

Study on Trafficking in Women in East Africa

**A situational analysis including current NGO and
Governmental activities, as well as future opportunities, to
address trafficking in women and girls in Ethiopia, Kenya,
Tanzania, Uganda and Nigeria**

Published by:

Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH
Postfach 5180
65726 Eschborn
Germany
Internet: <http://www.gtz.de>

Responsible
Division 42 – Governance and Democracy
Anna Erdelmann
Sector Project against Trafficking in Women
Phone: (+49 61 96) 79 4121
Fax: (+49 61 96) 79 80 4121
E-Mail: antitrafficking@gtz.de
Internet: <http://www.gtz.de/traffickinginwomen>

Author
Elaine Pearson

Eschborn, December 2003

CONTENTS

0. FOREWORD	
1. SUMMARY: A GENERAL OVERVIEW OF TRAFFICKING IN WOMEN AND GIRLS IN EAST AFRICA	3
1.1. REGIONAL TRENDS IN TRAFFICKING IN WOMEN AND GIRLS	3
1.1.1. TRAFFICKING OF GIRLS	3
1.1.2. TRAFFICKING IN WOMEN	4
1.2. SOCIO-POLITICAL AND ECONOMIC FRAMEWORK	5
1.3. HIV/AIDS	6
1.4. LEGAL FRAMEWORK	6
1.5. SOCIO-CULTURAL ASPECTS	7
1.6. PRACTICE OF PROSTITUTION IN EAST AFRICA	8
1.7. FEMALE TRAFFICKERS	8
1.8. AREAS IN NEED TO ADDRESS	8
2. RECOMMENDATIONS	10
2.1. GENERAL REGIONAL RECOMMENDATIONS FOR EAST AFRICAN REGION	10
2.2. NATIONAL LEVEL RECOMMENDATIONS FOR ETHIOPIA	14
2.3. NATIONAL LEVEL RECOMMENDATIONS FOR NIGERIA	16
3. ETHIOPIA	17
3.1. DIMENSIONS AND TRENDS IN TRAFFICKING IN WOMEN AND GIRLS	17
3.2. SOCIO-POLITICAL AND ECONOMIC FRAMEWORK	21
3.3. LEGAL FRAMEWORK	22
3.4. SOCIO-CULTURAL ASPECTS	24
3.5. MIGRATION DYNAMICS	24
3.6. IMPACT OF CONFLICT AND POST-CONFLICT SITUATION	25

4. KENYA	
4.1. DIMENSIONS AND TRENDS IN TRAFFICKING IN WOMEN AND GIRLS	26
4.2. SOCIO-POLITICAL AND ECONOMIC FRAMEWORK	27
4.3. LEGAL FRAMEWORK	28
4.4. SOCIO-CULTURAL ASPECTS	28
5. NIGERIA	29
5.1. TRENDS IN TRAFFICKING IN WOMEN	29
5.2. SOCIO-POLITICAL AND ECONOMIC FRAMEWORK	30
5.3. LEGAL ASPECTS	31
5.4. SOCIO-CULTURAL ASPECTS	31
5.5. PRACTICE OF PROSTITUTION	32
6. TANZANIA	33
6.1. DIMENSIONS AND TRENDS IN TRAFFICKING IN WOMEN AND GIRLS	33
6.2. SOCIO-POLITICAL AND ECONOMIC FRAMEWORK	34
6.3. LEGAL FRAMEWORK	34
7. UGANDA	35
7.1. DIMENSIONS AND TRENDS IN TRAFFICKING IN WOMEN AND GIRLS	35
7.2. SOCIO-POLITICAL AND ECONOMIC FRAMEWORK	36
7.3. LEGAL FRAMEWORK	37
7.4. IMPACT OF CONFLICT ON TRAFFICKING	37
8. REFERENCES	39
9. APENDIX: CASE STUDIES	

Abbreviations

ANNPCAN	African Network for the Prevention and Protection Against Child Abuse and Neglect
ATGWU-URWU	Amalgamated Transport and General Workers Union/ Uganda Railway Workers Union
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung/ Federal Ministry for Economic Cooperation and Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COSUDOW	Committee for the Support and Dignity of Women
EWLA	Ethiopian Women Lawyer Association
FIDA	Federation of Women Lawyers (Kenya)
FIDA	Association of Women Lawyers (Uganda)
GAATW	Global Alliance Against Trafficking in Women
GSA	Good Samaritan Association
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit GmbH
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
ILO	International Labor Organization
IOM	International Organization for Migration
KIWOHEDE	Kiota Women's Health and Development
KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions
LRA	Lord's Resistance Army
MOLSA	Ministry of Labour and Social Affairs
NGO	Non-governmental Organization
SAP	Slum Aid Project
STD	Sexual Transmitted Diseases
Taifa	Taifa Community Care Project
TAWLA	Tanzania Women Lawyers Association
UAE	United Arab Emirates
UN	United Nations
UNICEF	United Nations Children's Fund
US TIP Report	United States' State Department, annual trafficking in persons (TIP) report
USAID	United States Agency for International Development
UYDEL	Uganda Youth Development Link
WAO	Women's Affairs Sub-Sector in the Prime Minister's Office
WCCC	Women and Children Crisis Centre
WLAC	Women Legal Aid Center
WOTCLEF	Women and Child Labour Eradication Foundation

Foreword

The traffic in human beings is flourishing. The global business involving “human goods” has now reached dimensions comparable to those of the illicit trades in drugs and weapons. In terms of numbers, the major victims of human trafficking are women and children who are forced into exploitative labour or prostitution.

There are two main reasons why this business is thriving: first, the harsh living conditions, mostly characterised by poverty, unemployment and a lack of perspectives, in the countries of origin. And, secondly, the demand that exists in the rich countries of the West. It is in their shadow economies that the victims are exploited: as cheap labour in the restaurant trade or the sex industry, through forced marriage and illegal adoption or for the removal of organs. Human rights standards are trampled under foot in the process. The trafficked themselves know far too little about their rights or about the appropriate channels to take to assert them.

The German Federal Ministry for Economic Cooperation and Development (BMZ) has therefore commissioned the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, German technical cooperation, to implement a sector project to combat trafficking in women, using funds from the German federal government’s Action Program 2015 for poverty reduction.

By means of networking, improving knowledge management and taking better account of the socio-cultural background, the sector project is to help combat the trafficking of women and to improve the counselling offered to its victims.

The objectives of this study are twofold. Firstly, to provide some background information on the scope of trafficking in women and girls in four East African countries – Ethiopia, Kenya, Tanzania and Uganda and one West African country, Nigeria. In each country, the consultant noted efforts taken (or not taken) by Governments and NGOs to address the issue of trafficking. The other objective was to explore, in more detail, the projects and activities of NGOs, especially women’s NGOs, as well as other organisations and government agencies¹. This was in order to recommend key areas for future co-operation with GTZ’s Sectoral Project Against Trafficking in Women.

The consultant primarily conducted desk research on the situation of trafficking in each of the countries, and identified and communicated with relevant NGOs and agencies. Visits were subsequently made to Uganda (Kampala and Gulu), Kenya (Nairobi) and Ethiopia (Addis Ababa) in order to visit NGO projects and interview relevant stakeholders. In Tanzania, the research was done by telephone interviews with organisations. In all, the consultant conducted over 30 interviews with NGOs, international organisations, trade unions and relevant Government departments in four countries. The consultant additionally spoke to three African women who had experienced being trafficked. Two of the case studies are included in the appendix. In Nigeria, the information in the study was based on existing research done by the consultant, and updated through email correspondence with various NGOs and international organisations.

This study used the definition of trafficking in women provided by the UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children (hereafter

¹ The information on the work of specific NGOs can be obtained on request by the sector project at antitrafficking@gtz.de.

Trafficking Protocol), attached to the UN Convention against Transnational Organised Crime (2000). This study looks at different sites (e.g. domestic work, prostitution), where women are deceived or coerced into moving, from one place to another, and held in conditions of exploitation. For trafficking of girls, deception or coercion is not necessary for trafficking to occur, it is more the facilitated movement of the child into exploitation. This study also briefly looks at internal trafficking (within countries).

Further information on the subject of trafficking in women and the work of the sector project can be accessed at www.gtz.de/traffickinginwomen. If you have any queries or suggestions, please contact us at antitrafficking@gtz.de.

Anna Erdelmann
Project Manager
Sector Project against Trafficking in Women

1. Summary: A General Overview of Trafficking in Women and Girls in East Africa (Ethiopia, Kenya, Tanzania and Uganda)²

1.1. Regional trends in trafficking in women and girls

Trafficking in East Africa occurs on two levels. Firstly, there is the internal trafficking of children and young women from rural to urban areas for domestic work and prostitution. Secondly, on an international level, there is trafficking of women to other African countries, the Middle East and Europe for prostitution, and to the Middle East predominantly for domestic labour.

1.1.1. Trafficking of girls

The combination of poverty, unemployment, gender inequality (the low status of girl-children), inadequate legislation and poor law enforcement enables trafficking in girls to thrive in East Africa. It is a long-standing African tradition for parents of poorer rural families to send their children to go live (and work) with wealthier families, often in urban centres. This was once a kind of ‘fostering’ arrangement.³ Today, that practice has been exploited by traffickers so that many such children are in fact child domestic workers with no access to education, no freedom of movement and working long hours in poor conditions for little or no pay. The normalisation of the cultural tradition of child domestic work and fact that it is so widespread in all four countries is an added barrier to ending this form of trafficking in girls.

Not all girls who migrate to urban centres are ‘trafficked’. In Uganda particularly, and to some extent in Kenya and Ethiopia, organisations stated much movement of children is not facilitated by third parties and as such is not ‘trafficking’. Many children move to urban centres in order to earn money, and then find themselves living on the street or in slum areas and are at this stage vulnerable to abuse, especially commercial sexual exploitation.

In some cases, children’s movement is facilitated, usually by a ‘family friend’ or acquaintance and thus in a position of trust. Many such children are then kept in highly exploitative conditions of work (prostitution or domestic labour) suffering non-payment (or under payment) of wages, sexual and physical abuse, long hours and no day off. Children trafficked

² For simplicity, references to East Africa in this study should be understood to include all four East African countries (Ethiopia, Kenya, Tanzania and Uganda) unless expressly mentioned.

³ Olateru-Olagbegi, B. ‘Promoting Human Security to prevent exploitative migration in Africa with special emphasis on trafficking in women and children’, in Nakano, K. (ed.) *Peoples for Human Rights: Durban and Beyond*, IMADR, Japan, Vol. 8, Dec 2001 at p. 59.

for prostitution frequently suffer rape, physical abuse, are not paid or underpaid by their exploiters, live in poor conditions and work long hours soliciting for clients. Some are abducted by clients. In addition they suffer harassment from police and local community guards, unplanned pregnancy and risk of HIV/AIDS and STD infection.⁴ In Kenya, Tanzania and Uganda free primary education for all children does have a positive impact in terms of reducing internal trafficking of younger children, as they should be in school until the age of 10 or 12 years.

