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ETHIOPIA:

**AN ASSESSMENT OF THE INTERNATIONAL
LABOUR MIGRATION SITUATION
The case of female labour migrants**

by

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Foreword

Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. The migration process and employment in a country of which they are not nationals can enhance women's earning opportunities, autonomy and empowerment, and thereby change gender roles and responsibilities and contribute to gender equality. But they also expose women to serious violation of their human rights. Whether in the recruitment stage, the journey or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. Women migrant workers, whether documented or undocumented, are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national status, race, ethnicity, religion, economic status – placing women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse.

To enhance the knowledge base and to develop practical tools for protecting and promoting the rights of female migrant workers, a series of case studies were commissioned. These studies were intended to provide background materials for an Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers. The Guide, which is comprised of six individual booklets, aims at assisting and enhancing the efforts of government agencies, workers' and employers' organizations, non-governmental organizations and civil society groups in sending, transit and destination countries to protect the human rights of women migrant workers in the different stages of the migration process.

This working paper is based on one of the country case studies. The countries covered included Bolivia, Costa Rica, Italy, Japan, Nicaragua, Ethiopia, Nigeria, the Philippines, Sri Lanka and the United Arab Emirates. The focus was on the situation of the women migrant workers in their families, workplaces, communities and societies in sending and receiving countries and also on the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against exploitation and abuse and to prevent them from being trafficked.

The case studies represent a collaborative effort between the Gender Promotion Programme and the International Migration Branch, as well as a number of Area and Regional ILO Offices. Katerine Landuyt had main responsibility for commissioning the case studies. Tanja Bastia provided technical guidance to the national consultants, while Minawa Ebisui and Tiina Eskola provided editorial and formatting assistance.

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Methodology

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2. Interviews with key informants working on the issues of migrant women under exploitative situations

1. Representatives of the Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, Police, Immigration and Refugee Authority and Women's Affairs Office.
2. Representatives of a private employment agency and local NGOs addressing issues of migrant Ethiopian women.

3. Focus group discussions

1. **Group A:** three focus group discussions with migrants who are planning to migrate. Each group consisted of seven participants.
2. **Group B:** Three focus group discussions with returned migrants. Each group consisted of eight participants.

Conducting focus group discussions with migrant men in order to have comparable data was part of the planned methodology. However, it was not possible to find migrant men who would participate in the discussion. Therefore, the study does not contain the views and comments of migrant men.

Introduction

Overview of socio-economic context

Ethiopia, with an area of over 1.1 million km² and a population of 65 million inhabitants (85 per cent rural, 15 per cent urban) is the second most populated area in Sub-Saharan Africa. The Ethiopian economy is based on small-holder agriculture, with more than 85 percent of the population living in rural areas in very basic conditions. Agriculture accounts for approximately 80 percent of total employment. Per capita gross national product (GNP) is estimated at USD130 per year, one of the lowest per-capita GDP in Sub-Saharan Africa. Real GNP growth is estimated to be two to three percent¹. Ethiopia has a federal system of Government with 11 regional states. Women and children constitute about three-quarters of the population. Various reports indicate that more than half of the population lives below poverty line.

There is a high birth rate and widespread poverty within the country. The income level of the majority of the population is very low, as well as the education level, especially among women. Due to a patriarchal culture women have very limited access to education and training opportunities (especially in the rural areas). As a result, women's access to employment is much more limited than that of men.

Various reports on education indicate that the school enrolment of girls is lower than that of boys. About 3.95 million girls compared to 3.15 million boys in the age 7–14 group have no access to primary education. Of the girls in this age group, only 36.6 percent compared to 51.1 percent of boys were enrolled in primary schools in 1999/2000. Though enrolment rates in primary schools is increasing steadily, the proportion of girls enrolment to total enrolment remains low (39.2 percent in 1999/2000)².

The gender gap in enrolment rates is also evident as we move up the education ladder. The General Enrolment Rate (GER) for boys in 1999/2000 was 12.0, while it was only 8.5 percent for girls. The proportion of girls' enrolment to total enrolment at the secondary stage was 40.8. At the tertiary stage, the proportion of girls' enrolment to total enrolment was only 21.6 percent in 1999/2000³.

A number of factors contribute to the lower female attendance rate of school. Some of these factors are: early marriage, abduction for marriage and other types of violence like rape and sexual harassment committed against girls on their way to school as well as at school. The unfair division of household labour that puts too much responsibility on young girls greatly contributes to their dropping out of school as they move up to higher grades. Cultural taboos, which put more restrictions on girls than boys, and a patriarchal outlook, which does not consider education a priority for girls, also contribute to limiting educational opportunities for women within the country.

The vast majority (85 per cent) of Ethiopian women live in rural areas and work in the informal agricultural sector, characterized by ease of entry, reliance on local resources,

¹ 1999 Country Report on Human Rights Practices, released by the Bureau of Democracy, Human Rights and Labour, U.S. Department of State, February 25, 2000.

² UNDAF Draft Report on Access to Basic Social Services in Ethiopia, 2001.

³ Ibid.

family ownership, small scale, labour intensity, and the need of simple skills obtained outside the formal educational system. As household incomes have fallen, women's contribution to the household has become essential and, as a result, more and more women are turning to petty trading, domestic services, according to a Government report, prostitution⁴. Data is limited about the nature of women's employment in the informal sector in the country, but some reports indicate that women are moving into wage labour or other income-generating activities to supplement the household income.

Given their lack of skills and training, the only viable source of income outside the household for most Ethiopian women is the informal labour market. Complicated procedures of licensing and allocation of market places constrain women from moving into more formal labour markets⁵. A lot of women in the informal sector work as daily labourers or are involved in small trades which they start up with little capital, having no property to use as collateral for credit from financial institutions. Some women are able to get credit from informal community groups, but usually only small amounts of money. Lack of capital means lack of a place to conduct their small trades. Without a legal license to operate, they risk being chased away by law enforcement officers and having their property confiscated from time to time. Lack of business skills limits their capacity to expand and diversify. Such women do not have access to social security schemes. Their only security comes from informal community-based organizations to which they contribute small amounts of money. Women with low incomes have no access to child-care facilities, which also limits their participation in the labour market.

With minimal or no education, women's access to the formal sector of the economy is limited. For example, 72 per cent of all civil servants in the country are men, while only 28 per cent are women. Of these women, 98.2 per cent work in lower positions, while only 1.79 per cent work in professional positions⁶. Women in the civil service mostly fill jobs traditionally accepted as women's roles, such as secretaries, telephone-operators, nursing, food-preparation and office-cleaning positions that do not require advanced education. Moreover, since women are not provided with training opportunities, they do not move into higher positions. It is a vicious cycle.

According to the latest draft report on the labour market prepared by the public employment service of the Ministry of Labour and Social Affairs (MOLSA), during the year 1999, for example, out of 25,686 job-seekers registered, 55.5 per cent were men, while 44.4 per cent were women and that, out of the 694 job-seekers in the professional and technical fields, only 20 per cent were women.

Roughly the same number of women and men seek jobs under the occupational code "Government executive officials and clerks". But this high figure is probably due to the fact that clerical jobs are included in this category for the lack of female Government officials in Ethiopia is obvious.

Overall, out of the available jobs in the professional and technical fields, only 13 per cent of the posts go to women while 87 per cent of the posts go to men. In the "administrative and managerial" category, only 12 per cent of total posts are filled by women, while 87 per cent go to men. Of the Government executive and clerical posts,

⁴ Implementing the National Policy for Women, Institutional and Regulatory Issues, The women's Affairs Office of the Federal Democratic Republic of Ethiopia and the World Bank, 1998, p.18.

⁵ Ibid., p 44.

⁶ "Status of Women in the Ethiopian Civil Service", Mahtsente Yohannes, Merit Maqazi Vol. 3, No. 4, August 1998. p..20.

57 per cent are filled by women and 42 per cent by men. Overall, out of the total 4,725 posts, women fill only 30 per cent and the remaining 70 per cent are filled by men. This data, though not conclusive, indicates that men have more job opportunities than do women in the formal public sector of the country's economy. With limited access to the formal sector of the economy and unable to make ends meet by conducting small trades in the informal sector, it is not surprising that so many women leave the country as migrant workers to the Gulf States.

Ethiopia adopted a new constitution that came into effect on August 21, 1995. The constitution guarantees equal rights to women in all spheres of society, including access to education and employment. The constitution also provides for affirmative action to enable women to bridge the gap created between them and men by a discriminatory culture, outlook, laws and practices. The country has a National Women's Policy, in effect since 1993, with the objective of encouraging equitable participation of women in the political, social and economic life of the country. "The policy aims to institutionalize the political, economic and social rights of women by creating appropriate structures in Government offices and institutions so that public policies and interventions are gender-sensitive and can ensure equitable development for all Ethiopians."⁷ Though some improvements have been observed in the situation of women over the past couple of years, especially in the field of education, much more still needs to be done to address the issue of gender-equality and discrimination in the country.

General trends in migration for employment and trafficking in persons

Limited information is available regarding the numbers of African women who migrate for work to other countries. However, according to the IOM, females make up a significant percentage of the migrant population and the number of African women leaving their countries either as autonomous or dependent migrants is increasing⁸.

No exact data is available on the number of Ethiopian women who migrate to the Middle East, but sources indicate that the numbers are high and most likely increasing. According to official data from MOLSA, the number of male migrant workers who travel to the Middle East countries is slightly higher than that of women. However, data from the Ministry of Labour and Social Affairs Office (see table below) indicating the trend of migration of both among men and women, does not give us the real picture regarding the migration of women. Few women migrate to the Middle East through legal channels. Most women migrate through traffickers/illegal agents and data certainly does not take into account the number of women migrant workers who are trafficked out of the country. For example, according to the 1999 report of the Pastoral Commission on Afro-Asian Migrants, 14'000 Ethiopian women are domestic workers in Beirut⁹. In its November 4, 1999 issue, the Al-Hayat newspaper stated that the number of Ethiopian migrant women in Lebanon reached 17,000 in the year 1999, at the rate of 1'000 girls arriving each month. Comparing this figure with the 6'148 women who left the country legally during the last eight years, 1992–2001, it is clear that more women are trafficked out of the country than are legally recruited. Between 1992 and 2001, 7'300 men left the country for the Middle

⁷ Ibid., at No. 3.

⁸ "Africa Now Victim of Women Trafficking", Sunday Observer, December 19, 1999.

⁹ ILO Report on Trafficking in Women in Africa, 24th Ordinary session of the OAU Labour and Social Affairs Commission, February, 2000.

East as legally recruited migrants. As there have been no reports, so far, of trafficked men, one can assume that the number of migrating women is higher than that of men.

Ethiopian migrant workers in the Gulf States whose contract has been approved by MOLSA			
Year	Men	Women	Total
1992	1'794	1'688	3'482
1993	2'112	1'020	3'132
1994	251	1	252
1995	397	298	695
1996	803	356	1'159
1997	1'186	728	1'914
1998 (9 months)	757	894	1'651
200/2001 (9months)	—	1'163	1'163
Total	7'300	6'148	13'448

* Source: The Ministry of Labour and Social Affairs Public Employment Service section.

Aside from leaving the country with the help of illegal agents, women also use the Oumra and Hagi (Moslem pilgrimages) as a pretext to go to Saudi Arabia and, from there, to other Arab countries. According to a statement issued by the Saudi Arabian Consulate in Addis Ababa ¹⁰, 11'000 people got visas for Saudi Arabia to go for the year 2000 Oumra and Hagi, while 587 applications were denied. These pilgrimages occur twice a year.¹¹ According to an official of the Ethiopian Immigration Authority, most of the women who leave the country through Hagi and Oumra use the Moslem pilgrimage as a pretext to migrate for employment in the Arab countries. As women are not allowed to travel alone on such a pilgrimage, they pay men who are travelling there to pose as their husbands and process visas for them.

Various sources indicate that migration to the Middle East is on the rise, especially among women. Data from the Ethiopian immigration authority shows that the number of people leaving for Lebanon has increased significantly since 1996. The table below shows the number of people, both men and women who secured exit visas to go to Lebanon during 1996–99. Not enough data is available to know the exact number of women trafficked to the Middle East. However, police reports indicate that quite a large number of Ethiopian women are being trafficked to this region, Lebanon being the most popular destination.

Exit visas granted to Ethiopians for departure to Lebanon				
Month of departure	Years			
	1996	1997	1998	1999
October	—	14	14	113

¹⁰ A statement issued by the Saudi Arabia Consular in Addis Ababa on 20 December 2000.

¹¹ Hietawi Addis, a local Newspaper, December 30, 200 Amharic issue

November	—	51	23	405
December	—	57	29	486
January	15	9	18	526
February	16	10	44	183
March	23	21	63	297
April	18	25	58	388
May	6	29	53	567
June	17	53	12	617
July	28	23	56	744
August	31	10	30	599
September	54	32	88	—
Monthly average	23	28	41	410

Source: Immigration Authority (September 1999) ¹².

As pointed out earlier, women in Ethiopia have less opportunity to receive an education than do men. As a result, women also have less opportunity for employment. It is not surprising that the trend of migration among women is higher than that of men. “Feminization of poverty, lack of access to resources and the growing rates of unemployment and insecurity have expanded the pool of recruits for trafficking” ¹³. Global restructuring, an expansion of the services sector, a rising female labour force participation rate and an aging population in the receiving countries have been listed as factors increasing the demand for overseas workers.

According to data on migrants who left the country in the years 1997 and 1998 with contracts approved by MOLSA, the most common occupation for male migrants in the Gulf States is “driver”. Some also migrated for employment as factory workers, mechanics, labourers, farmers, guards, waiters and, in very few cases, in such professional posts as drafters, engineers and accountants. The data for women migrants indicates that most of them are employed as housemaids or nannies. In a very few cases, they were recruited to work as waitresses ¹⁴.

The majority of migrants, both men and women, have at least some high-school education. Some of the male migrants who leave for professional jobs even have a degree from a university. The data also shows quite a large number of illiterate men and women leaving the country as migrant workers ¹⁵. This shows that workers migrating from Ethiopia to the Gulf States have minimum skills and are employed in positions that do not require advanced training.

¹² ”Ethiopia may open an Office in Beirut” The Reporter, 29 September 1999.

¹³ Modern Enslavement of Women, Rakeb Messele, p. 1.

¹⁴ Data on the occupation and educational level of migrants who had their contracts approved by MOLSA is available only for the years 1997 and 1998.

¹⁵ Ibid.

