

ADDIS ABABA UNIVERSITY
COLLEGE OF SOCIAL SCIENCE
DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL
RELATIONS

ANTI-HUMAN TRAFFICKING RESPONSES IN ETHIOPIA:
LEGAL FRAMEWORKS AND LOCAL PRACTICES
THE CASE OF SAESI'E TSADA-EMBA WEREDA, EASTERN TIGRAY

BY
MEHARI ZERU

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MAY, 2017

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**A THESIS SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES OF ADDIS
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DEPARTMENT OF POLITICAL SCIENCE AND INTERNATIONAL RELATIONS**

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APPROVED BY BOARD OF EXAMINERS

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This research is dedicated to the victims of human trafficking and all those who are working to make a difference in their lives.

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Table of Contents

Acknowledgement	i
Table of Contents.....	ii
List of Figure.....	v
List of Map.....	v
Acronyms	vi
Abstract	viii
Chapter One	1
Introduction.....	1
1.1. Background of the Study	1
1.2. Description of the Study Area.....	6
1.3. Statement of the problem	6
1.4. Core argument.....	8
1.5. Research objectives	8
1.6. Research Questions.....	9
1.7. Methodology and Methods	9
1.7.1. Data Sources and Methods of Data Collection	9
1.7.1.1. Sampling Techniques.....	10
1.7.2. Data Analysis	11
1.7.3. Ethical Considerations	11
1.8. Scope of the study	12
1.9. Significance of the study.....	12
1.10. Limitation of the study.....	12
1.11. Organization of the study.....	13
Chapter Two.....	14
2. Literature Review and Theoretical Framework	14
2.1. Understanding Human Trafficking	14
2.2. The Nexus between Smuggling of Migrants and Human Trafficking.....	15
2.3. Major Strategies to Combat Human Trafficking	16
2.3.1. Partnership	17
2.3.2. Prevention	17

2.3.3. Protection	18
2.3.4. Prosecution.....	19
2.4. Theoretical Framework: Approaches to Counter Human Trafficking	20
2.4.1. The law enforcement Approach.....	21
2.4.2. Human Right Approach	22
2.4.3. Migration Approach.....	24
2.4.4. Economic Approach.....	25
2.4.5. Integrative Approach	27
Chapter Three.....	29
3. Anti-Human Trafficking Responses in Ethiopia: Legal and Institutional Frameworks.....	29
3.1.The Legal Framework	29
3.1.1. International Instruments Ratified by Ethiopia.....	30
3.1.2. Regional Instruments Ratified by Ethiopia.....	32
3.1.3. National Legal Frameworks.....	34
3.1.3.1 The 1995 Constitution of the Federal Democratic Republic of Ethiopia ..	34
3.1.3.2. The Criminal Code of the Federal Democratic Republic of Ethiopia	35
3.1.3.3 Employment Exchange Services Proclamation No. 632/2009	36
3.1.3.4. A Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrant, Proc. 909/2015.....	37
3.1.4. Ethiopia’s Oversea Employment Proclamation No. 923/2016	40
3.2. Institutional Framework.....	41
3.2.1. The National Committee and The National Task Force	41
3.2.2. Law Enforcement and the Justice System	43
3.2.3. The Ministry of Foreign Affairs (MoFA)	45
3.2.4. The Ministry of Labour and Social Affairs (MoLSA).....	47
3.2.5. Non-Governmental Organization (NGOs).....	48
CHAPTER FOUR.....	50
4. Anti-Human Trafficking Responses in Saesi’e Tsada-emba <i>Wereda</i>	50
4.1 . Partnership and Cooperative Measures	50
4.2. Preventive Measures in Saesi’eTsada-emba <i>Wereda</i>	53

4.2.1. Awareness Creation	54
4.2.2. Measures to Create Economic and Educational Opportunities	57
4.2.3. Good Governance	61
4.2.4. Legal Migration	64
4.3. Protection and Rehabilitation /Reintegration Measures	65
4.3.1. Protection Measures.....	65
4.3.2. Rehabilitation and Reintegration Measures	66
4.4. Prosecution and law Enforcement Measures	72
Chapter Five.....	77
Conclusion and Recommendations.....	77
Conclusion	77
Recommendations	790
References	

List of Figures

Figure 1. Major Strategies to Counter Human Trafficking.....	16
Figure 2: Number of Victim Returnees in Tigray Regional State in 2014	68

List of Map

Map1. Map of Tigray Regional State	5
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Acronyms

AGAR	Agar Ethiopia Charitable Society
AU	African Union
BoLSA	Bureau of Labour and Social Affairs
CAMM	Common Agenda on Migration and Mobility
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment
CATW	Coalition Against Trafficking in Women
CRC	Convention on the Rights of the Child
DASR	Draft Articles of State Responsibility
DFID	Department for International Development
DfID	Department for International Development
EFP	Ethiopian Federal Police
EU	European Union
FDRE	Federal Democratic Republic Ethiopia
FGD	Focus Group Discussion
GAATW	Global Alliance Against Traffic in Women
GCC	Gulf Countries Cooperation
HoA	Horn of Africa
ICCPR	International Covenant on Civil and Political Rights
IGAD	Intergovernmental Authority on Development
ILO	International Labor Organization
IOM	International Organization for Migration
IRMP	IGAD Regional Migration Program
ITUC	International Trade Union Confederation
MAP	Migration Action Plan

MoFA	Ministry of Foreign Affairs
MoLSA	Ministry of Labour and Social Affairs
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
PEA	Private Employment Agency
RMMS	Regional Mixed Migration Secretariat
SERA	Strengthening Emergency Response Abilities
TVET	Technical Vocational and Education Training
UAE	United Arab Emirates
UN TOC	UN Convention Against Transnational Organised Crime
UN	United Nation
UN.GIFT	United Nations Global Initiative to Fight Trafficking
UNDP	United Nations Development Programme
UNHCHR	United Nations Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner For Refugees
UNICEF	United Nations International Children’s Emergency Fund
UNODC	United Nations Office on Drug and Crimes
US	United States
USAID	United States Agency for International Development
USD	United States Dollar

Abstract

Currently transnational human trafficking is affecting almost all countries of the world and Ethiopia is not an exception. Thousands of Ethiopians are exposed to devastating challenges and multitude atrocities in the deserts, sea routes as well as in destination countries. Though the government of Ethiopia had enacted a comprehensive anti-human trafficking law, ratified a number of international conventions, and has been making counteracting efforts, human trafficking is still increasing in Ethiopia. Hence, this study questions why? And aims to assess the anti-human trafficking legal frameworks and examine the local practices particularly, in Saesi'e Tsada-emba Wereda. In doing so, the study had critically analyzed the major anti-human trafficking laws, proclamations, documents, provisions, policies, manuals and action plans. Then the undergoing anti-human trafficking activities were examined in line with the existing legal frameworks. To obtain the primary data, in-depth interviews were made with purposively selected practitioners and victim returnees. Besides, focus group discussion was made with residents of the study area. Consequently, findings of the study show, the issue of human trafficking is mainly connected to individuals' desire to migrate illegally as an 'exit strategy' from poverty, unemployment and lack of economic opportunities in their local area. Though attempts were made to create awareness, provide loans and prosecute traffickers, these attempts could not reduce the problem. Lack of coordination, capacity, commitment, and appropriate amount of resources are the main reasons behind. In general, it can be concluded that the existing anti-human trafficking legal frameworks are far from a straightforward matter in practice because, the reality is more fragmented at the ground. This study argues that anti-human trafficking responses can be successful if interventions aimed at investing in individuals' all rounded development. Therefore, addressing the practical vulnerability issues of the potential migrants is central to enhance the impact and efficacy of the undergoing anti-human trafficking responses.

Key Words: Anti-human trafficking responses, human Trafficking, illegal migration, legal frameworks, local practices, Saesi'e Tsada-emba Wereda, Vulnerability.

Chapter One

Introduction

1.1. Background of the Study

Human trafficking which commonly viewed as ‘modern slavery’ is one of the dark sides of globalization, and efforts to stem the trafficking tides have been largely ineffective to date (Cho, 2013). It is a global phenomenon that involves exploitation of vulnerable persons through the use of force, fraud, or coercion and violation. The impacts of human trafficking are devastating; victims suffer from physical and emotional abuse, rape, threats against self and family, and even death. Human trafficking is undermining the wellbeing of individuals, local communities, institutions, rule of law, states and the international community at large. It threatens national security, increases organized criminal activities and intensifies the size of the shadow economy (Belser, 2005:8; Bertram, 2013:15; Gekht, 2008:29).

In the light of an ever-changing international arena, it has been crucial to assess the expansion of human trafficking. In recent years, it becomes evident that trafficking in persons increased drastically and there is unchecked escalation at a much faster pace (Avellino, 2012:46; Gekht, 2008: 29). Traffickers recruit victims worldwide and transfer them from one country to another, and often across continents. The recent rise in the scope of international trafficking is attributable to a number of political, social and economic factors. Globalization of world markets, demand for cheap workers, growing global economic gaps, lack of opportunities for development, discrimination and violence against women and children, corruption and organized crime, political instability and armed conflict, growing deprivation and marginalization of the poor, extreme poverty, governmental complacency, discrimination, communication technologies and transport advancements; have all contributed to a recent increase in sales of people (Ibid).

Its clandestine nature has made difficult to determine the actual figures of human trafficking, nevertheless, ILO has calculated that 20.9 million people are victims of human trafficking or subject to some form of modern slavery in the world (2012:13). According to Zimmerman, 95% of the victims of human trafficking experience physical or sexual violence (2006:10). UNODC

revealed that 161 countries are reported to be affected by human trafficking being a source, transit or destination and people are reported to be trafficked and exploited in 124 countries, affecting every continent and every type of economy (2014:10). On top of this, human trafficking is now one of the fastest growing criminal industries in the world that generates 32 billion of US dollars in profit each year, and grows to be one of the world's fastest criminal activities operating on the same scale as illegal trade of guns and drugs (Crane, 2013; Kaczmarek, 2014; Shelly, 2010; US Department of State, 2013).

Even though human trafficking has a long and reprehensible history, it is recently become a highly prioritized issue of international, regional and national political agenda (Gallagher, 2010). Currently, a number of advocacies, initiatives and think tanks have been launched to combat human trafficking. The biggest inter-governmental collaborations, government strategies and the smallest community projects, urge to combat human trafficking. More than 90% countries of the world ratified the 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, (The Trafficking Protocol) and committed to counter human trafficking. However, counter-trafficking strategies and programs have been ineffective to stem its expansion. Countries inability to formulate enabling legislations and failure to implement the existing anti-human trafficking laws are basic reasons to their ineffectiveness (Shelly, 2010:57).

Over the past few years, there has been an increase in all kinds of human trafficking to and from Africa, as well as within the continent (Thipanyane, 2015: 4). Lack of public awareness about the horrors of human trafficking and the extent to which organized criminal groups are involved is common problems in Africa. Moreover, many African countries lack effective laws, policies and capacity to counter human trafficking (Adepojue, 2005:76; Truong, 2006: 23). Though the intensity of human trafficking varies from region to region and from one country to another country, Sub-Saharan Africa is the largest of the regions measured for the Global Slavery Index. 16.36% of the estimated total 29 million people in modern slavery are in Sub-Saharan Africa (WFF, 2013:25). Correspondingly, the dire consequences of abuses related to human trafficking are extensive and growing in the Horn of Africa (Horwood, 2015:7).

Excluding the undocumented number of economic migrants, the total uprooted and displaced population in IGAD region represents approximately eight million, which represents 4 per cent of the total IGAD's population. According to Horwood, more than 200,000 (0.1 per cent) of the

IGAD population are on move annually. Irregular migration in the IGAD bloc is more relevant to some countries than others. For example, while Kenya and Djibouti are important transit and host countries, they represent small number. On the other hand, Ethiopia is one of the leading countries for irregular migration flows on the region (2015:15).