1.1.2. Trafficking in women

a. Domestic labour - To the Middle East

Middle Eastern countries such as Bahrain, Lebanon, Saudi Arabia and United Arab Emirates are the main destinations for women trafficked for domestic labour. There is widescale trafficking of women especially from Ethiopia to the Gulf – in Lebanon alone, there are an estimated 20,000 to 25,000 Ethiopian domestic workers, a significant number of whom are trafficked. In Ethiopia, existing research has looked at modes of trafficking, profiles of migrant workers, the conditions in the destination countries and problems facing women returning home. Ethiopian organisations and the Government are taking action to address trafficking at various levels. As Kenyan women are also being trafficked to the Middle East, much can be learnt from the actions taken by the Government and NGOs in Ethiopia. In Tanzania and Uganda, women do migrate to the Gulf for prostitution and possibly domestic labour, but trafficking in women for domestic labour could not be verified.

Women trafficked to the Gulf for domestic labour go via legal or illegal employment agencies. With illegal agencies, often women are introduced to agents via family or friends, they usually pay some of the agent's fee in advance, and the rest is deducted from their pay once they begin work. Migrant domestic workers become trafficked women when they are deceived as to the amount of money they will earn, the working conditions and sometimes even as to the type of job they will do (e.g. promised work as nurses, nannies). In many cases, trafficked women are forced to work 18 hour days, have no rest day, are underpaid or not paid at all, are raped, beaten, threatened and locked in the house. As stated by FIDA in Kenya, such women suffer gross human rights violations in complete isolation; they are forbidden from communicating with anyone, including their families in Kenya.⁵ Confiscation of documents

⁴ Telephone interview, KIWOHEDE, 13 November 2003.

⁵ FIDA Kenya, *Annual Report 1999*, Nairobi, p.20.

due to policies of destination country Governments and agencies make it extremely difficult for workers to leave exploitative conditions.

b. Prostitution – To Europe, the Middle East and other African countries

Trafficking of women for prostitution has not been well-documented in East Africa, though there are cases of women who are also deceived and find themselves forced into prostitution. There is significant cross-border movement within East Africa for prostitution, such as from Tanzania to Kenya. Reportedly women from Ethiopia, Kenya and Uganda are trafficked to the Gulf. There have been few cases of women trafficked from Uganda and Kenya to Europe, though a tiny number in comparison to those from West Africa, especially Nigeria. More work needs to ascertain the extent of coercion in trafficking for the sex industry, as there is also clearly migration for sex work that may not be trafficking. Many organisations stated the case that women and girls frequently travel independently, and then due to lack of economic alternatives, or to escape an abusive employer (as frequently in the case of domestic workers) they enter the sex industry. Some reports have indicated South Asian women especially Indians are trafficked to Kenya, Tanzania and Uganda under the guise of working as performers, but then are forced into prostitution.⁶

1.2. Socio-political and economic framework

East Africans are amongst the poorest in the world, with 82% of Ethiopians and Ugandans earning less than \$1 per day, and 58% of Kenyans and Tanzanians earning less than \$2 per day.⁷ The vast majority of populations live in rural areas; from 68% in Tanzania to 87% in Uganda.⁸ As stated in an ILO report regarding Ethiopia, 'The income level amongst the population and level of education, especially amongst women is very low'.⁹ As a result of poverty and a lack of income generating opportunities at home, more and more women, especially young women, are migrating in order to be able to provide for their families, both within their country and overseas.

⁶ Butegwa, F. *Africa Regional Report on trafficking in women, forced prostitution and slavery-like practices*, Associates for Change, Kampala, 1997 at p. 9 and www.Protectionproject.org.

⁷ UNDP Human Development Indicators 2001 at <http://www.undp.org/hdr2003/indicator/>

⁸ World Development Indicators database (World Bank), August 2003 at www.worldbank.org/data/wdi2003/index.htm See Appendix III for more data.

⁹ Kebede, E, (2001) *Ethiopia: An assessment of the international labour migration situation: The case of female labour migrants*, GENPROM Working Paper No. 3, ILO, Geneva, p. 1 at

As far as Governments are concerned, trafficking is only an important political issue in Ethiopia. In other countries, gender-violence is only recently entering the political agenda, and in Kenya, Tanzania and Uganda domestic violence is the issue being taken up by women's rights NGOs. What is affecting the priorities and bring trafficking to the fore is, in part, due to the United States' State Department, annual trafficking in persons (TIP) report. The TIP report evaluates countries deemed to have a significant problem of trafficking, in terms of their effectiveness in preventing trafficking, prosecuting traffickers and protecting victims. All of the East African countries in this report (and Nigeria) are ranked in the Tier 2 of the report, countries that require improvement. This is despite huge differences in approaches and resources taken to combat the problem.

1.3. HIV/AIDS

HIV/AIDS is a significant problem in each of the East African countries and is closely related to trafficking, as many trafficked women and girls suffer rape and forced unprotected sex and thus are vulnerable to HIV. Generally, sex workers in East Africa are already very well informed about risks of HIV infection due to information provided by NGOs.¹⁰ More work is needed with other target groups, such as profiles of clients (truck drivers, soldiers, employers of domestic workers etc). The Amalgamated Transport and General Workers Union and the Uganda Railway Workers Union (ATGWU-URWU) in Uganda is an example of a group that has a HIV/AIDS Programme targeting clients. Migrant women going to the Gulf must undergo mandatory HIV/AIDS tests to obtain visas. Those who test positive suffer stigmatisation and are worse off, since they cannot migrate. Despite increasing efforts to provide information about HIV/AIDS there is still a lot of fear and misunderstanding surrounding the disease at the community level.

1.4. Legal framework

Nigeria has signed and ratified the UN Trafficking Protocol, Tanzania and Uganda have signed it and Kenya and Ethiopia have not. Though this does not really serve as an indicator as to whether trafficking is an institutional priority. In Tanzania and Uganda, no efforts have been taken to domesticate the UN Protocol into national legislation. Kenya, Tanzania and

<http://www.ethioindex.com/ethioplabor.htm>. Pages 1-3 of this report provides more extensive background information regarding gender inequality in Ethiopia.

¹⁰ Gaway, R. *Manual for working with commercial sex workers (CSWs), Based on the experiences of Slum Aid Project (SAP) (1995-1998)*, Slum Aid Project, Kampala, October 2002, p. 31.

Uganda (and Nigeria) are all former British colonies, and as such have virtually identical penal codes in terms of content. Ethiopia, by contrast is a civil law system more closely modelled on Swiss and French law. All the countries have constitutional guarantees from forced labour, slavery and servitude¹¹ and Kenya, Tanzania and Uganda (and until very recently Nigeria) have no specific criminal provisions dealing with trafficking. Various other offences under the Penal Code could be used to prosecute traffickers.

For example in Uganda Article 125 of the Penal Code criminalises procuring women for prostitution. More relevant to trafficking, Article 126 criminalises procuring a woman for unlawful sexual intercourse by using threats, intimidation, deception or by administering drugs. This is slightly broader than Article 125, which only deals with procurement for prostitution. The penalty for both offences is seven years' imprisonment. Illegally detaining another person for immoral purposes or prostitution also a crime.¹² Slavery is prohibited under the Penal Code with penalties from 10-15 years' imprisonment¹³ as is forced labour (compelling someone to work against their will).¹⁴ Kenya and Tanzania virtually have identical provisions in their Penal Codes.

The Penal Codes of all four countries are in urgent need of updating. In lieu of creating a new trafficking offence, the existing slavery provisions under the various Penal Codes in all East African countries need to be reinterpreted more widely to cover trafficking, the modern form of slavery. This means reinterpreting slavery to include cases where victims are threatened or psychologically coerced to remain in exploitative conditions, rather than physically restrained and manacled by chains.

1.5. Socio-cultural aspects

Due to the lack of data on trafficking, there is a lack of information on the background of trafficked women and children. Many impoverished rural families are willing to send their daughters away to work without regard for the risks and consequences. Orphaned girl-children, in the care of relatives are thought to be especially vulnerable to trafficking. This is a

¹¹ Butegwa, p. 13.

¹² Article 129 Penal Code.

¹³ Articles 240, 241, 242 and 242A.

¹⁴ Article 243.

growing problem, especially in Uganda due to HIV/AIDS and armed conflict. Very little is known about ethnicity of trafficked women, except that it is a key area for further research.

1.6. Practice of prostitution in East Africa

The practice of prostitution is widespread throughout East Africa especially Ethiopia, Kenya and more recently in Uganda. Prostitution particularly thrives in the slum areas of urban centres, where girls and young women from rural areas have turned to prostitution in order to survive in the city.¹⁵ In recent years, more high-end prostitution catering to foreigners and businessmen has developed.

1.7. Female traffickers

Traffickers in East Africa that recruit women and girls are frequently women. Such traffickers in many cases may have previously been trafficked themselves or are currently sex workers. They may recruit women through the help of their families (in the country of origin). In Ethiopia, most recruiters have some connection or business with the Middle East and either have lived there or travel there for work purposes.¹⁶ Community leaders and teachers are also reported to be involved in trafficking in Nigeria and Tanzania. In many cases, recruiters are a relative or acquaintance of the woman or child who is trafficked and thus in a position of trust. This is the case for both trafficking for prostitution and domestic labour (internal and cross-border).

1.8. Areas in need of address

There is a distinct lack of information on the scope of trafficking in women and girls in Kenya, Tanzania and Uganda. Information is scanty and tends to be concerning individual cases, there is no collected systematic record or co-ordinated response to trafficking in women. The last regional trafficking research to look at East Africa was an African regional study conducted in 1997 commissioned for the United Nations Special Rapporteur on Violence Against Women, its causes and consequences.¹⁷ That study included brief information on Kenya, Nigeria and Uganda, but little information on trafficking in Ethiopia and Tanzania.

¹⁵ Gawayu, p.11.

¹⁶ Tekle, A. and Belayneh, T. *Trafficking of Women from Ethiopia*, Women's Affairs sub-sector in the Prime Minister's Office and IOM, Addis Ababa, June 2000, p.4.

¹⁷ Butegwa, see note 4.

In Kenya, Uganda and Tanzania there appears to be more interest in child trafficking rather than trafficking in women. There are more organisations providing services to children, including trafficked children under existing child labour programmes. Still, there has been no in-depth systematic research on internal trafficking of children in Kenya, Uganda or Tanzania, and there is no clear idea of numbers and profiles of children who are trafficked.

As in Ethiopia, once research identifies the magnitude and particulars of trafficking in women, effective prevention and protection measures can be identified. In most cases this will require an analysis of services needed by trafficked women and training of appropriate service providers. In Ethiopia and Nigeria, the primary need is for extensive services to returning trafficked women, especially in the area of income generation, to prevent the cycle of re-trafficking. Ways of directly involving trafficked women in an empowering way to stop trafficking, also should be explored.

Efforts to combat trafficking in East Africa need to be supplemented by efforts to counter trafficking in the Gulf as the main region of destination. Research on the Gulf was outside the remit of this study, yet there is a need to engage with the Governments of the destination countries, assess NGO and other interventions for migrants and to lobby Gulf countries of destination to sign bilateral agreements with countries of origin that will protect the rights of migrant workers in their countries. East Africa could turn to the efforts of some Asian countries, such as the Philippines and Sri Lanka, which have much experience in fighting for the rights of their workers in Gulf States. To be truly effective, counter trafficking measures must accept and understand the need for migration, and look for practical ways to protect migrant and labour rights.

2. Recommendations

2.1. General Recommendations for East African Region

The following is a list of appropriate donor activities to be taken in the East African region, in order of priority:

Recommendation 1: NGO training/capacity building on trafficking and human rights

AIM: To reduce trafficking by ensuring women's NGOs in East Africa have a clear understanding of trafficking, the impact of different strategies to counter trafficking, and tools to monitor the extent of trafficking in women in their own country.

