers. They may even give them contact address to use in case of emergency, which, more often than not, is discarded by employers. However, even if the paper on which the telephone number is written is not discarded by the employer, these individuals are rarely reachable when in need and they usually fail to support the victims when contacted. They are known only to advise victims to bear the burden, suffering and indignation. Agencies and brokers alike reported that reliance on these people has so far had little effect or no effect to victims to redress the wrongs they reported.

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<sup>86</sup> Human Rights Watch, Oct. 2010, p.35

<sup>87</sup> Interview with Soni, a resident in Jeddah for over 13 years, who lease rooms to victims of trafficking and escapees. She rented the house through her employer (The interview was conducted on 15 August 2010, Addis Ababa).

### 3.1.2 . Techniques and methods used by traffickers

Out of the total of 39 victims of trafficking who were provided with support services at AGAR, 34 pointed out that different persons provided them with information about migration for work (see Table13).

Table 13. Sources of information about migration (as pointed out by returnees)

Source of information	Number	%
Family member	2	5.88
Friend	10	29.42
Neighbour	4	11.76
Relative	8	23.52
Illegal broker	10	29.42
<b>Total</b>	<b>34</b>	<b>100</b>

Local brokers play an important role in identifying, contacting and convincing potential victims and their family to use their services if they want to change their lives for the better. Local brokers usually target individuals who fit the profile of the most vulnerable: young; female; high-school dropout or completed with unsatisfying score on national exam; and unemployed or employed in a low-paying job.

The process may be initiated by family members, relatives, and friends on behalf of the victims, and even based on informally acquired information. Otherwise, a potential victim seeking employment abroad may also initiate the process and contact a local broker for help in facilitating the process. For this purpose, illegal brokers routinely disseminate information on the possibilities and employment opportunities, as well as on how they can be reached. Recruiters get financial benefit from recruitment of even close relatives and friends (see Box 15).

#### Box 15

##### **A case story depicting that recruiters get financial benefit from recruitment of even close relatives and friends**

I paid my aunt for facilitating my migration. Everyone is doing business. Nothing is for free.

*An informant from Shashemene.*

Traffickers operate as part of a network, where one performs its task and transfers the migrants to the next trafficker on the network. In addition to requesting payment for their services, traffickers might further victimize their clients to take additional advantage. It is reported that traffickers on the Afar-Djibouti route beat their clients and steal money and any belongings of migrants.

Traffickers and smugglers in Metema, Quara, and Humera identify outsiders at bus terminal and in the town, and solicit to assist them to cross the border into Sudan. those traffickers and smugglers are said to be criminals wanted by the Government for various reasons.

Local brokers usually deceive their clients by claiming to be legal agents (see Box 17). Some pose as staff or representative of a PEA. To prove that, some even go to the extent of using the same registration forms.

Most local brokers operate in the community they live. There are also neighbourhoods in certain cities, which are widely considered as contact places for brokers and unlicensed agents. Such neighbourhoods in Addis Ababa include American Gibi, Stadium, Gojam Berenda, and Sebategna. Similar neighbourhoods are reported to exist in Dessie, Jimma and Dire Dawa. Most of these

neighbourhoods are located around market places and bus terminals where there is large flow of people.

Another widely employed recruitment technique is making lofty offers that potential migrants cannot refuse, such as speedy process, changing employers if they would not be happy with working conditions, and sending them on credit. Since illegal brokers do not have to go through the official procedures required for foreign employment, they can usually send migrants within a short period. However, the offer to facilitate migration on credit usually leads to debt bondage as migrants generally do not know how much is owed to the broker or what the payment modality is (see case stories in Box 16).

**Box 16**  
**Cases showing how migrants are exploited in the pretext of paying facilitation fees to brokers**

My niece who went to Beirut on credit was forced to forgo eight months of her salary to the broker. The service fee would not have been more than two-month salary, had it not been on credit.

*An informant from Dire Dawa*

Alewuya is from Dessie and had agreed for the broker to ask her employer to send her salary to him so that he takes his share and passes on the rest to her parents. The broker continued to take a portion of her salary for over six months. Since this was far more than the original agreement, Alewuya convinced her employer to stop sending her salary to the broker. However, the broker harassed the employer so much that he had to send her back to Ethiopia.

*An informant from Dessie*

The most common method to recruit potential victims is, of course, by using success stories. This is most effectively used by returnees working as illegal brokers in their own communities because personal narratives supported by material evidence that returnees were able to purchase with the fruits of their employment abroad are most likely to be believed by those intending to migrate. Illegal brokers also use stories of successful migrants they had helped in the past. Even if the potential victim does not know the person, her own dreams and aspirations will only make her see the positive side of migration. They also speak of themselves that they do not traffic people (see the case story in Box 17).

In smaller towns or localities, traffickers take time to build up their reputation by carefully placing the first few of their clients in good working and living conditions. They then refer to those people whenever someone asks about their track record and blame any 'regrettable circumstances' on the victims. One broker recruiting victims from Dessie reportedly receives victims of abuse as they land at the Airport and hides them in Addis Ababa until they recover so that his reputation would not be harmed. Some even arrange for migration of victims for a second time to avoid losing their (the brokers') business.

Illegal brokers also have their own channels for disseminating information more in favour of their way of operation than that of PEAs. They disseminate information belittling the advantages of using the services of PEAs and argue that most migrant workers who are abused and exploited were sent by PEAs. They have further managed to create an illusion that unsuccessful migration is a matter of bad luck than of the work of traffickers. They also convince potential migrants that both PEAs and brokers use the same overseas representatives.

To prove the successful migration, traffickers request their clients to call home upon their arrival in the transit or destination countries. Holding on their clients' passports is another widely used method to ensure that clients do not process migration in parallel with another broker.

A paper by the Ministry of Foreign Affairs stated that traffickers use bribe to corrupt *kebele* administration officials and border control officials to transport their victims to borders.<sup>88</sup>

Most traffickers operate knowing what they do is illegal and doing everything they can to ensure impunity.

#### **Box 17**

##### **A case story showing that traffickers consider their roles in migration as a legal one**

I have never been charged on any counts of human trafficking. I also do not know anyone who has been charged so. This is because, if ever someone accuses us of human trafficking, we would deny everything. We never put anything in writing and make all agreements only orally. We avoid physical contact in as much as possible and most communication through phones calls. If we have to contact them in person, we claim to be a messenger. We do not consider ourselves as traffickers, but as commission agents who provide employment services that are benefiting migrants and their families with very little service charge.

*An informant in Addis Ababa*

## **3.2 . Transportation and routes**

Migrants use two ways to leave Ethiopia: they either buy an air ticket and take a flight from Bole International Airport to the destination country or cross the border to neighbouring countries using the 'desert route'. They may take bus up to a certain point and proceed on foot to cross a certain section of the route. Once they cross the border, some stay in neighbouring countries, such as Djibouti and Sudan and seek employment, while others proceed to other countries of destination, such as Saudi Arabia. The following are the major trafficking routes from Ethiopia.

### ***3.2.1 Irregular migration of Ethiopian men to South Africa through Moyale***

The Ethiopian Embassy in South Africa estimated that approximately 45,000 to 50,000 Ethiopians live in South Africa. This number is recently growing due to the influx of new arrivals. It is estimated that 95 per cent or more of these Ethiopian arrivals enter South Africa through irregular means. The vast majority of Ethiopian migrants in South Africa are young men in the age range of 18 to 35 years old. The majority of Ethiopian migrants living in South Africa are from Kembata, Hadiya and Gurage communities. Everyone in Hossana knows someone who has migrated or is trying to migrate to South Africa, and everyone seems to want to go. More recently, men from Shashemene and Hawassa have started to use this route to migrate to South Africa.

Although most research refer the irregular migration of Ethiopians to South Africa as trafficking in persons, a recent research conducted by IOM found no significant evidence of trafficking of men from East Africa or the Horn of Africa towards South Africa. After questioning almost 800 relevant people in the region, not one case of trafficking of men as defined by the Palermo Protocol from Ethiopia to South Africa was identified. The research could not find any information that suggested that Ethiopian men were deceived, forced, or otherwise coerced into travelling to South Africa as victims

<sup>88</sup> As quoted by MoFA, Jan. 2010, p.8

of trafficking. However, the report mentioned that there is evidence of women and children being trafficked from East Africa and the Horn to South Africa.<sup>89</sup>

This study further confirmed that young men from Hadiya and Kembatta cross the border through Moyale to Kenya and proceed to South Africa using the services of smugglers and not traffickers. The travellers pay up to ETB 40,000 for the services and may have to sell their land and cattle to cover the costs. Migrants use their passports until they enter into Kenya and cross the border to Tanzania. Once in Tanzania, they destroy their passport to avoid being identified as Ethiopians and being deported back if arrested by the authorities. The representative of SNNPR Immigration Department informed that 1,000 stranded Ethiopians were returned from Tanzania last year. He added that 30–40 young men are deported every two to three months.<sup>90</sup> There are various reports of abuse and exploitation ‘en route’ to South Africa by the smugglers to ensure obedience and take additional financial advantage. However, no report was recorded of exploitation once they reach the destination country either by the smugglers or employers. Ethiopian young men are said to engage in the textile business once they reach South Africa and manage to change their life within a very short period of time.

### **3.2.2 . Irregular migration to Saudi Arabia through Bossasso**

Migrants using this route are mostly uneducated men in their twenties, as well as women mostly in their twenties accompanied by male relatives. Some of the women are as young as 15. Most of the migrants are farmers who leave large and poor family behind. Female migrants migrate to Saudi Arabia seeking employment in the domestic service, while male migrants look for employment as herders.

For many years, Ethiopian migrants have used Bossasso, Puntland as a transit port town to migrate to Yemen and the Arab States, mainly Saudi Arabia.<sup>91</sup> They cross the Ethiopian borders in Afar. Most migrants are from four *woredas*, namely Kemisse, Atyae, Senbete and Tumuga of the Amhara Region. A small number are from Maychew town in Northern Tigray Region and to a lesser extent from the southern zones of Bale and Arsi in Oromiya Region. They use this route because it is difficult and costly to secure a visa and fly to Saudi Arabia. They thus choose to migrate through Bossasso and cross the Gulf of Aden by boat. Even though crossing the Gulf by boat is dangerous, that has not deterred migrants from staying behind.<sup>92</sup>

Most migrants have heard of Saudi Arabia through family members, friends and neighbours who themselves migrated there and improved their life and that of their families by sending remittances. Those who have returned have not only come back with lots of clothes and jewellery, they were also able to maintain their family’s house and change the roofing.

Potential migrants from any point of origin first go to Addis Ababa using local public bus. Some who are from northern Ethiopia will have to stay overnight in Dessie. Except in few circumstances, migrants meet their first broker at the central bus station in Merkato. Brokers at the central bus station in Addis Ababa identify their targets as they get off buses from Dessie. They promise their potential clients that they can get them to Bossasso and to Saudi Arabia safely for a nominal fee. Once the deal is made, the brokers arrange for the transportation from Addis Ababa or for a place to stay around Merkato area if the bus has arrived late in the day. Brokers in Addis Ababa transfer their clients to other brokers in Harar, who in turn hand them over to other brokers responsible to transport them to

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<sup>89</sup> Horwood, Apr. 2009, p.5

<sup>90</sup> Interview with Mr. Liben Galama, Head of SNNPR Immigration Department, 12 July 2010.

<sup>91</sup> Yitna Getachew (2006, 3)

<sup>92</sup> See also the documentary film by Daniel Grandcle’ment ‘*Les Martyrs du Golf d’Aden*’

Hartishiek. The brokers may or may not accompany the migrants. Once in Hartishiek, all migrants are handed over to one broker who provides them with shelter until he/she has gathered enough people to fill his/her truck before proceeding to Burro. Assistants of the main broker usually deceive migrants by asking for additional payment for their boat trip to Yemen and/or for safe passage through check posts along the way to Burro. If they refuse to pay, they may be abused, threatened and searched. From Burro, they get transported to Bossasso. In most circumstances, brokers leave migrants in the desert before they reach Bossasso and migrants will have to find their way to their destination on their own through the bushes to avoid being intercepted by the authorities. This might take migrants 5–21 days, during which time they will have to beg villagers for food, water, ride and shelter. Once in Bossasso, they proceed to the port where there are a number of teashops owned by Ethiopians. The teashops owners assist the Ethiopian migrants with a space to sleep, and facilitate their boat trip to Yemen. The boat trip usually takes place at night and takes more than 30 hours. The boats are usually in bad condition and are overcrowded.

According to the study conducted by IOM in 2006, there is very little information to suggest the presence of human trafficking at a noticeable extent on this route.<sup>93</sup> Smugglers provide their services to clients who are interested in crossing the borders of Ethiopia via Hartishiek. The patterns are thus that of smuggling rather than of trafficking. The report further indicated that the police and border control officers might be aware of this operation and might even benefit from it.

Nevertheless, the study identified few cases of trafficking where young girls were recruited from their places of origin (Kemisse and Ataye) by men with the promise of a better employment in Saudi Arabia as domestic worker in return for two to three-month of their salary. There is also report that there are men who acquire fake marriage certificates in Bossasso, which they use in Saudi Arabia to sign employment contracts on behalf of female migrants and directly collect their monthly salaries from the employers.

### ***3.2.3 . Irregular migration to Saudi Arabia and UAE through Afar and Djibouti***

A baseline survey conducted by the bureaus of labour and social affairs of Tigray, Amhara and Afar regional states in March 2010<sup>94</sup> indicated that 10–80 persons are smuggled/trafficked daily into Djibouti through Afar region, further into Yemen and then to Saudi Arabia or UAE. The survey further showed that most of these persons come from Tigray and Amhara regions, and to a lesser extent from Oromia and SNNPR regions and migrate to these countries in search of employment. In most circumstances, illegal brokers arrange the movement, but friends, and relatives are also involved in creating the link with the illegal brokers and convincing the potential migrants.

Migrants from Amhara Region come mostly from Dessie and surrounding *woredas*. Migrants are transported in public transport bus or trucks to be regrouped in a town called Logia. The illegal brokers then transport them to Assayta and Afamebo. Once they reach these towns, illegal brokers wait till enough travellers are regrouped. They then proceed to Djibouti travelling in containers and trucks at night by choosing routes not frequented by authorities.

Migrants who are from Tigray Region are regrouped and transported to Chefera, Mile, Logia, Dicheauto, Alidahar and Maneda, which are all travel points in Afar Region. From there, they proceed to cross the border into Djibouti at night. For migrants from Adama, the common route of migration till 2008 has been through Afar, Djibouti or Jijiga.

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<sup>93</sup> Yitna Getachew, Nov. 2006, p.14

<sup>94</sup> A baseline survey conducted by the bureaus of labour and social affairs of Tigray(Amharic Version)

In all circumstances, a number of illegal brokers are involved in the recruitment, transport, and shelter provision and transfer of migrants until they reach their destination or they get stranded along the way for various reasons or get arrested by authorities. Although most illegal brokers are males, recently there are also female illegal brokers. There is also a report that those who migrate from Bati area of Amhara Region produce fake marriage certificate with a Djiboutian man and then claim that the husband is waiting for his wife in Djibouti.

The amount paid to illegal brokers differs according to the place of origin and sex of the travellers. The amount that the different categories of illegal brokers get also differs. A traveller pays on average ETB 3,000–5,000. Some of the illegal brokers are so organized that they guarantee a refund if the travellers get arrested before they reach their destination.

The travel is said to be tiresome and difficult, and travellers have to walk at night, through the desert and without food and water. Illegal brokers may snatch their money; beasts may attack them; and women travellers may be sexually abused (see Box 18). Illegal brokers may leave the migrants behind in the middle of the desert telling them that they have almost reached their destination. They may also overcrowd the boat that goes to Yemen from Djibouti—putting the travellers at risk of drowning, and forcing travellers to jump out of the boat, and thus causing them death. Travellers may also be intercepted by rebel groups and forced into going to Eritrea, and may be shot at by border control officials when they attempt to cross the border. In extreme cases, travellers might die and beast might eat their bodies.