Ethiopia is a source and, to a lesser extent destination and transit country for men, women, and children subjected to human trafficking. According to the report by Walk Free Foundation, there are 651,110 Ethiopians in modern slavery (albeit both within Ethiopia and abroad), which ranked Ethiopia fifth in the world (after India, China, Pakistan and Nigeria) in terms of the largest absolute numbers of the population in slavery (WFF, 2013:1). Ethiopian illegal migrant's transit through Djibouti, Egypt, Somalia, Sudan, or Kenya seeking employment in the Middle East, South Africa, and Europe are highly exposed to human trafficking(US Department of State, 2016:169).Many Ethiopian migrants are commonly exploited through extortion, detentions, physical, sexual, and psychological abuse, and forced labour, either in transit or destination countries (Anteneh, 2011:19; Atnafu and Adamek, 2016:8; Gudetu, 2014:244; Frouws, 2014:6; Kuschminder, Andersson and Siegel, 2013:33).

Subsequent reports by the US Department of State (2013-2016) stated that Ethiopia is making an effort to prevent human trafficking. Ethiopia had ratified major international and regional agreements related to human trafficking and enacted its own anti-human trafficking laws. Nonetheless, human trafficking is increasing in an alarming rate in Ethiopia and the government has failed to fulfill the minimum standards to eliminate human trafficking (US Department of State, 2016; Carter and Rohwerder, 2016: 17; ILO, 2014: 29).

Even though a combination of different factors are responsible for the trafficking of thousands of Ethiopians, poverty and lack of employment opportunities are considered as the major pushing factors and the demand for cheap labour in destination countries is also the pulling factor (Asnake and Zerihun, 2016:29; Anteneh, 2011: 21; Shewit, 2013:19; Gudetu, 2014:239). Potential Ethiopians prefer to migrate illegally through Djibouti, Somalia, and Yemen to the Middle East countries. This is because illegal migration is perceived to be less bureaucratic, consumes shortened time, cheaper and more rewarding (Frouws, 2014: 6). And the preferred destination for 76 per cent of the potential Ethiopian migrants is Saudi Arabia (Carter and Rohwerder, 2016:17). Moreover, a large industry of informal labour brokers is established in

Ethiopia (ILO, 2011). Of the general Ethiopian migrants, 60 to 70 per cent are migrating irregularly either trafficked or smuggled, and exposed to degrading violations (Ibid).

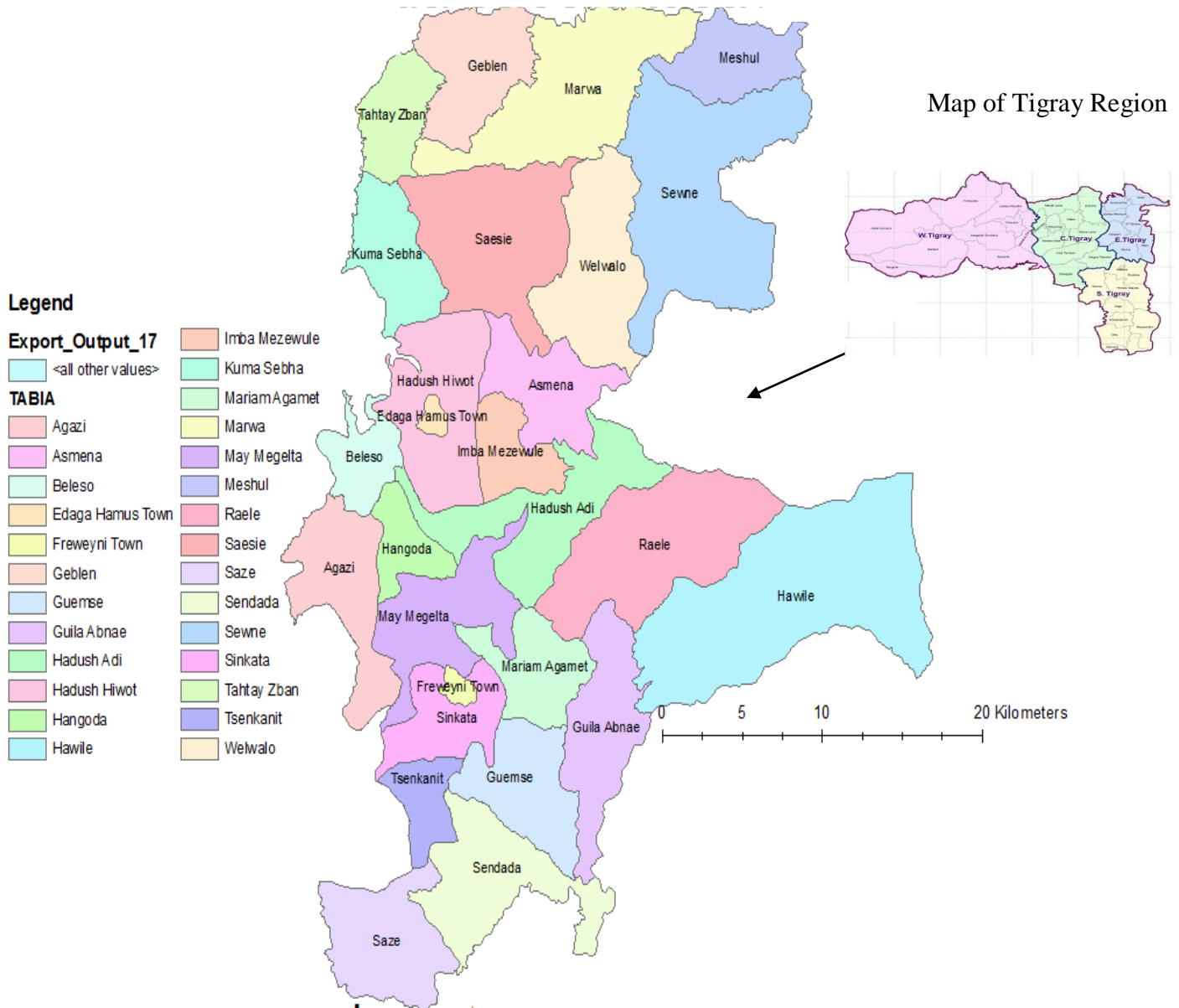
Approximately 75,000 (over 78 %) of new arrivals in Yemen in 2014 were from Ethiopia and most of them were victims of human trafficking (RMMS, 2014:12). In 2015, 92,446 persons arrived in Yemen from the Horn of Africa of which 89% (82,276 persons) were Ethiopian nationals, and in 2016 it continued at a similar pace (RMMS, 2016). It is estimated that 146,000 Ethiopians transit through Djibouti every year, between 18,000 and 37,000 Ethiopians per year begin their journey on the western/northern route. Ethiopian migrants who cross to Sudan reach 50-100 persons per day. Consequently, the business of human trafficking and smuggling of migrants reach tens of millions of dollars in Ethiopia (RMMS, 2015: 36).

Within Ethiopia, the range of the incidences of human trafficking differs from region to region, from zone to zone and from *Wereda* to *Wereda*. To be specific, Tigray regional state and particularly the Eastern Zone have a significant share. In 2015 only, about 10705 (M-7713, F-2992) people were trafficked from Tigray, there were 191 (4 women and 187men) suspected traffickers, and 79 (M-62, F- 17) victims were died in this same year. Even from the specific part of the Eastern Zone, Saesi'e Tsada-emba *Wereda* is identified as an area of high and growing incidences of human trafficking (Anteneh, 2011:29). In 2015 only, about 551 (M=416, F= 135) persons were trafficked, 38 persons (32 men and 6 women) were died, and there were 15 suspected traffickers in the *Wereda*¹

The community in Saesi'e Tsada-emba *Wereda* had experienced a number of sticky effects of human trafficking. Deaths, physical and psychological harms, detentions and inhuman treatment in the desert routes or destination countries are frequent news in the *Wereda*. However, illegal migration is increasing and continues to expose many people to be victims of human trafficking and disturb the socio-economic stability of the community. Many students drop out their schools, married men and women breakdown their families; teachers, health extension workers, police officers, local administrators and other government workers are frequently trafficked.

¹Tigray Regionn: Report on the prevalence of human trafficking, traffickers and other related issues, 2016, Mekelle.

Map of Saesi'eTsada-emba *Wereda*



Map1. Saesi'e Tsada-emba *Wereda*, source: Bureau of Development Planning and Finance

1.2. Description of the Study Area

Saesi'e Tsaeda-emba *Wereda* is found in Eastern Zone of Tigray, located in Northern Ethiopia. It is about 850 kms north of Addis Ababa and 90 kms north of Mekelle (the capital city of Tigray). Saesi'e Tsada-emba *Wereda* shares borders with all the *Weredas* in Eastern Tigray and has a common border with Afar Regional State. Saesi'e Tsaeda-emba *Wereda* share borders with Kilte Awulaelo to the South, Hawzen to the southwest, Ganta Afeshum to the West, Gulomahda to the Northwest, Irob to the North, Afar Region to the East, and Atsbi Wenberta to the Southeast.

According to the source from the Bureau of Planning and Finance, the total area of the *Wereda* is 1175 square Kilo meters or 116,896.16 hectares. From this 20,127 hectare (17.2 %) is arable land while 96,769.16 hectare (82.78%) is non-arable. The *Wereda* is found in 13⁰55'00'' – 14⁰23'30'' N latitude and 39⁰28'30'' – 39⁰53'00'' E longitude. Its aptitude above sea level is minimum 1,500 and maximum 2,950. The majority of its land escape covers highlands (98.25%) and 0.5% is lowland, the remained 1.25% is medium. Except the three low land *Tabias/kebeles* (Sewne, Meshul and Marwa) the rest 25 *Tabias* are positioned at high-lands of the *Wereda*. Its climatic feature is explained as erratic, unpredictable rainfall with greater fluctuations around mean and unpredictable start and finish. The annual average rainfall from 2005 up to 2009 was 487.2 mm (Maxwell, 2010:11).

Agriculture is the main economic base of the rural people in the Saesi'e Tsaeda-emba *Wereda*. Among the major crops, barley and wheat cover larger area (about 82.8%) while cattle and sheep constitute for about 82.83% of the livestock in the *Wereda*. However, the output does not cover the demand of the *Wereda's* people. Shortage of accesses to farm land due to the increasing population pressure, decreasing productivity of the limited land resources and livestock due to the lack of modern management system lead Saesi'e Tsaeda-emba *Wereda* to be one of the most vulnerable areas. Illegal Labor migration is also an important part of livelihood strategies, as there are only limited possibilities for off-farm diversification of livelihoods within Saesi'e Tsaeda-emba *Wereda* (Maxwell, 2010).

Saesi'e Tsada-emba *Wereda* is a drought prone area; the overall trend in vulnerability to famine (drought induced) is increasing in the last 30 years. There are many *Tabias* that are always

suffering by water scarcity even for drinking (Geblen, Marwa, and Meshul). According to the information gained from Bureau of Planning and Development baseline, the *Woreda* has 162,138 inhabitants (Male =76,391 and Female = 85,747) who live in 28 *Tabias* and about 38,000 of the inhabitants are youth. Fireweiny and Edagahamus are the two main towns of the *Woreda* located in the main road from Addis Ababa, Mekelle, to Axum. Fireweiny is the main central town of the *Woreda*. While the rest 26 *Tabias* are in the rural area without formal municipality.²

1.3. Statement of the Problem

Although the Ethiopian government has enacted anti-human trafficking legal frameworks and increased its counteracting efforts, incidences of human trafficking has been rising and wide spreading in Ethiopia (Beck *et al.*, 2016:1; Carter and Rohwerder, 2016: 17; Gudetu, 2014:243; ILO, 2014: 29; IOM, 2015:29). Many Ethiopians had been exploited, and in several instances end up being killed in transit as well as destination countries. For example, it was a recent memory that ISIS had beheaded many Ethiopian youth in Libya, the horrific attacks by xenophobic mob in South Africa, and the death of many Ethiopians in Mediterranean and the Red Seas. Likewise, Saudi Arabia's crackdown on illegal migrants and the expulsion of thousands of Ethiopians are some of the severe consequences of human trafficking (IOM, 2014: 54; de Regt and Tafesse, 2016: 228).