Various sources indicate that most women who are victims of trafficking are within the 20–30 age group. According to a study on “Trafficking of women from Ethiopia”¹⁶, the 36 women returnees who used to work as housemaids in the Middle East interviewed for the study were between 20–30 years of age and have some high school education or are graduates. The focus group discussions conducted for this study with returnees, as well as women who are about to migrate to the Middle East, also confirm this fact. Most of the girls interviewed for the earlier study mentioned above migrated from Addis Ababa, while some were from the rural parts of the country. The participants in the focus group discussions were from Addis Ababa.

Concerns and needs of migrant women

Large numbers of Ethiopian women have become victims of trafficking, lured by false promises of good jobs, high salaries and a comfortable life. Most of these women end up as modern day slaves. The process of recruitment for most victims of trafficking is similar. The women are first introduced to traffickers through friends, neighbours and relatives or are approached by the traffickers themselves. Traffickers typically own travel agencies, import-export businesses, have contacts in the Middle East or who travel to the this region regularly for various reasons. Trafficked women themselves have been instrumental in recruiting other migrants through the help of their families who act as the agents at this end.

Unless the traffickers are travel agency owners or run import-export businesses, their address is usually not known to the migrant. The traffickers may not disclose their real names and, quite often, do not write a receipt against payments made by migrants. Migrant women are requested to provide a passport and photos for their agents to secure them an employment and process their work permits in the receiving countries.. Migrant women, usually pay half the agent’s fee before the start of the process and the other half when their visas arrive¹⁷. If the woman cannot afford to pay the whole amount, required, the agent agrees to take half before she leaves the country and half from her monthly salary at the country of destination. “The trafficker’s fee varies from 1’000–7’000 Eth. birr (USD117–830)”¹⁸. According to information gathered during the group discussions, fees for a job in Dubai, which is slowly becoming a popular destination due to restrictions on migration to Lebanon, can go as high as 10’000 Ethiopian birr (USD1,186)¹⁹.

In many cases, migrant women do not sign employment contracts before departure. The only information the migrants have is that they will work as housemaids and will earn monthly salaries between USD100–125. The agents paint a picture of relatively easy working and living. Once they reach their destination, some are made to sign contracts in languages they do not understand, thereby unknowingly forfeiting their rights. They sign contracts based on what their agent tells them are included, quite often, not the real terms of the contract. For example, an employment contract that was found in a travel agency that had been conducting labour trafficking from Ethiopia clearly stated that the worker

¹⁶ ”Trafficking of Women from Ethiopia”, a study commissioned by the Women’s Affairs sub-sector in the Prime Minister’s office and the IOM in Addis Ababa, Atsedewoine Tekle and Tsehay Belayneh, June 2000, Addis Ababa, Ethiopia.

¹⁷ Ibid. at No. 10.

¹⁸ Ibid.

¹⁹ The official rate of exchange at the time this report is written is USD1 to Ethiopian birr8.43.

was not allowed to leave the house of employment for the entire duration²⁰. The term of employment widely ranges from two to three years.

According to most contracts discovered in the hands of illegal agents, a clause states that if the employee decides to come back to her country before the contract period expires, she will pay USD3'000 as a penalty. The contract does not indicate whether or not the penalty is required if reason for termination is attributable to the employee. According to reports from returnees, they were obliged to pay even when they left because of abuse. As most cannot afford to pay (in many cases they do not even receive their salaries every month), they are forced to remain in abusive conditions.

One returnee in the focus group discussion reported that she got very sick but her employer would not let her return home unless she paid her \$3'000 penalty. She gave her employer USD300, the only money she had saved up, but her employer told her it was not enough. The worker asked the advice of another Ethiopian domestic servant who advised her to fake mental illness. The returnee did so and finally convinced her employer to let her go. But before she got her freedom, the woman was beaten up by the male relatives of her employer as well as by the police for a number of days.

There are also reports that employees do not necessarily sign a contract of employment upon arrival at the country of destination, but, rather, that the deal is made between the employer and the agent. "Anyone who walks into the housemaids' recruitment office as an individual walks out of it as a slaver when he has not signed a contract with his employee directly, but a dealer whom he paid"²¹. *Contracts made by agencies trafficking in Sri Lankan, Ethiopian, and Malagache workers put the salary at USD75, USD100 or USD125 and these salaries may be negotiated between the agency and the employer without even the signature of the employee. The latter anyway does not have a choice*²². Returnees in the group discussions affirmed this fact by stating that they did not sign contracts and did not participate in negotiations with employers.

Once they reach their destination, their travel documents are confiscated, thus curtailing their basic right of movement. Most are subjected to long working hours that stretch from early in the morning till midnight, without much rest in between. Some returnees stated that they were not allowed to leave the house alone during the whole time of their employment. Most are not allowed any leave with pay. Trafficked migrant women are often subjected to physical and sexual abuse and some die in the process. It is also quite common that they are prevented by their employers from making contact with their families or anyone else outside, making them more vulnerable to exploitation.

In countries where they do not speak the language, do not have much understanding of the culture and in situations where they are illegal migrants, trafficked women are subjected to severe abuses of human rights. Quite often they are not paid their wages. In their attempts to flee from abusive working conditions they are detained and subjected to inhumane treatment at the hands of the authorities. If they try to terminate their contracts before the expiration date, they are told to pay a large penalty. Unable to pay, they are subjected to forced labour.

²⁰ Information gathered through an interview with Ato Tadesse Meseret, the Addis Ababa Police, Crime investigation head.

²¹ Lady Naqash, a volunteer who monitors the slavery phenomenon in Lebanon, AL-HAYAT Newspaper, 4 Nov. 1999 issue, Beirut.

²² Afro-asian migrants in Lebanon, Report of the committee on Pastoral care of Afro-asian migrant workers (PCAAM), Martin J McDermott, s.j, Coordinator of PCAAM. Beirut, 15 Oct., 1999.

Trafficked women are made especially vulnerable because of lack of protection from their Governments. For example though there are a large number of Ethiopian female migrant workers in Lebanon, Ethiopia has had no diplomatic representation in the country until recently. The whereabouts of most of these women is not known. Their vulnerability is due not only to the fact that they are employed abroad, outside the protection of their country, but because most are employed as domestic workers for whom little protection is accorded under legislation.

Most migrant women from Ethiopia seek employment abroad not only to earn their own living, but to help out their families as well. Some have heard of cases of abuses of migrant workers before they leave, while most are not aware of the living conditions awaiting them in their country of destination. It is obvious from various reports and discussion with returnees that they make the decision to migrate to Arab countries without enough information, sometimes with false information and, in some cases, with no information at all. Women who migrated a couple of years ago, before the media started reporting on the situation of migrant women in receiving countries, left with no information except what their agents told them. These agents provided them with misleading information because they have an interest in encouraging migration.

Migrant workers feel they need free and reliable information on all aspects of the migration process before they make a decision to migrate. They also expressed the need to be protected from misleading information from traffickers or intermediaries as well as to be provided with accurate information about living and working conditions in the receiving countries, before they make a decision to migrate, if they are to make an informed choice. Some returnees stated that they wouldn't have migrated if they had had accurate information about the living and working conditions in the receiving countries. Some of the migrants preparing to migrate stated that, however bad the real situation at the destination countries might be, they would go and see for themselves, because no alternatives are available to them within the country.

According to information gathered from the group discussions, the migrant women themselves usually make the decision to migrate and their families support that decision. Sometimes families push them to go abroad and make money. In other cases, migrants involve their families once they have started the process of migration. Family support is important because the family must usually help in raising the money paid to the agents. Usually, families borrow the money from relatives or from lenders with interest. And migrants pay back the money from their monthly salaries.

Once migrant workers have made a decision to migrate, they need free employment services. Migrants are often made to endure abusive working conditions in order to pay back the money they or their family owe. For example, returnees reported that their employers had the right to return them to their agents within three months of their employment if they were not happy with their services. It is quite common that they do not get paid for the first three months because their employers insist that they will have to find out whether they are suitable for the post or not before they start paying them their salaries. When their employers return them to their agents saying they are not suitable for the post, the agent then places them in another post from which they may be returned again. Some women stay a year or more without employment because of this process.

These women cannot go home, as they have not earned enough to pay back the money they owe. In other cases, when employers refuse to pay migrant women their wages, they work for free, hoping that to be paid some day. It takes them quite a long time to settle their debts. For example, returnees from Bahrain stated that normally Ethiopian housemaids earn 40 dinar a month. By the time their agents take their commissions, and the migrants fulfil personal needs, pay for calls to their families (in cases where they are

allowed to do so) and send some money home, all their money is gone. Therefore, it takes them quite a long time to pay back their debts.

Usually migrants are trafficked without any negotiation or agreement regarding conditions of work. Without a contract, they are promised one type of job by their agents, but on arrival find that they have been recruited for another job. For example, some are promised a job as a nanny and, on arrival, told they must do all types of household chores as well.

No contract limits their maximum working hours, so most report that they work about 15 hours a day. All the returnees reported that they were made to work for their employers as well as for the friends or relatives of their employers' without any extra payment. They dare not refuse for fear of physical abuse. Being foreigners, not knowing the language and having had their travel documents confiscated upon arrival, they have no choice but to submit to the demands of their employers.

Women are often promised a higher salary than they actually end up getting. They do not have a contract that allows them leave with pay, as a result, most do not get any time off. According to discussions with returnees, as well as responses given by returnees interviewed for the study in "Trafficking of women from Ethiopia" mentioned above, migrants have very limited freedom of movement. Most of the time they are not allowed to leave the house without being accompanied by their employers and almost all reported that their employers lock them in when they leave the house, whether for the day or an extended period of time. Their greatest fear is of a fire breaking out while they are locked in.

All in all, the absence of a contract allows a lot of abuse. Migrants expressed the need for a contract of employment before departure in a language they understand. Migrants think that contracts should be verified by Ethiopian authorities. According to returnees, the contract should, among other things, specifically state: conditions of work, salaries, medical insurance coverage, employer's responsibility to return the worker to her country when the contract is terminated by either party, the employee's freedom to contact her family, entitlements of the worker to leave with pay, food and lodging and protection from any form of physical abuse.

Lack of a basic understanding of the language and culture is a problem for migrant women once they reach their destination. Most cannot communicate with their employers. Migrants feel that understanding the language would enable them to express their needs or dissatisfaction with the conditions of work as well as ease tension with their employers.

According to returnees, cultural and religious differences contribute to the creation of tensions between migrant workers and their employers. For example, returnees stated that they found it difficult to wear the traditional long robes required by their employers. The refusal to wear these outfits creates problems with employers. They had no idea that the culture in some of the receiving countries dictates a certain dress code. Migrants express a need for cultural awareness training before departure to help their integration into the new society.

Illegally recruited migrant workers get no skills training before departure and it takes them quite a while to learn the necessary skills. They are often returned to their agent because of their lack of skills before the three-months trial period is over. Their agents make quite a lot of money by transferring them from one employment to another

Migrants say they receive no orientation on health-related issues when they are recruited by traffickers, exposing them to health risks. For example, most of them complained that they had been exposed to strong cleaning chemicals without realizing the risks. Some

employers would not allow them to take necessary precautions, such as wearing gloves. Quite a large number of them have suffered skin infections. One returnee said that she was on the same flight as an Ethiopian migrant woman sent home because she had become blind after using a cleaning chemical. Returnees, as well as migrant women about to leave, express the importance of receiving orientation on health issues to enable them to protect themselves from health risks they might be exposed to in the course of their employment abroad.

Most women, unaware of the risk of being trafficked, are easy prey for illegal agents/traffickers. Returnees stated that they learned of the risk when it was too late. Returnees, as well as those who are about to migrate, have no information on the relevant laws and regulations regarding trafficking or legal recruitment. During the group discussions, for example, none of the returnees were aware of the Labour Law requirement or the Private Employment Agency proclamation that recruitment services are to be provided free to workers. Nor were they aware of their rights as migrant workers at the time of departure. As a result, they took no legal action against the injustice done to them. Migrants expressed the need to be informed of their rights and the procedures for having those rights protected. For example, two returnees had scars, one from a stabbing and the other from broken glass. Both women sustained injuries during attempted rape by their male employers. Almost all the participants in the discussions said their male employers or employers' sons had attempted to rape them.

None of them had reported these assaults for a number of reasons. First of all, they had no freedom of movement, so they could not go to their agents or the police. Besides, those who reported to their agents did not get much help from them. Some reported that their agents encouraged them to comply with the sexual demands of their employers as a way of making extra money. Going to the police was not encouraging because, as they do not speak the language, it was difficult to make their case. Besides, the police would tend to believe their own citizens rather than a foreign housemaid or be paid off by the employer. They could not report the assault to their female employers because they would be accused of seducing their husbands or sons. The Ethiopian Government had no diplomatic representative in the country at the time. According to some returnees from Lebanon, even though a consulate was set up to address issues of migrant Ethiopian women, the legal support provided by the office does not include provision of legal representation. Therefore, they have no choice but to live with abuse and to protect themselves as best they can until they leave employment.

One returnee reported that there are a number of Ethiopian migrant women who have been abandoned in prison, with no opportunity to have their cases heard because of the lack of legal support by their own Government.

The returnee herself had been imprisoned for seven months before being deported to Ethiopia.

A young prison mate of this returnee ended up in prison falsely accused of abortion. Abortion, according to the returnee is a crime in Lebanon that entails severe penalty. The female employer of the accused, had procured an abortion. When evidence of the abortion was found in the garbage can, she blamed it on her housemaid. The police ordered medical examination of both women, but due to bribes paid to the police, the housemaid was thrown into prison without a medical examination. It seems the principle of presumed innocent until proved guilty is completely disregarded in a number of cases. According to this returnee, the case had been reported to the Ethiopian Consulate in Lebanon a number of times, but nothing had been done about the case by the returnee left prison.

All participants of the group discussions singled out legal protection by the Government should be guaranteed before citizens leave the country as migrant workers.

Returnees stated that the presence of a diplomatic mission alone is not enough, unless it is staffed with people concerned for the plight of migrant women in exploitative situations. Among the services to be provided by such missions, free legal representation was stressed as a major requirement. Returnees claim that the absence of diplomatic representation or the lack of commitment to protect the rights of migrant women have encouraged the abuse of their rights. If their country's diplomatic representative shows no concern for them and does not commit itself to the protection of their basic human rights, employers feel that they can violate their rights with impunity.