This is confirmed by primary data collected from informants of this study, who disclosed that there is an established trafficking/smuggling route extending to Yemen and Saudi Arabia (Jeddah) via Afar Region and Djibouti. This route opens up in many locations of the hinterland sharing borders with or leading to Afar Region. Traffickers recruit their clients from different locations such as Adama, Kombolcha, Dire Dawa and Shewa Robit. Informants also confirmed that the route is very difficult and dangerous.

**Kombolcha/ Adama/ Shewa Robit → Afar<sup>95</sup> → Djibouti → Yemen → Saudi Arabia**

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<sup>95</sup> Crossing Afar may involve regrouping at Logia, Assayta, Afamebo, Chefera, Mile, Dicheauto, Alidabar and Maneda, which are spread throughout the Afar Region.

### Box 18

#### Cases illustrating the ills of migrating with the 'support' of brokers

Meseret is from Alamata, Tigray Region, while Hadra and Zebiba are from Bistima-Wollo and Shewa Robit-Northern Shewa in Amhara Region, respectively. Meseret was only 15 and living with her mother and grandmother before she decided in 2008 to migrate to improve her family's life. Her mother borrowed ETB 3,200 to cover the cost of Meseret's migration to Djibouti and then to Yemen. Meseret was told that a relative living in Jeddah would sponsor her from Yemen.

A local broker from Alamata transported her and four other women and nine men migrants by car to Bishoftu. They stayed there for four days waiting for other persons to join them. They then travelled through 'the desert' in Afar for eleven days to reach Djibouti. The local broker hand them over to Afari traffickers who transported them to Yemen by boat. The journey was very long and tiresome.

Yemeni brokers ask to be paid up to 3000 Riyal. Meseret called her 'sponsor' in Saudi Arabia so that he sends the required sum. Unfortunately for her, the relative only sent 600 Riyal to the disappointment and anger of the Yemeni broker. The sponsors of the other three girls also failed to send the required money. The Yemeni broker started to physically abuse and rape Meseret and her three friends. Meseret and her friends finally managed to join other persons who went to Yemen without sponsors in Saudi Arabia. As part of the group, they managed to cross the border into Saudi Arabia without the assistance of a smuggler. They walked into the mainland for a total of 13 days before they were caught by the police and sent to a prison in a district around Jizen. They were then taken to another prison in Jeddah before they were deported to Ethiopia. Meseret recalls the extreme conditions they were in while in prison in Saudi Arabia.

*An informant receiving support services at AGAR*

This route is also characterized by a network of brokers feeding one another from the local level up to Saudi Arabia. Once the migrants reach Yemen, they are 'sold'<sup>96</sup> to brokers in Yemen who facilitate their transportation and entry into Saudi Arabia for a fee between 600 and 1,000 Riyal. However, the migrants have, in most cases, finished their money at this stage. As a result, traffickers have made it a requirement to recruit only those who have sponsors in Saudi Arabia and who would forward the required processing fee to the Yemeni brokers.

#### **3.2.4 . Irregular migration to the Sudan through Metema**

The representative from Bahir Dar Police Commission noted that previously the route to Sudan through Metema was used by Ethiopians and Somalis to reach Libya and then proceed to European countries, such as Italy and Malta by crossing the Mediterranean Sea.<sup>97</sup> Due to loose border control, it is estimated that 75,000 –100,000 Ethiopians migrate illegally to Libya annually.<sup>98</sup> Migrants use a one-month visa as they cross the border to Sudan. They then use the services of traffickers/smugglers who have a network from Sudan to Libya and then to Europe. The travel is extremely dangerous, where many perish in the desert due to thirst and hunger. Brokers and rebels in Sudan may sexually abuse women migrants. Once in Libya, they will have to pay US\$1,200 – 2,500 to cross the Mediterranean Sea. Some will have to stay and work in Libya for a while until they are able to secure the necessary amount of money.

<sup>96</sup> A number of informants in Dire Dawa, including two victims of trafficking, used the term 'sold'.

<sup>97</sup> Interview with Deputy Commissioner of Bahir Dar Police Said Mohammed, 4 Aug. 2010.

<sup>98</sup> Ministry of Foreign Affairs of FDRE, Jan. 2010, p.10

However, recently the same route is being used to cross the Ethiopian border for the purpose of seeking employment in Sudan. Some claim that Sudan has become a destination country for Ethiopian migrant workers for over two years now as a result of the recent economic development in that country. Although most are trafficked through this route for domestic work, there are also reports that some are trafficked for commercial sex work. It is also reported that few are trafficked for the purpose of marriage to rich Sudanese nationals.

Most migrants using this route are from Jimma, and recently to a lower extent from SNNPR (Gurage-Silte) and Shashemene. There are also rumours that people from Kofele and Adada have started to use this route. According to the representative of Bahir Dar Immigration and Nationality Affairs Department, 60 persons per day cross the border to Sudan through Metema and three-fourth of them are women.<sup>99</sup> Almost all victims are uneducated, young and Muslim.

Representatives from Bahir Dar Immigration Department and the Bureau of Labour and Social Affairs<sup>100</sup> also noted that prostitution is spreading in the town of Metema. This is because stranded women migrants go into prostitution when they run out of money to pay traffickers/smugglers to assist them cross the border into Sudan.

Another route recently being used to reach Sudan goes through Wollega and then Gambela or Assossa. Traffickers/smugglers use these routes to avoid being intercepted by officials.

### ***3.2.5 Irregular migration to Lebanon, Saudi Arabia, and UAE through Bole International Airport***

The Ethiopian Government has banned migration of workers to Lebanon for over two years. However, there is still a high demand for female migrant workers in Lebanon; and most potential migrants have heard from friends and relatives who have already migrated to Lebanon that there is a relatively more freedom in Lebanon than in any other country in the Middle East. According to rumours, migrant workers can work as contract employees, allowing them to work with two to three employers and thereby earn better income. As a result, a number of female migrant workers are using the services of illegal brokers to migrate to Lebanon. To avoid being intercepted at Bole International Airport by immigration officials, they first travel to Nairobi, Kenya, and from there travel to Dubai, UAE and then proceed to Beirut, Lebanon. Alternatively, they first travel to Djibouti or to the Sudan, and from there go to Beirut, Lebanon.

The representative of the Ministry of Foreign Affairs estimated that there are about 130,000 Ethiopians living in Saudi Arabia, most of who are irregular migrant workers. Potential migrants are still using the pretext of Muslim pilgrimage, Haj and Oumra to migrate to Saudi Arabia and overstay their visa to seek employment there. Women are asked to change their names into Muslim names and those who are not Muslims are told to learn the Koran and pretend to be Muslims. Those who have not reached the age of 25 years will also have to change their official documents to that effect.

On the other hand, MoLSA had granted a license to two private employment agencies to send workers to United Arab Emirates (UAE). However, none of them are sending migrants to UAE because they were not able to secure visa for their clients. There are, nevertheless, Ethiopian migrant workers who are migrating to UAE using the services of traffickers who were able to secure them a tourist or business visa.

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<sup>99</sup> Interview with Mr. Akanaw Eneyew, Bahir Dar Immigration and Nationality Affairs Department, 3 Aug. 2010.

<sup>100</sup> Interview with Mrs. Yerachush Ayalew and Mr. Solomon Tezazu, Labour Market Information and Employment Services Implementers, Amhara Bureau of Labour and Social Affairs, 3 Aug. 2010.

### **3.2.6 . Irregular migration to Djibouti**

Djibouti is not a typical destination country for labour migrants, because the labour market is saturated by old-timers with long years of service, as well as their replacements from among family members and close friends. It is reported that Djibouti residents hire only elder women between 30 and 40 years of age, mostly for the purpose of baking *injera* (favourite food of Ethiopians, which is made from fermented dough of teff—a grass family with edible cereal). As a result, most migrants (both male and female) use Djibouti as transit to proceed to Yemen, Saudi Arabia and other Middle East countries. Successful migration to Saudi Arabia from Dire Dawa is said to cost ETB 18,000–25,000. Some migrate to Djibouti by air, and from there proceed to Yemen and Saudi Arabia crossing the sea by boat.

There is, however, high demand for sexual services, owing to the high influx of truck drivers, expatriate soldiers and seamen demanding such services. Hotel and brothel owners and gangsters promote the recruitment and transportation of young girls from Ethiopia, mostly from Dire Dawa. They also request for new faces making the trafficking and prostitution business more lucrative. Even though both recruiters and migrants say that there is employment in the hotel business, everybody knows that they are going to join the sex industry. Deception might, however, be a critical element in the recruitment of young girls to be sex workers, particularly when this involves Ethiopian pimps living in Djibouti.

### **3.3 . Exploitation and coercion**

The third element in the trafficking process is exploitation. The main purpose of recruiting and transporting a potential migrant is to be able to benefit from the exploitation of his/her labour and/or body (sexual exploitation or removal of organs). Traffickers violate various rights of their victims to ensure compliance, control and take maximum advantage.

As a result, human trafficking inflicts massive negative impact, first and foremost on the affected people and their families, and also on the societies of which they are part. The consequences of trafficking on victims are manifold and devastating. The perilous journey to the destination, hazardous working and living conditions, and abuse and exploitation in the hands of traffickers and employers have significant and long lasting impact on the lives of victims. The constant control of their movement and the state of vulnerability and fear, in which traffickers and employers keep their victims, causes serious adverse consequences on the personal, social and economic situation of the victims, as well as their physical and mental health.

This section describes the situation of victims at destination, using the key (strong and medium) indicators of trafficking in persons for the purpose of labour exploitation developed by ILO<sup>101</sup>. The principal sources of information for the first two dimensions, i.e. exploitation and coercion, are the responses of returnees,<sup>102</sup> including victims, for queries on their working and living conditions at the places of destination. Information from other sources has been used to enrich the findings.

#### **3.3.1 . Exploitative working and living conditions**

The most common complaint of victims of trafficking is exploitative working and living conditions facing them at the place of destination. The reported conditions include: long working hours, unbearable workload, restricted movement, inability to change employers, denial of wages, and irregular payment of wages. It was also reported that female employers add more tasks on domestic

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<sup>101</sup> ILO, Sep. 2009.

<sup>102</sup> Most of the returnees interviewed are service recipients of AGAR, an NGO providing temporary shelter for victims of trafficking.

workers and restrict their movement within the house when they fear that their husbands are sexually attracted to the domestic workers.<sup>103</sup> Some reported that their employer take them to a relative or friend’s house to clean and/or cook if ever they manage to complete their work a bit earlier. Migrant workers labour for excessively long hours per day and are not allowed sufficient leisure time. The working hours<sup>104</sup> reported by returnees indicate that around half of them work for more than twelve hours per day and seven out of ten work for more than eight hours (see Figure 2).

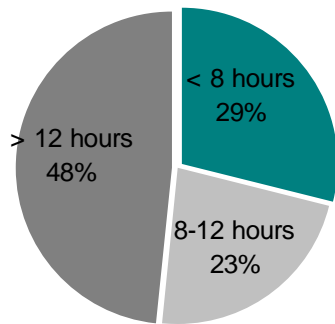


Figure 2. Hours of work at destination, as reported by returnee informants

Similarly, PEAs interviewed for this study admitted that overwork and employers’ refusal to let them contact their family are the most common complaints by the workers they sent abroad. Salary withholding and isolation are also common types of abuse suffered by migrant workers (see Table 12).

The living conditions<sup>105</sup> of migrant domestic workers are also a cause for concern. A third of the returnees contacted reported they did not have access to sufficient food during their stay at the place of destination. There are also reports that some employers deny domestic workers food for several days at a time. As a result, some are forced to forage among the family’s garbage.<sup>106</sup> (see the case story in Box 19).

Victims of trafficking do not have access to medical care. Most were asked to work even when they were too ill to do so.

**Box 19**

**A case story showing how migrant domestic workers suffer deprivation of food**

“A domestic worker in the house on top floor used to throw me food through the balcony whenever her employer left the house; because my employer only gave me two pieces of pita bread per day.”

*An informant who was trafficked to UAE who has now returned and lives in Bahir Dar*

### 3.3.2. Coercion

Available evidence indicates that victims of trafficking are subjected to acts of coercion at places of destination. Most prevalent among these are confiscation of documents, restrictions on freedom of

<sup>103</sup> A respondent from Hawassa, 4 Aug. 2010; and another one from Dessie, 7 July 2010.

<sup>104</sup> Excessive working days or hours are strong indicators of exploitation at the place of destination.

<sup>105</sup> Medium indicators.

<sup>106</sup> Human Rights Watch, Oct. 2010, pp.52–53 .

movement, emotional abuse and withholding of wages. Table 14 presents the responses of returnees to direct questions as to the occurrence of strong<sup>107</sup> and medium<sup>108</sup> indicators of coercion.

Table 14. Incidence of deception, coercion and exploitation at destination (returnees)

<b>Indicators</b>	<b>Responses (%)</b>
<b><i>Deceptive recruitment</i></b>	
Deception about living and working conditions, earnings, travel and recruitment condition	54.3
<b><i>Strong indicators of coercion</i></b>	
Confiscation of documents	71.4
Forced to work without salary	38.2
Isolation, limitations on freedom of movement	51.6
Physical abuse	31.3
Sexual abuse	12.5
Emotional abuse	50.0
<b><i>Medium indicators of coercion</i></b>	
• Pressured/influenced to do things	36.4
• Threat to impose even worse working conditions	36.4
• Withholding of wages	53.1
<b><i>Strong indicator of exploitation</i></b>	
Excessive working hours(>8)	75.53
<b><i>Medium indicators of exploitation</i></b>	
• Forced to work without salary	38.2
• Very bad living condition: Denial of access to food	61.9
• Very bad working conditions: No leisure time	68.6
• Very bad working conditions: No freedom to change employer	79.4

Ethiopian migrant domestic workers have little or no privacy as they are closely supervised as to what they eat, when they sleep and what they do in their rooms. Their freedom of movement and communication outside the household is also restricted through confiscation of passports and work permits, as well as through monitoring their contacts with others. Restricting the right to freedom of movement and prohibiting using of telephone or speaking with neighbours are widespread malpractices on Ethiopian migrant domestic workers in Kuwait<sup>109</sup> and other countries in Middle East. These are common even among migrant domestic workers who have processed their migration through PEAs. This is a method of control used to discourage migrant workers from leaving their employers, who claim to have invested a lot for their recruitment and transportation. Some might also fear that migrant workers might seek assistance against abuse inflicted by employers unless they are tightly monitored.

Both male and female migrants are also reportedly forced into illicit activities, including commercial sex, and drug and alcohol trafficking. This is usually done once the victims are rendered undocumented through confiscating their passport or 'helping' them to escape from their sponsor.

<sup>107</sup> Strong indicators: Confiscation of documents, debt bondage, isolation, confinement or surveillance, violence on victims.

<sup>108</sup> Medium indicators: Forced tasks or clients, threat to impose even worse working conditions, and withholding of wages.

<sup>109</sup> Human Rights Watch, Oct. 2010, p.53

Key informants across research sites said that physical, sexual and emotional abuse is prevalent. Most said that emotional abuse is the most common and humiliating type of the abuses. Some migrant domestic workers also reported that employers pressured them to change their religion. As a minority in Muslim communities, non-Muslim domestic workers are often pressured and sometimes required to participate in religious practices of their employers. Such social isolation and psychosocial pressure is said to have life-long impact on the victim. Consider the case of Meskerem in Box 20, for example.