At present, crossing the transit states and the routes is highly endangered, and the situations in the destination countries become unattractive. The perilous journeys through the war-torn Yemen, the state of impunity in which armed groups, criminal gangs and traffickers control the flow of irregular migrants through Libya, and the military operations in the route of North Africa's deadly tunnel (the Sinai desert) are horrific. Furthermore, xenophobic sentiments in Saudi Arabia, South Africa, and Kenya as well as the refugee crises in Europe have been devastating effects for many vulnerable people in Ethiopians. Nevertheless, many Ethiopians are still migrating illegally and fail at the hands of ruthless traffickers.

On top of this, though there is an enhancement of research studies with regard to issues of human trafficking in Ethiopia, the existing literature shows anti-human trafficking responses remain under-studied. Previous studies have significant importance in illuminating the nature of the

² Information acquired from the Bureau of Planning and Development in Saesi'eTsada-emba *Woreda*, in 2016

problem. For instance, the causes and consequences of human trafficking (Gudetu, 2014; Hailemichael, 2014), the challenges that victims face in the routes (Shewit, 2013), the miseries in destination countries (Beydoun, 2006; Asefach, 2012), and the reintegration processes of returnees (de Regt and Tafesse, 2016; Micheal, 2014). However, the governance structures involved in countering human trafficking, the interaction among stakeholders, the agendas, and how it translated in to practice and what impacts does the undergoing responses have represents a gap. Accordingly, this study makes a meaningful contribution to this body of research gap.

In addition, although little studies were conducted with regard to prosecution of traffickers (Selam, 2011; Anchinesh, 2009) and the legal protection of victims in abroad (Shukria, 2015; Yonas, 2015), these studies were made specifically from criminal point of view. Nonetheless, the criteria of success in combating human trafficking could not be reduced to one side of the action; rather it needs coordinated efforts of prevention, protection, and prosecution to cover all its features (Witzer, 2014:15). Therefore, addressing the complex and multidimensional nature of human trafficking particularly, addressing the vulnerability issues require an extensive examination of the undergoing anti-human trafficking interventions from various perspectives.

In Ethiopia, reports with regard to human trafficking contain routine descriptions of activities and try to inform as it has received a concerted attention. Nonetheless, describing human trafficking as category and anti-trafficking laws as mere response to it is not enough. A leading question for effective anti-trafficking response is what works and under which circumstances? It is important to examine the theory and what have been conducted so far in practice, taking lessons and making meaningful progress to achieve optimum results. In doing so, local knowledge starting from designing up to implementation of the counteracting programs is very important. Accordingly, this study aimed to examine the practicability of Ethiopia's anti-human trafficking legal frameworks at a local practice particularly, in Saesi'e Tsaeda-emba *Woreda*.

1.4. Core Argument

Anti-human trafficking responses can be effectual if integrated and coordinated efforts are made to address the vulnerability issues of potential victims with practical alternatives, actual survivors are protected and reintegrated appropriately, and perpetrators are prosecuted properly.

1.5. Research Objectives

The overall objective of this research is to analyze anti-human trafficking legal-institutional frameworks in Ethiopia and examine the local practices particularly, in Saesi'e Tsada-emba *Wereda*. And more Specific objectives are outlined as follows:

- Analyze anti-human trafficking legal and institutional frameworks in Ethiopia.
- Assess the coordination of anti-human trafficking stakeholders.
- Examine the prevention, protection and prosecution measures operating in Saesi'e Tsada-emba *Wereda*.
- Explore the barriers of the anti-human trafficking efforts in Saesi'e Tsada-emba *Wereda*.
- To indicate some possible mitigating measures.

1.6. Research Questions

- What legal and institutional efforts were in Ethiopia?
- Is there a coordinated anti-human trafficking response?
- What prevention, protection and prosecution measures are operating in Saesi'e Tsada-emba *Wereda*?
- What are the barriers of the anti-human trafficking responses in Saesi'e Tsada-emaba *Wereda*?
- What possible measures can help to combat human trafficking in Saesi'e Tsada-emaba *Wereda*?

1.7. Methodology and Methods

To achieve the stated objective of the study, the research employed qualitative research methodology. Qualitative approach emphasizes the qualities of entities, processes and meanings that are not experimentally examined or measured in terms of quantity, amount, intensity or frequency. Moreover, qualitative research enables to examine various social settings and individuals' attitudes, behaviors and experiences, and allow sharing the understandings and perceptions of others, and to explore how people structure and give meaning to their daily lives and make sense of others (Creswell, 2009; Dawson, 2002; Kothari, 2004). In addition, available statistical data is also utilized just for the sake of triangulation.

1.7.1. Data Sources and Methods of Data Collection

Both primary and secondary sources of data were used to conduct this study. Books, articles, research studies, news papers, magazines, policy documents, manuals are used. Constitutional provisions, legislations, regional and international instruments as well as other relevant documents were also part of the study. Semi-structured in-depth interview with victim returnees, purposively selected practitioners and focus group discussions with residents of the study area were the primary sources. Semi-structured interview gives appropriate freedom to respondents and enables the researcher to avoid confusions and clarify for respondents as well as to ask more questions depending on their responses (Bernard, 2011). Besides, personal observation was also used as a method of data collection.

Personal observation connects the researcher to human experiences, and enables to discover and immerse how and whys of human behavior in a particular context (Mack, *et al.*, 2005:13). This is appropriate to learn what questions are relevant, collect a wider range of data, for an intuitive understanding of the meaning of the data and addresses problems which are unavailable to other data collection techniques. Accordingly, the researcher could observe interactions and events that may be hidden to an ‘outsider.’ Moreover, interviewed participants were more likely to act naturally and be more responsive to questions. Simultaneously, the researcher was cautious to maintain neutrality and objectivity of the study.

1.7.1.1. Sampling Techniques

In qualitative research, samples are mostly chosen deliberately in which the manner is known as purposive sampling. This is to have those who can yield the most relevant and plentiful data to the topic under study (Kothari, 2004:15; Yin, 2011: 88) Researchers use their special expertise about some group to select subjects who represent the population (Berg, 2001:32). Those who might offer contrary evidence or views are also needed for testing rival explanations to avoid any appearance of bias (Yin, 2011: 89). Accordingly the researcher utilised purposive sampling and selected participants consciously. Therefore, semi-structured interviews were made with selected informants. Snowballing has been also used because of its importance to locate subjects with certain attributes, classes of deviance, and difficult to reach populations (Berg, 2001:33).

In this particular study, 13 key informants were interviewed for 40-90 minutes each. These key informants are representatives of the Task Force, Command Post, BoLSA, Youth and Sport Affairs, Women Affairs, local administration, police officers, lawyers, teachers, Bureau of Education, TVET, Communication Bureau, Micro and Small Enterprise Development Agencies, and NGOs. Additionally, 24 victim returnees (F-11 and M-13) were interviewed deeply for 35-70 minutes each and 6 focus group discussions were held with residents of the study area for 80-110 minutes for each.

1.7.2. Data Analysis

To address complex problems such as human trafficking multifaceted perspectives is required. Anti-human trafficking policymakers and actors, whether at international or state level, or at non-governmental level, attempted to understand, predict or combat the complex, intersecting and overlapping phenomenon from different directions. In other words, a host of interlinked and overlapping concerns are faced in the issues. This study considered the interrelationships rather than simply relying on linear chains of causes and effects. Accordingly, Ethiopian anti-human trafficking legal frameworks are assessed in line with international anti-human trafficking instruments. Careful attention is given to how human trafficking is defined in Ethiopia. Then it looks into the way key stakeholders have been legitimized and coordinated to counter it. Current anti-human trafficking discourses and approaches of governance (structures and initiatives) strategies, policy are critically analyzed at local practice i.e. discourse analysis.

With regard to the local practice, the research focus on assessing how the anti-human trafficking discourses are functioning at the local level particularly in Saesi Tsada-embe *Wereda*, and whether the practical actions truthfully represent to the intended objectives in the legal frameworks, and whether the actors are committed to implement the planed anti-human trafficking responses. In doing so, after collecting, categorizing, combining, and synthesizing, thereby, transcription, compilation and further elaboration was made in to meaningful and patterned information. Soon after completion the collected data were analyzed in thematically organized way pursuing to the original descriptions of the field notes so as to infer meanings and conclusions.

1.7.3. Ethical Considerations

The researcher avoids any contravention to the laws, values, social principles, and norms of the society under investigation. Participation was entirely based on informed consent. The researcher presented himself to all participants from the outset and clarified the purpose of the research study. As anonymity was offered, some participants choose to disclose their identities and their organization. As a result, participants who requested that their identity be kept confidential are not revealed. Moreover, the works of other scholars are acknowledged appropriately.

1.8. Scope of the Study

This study has limited its scope in terms of geographic coverage and thematic center of attention. The research was specifically conducted in Saesi'e Tsada-emba *Wereda*, in Eastern Zone of Tigray regional state. This specific *Wereda* has been chosen because it is one of the most affected and vulnerable *Weredas*. Though the issue of human trafficking is very broad and multi-directional, the central attention of this study is limited to examine the undergoing anti-human trafficking measures at local practices. Furthermore, human trafficking can take place within and outside a country; nonetheless, this research mainly focuses on the responses to counter the transnational human trafficking.

1.9. Significance of the Study

With regard to human trafficking, a micro level studies in cities, towns or small villages have an advantage over grand macro level studies (Weitzer, 2014:15). This is because it can provide richer insights with regard to the living experiences, and is better suited to formulate contextually appropriate responses. This study provides knowledge mainly about the practical impacts of Ethiopian anti-human trafficking responses from the grassroots level. Additionally, the study has identified the major barriers of the undergoing efforts and suggests possible solutions for adjustment. Governmental and nongovernmental organizations or any other concerned body can use the study as a direction to pertain possible solutions to the problem in Saesi'e Tsada-emba *Wereda*. Moreover, contributing to the existing literature, this research can be used as a reference to those who might be interested to conduct studies on the area.

1.10. Limitation of the Study

First of all there is limited availability of consistent data on current human trafficking flows from Ethiopia in general and from the study area in particular. The data of the criminal justice with regard to human trafficking was not dependable, or seriously compromised in terms of quality and reliability. Though the employed techniques were diverse and fair to triangulate the data, certain segments such as interviewing traffickers and victims of human trafficking during their actual processes (during recruitment, transportation or exploitation) was difficult. Last but not least, this study has limitation of generalization to other contexts.

1.11. Organization of the Study

This research study has five chapters. The first chapter is an introductory part that includes the background of the study which provides a general understanding about the issue under study, statement of the problem which informs about the necessity of the research, the objectives of the study, research questions, research methodology, significance of the study, scope and limitation of the study, description of the study area, Ethical consideration and organization of the study. Chapter two is all about review of related literature, conceptual framework and theoretical framework of the study. Its aim is to broaden the understanding of human trafficking and the counteracting responses. Chapter three analyses the existing anti-human trafficking legal and institutional frameworks in Ethiopia. In chapter four the implementation of the legal frameworks are examined at local practice in the study area. And then chapter five provides the conclusion and suggested recommendations.

Chapter Two

2. Literature Review, Conceptual and Theoretical Frameworks

Over the last two decades efforts to combat human trafficking has been advanced steadily. This was also reflected in the burgeoning number of reports, documents and researches on the topic. Though human trafficking could take place within a territory of a state, cross-border human trafficking has been recognized as exceedingly worsening in its incidences (Van Der Laan, *et al*, 2011;Goździak, 2015). And this study is also concerned with cross-border human trafficking. Accordingly, the researcher could review adequate literature in the issue. In this chapter the key concept of the study, human trafficking has been clarified, the major strategies to counter human trafficking (anti-human trafficking responses) have been conceptualized and the theoretical approaches to counter human trafficking was discussed.

2.2. Understanding Human Trafficking

Even though human trafficking is most often confused with smuggling of migrants because of some similarities and overlaps that exist between them, article 3 (a) of the UN Trafficking Protocol has in fact defined human trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

There are three constituent elements in the definition: *an act* (what is done) indicates the recruitment, transportation, transfer, harboring or reception of trafficked persons; *the means* (how it is done) the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or position of vulnerability or giving benefits to achieve the entail consent; and *the purpose* (why it is done) is exploitation (UNDOC, 2009:2).