Migrants, even those in abusive conditions, are reluctant to return until they have made enough money to enable them to be independent, which usually takes quite a long time. With their salaries unpaid or having to send money home every month, they usually have little money to bring back with them. Those who live in abusive conditions want to return but are afraid to come back empty-handed. Societal pressure keeps some away and those who came back with nothing have to live with a sense of failure. Migrants strongly feel that Ethiopian society needs to understand the real working and living conditions in Arab countries. The media has to a certain extent tried to dispel this image of an easy life paved with gold, but an extensive information campaign needs to be carried out to enable society to understand the reality of life for trafficked migrant workers as well as to curb trafficking. *As far as Ethiopian migrants are concerned Beirut is not really the dazzling capital of Lebanon; it is the city of untold misery and despair, of endless stories of ignominious horror and injustice. For young Ethiopian girls who end up there looking for a future, some future, Beirut is the Embassy of hell on earth*²³.

Returnees from Bahrain stated that many Ethiopian migrant women live as runaways. When these migrants leave the house of their employers (sponsors), they become illegal aliens. When a runaway tries to leave the country she has to pay a penalty of 1 dinar (20 Ethiopian birr/\$2.38) for every day that she has been in the country as an illegal alien. Most cannot afford to pay the penalty so they are stuck in Bahrain with no protection. If they are sick, they cannot afford to pay for medical care. They cannot get free medical treatment because they are illegal migrants. At one time the Bahrain Government extended amnesty stating that illegal migrants could leave the country paying only the equivalent of 200 birr/year(USD23.8) as penalty. The amnesty period, however, lasted one month, too short for most women to take advantage of it. Returnees from Bahrain expressed the need for negotiation between the two Governments to lift this penalty so that such women would be able to return home.

Returnees point out their difficulty in trying to keep their money from being taken away by their employers. Quite a lot of them stated that once their employers pay them their salary, they immediately borrow it back and then denying that they borrowed it. Returnees stated that they used to sew their money in the collars of their shirts to keep it from being confiscated by their employers. Both returnees and those who are about to leave said that migrant women need to have access to saving accounts and freedom of movement to conduct their own financial transactions.

Returnees have no support from the Government or any other organization upon their return to rehabilitate them back to Ethiopian society. Most return unemployed. They bring little back because most leave their employment under poor circumstances. Those who come back with psychological trauma have no access to counselling unless their families can afford to pay for such services. They are not organized to create jobs for themselves or to help each other reintegrate in the community. The returnees of yesterday have ended up as victims of trafficking today because they have no job opportunities upon their return.

²³ The Reporter, 29 Sep1999 issue, Addis Ababa, Ethiopia.

Three returnees in the focus group discussion have decided to go back after staying in the country for over a year without any employment. Returnees expressed the need for help in creating jobs for themselves and access to counselling for those traumatized by abuse suffered in the receiving countries.

1. Legislative Framework

1.1. Ratified Conventions and bilateral agreements relevant to migrant workers

Ethiopia has ratified a number of International Conventions that protect the rights of migrants, including:

- 1) International Covenant on Economic, Social and Cultural Rights, 1996
- 2) International Covenant on Civil and Political Rights, 1966
- 3) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
- 4) Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979

The rights of migrant workers have been addressed under the major International Human Rights conventions. In a bid to address the special needs of migrant workers and to accord them much needed protection, the ILO has taken different initiatives towards the establishment of International Instruments. The major ILO instruments on the rights of migrants are:

- The Migration for Employment Convention (revised), 1949 (No. 97) accompanied by Migration for Employment Recommendation (Revised), 1949 (No.86);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);

Ethiopia has not ratified any of these Conventions. Out of the 19 ILO conventions Ethiopia has ratified, the ones relevant to the protection of migrant workers are:

- 1) The Private Employment Agencies Convention (No. 181), 1997
- 2) The Abolition of Forced Labour Convention, 1957 (No. 105)
- 3) The Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

All International Human Rights Conventions ratified by Ethiopia have become part of national law as directed by the constitution. Unlike its previous constitutions, the current constitution, strongly influenced by CEDAW, devotes a separate section to the rights of women. Among other things the constitution provides for the right of women to engage in any profession they choose and to earn equal pay as men for the same type of work performed.

The convention on the suppression of the traffic in persons and of the prostitution of others influenced the criminal law of Ethiopia at the time it was drafted. As mentioned in the preceding section, Ethiopian Criminal law punishes those who benefit from the prostitution of others, including those who traffic in women and children within or outside the country for that purpose.

The Private Employment Agencies Convention, 1997, has had a great impact on the protection of Ethiopian migrant workers. The Private Employment Agency Proclamation No. 104/1999, whose contents are discussed in the next section, was based on the principles laid down in this convention.

Though the International conventions ratified by Ethiopia have influenced the adoption of national laws, the conventions themselves have not been directly put into practice. The main problem is the lack of clear procedures to apply international conventions domestically, especially in the courts, as well as a lack of awareness among the law enforcement bodies and the general public.

1.2. Legislation related to migration for employment

Ethiopian laws and directives relevant to migrant workers recruited for employment outside Ethiopia are:

- 1) The Ethiopian Labour Proclamation No. 42/1993;
- 2) Directive Issued to Determine the Manner of Employment of Ethiopian Nationals Abroad, 1994;
- 3) Private Employment Agency Proclamation No. 104/1998.

The Ethiopian Labour Proclamation No. 42/1993 and the Directive to Determine the Manner of Employment of Ethiopian Nationals Abroad, 1994

Article 170 (2) of Ethiopian labour law, states that, the Ministry of Labour and Social Affairs (MOLSA) has the mandate to establish an employment service²⁴. Article 172 determines the manner in which Ethiopians are employed outside of Ethiopia. Article 175 provides that an Ethiopian national can be employed outside of Ethiopia if MOLSA has obtained adequate assurance that his rights and dignity shall be respected in the country of employment. Article 170(f) gives the Ministry the power to issue directives regarding the employment of nationals outside of Ethiopia. Exercising this legal mandate, the Ministry had issued a directive to determine the manner of employment of Ethiopian Nationals abroad²⁵.

According to this directive, an Ethiopian national can be recruited for employment outside the country under two conditions. These are:

- 1) That the worker's employment should not adversely affect the manpower requirements of the country;
- 2) That the contract of employment concluded is a result of a bilateral or multilateral agreement;

The bilateral agreement clause is advantageous because such agreements can be adapted to the specific situation of migrant workers both in the sending and receiving countries. Such agreements can be a basis for ensuring adequate protection to migrant workers during the pre- and post-migration processes.

²⁴ Article 170 (2) Minister of Labour and Social Affairs, shall organize; co-ordinate, follow up and execute the labour administration system by establishing an Employment Service, a Labour Inspection Service and also a permanent Advisory Board which consists members from the Ministry, employers associations and trade unions.

²⁵ Ministry of Labour and Social Affairs, Directive Issued to Determine the Manner of Employment of Ethiopian Nationals Abroad, 1994.

To ensure that the worker fully understands the terms and the conditions of the employment before deciding to commit herself/himself, the directive provides that, if the contract is written in Amharic (the official language of the country) or English, it should be translated and the translation should be verified in the Ethiopian courts.

To become effective, the employment contract has to be submitted to MOLSA for verification. Otherwise, immigration clearance is not given. The contract must be in writing and signed by both the employer and employee. When necessary, the ministry has the mandate under the directive to prepare model contracts of employment. Some countries do much more to ensure continuous compliance with the terms of the contracts. In countries where a large number of their nationals are employed, Pakistan and Vietnam, for example, establish a representative of the public employment service or a labour attaché to ensure that employment contracts are respected²⁶. The directive makes no specific reference to female migrant workers nor does it guarantee special protection to women who migrate as domestic workers.

The directive states that the contract of employment cannot be approved unless it contains information on: place and type of work, duration of employment, wages, food and lodging, medical and accident insurance, paid leave, round-trip travelling expenses, entitlement to all legal benefits and employment conditions stipulated in the labour of the host country, the manner of dispute settlement and the entitlement of the worker to a work permit and a visa. Other than the terms required in the contract, the directive does not provide for additional written information regarding the living and working conditions applicable to the migrant worker in the receiving country.

Private employment Agency Proclamation No. 104/1998

In spite of the directive regulating the employment of Ethiopians abroad and the public employment service provided by MOLSA, labour trafficking flourished and women continued to suffer the consequences of their illegal migration. The problem drew the Government's attention and necessitated further regulation of migration for employment outside the country. To ensure the protection of the rights, safety and dignity of Ethiopians employed abroad, the Ministry of Labour and Social Affairs (MOLSA) issued the Private Employment Agency Proclamation No. 104/1998. The proclamation was also issued to encourage the participation of individuals and private entities in the employment services in the country.

The proclamation defines a private employment agency as any person independent of Government bodies who performs the following services:

- 1) matching offers of application for local employment without being a party to the employment contract;
- 2) making a worker available locally and/or abroad to a third party by concluding a contract of employment with such worker.

According to this Proclamation, an Ethiopian is allowed to work abroad only through a private employment agency. Direct recruitment by the employer is allowed only if the

²⁶ Report on ILO Conference, 87th session 1999, Report III (part 1B), first published in 1999, Geneva.

Minister permits ²⁷. This is without prejudice to the public employment services that are still provided by MOLSA.

An employment contract secured by the effort of the migrant worker is approved subject to certain conditions. The contract should fulfil the working conditions set by the Ministry. The law provides that the Ministry should ensure that the right and dignity of the worker be respected by checking whether the receiving country has an Ethiopian Mission, that is a permanent Representative office, Councillor office, Liaison Officer or Honorary Councillor. These facts are to be asserted by the Ministry of Foreign Affairs. If the receiving country does not have an Ethiopian Mission, statements given by the Chamber of Commerce and MOLSA are taken into account provided the Ministry of Foreign Affairs asserts these are reliable. Once these facts are verified, the migrant worker will be allowed to go ahead with her/his plan. To ensure the well-being of the migrant worker in countries where Ethiopia has a diplomatic mission, MOLSA can ask the Ethiopian mission based in the receiving country information regarding the worker. If an employer fails to abide by the terms of the contract, the Ministry will notify the employer to take necessary actions within 30 days to improve the working conditions of the worker. A copy of the letter will also be sent to the Ethiopian Mission in the receiving country. The law further provides that if the employer fails to act upon the written notice and it is found that the human rights and dignity of the worker have been abused, the Ministry will immediately take necessary action ²⁸.

The proclamation provides for employment services to be provided without directly or indirectly receiving payments from the worker. This provision is in line with article 7(1) of the Private Employment Agencies Convention, 1997 that stipulates that such agencies shall not charge directly or indirectly any fees or costs to workers ²⁹. The proclamation goes further and provides that if the agency or its representative, receives payments from the worker in cash or in kind its license will be suspended or cancelled.

Migrant women who leave the country through illegal agents usually borrow money to pay their agents, promising to pay back the loan once they begin earning their salaries. Many women remain in abusive working conditions because they owe money, either to their agents or whoever loaned them the money back home. The prohibition of agents receiving payment from workers for such services gives female migrant workers the freedom to leave their employment if conditions are not to their liking.

Any person who wants to operate a private employment agency is required to obtain a license from the Ministry of Labour and Social Affairs. A license is valid for two years, subject to annual renewal. Authorization is given upon fulfilment of certain conditions. One condition is the deposit of financial security as a guarantee that the agency will fulfil its obligations regarding the protection of the migrant worker's rights. The proclamation requires that USD30'000 or its equivalent in Ethiopian currency be deposited as a

²⁷ Article 3(2) of the Private Employment Agency Proclamation No. 104/1998 states: "Without prejudice to Article 172 of the labour proclamation No. 42/1993, any Ethiopian may be allowed to go abroad only through the private employment agency unless the Minister permits direct recruitment by the employer".

²⁸ Directive issued to amend the "Directive issued to implement the private Employment Agency Proclamation" issued on 3 June 3 1998.

²⁹ Article 7(2) of Convention No.97 of Migration for Employment Convention (Revised), 1949, Article 4 of Annex I and Article 4(1) of Annex II, provide that public employment service in connection with the recruitment, introduction or placing of migrants for employment are to be rendered for free.

guarantee for up to 500 workers; USD40'000 for 501–1'000 workers and USD50'000 for above 1'001 workers³⁰.

This requirement of a financial guarantee has been criticized as too high to encourage Ethiopians to engage in such a business and that it indirectly encourages the trafficking of migrants through illegal agents. Currently, only one private employment agency has become operational MOLSA argues that the amount needs to be high to protection of a human being against any form of abuse be it physical, mental or psychological. In light of the grave abuses Ethiopian migrant women are subjected to in the Arab countries the financial requirement is not high enough.

A person convicted of illegal recruitment activity does not qualify for a license to operate a private employment agency. To ensure that a private employment agency is capable of carrying out its business efficiently, applications for a license must include a chart showing the organizational structure and list of members involved in the employment service activities. (Article 5(4) of proclamation No.104/1998). Other conditions that must be fulfilled include the presentation of a document that shows the business has been registered for the operation of a private employment agency; notifying the address of the office and its representative; payment of a license fee; and provision of any other relevant documents required by the competent authority.

Under the same proclamation an agency that hires and sends Ethiopians abroad is required to have a branch office or a representative in the country where the workers are destined. The presence of a legal representative of the agency in the receiving country is crucial to ensure that the conditions laid down in the contract of employment are met. The agency and its branch are legally bound to ensure that the rights and dignities of the workers are protected. According to the reports of women returnees who had been victims of labour trafficking, absence of a legally responsible body to ensure the protection of their rights has led to severe abuse.

The agency's role is important because Ethiopian Embassies and Consulates in the receiving countries, have no labour attachés or welfare officers to ensure favourable working and living conditions for migrant workers.

Article 2b) of the proclamation stipulates that private employment agencies are required to provide the necessary orientation for the worker regarding their work and the country of employment before the contract of employment is signed. The proclamation however does not specify whether the information should be in writing or not.

MOLSA is to inspect the works of the private employment agencies. The time for inspection is not set in the proclamation — according to Article 16, inspection can take place any time during working hours without prior notice. Inspectors can ask to examine or inquire any relevant document. The proclamation requires that such agencies should submit annually or as often as required, a report to MOLSA on the situation of the worker in the country of employment.

The agencies are also required to keep a register containing information on each worker. This includes; name, age, educational level, qualification, type of work, position, amount of wage, duration of the validity of contract and any other information that might be required by MOLSA and notify it as may be required.

³⁰ Article 5(2) and Article 14 of the Private Employment Agency Proclamation No.104/1998.

The proclamation stipulates that private employment agencies should notify the Ethiopian Embassy nearest to the country of employment of the workers sent abroad and have them registered at the Embassy. This is an extra protection for migrant workers in case the representative of the agency fails to carry out his obligation in the receiving country. The embassy will, thereby, know the whereabouts of the workers in order to accord them the necessary protection.