**Box 20**

**A case showing that migrant domestic workers face psychosocial, sexual and physical abuses**

Meskerem is 30 years old from Hawassa who went to Beirut, Lebanon in 2007 through an agency and stayed for 3 years. She was not happy because her employers pressured her to change her religion. The male employer also made sexual advances. As a result the wife started to threaten to throw her off the building on which they live. Ultimately, she escaped and returned home.

*An FGD participant in Hawassa*

Beneficiaries of AGAR reported rape cases, including three incidents of gang rape and one case of HIV transmission. They also reported that female employers would further physically abuse the victim when they hear that their husband or another member of the family has sexually abused the domestic worker.

Physical abuse is another commonly used method by employers to instil control and obedience. One key informant raised the possible occurrence of organ removal.

Sexual, physical and emotional abuses, together with the absence of medical care, result in untreated physical injuries, mental health problems, unwanted pregnancies and even death. Community members and key informants reported cases where victims returned with serious physical injuries, such as a broken leg<sup>110</sup> or death without any explanation.<sup>111</sup> Some who were unable to sustain the pressure and abuse they suffered, hurt themselves when trying to escape by jumping from through the balcony three to four floors high; while others try to commit suicide by swallowing cleaning detergent. A recent report by Human Rights Watch reported that the media in Kuwait reported between one and three cases of alleged suicide or suicide attempts by migrant workers, the majority of who are domestic workers, each week in 2009 and early 2010.<sup>112</sup> Table 15 summarizes the reasons why victims of trafficking have returned home.

Table 15. Reasons for returning (victims receiving services from AGAR)

<b>Reasons for Returning</b>	<b>Frequency</b>	<b>%</b>
Mental problems	21	28.8
Other health problems	22	30.1
Imprisonment/arrest	7	9.6
Disputes with employer	16	21.9
Completion of contract	7	9.6
<b>Total</b>	<b>73</b>	<b>100</b>

<sup>110</sup> FGD in Bahir Dar, Amhara Region: “I have a neighbour who went to the Middle East, possibly Beirut, through an illegal broker. However, she came back after four months with a broken leg.”

<sup>111</sup> FGD in Bahir Dar, Amhara Region: “We have received the body of a neighbour’s son yesterday. We do not know how he died. We simply buried him.”

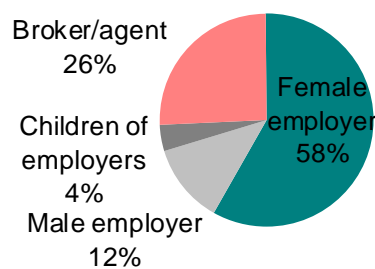
<sup>112</sup> Human Rights Watch, Oct. 2010, pp. 70-71

In the majority of cases the victims suffer from physical injuries, mental and other health problems such as broken limbs, burns on their skins, malnourishment, and the physical and emotional effects of sexual abuse. Exceptionally, there are reports where victims were disfigured by the boiling water or chemical their employers spilled on them. There are also cases where victims have lost memory of their last days at the place of work and report finding themselves in a police station, hospital or even at Bole International Airport.<sup>113</sup>

Moreover, the threat of deportation in the event of disagreement with the employers is used to keep the victims in exploitative conditions. According to Kuwaiti immigration regulations, domestic workers who leave their employment without their sponsor’s consent can be fined, arbitrarily detained or sentenced to jail time, and deported.<sup>114</sup>

According to victims of trafficking receiving services at AGAR, 58 per cent of the abuses are perpetrated by female employers, while brokers/agents are responsible for 26 per cent of the abuse (see Figure 3). Agents, legal or illegal, who have promised better working and living conditions in the destination countries at recruitment stage are not only very poor at protecting migrant domestic workers’ safety, but may also inflict abuse on workers.

Figure 3. Perpetrators of abuse



There are also reports of Ethiopian women languishing in prisons in the Middle East countries accused by their employers of theft or absconding or being caught without papers while trying to escape from their employers (see Box 21 for the case of Tigist, for example).

**Box 21**

**A case story showing that victims of also suffer illegal imprisonment**

Tigist is a young woman who migrated to Kuwait through an agency. She is now languishing in prison simply because she wanted to return to Ethiopia.

*An FGD participant in Jimma*

The aforementioned mentioned employment practices and abuse amount to forced labour as defined in the ILO Convention No. 29.<sup>115</sup> The employment malpractices to keep a migrant domestic worker in a labour situation by forcibly confining her, confiscating her passport, using or threatening to use

<sup>113</sup> A few victims interviewed for this Study reported taking a meal with their employers or being injected with some drug as their last memory.

<sup>114</sup> Human Rights Watch, Oct. 2010, p.65

<sup>115</sup> Article 1 of ILO Convention No.29 defines forced labour as “all work or service, which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

violence, threatening to contact the authorities, depriving the victim of food or other basic needs, among other, amount to forced labour, which is the main constituent element of human trafficking.

### **3.3.3 . Abuse of vulnerability**

Traffickers and employers take advantage of the vulnerability of migrant workers with a view to benefiting themselves and keeping the victims under control. Employees' dependency on exploiters renders them vulnerable, and is thus an inherent element and factor of victimization. In most cases, the process of migration itself is designed to make the victims vulnerable to and dependent on traffickers. This is particularly true during transportation, where traffickers have power over the very survival of migrants. There are reports that even PEAs put the migrant workers they sent in a situation of vulnerability by confiscating their passport and contact addresses of persons who might provide support upon arrival in the country of destination.

At the personal level, victims of trafficking spend their youth in adverse circumstances, far from their family and community. As such, opportunities for personal development, intellectual advancement and spiritual growth are lost. Aggravated by exploitation, abuse and vulnerability, the victims are made susceptible to extreme personality disorders involving loss of sense of self-esteem, fairness and justice. This may also be both a cause and effect of engagement of victims in illicit activities (see the case story in Box 22, for example).

#### **Box 22**

##### **A case story depicting the consequences of illicit migration**

Leila has three sisters who migrated illegally to Libya with the help of an aunt in Addis Ababa. All three of them complain about the workload, salary withholding and emotional and physical abuses, but the aunt was not able to assist them out of those problems.

*A FGD participant in Bahr Dar*

Their experience of trafficking may also negatively affect the economic and financial aspirations of victims. Often, the victim, who is likely not to be paid her salary regularly or in full,<sup>116</sup> has little to show for her suffering by the time she goes back home. For instance, a returnee contacted in Bahir Dar after she had spent about two years working as a housemaid in Dubai, UAE was unable to take advantage of a partial scholarship; because she could not afford the ETB 350 registration fee. The long-term economic prospects of the victim are also compromised since she had sacrificed her younger and productive years for the enrichment of traffickers. It is thus no wonder that 85.7 per cent, i.e. 30 out of 35 of the returnee victims contacted for this study said that their migration goals were not realized (see Table 5 for motivation of migration).

On the other hand, 67 per cent of the interviewed PEAs stated that most of the workers that they sent out are successful as they are able to earn an income, send remittances to their family, and maintain or build a house. However, the PEAs admitted that once those employees were back to their homeland on end of their first employment contract, almost all of them want to return to the same country of destination, but not necessarily to the same employer, or to go to another country, because they were not able to save enough money to start a small-scale business as they had planned initially. Most will be caught in a cycle of migration and will never settle back in Ethiopia.

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<sup>116</sup> For instance, result of an FGD in Jimma revealed that a young girl had worked for six months in Sudan, but her employer refused to pay her salary. Another girl had been working there for two years but did not even know how much she was to be paid (since most of her salary was withheld by the employers). There are also cases where victims had to give up their salaries to traffickers for up to eight months to pay for the cost of their transportation and facilitation fees.

## 3.4 . Impacts of trafficking in persons

### 3.4.1 . Impacts on the victim's family

The family may feel the negative impact directly or indirectly. Every aspect of the victim's adverse situation has an impact on the situation of her family, including the very existence of the family unit. Family members support the migration of the victim in the expectation that they will soon be reimbursed or otherwise benefit. The cost ranges between ETB 2,300 (for migration through a PEA) and ETB 11,000 (for migration through the use of brokers, which entails a total cost of between ETB 8,000 and ETB 11,000.<sup>117</sup>). This is likely to involve selling of assets and borrowing from other community members (see Box 23).

#### Box 23

##### A case story on the costs of migration

When my neighbour migrated to Middle East, her mother had to sell her property and borrow money to pay the brokers. However, the migrant came back with a broken leg only after four months.

*An informant in Bahir Dar*

In addition to the depletion of resources on the one hand and the escalation of living costs on the other hand, failure on the part of the victim to send back money to her family would be catastrophic to the family. In the worst cases, a migrant returning with an injury or medical condition will put additional financial burden on the family.

The household level consequences are inherently compounded for married victims of trafficking, especially if they have left behind young children as is often the case in areas where a 'culture of migration' has developed. Stories of mothers leaving their children to seek employment abroad seem to be the norm in some areas such as Dessie and Jimma<sup>118</sup>. The possible consequences include disintegration of family and marriage, as well as increased vulnerability of young children left behind by their mothers.

### 3.4.2 . Impacts on society

The consequences of trafficking are not limited to the household; it also impacts progressively on communities and the society at large. The national level consequences are in fact more long-lasting and become pronounced in time. The more discernable impacts at this level include: loss of productive workforce, social problems arising from broken families and children growing up without a parent or parents, as well as the growing instability of the migrants and their families in the contexts of dependency on earnings from countries where restrictive immigration policies do neither allow longer-term residency status nor any realistic possibility for family unification.<sup>119</sup>

As indicated in the profile of victims, young people with limited education are mostly vulnerable to trafficking and are more likely to migrate for employment abroad. Even if they return, they are bound to do so without improving their education and skills and would have lost the chance to get education

<sup>117</sup> A participant in an FGD in Bahir Dar said, "I paid ETB 2,300 to send my daughter to Kuwait through a PEA in Addis Ababa."; "A daughter of a friend living in Debre Tabor was asked ETB 11,000 by a broker."

<sup>118</sup> A participant in an FGD in Jimma: I know someone who migrated to Qatar at age 18 and came back to Ethiopia after two years. She then went back to Qatar about a year ago, leaving her five children.

<sup>119</sup> Human Rights Watch (October 2010) p.23

and skills. Moreover, if current trends are to continue, it is more likely that more numbers<sup>120</sup> of skilled youth would join the ranks of migrants and victims of trafficking. The rising number of educated and semi-educated migrants being recruited through PEAs leaves another clear warning about the nature and extent of the problems of trafficking and the huge loss of productive workforce to the country. Finally, there is also the risk that migration and trafficking become a vicious circle as some returnees turn to be role models and traffickers. In some rural communities such as around Jimma, the ‘culture of migration’ has reached a stage where migration, even through traffickers, has become a viable option for the youth (see Box 24).

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<sup>120</sup> Result of FGD with community members in Adama, 23 July 2010: Male migrants constituting a fifth of all migrants are professionals or experienced semi-professionals such as mechanics, cooks, masons, and drivers.

## Chapter four

### Interventions to combat human trafficking for labour purposes and forced labour

#### 4. Measures

Considering the high prevalence and complexity of the problem, effective responses demand a coordinated, multi-level and multi-sectoral approach. An effective and comprehensive response to human trafficking should include measures for preventing, protecting and supporting victims of trafficking, while appropriate measures are taken to prosecute traffickers. It is also critical that governmental, intergovernmental, international, non-governmental and private organizations cooperate in their efforts to prevent and protect victims of human trafficking and prosecute traffickers. This chapter presents the different efforts that have been made by different governmental and non-governmental organizations in response to human trafficking.

#### 4.1. Prevention

There are a number of efforts **that** have been made to prevent external trafficking in persons by governmental and non-governmental organizations. Most of **those** prevention efforts focus on raising awareness among potential victims and families in order to warn them about the risks of trafficking. Other efforts aim at collecting information and researching the root causes and patterns of human trafficking. The efforts include setting appropriate legal, policy and institutional frameworks; bilateral labour agreements; public awareness campaigns; **devising a** labour market information system; utilization of model employment contract; improvement of employment and vocational training; and monitoring of PEAs.

##### 4.1.1. Legal framework

Ethiopia does not have a comprehensive legal framework that defines human trafficking, provides adequate protection to victims, and enables to effectively combat and prevent trafficking in persons. However, key provisions under the FDRE Constitution, Criminal Code and Employment Exchange Services Proclamation No.632/2009, as well as in international instruments ratified by Ethiopia prohibit and criminalize trafficking in persons for labour purpose.

The FDRE Constitution prohibits trafficking in persons for whatever purpose (article 18 (2))<sup>121</sup>. Ethiopia has also ratified most of the relevant UN conventions, as well as a number of ILO conventions that can be instrumental in dealing with trafficking in persons and labour exploitation. Instruments that have direct relevance to human trafficking include:

- the UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949;
- the UN Convention against Transnational Organized Crime, December 2000<sup>122</sup>;
- ILO Convention No. 105 on the Abolition of Forced Labour, 1957;
- ILO Convention No. 181 on Private Employment Agencies, 1997;
- ILO Convention No. 111 on Discrimination (Employment and Occupation), 1958;

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<sup>121</sup>Article 18(2) provides, “No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.”

<sup>122</sup> However, Ethiopia has not ratified the two protocols of this Convention.

- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979;
- ILO Convention No. 182 on the Worst forms of Child Labour, 1999;
- UN Convention on the Rights of the Child (CRC), 1989; and
- The African Charter on the Rights and Welfare of the Child, 1999.

The following international instruments with indirect relevance to human trafficking are also ratified by Ethiopia:

- the UN International Covenant on Economic, Social and Cultural Rights, 1966;
- the UN International Covenant on Civil and Political Rights, 1966;
- The African Charter on Human and Peoples' Rights, 1986; and
- ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, 1948.

Articles 9 and 13<sup>123</sup> further stipulate that international instruments ratified by Ethiopia are part of the law of the land and that the fundamental rights enshrined in the Constitution shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, international covenants on human rights and international instruments adopted by Ethiopia. The 2003 Labour Proclamation further refers in its Preamble to international labour standards ratified by the country.

However, as previously stated in this study, Ethiopia has not ratified the Palermo Protocol, the first international instrument that provided an internationally accepted definition of trafficking in persons. According to a representative of the Ministry of Women's Affairs, there were efforts by the Ministry to lobby for the ratification of the Palermo Protocol. Ethiopia has also not ratified the two ILO conventions on migrant workers<sup>124</sup> and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Ethiopia may not have a comprehensive national legal framework to respond to the problem of human trafficking; yet articles 597–598 and 635 of the Revised Criminal Code deal with trafficking in persons, while article 596<sup>125</sup> deals with enslavement and only refers to trafficking indirectly. A similar provision to article 598 of the Criminal Code exists in the Employment Exchange Services Proclamation No.632/2009 article 40.

#### **Article 597 Trafficking in women and children**

- (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

<sup>123</sup> Article 9 (4) provides, "All international agreements ratified by Ethiopia are an integral part of the law of the land." Article 13 (2) states, "The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia."

<sup>124</sup> These are ILO Conventions No. 97 of 1975 concerning migration for employment and No. 143 of 1975 concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers.

<sup>125</sup> Article 596 on Enslavement provides that (1) whoever, (a) forcibly enslaves another, sells, alienates, pledges or buys him, or trades or traffics in or exploits him in any manner; or (b) keeps or maintains another in a condition of slavery, even in a disguised form, is punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr (around US\$ 3,000). (2) Whoever, in order to deliver him at his place of destination, carries off or transports a person found in situations stated above, whether by land, by sea or by air, or conducts or aids such traffic, is liable to the punishment under sub-article (1) above. (3) Where the crime is committed against children, women, feeble-minded or sick persons, the punishment shall be rigorous imprisonment from ten years to twenty years.

punishable with rigorous imprisonment from five 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 victim mentioned in sub-article (1), with the purpose stated therein, or conducts or aids such traffic, is liable to the penalty prescribed under sub-article (1) above.