As to the definition in article 3, exploitation includes at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Besides, the protocol recognizes that the interpretations of these constitutive elements are guided by the existing definitions on other international instruments (Trafficking in Persons Protocol, 2000: art.14). Consent of the trafficked persons becomes irrelevant, if any of the means are used. However, in case of child trafficking consent becomes irrelevant regardless of the means (Ibid, art. 3/b and c).

2.2. The Nexus between Human Trafficking and Smuggling of Migrants

Article 3(a) of the Protocol against the Smuggling of Migrants by Land, Sea and Air defines Smuggling of migrants as ‘The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.’ It comprises procuring the illegal entry of another person, entry into another state, and for the purpose of financial or material gain.

Conceptually, the UN instruments have made a distinction between human trafficking and smuggling of migrants. Accordingly, smuggling of migrants necessarily involves illegal crossing of international borders, however, human trafficking may involve illegal crossing of international borders or it may occur within one country as internal human trafficking. Migrant smuggling occurs with the consent of the person(s) to cross the border and often pay sums of money or other material to smugglers for the service and become free upon arrival at their destination. In contrast, victims of human trafficking may have agreed to migrate initially, and then often failed to physical or psychological coercion and violations. The purpose of migrant smuggling is for financial or other material benefit, whereas the purpose of human trafficking is ongoing exploitation of the victim, and generates profit for traffickers (UNODC, 2008: 5).

In practice, it is difficult to distinguish between human trafficking and smuggling of migrants (UNODC, 2009). Some researchers, argue that it is not easy to differentiate between smuggling and trafficking, for example according to Lukazo, when conducting research on trafficking a researcher has to be kept in mind that trafficked persons are very often to have wished to migrate in the first place (Lukazo, 2005). Buckland, asserts ‘the UN protocols are ultimately incapable of describing trafficking and smuggling more precisely than as mere points

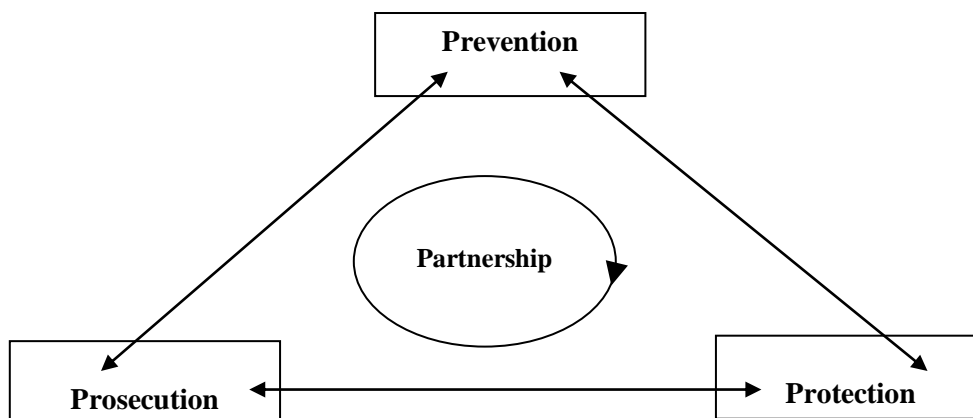
on a poorly defined continuum’ (2009:149). Moreover, Bravo argues ‘The distinction hides state complicity, drawing attention from the role played by domestic legal regimes, such as migration laws, in creating and guiding the flow of the market in humans and their labour’(2015:17).

Both human trafficking and smuggling of migrants are dependent upon recruitment and transportation mechanisms set up by networks in organized crime. Moreover, the presence of coercion or deception throughout or at some stage in the process is common. According to Alexis, a ‘continuum of victimization’ between these two international crimes makes it difficult to identify whether a case is of human trafficking or people smuggling (2001:164). By and large, criminals may both smuggle and traffic people using the same routes, and some trafficked persons might start their journey by agreeing to be smuggled into a country, but find themselves deceived, into an exploitative situation later in the process. Anti-human trafficking responses (just for the purpose of this particular study) can therefore be understood as a broad concept that includes efforts to counter smuggling of migrants.

2.3. Conceptual Framework: Major Strategies to Combat Human Trafficking

Effective action to combat human trafficking requires a comprehensive response, including measures to prevent human trafficking, to protect victims, to prosecute traffickers as well as to coordinate and cooperate with stakeholders (Fukushima, et al., 2012:7).The **4P** Model has proven as an effective strategic formula for counter-human trafficking and its success predicated on striking the right balance among the four components (UNODC, 2009:9).

Figure 1. Major Strategies to Counter Human Trafficking: the 4P Model



Sketched by the researcher, 2016

2.3.1. Partnership

To combat this multi-faceted crime and to facilitate prevention, protection and prosecution, coordinated national responses should involve relevant stakeholders. Governmental institutions, judicial authorities, migration and asylum authorities, labour inspectors, NGOs, civil societies, private sectors, workers and employers organization, child and youth care providers, law enforcement, frontline police agencies, and specialist investigation units, should exchange information (UNODC, 2009:45; Trafficking in Protocol, 2000 : arts. 6, and 9).

In order to implement an effective anti- human trafficking partnership, understanding of varying cultural practices that can have an impact in the intended goals is essential(Fukushima, *etal*, 2012:7). Strategic partnership needs flexible processes that commit to support participating partners in achieving a common goal. These goals are variable in which NGOs, law enforcement, and victims are diverse, including those that are national or international, those in industrialized versus developing contexts, those that are funded from development industry and those that are not, and membership versus non-membership organizations, are varied with a diversity of goals.

Cooperation among states of origin, transit and destination is also very important to prevent human trafficking, protect victims and prosecute traffickers on both the global and local level. Existing partnerships include task forces among law enforcement agencies that coordinate across borders, bilateral agreements, Memoranda of Understandings (MoUs) and regional partnerships.. International cooperation (formal and informal) are essential prerequisite to combat human trafficking and deprive trafficker's safe haven; and one of the oldest forms of international legal cooperation in criminal matters and can possibly assist in combating human trafficking is extradition (Obokata, 2006: 221 ; Gallagher, 2010:404).

2.3.2. Prevention

A comprehensive anti-human trafficking strategy should incorporate prevention programmes to be carried out by the government in cooperation with civil society. Moreover, the legislator must take care to harmonize related laws with anti-human trafficking legislations. Related legislation must likewise be reviewed and brought into compliance with international and regional human rights standards and the anti-trafficking laws (UNODC, 2008:417). Additionally states should

strongly fight the complicity of corrupted public officials and discharge confidence in the rule of law (Nikos, *et al.*, 2004:78; UNCTOC, 2000: arts. 23, 24, and 27).

As such, prevention mechanisms can be: addressing root causes of vulnerability often referred to as ‘push/pull factors, ‘usually identified as economic, social, cultural and political insecurities. More effective policies of development, awareness-raising programs through the media and education, and researches that provide accurate understanding of the dynamics of the problem could serve to inform in a better way. It is necessary to consider that specific groups can be targeted for prevention work beyond the conventional ones (Gallagher, 2010:421; The UN Trafficking in Persons Protocol, 2000: art. 9/2; UNCTOC, 2000: art. 31/5). Empowering at-risk and vulnerable persons through leadership development to eliminate poverty, underdevelopment and lack of economic opportunities, discouraging the demand that fosters all forms of exploitation and raising the awareness to inform the public about the dangers of human trafficking and provide potential victims with the possibilities for legal migration and enable them to make informed decisions are mandatory to prevent human trafficking (OHCHR, 2010: 99; OHCHR, 2014: 44)

2.3.3. Protection

Critically, the first step in the recognition of trafficked persons as victims entitled to human rights protection is their identification as such (Gallagher, 2010: 282). Since states are the first duty holders to protect and support those persons, states should provide guidelines and procedures for relevant state authorities and officials such as police, border guards, immigration officials and others involved in the detection, reception and processing issues of irregular migrants, to permit the rapid and accurate identification of trafficked persons (Nikos, *et al.*, 2004: 280). States should identify and protect victims of human trafficking, address the training needs and mental health concerns and work with trafficked persons in order to maintain a certain quality of service and this must be accompanied by respect for their rights.

Victims who are provided with proper assistance and support on their return are less likely to be re-trafficked, less vulnerable to intimidation, retaliation, social isolation and stigmatization (OHCHR, 2010:181). Since trafficked persons are treated as victims of a crime proper assistance and support for reintegration is a right owed to trafficked persons by virtue of their status as

victims of crime of human rights violations (UNCTOC, 2000: art. 24). For this reason states shall establish appropriate procedures to provide access to compensate and re-integrate victims of human trafficking (Trafficking in Persons Protocol, 2000:art.6/6; UNCTOC, 2000: art.25/2).

Re-integration refers to the process of recovery, economic and social inclusion following a trafficking experience. It goes beyond direct assistance. It provides for a victim's safe and sustainable reinsertion and normalization (Surtees, and de Kerchove, 2014:67). This commonly includes shelter or other accommodation options, medical care, psychological assistance, legal assistance, education and/or professional/vocational training, economic assistance, livelihood opportunities (job placement, and income generation), family mediation/counseling and support to secondary beneficiaries. In addition to addressing physical and psychological impacts of trafficking, re-integration is a long-term process that should address the livelihood options of the victims (Ibid).

Re-integration become successful if it is: Sustainable in which the returnees actively participate in the process; Being measurable to analyze the impact of a reintegration projects and to identify contributing factors and possible gaps; Balanced and ensure the provided assistance is meaningful to address vulnerabilities and avoids creating tensions in the local community; Complementary to avoid duplication of efforts; Comprehensive to address to the needs of vulnerable groups requiring long-term assistance and; Break new grounds through innovative ideas, such as collaboration with countries, private sectors, foundations, development actors and the diasporas (Fonseca, *et al.*, 2015: 13-39).

2.3.4. Prosecution

‘States have a responsibility under international law to act with due diligence to investigate, prosecute, and adjudicate human trafficking’ (OHCHR, 2010:77). The standard of due diligence is set out in the International Law Commission’s Articles on the Responsibility of States for Internationally Wrongful Acts, which is widely accepted as customary international law. Accordingly States have to ensure the effectiveness of their criminal law and should effectively prosecute if there is an allegation of violation by State officials and non-State actors and then compensate victims.

An effective criminal justice response should strengthen training for law enforcement and other relevant officials. It also needs to be organized, empowered, and funded in a manner that enables them to respond effectively and to discourage traffickers by increasing the risks and costs associated with their activities. A specialized investigatory capacity, mandated to supervise as well as advise within a country is an essential component of effective criminal justice response (UN CTOC, 2000: art. 20; Trafficking in Persons Protocol, 2000: art. 10).

Measures should be in place to ensure victims direct access to justice and participation in the investigation and judicial process against traffickers. It should ensure that judicial proceedings protect victims' privacy and safety. The needs of child victims should be given the highest priority in the context of judicial proceedings (Gekt, 2000:53). Investigations of human trafficking must cover all aspects of trafficking allegations from recruitment to exploitation, and to this end the obligation laid to the States of origin, transit and the State of destination.

2.5. Theoretical Framework

Theory is a way of looking at facts, and an account of some empirical phenomenon. Researchers can construct a theoretical framework to help them explain, understand, or predict some phenomenon from different epistemological persuasions. All theoretical account consist at least two elements: 'concepts' and 'relationships among the concepts.' The way we think about the relationship among the elements in the world that occupy our research attention is called theorizing (Van Maanen, *et al.*, 2007).

Apart from the description of the causes, processes, consequences, as well as the routes, human trafficking is not theorized sufficiently (Emser, 2013: 92; Gozdziaik, 2008: 9; Morehouse, 2009: 74; Saad, and Salman, 2014:67).A number of authors have noted that there is no consistent theoretical framework that structure and/or analyze human trafficking researches. Consequently, the existing approaches are often based on researchers' individual preference in relation to their own particular focus of attention (Lutya, 2012:557).