The proclamation does not provide for procedures to investigate complaints of alleged abuses or practices of private employment agencies not compatible with the Private Employment Agencies Convention.

1.3. Legislation pertaining to trafficking

Trafficking in persons, especially of women and children, as a form of irregular migration has been an international concern for a number of years due to the activity becoming an organized and lucrative global business.

The International Organization for Migration (IOM) estimates that between 15 and 30 million people who are economically active in a country other than their own are there in an irregular situation, having entered the country clandestinely and/or being illegally employed³¹.

Though a number of international instruments contain rules and measures to protect victims of trafficking, an instrument that looks at trafficking from all the different angles did not exist until the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, accompanying the Convention Against Organized Crime. This document gives a wide definition of trafficking. According to this protocol, "trafficking in persons" is defined 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 a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labourer services, slavery or practices similar to slavery, servitude or the removal of organs.*

According to this Protocol, the consent of the victim is irrelevant so long as the methods set forth in the above definition are used. Recruitment, transportation, transfer and harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if it does not involve any of the means set in the definition.

As opposed to this broad definition, the criminal code of Ethiopia defines trafficking in "women, infants and young persons" narrowly, without taking into account the different aspects of trafficking which presently victimize women. Under article 605 of the penal code, traffickers are those persons who traffic in women infants and young persons by seducing them, enticing them or otherwise inducing them to engage in prostitution³². The

³¹ B. Ghosh: Huddled masses and uncertain shores: Insights into irregular migration (IOM and Martinus Nijhoff Publishers, 1998), p. 18.

³² Article 605. Traffic in Women, Infants, and Young Persons.

Whosoever, for gain or to gratify the passions of another:

- (a) traffics in women or infants and young persons, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or

act is punishable with up to five years of imprisonment and a fine up to 10'000 birr. The punishment is more severe where: the victim is under 15 years of age; the victim is related to the trafficker; the offender has taken advantage of the mental or physical distress of the victim; the victim was intended for a professional procurer; has been taken abroad or where the victim's whereabouts cannot be found; where the victim has been driven to commit suicide by shame, distress or despair. In such cases the punishment is imprisonment of 3–10 years and a fine of up to 20'000birr. Prostitution itself is not punishable by law.

As can be seen from the definition under article 605, the law is basically concerned with trafficking in women for the purpose of sexual exploitation, not labour trafficking. Though this provision can be used to bring charges against illegal agents who traffic in women for prostitution, it cannot be invoked against those agents trafficking in Ethiopian women who end up by the thousands in practices similar to slavery.

Taking into consideration that the penal code is 44 years-old, it is not surprising that the definition of trafficking is narrow. However, even today, when the penal code is undergoing a process of amendment, the definition proposed by the Ministry of Justice is the same. The problem of labour trafficking is not addressed in the proposed amendment. The only change made regarding trafficking is to increase the penalty for the act. Clearly, the magnitude of labour trafficking has not been grasped and it has not gained the priority it deserves.

As the provision on trafficking does not cover labour trafficking, traffickers were charged under the provisions of slavery. The enslavement provision under article 565 of the penal code reads:

“Enslavement

1. Whosoever
 - (a) Enslaves another, sells, alienates, pledges or buys him, or trades or traffic in, or exploits him: or
 - (b) keeps, or maintains another in a condition of slavery, even in a disguised form, is punishable with imprisonment from five to twenty years, and fine not exceeding 20'000 dollars (Ethiopian Birr).
2. Those who knowingly, carry off, transport or conduct, whether by land, by sea or by air, persons thus enslaved, in order to deliver them at their place of destination or who aid and abet such traffic, whether within the territory of the empire or abroad, are liable to the same punishments.”

The provision on enslavement has an element of coercion in it and does not cover voluntary travel for employment abroad, even when migrants are misinformed about the real situation at the country of destination.

The promulgation of the Private Employment Agency Proclamation provides a solution to the problem of labour trafficking which the criminal law does not. Article 18 of the proclamation provides that any one who performs employment services without obtaining a license in accordance with the proclamation is punishable with imprisonment of 3-5 years and a 10,000birr fine. For traffickers who send Ethiopian nationals abroad for

(b) keeps such person in a disorderly house or to let her out to prostitution,

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

work, the punishment is harsher: imprisonment of 5–10 years and a fine of 25'000birr. In cases where the human rights and physical integrity of the Ethiopian migrant sent abroad has been injured, the penalty imposed is 5-20 years of harsh imprisonment and a fine up to 50'000 birr.

1.4. Implementation and enforcement

The law regarding trafficking, though limited in definition, could have been a good instrument for curbing trafficking in women and children into prostitution had it been implemented properly. It is probably one of the existing laws in the criminal code that has been the least implemented. Child trafficking for purposes of sexual exploitation is rampant within the country. Towns are full of bars that use their business licenses as a front for prostitution of women and young girls who come in from the rural areas seeking employment. With little or no education, in towns where the unemployment rate is very high, these people are easy prey for traffickers. None of the people who run such places are prosecuted.

As for the trafficking of women outside the country, though the atrocities committed by agents against Ethiopian migrant women have been reported for a number of years, no illegal agent has, so far, been convicted in a court of law. One reason, as pointed out earlier, is the absence of a law addressing the issue of labour trafficking. For lack of an alternative, traffickers have been charged under the slavery provision, but sentencing labour traffickers under this provision had caused a dilemma to the courts. The provision on slavery has an element of coercion, whereas in the case of labour trafficking, though migrants are misinformed about work and living conditions in the receiving countries, they give their consent for employment abroad. Not surprisingly, only one decision concerning illegal trafficking has been passed so far and the decision was an acquittal of the illegal agents. Lack of a proper law that addresses the issue of labour trafficking in the country contributes to the flourishing of clandestine recruitment of Ethiopian women for the Arab countries.

In 1998, the private employment agency proclamation that addresses labour trafficking was issued but no one has been convicted under it, partly due to the slow legal machinery in the country. According to the 29 September 1999 issue of the Reporter, a local newspaper, *The special criminal investigation section of the police disclosed that 400 people had lodged complaints against traffickers. Currently there are 60 cases of complaints (each involving more than one complaint). 40 had been passed over to the prosecution office while 14 were under investigation. The prosecution had framed charges on 33 of the cases and had closed three. Only two cases had reached the courts.*

*The workload in the courts and lack of adequate human resource both in the courts and in the federal police bureau has had negative effects on all criminal cases including cases that fall under proclamation 104/1998. It takes about three years for a case to reach the courts, by then the accused has either left the country or has changed his address. Witnesses have either changed their addresses or cannot be found at all. Many cases are dismissed because of these reasons*³³.

Lack of proper evidence incriminating traffickers is another reason why they have not been convicted. As mentioned earlier, traffickers do not give receipts or other evidence that might incriminate them. People are not cooperative in disclosing the identity of the traffickers, especially families of migrant women not in abusive conditions.

³³ Ibid. at No. 8.

The fact that the private employment agency proclamation is not well known to the public also contributes to its limited implementation. Returnees were unaware of its existence and that the service is supposed to be free. Lack of awareness about free employment services makes women easy targets for traffickers.

The existence of only one private employment agency in a country where a large number of women are migrating to the Gulf States indicates the lack of enforcement of the proclamation. Lebanon, as mentioned previously, is reportedly the most popular destination for Ethiopian migrant women and yet, the one private employment agency licensed to recruit migrant workers has so far recruited only 1'025 women. It is easy to see that one agency cannot meet the needs of so many women seeking employment in Lebanon. The immigration authority does not issue exit visas to migrant workers for Lebanon unless they go through the agency, but traffickers have reportedly found a new route. Traffickers take the women to neighbouring countries like Kenya and Tanzania before they are trafficked into the Arab countries.

2. Government Migration Policies and Programs

2.1. Preparing migrants for overseas employment

The Government's role as a public employment agency in the recruitment of workers for employment abroad has greatly diminished since the introduction of the Private Employment Agency Law in 1998. However, even when the Government acted as a public employment agency, most women were trafficked instead of legally recruited. In 1996, for example, only 356 women left for the Arab countries with approval by the Ministry of Labour and Social Affairs. In 1997, 728 left; in 1998, 894; in 2'000, 1'163 women left through the same process³⁴. Yet, in 1999, 17'000 Ethiopian women were reportedly working as housemaids in Lebanon — indication enough that more women leave the country illegally than through legal channels.

During the times the Government was actively providing public employment services, no pre-departure training was available to migrants. Recruitment of migrants at the time was done according to the "Directive to Determine the Manner of Recruitment of Ethiopian Nationals for Employment Abroad" which was issued by the Ministry (see section on "Legislation related to migration for employment"). Except for the particulars of the jobs indicated in the contracts, the migrants were not provided with extra information about living conditions in the receiving countries. The migrants were required to undergo medical examinations but did not receive any training about health-related issues before departure. Nor did the Government offer any program related to remittance management.

The Government has tried to increase awareness through public media of living and working conditions in the Arab countries. But this program was not specifically geared towards informing migrants before departure. Such information was transmitted to the public through the media only recently and not during the time the Government was active in facilitating the recruitment of workers for employment abroad. Returnees who left the country before the problems faced by migrant women in the Gulf States became a hot issue said that they had had practically no information. Most of them left through traffickers and were totally misinformed about the working and living conditions to be encountered at the country of destination.

Since the issuance of the Private Employment Agency Proclamation, the responsibility of informing migrants about living conditions has fallen on the private employment agencies. The one duly registered and functioning agency is obliged to provide information about the living and working conditions in the receiving countries only to the migrants recruited through it. Therefore, the majority of migrant Ethiopian women still leave the country without accurate information.

The issue of potential migrants who fail their medical tests is worth mentioning here. Being free from HIV/AIDS is one of the requirements for employment in the Gulf States. All women migrants, whether legally or illegally recruited, have to be tested for HIV. Different sources indicate that many potential migrants fail this test, not surprisingly as Ethiopia has a high prevalence of HIV/AIDS. These women are left with no assistance whatsoever once they are found to be HIV positive. Their hope of getting employment in the Arab countries is over and they must somehow explain to their families and community why they are not going as originally planned. These women go back to their communities, in a society which attaches a stigma to people who are HIV positive or have AIDS, and get

³⁴ Data gathered from the MOLSA, Public Employment Service Section.

on with their lives with no assistance. They are in a worse situation than they started off with.

2.2. Prevention against exploitation

Reports of abuse of Ethiopian migrant women working as housemaids in the Gulf States and Lebanon have increased in frequency since 1996. Stories of migrant women being raped, killed, beaten, maimed and disfigured have become common. *An employer tried to rape an Ethiopian migrant woman at gun-point. She somehow got hold of the gun and led him naked in front of his neighbours. Ironically, the reward she got was imprisonment. Sources say she is still in jail ... Reports of physical and sexual abuse against Ethiopian girls in Lebanon have been on the rise recently. While the bodies of many whose cause of death is not known with certainty are frequently arriving*³⁵.

According to a local newspaper report, statistics from the quarantine office at the Ethiopian International Airport show that 67 bodies of Ethiopian women arrived from Arab countries between 1996 and 1999³⁶. It was also reported that the cause of death of the deceased girls was always registered as suicide. Various sources also report that many women have died and their bodies are not discovered.

Name of deceased	Place of death	Cause of death on the medical reports
Belaynesh Eshete	Beirut	Fell from the 3 rd floor of a building
Haregwa Bedilu	Beirut	Fell from a height
Etagenehu Yilma	Beirut	Fell from a building
Hanna Ababu	Beirut	Hanged
Tsehay Ashagre	Beirut	Fell from the 9 th floor of a building
Tadelech Dechasa	Beirut	Drowned
Samira Souleman	Beirut	Drowned
Sisay Dege	Beirut	Hanged herself
Konjit Tegegn	Qatar	Hanged herself
Ayalnesh Abera	UAE	Hanged herself
Guzguaz Wondimu	Bahrain	Hanged herself

Source: Bole International Airport Quarantine Office, September 1999.

The reports that accompany the bodies, according to the newspaper article are dubious. Most are written in Arabic and are unintelligible while others, though in English, mention only the cause of death and have no other information, such as police reports. If bodies of victims are closely examined upon the arrival of the coffin, one might see the reason why so many bodies are accompanied by dubious reports. Father Martin McDermott from the Pastoral Committee for African and Asian migrants in Lebanon was quoted saying: "Have any serious investigations been launched into the cases of deaths reported as suicide by jumping out of windows?"³⁷ Returnees have indicated that their employers threatened them, saying that they would throw them from windows of high rises if they did not do as they were told. These anecdotes, coupled with the lack of police reports accompanying the bodies, beg serious question about the cause of death.

³⁵ The Reporter, a local newspaper, 29 Sep. 1999.

³⁶ Ibid.

³⁷ Ibid. at No. 3.

*A migrant Ethiopian woman went to Beirut to work as a housemaid and died. Her body came back accompanied by a report that said she died of natural causes. Though her agent in Ethiopia advised the family not to open the coffin, the family insisted that they wanted to see the body of the victim. When the coffin was opened it was discovered that her throat was slit and her hands and legs were broken. Her agent and her sister were arrested pending investigation of the case*³⁸.

The Government was heavily criticized both by local and international media for its failure to protect its many citizens in Lebanon. *How can the Ethiopian Government accept sending its nationals to a country where there is absolutely no diplomatic representation, knowing that the cost of renewing a single passport is equivalent to a girl's monthly salary and in most cases the girl can not afford the amount? ... The indifference of the Ethiopian Government towards its citizens may be attributed to the fact that they are mere housemaids*³⁹.

In response to the pressures put upon the Government regarding the lack of protection of Ethiopian migrant women in Lebanon, and due to reports of severe abuses inflicted on these women, the Ministry of Foreign Affairs set up a national committee in June 1999. The committee was supposed to look into the issue of Ethiopian women who are being trafficked to the Gulf States and to come up with solutions. The committee consisted of representatives from the Ministry of Foreign Affairs, the Police Commission, Ministry of Justice, the Security, Immigration and Refugee Affairs Authority, Ministry of Labour and Social affairs, Ministry of Information and Culture and the Women's Bureau in the Prime Minister's office. Though the committee's focus was Lebanon, because most reports of abuse are from there, the broad objective was to devise ways to curb trafficking of women and to protect the rights of Ethiopian migrant women. As a result of the committee's work a number of actions were taken to prevent trafficking, regulate and control recruitment agents, assist victims, as well as to inform the public about the risks of being trafficked and its consequences. Member organizations of the committee have been playing different roles to address the problem of trafficking.