This article understands the act of trafficking as a crime against liberty and only prohibits trafficking in women and children and not in men. Contrary to article 3 (c) of Palermo Protocol, this article requires the prosecutor to prove the use of one of the means such as deceit, force, coercion, abuse of vulnerability, or power, even when the victim is a child.<sup>126</sup>

#### **Article 598 – Unlawful sending of Ethiopians for work abroad**

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.

A similar provision to this article exists in the Employment Exchange Services Proclamation No. 632/2009 (article 40). Both articles do not use the terms ‘trafficking’, or ‘recruitment’, ‘transport’ and ‘exploitation’. They criminalize the mere act of sending Ethiopians for work without having obtained a license from the relevant authority. However, considering that “it has particularly become necessary to further protect the rights, safety and dignity of Ethiopians going abroad for employment in pursuance to their qualification and ability”,<sup>127</sup> these two articles criminalize the sending of an Ethiopian for work abroad without securing the necessary license. Nevertheless, these articles are not applicable to PEAs that are trafficking migrant workers but only to person or institution sending Ethiopians for work without the relevant license. Proclamation No.632/2009 further defines ‘employment exchange’ to mean all activities of hiring a job seeker and to include advertisement made verbally or in writing, enlistment, recruitment and placement. The aim of these articles is thus to prohibit the act of recruiting and transporting Ethiopians abroad without the proper license even if the purpose of such acts is not exploitation. These articles assume that the purpose of persons or entities that send Ethiopians abroad for work without securing the relevant license is exploitation. It is also observed during the study that several government officials confuse this Proclamation as a human trafficking legislation, even though the document does not use the term ‘trafficking’ even once.

#### **Article 635 – Trafficking in women and minors**

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.

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<sup>126</sup> Article 3 (c) provides, “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.

<sup>127</sup> Preamble of Employment Exchange Services Proclamation No.632/2009.

The Code considers this act as a crime against morals and not as a violation of human rights. Similarly to article 597, it does not outlaw trafficking in men for the purpose of prostitution. This article provides greater protection to women as it is not necessary for the prosecutor to prove that the recruitment, transportation, transfer, harbouring or receipt of a woman and a child for the purpose of prostitution. This article provides a greater protection to women than does the Palermo Protocol with regard to trafficking for the purpose of prostitution.

The Revised Criminal Code further criminalizes attempts to commit an offence (article 27), participation as an accomplice in an offence (article 37), and organizing others to commit trafficking (article 599). Article 599 (2) criminalizes the participation of juridical person in human trafficking.

None of the aforementioned provisions provide a clear definition of human trafficking. Except for the Constitution, each article rather deals with trafficking of persons for specific purpose, such as enslavement (article 596), forced labour (article 597) and prostitution (article 635). This is contrary to the Palermo Protocol that outlaws the act of trafficking if it is committed for, 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.

Restrictive immigration laws in the major countries of destination, namely Saudi Arabia, Kuwait and UAE, reportedly open doors for the exploitation of migrant domestic workers. For instance, Kuwait has acceded to the Palermo Protocol and is a member state of the ILO since 1961. It has also ratified seven of the eight conventions protecting the organization's core labour standards.<sup>128</sup> The Aliens' Residence Law of 1959 and accompanying regulations require all migrants in Kuwait to have a local *Kafil* (immigration sponsor), who must also be their employer.<sup>129</sup> The sponsoring employer guarantees the validity of the worker's *iqama* (residency permit). The sponsoring employer also has the power to prevent the worker from legally changing employer; to cancel her residency visa at will; and to report her as illegal resident should she abscond.<sup>130</sup> Once the employer notifies the police that a worker has absconded, the police cancel the worker's residency permit, and arrest and detain her whenever she is found. Although the Kuwaiti Government can prosecute the worker for violating the residency laws, in most cases, police deport workers after a period of detention.<sup>131</sup> These laws fail to protect migrant workers from employers who may abuse their power to cancel the worker's residency visa.

The Revised Labour Law of February 2010 continues to exclude domestic workers from its protections. In 2004, the Ministry of Interior of Kuwait issued a decree requiring all licensed domestic labour agencies to execute a standardized contract with prospective employers and workers prior to recruitment. The standard contract was updated in 2006, requiring a sponsor to pay the migrant domestic worker's travel costs and any agency fees, as well as food and living expenses, medical treatment costs, and return airfare.<sup>132</sup> The standard contract provides for one month of paid leave annually, compensation for workplace injuries or death of a worker during the contract term, and a minimum salary of US\$ 139 to be paid monthly.<sup>133</sup> It also provides for one fully paid rest day

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<sup>128</sup> Convention Nos. 29 (Forced Labour Convention) and 105 (Abolition of Forced Labour Convention); Nos. 87 and 98, protecting freedom of association and the right to organize; No. 111 prohibiting discrimination in employment and occupation; Nos. 138 (Minimum Age Convention); and No. 182 (Worst Forms of Child Labour Convention).

<sup>129</sup> Human Rights Watch, Oct. 2010, pp. 31–32.

<sup>130</sup> Ibid, p.32

<sup>131</sup> Human Rights Watch, Oct. 2010, pp. 32

<sup>132</sup> op. cit., pp. 37– 38

<sup>133</sup> Ibid, p.38

every week, but fails to recognize the right of the worker to free movement during non-working hours. However, workers have little opportunity to exercise their rights and to seek redress in case of violation of rights.

#### ***4.1.2. Policy and institutional framework***

Preventive intervention also includes policy framework and improved migration administration and institutions. Developing a clear and coherent migration policy is critical to effectively combat trafficking in persons. However, Ethiopia does not have a migration policy that comprehensively addresses the issue of trafficking in persons for labour purpose.

With regard to migration administration and institutions, article 39 of Proclamation No.632/2009 provides that a national committee shall be established by the Government to protect the rights, safety and dignity of citizens. The National Committee is entrusted with the tasks of:

- ensuring the proper implementation of the Proclamation;
- ensuring that organs that provide counselling and carry out resettlement programs for returnees are provided with the necessary cooperation and support;
- initiating research with a view of concluding bilateral agreements with receiving countries;
- ensuring that legal actions are taken in case of violation of rights and bodily injuries;
- ensuring that persons engaged in unlawful employment exchange operations are immediately brought to justice;
- ensuring the creation of public awareness on legal labour migration;
- facilitating the exchange of overseas employment information with concerned organs and the strengthening of the information database; and
- adopting its own rules of procedures.

However, the Proclamation does not clearly provide that it should be multi-disciplinary and should adopt an integrated approach to combat human trafficking. Despite the provisions of the Proclamation, the National Committee is still not established one year after the Proclamation has entered into force, and the tasks entrusted to it have not been conducted.

Previously, the increasing number of reports of abuses of trafficked Ethiopian women in the Middle East countries led to the formation of a National Committee on Trafficking in Women and Children. The Committee formed in June 1998, was chaired by the Ministry of Foreign Affairs, and was composed of 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 then Women's Affairs Department of the Prime Minister's Office. The major achievement of the Committee is the development of the Private Employment Agencies Proclamation No.104/1998. The Committee seized to operate once the Proclamation was enacted.

Another Taskforce, known as the Inter-Ministerial Taskforce on Trafficking was established in 2004 and hosted by the Ministry of Justice. It was composed of the same members of the National Committee except that the then Women's Affairs Department of the Prime Minister's Office was replaced by the Ministry of Women's Affairs and IOM was invited to become a member of the Taskforce. The Taskforce further formed legal, information, research and media sub-committees. However, the it had not met in more than two years—— until November 2009, when MoLSA organized a meeting of the Inter-Ministerial Taskforce on Trafficking. Following this meeting, MoLSA and the Ministry of Foreign Affairs organized a national conference on human trafficking and illegal migration in March 2010. One of the recommendations of this Conference was the drafting of a national action plan on human trafficking and illegal migration. According to a representative of the Ministry of Foreign Affairs, the first draft of the National Action Plan is

completed and will be discussed within the Ministry. A national action plan that recognizes the contribution of migrant workers to the national economy through their remittances could have a crucial role in effectively managing labour migration and protecting the dignity and safety of Ethiopian migrant workers.

Freedom of association and the right to bargain collectively are cornerstone ILO principles. However, Proclamation No.632/2009 fails to recognize the right to freedom of association and the right to bargain collectively of migrant workers.<sup>134</sup> A promising practice of the effectiveness of free association is documented in the Philippines, where women in domestic work have formed an association and as a result improved the conditions of work and their rights. It has also enabled domestic workers realize the Asian Domestic Workers' Union (ADWU) in Hong Kong, China (see Box 25).

#### **Box 25**

##### **A case story depicting how policy provisions enable domestic workers enjoy the right to freedom of association**

Despite the obstacles facing migrant domestic workers, the Asian Domestic Workers' Union (ADWU) has operated in Hong Kong, China, where domestic workers enjoy some trade union freedoms, since its establishment in 1988. Membership comprises domestic workers chiefly from the Philippines and Thailand, but also from India, Indonesia, Malaysia, Nepal, Pakistan and Sri Lanka. Run by members who devote their statutory rest day to work as volunteers, ADWU offers general assistance and support for grievances. It has also organized high-profile protests against legislative reforms that reduced domestic workers' minimum wages and denied them access to publicly funded health care.

**Source:** *ILO Geneva Decent Work for Domestic Workers International Labour Conference, 99<sup>th</sup> Session, 2010*

Trade unions have also been active in protecting the rights of domestic workers travelling abroad (see Box 26). Despite the various challenges in unionization and collective bargaining, trade unions in various countries have created information centres for migrant workers, including domestic workers. On the other hand, Quebec, Canada has to revise its labour law because it had provisions that barred the unionization of domestic workers.<sup>135</sup>

#### **Box 26**

##### **A case story witnessing how trade unions help in protecting the rights of domestic workers travelling to different countries**

In Sri Lanka, the National Workers Congress (NWC) has signed a cooperation agreement with unions in receiving countries, including the Jordanian General Federation of Trade Unions. The NWC seeks to inform domestic workers prior to departure of their rights in the receiving country, while the unions in the receiving countries provide them with support.

**Source:** *ILO Geneva Decent Work for Domestic Workers International Labour Conference, 99<sup>th</sup> Session, 2010*

<sup>134</sup> Article 2 of ILO Convention on the Freedom of Association and Protection of the Rights to Organize (No. 87) applies to all 'workers and employers, without distinction whatsoever'. Similarly, ILO Convention on the Right to Organize and Collective Bargaining (No. 98) seeks to ensure that workers enjoy adequate protection against interference in the establishment, functioning and administration of their representative organizations.

<sup>135</sup> ILO, 2010, p. 81

Even though a number of institutions have a stake in the effective management of labour migration, the efforts are not effectively integrated and coordinated. The Inter-Ministerial Taskforce could have been the mechanism to ensure coordination and consultation among concerned ministries, authorities and bodies; and formulation and elaboration of labour policy. However, the Taskforce remained weak and the one that was to be established under Proclamation No.632/2009 is still not established. Moreover, no institution has the overall mandate of planning, coordinating, implementing and monitoring the different activities to combat trafficking in persons. MoLSA focuses on the regulation and monitoring of PEAs and does not address illegal operations of persons or entities sending Ethiopians abroad without having the license to provide employment exchange services. PEAs on their part complain that the Government has merely focused on the regulation and monitoring of PEAs. They claim that the operations of other actors involved in trafficking of persons are not monitored and legal action is rarely taken against the responsible persons or entities.

In Kuwait, one of the major destination countries for Ethiopian migrant domestic workers, domestic employment disputes may be taken to the Domestic Workers' Department, an administrative division within the Ministry of Interior, for mediation. However, the Department lacks authority to make participation mandatory and its determinations binding. The standard contract further provides that "any dispute emerging concerning the items of this contract ... should be transferred to the Kuwaiti courts to be settled". However, violations of the contract terms have proven to be extremely difficult to pursue in practice.<sup>136</sup>

#### ***4.1.3. Bilateral labour agreements***

The elaboration and conclusion of bilateral labour agreements to ensure regular migration channels for migrants and their recognition of diplomas constitutes another area of intervention to prevent trafficking in persons. As mentioned earlier in the study, the Ethiopian Government has succeeded to sign a bilateral labour agreement with the Government of Kuwait in July 2009. On the Ethiopian side, the agreement needs to be passed by the House of Peoples' Representatives, and signed by the President to come into force. MoLSA further reported that Ethiopia has signed a bilateral agreement also with the Sudan on labour migration.

As most Ethiopian victims of trafficking transit through Yemen on their way to Saudi Arabia, a bilateral agreement between Ethiopia and Yemen is also in the pipeline. On the other hand, the Ethiopian Government has banned labour migration to Lebanon, Syria and Qatar despite the fact that these are some of the major destination countries of Ethiopian migrant workers. Although, Saudi Arabia and South Africa are some of the major destination countries of Ethiopian migrant workers, no bilateral labour agreements are elaborated to ensure regular migration.

#### ***4.1.4 Public awareness campaigns***

Public awareness campaigns constitute an important area of intervention to prevent trafficking in persons. Bahir Dar Police and Jimma Police stated that they use regional radio stations to aware the community on trafficking in persons and the risks of irregular migration. However, the representative of Bahir Dar Police noted that their efforts should be coordinated with those of Jimma Police as most victims of trafficking that were once stopped by Amhara Police in Metema area were from Jimma. The representative also noted that public awareness campaigns should address the problem of trafficking from its roots.

In the absence of an ongoing mass public awareness on regular labour migration, the only means of getting adequate information for potential migrant workers is the orientation provided by MoLSA.

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<sup>136</sup> Human Rights Watch, Oct. 2010, p. 39

The Ministry provides this service once the authenticated employment contract has been sent. Between July and December 2009, MOLSA provided three-hour pre-departure orientation to 5,355 migrating workers using two full-time counsellors.<sup>137</sup>

Since 2001, IOM conducted mass awareness campaigns on legal migration and the risks of trafficking for a number of years using tools such as radio programs, drama, and posters. However, due to constraints in financial resources, most of the projects have phased out, except for the weekly 20-minute radio program on Ethiopian Radio aired on Friday from 8 o'clock.

AGAR, an Ethiopian Residents' Charity that provides reintegration services, stated that it was interested to create public awareness to address the issue from its roots.

ILO Regional Office for Arab States in collaboration with the Ministry of Labour Affairs of Lebanon prepared an information booklet in Amharic for migrant domestic workers in Lebanon. The booklet deals with what workers who migrate to Lebanon need to fulfil; rights and duties of migrant domestic workers in Lebanon; what they need to do in case of emergency; and how to get acquainted with Lebanese culture.

#### ***4.1.5. Labour market information system***

Another way to prevent trafficking in persons is to establish a labour market information system on jobs at home and abroad. Article 36 of Proclamation No.632/2009 stipulates that MoLSA shall, in consultation with the Ministry of Foreign Affairs, assign labour attachés as may be required, to ensure the protection of the rights, safety and dignity of workers deployed abroad. In addition to the protection of migrant workers, labour attachés are also expected to ascertain the financial capacity of an employer to hire workers; to check the documents and operations of overseas representatives of PEAs; to collect information on job opportunities abroad, visa and residence permit requirements, and labour legislations of destination countries; and to approve employment contracts. However, no labour attaché has been assigned so far. As a result, PEAs complain that the operations of their overseas representatives are not monitored, but that MoLSA holds PEAs in Ethiopia fully accountable for the operations of overseas representatives, even though they do not have the authority to control and monitor the operations their overseas representatives. For instance, a representative of one PEA reported that one overseas representative that was blacklisted by another sending country for illegal operation is now working with an Ethiopian PEA—putting at risk Ethiopians being sent through this PEA.