The general set-up in countering cross-border human trafficking has been characterized by different approaches. An approach may be a researcher's choice of the types of concepts and types of relationships among the concepts that they use to construct theoretical frameworks. Approach is present in one's mind and implies a sense of pragmatism. Approaches that have

shaped international and national anti-human trafficking efforts are: Law enforcement approach; Human Rights approach; Migration approach; and Economic approach. And these are discussed below.

2.5.1. The Law Enforcement Approach

The law enforcement approach to combat human trafficking is the most pervasive approach (Bravo, 2015:6). This approach operates according to the definition under international laws and perceives human trafficking from a criminal point of view. The aim in this approach is to introduce more effective ways of investigation, prosecution and punishment of trafficking in persons and intensifying police and judicial co-operation in order to facilitate prosecution of international criminal groups that organize trafficking in persons.

The special attention to law enforcement in the fight against human trafficking entails legislative reforms, which often means responding to the call for higher penalties and more stringent laws, training of law enforcement officials, and establishing and strengthening national, regional and international cooperation. Federal governments should prioritize human trafficking prosecutions and cooperate with local law enforcement agencies in flushing out offenders and tackling the problems more efficiently (Newton, *et al.*, 2008; 66-77).

Prominent scholars of the field such as Gallagher, Chuang and Chacon have discussed on law enforcement approach to human trafficking. According to Gallagher, criminalization of human trafficking (investigation, prosecution, and appropriate punishment of traffickers) has been acknowledged by international community as a lasting solution to combat human trafficking (Gallagher, 2010: 370). A criminal justice response seeks both to end impunity for traffickers and to secure justice for victims is possible in full conformity with international law and deserves to take its rightful place as a lasting solution to human trafficking (Gallagher, 2010: 371).

The international community has acknowledged that the need for an effective law enforcement against human trafficking. International law enforcement agencies and initiatives such as the 2000 UN Convention against Transnational Crime and its supplementing Protocols promote transnational strategies and request governments to take legislative action to prevent, suppress, and punish trafficking in persons. According to the UN Convention, human trafficking must be criminalized, traffickers be investigate, prosecuted and appropriately punished, trafficking crimes

should be confiscated and, in cases of trafficking across national borders, legal and operational collaboration should aim to ensure that there are no safe havens for traffickers.

The Trafficking Protocol and the UN Convention are interpreted together and the provisions of the Convention apply, *mutatis mutandis*, to the Protocol. Offences established in the Protocol are considered as offences established in accordance with the Convention (Trafficking in Persons Protocol, 2000: art.1; UNCTOC, 2000: art.37). Furthermore the Protocol is complemented by an array of international legal instruments (UNDOC, 2008:7). Therefore, the Trafficking Protocol is a law enforcement body which developed by the UN Convention against Transnational Organized Crime (Trafficking in Persons Protocol, 2000: art.1). Accordingly, the Trafficking Protocol criminalizes human trafficking as per to the definition in article 3 and require states to establish similar legislations.

Though, the international community is giving priority to criminal measures, the effectiveness of anti-human trafficking law enforcement is undermined by the creation of the image and pursuit to rescue and vindication of the “innocent,” and exploited victims’ (Srikantiah, 2007:187) Focusing only on criminal prosecutions ensures that the international community will be stuck in an endless cycle of seeking to prosecute perpetrators and aid victims after the harm has occurred. According to Derks, due to corruption and lack of enforcement, the criminal system cannot be relied upon in all countries as a reliable instrument to combat trafficking (2000: 13). Since the current anti-human trafficking responses focused on prosecution of traffickers, states have remained reluctant to support victims without preconditions of their willingness to testify against traffickers. However, such conditionality has counterproductive effects and is incompatible with international human right standards.

2.5.2. Human Rights Approach

Human trafficking is both a cause and a consequence of the violation of human rights, and human trafficking should be explicitly characterized as a “human rights violation.” (OHCHR, 2002:121). Therefore, human trafficking should be addressed through a comprehensive approach that involves measures to protect victims of trafficking, including protecting their internationally recognized human rights. Human rights should ‘be at the centre of all efforts to prevent and combat human trafficking’ (OHCHR, 2010:3) Placing the ‘victim’ at the center of analysis, a

human rights approach is normatively based on international human rights standards and that is operationally directed to promote and protect human rights of victims (Bravo, 2010:7; Obokata, 2006:174). Core principles of human rights such as: universality and inalienability, indivisibility, interdependence and inter-relatedness, non-discrimination and equality, participation and inclusion, accountability and the rule of law are incorporated (UNDP, 2003:3). These principles ought to structure a human rights approach based on the legal frameworks of human rights (Rijke and de Volder, 2009:53).

Researchers such as Rijken and de Volder proposed anti-human trafficking approach on the base of human rights law. They argued that, victim's protection has been a secondary goal and the causes and consequences of trafficking in human beings have mostly been neglected so far (Ibid). In addition, Brysk and Choi-Fitzpatrick argued human trafficking is a human rights issue (2013:634). Similarly, Obokata stated that human trafficking is a serious violation of human rights and anti-human trafficking responses should address the violations throughout the processes (2006: 35). Andrijasevic and Anderson, expressed that victims of human trafficking have the right to receive state protection (2009:151). Every intervention is attached to established rights in which states are under international obligation (OHCHR, 2010:49). Human right approach requires transparent and accountable commitment of leaders to empower the vulnerable groups, and promote active participation of the beneficiaries (Rijken, 2009:216).

However, governmental efforts to protect victims of human trafficking remain weaker than the efforts to criminalize traffickers (Cho, *et al.*, 2012:432). Although human rights approach is very useful to address the root causes of human trafficking through economic and social rights (Todres, 2011:70), lack of hard enforcement mechanisms of human rights instruments remained to be criticized (Seideman, 2015: 6). Consequently, anti-human trafficking measures repeatedly causes collateral damage while states are invariably focusing on law enforcement strategies as opposed to human right protection.

2.5.3. Migration Approach

The International Organization for Migration (IOM) as an institutional leader in issues of migration has asserted that trafficking in persons needs to be approached within the overall context of managing human migration (2014:3). Human trafficking is in its modern form, a

phenomenon that is inextricably linked to, and shaped by, the dynamics of contemporary global migration, including the interests, capacities, and structures of nation states, international organizations, NGOs, private companies and criminal groups (Friesendorf, 2009:261). While many persons who are trafficked are persons who themselves wish to migrate for better work opportunities, human trafficking is a problem of migration.

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families endorsed the protection of regular and irregular migrants. And is the primary proponent of the migration approach to human trafficking. Migrants are frequently subject to human trafficking as traffickers are able to take advantage of their vulnerability. As a rule, migrants in general and irregular and undocumented migrants in particular are the most vulnerable and therefore often at the mercy of traffickers and their accomplices. Traffickers ruthlessly exploit the almost total lack of social and legal protection (Konrad, 2012:2).

According to Mahmoud and Trebesch, traffickers and exploitative employers are more prone to recruit victims from regions with large-scale emigration flows. Consequently, the incidence of human trafficking appears to be significantly higher in regions where many people intend to leave (2010: 186). Recruitment agencies and procedures, pre-departure trainings, monitoring of migrants, as well as bilateral agreements with receiving countries are very important (Ibid).

Migration management has occasionally criticized been restrictive or controlled and fails to recognize the legitimate human rights of trafficked persons. In most cases trafficked persons face a high probability of deportation to their countries of origin, returning to the same limited conditions and re-enter the cycle of human trafficking (Friesendorf, 2012: 261). Considering illegal migrants as threat to national security, requiring a crack-down on illegal migration, quick deportation of illegal migrants, and measures including visa restrictions, border controls or stricter control of foreigners within national territory leads to the unjust reversal of the problem and made human trafficking more profitable (Fernandez, 2017).

Strict anti-immigration policies reduce opportunities for legal migration, encourage migrants to turn to third parties for assistance, and ‘serve to provide an ever growing number of clients to the increasing number of underground networks of immigrant smugglers’ (Gekht, 2008: 34). This fuels human trafficking. Statistics demonstrate that inflexible policies of exclusion, enforced

through severe penal punishments and deportation for their breach, feed directly into the hands of traffickers (Ibid).

2.5.4. Economic Approach

Proponents of economic approach seek to shift the emphasis of anti-human trafficking efforts away from strict law enforcement approach to policies that not only protect victims of trafficking but address the broader socioeconomic conditions. They also contest the rigid binaries of trafficking versus smuggling, as well as legal and illegal migration. Though it violates human rights, state borders, and criminal laws, human trafficking is first and foremost, a profit-making industry. In economic terms, human trafficking is located in a market setting where demand and supply are met on the shoulders of vulnerable people. Human trafficking is a multi-billion-dollar business, amounting to the third largest transnational crime following drug and arms trafficking (Bravo, 2015: 10). Therefore, application of an economics and trade-based perspective offers structural understanding of human trafficking.

Wheaton, Schauer, and Galli, analyzed human trafficking using a rational-choice theory and assumed that individuals use all available information (are economically ‘rational’) and compare costs and benefits (employ cost-benefit analysis) to obtain the highest level of wellbeing or profit (2010). Wheaton, argued, the economic rhetoric of human trafficking is monopolistically competitive industry with many sellers (human traffickers) offering many buyers (employers) differentiated products (vulnerable individuals) based on price and preferences of the individual employers, users of slave-produced products or services, and corruption of government and law enforcement officials (Ibid).

Anti-human trafficking studies, mainly within the field of economics promote the economic perspective. According to Cho, a co-designer of the 3P Index (prevention, protection and prosecution) the phenomenon of human trafficking is explained by economic motivation (2015:87). As stated by Cho migrant networks increase human trafficking; since most victims of human trafficking are initially migrants with economic reasons, human trafficking decreases as the income of a source country increases. The declining network effect in income suggests that migrant networks pull victims of human trafficking by increasing low skilled migrants (Ibid).

Scholars such as Shelley and Bales offered a market-based business organization analysis of trafficking in human beings. According to Bales, the diversity of cultural and political contexts of the relevant markets and their participants in its process characterizes the nature of human trafficking (2005: 139). Shelly states that the business of human trafficking constitutes a 'low cost, high reward enterprise' in which one commodity 'the people' can be used repeatedly by the traffickers (2010:162). Furthermore, Shelley suggested human trafficking will grow in the twenty-first century as a result of economic inequalities in the world, the rise of conflicts and global climate change. Financial profit is usually the primary motivation besides, government corruption and transnational criminal organizations will increase the crime significantly (Ibid).

According to Bravo human trafficking is not merely criminal enterprises; it is fundamentally a profit-seeking and generating enterprise (2011:556). There are structures of the world economic system and the factors that caused and fostered the rise of the phenomena. If human beings need to work and economic activity, but those opportunities are unavailable in their domestic markets, they attempt to access jobs where they are available. The traffickers are thought to serve as the means of transit but found to be exploiters. Therefore, anti-trafficking efforts should target the economic incentives and structures that facilitate the trade in human beings.

According to Bales, in order to combat human trafficking, world poverty has to end, corruption has to be eradicated and the world population growth has to slow down (2010:197). Bales has revealed the political economic picture of human trafficking, he has also indicated that awareness and resources are the two main tools in order to combat human trafficking. Though Bales policies may seem unreachable in short term, from an economic point of view if ending human trafficking was about to happen initial steps are needed at each level of interference.

To go over the main points, combating human trafficking has become an increasingly important political priority for many governments around the world. Although several initiatives have been developed, the problem is by far not solved (Derks, 2008: 65; Gallagher, and Surtees, 2012: 10). If human trafficking is to be combated, what is needed truly is an integration of multi-pronged approaches. Bringing together those who work in poverty reduction, development, education, in employment sectors, in human rights and labor rights protection as well as those who address issues of corruption, organized crime, migration, legal reform and politicians who cares more (Konard, 2012).