One of the committees' recommendations was to open a consulate in Beirut. The previous approach — i.e., a Lebanese attorney in conjunction with the Ethiopian Embassy in Egypt followed up conditions of Ethiopian housemaids — was inadequate to protect the women's rights. Passport-renewal for Ethiopian citizens in Lebanon was done in Cairo, making the process costly for Ethiopian migrants. Later, the Consul began travelling to Beirut once every two months to renew passports⁴⁰.

Before the establishment of the Consulate, the Ethiopian Ambassador to Cairo went to Lebanon to talk with Ethiopian migrant women about the root causes of abuse. Having identified that traffickers contribute to exposing the women to all sorts of abuse, the Ambassador suggested that the Lebanese Government control illegal agents in Lebanon⁴¹. However, protection of migrant Ethiopian women has been difficult in Lebanon because

³⁸ A case reported to the Ethiopian Women Lawyer's Association through its legal aid clinic.

³⁹ "Al-Hayat tells the story of the Journey of maids from Addis Ababa to Beirut", AL- Hayat newspaper, 4 Nov. 1999, Beirut.

⁴⁰ Ibid. According to Roget Hanna, the attorney who used to follow up cases of Ethiopian migrants in Lebanon, the number of Ethiopian maids in Lebanon is estimated to be 17'000 at the rate of 1'000 girls recruited every month and there are 58 recruitment agencies in Beirut, which deal with Ethiopian clients.

⁴¹ "Attempts made by the Government to ease the Plight of Ethiopian Migrant women in the Gulf States" a paper presented by the Women's Sub-Sector in the Prime Minister's Office at a national workshop on Trafficking of Women from Ethiopia, February 2001.

the Lebanese Government has not taken action against criminals involved in trafficking from that end ⁴².

Ethiopia's diplomatic relations with the Gulf States is very recent. Ethiopia has diplomatic relations now with six countries in the Gulf, but does not have Embassies or Consulates in all of them. The Ethiopian Embassy in Kuwait is responsible for Kuwait, Qatar and Bahrain. The embassy in Yemen is responsible only for Yemen, while the Ethiopian Embassy in Saudi Arabia covers Saudi, Oman and the United Arab Emirates. Ethiopian diplomats in Kuwait occasionally travel to Qatar and Bahrain to talk to migrants in those two countries. Absence of diplomatic representation in all of the Gulf States, due to Ethiopia's economic situation, has made it difficult to monitor the situation of Ethiopian migrants in these countries ⁴³.

Another measure taken by the committee to regulate the migration of Ethiopian women to Lebanon is the introduction of a requirement that migrant workers have to produce a contract of employment acknowledged and registered at MOLSA to get past the immigration checkpoint at the airport in Ethiopia.

The Immigration Authority provided counselling to women in the process of migrating to the Gulf States and Lebanon, and to their families. When migrants who had secured their visa and work permit for Lebanon would go to the immigration office to get their exit visas, they were given appointments to attend group-counselling sessions with their families. During these sessions, migrants and their families were informed about the working and living conditions of illegally recruited migrant workers and the hardships they endure. However, such counselling is no longer provided because it proved to be ineffective in discouraging such women from ending up in the same situation.

The police commission has played a major role in the investigation of trafficking and in bringing in traffickers to face charges since 1996, when it began receiving reports of abuse and death of Ethiopian women in the Gulf States. The reports came from the families of victims whose dead bodies arrived after they were thrown from high rise buildings, from victims who had boiling water spilled on them by their employers as well as victims who were physically as well as sexually abused. Upon investigating how so many women leave to the Arab countries and who the middle persons that facilitate their departure are, the police found out that such activities were mainly carried out by travel agency owners, who use their agency as a front cover to carry out trafficking ⁴⁴.

During the search of the premises of suspected travel agencies, copies of work contracts, files containing passports and pictures of numerous women and results of medical examinations were discovered in some of these agencies ⁴⁵. The contracts discovered, written in Arabic, included clauses that the employee agrees not to leave the house during the period of employment, usually two or three years, and that if she leaves her employment before the expiry date of the contract, she agrees to pay USD3'000 as a

⁴² Information gathered from the Asian Division at the Ministry of Foreign Affairs.

⁴³ Ibid.

⁴⁴ Information gathered from an interview with Ato Tadesse Meseret, the Federal Police Investigation Bureau Head.

⁴⁵ Trafficking of Women from Ethiopia, a study commissioned by The Women's Affairs sub-Sector in the Prime Minister's Office and the International Organization for Migration in Addis Ababa, Atsedwoine Tekle & Tsehay Belayneh, June 2000. A medical examination certificate, their passport, one full-sized picture and passport-size pictures and payments before their visas were processed for them on a separate sheet from the country of destination.

penalty. Evidence implicating 49 agencies (including import-export agencies) was gathered. After the completion of the investigation, the files were referred to the prosecution office ⁴⁶.

According to the Federal Police Investigation Bureau head, action taken by the Justice Department is not enough to discourage trafficking. The provision under which the agents were charged — slavery - does not prohibit bail and they were set free on a 5'000 eth. birr bail. Many of them went back to trafficking, knowing that they can be out on bail within a short time. The penalty prescribed is not severe enough and the court procedures are very slow. Though it has been a couple of years since charges were brought against the illegal agents, only in one case has a sentence been passed. The sentence was acquittal.

The case involved the death of a woman who went to Lebanon through an agent, a woman in Addis Ababa who had a sister working in Lebanon involved in trafficking. The deceased had written to her brother about the hard labour she was made to endure and asked her brother to contact the agent in Ethiopia to find her another employment through the agent in Lebanon. The brother wrote to both agents who were in Lebanon at the time, informing them of his conditions. There was no reply from the agents. Five months later, his sister's coffin arrived in Ethiopia. She had been strangled to death. The brother contacted the sisters (the illegal agents) and informed them of the tragedy. One of them promised she would fax Beirut and have them send the victim's clothing and unpaid salary. The brother lodged a complaint with the police against the agents ⁴⁷.

After the completion of the investigation, the agents were charged with breaking Article 565 ⁴⁸ of the Criminal Code of Ethiopia by trafficking the deceased as well as other Ethiopian women in conspiracy with the “Bayes” Travel Agency in Beirut. To the dismay of the Federal Police, the high court acquitted the agents of the charges ⁴⁹.

The police had tried to inform the public about the illegal activities of such agents through the media, using details of the atrocities committed against trafficked migrant women in the country of destination. Since the action taken against the travel agencies, the traffickers have gone underground and tracing them has become difficult.

Aside from travel agents, many women who work in Arab countries traffic through their families in Ethiopia. Returnees confirm this practice, saying they know many women working as agents in the receiving countries to traffic other Ethiopian women to work as domestic servants. The dilemma faced by the police is that cases are reported to them after the deed is done and not before the women leave the country through the illegal agents. Even if the police discover women who are about to leave, the women are unwilling to disclose the identity of their traffickers. Even the women's relatives are unwilling to disclose the agents' identities. According to the police bureau investigation head, to curb the problem of trafficking, traffickers need to be identified and be brought to justice. However, without the cooperation of the community, it is difficult to gather enough evidence against them to bring the to justice.

⁴⁶ Ibid. at No. 46.

⁴⁷ Ibid.

⁴⁸ Article 565, Enslavement: Whosoever, (a) enslaves another, sales, alienates, pledges or buys him or trades or traffics in or exploits him: or (b) keeps or maintains another in a condition of slavery, even in a disguised form, is punishable with rigorous imprisonment from five to twenty years, and a fine not exceeding twenty thousand dollars (Ethiopian Birr).

⁴⁹ Ibid. at No. 5.

As a member of the Committee, the Ministry of Justice has tried to curb the problem of trafficking by speeding up the trial of traffickers so that they will be convicted and their conviction will serve as a deterrent to other illegal agents operating underground. However, cases involving trafficking cannot be speeded up because the courts are congested with cases due to existing problems within Ethiopia's justice system.

The Ministry of Information has used the media to inform the public about labour trafficking to the Arab countries and its grave consequences for women.. However, these media campaign are usually short-lived, addressing the issues only when a workshop is being held or when high profile cases regarding Ethiopian migrant women in the Arab countries surface. Otherwise, no ongoing media campaign informs the public about the risks of being trafficked and the operation of illegal agents.

Media campaigns usually focus on victims' stories and what is being done about individual cases and not so much on the rights of migrant workers. For example, though the Private Employment Agency Proclamation was issued in 1998, its contents and role in the prevention of trafficking has not been given much coverage in the media. The issue of trafficking has been given more coverage in the private media than in the Government media.

As indicated previously, the police have tried, from time to time, to inform the public about the risks of trafficking using cases investigated. MOLSA officials disclosed their findings about the situation of women migrants in Lebanon recruited through the private employment agency (see below). But neither of these efforts offered continuous information campaigns to inform potential migrants.

2.3. Protection and assistance against abuse

Officials from MOLSA went to Lebanon in 2001 to inspect the working conditions of migrant Ethiopian women recruited through a private employment agency in Ethiopia ⁵⁰. The officials came back satisfied with the conditions under which legally recruited migrant workers are currently working. They, however, did not try to assess the conditions of trafficked Ethiopian women migrants ⁵¹.

The officials identified three types of Ethiopian migrant women in Lebanon: those recruited through a private employment agency (legal migrants); trafficked migrants who work as prostitutes; and migrant workers who are victims of labour trafficking and work as housemaids. According to officials, they could not assess the situation of Ethiopian women who were victims of labour trafficking and work as domestic servants. The whereabouts of most of them is not known and it has been pointed out that it is difficult to find their addresses because they do not come to the consular office to renew their passports. Most are not members of Lebanon's Ethiopian community, either. The team felt they could not go checking door-to- door, intruding on the privacy of individuals and on the sovereignty of the Lebanese Government. They strongly recommended that the issue be addressed through bilateral agreements between the Ethiopian and Lebanese Governments. They also recommended that the capacity of the new Ethiopian Consulate in Lebanon be strengthened to address the needs and concerns of victims of trafficking.

⁵⁰ The only private employment agency that is operational currently in Ethiopia is the Meskerem Private Employment Agency, which is licensed by MOLSA to recruit workers for employment in Lebanon. So far the agency has recruited 1,025 Ethiopian women for employment in Lebanon to work as housemaids.

⁵¹ Information gathered through an interview with Ato Tewelde Hagos, MOLSA work permit head.

The Consulate was opened at a time Ethiopia was involved in a border conflict with a neighbouring country, Eritrea. Due to financial constraints, the office is understaffed compared to the overwhelming number of requests for assistance. The office renders different forms of assistance to migrant Ethiopians in Lebanon. Based on the complaints made to the office, the Consul has discussed the problem with relevant Government bodies like the labour office, the police and the courts in Lebanon to alleviate the plight of trafficked Ethiopian women in Lebanon. The office is open from 9 a.m. to 5 p.m. to hear the complaints of Ethiopian migrant workers. Taking into consideration that some of them may get a leave of absence only on Sundays, the office is also open on Sunday afternoon after two. The mobile number of the Consul is also given to migrants to enable them to contact him in case of emergency⁵².

After considering the situation of migrant Ethiopian women working in Lebanon as housemaids, the National Committee on trafficking came up with the idea of legalizing the status of illegal Ethiopian migrants through the renewal of their passports and employment contracts through the Consular office. Legalization of the illegal migrants would be limited to those women who left the country before the issuance of the private Employment Agency Proclamation 104/1998. Thus, the consular office in Lebanon is also carrying out the responsibilities of MOLSA, by negotiating contracts on behalf of Ethiopian migrant women⁵³.

The Consular office in Lebanon has tried to intervene on behalf of workers in abusive conditions by talking both to the worker and employer. The consular office also intervenes in cases where workers are not being paid their salaries⁵⁴. However, there is no labour attaché in the Consular office who negotiates contracts of employment or conditions of work for employees.

The Consular office has rented different houses to shelter migrant workers facing problems in Lebanon, until they can be repatriated to Ethiopia or returned to their employment once the office can guarantee good working conditions. The office has also been trying to assist migrant Ethiopian women mentally traumatized due to abuse by their employers or working conditions. The office tries to address this problem by asking assistance from other communities in Lebanon like Sri Lankan and Philippines migrant communities. These communities are strong and have facilities to help migrant workers who are physically or mentally sick. The office is also issuing *laissez-passer* to Ethiopian migrant workers whose health has been affected and repatriating them by raising funds from NGOs, other charitable organizations and individuals⁵⁵.

The office has tried to assist migrants involved in legal proceedings through lawyers at its disposal. In cases where the migrants have not been granted due process of law the office has appealed to the president of the Supreme Court in Lebanon as well as to high Government officials requesting that fair trial be granted to the migrants in question. The consul also visits hospitals and prisons when it gets reports that Ethiopians are incarcerated or are hospitalized and tries to assist them. Comparing the large number of Ethiopian migrant women in Lebanon and the limited budget and staff under which the office is functioning, the impact made by the office is limited. One observation since the opening of

⁵² Information gathered from an interview with Ato Mohamed Ali, Asian Department, Ministry of Foreign Affairs.

⁵³ Ibid. at No. 55.

⁵⁴ Ibid. at No.56.

⁵⁵ Ibid.

the Consulate in Beirut is that the death toll among Ethiopian migrant women has markedly decreased⁵⁶.

Except for occasional media reports informing potential migrants of the risks of trafficking, no Government schemes assist migrants who have been deceived during the initial stages of preparing for migration. Migrant women do not realize that they have been deceived until they leave the country and reach their destination or until they begin work. Illegally recruited, they do not come forward to the law enforcement bodies until they return to their country.

2.4. Migrant Workers' assessment of Government initiatives and suggestions for future interventions

Ethiopian returnees feel that their Government has not accorded them enough protection compared to the Governments of other migrant workers. Some returnees from Beirut say the Consulate set up to alleviate the plight of Ethiopian migrant women has done little to protect their rights.

According to returnees from Lebanon, a desk officer of Lebanese origin assists the Consulate. Returnees feel that by the very fact of his origin, he favours employers rather than the Ethiopian migrant workers. Returnees do not understand why the Ethiopian Government cannot employ an Ethiopian rather than a Lebanese. As the Consulate's main purpose is to protect the rights of migrant women, they feel it should be staffed with people who understand their plight. No translator is available and migrants feel there should be one. Returnees also expressed the great need for free legal representation in criminal proceedings or negotiations with employers.