Most of the information about irregular migration and the risk of trafficking is fragmentary and mainly based on media reports. Beyond media reports, the public and police have limited interest in digging and knowing more about irregular migration and the risk of trafficking. There is lack of detailed and regular research and surveys that document the prevalence of trafficking, the routes and patterns of trafficking, methods used by traffickers, services available, measures taken by the Government and non-governmental organizations, and the impacts of the responses.

#### ***4.1.6 Utilization of model employment contract***

The general utilisation of model employment contracts can be instrumental as it enables to regulate the basic conditions of employment of migrant workers, through formalizing the employment relationship between the employer and worker. This is particularly important, as most migrants are engaged in domestic work where employment contracts are considered unnecessary and are frequently assumed to be of an unlimited duration. In the absence of adequate regulatory framework

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<sup>137</sup> US Department of State, 2010.

and formal employment relationship, employers of domestic workers will assume the role of establishing the 'law' that governs the work done in their home. Considering that, the balance of power remains in favour of the employer, absence of written employment contract could lead to exploitation and forced labour.

The Labour Proclamation of 2003 excludes domestic workers, while Proclamation No.632/2009 applies to migrant domestic workers. Accordingly, MoLSA has developed a model employment contract for Ethiopians who migrate through a PEA, which should be signed by the employer, employee and the PEA. The model contract is developed based on the minimum standards established by the Labour Proclamation of 2003. Some claim that this is controversial, as the minimum standards of the Labour Proclamation are made applicable to migrant domestic workers, but not to local domestic workers.

The employment contract should be authenticated by the Ethiopian mission in the country of destination and by MoLSA once they approve that the basic conditions set by the model employment contract are fulfilled. The employment contract is in three languages: (1) Amharic, (2) English and (3) Arabic; and is signed in four copies, where the PEA, the employer, the employee and MoLSA get one copy each. MoLSA has also set the minimum wage of migrant workers according to article 24 of Proclamation No.632/2009.

PEAs argue that the basic conditions with regard to rest periods of domestic workers are unrealistic and usually end up creating misunderstanding between the employer and migrant worker, as most employers are not willing to give one month leave with full pay or one additional month salary in exchange. Although the model contract does not impose a mandatory limit on normal hours of work, one PEA reported that previously the counsellors providing the pre-departure orientation at MoLSA used to inform migrant workers that a regular working day is eight hours per day. PEAs complain that that had created a lot of arguments with the employers who complained that the tasks of domestic workers required that they work extended hours to satisfy the needs and requests of the employer. Whereas, the agreement between employers and Filipino migrant domestic workers appears better in providing for the workers (see Box 27).

#### **Box 27**

##### **Content and processes of agreement between the Philippines and Qatar concerning the employment of Filipino human power**

The Agreement between the Philippines and Qatar concerning the employment of Filipino human power requires the individual employment contract not only to be prepared in Arabic and English and to specify the basic employment conditions in conformity with the Qatari Labour Act (section 6), but also to indicate in detail the employer's obligations regarding the worker's accommodation (section 7). The contract, certified by the Department of Labour, must be verified and authenticated by the embassy or consulate. While the Arabic text of the employment contract is held to prevail (section 9), the employer may not introduce any change in the contract unless it improves the terms and conditions of service for the worker (section 8).

**Source:** *ILO Geneva Decent Work for Domestic Workers  
International Labour Conference, 99<sup>th</sup> Session, 2010*

The Model Employment Contract designed by MoLSA is, of course, a good initiative but some complain that most of the basic conditions set in the contract are not respected by the employers and that PEAs do not always ensure that the terms are fully implemented to avoid confrontation with the employer. Another report by PEAs and complaint by migrant workers is that even though the minimum wage for migrant workers is set at US\$180 by MoLSA, certain PEAs agree with the

overseas representative and the employer to pay less to the worker. The employer pays less once the worker reaches her destination.

### **Box 28**

#### **What the standard employment contract in China, as a receiving country, contains**

In Hong Kong, China, standard employment contract is issued by the Department of Immigration and refers to the labour standards contained in the Employment Ordinance, to which domestic workers are entitled. Section 3.B of the Schedule of Accommodation and Domestic Duty appended to the Standard Employment Contract indicates that, unless domestic workers are provided with light and water supply, toilet and bathing facilities, bed, blankets or quilt, pillows and a wardrobe free of charge, an application by an employer for an entry visa will normally not be approved. Section 3.A requires the employer to specify the facilities to be provided to the domestic worker and states that, the employer should provide the helper with suitable accommodation and reasonable privacy. While the Schedule states that requiring a domestic worker to share a room with an adult of the opposite sex is inappropriate, it allows for the possibility of the domestic worker to share a room with one or more children.

*Source: ILO Geneva Decent Work for Domestic Workers International Labour Conference, 99<sup>th</sup> Session, 2010*

Some receiving countries have made the model employment contract a mandatory requirement for the issuance of a visa (see Box 28 for the case of China, for example). However, this is not the practice with the Embassy of Kuwait. PEAs complain that previously the Embassy requested everyone to present an employment contract approved by MoLSA to issue a visa. Recently, the Embassy issues a visa in circumstances where there is no employment contract. This, according to PEAs, has created a situation where traffickers flourish as they can secure a visa for their clients without having to formalize the work relationship between the worker and employer and having to authenticate the employment contract.

The regular payment of wages is another major concern. The model contract provides that the wage should be paid at the beginning of each calendar month, under signed receipt. However, problem of arrears of wages is one of the problems reported to be common both by migrant workers and PEAs. Interviews with PEAs indicated that the types of abuse that are frequent among migrant domestic workers are: overwork (50 per cent), salary withholding (33.3 per cent), isolation (33.3 per cent) and refusal to contact family (50 per cent).

The model contract also addresses the issue of accommodation and living conditions, which are central to domestic workers as they very often work and live in their employer's home. Living and working in their employer's home has a major impact on migrant domestic workers' personal autonomy and mobility. The employer could also take advantage of this circumstance and use the provision of adequate accommodation and food as a leverage to control and abuse the domestic worker.

Considering the various fraudulent practices in relation to employment contract, destination countries should take a more active role in supervising the issuance and execution of employment contract.

#### **4.1.7. Improvement of employment and vocational training**

Improvement of employment and vocational training policies and opportunities is another preventative intervention. Article 16 (2) (1) of Proclamation No. 632/2009 provides that the PEA 'should ensure that the worker has acquired the necessary skills for the intended employment abroad and to produce evidence to prove such fact'. As domestic workers, some may be responsible for caring and assisting their employer's children, assisting to the personal needs of the elderly,

sweeping, vacuuming, cleaning, laundering, pressing, purchasing household supplies, preparing food, and performing other domestic duties. Some of these duties require the use of electrical appliances and basic knowledge in Arabic or English language. However, most migrant domestic workers have not even completed high school and thus their knowledge in foreign language is limited, while others come from rural areas where the use of electrical appliances is not common. This lack of skills is reported to be the source of many conflicts between the employer and domestic worker, as the expectation of the employer may not be met despite the costs he/she incurred for the employment services.

Only 67 per cent of the interviewed PEAs said they provide pre-departure training. Most of these PEAs rely mostly on written documents and video films for the training and do not have the necessary equipment and items to train migrant workers for the intended employment. To that effect, 33 per cent of the interviewed PEAs admitted that they do not have a fully equipped centre to train their clients. It is reported that Mefthe PEA and GMA PEA together with other PEAs are in the process of establishing a training centre for migrant workers for a fee. However, the centre is located at the outskirts of Addis Ababa; and this makes it difficult to access for most potential migrants. One PEA stated that it provides skills training for one month and provides accommodation for clients from the regions. Because one month is long, it has the intention of reduce the training to two weeks. Most PEAs complain that potential migrants are not willing to attend skills training, especially if it is for a long period of time, because “they are ambitious and do not want to delay their travel any longer”. However, they all recognize that skills training is critical and that lack of the necessary skills is one of the reasons that lead to misunderstanding with and abuse by the employer.

#### ***4.1.8. Monitoring of PEAs***

Last but not least, effective monitoring of PEAs is critical for the prevention of trafficking. In addition to ensuring that the requirements set by Proclamation No.632/2009 are fulfilled before license is issued, MoLSA has the authority to assign inspectors to oversee that the operations of PEAs are in line with the requirements laid down under article 35 of the Proclamation. PEAs also regularly report to MoLSA on the profile, number and employment of migrant workers. They also have the duty to notify MoLSA if a migrant worker that they have deployed abroad has sustained a bodily injury or died. MoLSA together with IOM is establishing a database to track PEAs, as well as worker complaints.<sup>138</sup>

However, as discussed earlier, there are certain operations of PEAs that are not in line with Proclamation No.632/2009, but against which MoLSA has not taken any measure. For instance, 85.7 per cent of the PEAs interviewed request all of their applicants to undergo and cover the costs of pre-registration and medical examination in contravention of article 15 (3) of the Proclamation.

## **4.2. Protection**

As noted earlier, migrant workers in general and migrant domestic workers in particular are vulnerable to abuse and exploitation, including trafficking and forced labour. Protection measures aim at providing support services to victims of exploitation and abuse also to reduce the risk of secondary victimization by the same authorities that are entrusted to provide support. Considering the fact that most of the migrant domestic workers work and live with their employer, protection measures should also ensure that future exploitation and abuse do not occur.

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<sup>138</sup> US Department of State, 2010

As most of the abuse and exploitation occur in the destination countries, the most common measure to protect the safety of migrant workers is the provision of temporary accommodation. In this regard, the government of one of the major destination countries, Kuwait, opened the Temporary Shelter Centre for Expatriate Workers. The shelter has the capacity to accommodate 50–60 women. In addition to providing temporary shelter, it also provides medical care, counselling services, legal advice (in Arabic), and food, as well as a garden and a television room.<sup>139</sup> The shelter does not directly admit abused workers; who are rather required to be referred to it by their local embassies. The shelter is only accessible to workers who have been cleared of any case of absconding or theft or other charges. Despite the high demand for temporary accommodation, the government shelter often operates well under its capacity due to these restrictions. The report by Human Rights Watch noted that the government announced plans to open another shelter that can house up to 700 male and female expatriate workers.<sup>140</sup>

To protect its citizens and avoid the Embassy/Consulate from being over-flooded by runaway or stranded migrant workers, the Ministry of Foreign Affairs of Ethiopia provides temporary shelter to victims of trafficking and abused migrant workers in Lebanon and Kuwait. The representative of the Ministry of Foreign Affairs of Ethiopia noted that resources to run shelters are scarce and provision of safe accommodation might sometimes be perceived as encouraging especially live-in domestic workers to leave their employers. In addition, article 7 (2) (b) provides that a PEA should submit evidence showing the existence of a sufficient office and a facility that provides temporary food and sheltering services.

The Ethiopian Expatriate Directorate General of the Ministry of Foreign Affairs has a directorate responsible for community services and support. The representative of this Directorate noted that Ethiopians who are abused and/or stranded in countries of destination contact this Directorate for services and support through their family members or the Ethiopian missions. When it receives this kind of complaints, the Directorate first checks the type of assistance and support needed. If the citizens can be assisted through the Ethiopian mission in the country of destination, the Directorate passes the complaint and focuses on the follow-up. However, where the abuse is a serious one and the citizen needs to return to Ethiopia, the Directorate first checks whether the migrant worker was sent by a PEA, or not. If the citizen was sent by a PEA, the Directorate refers the complaint to the PEA that will be responsible for the return of the migrant worker according to Proclamation No. 632/2009. If not, the Directorate strives to raise the necessary funds from the Ethiopian community in the country of destination and provides support.

However, interviewed PEAs and victims complained that the assistance provided by Ethiopian missions is minimal and staff members are not necessarily caring and understanding. The representative of the Ministry of Foreign Affairs<sup>141</sup> admitted that the financial and human resources allocated to Ethiopian missions are rather limited compared to the workload and demand for services. It is stated that this will be settled in the near future as additional human resources have been allocated for Ethiopian missions in the major countries of destination.<sup>142</sup>

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<sup>139</sup> Human Rights Watch, Oct. 2010, p. 61

<sup>140</sup> *op. cit.*, p.62

<sup>141</sup> Interview with Mr. Eshetu Legesse, Housing and Certificate for Good Conduct Officer, Community Services and Support Directorate, Ethiopian Expatriate Directorate General, Ministry of Foreign Affairs.

<sup>142</sup> The representative of the Ministry of Foreign Affairs further reported that the Government of Ethiopia in collaboration with IOM returned and reintegrated stranded citizens. IOM supported the return and reintegration of stranded migrants from Tanzania, and Bossaso, and also implements a project on alternative livelihood opportunities for youth in partnership with a local NGO, in four *woredas* (Amharic

In cases where victims of trafficking have been arrested by police or immigration officials before they cross the borders, the police commissions of the different regions implicated try to raise the necessary funds to return the victims to their place of origin. For instance, when the Amhara Police arrested victims of trafficking originating from Jimma, the Amhara Police Department tries to communicate with the Jimma Police to return the victims to their place of origin. However, resources are very scarce as budget is not allocated for this purpose. In one circumstance, Amhara police reported that it forced the bus transporting the victims to return them to their place of origin.

The measures that the Government has taken in order to detect and identify abusive practices against migrant workers seem to be limited to the operations of PEAs. Indeed, article 16 (2) of Proclamation No, 632/2009 obliges PEAs to immediately report a complaint of abuse to MoLSA and holds PEAs jointly and solely accountable to any abuse and exploitation suffered by the migrant workers that they have sent abroad. However, in case of a victim suffering an abuse or exploitation, assistance is limited to the resources that the Ministry of Foreign Affairs has been able to raise from the Ethiopian community in the country of destination.

The Executive Directress of AGAR admitted that the vocational training that they provide to returnees who were trafficked only provides for limited opportunities and is not supported with micro-credit scheme. The victims that seek support services from AGAR are usually referred by Immigration and Nationality Affairs Authority. According to the Executive Directress, most of the victims of trafficking referred by the Authority are those who have been deported by the authorities of the destination countries. Most of them do not have families in Addis Ababa and some are mentally ill to even recognize who and where they are. However, the project was running for one year up to 31 December 2010 and discussions are underway with donors for possible extension. However, compared to the needs for services by victims of trafficking, and the challenges of returnees, the services available are very minimal, and are neither comprehensive nor immediate. Local NGOs could play an important role in the return and reintegration of victims of trafficking in human beings.

Since there is currently no bilateral labour agreement with a destination country in force, the Ethiopian Government has not been in the position to negotiate that effective and adequate remedies are availed for Ethiopian migrant workers who are abused and exploited by destination countries. However, the Government could avail a victim's fund that could be used to assist Ethiopian migrant workers in distress. Governments of countries like the Philippines have established a legal assistance fund (see Box 29).

**Box 29**  
**How Philippines funds legal services to migrant workers and overseas Filipinos in distress**

The Philippines, which is a labour-sending country, has established a legal assistance fund, under its Migrant Workers Act of 1995, to be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress. Expenditure paid for by the fund includes the fees of foreign lawyers hired by the Office of the Legal Assistant for Migrant Workers Affairs to represent workers facing charges abroad, bail bonds to secure the temporary release of workers under detention, court fees and charges and other litigation expenses.

**Source:** *ILO Geneva Decent Work for Domestic Workers International Labour Conference, 99<sup>th</sup> Session, 2010*

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word for district) in Amhara Region. However, the resources are minimal and beneficiaries are scattered in four *woredas*.

### 4.3 .Prosecution

Human trafficking investigation and prosecution require careful and humane treatment of victims and witnesses, upon whose testimony the prosecution depends. As trafficking in persons is a transnational crime, prosecution requires a regional cooperation to ensure collaboration in collecting and sharing of information and evidences.