2.5.5. Integrative Approach

While trafficking in persons can be examined from a number of different perspectives, it is virtually impossible to separate any one of the above approaches. Viewing human trafficking as a process rather than as a single offense is indispensable, and therefore, anti-human trafficking responses must also be understood and examined in various ways such as: supply and demand, migration, law enforcement, and human rights (Aronwitz, 2009:30). In spite of their difference in the ways of understanding and analyzing the phenomenon, the existing anti-human trafficking approaches address the problem partially. Whereas, an integrative approach is a kind of hybrid that gives appropriate consideration of all aspects of the discussed approaches. Hence, in order to provide important insights on the undergoing anti-human trafficking measures, integrative approach is used as a framework to this study.

According to Van Impe, human trafficking is influenced by a complex set of factors often working in combination with one another, there is no easy or uni-dimensional solution to human trafficking. Therefore, an effective strategy must combine and balance punitive measures with protection of human rights and annihilation of the root causes of irregular movements. Impe argues that there is a need of an interdisciplinary basis which is an integrated approach to reduce human trafficking (2000:113-121).

As a multidisciplinary problem, human trafficking requires coordination of varieties of policies aimed at prevention, protection and prosecution. Diverse institutions whose systematic operations are entwined with multitude activities and combination of different approaches should provide an integrated explanation of its occurrence and counteracting responses (Lutya, 2012:1). Though a single strategy cannot serve as panacea or quick fix to human trafficking, flexible and adaptive strategies are mandatory. Furthermore, combating human trafficking requires long-term and incremental steps which address the root causes. Thus, an integrated approach is desirable to penetrate the complex nature of human trafficking pragmatically.

Integrative approach is designed to formulate an inclusive framework for the dynamic nature of human trafficking referring the role of state in determining policies and the societal responses. Having fundamental respect of human rights and considering its global nature, integrated approach calls for a coordinated policy response notably on freedom, security, justice, external

relations, development, employment, gender equality and non discrimination. It also aims to reinforce the broad public-private dialogue in this area. Therefore, integrative approach creates opportunities for the engagement and interaction of a plurality of heterogeneous actors to counter human trafficking.

This integrative approach constitutes as an important step forward, contributed to understand human trafficking and counteracting responses in a comprehensive way. From this perspective, human trafficking is seen as intersecting issues with different social, political and economic aspects. In order to reduce limitations and provide broaden understandings; this study preferred an integrated approach to analyze the anti-human trafficking responses which is undertaken in Saesi'e Tsad-emba *Wereda*. As a result this integrated approach enabled the researcher to understand how the anti-human trafficking responses are constructed at national level (Ethiopia), and to examine its practical implications in Saesi'e Tsada-emba *Wereda* (at local level).

Chapter Three

4. Anti-Human Trafficking Responses in Ethiopia: Legal and Institutional Frameworks

Effective anti-human trafficking responses entail appropriate setting of legal and institutional frameworks. Accordingly, this chapter analyzes the undergoing anti-human trafficking efforts in Ethiopia particularly, the legal and institutional frameworks. The legal frameworks represent to Legislations: consists of the aggregation of laws enacted by the legislative authorities of the country, plus the laws which have been accumulated respectively through judicial practice with regard to human trafficking. International and regional instruments ratified by Ethiopia (related to human trafficking) are also included. In the other hand, institutional framework denotes to governmental and nongovernmental, public and civil society organizations authorized to implement the legal frameworks or/and the anti-human trafficking responses.

4.1. The Legal Framework

Anti-human trafficking regime is constructed at international level (Storm, 2008:5). However, the spread of international policies dealing with human trafficking manipulate countries through pressure, externalities, learning or emulation and plausible diffusion mechanisms (Cho, *et al.*, 2011:1). The diffusion of the internationally constructed anti-human trafficking regime could be tangible if the national and local responses are coordinated and then able to associate with international instruments (Morcom and Schloenhardt, 2011:3). Accordingly, many states including Ethiopia ratified international treaties and become responsible to develop their own anti-human trafficking laws in line with their international agreements. Treaties are the primary source of international obligations for States; therefore, becoming a party to a treaty, States became responsible in international laws to ensure that their own national legislation, policies and practices meet the requirements of the treaty and consistency with the standards (DASR, 2001:arts.8 and 9; OHCHR, 2014:9).

Consequently, State's obligation to prevent human trafficking is a natural consequence of the positive obligations arising out of the majority of international instruments namely as, the

responsibility to prevent, protect and respond (Avellino, 2012: 32; Gekht, 2008:36). Many of the practices that are implicated in human trafficking are unambiguously prohibited under international human rights law. The principles derived from international human rights law are also applicable to human trafficking (Trafficking in Persons Protocol, 2000:14). Therefore, states including Ethiopia are held responsible and accountable to combat human trafficking.

States have certain obligations with regard to violations of human rights such as human trafficking even it is committed by non-state actors. While international law imposes a positive duty on states to ensure the effectiveness of their criminal law through effective investigation and prosecution to the required standard of 'due diligence,' States can be held responsible for their own failure to prevent, investigate, prosecute or compensate for the commission (Gallagher, 2010:382; Gekht, 2008:50; Obokata, 2006:148 ; OHCHR, 2010: 78). Accordingly Ethiopia is internationally responsible to act with due diligence to prevent human trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.

Article 9 (4) of the FDRE Constitution states ratified international treaties are an integral part of the constitution. Moreover, article 13(2) recognizes the fundamental rights enshrined in the Constitution are interpreted in a manner confirming to the principles of the Universal Declaration of Human Rights, international instruments adopted by Ethiopia. This shows that Ethiopia had a great concern to international treaties. Therefore, discussing on international and regional treaties which are ratified by Ethiopia is relevant.

3.1.4. International Instruments Ratified by Ethiopia

Ethiopia has ratified the most reputable and recent international instruments that have set the course for how to define, prevent, and prosecute human trafficking. Ethiopia has ratified the UN Convention against Transnational Organized Crime, and its supplementary protocols: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and The United Nations Protocol against the smuggling of migrants by land, sea and air, on 29th March, 2012 (FDRE Proclamations No. 737/2012 and 736/2012). Consequently, article 5 of the 2000 Trafficking in Persons Protocol situates Ethiopia under international obligation to adopt anti-human trafficking legislation or other legal measures to combat human trafficking.

According to the UNCTOC member States are required to treat offences of human trafficking in accordance with the Protocol (2000: arts. 12, 13, and 16). States are also subject to a duty in cross-border trafficking cases, they should cooperate effectively with relevant authorities of other concerned States particularly during the investigation of transnational cases (Pati, 2011:80). For instance, States have an obligation to ‘extradite or prosecute’ trafficking offences (UNCTOC, 2000: art. 16/1).

Ethiopia is a party to the 1955 Slavery Convention since 21 January, 1969; and the 1949 UN Convention for the Suppression of the traffic in persons and the Exploitation of the prostitution of others, since 10 September 1981 (FDRE, 2008:167). It is also a party to six of the seven core human rights treaties. It has joined the 1965 CERD, in 1976; the 1979 CEDAW, in 1981; and the 1989 CRC, on May 1991. In 1993 Ethiopia joined the 1966 CESC, and CCPR. The type of treatment that victims of trafficking are exposed to undoubtedly constitutes torture, inhuman and degrading treatment., Ethiopia is also a party to the 1984 Convention against Torture(CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment since March 1994 (OHCHR, nd.).

It has been widely accepted that human trafficking is a contemporary form of slavery. And in its article 4 UDHR has stated that ‘no one shall be held in slavery or servitude...’ Likewise, article 8 of the CCPR states that no one shall be held in slavery, servitude, or be required to perform forced or compulsory labor, and awards the prohibition of slavery as non-derogable character. Furthermore, states are responsible to improve social, cultural and economic conditions of their citizens under the CESC. According to CAT, any act of torture or other cruel, inhuman or degrading treatment or punishment is an offense to human dignity that should be condemned as the violation of the main principles of human rights. Article 6 of the CEDAW has explicit requirement to States Parties to ‘take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.’ Therefore, ratifying such provisions increase heaviness on the responsibilities of state parties to counter human trafficking.

The International Labour Organization (ILO) came up with a number of conventions against human trafficking such as forced labour, compulsory labour and slavery-like practices. Its scope has widened and includes conventions on migrant workers and the worst forms of child labour.

Ethiopia is a party to ILO since 1923, and ratified 22 ILO conventions in which 21 of them are in force, the country ratified the entire (eight) fundamental and core conventions too (ILO, 2014). For example, the 1930 Forced Labour Convention, No. 29, Abolition of Forced Labour, 1957 No. 105, and Discrimination (Employment and Occupation) Convention, 1958, No.111 are ratified conventions (Ibid). Besides Ethiopia is the only Sub-Saharan African country that has ratified the 1997 ILO Convention No. 181 on Private Employment Agencies. It has also ratified the 1999 Labour Convention No. 182 on Worst Forms of Child and Denunciation as a result of the ratification of Convention No. 181 (ILO, 2013: 28; ILO, 2014).

On the other hand, Ethiopia is yet to ratify some important conventions with regard to the rights of migrant workers. The UN Convention on the Protection of Migrant Workers and their Families (ICRMW, 1990), ILO convention on Decent Work for Migrant Workers (C189) and ILO Migration for Employment Convention (Revised) 1949 (C. 97), and ILO Migrant Workers (Supplementary Provisions) Convention 1975 (C.43) are very important instruments to protect migrant workers. Although many states are actually resisted to provide an explanation on the reasons why they did not consider ratification of such conventions, the factors are different and difficult to generalize about the obstacles. Ethiopia (as source country) may assume ratification as a means to protect its citizens living abroad. Indeed, using the Conventions to protect one's citizens abroad remains symbolic as long as the countries in which emigrants live have not ratified it. Consequently, since majority of Ethiopian citizens live in Gulf States which are unlikely to ratify the Conventions in the near future, ratification would create costly obligations thus considered as an investment with a weak cost-benefit analysis.

In some cases, Conventions require states to treat migrants in a way that is not even affordable for nationals. In this context, state intervention in favour of migrants' in which the protection of the national welfare state has become a political priority is difficult to explain to the population and politically risky. In addition, exporting workers is economically vital to most sending countries and creates a fear that the ratification of such Conventions will jeopardize their competitiveness in the businesses. If sending states express the political will of protecting their citizens abroad through the Convention, receiving states are more and more demand-driven and are in a stronger position to dictate the terms and conditions of employment. Conversely, economic instability and high unemployment rates drive governments to give preference to

nationals over foreign labour. This is apparent for Ethiopia which is in competition with other sending states and depends on the agreements signed by receiving countries in the Middle East. Signatory states of the ICRMW are also expected to enable their citizens living abroad to participate in the political life of their country and to vote, but the process is surrounded by high political and economic costs.

3.1.5. Regional Instruments Ratified by Ethiopia

Ethiopia has ratified the African Charter on Human and People's Rights on 15th June, 1998.³ African Charter (*Banjul Charter*) is the continent's leading human rights document, with universal ratification amongst the member-states of the African Union (AU). According to article 5 of the charter, 'every individual shall have the right to the respect of the dignity inherent in human being, and to the recognition of his legal status.' All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. Ethiopia had also ratified the African Charter on the Rights and Welfare of the Child on 2nd September 2002.⁴ Article 27, 28 and 29 are the most relevant to this compilation, which concern the prevention of the sexual exploitation, abduction and trafficking of children. Article 23 also provides specific protections for child refugees.

Ouagadougou Action Plan (OAP) to Combat Trafficking in Human Beings, Especially Women and Children (OAP) is also part of the on-going process of cooperation between the European Union and African states on the issue of migration. Though it does not give rise to binding legal obligations, the Action Plan is broader Joint Africa-EU Declaration on Migration and Development. All forms of exploitation, cruel, inhuman or degrading punishment and treatment are prohibited. It explicitly requires State Parties to take 'appropriate and effective measures' to prevent trafficking in women and protect those most at risk (OAP, 2006).

IGAD has developed a Regional Migration Policy Framework (IRMPF) in line with the Migration Policy Framework for Africa adopted in Banjul in 2006 (IRMP, 2012). The Policy Framework identifies key thematic migration issues, including human trafficking and outlined

³ Ratification Table: African Charter on Human and Peoples' Rights.