ACTIVITY: A training for selected women's NGOs in Kenya, Tanzania and Uganda, particularly those with legal expertise. The training should cover the areas of:

- international instruments and relevant human rights standards
- examples of good and bad national laws and policies to combat trafficking (and protect victims) from other countries
- monitoring trafficking in women as a human rights violation
- research and research methodology

PARTNERS: participants for the training might include FIDA Kenya, WRAP, IOM Nairobi, IOM Kampala, FIDA (U), WCCC, KIWOHEDE, TAWLA, WLAC. Potential trainers might include EWLA, IOM Addis Ababa and an international organisations experienced in this kind of training such as International Human Rights Law Group or GAATW (Global Alliance Against Traffic in Women). Possibility of also extending this training to South African NGOs also.

The training will identify which organisations have capacity and interest to continue work on trafficking and conduct research.

Recommendation 2: Research on trafficking of women

AIM: A regional research study to assess the magnitude of trafficking in women in Kenya, Tanzania and Uganda (and possibly South Africa) and build a network of NGOs within the region.

ACTIVITY: This would follow on from Recommendation 1. NGOs in Kenya, Tanzania and Uganda to undertake trafficking research by working with relevant Government agencies and interviewing migrant women who are deported or return from abroad. The research should include:

- profiles of victims (socio-economic, ethnicity, age etc)
- profiles of traffickers
- method of recruitment (legal, illegal, organised, informal etc)
- routes: both internal and cross-border
- sites of exploitation (prostitution, domestic labour and marriage)
- patterns of exploitation and abuse
- extent of debt-bondage
- extent and types of coercion
- needs/difficulties of victims upon return
- recommendations for change in law and practice

The research will provide the basis for campaigning and advocacy at the national level. In Tanzania's case, this will put pressure on the government to sign the Protocol. For other countries, advocacy could target human rights protections under the Protocol, to ensure they are addressed by the Government concerned. If the research is undertaken as a regional study, it will provide a good basis for sharing information about trafficking between countries and building a network that in the long-term may put pressure at the regional level. For example, fora such as the African Union and East African Community should commit to appropriate action on trafficking (like the ECOWAS Plan of Action). The network could provide regular monitoring to assess how countries are fulfilling obligations under the Protocol.

PARTNERS: Chosen from Recommendation 1, but limited to the actual organisations undertaking the research (probably one organisation per country). IOM Addis Ababa could advise NGOs on research as they have experience in this area.

South Africa would be a good country to additionally include in such a research study since significant numbers of trafficked women and girls from East Africa are trafficked to South Africa for sexual exploitation. More information about the conditions at the point of destination, especially treatment by authorities, systems of deportation and return of

trafficked women from South Africa would be useful. Research from South Africa should also provide more in-depth information routes and method of trafficking from East Africa, in addition to developing the links between NGOs in East Africa and South Africa.

Recommendation 3: NGO training/capacity building to provide services to victims of trafficking

AIM: To reduce trafficking by ensuring trafficked women and girls have protection and appropriate services in the countries of origin, both for potential migrants before they leave and women returning home through deportation or their own means.

ACTIVITY: Focused national trainings in Kenya, Tanzania and Uganda for service providers currently assisting female victims of violence to extend and tailor their services to trafficked women, especially targeting hotlines, shelters, crisis centres, legal aid clinics, micro-credit organisations, organisations involved in vocational training and income generation. This training will best be undertaken on a national rather than regional basis to build the links between organisations at the national level. In the framework of the support and assistance measures under Article 6 of the Trafficking Protocol, assess the extent to which each of these could be met by existing organisations in each country and identify potential organisation to play a leading co-ordinating role.

PARTNERS:

Ethiopia: EWLA,

Kenya: ANNPCAN (Regional and national), KUDHEIHA, FIDA Kenya

Tanzania: KIWOHEDE, TAWLA, WLAC

Uganda: ANNPCAN Uganda, UYDEL, SAP, FIDA (U), WCCC, Taifa

IOM Addis, COSUDOW and NOVIB/Humanitas in the Netherlands may be appropriate partners to share experiences in successful reintegration.

Recommendation 4: Research on trafficking of children

AIM: To assess the magnitude of trafficking in children, both internal and cross-border, especially girls in Kenya, Tanzania and Uganda and build a network of NGOs within the region.

ACTIVITY: NGOs in Kenya, Tanzania and Uganda to undertake trafficking research by working with relevant Government agencies and interviewing children in prostitution and domestic labour. The research should include:

- profiles of victims (socio-economic, ethnicity, age etc)
- profiles of traffickers
- method of recruitment (legal, illegal, organised, informal etc)
- routes: internal and cross-border
- patterns of exploitation
- extent of debt-bondage
- needs/difficulties of victims
- recommendations for change in law and practice

If the research is undertaken as a regional study, it will provide a good basis for sharing information about trafficking between countries.

PARTNERS: ANNPCAN (Regional and national chapters), FIDA (U), WCCC, SAP, UYDEL, KIWOHEDE, TAWLA, WLAC.

Recommendation 5: HIV/AIDS awareness targeting exploiters

AIM: Preventing HIV/AIDS infection of trafficked women by raising awareness of clients of sex workers and employers of domestic workers.

ACTIVITY: Exchange of good practices between all East African countries, especially Uganda to share practices that work in targeting clients of sex workers and employers of domestic workers. Ensuring greater provision of services to these groups such as access to voluntary testing and counselling.

PARTNERS: ATGWU-URWU HIV/AIDS Programme, IOM Addis Ababa, IOM Nigeria, KIWOHEDE, University of Nairobi Community Health and other organisations to be identified.

2.2. National level recommendations for Ethiopia

In Ethiopia, the need is not for more research, but for reintegration assistance for trafficked women who return to Ethiopia, especially in terms of skills training and employment opportunities in Ethiopia. IOM's programme of assistance for returnees in Ethiopia and Nigeria is currently too narrow (only minute number of returnees fit the criteria and benefit) and there is a need to assist returnees on a broader scale.

Recommendation 6: Income generating activities for returnees

AIM: To ensure migrant women returning to Ethiopia are not re-trafficked and have alternative income generating opportunities in Ethiopia.

ACTIVITY: Expansion of return and reintegration activities, especially income generating activities and vocational training, to trafficked women who return independently to Ethiopia but still require assistance. Such women are in danger of being re-trafficked due to lack of economic alternatives and poor financial management. NGOs currently working on micro-credit and vocational training in different regions of the country should be identified and trained to on how to expand their activities to include trafficked women. Some funds should also be available for emergency repatriation for trafficked women wishing to return in exceptional circumstances.

PARTNERS: MOLSA, Women's Affairs Sub-Sector in the Prime Minister's Office (WAO), IOM Addis Ababa, GSA, and other NGOs with experience in income generating activities to be identified. COSUDOW may be involved to share reintegration experiences from Nigeria.

Recommendation 7: Empowerment and organisation of returnees

AIM: To empower migrant women returning to Ethiopia not to be re-trafficked and for such women to play an active role in the reintegration process, preventing trafficking and protecting migrants.

ACTIVITY: Migrant women to be empowered to form their own organisation. A preliminary aim of the organisation will be to find income generating activities for members such as job creation, income-generation, vocational training, savings and financial management. As in the Philippines, the organisation may be able to start its own projects of income generation by pooling the resources of returned women.

The association will be made up of returnees, but once established should look at attracting potential migrants. One of the objectives of the organisation may be to provide practical information to potential migrants. Potential migrants can join such an association, maybe also form an informal chapter in a destination country, or at least look at ways in which members still in destination countries could be better supported, in-country and upon return. For example, perhaps women could send an amount of money back to the organisation to be earmarked for a specific reintegration project when they return. This should work to safeguard women's rights not only upon return but also in the process of migration.

PARTNERS: EWLA, IOM Addis Ababa or other NGO to assist migrants and returnees to form their own association, MOLSA (to contact the returnees), returned migrant women in Ethiopia, microcredit organisations and other NGOs to be identified. There is no union representing domestic workers (domestic work is not recognised as work under the labour law in Ethiopia). KUDHEIHA to share experiences of Child Labour Committees in Kenya. There is the potential for involvement by the Asian Migrant Centre in Hong Kong as a resource NGO with experience in organising migrant domestic workers.

Recommendation 8: Campaign to sign and ratify the UN Trafficking Protocol

AIM: Government of Ethiopia to sign and then ratify the UN Trafficking Protocol.

ACTIVITY: EWLA to run intensive lobbying campaign to encourage Ethiopian Government to sign and ratify Trafficking Protocol. This could easily be streamlined into current activities of EWLA, as they are currently lobbying the government in regard to revising the criminal law on trafficking. The precise details of such a campaign would best be discussed with EWLA.¹⁸

PARTNERS: EWLA.

¹⁸ As the Director was away, the consultant met with a Board Member who has expertise on trafficking. The Board member stated details of further EWLA work on trafficking such as campaigning would need to be discussed with the EWLA Board and staff members.

2.3. National level recommendations for Nigeria

Recommendation 9: Research on trafficking from Northern Nigeria to Gulf States

AIM: To assess the magnitude of trafficking in women from Nigeria to Gulf States such as Saudi Arabia and United Arab Emirates.

ACTIVITY: NGO to undertake trafficking research by working with the Nigerian Task Force on Trafficking in Human Beings and interviewing migrant women who are deported or return from the Gulf. The research should include:

- profiles of victims (socio-economic, ethnicity, age etc)
- profiles of traffickers
- method of recruitment (legal, illegal, organised, informal etc)
- routes: both internal and cross-border
- sites of exploitation (prostitution, domestic labour and marriage)
- patterns of exploitation and abuse
- extent of debt-bondage
- extent and types of coercion
- needs/difficulties of victims upon return
- recommendations for change in law and practice

PARTNERS: IOM Nigeria to carry out the study or women's organisation to be identified in Northern Nigeria

Recommendation 10: Income generating activities for returnees

Same as for Ethiopia, required in Nigeria

PARTNERS: IOM Nigeria, COSUDOW, and others NGOs with experience in income generation and micro-credit schemes to be identified.

3. Ethiopia

3.1. Dimensions and trends of trafficking in women and girls

Most women trafficked from Ethiopia are trafficked to the Gulf for domestic labour. Main countries of destination are Lebanon, Emirates, Saudi, Bahrain and Yemen.¹⁹ All those interviewed agreed trafficking for prostitution also occurs, however existing research has tended to focus on domestic labour. The Ethiopian Women's Lawyers Association (EWLA) and IOM both state that most women ending up in prostitution in Gulf countries are either trafficked and deceived as to the work they will do. More often, women who escape abusive situations of domestic labour end up in prostitution due to a lack of alternatives.²⁰ In terms of trafficking for marriage, neither organisation has come across any such cases.

Ethiopian women may be trafficked both through legal and illegal channels. There is one licensed employment agency sending women to Lebanon that is supposed to afford more protection to the women (see below legal framework). There is also second stage trafficking, where women may migrate legally or illegally, but to escape an abusive employer, may use another broker or agent to find another job. There are reportedly more than 200 agents recruiting Ethiopian women in this way in Lebanon. In such cases, women are more vulnerable to trafficking and abuse at the hands of the second employer, due to their illegal status.