One returnee who had been imprisoned for seven months in Lebanon stated that, during the time of her imprisonment, the Ethiopian Consul paid prisoners only one visit. Ethiopian prisoners are singled out for inhumane treatment in the prisons because the Ethiopian community there does not protest against such treatment and the Consulate has not taken strong measures against such treatment. According to this returnee, she and other Ethiopian women prisoners were put into sacks, tied up and beaten. In contrast, other imprisoned migrant workers are not subject to such cruel treatment because of protection by their embassies and because they have strong national communities.

Ethiopia has no embassy or consulate in Bahrain and migrant workers there are left with no Government protection. One representative facilitates the renewal of passports by sending them to Kuwait and the cost is high because they have to cover the mailing cost. Returnees from Bahrain believe that there should be diplomatic representation in Bahrain to guarantee the protection of the rights of Ethiopian migrants.

Both returnees and migrants who are processing their departure said that they are not aware of laws or policies available for their protection. They know of the existence of one licensed private employment agency but they do not think that the existence of one such agency by itself can curb trafficking. The agency only recruits women who have completed high school. But a large number of women who could not complete high school for many different reasons and now seek employment abroad and end up as victims of trafficking. Due to the existence of this agency, traffickers cannot recruit women for employment in Lebanon. However, traffickers now diverted their routes to Dubai.

⁵⁶ Ibid.

Migrants feel that the Government should encourage new employment agencies and monitor them, especially at the country of destination, to make sure that they abide by the laws.

Returnees as well as those who have started the process of migration feel that the establishment of such agencies by itself is not a solution. So long as the national job market can not accommodate the large number of unemployed women in the country, trafficking can not be curbed. They feel that the Government should take measures to create job opportunities for women.

Returnees feel that embassies or consulates should be established in all Gulf States where a large number of Ethiopian migrant women are found. Such embassies and consulates should be staffed with officers concerned about the plight of these women and should provide stronger support than some of the embassies now do. They should ensure that migrant workers: have freedom of movement; are not subjected to any types of physical or sexual abuse; get paid their monthly salaries on time; are allowed to have monthly leaves with pay; have contact with their families as well as other Ethiopians in the receiving countries; are properly fed, are not over-worked, are allowed to transfer their salaries back to their countries, have legal representation when needed, and that those imprisoned get due process of law, as well as all other necessary protection.

Migrants feel that they should be allowed to have the freedom to meet with other Ethiopians in the receiving countries in order to practice their own culture. Returnees stated that they felt very alienated.

Returnees feel that the Government should inform potential migrants about their rights, the conditions of work and life in the receiving countries and the protection available to them. Returnees feel that the duty of informing migrant workers about the living and working conditions in the receiving countries should not be left to private employment agencies who have an interest in promoting recruitment for employment abroad. The Government should use returnees as sources of information about living and working conditions in the different receiving countries. They have personal experience and are able to pass on survival techniques. Such information should be given to migrant workers before departure as well as at destination.

The Government has taken no initiatives to reintegrate and rehabilitate returnees and this discourages those who want to return. Today's returnees will be tomorrow's victim of trafficking if the problem of unemployment persists. If returnees are not assisted to get training and find jobs upon their return, they will become a burden on their families and, once again, seek employment abroad. Returnees feel that there should be some sort of assistance to organize and create jobs for themselves.

3. Private Initiatives

As pointed out earlier, the issue of trafficking in women has not been sufficiently addressed within the country. Abuse of migrant Ethiopian women in the Middle East has been a hot issue of discussion from time to time, but little has been done to improve the situation. Few private initiatives have been taken to address the issue of exploitation. Efforts that have been made are scattered, related to specific cases, and do not address the root causes of the problem.

3.1. Preparing migrants for overseas employment

Since the issuance of the Private Employment Agency proclamation in 1998, only one private employment agency has been licensed in Ethiopia. The Meskerem Private Employment Agency was set up by an Ethiopian woman who used to live in Lebanon and is well aware of the plight of trafficked Ethiopian women in Beirut.

The Meskerem Employment Agency has a legal license to recruit workers only for employment in Lebanon only. The agency is represented in Lebanon by Inter Medico, a large insurance company. The agency has been operating for eight months and has, so far, recruited 1,025 Ethiopian women for employment as housemaids in Lebanon. When the agency started its work, it represented migrants of every educational level. Now, the agency seeks employment only for high school graduates, because the agency believes that the women need a certain level of education to be able to communicate with their employers, and to be articulate enough to have their rights protected. They should also be able to write home to their families⁵⁷.

Though there are numerous complaints about the guarantee required to set up a private agency, Meskerem (the owner and manager of the agency) does not think the requirement is high enough. Having seen the abuse women potentially face as domestic servants in Lebanon, she feels the amount required is not much if it ensures a serious job placement⁵⁸.

Besides directly recruiting workers for employment in Lebanon, according to Meskerem, the agency also assists in getting exit visas from the Immigration Authority for those women who have processed their visa to Lebanon through other means. As mentioned earlier, those who are planning to go and work in Lebanon get immigration clearance only if they go through the Meskerem Employment Agency. In case of direct recruitment, the employment contract has to be acknowledged by the Ethiopian Embassy at the receiving country and registered by MOLSA. A migrant worker has to have a copy of his/her contract signed through the agency to secure an exit visa/security clearance. This contract must be approved by MOLSA and accompanied by a covering letter from the agency. Before validating it, the Ministry makes sure that the conditions contained in the contract fulfill all the legal requirements set down for such agreements under the law. One copy of the contract is kept with the ministry, one copy remains with the agency, one is retained by the worker, and the remaining copy is given to the employer.

⁵⁷ Information gathered from an interview with Meskerem Alemu, owner and Manager of Meskerem Employment Services/Agency.

⁵⁸ Article 14 of the Private Employment Agency Proclamation No.104/1998 requires that 30,000 U.S dollars or the equivalent in Ethiopian Currency be deposited as a guarantee for up to 500 workers; USD40'000 for 501–1'000 workers, and USD50'000 for above 1'000 workers.

The agency assists workers to secure exit visas when requested by migrant women who have processed their employment and visas to Lebanon through some other means⁵⁹. This service is free. In such cases, the agency refers the address of the employer to its representative company in Lebanon for further investigation. The agency in Lebanon finds out the terms of employment, whether the employer can afford to pay the workers' salary, whether the employer can provide decent shelter and food, if they are medically insured and so on. Once the conditions of employment have been confirmed, the agency provides these migrants with the same training and orientation it provides its other clients⁶⁰.

Migrants are provided with skills-training and orientation before they leave the country through the Meskerem employment agency. The training lasts a month and the migrants receive a crash course in English, hygiene, housekeeping and child and elderly-care. They also receive orientation on the situation in Lebanon, the culture and the different behaviour they should expect from people who come from different cultures than their own. They are given orientation on how to do the shopping, if it is part of their job description. They also receive orientation on the use of different cleaning chemicals and on how to protect themselves. They are informed about the food they should expect in Lebanon and about healthy eating habits. For example, one complaint often heard from female migrant workers is that they are not well fed. The agency advises them not to expect food to be offered by the elderly, as is the culture in Ethiopia, but that they should help themselves at meal times. According to Meskerem, cultural differences have sometimes resulted in Ethiopian servants going without food. Some returnees have complained of not being allowed to talk to other maids over the balcony. The agency advises about certain behaviour their employers may not want from their domestic servants, such as shouting over the balcony⁶¹.

The agency also orients them on how they can improve their lives by saving their earnings so that when their contract is finished they can come home and invest their money. Private employment agencies are required by law to facilitate the remittance of migrants worker's wage to the country where the worker wishes to do so⁶².

As migrant workers are expected to wear uniforms all the time, they are advised about the dress code and requires them to wear their uniforms during the training so that they can get used to it. The women can change their minds up to the moment they board the plane. As per the relevant International conventions and the private employment agency proclamation, the agency provides all these services to the workers for free. The agency advertises its services both in Ethiopia as well as in Lebanon through a magazine of the Christian Orthodox church. As most migrants who go to Lebanon are followers of the Christian Orthodox faith, the agency hopes to reach as many women as possible through

⁵⁹ According to the Private Employment Agency proclamation No. 104/1998, Ethiopians are allowed to go and work abroad only through private employment agencies or through direct recruitment that has to be approved MOLSA. Meskerem Employment agency is the only existing agency licensed to process the employment of Ethiopians in Lebanon, The Ethiopian Immigration Authority extends exit visas to those who are planning to go to Lebanon if they produce an a letter that states they are going through this agency. In the case of direct recruitment, the migrant worker has to produce a contract of employment duly authorized by MOLSA.

⁶⁰ Ibid. at No. 53.

⁶¹ Ibid.

⁶² Article 12 (2)(c) of the Private Employment Agency Proclamation, provides that: where the worker wishes a full or partial remittance of his wage to the country, the private employment agency that has recruited the worker has the obligation to facilitate his remittance in accordance with the laws of the country of employment.

the magazine. Some migrants who were trafficked to Lebanon returned home and, after a while, left for Lebanon again through the Meskerem Employment Agency⁶³.

3.2. Prevention against exploitation

Campaigns related to illegal recruitment practices, have been launched by EWLA, the Ethiopian Women Lawyer's Association (a local women's rights activist group) as well as the private media. EWLA's broad objective is to ensure the equal participation of Ethiopian women in the economic, social and political spheres of the society. Among the different activities it carries out are the provision of free legal aid to women whose rights have been abused, educating the public about women's rights, examining harmful traditional practices as well as discriminatory laws against women and proposing policy changes and legal amendments.

EWLA uses the private media to publicize cases of trafficking that come to its attention to illustrate that trafficking is widespread in the country. In an attempt to curb trafficking, the organization works closely with the police by referring cases involving trafficking for further investigation. The private media has also taken initiatives on its own to raise the awareness of the public on the magnitude of the problem of trafficking. Such information campaigns, however, are not continuous and, as mentioned earlier, the public gets information about the issue only when there are high profile cases involving trafficking or when a wave of complaints against traffickers is filed either with the police, EWLA or the media. These privately initiated campaigns do not focus much on the rights of migrants, other than reporting the atrocities committed against these women and warning others to be aware of illegal recruitment.

The Meskerem agency warns its clients that a clear sign of illegal recruitment is being asked to pay a fee. The agency's advertisement in the Orthodox Ethiopian Christian magazine in Lebanon contains a warning about the existence of illegal recruitment. The agency orients migrants about their rights contained in the contract, but it does not raise their awareness about the rights of migrant workers under local laws or international instruments.

The private media has played a major role in publicizing the issue as well as criticizing the Government for its failure to protect Ethiopian migrant women from severe abuse in the Gulf States. Except for the Meskerem employment agency, which provides very limited information on trafficking, no other private organizations provide specific information, advice, counselling and training to female migrants and their families about trafficking.

The International Organization for Migration (IOM) in Addis Ababa plans to carry out information dissemination programs in collaboration with partners, both Government and other institutes under its Counter Trafficking project. The information dissemination project has the objective of raising awareness on the dangers of trafficking among potential victims of trafficking and their families in Ethiopia. The campaign will include awareness raising on HIV/AIDS in relation to migration and specially trafficking. The program will also prepare and make available information pamphlets on Ethiopian migrant worker's

⁶³ Ibid.

rights and other pertinent issues related to working abroad⁶⁴. This project has yet to be implemented.

3.3. Protection and assistance against abuse

The Meskerem Employment agency provides its clients an ID written in Amharic (the Ethiopian official language), before the employees leave for their destination. The ID is written in Amharic so that their employers will not understand the secret code between the agency and the employees. The migrants are supposed to keep this card hidden for emergencies. The card contains the name of the employee, their file number with the agency, the address/phone number of the agency in Ethiopia as well as the address/phone number of the representative in Lebanon. It also contains information stating that the agency in Lebanon provides service 24 hours a day and that they can contact it whenever they want to. Whenever a migrant worker is in trouble she needs only to call and mention her file name and the people at the agency will identify her address and go to her. The agency has a van with a driver that is available 24 hours a day⁶⁵.

The agency keeps a record of employees and any concerned citizen can go to the office and look at the records to find out the whereabouts of the migrant workers sent through the agency. The record contains information on the file number of the employee, their full name and telephone number, their passport number, their employer's full name and telephone number, their date of departure from their country and their date of return to the country.

According to the agency, it has *pro bono* lawyers, a medical doctor and an assistant, and interpreters who speak French, Arabic, Armenian, English and Amharic who work round the clock. The agency calls each employee twice every month to check on the condition of the worker as well as to find out whether the employer is satisfied with the services of the employee. The employee can call the agency at any time. The agency talks to employers to find out whether they have complaints regarding the services they are receiving. This is a method of ensuring that the relationship between the employer and employee is smooth to prevent potential abuse. If either have complaints, the agency tries to reconcile differences. If it is impossible to do so, the agency returns the employee back to her country. If the employee has to be returned before her contract of employment expires, the agency pays the worker USD1'500. If a migrant has been abused, the agency immediately takes her out of the abusive condition she is in, pays her salary if the employer refuses to do so and returns her back to her country, once it has done that it takes the necessary legal action against the employer⁶⁶.

ELWA has also played a major role in exposing the plight of Ethiopian female migrant workers in the Gulf States and first drew the law enforcement's attention to the problems of trafficking in the country. The exploitative situation of trafficked Ethiopian migrant women in the Arab countries came to the attention of the EWLA through cases reported to its legal aid clinic around the end of 1996. Most complaints were requests for legal assistance to get back their money from illegal traffickers because returnees borrowed the money before departure, hoping to pay it back from their salaries. As they

⁶⁴ Summary of IOM's counter-trafficking project for Ethiopia, 25 may 2001.

⁶⁵ Ibid.

⁶⁶ Ibid.

did not get enough money to pay back their debts they needed to recover the money they paid to the traffickers.

ELWA could press neither criminal charges nor bring civil action against the traffickers to recover the money the women paid because the traffickers had made sure there was no evidence to implicate them. The organization brought the cases to the attention of the police for further investigation, which led to the arrest of many travel agents and the closing down of their business. Though charges were brought against them, none have been convicted so far due to lack of evidence and adequate laws at the time that deal with labour trafficking.

ELWA also receives complaints from families of migrant women who have written home about abusive conditions, expressing their desperate wish to return home. In such cases the organization refers the cases to the Ministry of Foreign Affairs to facilitate their return through its Embassies or Consular offices in the concerned countries. The Ministry sends the organization copies of the letters it writes to the Embassies or Consular office requesting them to look into the situation and process the return of these women. So far, ELWA has not heard of the return of any of these women. Recently, the Ministry informed the organization through a letter that it can only forward cases of migrant women who live under abusive conditions and want to return home if the telephone number of the worker is known. The consulate in Lebanon, for example, has stated that it can do little to help such women because their telephone numbers are not known⁶⁷.