Available at: <http://www.achpr.org/instruments/achpr/ratification/> (Accessed on: 7/20/2015)

⁴ Ratification Table: African Charter on the Rights and Welfare of the Child.

Available at: <http://www.achpr.org/instruments/child/ratification/> (Accessed on: 7/20/2015)

recommendations for Member States. The IGAD Migration Action Plan (MAP 2015-2020) has been developed to operationalize the IRMPF. The MAP established strategic priorities, action areas and list of activities to be performed by IGAD Member States.

The AU-HOAI is an African Union-led initiative that brings together more than 15 states, including Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, and Sudan from the IGAD region. Other neighboring countries such as Egypt also play a prominent role in the process. Its aim is to tackle human trafficking and smuggling from the HoA to different destinations, mainly to Europe, the Middle East and Southern Africa. The AU-HOAI Strategy Action Plan has been adopted specific provisions of prevention, protection and prosecution (AU-HOAI, 2014).

The Regional Committee on Mixed Migration (RMM) is an IOM initiative created by the Governments of Djibouti, Ethiopia, Punt land, Somaliland and Yemen at the conclusion of a Regional Consultation on mixed migration held in Djibouti. Its overall objective is enhancing collaboration to address and manage Mixed Migration flows in the region (RMM, 2010).

EU-Horn of Africa Migration Route Initiative (Khartoum Process) is also a recent development as an inter-regional platform between European countries and HoA states. The Initiative laid out member state commitments to ratify international conventions on smuggling of migrants and human trafficking. Its overall objective is addressing human trafficking and smuggling of migrants from the HoA to Europe. To do so, addressing the socio-economic causes of migration, strengthening law enforcement efforts, protection of victims, and fostering cooperation with international organizations are some of its strategies (EU-HoA Migration Route Initiative, 2014).

In 2015, EU and Ethiopia signed a joint Declaration for a Common Agenda on Migration and Mobility to tackle migrant smuggling and human trafficking, to reintegrate returned migrants, to support Ethiopia in its hospitality for refugees from neighboring countries and to strengthen resilience of most vulnerable communities (CAMP, 2015). Generally, the government of Ethiopia bears international and regional responsibility to counter human trafficking. This obligation covers addressing the factors, fair and non-discriminatory migration policy, protecting victims of human trafficking and enacting laws that criminalizes human trafficking in a manner that would deter the crime.

3.1.6. National Legal Frameworks

Apart from the international legal instruments, trafficking is also covered under the domestic laws of various jurisdictions. A comprehensive national legal framework is usually required to prevent human trafficking effectively. Nonetheless, some states employ existing criminal laws, labour/employment laws, migration policies, refugee and asylum laws, as well as investigative and judicial procedures with more recent treaty obligations (UNHCR, 2014). Previously key provisions under FDRE Constitution, the Criminal Code, Employment Exchange Services Proclamations and ratified international instruments were used in Ethiopia. Besides, Ethiopia has recently introduced new Proclamations for the Prevention and Suppression of Trafficking in persons and Smuggling of Migrants (FDRE Proclamation No.909/2015).Moreover, Ethiopia had enacted a new oversea employment proclamation to protect the rights, safety and dignity of Ethiopians who are willing to take-up oversea employment (FDRE Proclamation No. 923/2016).

3.1.3.2 The 1995 Constitution of the Federal Democratic Republic of Ethiopia

The Federal Democratic Republic of Ethiopia (FDRE) Constitution guarantees fundamental human and democratic rights. The constitution has incorporated pertinent human rights provisions which clearly oppose the constituent elements of human trafficking. The right to be free from exploitation (art.18), the right to equality (art.25), freedom of association (art. 31) and movement (art.32) are some examples.

Specifically, the issue of human trafficking is addressed under article 18 as it follows:

1. Everyone has the right to protection against cruel, inhuman or degrading treatment or Punishment
2. No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.
3. No one shall be required to perform forced or compulsory labour.

Therefore, the Constitution prohibits trafficking in persons for whatever purpose declares prohibition against inhuman treatment and makes clear that everyone has the right to protection against cruel, inhuman or degrading treatment or punishment. Besides, trafficking in human beings is prohibits for any purpose and states that no one shall be held in slavery or servitude.

3.1.3.3. The Criminal Code of the Federal Democratic Republic of Ethiopia

Criminal Code sets down acts and omissions that are punishable by the state and the form and extent of punishment accorded a definitive as well as preventive role in addressing social problems and provide a sense of justice on the part of the victim and the society (Anteneh, 2011: 11). In its articles 571, 596, 597, 598, 599, 635, 636 and 637 the Criminal Code of the Federal Democratic Republic of Ethiopia address the issues of trafficking of women and children (FDRE Proclamation No.414/2004).

Article 597 under the title of Trafficking in Women and Children underlines:

1. Whoever by violence, threat, deceit, fraud, kidnapping or by the giving of money or other advantage to the person having control over a woman or a child, recruits, receives, hides, transports, exports or imports a woman or a minor for the purpose of forced labour, is punishable with rigorous imprisonment 5 to 20 years, and fine not exceeding 50,000 Birr.
2. Whoever knowingly carries off, or transports, whether by land, by sea or by air, the victim mentioned in sub-article (1), with the purpose stated therein, or conducts, or aids such traffic, is liable to the penalty prescribed under sub-article (1) above.

The Criminal Code prohibits enslavement (art. 596), forced labor (art. 597), prostitution (art. 635), Endangering the Life of Another (art. 571), aggravation to the Crime (art. 636), and organization of Traffic in Women and Minors (art. 637). Furthermore, it criminalizes attempts to commit an offence (art. 27), participation as an accomplice in an offence (art.37), and organizing others to commit trafficking (art. 599). Article 599 (2) criminalizes the participation of juridical person in human trafficking. However, none of the articles provide a clear definition of human trafficking and its difference from smuggling of migrants. The exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs are not covered. And this is contrary to the Palermo Protocol that outlaws the act of trafficking if it is committed for, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Most importantly, trafficking of men and protections of the victims is not included.

3.1.3.4. Employment Exchange Services Proclamation No. 632/2009

With the purpose of protecting the rights, safety and dignity of citizens to be sent and employed abroad, the government of Ethiopia found it necessary to enact a law that govern the employment exchange service. Consequently by repealing the Private Employment Agency Proclamation No. 104/1998 and sub-article (1) (f) of Article 170, sub article (4) of article 172 and article 176 of the Labour Proclamation No. 377/2003, the Employment Exchange Services Proclamation No. 632/2009 was established.

The proclamation defines the rights of work seekers starting from recruitment, to get orientation, acquire the necessary skill, to an employment contract and a recruitment contract in Amharic before departure. There must be signed contract between the worker and the employer or its agent, and not to pay the fees for recruitment. Articles 16, 18 and 20 describe the responsibilities of the employment agencies and particularly imposes different obligations on Private Employment Agencies (PEAs) to employ above the age of 18, to ensure that the prospective migrant workers have acquired necessary skill for the intended employment, to deposit a money guarantee for the purpose of protecting the rights of workers in accordance with the number of workers a particular PEA deployed abroad.

Under article 31 of the proclamation, the government is responsible to facilitate the resettlement of citizens who wish to return to their home country after their deployment in abroad. In article 39, the national Committee is charged with conducting studies with a view to conclude bilateral agreements with receiving countries on issues relating to employment and thereby establish convenient situations. According to article 40 involving in unlawful activities like trafficking either by obtaining a working license for employment exchange service or brokering without a license would be punishable not less than 5 years and fines of 25000 birr.

Even though undeniable attempts were made to govern oversea migration and to protect with that respect, it is not comprehensive enough to accord effective and prudent protection that covers the whole oversea deployment processes. The proclamation lacks effective implementation (Anteneh, 2011:68; de Regt & Tafesse, 2015: 9; Fernandez, 2013: 25; Horwood, 2015: 12). Moreover, it fails to recognize the rights of migrant workers to freedom of association and the right to bargain collectively. This are essential for migrants in terms of getting their voices heard

and ensure their rights, collectively bargain their decent working conditions by setting their wage scales, working hours, training, health and safety, overtime and grievance mechanisms. The proclamation did not include the roles of NGO participations towards the protection of migrant workers' rights, safety and dignity throughout the labor migration processes.

3.2.3.4. A Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrant, Proclamation No. 909/2015

Ethiopia's legal framework in the fight against human trafficking has evolved in light of the country's international commitments. Proclamation 909/2015 is one reference for the emulation of national trafficking laws from the international instruments. The general objective of the proclamation 909/2015 is to prevent human trafficking, to realize appropriate protection, support and rehabilitation of victims with special protection, care and assistance to the most vulnerable and to adequately prosecute traffickers. According to article 3 of the proclamation, any person, for the purpose of exploitation, within the territory or outside of Ethiopia:

- a) at the pretext of domestic or overseas employment or sending to abroad for work or apprenticeship;
- b) by concluding adoption agreement or at the pretext of adoption or
- c) for any other purpose

Using threat or force or other means of coercion, abduction, fraud, deception, promise, abuse of power or by using vulnerability of a person or recruits, transports, transfer harbors or receives any person by giving or receiving of payments or benefits to achieve the consent of a person having control over another person shall be punishable with rigorous imprisonment from 15 years to 25 years and with fine from 150,000 to 300,000 birr.

However, if the crime of human trafficking is committed against child, women or anyone with mental or physical impairment; resulted in physical or psychological harm on the victim; is committed by using drugs, medicine or weapons as a means; is committed by public official or civil servant in abusing of power; or is committed by a person who is parents, brother, sister, a guardian or a person having power on the victim; the punishment shall be rigorous imprisonment

not less than 25 years or life imprisonment and with fine from 200,000 to 500,000 Birr. According to article 6, death penalty could take place in case where the victim suffers severe injury or death.

The proclamation acknowledges that trafficking could occur within or outside a country. Besides, the proclamation has made clarifications about the difference between human trafficking and migrant smuggling under articles 2(1), 3, 4 and 2(8), as well as 5 respectively. The same to article 3(c) of the Trafficking Protocol, articles 1 and 2 stated that the consent given by any child or his guardian shall be unacceptable even in the absence of the means.

Moreover, article 4 states assisting and facilitating human trafficking, results to 15-25 years imprisonment and with fine from 150,000 to 300,000 Birr. This includes from permitting house, arranging transportation knowingly, importing or exporting any publication, financing or organizing recruitment agency, falsifying identity or travel documents, holding debt bondage. Additionally article 12 states that every act or omission in the processes of trafficking or migrant smuggling leads to serious criminality. For example, failure to disclose criminal acts, having information or evidences shall be punishable up to 5 years of rigorous imprisonment.

The proclamation have expanded its objective further, if any limitation occurs, article 15 (2) states that, without prejudice the provisions of the general part of the criminal code and the provisions of criminal procedure code and of other relevant laws shall be applicable with respect to the matters not covered in this proclamation. Based on article 15(2), a suspect who is arrested on human trafficking cannot get the right to be released on bail, because the criminal procedure can be applied here and prohibited bail for where the offence may carry the death penalty or rigorous imprisonment for fifteen years or more and if the applicant set free is likely to commit other offences or is likely to interfere with witness or tamper with the evidence (Criminal Procedural Code, 1961, arts., 63 and 67).

With regard to victim protection, victims of human trafficking have the right to rescue, release and return by their respected government. Victims shall be provided with information on the nature of protection, assistance and support as well as information on any legal proceedings related to them and accorded the available health and social services, medical care, counseling and psychological assistance, with care, on a confidential basis and with full respect of privacy.

According to article 26 of the 909/2015, victims shall in no case be kept in police stations, and detention centers or prisons. And unless victims are required for testimony in the judicial process, they shall not stay in temporary shelter for a period exceeding three months. Additionally, articles 29 and 30 stipulate protection of witnesses and victim's immunity from criminal liability.

According to article 31, victims of human trafficking have the right to compensation. Compensation for the damages they suffer, for medical care, transport, moral damage, and any other costs losses incurred as direct results of the crime. And if in any case the victim couldn't get compensation under this article, an Ethiopia national has the right to reimbursement and shall be paid from the fund.