The Federal High Court's 11th Criminal Bench hears all cases of external trafficking, as well as internal trafficking cases reported and investigated in Addis Ababa. Between March and October 2009, the Bench heard 15 cases related to external trafficking for labour purpose, resulting in five convictions, nine acquittals, and one withdrawal due to missing witnesses. Of the five convictions, three offenders received suspended sentences of five years' imprisonment, two co-defendants were fined, and one offender is serving a sentence of five years imprisonment.<sup>143</sup>

In November 2009, the Federal Police established a Human Trafficking and Narcotics Section under its Organized Crime Investigation Unit. From November 2009 to March 2010, this Unit investigated 63 cases and referred 39 to the Prosecutor's Office. The Federal High Court successfully rendered conviction in eight of these cases under articles 598 and 571, and sentenced the traffickers to punishments ranging 5–12 years imprisonment, with no suspended sentences.<sup>144</sup>

According to information collected from respondents, considering the magnitude of the problem, the enforcement of these articles is very minimal and officials at different levels face a number of challenges. The first and foremost challenge is the fact that most officials do not clearly understand the definition of trafficking in persons. There is also no clear demarcation between trafficking in persons and smuggling of migrants. Officials, police or immigration officials, who arrest illegal travellers before they cross or while crossing the borders, commonly arrest the traffickers/smugglers and release the travellers. At times, and depending on the availability of resources, officials return the travellers to their place of origin or to Addis Ababa without screening as to whether they are victims of trafficking or persons using the services of smugglers. Two officials, one from SNNPR and another from Jimma, stated that the most important thing for them is to arrest and punish the illegal brokers, whether they are traffickers or smugglers, and not the travellers because most of them are forced by poverty to use the services of traffickers or smugglers.

Another major challenge is that migration is encouraged as an alternative by the society at large. However, as the options for legal migration are considered to be very limited, irregular migration is tolerated, and even encouraged. Incidents of trafficking in persons for labour purpose are thus rarely reported and the community is not willing to testify and provide information to authorities. For instance, despite the fact that smuggling and trafficking in persons is prevalent in SNNPR, especially to South Africa, the representative of the SNNPR Bureau of Justice noted that there is no reported case of trafficking or smuggling during the previous year. Similarly, no case of trafficking is being prosecuted in Mekelle and Shashemene. In Jimma, respondents stated that the few traffickers that were arrested sometime back by officials were caught because the police stopped a large number of young women and men while they were travelling together. The arrest was made, on suspicion that those young people might be trafficked or smuggled.

Comparatively, higher number of cases of trafficking in persons is reported in Dire Dawa where officials have reported that 15 cases are reported per month on average. Ten cases of trafficking of persons were reported to Dessie Police in 2002 (E.C.); but only one has been prosecuted. In Bahir Dar, 18 cases of trafficking in persons were prosecuted during the same period, in which most of the

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<sup>143</sup> US Department of State, 2010

<sup>144</sup> Ibid.

victims were from Jimma. The representative of Jimma Justice Bureau noted that at least two cases are reported per month. However, most are charged not for trafficking in persons but for fraudulent misrepresentation due to lack of understanding of the crime of trafficking in persons and lack of evidence.

Indeed, most victims of trafficking of persons in Ethiopia are recruited not through the use of force but rather the use of deception. Most traffickers make false promises of an opportunity. While most victims know that they will be working in a certain employment, they are not aware of the conditions in which they will be working. Depending on the circumstances, victims might be partially or fully deceived. The very few cases of trafficking of persons that are reported are the ones where the trafficker fails to send the victim abroad after deceiving and taking her money.

Even in circumstances where the criminal act is reported and investigation has been initiated, only very few end up in prosecution. This is because investigation is complicated as many towns and even several countries are implicated and both victims and the community might not be willing to testify. Where victims were caught before they crossed the border, they might change their mind about testifying because they will be trying their luck in the near future using the same or another trafficker.

There is further a general atmosphere of tolerance for cases of trafficking in persons among officials as well. Some complain that it is very difficult to collect enough evidence for effective prosecution of trafficking cases because the victims and the community are at times not willing to testify. The traffickers are also well organized as they do not use their real names, but temporary addresses. There is a chain of traffickers involved and most do not even travel with the victims but merely put them in a bus or truck heading to the next destination where another trafficker is supposed to meet them. There are reports that some officials might be implicated in the act of trafficking. For instance, according to a representative of the Amhara Region Immigration and Nationality Affairs Department, three federal police officers are under arrest for corruption in relation to trafficking in persons.

Article 598 on unlawful sending of Ethiopians for work abroad is commonly used to prosecute cases of trafficking in persons; because, as officials in Dire Dawa and Bahir Dar stated, it is difficult to prove the purpose for which traffickers are sending the migrants according to the Criminal Code. Officials interviewed in Jimma and cases reviewed in Dire Dawa also indicated that some cases of trafficking of persons are charged using article 692 of the Criminal Code dealing with fraudulent misrepresentation, categorized under crimes against rights in property.<sup>145</sup> Officials claim that they use this article where there is little evidence about the intention of the ‘traffickers’ and when the victims are caught not while they try to cross the borders but when they travel internally from their town of origin to where they are supposed to meet the brokers that will assist them to cross the border.

The Prosecutor interviewed in Jimma explained that judges refused to convict those accused of trafficking in persons unless there was at least an attempt to cross the border. In many circumstances where traffickers are caught when they transport their victims internally from one town to another, judges argue that there is no proof that they had the intention of assisting citizens to cross the borders. Therefore, the only criminal activity for which they will be charged and convicted is for unlawfully receiving money through the use of misleading statements, misrepresentation or by concealing facts. Of course, as this is just a crime against the right to property and does not take into consideration the

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<sup>145</sup> Article 692 (1) provides, “Whoever, with intent to obtain for himself or to procure for a third person an unlawful enrichment, fraudulently causes a person to act in a manner prejudicial to his rights in property, or those of a third person, whether such acts are of commission or omission, either by misleading statements, or by misrepresenting his status or situation or by concealing facts which he had a duty to reveal, or by taking advantage of the person's erroneous beliefs, is punishable with simple imprisonment, or, according to the gravity of the case, with rigorous imprisonment not exceeding five years, and fine.”

violation of human rights, the punishment is much less. This proves the importance of an appropriate definition of trafficking by national legislation.

Both the police and prosecutors complain that the only option to prosecute trafficking in men is by using article 598 because both articles 597 and 635 deal with trafficking in women and children, and by proving that they will be forced to work once they arrive at destination country. Article 596 only deals with situations where the victim is ‘forcibly’ enslaved. This article cannot be applied in cases where the trafficker used fraudulent information or deception to traffic the victim. They further complain that article 598 is not comprehensive enough to prosecute all those involved in the process of recruitment, transferring, harbouring or receipt of victims.

There may be cases where the evidence is not sufficient to press charge for human trafficking, and thus where the only alternative may be to prosecute for related offences. This seems to be a trend, especially in Dire Dawa and Jimma. For instance, prosecutors could charge traffickers for attempt to traffic in persons or for participating as an accomplice in a trafficking offence, where the victims have already paid the traffickers the service fee, and the traffickers have started the transportation of their victims within the country to reach the border to cross into the neighbouring country. This is in line with article 5 of the Palermo Protocol, which requires States parties to criminalize the attempt to commit the crime, the participation as an accomplice in the crime and the organization or directing of other persons to commit the crime.

Another challenge is the fact that even where the trafficker is found guilty, the punishment set is minimal compared to the gravity of the crime of trafficking and the profit that traffickers make. For instance, among the 18 cases of trafficking of persons reviewed, 13 were reported and prosecuted in the last six months, and the maximum sentence set is three years and four months of rigorous imprisonment and ETB 6,000 (around US\$360 as of January 2011) fine. The representative of the Amhara Region Police stated that the sentence is relatively very low compared to the profit they make and thus cannot deter others from committing similar crimes in the future.

Jurisdiction is another issue of contention in trafficking in persons cases. As a serious crime, cases of trafficking in persons should be brought to the Federal High Court. However, for instance in Amhara Region, most of the cases of trafficking in persons are brought to the *woreda* courts. The representative of Bahir Dar Justice Bureau indicated that they are now contacting *woreda* courts in the region to refer all cases of trafficking in persons to the Bahir Dar Supreme Court, as the latter has been designated to adjudicate all cases in the region within the jurisdiction of the Federal High Court.

Opportunities for training on trafficking in persons are very limited. As a result, there is limited understanding of the concept of trafficking in persons, as well as capacity in investigation and prosecution of trafficking cases. The Ministry of Justice and IOM have provided training for police, prosecutors, judges and immigration officials on the law, investigation techniques and services available to victims of human trafficking. In 2009, the Federal Supreme Court’s Justice Professionals Training Centre incorporated a module on trafficking in human beings into its routine training programs.<sup>146</sup> However, training needs are huge and the training provided is neither regular nor systematic, and is only provided depending on available resources and experts.

Finally, various stakeholders raised the issue of collaboration and cooperation as a challenge. At present, there is no intra-disciplinary coordination at different levels with a view to effectively address human trafficking in a coordinated and integrated manner. Police commissions and bureaus of labour and social affairs in Hawassa and Bahir Dar noted that they have formed a committee constituting the

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<sup>146</sup> US Department of State, Mar. 2010

regional administrations, police, departments of labour and social affairs, departments of immigration, and departments of federal affairs of the two regions to address trafficking among other issues. This committee reportedly works with the communities to raise awareness about and report on trafficking and traffickers to law enforcement authorities.

## Conclusion and Recommendations

### General Conclusion and Recommendations

- The first challenge in addressing the problem of trafficking for forced labour from Ethiopia is the challenge to create a common understanding among key actors about what constitutes the problem. Since the incidence of trafficking in persons from Ethiopia occurs within a context of regular and irregular migration, it may also be necessary to clarify distinctions between trafficking in persons for labour exploitation and labour migration.
- In the absence of effective law enforcement, the legal regime on the establishment and operation of PEAs is being used to provide illegal brokers and other traffickers a shroud of legitimacy. In addition to the existence of ‘unlicensed agencies’, the new rules on the opening of branch offices under the Employment Exchange Services Proclamation No. 632/2009 appear to have given an impetus to local brokers presenting themselves as representatives of PEAs. To address this emerging challenge, it may be appropriate to consider the efficiency and effectiveness of local and regional level follow-up, monitoring and enforcement mechanisms.
- Short-term measures could be taken to prioritize and address the problem of socio-economic push factors. This may include addressing gaps in the enforcement of the legislative regime for PEAs and criminal law rules on traffickers as a matter of priority and reassessing the immigration regime applicable to potential migration to destination countries.
- Measures should be taken to put in place appropriate mechanisms to enhance accountability in the provision of employment services through Ethiopian PEAs in destination countries.
- Parallel efforts to promote foreign employment in selected destination countries with appropriately protective employment regimes for migrant workers and adequate foreign-service capacity to monitor the situation of Ethiopian migrant workers may also be considered in light of capacity limitations to address gaps in destination countries.
- The incidence of trafficking in persons from Ethiopia occurs within a wider context of regular and irregular migration. As such, efforts to prevent and respond to human trafficking may be served by parallel measures in the immigration regime. These may include measures to ensure the legitimacy of visas sent from destination countries, as well as more formal arrangements at the diplomatic level. Care should however be taken not to make the immigration processes too cumbersome and force migrants into seeking assistance from traffickers and smugglers to migrate for better opportunities elsewhere.
- In light of the very high prevalence, magnitude and incidence of trafficking in persons for labour exploitation from specific localities, short-term measures to reduce current trends may be considered. These may include awareness raising through, for example, information dissemination and sensitization programs targeting most vulnerable groups and the community at large, enforcement measures targeting local brokers to break the link between recruiters and facilitators, and economic empowerment activities focusing on the youth. If this is to be the case, localized interventions by regional and local actors involving community structures may be more effective in responding to localized contexts. These measures may also be supplemented by engaging the community in major cities and transit towns for irregular migration in surveillance and enforcement programs for enhanced effectiveness.

- Success in addressing trafficking in persons would ultimately depend on the extent to which socio-economic development is realized in the long-term.

## **Specific recommendations**

### **Prevention**

- There is a need to have a clear and coherent policy and a national action plan on labour migration and trafficking in persons to close loopholes and increase the legal risk associated with trafficking. The policy should take into consideration the gender aspect of labour migration and trafficking in persons.
- As human trafficking is mostly a transnational phenomenon involving various countries, a national, regional and international cooperation framework addressing trafficking in persons and labour migration need to be established.
- The Government should harmonize the national law with international standards and it should provide a clear legal definition of trafficking in persons. A clear distinction between smuggling of migrants and trafficking in persons is necessary, especially where resources to undertake interventions to combat human trafficking are scarce.
- National law should criminalize trafficking in persons for all purposes in line with the Palermo Protocol; i.e. also trafficking in men should be recognized as a crime. Although there are a number of provisions in the Criminal Code, in practice investigation, prosecution and conviction rate of trafficking cases are low because these provisions are not adequate and comprehensive.
- The Government should also ratify the Palermo Protocol and other ILO and UN conventions of relevance, such as the ones on migrant workers (ILO Convention C143 on Migrant Workers of 1975 and the UN Convention on the Protection on the Rights of All Migrant Workers and Members of Their Families).
- Alternative regular migratory channels should be made available to Ethiopians interested to migrate. Routes of irregular migration change from time to time taking into consideration the labour demand and strict immigration laws of destination countries. For instance, the discovery of oil and resulting economic development in Sudan has boomed the demand for cheap labour from Ethiopia. If the Government of Ethiopia had made prior arrangement with the Sudanese Government and established regular migratory channels, both trafficking in persons and smuggling of migrants could have been prevented. These channels should be developed based on regular labour market assessments to identify and respond to current and emerging needs of workers, international consultation, exchange and cooperation.
- An institution should be clearly mandated to address trafficking in persons and exploitation of migrant workers. A formal coordination system should also be established between the different governmental and non-governmental stakeholders at the national and regional levels to ensure integrated, comprehensive and multi-agency approach towards combating trafficking and exploitation of migrant workers. A stakeholder analysis should be conducted and the specific responsibilities of each should be identified. Key stakeholders should be identified; priorities should jointly be assessed and strategies developed; protocols for working jointly should be worked out.

- The challenges of victims of trafficking and exploited migrant workers are manifold, and the active role that NGOs could play in preventing trafficking and protecting the rights of victims of trafficking both in countries of destination and origin should be recognized.
- An effective communication strategy should be developed regarding trafficking in persons. Through the use of information, education and communication materials prepared in different local languages, information should be widely and easily made available about proper migration channels and the risks of trafficking. This would not only raise awareness regarding trafficking in persons, but would also increase the level of licit migration on the one hand and the reporting rate of trafficking cases on the other.
- The elaboration and conclusion of bilateral labour agreements with at least major destination countries is critical because lack of application and enforcement of labour standards in countries of destination and origin is a major incentive for human trafficking for labour purpose. Ethiopia should negotiate with major destination countries to respect minimum working conditions and establish a monitoring system of worksite to ensure that migrant workers are not in situation of forced and exploitative working conditions.
- The Confederation of Ethiopian Trade Unions (CETU) should assist and support the creation of an association of migrant workers, especially of domestic workers. This association could operate in the provision of basic information on labour rights, work and life in destination countries and risks of trafficking and irregular migration and provision of assistance to abused migrants and victims of trafficking both in the countries of destination and origin. CETU could also negotiate and sign cooperation agreements with trade unions in countries of destination in order for the latter to provide support to Ethiopian migrant domestic workers in distress.
- Sound migration statistical data and reliable data collection systems would be a great benefit for the development of an adequate migration policy and to combat trafficking. The data system will also assist in planning and raising fund for protection services of victims of trafficking. As labour attachés can play a major role in data collection, they should be assigned as soon as possible at least in the main destination countries.
- The general utilisation of model employment contracts should be encouraged and the effective implementation should be coordinated with the authorities in destination countries through bilateral labour agreements and international consultation. Authorities in the destination countries should also be responsible to ensure that the employment contracts are not taken away or replaced with another contract that entails worse conditions by the agent and/or employer upon arrival at the destination country.
- The development of skills of migrant workers should be improved, especially for workers who come from the rural areas. Workers should be trained in how to use electrical appliances, such as vacuum cleaner, blender/juicer and kitchen equipments; in how to use cleaning chemicals; and in Arabic and/or English languages. MoLSA should effectively implement article 16 (2) (1) of Proclamation No. 632/2009 demanding PEAs to ensure that workers have acquired the necessary skills for the intended employment abroad and to produce evidence proving such fact.
- Alternative employment opportunities should also be made available in Ethiopia to young persons so that they are not forced to migrate for labour purposes.