ELWA also brought the exploitation of Ethiopian migrant women in Arab countries to the attention of the public using the media as well as forums like workshops. ELWA is currently working with the Government and other concerned partners to get the death sentence against an Ethiopian migrant worker in Bahrain reversed. The 20-year-old woman in Bahrain was charged and convicted for murdering her employer. The sentence was passed two years ago but the case came to the attention of the organization through the Ministry of Information only 40 days before the death penalty was to be carried out. Ethiopian migrant women working in Bahrain informed the Ministry of the case.

ELWA lobbied the Government to provide legal assistance to the convicted woman, making the case known to the public and mobilizing public support from concerned bodies both within the country and outside. A national committee to lobby and fundraise for the convicted migrant worker was set up through the initiation of the ELWA⁶⁸. ELWA together with the Women's Affairs Office at the Prime Minister's office appealed to Regional and International Human Rights organizations to lobby for a stay of execution and for further investigation of the case.

Ethiopians living abroad have demonstrated in front of Bahrain Embassies for a stay of execution. The Ministry of Foreign Affairs sent the Consul in Kuwait to investigate the issue further, to meet with the convicted woman and to assess her condition and consult with her lawyer regarding her appeal. The Consul also met with Bahrain Government officials to explore diplomatic means of getting a stay of execution. The court in Bahrain has just agreed to the woman's lawyer's request to allow her to undergo a medical examination again.

⁶⁷ Information gathered from case files at Legal Aid section of the ELWA.

⁶⁸ The committee is composed of 13 members. These include Returnees from Bahrain, the Bar Association of Ethiopia, media, the Addis Ababa University, the Women's Affairs office, the Ethiopian Moslem Council, Chamber of Commerce, the ELWA itself and a private College known as the Unity College.

3.4. Migrant's worker's assessment of private initiatives and suggestions for future interventions

Ethiopian female migrant workers are little aware of private initiatives related to migration, but still feel that private bodies have not taken enough initiatives to address their concerns. No private initiatives related to the return process are operational yet and the only initiative in planning is by the Fledge Wogen and the IOM (see section 5). Participants in the focus group discussions have heard of the Meskerem agency. The returnees in the group discussions were not recruited through the agency so they do not know much about the procedures that are in place to protect migrants from abuse. However, they are very skeptical about the agency's representative in Lebanon. They claim that they have not noticed any special protection being accorded to the migrants who left through the legal means. Some allege that the representative in Lebanon charges the workers for its services. They feel that Meskerem should be strongly monitored at the country of destination by the representatives of the Ethiopian Government. For example, migrants who are processing their employment through the Meskerem Agency say that they have heard from others who went through the process that they will have to pay money to the agency from their salary. However, they do not know what the payment is for and had made no effort to ask the agency here about it. They were not aware that the private employment agency proclamation prohibits an agency from taking any form of commission from the workers it recruits.

Returnees are totally against the fact that the agency now recruits only high-school graduates. They feel that women do not need to finish high-school to work as housemaids in the Arab countries. They think that this policy discriminates against women who, for many reasons, have not graduated from high-school, and leaves them at the mercy of traffickers.

Migrants do not think that a private employment agency can provide recruited workers with enough and accurate information since such agencies have an interest in encouraging migration. They feel third parties should provide information. Besides, they feel that since the agency owners or the trainers have not experienced first-hand the situation, it would be more useful to use returnees in their orientation programs. They think that the language orientation being given by the agency is not enough and should be improved upon.

Migrants who are leaving through the Meskerem agency stated that they have not been given enough information about the condition of life and work by the agency. They have no idea about the culture in Lebanon, nor have they been well informed about Lebanese cuisine so that they will be able to prepare it. They feel they should be taught such things to make their integration into a different culture easier. They claim that they do not have access to people in the agency who are able to answer their questions regarding different issues concerning their departure and situation at arrival. They have no idea about the responsibility of the agency or the laws concerning migration. They think they should be oriented about it and someone from the agency should be accessible to them to clarify such issues.

Migrants feel that more private employment agencies should be encouraged to set up so that women will not be victims of trafficking. Returnees feel that private initiatives should also focus on job creation for women so that they will not have to go and work abroad. For example, some returnees stated that if they could find opportunities to work as housemaids paying as well in Ethiopia, they would be interested. Private initiatives can focus on training and recruiting women for housemaids within the country rather than for work abroad.

Migrants pointed out that private organizations can do a lot of work in raising the awareness of the public about the risks of trafficking and the exploitative situations many trafficked women live in so as to protect others from being trafficked. They can network with NGOs and other agencies like religious organizations in the receiving countries to exchange information and then lobby the Government to accord the necessary protection to its citizens. Returnees also pointed out that private organizations should also focus on providing counselling to victims of abuse both in the sending and receiving country.

4. Government initiatives related to returnees

4.1. Social and economic reintegration

The issue of Ethiopian women who are trafficked to the Middle East has not been given the attention it deserves. Although some steps have been taken by the Government in order to prevent trafficking and assist victims, as discussed in previous sections, the Government has not addressed the issue of social and economic reintegration. Discussions with returnees confirm this fact. All the returnees who participated in the group discussions stated that they have received no support from the Government since their return. Most came back with little money to invest and they have not been assisted in finding employment and, as a result, some are considering going back to the Middle East. As private employment services are not widespread, they are contemplating using illegal agents again to facilitate their departure.

The Ministry of Foreign Affairs is trying repatriate victims of abuse in Lebanon through the Consulate. Complaints from victims are reported to the office through families of victims as well through EWLA. Upon receiving complaints, the Ministry asks the Consulate to look into the case and, if the conditions are abusive, repatriate the migrant worker to Ethiopia. EWLA has written letters to the Ministry of Foreign Affairs requesting the repatriation of victims of trafficking and the Ministry has been cooperative in referring the request to the Consulate. But, so far, no case of repatriation through the intervention of the Ministry has been reported to the organization. Some returnees, however, did report that the Consulate has repatriated some migrant women who were in abusive conditions in Lebanon.

One project in the pipeline to repatriate victims of trafficking is to be implemented jointly by the IOM and the Women's Affairs Sub-Sector in the Prime Minister's office. These two organizations recently commissioned a study to identify ways to counter trafficking, identify strategies to help repatriate victims of trafficking, as well as to identify reintegration schemes for returnees. The project has yet not been implemented.

4.2. Remittance management

Other than the project mentioned in the previous section, by IOM Ethiopia in partnership with the Women's Affairs office, there are no initiatives aimed at supporting migrants in the investment of their remittance money.

4.3. Support and counselling for victims of exploitation

Returnees from Lebanon say that the new Consulate is helping migrants who have been refused their salaries. According to these reports, legal assistance provided by the

office is quite limited. For example, the office does not provide support to prisoners subjected to cruel inhuman and degrading treatment. Many prisoners in Lebanon have no access to legal representation. A number of returnees from Lebanon mentioned the case of a woman who was physically abused by her employers, denied her salary and dumped at the entrance to the Consulate. They claim that the Consulate gave her no support whatsoever and that, as far as they knew, she had not been repatriated.

Returnees from other countries like Bahrain, Dubai, Kuwait and Saudi Arabia said that no legal support or counselling is being provided by the Ethiopian Embassies there to Ethiopian migrant workers. The Government has not implemented any initiatives within those countries to support victims of exploitation and/or trafficking in terms of offering counselling or legal support.

4.4. Migrant workers' assessment of Government initiatives for returnees and suggestions for future initiatives

Returnees do not think that the Government is doing enough to assist the return of migrant workers in exploitative situations. They feel that there should be diplomatic representation in all the Arab countries to which a large number of Ethiopian women migrate to work as housemaids. Embassies and consulates should be staffed with people who are aware of the plight of migrant women. The whereabouts of Ethiopian women who have been trafficked should be investigated and they should be registered and provided with addresses of the Embassy so that they can get in touch in case of trouble. Embassies should help repatriate women who are in exploitative situations and provide legal assistance and representation for those migrant workers who need it.

Migrants feel that the issue of migrant women who are trafficked from Ethiopia should be given the attention it deserves. In order to protect the rights and dignity of these women the necessary human and financial resources should be allocated. They believe that the capacity of the embassies and consulates in the receiving countries should be strengthened.

Migrants strongly feel that traffickers should be brought before the law and severely punished for their acts to discourage others from engaging in the same illegal activity. They further stressed that society at large should cooperate with law enforcement bodies to identify traffickers and bring them to justice. Migrants suggest that stricter laws and policies should be put in place and the public made aware of the existence of such laws.

It was pointed out by migrants that, primarily, women should have better opportunities to acquire skills and training to be economically empowered. More work opportunities should be available to women so as to reduce their vulnerability to traffickers.

Returnees feel that the Government should carry out a continuous information campaign about the dangers and consequences of being trafficked. They feel they can play a major role in raising the awareness of the public about the dangers of being trafficked and the real situation in the countries of destination.

Migrants further suggest that the Government should assist them to transfer their money back to the country and invest it once they return. For those who return little money, some sort of assistance should be available to enable them to find jobs so that they will not be victims of trafficking again. They should be assisted to organize and create jobs for themselves as well as to inform others about the risks abroad.

5. Private initiatives related to returnees

5.1. Social and economic reintegration

Currently, there is one private initiative that aims to assist migrants to return to their country and reintegrate into the society. Felege Wogen is a local NGO established by Ethiopians to repatriate and reintegrate Ethiopian migrants. This organization focuses on three types of migrants. The first group consists of those migrant workers who are disadvantaged in their country of destination, as in the case of Ethiopian migrant workers in the Gulf States. The second group consists of those migrants who want to come home but are afraid to do so because they have no savings to invest to create employment for themselves. This, to a certain extent, includes Ethiopian migrant women in the Gulf States. The third group includes those migrants who want to come home and have remittances they want to invest.

Felege Wogen has begun by assisting migrants in the third category and is still in the process of raising funds to help migrants in the other two categories. The organization is hoping to contact migrants through contact offices like embassies, consulates and Ethiopian communities as well as using the media. The organization hopes to carry out registration and arrange safe passage to returnees and, once they are home, to provide them with shelter, food, short-term rehabilitation, support, medical service and transportation to their permanent settlements. Part of the reintegration program of the organization is to raise funds with the help of Government and NGOs to establish farming schemes, cottage industries, technical training centres and other relevant establishments. To start the process of reintegration the organization hopes to organize the migrants into communities in the receiving countries. Services will also be extended to those who are not members of the communities for different reasons. The communities will have the characteristics of community-based organizations, that is the community will extend support to its members when they are in difficulty before they are repatriated. This community will be a link between migrants in the receiving countries and the organization in Ethiopia. The organization hopes to facilitate the establishment of Ethiopian migrant communities with the support of the Ethiopian diplomatic representatives in the countries concerned.

EWLA has been extending assistance to migrant workers' families to repatriate migrants from exploitative situations. As mentioned earlier, the organization's assistance consists of writing letters and lobbying the Ministry of Foreign Affairs to assist in the repatriation of the concerned migrants through its embassies or consulates in the countries where the trafficked migrants in question are located.

The IOM Addis Ababa office has plans to provide return and reintegration assistance to trafficked victims who are willing to return. The organization's planned assistance includes provision of shelter and other assistance for victims of trafficking. The organization plans to implement this program within the framework of IOM's counter-trafficking mandate, in collaboration with the Ethiopian Government as well as NGOs⁶⁹.

5.2. Support and counselling for victims

No private initiatives provide counselling to returning victims of exploitation. Victims who have been traumatized are assisted by their families to seek professional help if they can afford it or else they are left with no assistance whatsoever, which is the mostly the

⁶⁹ Ibid. at No. 62.

case. Here again, the IOM has plans to provide medical assistance and counselling to trafficked migrants in transit and destination countries but the plan has yet not become operational.

5.3. Returnees organizing themselves

Returnees in Ethiopia have not organized themselves, possibly due to the weak civil society that exists in the country. Membership levels in the civil societies that do exist are quite low. Though the constitution guarantees the freedom of association, there are not many organized women's groups, probably due to lack of strong assistance to help them organize themselves. Returnees from the same countries stick together and talk about organizing themselves, but have not so far received any guidance. To start with, they do not know where they can meet other returnees other than their friends. The focus group discussion was one forum where returnees from different countries met and shared their experiences as well as exchanged addresses.

5.4. Migrant workers' assessment of private initiatives for returnees and suggestions for future intervention

Migrants think that private initiatives to assist returnees in their social and economic reintegration would attract many exploited women back to their country.

Private initiatives could campaign to warn potential migrants about the risks of being trafficked and inform the public about laws and policies regarding legal migration as opposed to illegal ones, to protect women from becoming victims of traffickers.

Returnees think that private bodies should play a role in informing the society about conditions in the destination countries so as to protect potential migrants from false information. Potential migrants need to be informed about their rights and the procedures to have them protected so as to be able to have their rights protected. Private bodies can play a role in orienting potential migrants about these issues.

Migrants think that one way of protecting women from exploitative situations is to create job opportunities within the country. Until the market can accommodate the large number of unemployed women in Ethiopia, migrants think that private employment agencies should be encouraged. They also strongly feel that a procedure whereby the Government can effectively supervise the work of these agencies to ensure the protection of the rights of migrant workers should be put in place.

6. Institutional framework

6.1. Bodies to promote, enforce and supervise policy and legislation

Ethiopia's justice system, as mentioned in previous sections, is very slow, mainly due to the lack of human and financial resources. The courts are under-staffed and overburdened with cases. For this reason, an attempt to speed up trials of illegal agents charged with trafficking Ethiopian women to the Gulf States, failed⁷⁰. No cases have set precedents by conflicting, which could have helped to curb the clandestine activities of illegal agents.

The study on "Trafficking of Women out of Ethiopia" has pointed out the lack of human resources in the courts as well as in the federal police investigation division. This has contributed to the fact that the illegal agents that have been charged with the crime of trafficking have not yet been sentenced. Other sources indicate that there is also a lack of manpower in the prosecution office that has resulted in the delay of filing charges promptly.

MOLSA is the body responsible for the implementation of the Private Employment Agency Proclamation. Among its responsibilities is supervision of the work of the private employment agencies. As there is only one such agency now in the country, supervising it might not be difficult. But as more and more agencies come forward to register, allocation of more financial and human resource to the division concerned in the Ministry might be needed.