Traffickers manipulate routes, and some reports now indicate that United Arab Emirates has overtaken Lebanon as the most popular destination country for Ethiopian migrants. There is no consular representation in UAE²¹, Bahrain²² or Oman,²³ thus women in these countries are particularly vulnerable to abuse. Women who are undocumented are more likely to be trafficked as they have less protection in the country of destination. The Hadj (Muslim pilgrimage) is frequently used by women migrants as a pretext to enter Saudi Arabia,²⁴ as in H.'s case below.

¹⁹ Yemen is both a country of transit (for other Middle Eastern countries) and a country of destination.

²⁰ As stated in interview, EWLA, Addis Ababa, 3 November 2003 and interview, IOM, Addis Ababa, 4 November 2003.

²¹ responsible embassy is in Saudi Arabia.

²² responsible embassy is in Kuwait.

²³ responsible embassy is in Saudi Arabia.

²⁴ Kebede, p.4.

Case of H.

H. left Ethiopia when she was 17 to go work as a domestic worker in Saudi Arabia. She borrowed money from friends of her family to buy a plane ticket, and changed her name to a Muslim name so she could enter Saudi Arabia freely during the Hadj. At the airport she was met by a broker, A. who took her and other Ethiopian women from the airport to a house and made arrangements for them to find jobs as domestic workers. A. made a contract with H. under which she agreed to give the agency the entire first three months' salary from her job, and then from the fourth month onwards, 50% of H's wage would go to the agency. H. had to give her passport to A. who kept it the entire time she was working.

Case of N.

*N. is from a village in Northern Ethiopia. She comes from a large family, but not desperately poor, her father is a dairy farmer. She has two brothers, one of whom is a migrant worker in Saudi Arabia. At 19, she wanted to change her life for the better so she decided to go work in the Middle East as a domestic worker. N. organised her trip through an employment agency for a fee of 9000 birr.²⁵ Her family lent her the money so she could go. She spent five years working for a family in Riyadh. She was paid every month, and was given a regular day off. The hours of work were reasonable. She was able to save some money, and returned to Ethiopia 5 years later with enough money to start her own business. N. bought four machines to grind *tef*²⁶, this business she passed on to her younger brother. After 6 months at home, N. decided she wanted to leave again, to earn some more money abroad so she decided to go to Dubai for a change.*

'I went home and I decided I didn't want to get married yet, and that seemed like all there was for girls to do. I want to be independent and have a better life, that's why I decided to go to Dubai.' She organised the trip through another employment agency, this time they charged 7000 birr²⁷, which she paid upfront, borrowing the money from one of her brothers. The agency promised her she would work as a babysitter, not as a cleaner, and promised she would work in the city of Dubai.

Trafficked women are usually introduced to agents through a friend or relative, or agents may approach women directly themselves. Women, such as N. are often unsure as to the legality of their agent. According to an IOM study, the recruitment fee for illegal agents may range

²⁵ \$US 1,053.

²⁶ The grain which is the basis of *injera*, a traditional Ethiopian staple food.

²⁷ \$US 819.

from 1000-7000 birr.²⁸ EWLA state the fee may be as high as 10,000 birr.²⁹ Often women pay half the fee before they depart and half is to be deducted from their wages. Women usually borrow the money from relatives or friends to pay the agent. Migrants sometimes sign contracts before they leave, but then may be forced to sign new contracts upon arrival with very different terms and conditions, and often in Arabic so they cannot read it. In other cases, women may have an oral agreement with the agent as to what they will do, how much money they will earn, like in N.'s case. As in H.'s case, not all women use brokers to facilitate the travel and work from Ethiopia.

The abuses faced by trafficked women in the destination country are many.

Case of H.

In the house, H. worked from 5am until 1am every day. She had no day off. Her duties were mainly laundry, washing and ironing and other cleaning duties. Her employer would physically and verbally abuse H. if work was not completed to her satisfaction.

One time I was ironing some clothing and the iron was too hot, I accidentally burnt it. My owner [sic] came and saw, she said to me 'Get out of my house. You came here illegally, you can be kicked out.' She kicked me and kicked me till I fell over, I hurt my leg quite badly but I couldn't see a Doctor, I just could put ice on it. I cried for one and a half days, but I had nowhere else to go...

H. complained to the broker about her mistreatment and long working hours, and he promised to speak to the employer but nothing changed. H. felt like a zombie, just working all the time, and not earning any money. Her salary was 800 Riyals (1500 birr)³⁰ but it all went to the agent those first few months. After three months H. was raped by the husband in the household.

I was ironing, he came up to me from behind and pushed me to the floor. He raped me. Afterwards he forced me to the kitchen and pulled out a big knife and held it against my chest. He said, 'If you tell anyone, I will kill you or if I don't kill you I will tell the Government about you and you will be deported'. So I didn't say anything, although I felt so bad, I was so scared. Then one day, about a month later he came for me again. But this time, his wife saw, his wife started to fight her husband and then she turned on me. She beat me with a stick and threw a knife at me. I left the house and never went back.

²⁸ \$US 117 to 819. Tekle and Belayneh, p.10.

²⁹ Interview, EWLA, Addis Ababa, 3 November 2003.

Case of N.

N. had to work for a large family of 9 people, 7 adult children lived in the house besides the parents. She was the only domestic worker in the house.

Every day I started work at 5am in the morning, and would not finish until 2 or 3am, barely any time to rest. I was so tired. I had to do a lot of washing and ironing, because there were so many people. Then cleaning and cooking. If food wasn't prepared correctly or if something was 30 minutes late, they would shout at me 'You are here to work, not here to mess around'.

The female employer, F. was particularly nasty to N. She would insult her and complain about her work. Soon after she arrived, F. said she had to change her hairstyle so that she wouldn't waste time doing her hair. F. added chemicals to N.'s hair which made some of N.'s hair fall out and the rest of the hair matted together into a big clump. When N. finally returned to Ethiopia she had to have all her hair shaved off.

On one occasion, N. was raped by the son in the house. When the female employer F. returned home later she found N. on her bed bleeding and crying and knew what had happened. F. said, 'Stand up and go wash yourself and your clothes. Get back to work. You did something to my son to make him like this. You better shut your mouth and don't tell anyone or I will kill you.'

After that incident, N. tried to escape twice but each time she was picked up by neighbours or relatives soon after leaving and returned to the house. N. asked for her pay after each month, but her employer said she did not need it as she wasn't leaving and she would be paid when she would leave. The agency in Ethiopia had promised N. she would earn 700 Dirham,³¹ but her employer told her that was wrong and she would only receive 500 Dirham per month.³² N. asked several times to see the agency, but her employer always made up an excuse and refused to take her. N. fell pregnant after the rape and had an abortion. Her health deteriorated severely and finally and much pleading with her employer, her employer agreed to send her back to Ethiopia five months after she had arrived.

Both H. and N. were lucky to escape their situation, but often trafficked women are unable to leave. Contracts that women sign in the destination country often state they must pay a fee of up to \$3,000 if they leave their employer. This is used by employers and agencies to coerce women to stay. In extreme cases, some women have pretended to be mentally ill in

³⁰ \$US 213.

³¹ \$US 192.

order to escape from their employers.³³ Many women enter a vicious cycle of re-trafficking due to lack of employment opportunities in Ethiopia, and in some cases, because things did not work out in the Middle East the first time, they may still owe money to their families or agents. N. stated,

Now after going to UAE, I think its better to get less money and work here than to go to Arab countries. I will see now what will happen with my life. I won't go back there. But maybe, I will go back to Riyadh to work one day...

EWLA stated in many cases, women are re-trafficked three or four times. Women are willing to go back to slavery-like conditions because there are so few choices, 'to stay here and beg or to return to the Gulf, make some money but risk slavery'.³⁴ In Ethiopia there is little information concerning internal child trafficking for prostitution and domestic labour, though there is evidence to suggest that there is significant movement of children from rural to urban areas for both of these purposes. USAID has recently completed a research study on child trafficking within Ethiopia, it is due for publication in December 2003.

3.2. Socio-political and economic framework

Trafficking has become an important political issue in Ethiopia, largely due pressure by EWLA and extensive media attention on the plight of abused migrant domestic workers in the Gulf. For example, newspaper headlines have cited 67 cases of 'suicide' of Ethiopian women working in Lebanon between 1997-1999.³⁵ Due to this pressure in June 1999 a National Committee was established consisting of the Ministry of Foreign Affairs, Ministry of Labour and Social Affairs (MOLSA), Police Commission, Ministry of Justice, Security, Immigration and Refugee Affairs Authority, Ministry of Information and Culture and the Women's Affairs Sub-Sector in the Prime Minister's Office (WAO). One of the achievements of the Committee was to establish a Consulate in Lebanon that can assist Ethiopian workers there. Previously, the nearest embassy was in Cairo, Egypt. The most active work undertaken by the Government in relation to trafficking is by MOLSA. WAO published the first research on trafficking in conjunction with IOM in 2000. Various sources indicate

³² \$US 137.

³³ Interview, EWLA, Addis Ababa, 3 November 2003.

³⁴ Interview, EWLA, Addis Ababa, 3 November 2003.

³⁵ *The Reporter*, Addis Ababa, 29 September 1999.

however, that WAO is no longer active on trafficking, only in terms of providing more income generating activities for women in Ethiopia.³⁶

3.3. Legal framework

Article 605 of the Ethiopian Penal Code criminalises trafficking using the language of the UN 1949 Trafficking Convention by stating ‘whoever for gain or to gratify the passions of another’ traffics in *women or infants and young persons* by seducing, enticing, procuring or inducing them to prostitution, even with their consent. This narrow definition of trafficking focuses only on prostitution and lacks the element of exploitation, namely forced labour, slavery and servitude implicit in the UN Protocol. There is a gap in the law as to trafficking for other purposes. Under Article 565 Penal Code, those who enslave, sell, alienate, pledge, buy, trade, traffic or exploits another or who keeps someone in a condition of slavery, even in a disguised form, are liable from five to 20 years imprisonment. Prior to the Proclamation (see below), Article 565 (enslavement) had been tried to charge traffickers for domestic labour, but the only completed criminal case resulted in an acquittal for the agents due to lack of evidence of force.³⁷ Ethiopia’s Penal Code is in the process of a review, however at this stage, there is no plan to extend the trafficking provision to cover trafficking for purposes other than prostitution.³⁸ If Article 605 is not revised in light of the Protocol, there is a need for Article 565 to be interpreted by courts more widely to ensure that modern manifestations of slavery such as trafficking, involving psychological coercion, are covered.³⁹

Private Employment Agency Proclamation No. 104/1998 (hereafter the Proclamation) filled a gap in the existing law to enable prosecution of illegal brokers. Unregistered brokers/agencies performing employment services or sending Ethiopians abroad can be prosecuted and sentenced to 3 or 5 years’ imprisonment respectively.⁴⁰ This penalty is increased to a maximum 20 years’ imprisonment if the human rights and physical integrity of an Ethiopian has been injured.⁴¹ To date, no illegal agents have been convicted under the

³⁶ As stated in interviews with EWLA, IOM and MOLSA.

³⁷ Interview EWLA, Addis Ababa, 3 November 2003 and Kebede, p. 25-26.

³⁸ EWLA is lobbying the Government in relation to this. See below, EWLA.

³⁹ For example, this has been the case in Italy which in the absence of a trafficking law has interpreted slavery provisions in the Penal Code more widely than the traditional concept of a physically bonded slave. See Pearson, E. *Human Traffic, Human Rights: Redefining Victim Protection*, Anti-Slavery International, London, 2002, p. 137.