- The monitoring of PEAs should be strengthened. Collaboration with the associations of PEAs would be essential to encourage a self-regulatory system. PEAs and the Government should work together to make the process of migration through PEAs faster, simpler, more reliable and accessible.

### **Protection**

- Provide leadership and coordinate protection services to ensure an effective referral system that ensures comprehensive, coordinated and immediate support services to victims of trafficking, including temporary accommodation, psychosocial and legal counselling, vocational skills training, micro-credit schemes, and medical care.
- Ensure the provision of temporary accommodation for victims of trafficking and exploited migrant workers both in countries of destination and Ethiopia accompanied by an efficient support network.
- Ensure adequate financial and human resources for protection services to meet the needs and demands of victims of trafficking and exploited migrant workers. Coordinating the efforts of different governmental and non-governmental organizations would also avoid duplication of resources and efforts.
- Establish a formal and comprehensive network among governmental and non-governmental organizations that are providing protection services, in order to make services more accessible and to facilitate the effective physical, psychological, social and economic recovery of victims.
- Ensure adequate financial and trained human resources for Ethiopian missions in destination countries and MoLSA to ensure that they provide adequate assistance and care to victims of trafficking and exploited migrant workers.

### **Prosecution**

- Develop and provide regular and systematic training to and build the capacity of police, prosecutors, judges and immigration officials both at the national and regional levels to enhance understanding on trafficking in persons and improve the quality of investigation, prosecution and conviction of trafficking cases.
- Develop a data management system between border police, police forces, prosecutorial and judicial organs, and immigration officials to ensure effective cooperation, good communication and information exchange to increase the level of investigation, prosecution and conviction rates.
- Ensure adequate financial resources for effective investigation, prosecution and conviction of trafficking cases.
- Establish a cooperation and data exchange system with at least major countries of destination and transit to ensure the collection of evidence for the effective investigation, prosecution and conviction of trafficking cases.

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## Annexes

### **Annex I. Data collection tools**

#### **Annex I(a). Checklist for interview/FGD with community leaders and traffickers**

- How is human trafficking from the area?
- Who are the victims/risk and vulnerable groups, in terms of age, gender, ethnicity, living area, and situation, etc?.
- What motivates migration and/or human trafficking?
- Who are the persons involved in trafficking? Profile of persons involved in trafficking.
- Who is involved in the recruitment and transportation process?
- What methods are used to recruit?
- What routes and transportation are used?
- Which are the most common destination points?
- If there are any factors related to culture and social obligation behind the recruiting and trafficking of children?
- Who benefits from the process? Trafficked children and women? Their parents and relatives agencies and brokers? What are the benefits?
- Whose decision matters on trafficking? (That of agencies, parents, trafficked persons, relatives... ?)
- Met and unmet needs/expectations and promises in the trafficking process.
- Living and working conditions of children and women trafficked to destination places? If there is a difference in their treatment, economic gain, etc from place to place?
- Whether or not there is public awareness about the situation of trafficked persons at the place of origin, transit and destination.
- If traffickers and the community know about the illegal nature of human trafficking and labour exploitation? If they are aware, justifications given for its continuity.
- If the practice slowed down recently and factors for its decrease or increase?
- Solutions proposed to address the problem at the place of origin and destination?
- Possible contribution of the community at place of destination and origin to address the problem?

## **Annex I(b). Interview/FGD guideline: Law enforcement/ Judicial officials**

### **1. Introduction**

The overall objective of this research is to produce a report of human trafficking for labour purposes, focusing on Ethiopian domestic workers going to the Gulf countries. For the purpose of this research, trafficking in persons is the recruitment and transportation of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of 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 labour exploitation. This questionnaire is designed to solicit key information from institutional stakeholders engaged in the prevention of trafficking in women and children, provision of protection and assistance to victims, as well as networking and coordination.

### **2. Respondent Profile**

- 2.1 Name of Respondent [Optional] \_\_\_\_\_
- 2.2 Sex: Male \_\_\_ Female \_\_\_
- 2.3 Age: \_\_\_\_\_
- 2.4 Educational Background: \_\_\_\_\_
- 2.5 Represented institution and location: \_\_\_\_\_
- 2.6 Official capacity/title within the represented institution: \_\_\_\_\_
- 2.7 Duration of engagement with the institution represented: \_\_\_\_\_

### **3. Understanding of trafficking**

How do you understand the act of trafficking? What do you think are the most critical elements within the act of trafficking? Is it different from illegal/irregular migration? \_\_\_\_\_

\_\_\_\_\_

### **4. The nature and magnitude of trafficking problem**

- 4.1 How do you assess the prevalence of human trafficking from Ethiopia and from this area (disaggregate by sex)?  
Very high: \_\_\_ High: \_\_\_ Medium: \_\_\_ Low: \_\_\_ Very low: \_\_\_
- 4.2 Which purpose of human trafficking do you believe is most prevalent (disaggregate by sex)?  
Household employment: \_\_\_\_\_ Agricultural labour: \_\_\_\_\_ Traditional weaving: \_\_\_\_\_  
\_\_\_\_\_ Commercial sex work: \_\_\_\_\_ Begging: \_\_\_\_\_ Other [please specify]: \_\_\_\_\_  
\_\_\_\_\_
- 4.3 What push and pull factors are considered by many as root causes behind trafficking? Are they different for men and women and children? \_\_\_\_\_
- 4.4 Who are the victims/risk and vulnerable groups? In terms of age, gender, ethnicity, living area and situation, etc. \_\_\_\_\_
- 4.5 Who are the persons involved in trafficking? Profile of traffickers: \_\_\_\_\_
- 4.6 What are the methods used to recruit victims? Are they different for men and women, and children? \_\_\_\_\_
- 4.7 What are the routes and transportation employed to traffic victims? Are they different for men and women, and children? \_\_\_\_\_
- 4.8 What are the most common forms of abuse and exploitations reported by victims? Are they different for men and women, and children? \_\_\_\_\_

### **5. Status of the legal and policy framework**

- 5.1 Are suspected trafficking cases reported to the authorities, investigated and prosecuted? \_\_\_
- \_\_\_\_\_

- 5.2 How many trafficking cases are reported to your office? \_\_\_\_\_
- 5.3 Was there follow up of the reported case? If yes, what was the outcome? \_  
If no, why not? \_\_\_\_\_
- 5.4 Is the reporting rate increasing during the years? Yes \_\_\_\_\_ No \_\_\_\_\_
- 5.5 What factors encourage and discourage the reporting, investigation and prosecution of trafficking cases? \_\_\_\_\_
- 5.6 Do you consider the existing legal framework conducive to the reporting, investigation and prosecution of trafficking cases? What are its strong and weak points? \_\_\_\_\_
- 5.7 What has been done to increase reporting, investigation and prosecution of trafficking cases?  
\_\_\_\_\_

**6. Programs and capacity of government agencies to address the problem**

- 6.1 What should be the role of law enforcement and judicial officials in handling human trafficking? \_\_\_\_\_
- 6.2 How do you assess your performance so far? Very good: \_\_\_\_\_ Good: \_\_\_\_\_  
Fair: \_\_\_\_\_ Low: \_\_\_\_\_ Very low: \_\_\_\_\_
- 6.3 Are there any success stories in addressing the problem of trafficking? \_\_\_
- 6.4 What are the challenges and limitations on law enforcement, judiciary and other government bodies in addressing the problem of human trafficking?
- 6.5 What needs to be done to increase the capacity of law enforcement and other agencies to address the problem of human trafficking? \_\_\_\_\_
- 6.6 Are there specific programs by GO, NGO actors to address the problem of human trafficking?  
\_\_\_\_\_
- 6.7 Is there coordinating and collaborating mechanism between different actors? Yes . No
- 6.8 If yes, is it efficient? If no, what are the suggested areas of improvement? \_\_\_\_\_

## Annex I (c). Questionnaire for parents of trafficking victims

### 1. Introduction

The overall objective of this research is to produce a report of human trafficking for labour purposes, focusing on labour trafficking from Ethiopia, with particular emphasis on Ethiopian domestic workers going to the Gulf countries. This questionnaire is designed to solicit key information from institutional stakeholders engaged in the prevention of trafficking in women and children, provision of protection and assistance to victims, as well as networking and coordination.

### 2. Respondent profile

- 2.1 Age \_\_\_\_\_
- 2.2 Sex \_\_\_\_\_
- 2.3 Family Size: Dependent(s): \_\_\_\_\_ Independent(s): \_\_\_\_\_
- 2.4 Number of children (living with the family and in other places disaggregated by sex and age):  
\_\_\_\_\_
- 2.5 Family member earning income (by sex and age): \_\_\_\_\_
- 2.6 Economic activities (by level of importance, if more than one): \_\_\_\_\_
- 2.7 Other sources of income (if any): \_\_\_\_\_

### 3. Information about trafficking

- 3.1 Do you have children who are working in another place? Yes \_\_\_ No \_\_\_\_\_
- 3.2 If yes where are they? \_\_\_\_\_
- 3.3 How many are they (disaggregated by sex)? \_\_\_\_\_
- 3.4 How old were they when they left (disaggregated by sex)? \_\_\_\_\_
- 3.5 What kind of work are they doing (disaggregated by sex and age)? \_\_\_\_\_
- 3.6 How did they find employment? \_\_\_\_\_
- 3.7 Who was responsible for their transportation? \_\_\_\_\_
- 3.8 With whom are they living now? \_\_\_\_\_
- 3.9 If they were transported with your consent, what convinced you to send him/her? What were your motivations? \_\_\_\_\_
- 3.10 What were the opinions of your children with regard to the whole process?
- 3.11 What do you know about the route and means of transportation they use?
- 3.12 What do you know about the life and work conditions of your children at the place of destination? Access to basic social services including health and education; Working conditions; Felt needs; Abuse and exploitation; Any other information \_\_\_\_\_
- 3.13 What is the source of information about your children? \_\_\_\_\_
- 3.14 What kind of communication do you have and how often do you communicate with your children? \_\_\_\_\_
- 3.15 Have you ever thought about reunion? Why or why not? \_\_\_\_\_
- 3.16 Are you willing to send another child to town/abroad? Why or why not? \_\_\_\_\_
- 3.17 How do you assess the prevalence of human trafficking from Ethiopia and from this area?  
Very high: \_\_\_ High: \_\_\_ Medium: \_\_\_ Low: \_\_\_ Very low: \_\_\_
- 3.18 What do you think are the pull and push factors for trafficking? \_\_\_\_\_
- 3.19 What do you know about the methods used by traffickers to recruit their victims? \_\_\_\_\_  
\_\_\_\_\_
- 3.20 What are the common routes and means of transportation? \_\_\_\_\_
- 3.21 What are the common form of exploitation victims suffer? \_\_\_\_\_
- 3.22 What kind of measures should be taken to address the problem? (by parents, children, the community, GOs and NGOs) \_\_\_\_\_

## Annex I (d). Questionnaire for key stakeholders

### 1. Introduction

The overall objective of this research is to produce a report of human trafficking for labour purposes, focusing on labour trafficking from Ethiopia, with particular emphasis on Ethiopian domestic workers going to the Gulf countries. This questionnaire is designed to solicit key information from institutional stakeholders engaged in the prevention of trafficking in women and children, provision of protection and assistance to victims, as well as networking and coordination.

### 2. Respondent profile

#### 2.1. Personal information

- 2.1.1. Name of Respondent [Optional] \_\_\_\_\_
- 2.1.2. Sex: Male \_\_\_ Female \_\_\_
- 2.1.3. Age: \_\_\_\_\_
- 2.1.4. Educational Background: \_\_\_\_\_
- 2.1.5. Official capacity/title within the represented institution: \_\_\_\_\_
- 2.1.6. Duration of engagement with the institution represented: \_\_\_\_\_

#### 2.2. Institutional information [Please attach institutional brochure or similar document if available]

- 2.2.1. Name of institution: \_\_\_\_\_
- 2.2.2. Sector/Status: Governmental: \_\_\_ Local NGO: \_\_\_ Inter-Governmental: \_\_\_  
International NGO: \_\_\_ Mass-Based Organization: \_\_\_ Other [please specify]: \_\_\_  
\_\_\_\_\_
- 2.2.3. Level of operation: International \_\_\_ National [more than one national regional state] \_\_\_ Regional [more than one locality within one regional state] \_\_\_ Local \_\_\_
- 2.2.4. Thematic focus/mandate: [may be more than one]  
Trafficking \_\_\_ Women \_\_\_ Children \_\_\_ Other [please specify]: \_\_\_\_\_
- 2.2.5. Strategic focus/mandate  
Prevention: \_\_\_ Protection: \_\_\_ Rehabilitation: \_\_\_ Coordination: \_\_\_  
Monitoring/regulatory: \_\_\_

### 3. Information on trafficking in women and children

#### 3.1. Prevalence and magnitude

- 3.1.1. Do you consider trafficking in women and children a major socio-economic issue in your area/level of operation? Yes: \_\_\_ No: \_\_\_  
If yes, why? \_\_\_\_\_  
If not, why not? \_\_\_\_\_
- 3.1.2. How would you rate the prevalence of trafficking in women and children in your area/level of operation in relation to recurrence of the problem, number of affected groups/persons, and impact?  
Very high: \_\_\_ High: \_\_\_ Medium: \_\_\_ Low: \_\_\_ Very low: \_\_\_
- 3.1.3. What type of trafficking in women and children do you believe is most prevalent in your area/level of operation?  
Rural-urban within the same region: \_\_\_ In-country trafficking across two or more regions: \_\_\_ Trafficking to destinations outside the country: \_\_\_
- 3.1.4. Which purpose of trafficking in women and children do you believe is most prevalent in your area/level of operation?  
Household employment: \_\_\_ Agricultural labor: \_\_\_ Traditional weaving: \_\_\_  
Commercial sex work: \_\_\_ Begging: \_\_\_ Other [please specify]: \_

- 3.1.5. Do you know of localities especially identifiable as places of origin, routes, or destinations for trafficking in women and children? If so, please enumerate [please provide available details as to the role of localities as places of origin, routes, or destinations for trafficking in women and children as well as the possible reasons]: \_\_\_\_\_

### **3.2. Profile of victims and perpetrators**

- 3.2.1. Does your institution collect data on the incidence of trafficking in women and children in your area/level of operation? Yes: \_\_\_ No: \_\_\_ [Please attach available information]
- 3.2.2. If yes, does the data include time-series and disaggregated information on victims and perpetrators?  
Time-series [collected/organized periodically, e.g., annual]: \_\_\_  
Disaggregated by age: \_\_\_ Disaggregated by sex: \_\_\_ Information on victims: \_\_\_  
Information on perpetrators: \_\_\_
- 3.2.3. Do you have any information on the number and situation of children and women repatriated from Gulf States or other destination points? Yes: \_\_\_ No: \_\_\_
- 3.2.4. If yes, please provide details [including information from sources other than your institution]: \_\_\_\_\_
- 3.2.5. How would you describe a typical victim of trafficking in women and children in terms of age, sex and place of residence?  
Age: \_\_\_ Sex: \_\_\_ Educational level: \_\_\_ Place of residence: \_\_\_ Other [please specify]: \_\_\_\_\_
- 3.2.6. What do you think are the factors enhancing the vulnerability of women and children for trafficking for labor exploitation? [please rank and identify most vulnerable groups across selected factors]  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Educational level: \_\_\_ Place of residence: \_\_\_\_\_  
Other [please specify]: \_\_\_\_\_
- 3.2.7. How would you describe a typical perpetrator of trafficking in women and children in terms of relationship with the victim?  
Family member or relative: \_\_\_ Friend or acquaintance: \_\_\_  
Neighbor or community member known to the victim: \_\_\_ Stranger to the victim: \_\_\_  
Other [please specify]: \_\_\_\_\_
- 3.2.8. How would you describe a typical perpetrator of trafficking in women and children in terms of role?  
a. Recruitment: \_\_\_\_\_  
b. Transportation: \_\_\_\_\_  
c. Exploitation: \_\_\_\_\_  
d. Other [please specify]: \_\_\_\_\_