The diplomatic representatives of Ethiopia in the different Gulf States are also responsible for the supervision of the work of the legal representative agencies that recruit workers in Ethiopia. As the study pointed out, the only diplomatic representative that has been actively addressing the issue of Ethiopian migrant women is the Consulate in Lebanon. This office has an obvious lack of human and financial resources that has limited the assistance it gives to migrant women under exploitative situations in Lebanon.

The Women's Affairs Office at the Prime Minister's office is also a body that should be effectively working towards the implementation of laws and policies applicable to migrant workers. This office has a limited number of experts who are working towards the implementation of the National Women's policy. There is an obvious lack of human resources in this office to focus on the issue of trafficked Ethiopian female migrant workers.

6.2. National and international coordination efforts

The recent case of an Ethiopian migrant worker in Bahrain who was sentenced to death for killing her employer drew national as well as international attention (see section on Protection and assistance against abuse, pp. 38–39). It also drew different groups within the country, both Government and non-Government bodies, to work together to stop the sentence from being executed. The cause has also appealed to regional and international human rights organizations and groups for international lobbying. Except for this

⁷⁰ Information about the capacity of law enforcement bodies was to be gathered from the Ministry of Justice. However, since the ministry is not willing to disclose any information relevant to this report, this section of the report will not contain the needed information.

coordination effort that was made to address a specific case, there has been no national and international coordination towards protecting migrants in exploitative working conditions.

Conclusion and recommendations

A large number of Ethiopian women migrate to the Gulf States and Lebanon employed as housemaids. This is mainly due to the fact that job opportunities for women within the country are very limited. Until the time this problem is addressed in Ethiopia and the labour market can accommodate the large number of women seeking employment, it is likely that the trend of migration to the Gulf States will increase.

Though reports of women being trafficked to the Gulf States came to the public's attention around 1996, few initiatives have been taken so far to address the issue of trafficked migrant women. This is mainly related to the fact that:

- The problem is not reported as much as it should be. Due to lack of a continuous information campaign on the issue, the magnitude of the problem is not well-grasped by private and Government bodies nor the public at large;
- The women's rights movement in the country is still young and there are very few women's rights activists groups trying to address wide issues of gender discrimination. As a result, the issue of migrant women in exploitative situations in the countries of destination has not gained the attention it deserves;
- The problem has not been well researched. Data are not compiled. Concerned Government authorities do not have the necessary information at hand to make available to interested groups or persons. Bureaucracy in accessing the necessary information from concerned Government offices is not conducive to the collection and dissemination of information;
- Lack of a budget allocated towards addressing the issue is another problem;
- The issue has not been advocated widely and continuously to draw the attention of concerned bodies. Neither has it been widely advocated as a political agenda in diplomatic relations between Ethiopia and the Gulf States;
- The fact that the type of job migrant women are employed to do, domestic service, is not accorded legal protection either nationally or internationally has contributed to the issue not drawing the Government's attention as it should.

Freedom of movement is one of the basic human rights guaranteed in all the major international human rights conventions Ethiopia has ratified, as well as in its own constitution. Though Ethiopian migrant women face abuse in the Middle East, they will continue to migrate for employment so long as there are no job opportunities for them their country. Preventing them from leaving the country interferes with their basic human rights. However, much can be done at the different stages of migration to accord them better protection than they presently receive.

As the purpose of this study is to improve the situation of female migrants and to protect them against discrimination, exploitation and abuse, it is appropriate to identify helpful intervention. Based on the findings of the study, the writer puts forward the following recommendations.

Job Creation

The push factor for so many women to seek employment abroad is the lack of job opportunities within Ethiopia. Lack of education for girls contributes to their limited access to the labour market. It is recommended that all concerned bodies, both Government and

NGOs, give special attention to the education of girls. Obstacles that prevent girls from going to schools should be addressed to create a better learning environment. Procedures that protect girls from harassment by male students as well as male teachers should be put in place. More female teachers should be encouraged to join the secondary schools. Girls should be encouraged to actively participate in classes. The cultural division of labour in the household needs to be addressed so that girls will have more time to concentrate on their studies and do well in school.

The formal labour market in the country needs to open up to accommodate more women. Policies and laws governing the informal markets should be women friendly taking into consideration the fact that a large number of women in the country do not have access to their own capital or property. More credit and skills-training should be available to women in order to enable them to create job opportunities for themselves as well as to diversify their businesses.

Information campaign

One reason why most migrant women end up in exploitative working situations is the lack of accurate information about the living and working conditions in the receiving countries

It is suggested that both Government and civic groups carry out a continuous media campaign to inform potential migrants and their families about the risks and consequences of trafficking.

Lack of awareness among the public about the appropriate laws and policies regarding migrant workers contributes to the flourishing of illegal recruitment and limited their implementation. Therefore, it is recommended that, laws and policies in place regarding migrant workers be publicized widely both by Government bodies entrusted with the implementation of the law as well as local and international human rights groups operating in Ethiopia.

Information on the rights of migrants including what to do and whom to contact in case their rights are violated, should be available in the form of pamphlets before they leave the country.

Both the Government and private employment agencies should provide information about living and working conditions in the country of destination. As pointed out by migrants in the study, agencies have a special interest to promote migration and may not disclose the hardships of working as a housemaid in foreign countries. Therefore, the Government should play a strong role in the dissemination of information to migrant workers who are preparing to leave the country.

People working with migrants, including Government officials, those working and running private employment agencies and civic groups, need to be educated about the rights of migrant workers under the relevant national laws of the country as well as under international instruments.

The information disseminated should also encourage women who are contemplating seeking employment abroad through illegal agents, to use the money they are planning to pay the agents to start up their own small business within the country instead.

Pre-departure training

Ethiopian migrant workers leave for employment to the Gulf States with inadequate skills or language training which has created tension between migrants and their employers. They leave the country with minimum or no awareness at all about health risks, with grave consequences for some of them.

It is recommended that the training provided by the private employment agency operating in the country be assessed to ensure that it adequately prepares migrant workers for the responsibility of their new jobs.

It is also suggested that the Government, private employment agencies and concerned private bodies work together to raise the awareness of migrant workers about health-related issues before they leave the country.

It is recommended that training on remittance management be provided to migrant workers both by the private employment agencies as well as the Government, before they leave the country.

Lobbying for the ratification of relevant international instruments

As pointed out in the report, Ethiopia has not ratified the most important ILO and UN conventions that are essential for the protection of migrant workers. Concerned groups within and outside the country should lobby the Ethiopian Government to ratify conventions like:

- The Migration for Employment Convention (revised), 1949 (No. 97) accompanied by Migration for Employment Recommendation (Revised), 1949 (No. 86);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- The UN International Convention on the Rights of Migrant Workers and their Families, 1990.

Private employment agencies

The role of the Government as an employment agency has been slowly diminishing over the years, a trend observed throughout the world. “The majority of recruitment for employment abroad was once undertaken by the official recruitment bodies, often in the form of Government-sponsored transfer. In recent years however, the increasing role of private recruitment agencies has had the effect of ‘commercialising’ recruitment for foreign employment, and far fewer migrants than before are being recruited through Government channels”⁷¹.

Setting mechanisms to facilitate legal migration is essential to ensure the protection of migrant workers’ rights. As the Government’s role in the recruitment of workers has diminished, it is essential to encourage the formation of private employment agencies. It

⁷¹ Migrant Workers, International Labour Conference, 87th session, 1999, Information and Reports on the application of Conventions and Recommendations, International Labour Office, Geneva.

has been observed that only one private employment agency has become operational since the Private Employment Agency Proclamation No. 104/1998 was issued two years ago.

Encouraging the formation of such agencies is in the interests of Ethiopian migrant women. If enough agencies are not available to serve the large number of women seeking employment in the Gulf States, trafficking will continue to flourish. Therefore, it is recommended that the issue be examined further and, if it is discovered that the financial guaranty is too great an obstacle, then the proclamation needs to be revised.

It is also recommended that there should be a strong mechanism for monitoring the activities of private employment agencies in Ethiopia as well as their representative agencies in the receiving countries. The capacity of the Ministry of Labour and Social Affairs should be strengthened in terms of human and financial resource to carry out this responsibility effectively.

Investigation and trial of traffickers

The capacity of the law enforcement bodies within the country should be built up both in terms of financial and human resources as well as training to carry out the necessary criminal investigation of traffickers and bring them to justice in the courts.

The current slow pace of the Ethiopian legal system has prevented any traffickers from being convicted so far. No precedents have been set convicting traffickers for their illegal activities. In order to discourage trafficking, a mechanism should be set in place where speedy trial can be sought for such cases.

Law enforcement officers should be educated about the rights of migrant workers and the legal mechanisms available for the protection of such rights. The gender aspect of trafficking should be stressed in educating law enforcement officers.

Bilateral agreements

According to information gathered from the Ministry of Foreign Affairs, Ethiopia did not have strong diplomatic relations with the Gulf States until ten years ago. Therefore, no bilateral agreements with these states existed that might have benefited migrant workers at the time. Over the past ten years, however, relations with the Gulf States have been improving. Some attempts are being made to sign bilateral agreements with Gulf States. The bilateral agreements have more to do with economic cooperation than with transfer of labour, but it is hoped that these agreements will create more favourable conditions for Ethiopian migrant workers in the Gulf States.

It is recommended that concerned groups within the country lobby the Government on the importance of bilateral agreements with the Gulf States where a large number of Ethiopian migrants are found. Such agreements are essential to prevent abuses and fraudulent practices in recruitment placement and employment of migrant workers. The agreements should address issues like provision of working environment conducive for migrant workers, establishment of mechanisms to curb clandestine movement of labour and legal accountability of employers who violate the human rights of domestic workers. The lobbying should have the objective of pushing the issue of Ethiopian migrant women onto the political agenda between Ethiopia and the receiving Gulf States.

Establishment and strengthening of diplomatic representatives in receiving countries

The establishment of Ethiopian diplomatic representatives in countries where a large number of Ethiopian migrant workers are found is essential to according these workers protection. Moreover, the representative offices in place in some of the Gulf States and Lebanon should be strengthened in terms of human resources and financial capacity to give migrant workers meaningful support. The staff of these embassies or consulates should be trained on the rights of migrant workers and on the legal mechanisms that are available to accord protection to these workers.

These offices should be strengthened so that they can provide counselling and legal assistance to migrant workers whose rights have been violated. They should also be able to provide legal representation for migrants in judicial or administrative proceedings as well as negotiations with employers. The diplomatic representative offices in the receiving countries also need to have repatriation arrangements in place for those migrant workers who are willing to return home. There should be women officers in the embassies and consulates to deal with issues of female Ethiopian migrant workers.

The diplomatic representatives should closely consult with the authorities in the receiving countries to ensure that agents and employers who abuse the rights of migrant workers are brought to justice.

It is also recommended that Ethiopian consulates and embassies in the countries of destination give special attention to imprisoned migrant workers. These bodies should accord migrants the needed protection so that they are not subjected to cruel and inhumane treatment at the hands of law enforcement bodies. The representatives of the Ethiopian Government should also ensure that migrants get due process of law by assisting them with legal council at their trials.

Diplomatic negotiations with the Gulf States and Lebanon should be attempted to lift the penalty imposed on illegal migrants/aliens so that Ethiopian migrants who cannot return home because they cannot afford to pay the penalty will be able to do so.

There are reports that the whereabouts of a large number of Ethiopian women who were trafficked to Lebanon are still unknown. It is recommended that the diplomatic representatives of the Ethiopian Consulate in Lebanon should address these issues urgently. One system for locating them could be through the legal Ethiopian migrants who come to the Consulate to renew their passports. The Consulate could also try to locate these migrants through the different migrant associations, like the Afro-Asian Migrant Association, and through churches in Lebanon.

Diplomatic representatives of Ethiopia in the different countries of destination should encourage and assist Ethiopian migrant workers to set up communities which could render a lot of services to migrant workers who are living under difficult conditions. These communities can learn a lot from the experiences of other strong migrant communities that exist in these countries.

A mechanism for lodging complaints by Ethiopian migrant women against Ethiopian consulates or embassies for failing to accord migrant workers the necessary protection should be set in place. There should also be a mechanism for the investigation of these allegations.

Civic and religious groups

Networking between civic and religious groups dealing with the issues of migrant women in the sending and receiving countries should be established. Networking is essential for the exchange of information, for assisting exploited migrant workers and lobbying for the protection of migrant worker's rights on an international level.

Local groups should be assisted and encouraged to take up the issue of migrant workers in exploitative situations, as well as to work to prevent the trafficking of women and children. Civic groups that specifically address the issue of exploited migrant workers should be set up within the country. Among other things, these groups should provide counselling services to returnees who have suffered psychological trauma in the receiving countries. Counselling services should also be made available to women who could not migrate for employment because they have tested HIV positive.

There should be regional as well as international cooperation among groups working to protect women migrant workers from exploitative working conditions. A forum needs to be created for the exchange of information and experience with effective mechanisms to curb the trafficking of women and children.

Assistance to returnees

Very little or no assistance whatsoever is provided to returnees so far. Lack of assistance turns yesterday's returnees into today's victims of trafficking. There are some plans by IOM and one local NGO to help returnees in terms of economic reintegration but more groups, as well as the Government, need to get involved in assisting returnees to organize and create job for themselves. Groups currently working on job-creation for women within the country need to extend their vision to include returnees in their income-generating projects.

Providing job opportunities for returnees is also important to attract home those who are living in extremely exploitative situations. Many migrant women want to return home but cannot do so because they have not saved enough money to pay off the debt they got into to process their departure from their country. If organizations can help these workers settle their debts, a lot of migrant woman would return home and be spared further abuse.

Returnees also need to be assisted to socially reintegrate with the community. Both Government and civic groups need to work on sensitizing the public about the real situation of trafficked migrants. Society needs to understand the hardships returnees endure in the countries of destination so that it does not expect them to come back with large savings to invest in the country. Society needs to understand the exploitation of migrant women so that returnees do not feel like failures.

Returnees also need to be assisted to organize themselves so that they can inform others about the risks and consequences of being trafficked, as well as the real working and living conditions at the country of destination. They also have a lot to contribute regarding coping mechanisms.

Laws and policies

It is recommended that the Private Employment Agency Proclamation 104/1998 be amended to include appropriate mechanisms and procedures for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private

employment agencies. This is a requirement laid down under the Private Employment Agencies Convention, 1997, which Ethiopia has ratified.

It is suggested that existing laws concerned with trafficking be amended in light of current International standards on trafficking to take into account the different types of trafficking that victimizes women.

It is recommended that the law clearly distinguish between child trafficking and trafficking in women and clearly define what trafficking means under each category.

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