⁴⁰ Article 18 (1) Proclamation.

⁴¹ Article 18 (3) Proclamation.

Proclamation, though there are currently charges against 107 illegal agents.⁴² Some believe the Proclamation has had the effect of driving illegal agents underground rather than preventing trafficking.⁴³

The Proclamation was brought in to protect the rights of Ethiopian workers abroad and to establish licensed private employment agencies for that purpose. Ethiopians are permitted to go abroad for work purposes, only if they go through a licensed private employment agency or obtain permission from MOLSA.⁴⁴ Under the Proclamation, private employment agencies have duties such as to provide pre-departure training to workers, establish an office in the country of destination and submitting annual reports to MOLSA detailing the situation of every worker registered by the agency.⁴⁵ The agency must provide a deposit a bond guarantee of \$30,000 for up to 500 workers (with higher amounts for more workers) to ensure protection of the migrant workers.⁴⁶ It is illegal for the agency to accept any payment from the worker.⁴⁷ All payments to the agency are to be obtained from the employer. The Proclamation also establishes MOLSA is responsible for monitoring the private employment agency in terms of how effectively they protect workers.⁴⁸

The Proclamation has improved the situation for migrants who migrate legally to Lebanon, but for various reasons it has not stopped trafficking in women. Currently there is only one registered private employment agency, Meskerem, to send workers to Lebanon. Three other agencies are due to start business, one to Lebanon and two sending workers to Saudi Arabia.⁴⁹ Workers going to countries without a registered agency lack protection. Even for those workers going to Lebanon, not all workers go through Meskerem. It is more time-consuming to go through the licensed agency, taking about six to eight months, whereas an illegal agent can organise travel in three to four weeks.⁵⁰ Meskerem also require clients to have finished high school, which not all domestic workers have.⁵¹ Despite these shortcomings, there is no doubt the very existence of the agency and the fact that it has a

⁴² Interview, MOLSA, Addis Ababa, 6 November 2003.

⁴³ Tekle and Belayneh, p.8.

⁴⁴ Article 3(2) Proclamation.

⁴⁵ Article 12 (2) Proclamation.

⁴⁶ Article 14(1) Proclamation.

⁴⁷ Article 13(2) Proclamation.

⁴⁸ Article 16 Proclamation.

⁴⁹ Interview, MOLSA, Addis Ababa, 6 November 2003.

⁵⁰ Interview, IOM, Addis Ababa, 4 November 2003.

⁵¹ Kebede, p.36.

local branch in Lebanon has curbed abuses and provided more protection for abused workers in Lebanon.

In addition to the Proclamation, there is the Ethiopian Labour Proclamation No. 42/1993 and a Directive issued to determine the manner of employment of Ethiopian nationals abroad 1994, both of which are also relevant to protection of migrant workers.⁵²

3.4. Socio-cultural aspects

Women are trafficked from both rural and urban areas. It used to be that more women were trafficked from urban areas as this is where the agencies tend to be located. Now some recruiters go to rural areas to recruit women, as public awareness about trafficking has increased in urban centres. Rural girls are more vulnerable, have less access to information and are less likely to complain or seek help or legal advice if in an abusive situation. Illegal agents target rural women as the potential for detection of trafficking is less.⁵³ IOM completed a survey of 600 potential migrants, migrants and returnees (both male and female) which showed 57.5% of those interviewed were from the Amhara ethnic group, 17% Oromo and 14.2% ethnic minorities in Southern Ethiopia and 7.3% Tigrean.⁵⁴ An initial survey by IOM of 32 women returnees found all women were in the 20 to 30 year age group.⁵⁵

3.5. Migration dynamics

Both men and women from Ethiopia migrate to the Middle East in large numbers, and certainly not all migrants are trafficked. Many migrants are able to find reasonable terms of work and send significant sums of money home to their families. The Chief of the Investigation and Detention Centre in Lebanon estimated in April 2002 that there are between 20,000 and 25,000 Ethiopian migrant women living in Lebanon.⁵⁶ It is impossible to say how many of this number are trafficked. Male migrants from Ethiopia tend to obtain work in construction and as drivers and guards. Migrant men are rarely subjected to the same human rights abuses as women.⁵⁷

⁵² See Kebede, p.14-15 for more detail on these instruments.

⁵³ Interview EWLA, Addis Ababa, 3 November 2003.

⁵⁴ Belayneh, T. *Research and Communication Strategy Definition: Be informed, countering trafficking through information*, IOM, Addis Ababa, 2003, p.15.

⁵⁵ Tekle and Belayneh, p.4.

⁵⁶ Belayneh, p. 11.

⁵⁷ Interview, IOM, Addis Ababa, 4 November 2003.

3.6. Impact of conflict and post-conflict situation

There is little information connecting the conflict and post-conflict situation of Ethiopia's war with Eritrea to trafficking in women. IOM stated that during and following the conflict there was much illegal migration of Ethiopian and Eritreans to other countries via the Red Sea, but there is no link with the current trafficking of women to the Middle East.⁵⁸ In regard to prostitution, activity increased significantly as a result of the conflict with Eritrea in border areas, due to lack of alternative employment opportunities and an increased demand for sexual services by soldiers.⁵⁹

⁵⁸ Interview, IOM, Addis Ababa, 4 November 2003.

⁵⁹ Interview, EWLA, Addis Ababa, 3 November 2003.

4. Kenya

4.1. Dimensions and trends of trafficking in women and girls

a. Trafficking in girls

Kenya is a country of origin, transit and destination for trafficked women and girls. Trafficked girls, in some cases, are forcibly abducted and sold as child domestic workers.

Case study of J.⁶⁰

9-year-old J., living of the outskirts of Nairobi, was a flowergirl in a wedding when a man abducted her from the wedding reception. He took her to a nearby house and locked her in a room. He left her overnight and the next day, brought another child to the room. For five days J. and the other girl, M. were kept locked in the room. Three men stayed in the house watching over them. On the sixth day, a lady came and took M. away. J. said, *'M. cried and wailed, but they took her away and locked me in the room alone. I was scared. But I knew when they took her I had to do something to save myself.'*

The next day a woman arrived to take J. away. Whilst arranging a taxi, she left J. on the verandah in the care of another woman. When this woman was distracted, J. managed to run away, and eventually managed to find her way home. Police investigating the kidnap of J., discovered that the woman who tried to take her was known to J.'s family. The woman intended to exchange J. for another child, and she was to be sent to work as a domestic worker for a family in a town far from Nairobi.

More commonly than by abduction, children are trafficked through personal and familial networks as elsewhere in East Africa. Child trafficking in Kenya also occurs through organised international criminal networks. Children who are recruited as domestic workers suffer many human rights violations. Research into child domestic workers in Nairobi found that of 25 girls aged 9 to 16 years who were interviewed in-depth, 18 were HIV-positive. Of those 18, most had worked in several homes and reported being sexually abused in all or most of them.⁶¹ One report⁶² suggests Kenyan children are trafficked to Uganda for work, though this was not substantiated in Uganda. There is significant cross-border movement of

⁶⁰ Interview, J., Nairobi, 23 October 2003.

⁶¹ US Department of State, *Country Reports on Human Rights Practices - 2000, Kenya*, February 2001 at <http://www.humanrights-usa.net/reports/af.htm>.

⁶² US Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report, Kenya*, June 2003 at <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

children especially for domestic labour in the border areas between Uganda and Kenya, and this is a subject of a current research by a Ugandan NGO.

b. Trafficking in women

For those trafficked to the Middle East for domestic work, some travel legally and others through illegal channels. Main destination countries, for women trafficked for domestic labour, are Lebanon, Kuwait, Saudi Arabia, United Arab Emirates and Yemen. For prostitution, there are cases of women trafficked to Germany, Italy, Saudi Arabia and South Africa. Kenyan women have been reportedly recruited by traffickers posing as travelling cultural performance groups, and then promised better-paying jobs as dancers or sex workers in Europe.⁶³ A study from 1997 indicates that most women who are trafficked from Kenya are trafficked through informal 'friendly' networks rather than highly organised criminal networks.⁶⁴ Women may be trafficked under the guise of being offered further education, marriage or unspecified 'work'.⁶⁵

For domestic labour, most women go through travel employment agencies that charge up to 180,000 Kenyan Shillings⁶⁶ to organise passports, visa, work permit and travel to the Gulf.⁶⁷ Some women know the work they will do is domestic work, though the agreed salary is rarely what is orally promised in Kenya. Others may be qualified nurses and promised nursing jobs and it is only upon arrival they discover their job is instead as a domestic worker. Apart from the organisation FIDA Kenya which provides legal assistance, there are no organisations providing assistance to trafficked women returning (or attempting to return) to Kenya.

4.2. Socio-political and economic framework

Whilst gender is a priority for the Kenyan government, the Government tends to focus on more on issues of gender equality. The Kenyan Government is currently drafting a new Constitution, which in its current form, will enshrine women's rights under international treaties such as Convention on the Elimination of Discrimination Against Women (CEDAW). The present Constitution has been appalling from a gender perspective, and enabled gender discriminatory practices to persist in relation to custody and personal property laws. Violence

⁶³ Butegwa, p. 11.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ \$US 2366.

⁶⁷ FIDA Kenya, *Annual Report 1999*, Nairobi, p.20.

against women has not been a priority, although there is currently a Domestic Violence (Family Protection) Bill 2002 before Parliament. If passed, it will provide support and assistance to female victims of violence. Trafficking in women is neither a priority nor recognised as a significant problem by the Kenyan Government, though conversations with NGOs in Kenya suggest this may change in the future.

Article 6 of CEDAW deals with exploitation of prostitution and trafficking of women. Kenya submitted a report to the CEDAW [Committee] in 2003, but did not mention trafficking in women in regard to Article 6. In the Committee's 2003 Draft Report (in response), the CEDAW noted that prostitution in Kenya is clearly an area of concern and there is a lack of information on exploitation of prostitution in Kenya.⁶⁸

The previous Kenyan government (under President Daniel arap Moi) was not engaged in protecting human rights of its citizens at home, much less abroad, and was notoriously difficult for NGOs to work with. However the change in government at the end of 2002 has meant some organisations, such as FIDA Kenya, feel more confident to pursue work on trafficking of Kenyan women abroad. FIDA Kenya is working with the Ministry of Gender, Sports, Culture and Social Services in devising a new gender strategic plan of the Government, of which trafficking should be a priority.

4.3. Legal framework

Kenya has the same provisions as Uganda and Tanzania, as mentioned in the summary. These cover forced prostitution but not trafficking per se. The Children's Act 2001 prohibits all forms of exploitative and hazardous child labour and child sexual exploitation.⁶⁹

4.4. Socio-cultural aspects

Due to the lack of data on trafficking, there is no information regarding socio-cultural background of victims. The organisation ANNPCAN reported that *Samburu* children (of indigenous origin) are more likely to be trafficked into the hotel industry and used in sex tourism.⁷⁰ This may be a key area for further investigation in any future research.

⁶⁸ UN CEDAW Draft Report: *Consideration of Reports of State Parties*, CEDAW/C/2003/I/CRP.3/Rev.1.

⁶⁹ US Department of State TIP report Kenya.

⁷⁰ Interview ANNPCAN, Nairobi, 20 November 2003. The Undugu Society for Protection of is allegedly working on this issue, but did not respond to requests for interview.