### **3.3. Causes**

- 3.3.1. What are the major push factors making women and children vulnerable to trafficking in your area/level of operation? [please rank if more than one]  
Poverty: \_\_\_ HIV/AIDS: \_\_\_ Early marriage/abduction/other harmful traditional practices: \_\_\_ Lack of information: \_\_\_ Lack of/inaccessible social services [e.g. education, health]: \_\_\_ Lack of/inaccessible/weak legal institutions: \_\_\_ Other [please specify]: \_\_\_\_\_
- 3.3.2. What are the major pull factors making women and children vulnerable to trafficking in your area/level of operation? [please rank if more than one]  
a. Demand for cheap household help in towns/cities: \_\_\_\_\_  
b. Demand for cheap labor in agriculture: \_\_\_\_\_  
c. Demand for cheap labor in manufacturing/services: \_\_\_\_\_  
d. Other [please specify]: \_\_\_\_\_
- 3.3.3. Do you see any discernable trends in push and pull factors making women and children more or less vulnerable to trafficking? Yes or No

If yes, please describe: Push factors and pull factors: \_\_\_\_\_

3.3.4. Have you surmised any trend or pattern in terms of timing of trafficking, methods/techniques used by traffickers and identity of victims? Yes: \_\_\_ No: \_\_\_ If yes, please describe: \_\_\_\_\_

3.3.5. How do you think is trafficking in women and children for labour exploitation perceived in communities? Encouraged: \_\_\_ Discouraged: \_\_\_ Tolerated: \_\_\_ Reported as a crime: \_\_\_ Other [please specify]: \_\_\_\_\_

### **3.4. Exploitation**

3.4.1. What are the recognized types of labor exploitation that victims face /forced into nationally and abroad? [please enumerate]: \_\_\_\_\_

3.4.2. Which type of abuse and exploitation is most prevalent among victims of trafficking in women and children for labor exploitation? [please rank if more than one]

Physical abuse: \_\_\_ Economic exploitation: \_\_\_ Isolation: \_\_\_ Emotional abuse/threat: \_\_\_ Sexual abuse: \_\_\_ Confiscation of documents: \_\_\_ Other [please specify]: \_\_\_\_\_

3.4.3. Which group of victims of trafficking in women and children are most vulnerable to the identified forms of abuse and exploitation? [please indicate the most vulnerable groups in terms of age, sex, and types of exploitative labor, e.g. household, agricultural, etc...]

- a. Physical abuse: \_\_\_\_\_
- b. Economic exploitation: \_\_\_\_\_
- c. Emotional abuse/threat: \_\_\_\_\_
- d. Isolation: \_\_\_\_\_
- e. Sexual abuse: \_\_\_\_\_
- f. Confiscation of documents: \_\_\_\_\_
- g. Other [please specify]: \_\_\_\_\_

## **4. Responses to trafficking in women and children**

### **4.1. Prevention of trafficking in women and children**

4.1.1. Does your institution undertake interventions/programs/projects directed at preventing trafficking in women and children for purposes of labor exploitation? Yes: \_\_\_ No: \_\_\_

4.1.2. If yes, please describe [please attach brochure or other documents on intervention profile]:

- a. Core objectives: \_\_\_\_\_
- b. Targeted women and children: \_\_\_\_\_
- c. Profile of beneficiaries [please disaggregate by year, age, sex, etc...]: \_
- d. Strategies: \_\_\_\_\_

4.1.3. Are there any other governmental or non-governmental institutions engaged in similar activities in your area/level of operation? Yes or No

If so, please enumerate [please indicate name, type/status, and strategies]:

4.1.4. What are the challenges and gaps in the prevention of trafficking in women and children in your area/level of intervention? [please enumerate]:

4.1.5. Recommended measures to address gaps and challenges]: \_\_\_\_\_

### **4.2. Protection and assistance to victims of trafficking in women and children**

4.2.1. Does your institution undertake interventions/programs/projects directed at protection and assistance to victims of trafficking in women and children for purposes of labour exploitation? Yes: \_\_\_ No: \_\_\_

4.2.2. If yes, please describe [please attach brochure or other documents on intervention profile]:

- a. Core objectives: \_\_\_\_\_
- b. Targeted women and children: \_\_\_\_\_
- c. Strategies: \_\_\_\_\_

- d. Services made available to victims: \_\_\_\_\_
  - e. Profile of beneficiaries who have accessed the available services [please disaggregate by year, age, sex, etc...]: \_\_\_\_\_
  - f. How are victims of trafficking identified? [please describe process]: \_
- 4.2.3. Are there any other governmental or non-governmental institutions engaged in similar activities in your area/level of operation? Yes or No.  
If so, please enumerate [please indicate name, type/status, and strategies]: \_
- 4.2.4. What are the challenges and gaps in the provision of protection and assistance to victims of trafficking in women and children in your area/level of intervention? [please enumerate]: \_\_\_\_\_
- 4.2.5. Recommended measures to address gaps and challenges]: \_\_\_\_\_

**4.3. Coordination and networking**

- 4.3.1. Do you have government, non-government and community partners?
- 4.3.2. If yes, please enumerate [specify role]:
- a. Government partners: \_\_\_\_\_
  - b. Non-government partners: \_\_\_\_\_
  - c. Community partners: \_\_\_\_\_
- 4.3.3. Are there coordination and networking mechanisms organized around trafficking in women and children in your area/level of operation? Yes or no.
- 4.3.4. If yes, are there any:
- a. Sector level consultation arrangements/forums: \_\_\_\_
  - b. Jointly undertaken interventions: \_\_\_\_
  - c. Referral arrangements for the provision of integrated services: \_\_\_\_
  - d. Regular experience sharing forums/mechanisms: \_\_\_\_
  - e. Other [please specify]: \_\_\_\_\_
- 4.3.5. If yes, what, if any, is the role of your institution in the coordination of preventive and protection services made available to victims of trafficking in women and children? Please describe briefly: \_\_\_\_\_
- 4.3.6. What are the challenges and gaps in coordination and networking in the response to trafficking in women and children in your area/level of intervention? [please enumerate]: \_\_\_\_\_
- 4.3.7. Recommended measures to address gaps and challenges]: \_\_\_\_\_

## **Annex I(e). Questionnaire/interview guideline-3: Employment agencies and brokers**

### **1. Introduction**

The overall objective of this research is to produce a report of human trafficking for labour purposes, focusing on labour trafficking from Ethiopia, with particular emphasis on Ethiopian domestic workers going to the Gulf countries. This questionnaire is designed to solicit key information from institutional stakeholders engaged in the prevention of trafficking in women and children, provision of protection and assistance to victims, as well as networking and coordination.

### **2. Respondent information**

#### ***2.1. Personal information***

- a. Name [optional]: \_\_\_\_\_
- b. Age: \_\_\_\_\_ Sex: \_\_\_\_\_
- c. Education background: \_\_\_\_\_
- d. Position in agency: \_\_\_\_\_
- e. Duration of employment and other work experience: \_\_\_\_\_

#### ***2.2. Profile of respondent and agency***

- a. Name of agency: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Number of employees: \_\_\_\_\_
- d. Major services provided by the agency including kind of employment facilitated and secured by the agency: \_\_\_\_\_
- e. Sending migrant workers to: \_\_\_\_\_
- f. The legal basis for the provision of the services: \_\_\_\_\_

#### ***2.3. Characteristics of migrant workers***

- a. Profile by sex: \_\_\_\_\_
- b. Profile by age: \_\_\_\_\_
- c. Education/skill background: \_\_\_\_\_
- d. Literate      Elementary education                      High school      Tertiary education
- e. Residence before migration: \_\_\_\_\_
- f. Number of clients whose employment is facilitated by the agency (overall, annually, monthly, weekly disaggregated by sex and age and in relation to type of employment facilitated and secured, destination countries etc.
- g. If there is any correlation between employment opportunity and destination country, place of origin, age or other characteristics of migrant workers: \_\_\_\_\_  
\_\_\_\_\_

### **3. Recruitment practice**

- 3.1 How do your clients come to the agency in search of employment opportunity abroad? How do you solicit and recruit clients? \_\_\_\_\_
- 3.2 What does recruitment involve as a process? Please describe \_\_\_\_\_
- 3.3 Do you use intermediaries that facilitate the services of your agency by commission? Do you know other agencies using such arrangement?
- 3.4 Is there any particular situation, occasion or event commonly used to recruit migrant workers? \_\_\_\_\_
- 3.5 Is there any recruitment practice by your agency or others involving travelling to the regions for the purpose of recruitment? \_\_\_\_\_

- 3.6 What expenses are involved to recruit migrants as your clients? How do you recover that expense? \_\_\_\_\_
- 3.7 How long on average does it take for an applicant to migrate for employment through your agency? \_\_\_\_\_

**4. Nature of client-agency relationship**

- 4.1 What is the basis for client-agency relationship between you and the migrant worker? \_\_\_\_\_
- 4.2 What is the process of employment in a typical case? \_\_\_\_\_
- 4.3 What do you require to facilitate employment services? \_\_\_\_\_
- 4.4 Is there any contractual agreement made between you and the client? What kind of agreement and what does it involve? \_\_\_\_\_
- 4.5 What are the minimum benefits you provide for your client in the contract of employment? (ask for a sample contract if possible) \_\_\_\_\_

**5. Expenses and benefits**

- 5.1 What expenses are involved for migrant workers? \_\_\_\_\_
- 5.2 Does the process involve payment of service charge? If not what are your benefits in the provision of services? \_\_\_\_\_
- 5.3 What expenses do you incur in the whole process? Which of the expenses incurred are recovered by/from the client and which by the employer? \_\_\_\_\_
- 5.4 How are expenses for transportation, visa, communications with the would-be employers, etc. covered? \_\_\_\_\_
- 5.5 How do your clients make payment of the required fee or related expense?
- 5.6 What is the most common way for clients to mobilize the required money?

**6. Protection and protection measures**

- 6.1 What mechanisms are there (in Ethiopia and destination country (ies)) to ensure the protection of your clients from abuse and exploitation? \_\_\_\_\_
- 6.2 Have you ever received a report from your clients about abuse and exploitation they face by employers? Yes \_\_\_\_\_ No \_\_\_\_\_
- 6.3 If yes, how frequent are such reports? Often Sometimes Rarely Never
- 6.4 What are the common and frequent kind of abuse and exploitation? \_\_\_\_\_
- 6.5 Who are the common perpetrators? \_\_\_\_\_
- 6.6 Are there special categories of migrant workers who are most vulnerable and affected by the exploitative practice? \_\_\_\_\_
- 6.7 What are the common and usual measures you take in the case of such reporting? \_\_\_\_\_
- 6.8 Is there any other means to monitor the protection of your clients from abuse and exploitation? \_\_\_\_\_
- 6.9 What are the measures taken by you, the Ethiopian Government and other key stakeholders to prevent human trafficking? \_\_\_\_\_
- 6.10 What are the measures taken to ensure the protection and rehabilitation of survivors? \_\_\_\_\_

6.11 Are your clients aware of the danger they may face in the country of destination? Yes \_\_\_\_  
\_\_\_\_\_ No \_\_\_\_\_

6.12 Are they made aware of the available protection mechanisms before departure? \_\_\_\_\_  
\_\_\_\_\_

6.13 Do you have any collaboration and coordination network in the country of destination  
towards the protection of migrant workers? \_\_\_\_\_

6.14 Do you have success stories in terms of migrant workers benefiting themselves, their families  
and fulfilling their long term wishes? \_\_\_\_\_

6.15 What proportion of your clients report success stories? \_\_\_\_\_

## **7. Stakeholders in Ethiopia**

7.1 Who are your key stakeholders in the country? \_\_\_\_\_

7.2 What services do you get from which government agency? MOLSA, MOFA and other(s)  
\_\_\_\_\_

7.3 Do you have NGO counterparts? \_\_\_\_\_

7.4 What accountability mechanisms are required of you regarding your services and the threat  
of trafficking? Is there any reporting requirements? \_\_\_\_\_

7.5 How do you assess the existing service by GO and NGO actors? What gaps and challenges  
do you see? \_\_\_\_\_

## **8. Stakeholders in destination country**

8.1 Who is your counterpart in the country of destination? \_\_\_\_\_

8.2 Do you have direct communication with the employers? Yes \_\_\_\_ No \_\_\_\_

8.3 Who communicates with the employers on behalf of the migrant worker? \_\_\_\_\_

8.4 Is your communication through corresponding agencies in the country of destination? Yes  
\_\_\_\_\_ No \_\_\_\_\_

8.5 What do you require to ensure protection of your clients from your counterparts in the  
destination country? \_\_\_\_\_

8.6 What mechanisms and channels are there to facilitate your work and ensure protection of  
migrant workers? \_\_\_\_\_

## **9. Perception and understanding about trafficking**

9.1 How do you assess the prevalence of human trafficking? Very high: \_\_\_\_ High: \_\_\_\_ Medium:  
\_\_\_\_ Low: \_\_\_\_ Very low: \_\_\_\_

9.2 Which purpose of trafficking in women and children do you believe is most prevalent?  
Household employment: \_\_\_\_ Agricultural labor: \_\_\_\_ Commercial sex work:  
\_\_\_\_ Other [please specify]: \_\_\_\_\_

9.3 What push and pull factors are considered by many as root causes behind trafficking? \_\_\_\_  
\_\_\_\_\_

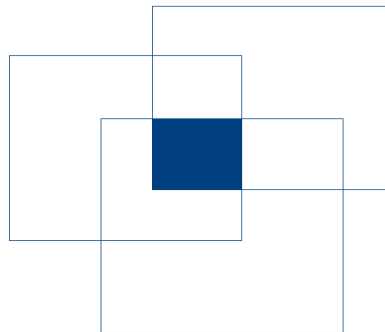
9.4 What are the common consequences? \_\_\_\_\_

9.5 Do you see any pattern in terms of recruitment, transportation and exploitation of trafficked  
persons? \_\_\_\_\_

9.6 Which section of the population is the most affected and vulnerable? \_\_\_\_

9.7 What is the perception/understanding of agents about trafficking? Do they know the legal  
limitations? \_\_\_\_\_

- 9.8 Do you think there are some who are playing a part in the trafficking of women and children to the Gulf States and other destination countries? \_\_\_\_\_
- 9.9 Do you know persons benefiting from the recruitment, transportation, harbouring, and exploitation of migrants? \_\_\_\_\_
- 9.10 What is your understanding of human trafficking? \_\_\_\_\_
- 9.11 Where do you think is the boundary between legal and illegal transaction in terms of trafficking? \_\_\_\_\_
- 9.12 Have you ever been trained/sensitized on trafficking and the legal framework? Yes \_\_\_\_\_  
No \_\_\_\_\_
- 9.13 If yes, how and by whom? \_\_\_\_\_
- 9.14 What do you recommend in terms of controlling human trafficking? Who should do/improve what among the key stakeholders (GO, NGO, CBO and agencies)? \_\_\_\_\_  
\_\_\_\_\_



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