5. Nigeria⁷¹

5.1. Trends in trafficking in women

Trafficking of women in Nigeria is predominantly to Europe for prostitution, especially to Italy, Spain, Belgium, France and the Netherlands. South Africa and the United States are also destination countries. The United Kingdom and Ireland are countries of transit as well as destination for Nigerian women. The Advocacy Project states that Nigerian women make up 70% of 70,000 African victims of trafficking, and that about 70% of these Nigerian women end up in Italy.⁷² UNICEF states that 80% of young women engaged in prostitution in Italy are Nigerians.⁷³ According to Human Rights Watch, Nigeria is a destination country for trafficked persons from Ghana, Togo, and Benin.⁷⁴ Children are trafficked both within Nigeria and to other West African countries (such as Cameroon, Gabon, Guinea, Mali and Côte d'Ivoire) for domestic work, prostitution and to work as street vendors. Children from Benin, Togo and Ghana are trafficked to Nigeria.⁷⁵ This study will focus more on the aspects related to cross-border trafficking for prostitution, though the recommendations will also be relevant to girls who are trafficked.

Women trafficked to Europe are frequently under debt-bondage to their trafficker. Women generally pay a deposit in Nigeria and then agree (sign a contract) to pay back the rest through working in prostitution. Nowadays due to the sensitisation efforts of NGOs, in most cases women are aware that the work is prostitution. They undergo a ritual oath at a shrine promising to pay back the money owed to the trafficker and to obey their Madam under all circumstances. The traffickers or Madams in Europe are nearly always women, though recruiters in Nigeria may be sometimes male. Trafficked women are generally not aware of the specific conditions of work that await them i.e. confiscation of documents, forced to work long hours on the street every day, forced to serve a minimum number of clients per day, physical abuse, threats and debt-bondage.

⁷¹ As stated in the Terms of Reference, this material is based on prior research of the consultant conducted from February– April 2002. The consultant recontacted NGOs and organisations involved in the initial research by email and telephone, responses were received from four organisations. The consultant's prior work on Nigeria has focused on trafficking of adult women and this report therefore tends to focus more on trafficking of women.

⁷² The Advocacy Project, http://www.advocacynet.org/cpage_view/wocon_wocon_18_26.html

⁷³ UNICEF, *Child Trafficking in West Africa – Policy Responses*, Innocenti Insight, IRC, 2002 at [http://www.unicef-icdc.org/cgi-](http://www.unicef-icdc.org/cgi-bin/unicef/main.sql?menu=/publications/menu.html&testo=Lunga.sql?ProductID=325)

[bin/unicef/main.sql?menu=/publications/menu.html&testo=Lunga.sql?ProductID=325](http://www.unicef-icdc.org/cgi-bin/unicef/main.sql?menu=/publications/menu.html&testo=Lunga.sql?ProductID=325)

⁷⁴ <http://www.hrw.org/press/2001/07/traffick-0712.htm>

⁷⁵ Olateru-Olagbegi, B. p. 64.

Although some women fly, many make the journey overland via other West African countries and cross the Sahara to Morocco, Algeria or Libya and cross into Europe using false documentation obtained in other West African countries en-route.

Women and girls from Northern Nigeria are also thought to be trafficked to the Middle East, especially Saudi Arabia for prostitution, (and possibly) begging and domestic work. This is an area that is under-researched. According to the Nigerian Task Force on Trafficking in Human Beings, from 1999 to 2001, about 7000 undocumented migrants were deported back to Nigeria from Saudi Arabia, in contrast to approximately 2000 from other countries (mainly Europe and West Africa).⁷⁶ There is no indication of how many of this number are trafficked or are women, but certainly a proportion would be. Women deported from the Gulf are not deported back to Lagos, but to Kaduna Airport and thus they are not subjected to the same deportation procedures to record incidences of trafficking, HIV testing etc. as women deported from Europe. The Nigerian Immigration Service in Kano has been concerned about increasing cases of trafficking and recently organised a seminar in Kano on the issue involving Government agencies, some consulates (including Saudi Arabia), traditional rulers, NGOs, travel agencies and hoteliers.

5.2. Socio-economic and political framework

The low status accorded to women and children in Nigeria means trafficking has, until recently been largely accepted and ignored.⁷⁷ Today, trafficking is an issue for the Government. The government receives much funding from countries such as Italy and the United States to improve its efforts to stop trafficking. Efforts have in particular focused on prevention of trafficking and detection of potential victims as well as investigation and prosecution, much less has focused on the rights of trafficked women. For instance, Governments such as Italy have signed Readmission Treaties with Nigeria regarding procedures to facilitate repatriation of undocumented Nigerian nationals. The Government has appointed a special assistant to the president on trafficking in human beings. There is a task force on trafficking in human beings in the Federal police and several high-profile NGOs founded by 'First ladies' such as WOTCLEF (founded by vice-president of Nigeria's wife, Titi Abubakar) and Idia Renaissance (founded by Eki Igbinedion, wife of the Governor of Edo

⁷⁶ Interview with Task Force on trafficking in human beings, Lagos, 27 February 2002.

State). These NGOs have managed to put trafficking on the political agenda. Under a new anti-trafficking law, a National Agency to Prohibit Trafficking in Persons has been established (NAPTIP). According to press reports, the agency has the power to investigate, prosecute and punish all offenders against the law of human trafficking in Nigeria. NAPTIP will also coordinate rehabilitation and counselling of trafficked persons.⁷⁸

5.3. Legal framework⁷⁹

A new law was passed in 2003 criminalising human trafficking for purposes of prostitution, the 'Act to prohibit trafficking in persons and to establish the national agency for traffic in persons law enforcement and administration to enforce laws against traffic in persons, and to take charge and co-ordinate the rehabilitation and counseling of trafficked persons and for other matters connected therewith'. It states any person who procures a girl or woman to become a common prostitute either in Nigeria or elsewhere may be sentenced to life imprisonment.⁸⁰ Any Nigerian convicted of human trafficking shall pay a fine of 100,000 Naira.⁸¹ This law does not cover trafficking for other forms of labour or sexual exploitation, but is narrowly confined to prostitution. The law provides limited protection to victims.

5.4. Socio-cultural aspects

Many women who are trafficked to Europe for prostitution have tended to be of the Ibo tribe and from Edo State (the capital of which is Benin City) and Delta State. There is no conclusive research on why women from these states are more likely to migrate, though some Nigerians believe it is because the Ibo are especially enterprising and have a history of migration. Edo State is considered to be a centre of organised criminal activity in Nigeria ranging from trafficking in women to money laundering, trafficking in drugs and armed robbery.⁸² Poverty is a factor, but Edo and Delta States are not the poorest part of Nigeria.

⁷⁷ Olateru-Olagbegi article p. 66.

⁷⁸ Email communication from IOM West Africa, 14 November 2003.

⁷⁹ See Pearson, E. *Human Traffic, Human Rights: Redefining Victim Protection*, Anti-Slavery International, London, 2002, p. 59 – 165 for more on the legal framework. This includes more extensive information about other laws available to prosecute traffickers and deportation policy. The other laws are not included here as they were never used to successfully convict traffickers.

⁸⁰ Olori, T. *Nigeria: Life sentence for human traffickers*, *Inter Press Service*, 28 July 2003, from <http://www.afrika.no/Detailed/3866.html>

⁸¹ about 1,000 U.S. dollars.

⁸² Interview with Task Force on trafficking in human beings, Lagos, 27 February 2002.

According to the Nigerian Immigration Service, most women deported from Europe are 16-35 years and are frequently illiterate. Most are school 'drop outs'.⁸³

There has been a traditional migration flow from Nigeria to Italy since the late 1980s for agriculture. This led many Nigerians to settle in Italy and other European countries. It is predominantly these settled Nigerian women, often married to local European men, who are traffickers/Madams. Women migrating to the Middle East tend to be Hausa and come from the Muslim Northern part of Nigeria (Kano, Kaduna and Kwara States).⁸⁴ IOM state that in recent years, trafficking has spread beyond Edo State, and now women and girls from areas all over Nigeria are being trafficked, particularly from the North and the South-East.⁸⁵

5.5. Practice of prostitution

Prostitution whilst outwardly condemned as immoral, is common in the Southern States of Nigeria, especially Edo State, but less common in the Muslim North. Sex workers work on the street, in bars/hotels and in brothels. More 'culturally acceptable' prostitution is that practised by some university students who exchange sex with wealthy middle-aged men for money and gifts such as jewellery. Sex work in Nigeria does not seem to be very organised, and most women work independently. In some cases, older sex workers do organise younger ones.

Interviews conducted with six sex workers in Lagos and Benin City found in all cases the women entered prostitution due to economic reasons. In every case, the woman was obligated to financially provide for either younger brothers/sisters or her own children, as the father was not supportive. The women were well informed about the trafficking of women to Europe as they heard stories from other sex workers who had been to Europe. Several stated the reason they did not go to Europe is because they did not have enough money to pay the required deposit.

⁸³ Interview with National Immigration Service, Lagos, 27 Feb 2002.

⁸⁴ Olateru-Olagbegi, p.62.

⁸⁵ Email communication from IOM West Africa, 14 November 2003.

6. Tanzania

6.1. Dimensions and trends of trafficking in women and girls

There is little information regarding trafficking of women in Tanzania, but as in Kenya, more work has concentrated on trafficking of children. Tanzania is one of three countries worldwide selected for the ILO's time-bound pilot programme to eliminate worst forms of child labour. Many resources have been invested in eliminating child labour and to a lesser extent child trafficking. Much of the child trafficking in Tanzania is internal, from rural to urban centres mainly for purposes of prostitution and domestic work, but also some reports indicate trafficking for commercial agriculture, fishing and mining.⁸⁶ Tanzania is mainly a country of origin, but it is also a country of transit and destination.

According to the NGO, KIWOHEDE, male and female recruiters/brokers go to villages to recruit children for work, often with parental support. Brokers take children from villages to urban centres such as Arusha, Dar Es Salaam, Mbeya and Mwanza where they are then kept in brothels, ghettos, guesthouses and bars in order to sell sex) or alternatively are sold as 'house girls' (domestic workers).⁸⁷ KIWOHEDE state parents, relatives and even community leaders are involved in the trafficking of children.

Young women have reportedly been trafficked to countries such as Botswana, Lesotho, Libya, Malawi, Mozambique, Oman, Rwanda, Saudi Arabia, Somalia, South Africa, Uganda, United Arab Emirates, Yemen and Zimbabwe for purposes of prostitution.⁸⁸ Many are trafficked to Kenya for prostitution. Anecdotal evidence suggests women and girls are trafficked for marriage, prostitution and domestic work to the Middle East via Zanzibar (especially Saudi Arabia, Oman and Libya). Some reports also indicate girls and women are also being trafficked to Europe and the United States,⁸⁹ and for domestic work to Kenya and Malawi.⁹⁰ According to research carried out in Ethiopia, Tanzania is also a transit country for

⁸⁶ US Department of State TIP report.

⁸⁷ Telephone interview, KIWOHEDE, 13 November 2003.

⁸⁸ Ibid.

⁸⁹ US State Department TIP report.

⁹⁰ Butegwa, p.12.

Ethiopian women trafficked to the Middle East.⁹¹ KIWOHEDE's research shows some children are trafficked from Ethiopia and Somalia to Tanzania for prostitution.⁹²

6.2. Socio-political and economic framework

In Tanzania there is a growing disparity and inequality between rural and urban areas, resulting in a high urban growth rate (3.5 – 4%⁹³). Poverty in rural areas means a lack of employment and social services. Migration of adults to urban areas for employment, has led to the breakdown of nuclear and extended family systems leaving children especially vulnerable. Girl-children in rural areas especially lack education, more frequently not attending or dropping out of school than boys. As such, rural girls have limited employment opportunities available to them. These are considered major contributing factors to the increasing movement of women and girls from rural to urban centres, some of whom are trafficked.⁹⁴

6.3. Legal framework

Various sexual offences are criminalised under the Penal Code including procurement for prostitution by means of threats, intimidation, false pretences, false representation or by administering drugs,⁹⁵ which could be used to prosecute trafficking for prostitution both internally and cross-border. Detaining a woman against her will in a brothel or other premises with intent that she may have unlawful sexual intercourse with a man is also a crime under Article 143 of the Penal Code. Prostitution is illegal in Tanzania. Several articles of Tanzania's Penal Code deal with slavery, but have yet to be used in trafficking cases. To buy, dispose, accept, or receive any person against his/her will as a slave is punishable by seven years' imprisonment,⁹⁶ and habitual trafficking or dealing in slaves attracts a penalty of ten years' imprisonment.⁹⁷

⁹¹ Interview, EWLA, Addis Ababa, 3 November 2003.

⁹² KIWOHEDE and ILO/IPEC, *Addressing the worst forms of child labour in Tanzania: NGO Action on child prostitution*, Dar es Salaam, 2001.

⁹³ KIWOHEDE Project Proposal, *Exploring the facts and Developing Strategies to Attack Child Trafficking in Tanzania*, 15 May 2003 at p.2.

⁹⁴ Telephone interview, TGNP, 26 September 2003.

⁹⁵ Article 140 Penal Code. From <http://www.protectionproject.org/main1.htm>

⁹⁶ Article 254 Penal Code.

7. Uganda

7.1. Dimensions and trends of trafficking in women and girls

A 1997 report indicates women from Uganda are being trafficked to Europe for purposes of prostitution.⁹⁸ Isolated cases have been identified of women trafficked to Belgium, Lebanon, Netherlands, Switzerland, Thailand and United Kingdom. In some cases, women are recruited through brokers posing as employment agencies and organising travel, documents, visas promising the women they will work as dancers or models.⁹⁹ Upon arrival, the women are forced into prostitution.

Ugandan women do migrate for prostitution, especially to the Gulf States of Saudi Arabia and United Arab Emirates. The Immigration Department stated the Middle East (especially United Arab Emirates), France and Spain are the main destination countries where women are deported from (i.e. women migrating illegally for sex work).¹⁰⁰ NGOs state that women who go to the Gulf for sex work do not seem to be held in slave-like conditions.¹⁰¹ As yet, there is no system in place to interview or record women who return in order to ascertain those who may have been trafficked into exploitative labour conditions. Evidence seems to suggest that women go to the Gulf independently as voluntary sex workers. The movement is not well organised but via informal networks of women. The Immigration Department did state in some cases women are deceived about the nature of the work, and that they have their passports confiscated upon arrival.¹⁰² There is little known about women trafficked abroad for domestic labour, as occurs in other East African countries.

Uganda Youth Development Link (UYDEL) indicates children are migrating from border areas of Uganda to Kenya and working as domestic workers.¹⁰³ UYDEL's current research¹⁰⁴ on commercial sexual exploitation of children in border areas of Uganda shows children are migrating from Eastern Uganda to Nairobi, Kenya for prostitution. In terms of internal

⁹⁷ Article 255 Penal Code.

⁹⁸ Butegwa, p.9.

⁹⁹ Interview, IOM, Kampala, 16 September 2003.

¹⁰⁰ Interview, Immigration Department, Kampala, 19 September 2003.

¹⁰¹ Interviews with ATGWU, Kampala, 19 September 2003 and SAP, Kampala, 18 September 2003 (who stated they only knew of one case involving forced prostitution in the Gulf).

¹⁰² Interview, Immigration Department, Kampala, 19 September 2003.

¹⁰³ Interview, ANNPCAN, Nairobi, 20 October 2003.

¹⁰⁴ Research findings should be available by December 2003.

trafficking, as in Kenya and Tanzania, there is movement from rural to urban centres for employment, especially for child domestic labour and child sexual exploitation.¹⁰⁵

A study by Slum Aid Project (SAP) in slum areas of Kampala found that 71% of children engaged in prostitution were from rural areas outside of Kampala.¹⁰⁶ Rural girls trafficked for prostitution are frequently school 'drop outs' in the 12 to 15 age bracket, often recruited by other women with vague promises of 'work', and then find the 'work' is as a *bar girl* or prostitute. Girls work in bars, clubs, on the street or in people's houses. Generally girls are not restrained from leaving but stay because of economic desperation; they are able to earn some money from the prostitution, but the majority goes to the bar owner (usually a woman).¹⁰⁷

7.2. Socio-political and economic framework

Trafficking is not an institutional priority in Uganda. The internal armed conflict in the North, and other conflicts in the East such as in Teso (with the Karamoja tribe) are the priority. Many NGOs are working on issue related to conflict; internally displaced persons and refugee issues related to the high influx of refugees from neighbouring Burundi, Democratic Republic of Congo, Rwanda and Sudan. The other major issue on the Government's agenda is the HIV/AIDS pandemic. Though the rate is declining due to effective interventions, in 2001 approximately 5% of the population were HIV positive.¹⁰⁸ Trafficking in women and girls is not an important issue for the Government nor for NGOs working on women's and children's rights.

The Ministry of Gender, Labour and Social Development 's last National Action Plan on Women (1999) was largely in response to the 1995 Beijing Platform for Action and is for a five-year period up to 2003/4. The four priority areas identified in the Action Plan are:

- Poverty, income generation and economic empowerment
- Reproductive health and rights
- Legal framework and decision-making

¹⁰⁵ Interviews with ATGWU and SAP, Kampala, 19 September 2003 and EASSI and Isis WICCE, Kampala, 18 September 2003.

¹⁰⁶ Gawaya, p. 15.

¹⁰⁷ Interview with TAIFA and ATGWU-URWU, Kampala, 19 September 2003.

¹⁰⁸ UNAIDS/World Health Organisation (WHO) *Epidemiological Fact Sheet*, 2002 Update at http://www.unaids.org/hiv/aids/info/statistics/fact_sheet/pdfs/Uganda_en.pdf.

- Girl-child and education.

The Action Plan makes no specific reference to trafficking in women or girls, though it does recognise the demand for girl-child labour.¹⁰⁹ The Ministry of Gender, Labour and Social Development has launched a national campaign to raise awareness concerning the worst forms of child labour.¹¹⁰ The issue of gender-based violence as a whole is lacking in the current action plan.

7.3. Legal framework

Uganda's relevant provisions in the Penal Code are mentioned in the summary. According to IOM's research, there have been no convictions of traffickers for any of these offences.¹¹¹ Immigration law may be a barrier against trafficked women seeking to return home to Uganda. Article 16 Immigration (Amendment) Act 1984 states that citizens who are repatriated through their own fault or misconduct must pay back the government costs of repatriation within 12 months. This has not been enforced against trafficked women, because so far the government has not paid the costs of women who have been repatriated. There is a need to ensure that this provision expressly does not apply to trafficked women, else women trafficked (especially for prostitution) are likely to be considered returning home 'through their own fault'.¹¹²

7.4. Impact of conflict on trafficking

The internal armed conflict in Northern Uganda and Eastern Uganda has caused widescale trafficking of a different kind. Large numbers of children in conflict areas are abducted by the rebel force, the Lord's Resistance Army (LRA) and are forced to work as child soldiers or as slaves/ 'wives' to the LRA Commanders. Abductions of children escalated in the past year, as the Ugandan Government increased efforts to flush the LRA rebels out of Southern Sudan. The 'success' of the operation meant that the LRA returned to Northern Uganda and began a new wave of brutality, killing, raping civilians, looting and burning villages and IDP camps and abducting children from homes and schools on a scale never seen before. In the

¹⁰⁹ Ministry of Gender, Labour and Social Development, *National Action Plan on Gender*, Kampala, 1999, p.24.

¹¹⁰ US Department of State TIP report.

¹¹¹ Interview IOM, Kampala, 16 September 2003.

period June 2002 to July 2003, approximately 8400 children were abducted, bringing the total to well over 20,000 since the start of the 17-year conflict.¹¹³ To date, 6000 children remain missing.¹¹⁴

Many children are taken across the border to Sudan, where the LRA still has camps. Children who try to escape may be beaten to death by other children. Both boys and girls work as porters, carrying heavy loads long distances. They also work as bodyguards to Commanders and as child soldiers, forced to engage in armed battle against the UPDF and in Sudan against the SPLA (Sudan People's Liberation Army). Most girls of puberty age are forced to become 'wives' to commanders. They are raped, beaten and forced to work, carrying out tasks such as cooking, washing, collecting firewood, walking long distances to obtain water and looking after younger children – often their own or other abductees' babies.¹¹⁵

Abducted children are reportedly younger and younger, with the 5 to 13 age bracket now being targeted as they are deemed more submissive.¹¹⁶ Younger girl-children are also desirable to the LRA as it is felt they are less likely to have contracted HIV. There are some reports that abducted girl-children are being sold as slaves in Sudan and the Middle East.¹¹⁷

¹¹² Butegwa, p.20 and Opening Remarks of the Minister of Gender, Labour and Social Development in UNAFRI, *Report of Trafficking Workshop held in January 2003*, Kampala, 2003, p.8.

¹¹³ Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, Volume 15, No. 12 (A), New York, July 2003, p.3 at <http://www.hrw.org/reports/2003/uganda0703/>.

¹¹⁴ UNICEF, quoted in 'UK gives Sh. 3.2 billion to North', *The Monitor*, 2 Sept 2003, p.5.

¹¹⁵ Human Rights Watch, p.28.

¹¹⁶ Interview, ACORD, Gulu, 9 September 2003.

¹¹⁷ Interview, ACORD, Gulu, 9 September 2003 and UNAFRI Report, p.12.

8. References

Books/Reports

Belayneh, T. *Research and Communication Strategy Definition: Be informed, countering trafficking through information*, IOM, Addis Ababa, 2003.

Butegeza, F. *Africa Regional Report on trafficking in women, forced prostitution and slavery-like practices*, Associates for Change, Kampala, 1997.

FIDA Kenya, *Annual Report 1999*, 'Institutional Gains: trafficking in girls and women', p.20-27.

Gawaya, R. *Manual for working with commercial sex workers (CSWs), Based on the experiences of Slum Aid Project (SAP) (1995-1998)*, Slum Aid Project, Kampala, October 2002.

Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, Volume 15, No. 12 (A), New York, July 2003 at <http://www.hrw.org/reports/2003/uganda0703/>

IOM, *Report of the capacity-building workshop on labour migration and trafficking in persons in Ethiopia*, Addis Ababa, 2003.

Isis WICCE, *Documentation of Teso Women's Experiences of Armed Conflict 1987-2001, An Isis WICCE Research Report*, Kampala, 2002.

Kebede, E. *Ethiopia: An assessment of the international labour migration situation: The case of female labour migrants*, GENPROM Working Paper No. 3, ILO, Geneva at http://www.ethioindex.com/ethiopia_labor.htm.

KIWOHEDE and ILO/IPEC, *Addressing the worst forms of child labour in Tanzania: NGO Action on child prostitution*, Dar es Salaam, 2001.

Ministry of Gender, Labour and Social Development, *National Action Plan on Gender*, Kampala, 1999.

Ndungu, L. *Needs assessment report domestic child workers and children in tourist hotels*, KUDHEIHA, Nairobi, 2002.

Pearson, E. *Human Traffic, Human Rights: Redefining Victim Protection*, Anti-Slavery International, London, 2002.

Tekle, A. and Belayneh, T. *Trafficking of Women from Ethiopia*, Women's Affairs sub-sector in the Prime Minister's Office and IOM, Addis Ababa, 2000.

UNAFRI, *Report of Trafficking Workshop held in January 2003*, Kampala, 2003.

UN CEDAW, *Draft Report: Consideration of Reports of State Parties*, New York, 2003, CEDAW/C/2003/II/CRP.3/Rev.1.

UNICEF, *Child Trafficking in West Africa – Policy Responses*, Innocenti Insight, IRC, 2002 at <http://www.unicef-icdc.org/cgi-bin/unicef/main.sql?menu=/publications/menu.html&testo=Lunga.sql?ProductID=325>

UNICEF, *Profiting from abuse: Investigations into Commercial sexual exploitation of Children*, 2001.

UN/ILO Initiative to End Child Labour (IPEC), *Fighting Commercial Sexual Exploitation of Children: Study of Good Practice Interventions in Kenya, Tanzania, Uganda, and Zambia*, Vol. 1, Dar es Salaam, 2002.

Articles

Olateru-Olagbegi, B. 'Promoting Human Security to prevent exploitative migration in Africa with special emphasis on trafficking in women and children', in Nakano, K. (ed.) *Peoples for Human Rights: Durban and Beyond*, Vol. 8, Dec 2001, IMADR, Japan.

Laws

Private Employment Agency Proclamation No. 104/1998, Federal Democratic Republic of Ethiopia.

Other laws taken from Protection Project website and Butegwa's report.

Websites

US Department of State, *Country Reports on Human Rights Practices - 2000*, February 2001 at <http://www.humanrights-usa.net/reports/af.htm>

US Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, June 2003 at <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

The Protection Project (Country reports) at <http://www.protectionproject.org/main1.htm>

The Advocacy Project (Nigeria) at http://www.advocacynet.org/cpage_view/wocon_wocon_18_26.html

UNDP Human Development Indicators 2001 at <http://www.undp.org/hdr2003/indicator/>

World Development Indicators database (World Bank), August 2003 at www.worldbank.org/data/wdi2003/index.htm

UNAIDS People living with AIDS, Geographical areas at <http://www.unaids.org/en/geographical+area/by+country.asp>

Appendix

Case Studies of women trafficked from Ethiopia to the Gulf

Case study of H.¹¹⁸

H. left Ethiopia when she was 17 to go work as a domestic worker in Saudi Arabia. She had heard from other friends it was possible to earn a lot of money there and easy to find work. She borrowed money from friends of her family to buy a plane ticket, and changed her name to a Muslim name so she could enter Saudi Arabia freely during the Hadj.

At the airport she was met by a broker, A. who took her and other Ethiopian women from the airport to a house and made arrangements for them to find suitable jobs. H. said she wanted to work as a domestic worker. She was given training by A.'s agency for approximately one month in using electrical appliances, cooking Muslim food and learning Arabic. A. then found her a job with a family. A. made a contract with H. under which she agreed to give the agency the entire first three months' salary from her job, and then from the fourth month onwards, 50% of H's wage would go to the broker. H. had to give her passport to the broker who kept it the entire time she was working.

In the house, H. worked from 5am until 1am every day. She had no day off. Her duties were mainly laundry, washing and ironing and other cleaning duties. Her employer would physically and verbally abuse H. if work was not completed to her satisfaction.

One time I was ironing some clothing and the iron was too hot, I accidentally burnt it. My owner [sic] came and saw, she said to me 'Get out of my house. You came here illegally, you can be kicked out.' She kicked me and kicked me till I fell over, I hurt my leg quite badly but I couldn't see a Doctor, I just could put ice on it. I cried for one and a half days, but I had nowhere else to go....

H. complained to the broker about her mistreatment and long working hours, and he promised to speak to the employer but nothing changed. H. felt like a zombie, just working all

¹¹⁸ Interview, H., Bahar Dar, 30 October 2003.

the time, and not earning any money. Her salary was 800 Riyals (1500 birr)¹¹⁹ but it all went to the agent those first few months. Then things got even worse,

About three months after I started working there, the family went out for the day, but then the husband came back. I was ironing, he came up to me from behind and pushed me to the floor. He raped me. Afterwards he forced me to the kitchen and pulled out a big knife and held it against my chest. He said, 'If you tell anyone, I will kill you or if I don't kill you I will tell the Government about you and you will be deported'. So I didn't say anything, although I felt so bad, I was so scared. Then one day, about a month later he came for me again. But this time, his wife saw, his wife started to fight her husband and then she turned on me. She beat me with a stick and threw a knife at me. I left the house and never went back.

H. was lucky. Through friends she managed to get another job with another family, without going through the broker. This meant she could keep her entire salary at the second house (of 1100 Riyals¹²⁰) for herself. She had some difficulty getting her passport back from the broker, but she convinced him she needed it as she was returning to Ethiopia and so he returned it.

H.'s second employer was a smaller family. H. only had to work 6 hours per day, and had 2 days off per week. After paying back the money she owed to the family friend who purchased her ticket, she managed to save 5000 birr¹²¹ in the 2 years and 4 months that she worked there, after which she returned back to Ethiopia.

Most people think it's good to work in Saudi Arabia, but they don't know the truth. They think you can get rich there, I thought that too before I went. But it's hard to save money, by the time you pay back the broker and the debt, to save money to send home is difficult. I'd tell other girls who want to go, better to stay here and beg than go work in Saudi Arabia. I would rather die here without anything than go back there. I don't have work here at the moment, but I don't need to go there. I need my life. I need to stay healthy for my kids.

¹¹⁹ \$US 213.

¹²⁰ \$US 293.

¹²¹ \$US 585.

Case Study of N.¹²²

N. is from a village in Northern Ethiopia. She comes from a large family, but not so poor, her father is a dairy farmer, she has two brothers, one of whom is a migrant worker in Saudi Arabia. At 19, she heard from a friend about going to work in the Middle East as a domestic worker. She wanted to change her life, to improve her life so she decided to go. N. organised her trip through an employment agency for a fee of 9000 birr.¹²³ Her family lent her the money so she could go. She went to Riyadh and spent 5 years working for one family. She was paid every month, and was given a regular day off. The hours of work were reasonable. She did not experience any problems with this family. She was able to save some money, and returned to Ethiopia 5 years later with enough money to start her own business. N. bought 4 machines to grind tef¹²⁴, this business she passed on to her younger brother. After 6 months at home, N. decided she wanted to leave again, to earn some more money abroad so she decided to go to Dubai for a change.

I went home and I decided I didn't want to get married yet, and that seemed like all there was for girls to do. I want to be independent and have a better life, that's why I decided to go to Dubai.

She organised the trip through another employment agency, this time they charged 7000 birr¹²⁵, which she paid upfront, loaning the money from one of her brothers. The agency promised her she would work as a babysitter, not as a cleaner and promised she would work in the city of Dubai. When she arrived at Dubai airport, there was no local agent to meet her. N. wandered around the airport for several hours, and finally 2 men approached her and knew her name. She presumed they were from the agency. They drove her to their office in a small town, two hours' drive from Dubai. At the office, a family came to collect N. and drove her to their home. The employer took N.'s passport from her and kept it.

N. had to work for a large family of 9 people, 7 adult children lived in the house besides the parents. She was the only domestic worker in the house.

¹²² Interview, N., Addis Ababa, 3 November 2003.

¹²³ \$US 1053.

¹²⁴ The grain that is the basis of injera, a traditional Ethiopian staple food.

¹²⁵ \$US 819.

Every day I started work at 5am in the morning, and would not finish until 2 or 3am, barely any time to rest. I was so tired. I had to do the washing and ironing, a lot because a lot of people. Then cleaning and cooking. If food wasn't prepared correctly or if something was 30 minutes late, they would shout at me 'You are here to work, not here to mess around'.

The female employer, F. was particularly nasty to N. She would insult her and complain about her work. Soon after she arrived, F. said she had to change her hairstyle so that she wouldn't waste time doing her hair. F. added chemicals to N.'s hair, which made some of N.'s hair fall out and the rest of the hair matted together into a big clump. When N. finally returned to Ethiopia she had to have all her hair shaved off.

The only person in the house who was nice to N. was one of the sons, S. He would spend a lot of time talking to her in the kitchen, and would always compliment her on her cooking. Then one day after she had been working in the house for three weeks when no one else was home, S. came to her room and raped her. N. tried to scream and he pushed some clothing into her mouth. She bled, as she was a virgin and after fainted. When the female employer F. returned home later she found N. on her bed bleeding and crying and knew what had happened. F. said, 'Stand up and go wash yourself and your clothes. Get back to work. You did something to my son to make him like this. You better shut your mouth and don't tell anyone or I will kill you.'

After that incident, N. tried to escape twice but each time she was picked up by neighbours or relatives soon after leaving and returned to the house. N. asked for her pay after each month, but her employer said she did not need it as she wasn't leaving and she would be paid when she would leave. The agency in Ethiopia had promised N. she would earn 700 Dirham,¹²⁶ but her employer told her that was wrong and she would only receive 500 Dirham per month.¹²⁷ N. asked several times to see the agency, but her employer always made up an excuse and refused to take her.

After two months, N. realised she might be pregnant. She told the mother who tried to feed her medicine and drinks but N. refused. She asked to be taken to a hospital for an abortion.

¹²⁶ \$US 192.

¹²⁷ \$US 137.

F. refused. During this whole time N. had to keep working the same long hours, she was exhausted. She fell ill with stomach pains and headaches and finally after three months, F. took N. to hospital where N. collapsed. N. stayed for one week in the hospital and had the abortion. She confided in a nurse the truth about being raped at the house and her mistreatment by the family. She asked the nurse to help her. The nurse was sympathetic, but advised her to take care of her health, get some rest and maybe to leave the house and return to Ethiopia if things did not improve.

When N. returned to the house after hospital, she immediately asked her employer for her passport and a ticket to return home. The employer refused. They expected her to work the same as before but N. was still ill. One day, one of the daughter hit her across the face with a shoe and said, 'you have put a curse on my brother to make him fall in love with you.' N. would cry and couldn't complete all the work she was expected to do. Suddenly the employer relented and bought her a ticket back to Ethiopia, but never paid her the five month's wages that were owing to her. She did not contact the agency, but drove N. directly to the airport.

N. returned to Ethiopia 10 days before this interview. When she arrived at the airport, she could not even walk properly and had to be helped. She had to go straight to hospital, and has contracted an STD. She was also suffering an infection from the abortion. She is still too weak to yet return home to her village. Her family is trying to get the money returned from employment agency, but so far has not been successful.

Now after going to UAE, I think its better to get less money and work here than to go to Arab countries. I will see now what will happen with my life. I won't go back there. But maybe, I will go back to Riyadh to work one day...