A Fund which its budget is allocated by Government (FDRE Proclamation No. 909/2015: arts. 32, 33, 34 and 38), proceeds of sale of properties confiscated or fines imposed as per this proclamation, voluntary contribution from individual organizations, the private sector, and charities and societies, grants, from different international organizations and donors, and other financial source approved by ministry of finance and economy development is established to prevent, control and rehabilitate victims of human trafficking and migrant smuggling. The budget year of the Fund shall be the fiscal year of the government.

In general, this proclamation can be recognized as comprehensive, integrative and enabling to counter human trafficking. The major elements of the anti-human trafficking strategies the 4Ps (partnership, prevention, protection, and prosecution) has been part of this proclamation. Partnership is considered as a modulator of all stakeholders and their activities to counter human trafficking, prevention had been placed as a priority issue and with numerous activities, victim protection had received the major values of human rights, prosecution and law enforcement is authorized with clear laws and specifications. More importantly, the proclamation is an all-rounded and aims to address human trafficking from its grassroots.

3.2.3.5. Ethiopia's Oversea Employment Proclamation No. 923/2016

While it has become essential to enhance the role of the government in the follow-up and monitoring of oversea employment exchange services, whereas it is believed that bilateral agreements with receiving countries may strengthen lawful oversea employment and could

prevent human trafficking, and it has become necessary to replace existing proclamation. The new overseas employment proclamation No. 923/2016 is introduced for overseas employment and repealed the previous proclamations with regard to the issue.

According to art.12 of the proclamation, deployment of workers for overseas employment shall be effected only if there is a bilateral agreement concluded between the government of Ethiopia and the receiving country. Article 7 states a Worker will be employed if he/she has completed grade eight and possess an occupational certificate for the work to be employed and the competence is issued by the appropriate assessment center. As it is stated in article 10, a worker will not pay for entry visa to the country of destination, round-trip transport cost, and work permit, residence permit, and insurance coverage, costs associated with visa and document authentication paid to the embassy of the destination country which hosts in Ethiopia and employment contract approval service fees.

The proclamation had incorporated the major elements of the model contract to overseas employment, such as: regular working time, favorable wages for regular working hours and overtime pay, annual leave, weekly rest and other similar vacations; free transportation to and from the worksite or offsetting benefit; free medication, food and accommodation or offsetting benefits; insurance coverage for life or disability; valid grounds for termination of contract of employment. According to article 14 of this proclamation labour attaché is to be assigned to ensure the rights, safety, and dignity of overseas workers. PEAs shall deposit USD 100,000 or its equivalent in Birr in a blocked bank account for purposes of guaranteeing the protection of the rights of overseas workers.

The overall legal frameworks can have an important role to counter human trafficking in Ethiopia. Furthermore, the specific proclamation no. 909/2015 is proper, appropriate and comprehensible to the standards of the international anti-human trafficking instruments. It is also comprehensive and integrative when it is compared to the major elements of the strategies to counter human trafficking (the 4P Model) which are discussed in the literature part. Therefore, it can be deduced that Ethiopia had introduced necessary and enabling anti-human trafficking legal frameworks. On top of this, it can be argued that if these laws are implemented it is possible to prevent the crime, protect survivors, punish perpetrators and there will be an advantage to the safety of the overseas workers.

3.3. Institutional Framework

Human trafficking is a complex and multifaceted issue. The fight against human trafficking requires the involvement of all sectors, the society and a wide array of national institutions (UNODC, 2009:12). To combat human trafficking, competent authorities for prevention, providing assistance and protecting victims and prosecuting criminals of human trafficking shall incorporate various cooperative institutions. Accordingly, governmental and non-governmental institutions as well as international organizations which are involved in anti-human trafficking activities are assessed in this part.

3.2.1 The National Committee and The National Task Force

In Ethiopia, there is no specific, centralized or fully authorized organ or state department dealing with human trafficking. However, to prevent the growing problem of human trafficking National Council was established. The National Coordinating Committee is authorized to ensure proper implementation of the oversea employment services, conclude bilateral agreements with receiving countries and to establish favorable situations, cooperate with appropriate organs and ensure legal action against violations, facilitate the exchange of overseas employment information with concerned organs and to provide well-equipped data center (FDRE Proclamation No. 923/2016, art.15 (2)). Additionally it is also assigned to coordinate activities designed for victim protection, assistance and rehabilitation, for better advice in policy plans, combating the crime of human trafficking and to undertake fundamental role in prevention.

According to article 39(1) of proclamation No. 909/2015 the national committee is chaired by the Deputy Prime Minister to coordinate anti-trafficking efforts. The National Committee incorporates: Ministry of Justice, Ministry of Foreign Affairs, Ministry of Federal Affairs, Ministry of Labor and Social Affairs, Ministry of Women, Children and Youth Affairs, Ministry of Education, Regional States, other governmental organizations, religious institutions, charities and societies, various structures and other respective organizations. The Council of Ministers is authorized to issue implementing regulations (FDRE Proclamation No. 909/2015, art.39/4). However, it has not been issued to date, it did not allocate funding and it remained without standard procedures for frontline responders to identify trafficking victims (US Department of State, 2016:169).

Anti-human trafficking Task Force (hereinafter called “Task Force”), which is accountable to the national committee and led by the Minister of Justice was established according to article 40(1) of the proclamation 909/2015. This is in order to support and encourage a collaborative effort among local law enforcement and victim services as well as to reinforce partnership with state and federal bodies. The members of the National Committee are also included in the Task Force. The Task Force is a multidisciplinary response to discover human trafficking crimes, increases coordinated investigation and prosecutorial efforts against the perpetrator, and provides protection of the victim.

According to article 40(2) of the proclamation No.909/2015, the task force shall:

- a. Design policies, strategies, action plans and measures that enables the protection and assistance of victims in collaboration with appropriate government organs, aid partners, and when necessary, with international organizations and implement them upon approval by the national committee;
- b. design the national plan of action for the prevention and control of the crime and obtain its approval from the national committee, supervise its implementation and submit reports periodically;
- c. in collaboration with pertinent stake holders take appropriate actions for the rehabilitation, assistance and reintegration of victims with the society; and
- d. perform other activities assigned by the national committee .

Since its establishment, the national task force has managed to set up branch offices in all the nine regional states of Ethiopia and the two city administrations (Addis Ababa and Dire Dawa). This is to place a mechanism to control illegal trafficking of people from cities and from the remote areas across the nation. Each region has its own anti-human trafficking technical working group and schedule to meet the national task force quarterly. The taskforces have also been established at regional, *Wereda*, and *Kebele* levels.

The taskforce has conducted training workshops for high court judges, national labour bureau personnel and police commissioners. In 2014, the taskforce collaborated with international organizations and launched a community conversation on awareness program, conducted in over

325 neighborhoods with the participation of 25 to 40 residents in each neighborhood session, including local and district officials. The taskforce also conducted two monitoring trips to the regions of the country where the majority of trafficking victims have originated (US Department of State, 2015:157).

However, the Taskforce remained weak to ensure the mechanism of coordination and the consultation among concerned stakeholders and not functioning adequately. Though the government continued to assist Ethiopian migrants deported from Saudi Arabia since 2013, progress on income generation programming for returnees was produced by international organizations, the anti-trafficking taskforce was reported as being stymied and dependent on aids and supports (US Department of State, 2016:169).

3.2.2 Law Enforcement and the Justice System

The Ministry of Justice and the Federal police work more in the area of legal issues dealing with migrants and investigations of trafficking cases. The Federal Police established a human trafficking and Narcotic sections under its organized Crime investigation unit in 2009 and in 2010 Human Trafficking Division Unit was established by prosecutors and police officers at federal level (US Department of State, 2010:145). The establishment of a special investigative unit can be appreciated as a step ahead to fight human trafficking. The Supreme Court's Justice Professionals Training Center incorporated anti-trafficking training into its routine training programs it also provided a module on human trafficking to its programs (Ibid).

The Ministry of Justice being the chief advisor to the federal government on matters of law (FDRE Proclamation No.691/2010, art. 16) is also chair of the national task force (FDRE Proclamation No. 909/2015, art.40). In collaboration with governmental and nongovernmental organizations, the Ministry designs action plan, develop brochures, modules, dramatic scenes, and other educational methodologies, and broadcast to public at large through mass Medias and other communication means to aware the public.

The Federal Police is clearly mandated to prevent and investigate human trafficking cases since its establishment (FDRE Proclamation No.720/2011, art.6 and Proclamation No.313/2003, art.7). According to the 2013 Trafficking in Persons Report of the US state department, Ethiopian Federal Police (EFP) continued to make progress in investigating human trafficking cases, as

well as cooperating with the Federal Prosecutor's Office to bring an increased number of cases to trial and conclusion. From 166 offenders (representing 133 cases) in 2012, of which 158 were prosecuted in the court. The Federal High Court's 11th Criminal Bench secured 100 convictions (compared to 77 in 2011) and ordered punishments ranging from 2 to 16 years of imprisonment without parole (US Department of State, 2013:166).

The federal and regional justice officials investigated 294 trafficking cases and convicted 69 traffickers under the new anti-trafficking law, an increase from 46 convictions in 2014; 58 cases from the previous reporting period remained ongoing. Ethiopian Federal Police cooperating with the Federal Prosecutor's Office are working to bring an increased number of cases to trial and conclusions of human trafficking cases. Between mid-2014 and mid-2015, the Federal Police in Ethiopia investigated some 400 cases of human trafficking and smuggling of migrants and made more than two hundred arrests (Sahan and IGAD, 2016:21).

Not only is human trafficking a difficult crime to detect, but also challenging to determine who exactly the offenders are, as there are likely many people involved from recruiters in the country of origin, to transporters on transit, and the receivers of trafficked humans in the destination country (Friesendorf, 2012: 34). To protect exposed persons and victims, article 18 of the new proclamation No.909/2016 empowered the police to:

Search any house, vehicle, ship or air planes and can order any governmental and nongovernmental medical facility so as to avail proper medical treatment to victims who suffer serious injury. The police may infiltrate the suspected criminals, criminal groups or organizations; conduct surveillance against suspect; intercept private communication of the suspects by court order; create simulated legal relationship; or respecting human rights, use appropriate special investigative technique to collect evidence.

By and large progress has been made over the past years on the area of law enforcement relating to human trafficking, as a result, a number of trafficking crimes were investigated and prosecuted in Ethiopia. However, the number of convictions in relation to the range of human trafficking in Ethiopia is low. According to the US Department of State, Ethiopian police and criminal justice system fails to operate with all its capacity as it is confronted by financial and material

constraints and lack of professionals (2016:168). These obstacles and the failure to bring witnesses in the investigation process of human trafficking cases contribute to the impunity of traffickers in Ethiopia.

3.2.3 The Ministry of Foreign Affairs (MoFA)

The MoFA is responsible to protect the rights, safety and security of Ethiopian nationals abroad, has the overall responsibility to ensure that the interests and the rights of Ethiopians residing abroad are protected, encourage and support associations formed by Ethiopian communities and friends of Ethiopia (FDRE Proclamation No.691/2010, art.15). In cooperation with concerned stakeholders MoFA shall initiate the process to rescue, release and return victim Ethiopians, and if an Ethiopian victim is compelled to stay in foreign country for any case the Ethiopian diplomatic mission shall take measures to provide legal counseling or assistance and follow up holding up the victim and status of the case and periodically report to the MoFA (FDRE Proclamation No.909/2015, art.27).

In the fight against human trafficking, MoFA has the responsibilities to: collect and disseminate data's of the list of victims of the crime, the country and the conditions under which they are found and other necessary information's; conduct assessment on human trafficking and smuggling of migrants and the level of risks of different countries and communicate in different mechanisms to victims and migrants of Ethiopian nationals who reside in other countries; and support the establishment of Ethiopian community in the destination countries where crime of trafficking of human and smuggling of migrants found and support the community members to maintain their rights and benefits (FDRE Proclamation No. 909/2015, art.42).

The objective of the ministry is to devise on the ways of prevention of human trafficking, to protect the rights of Ethiopian migrants, assist victims, to aware the public by disseminating accurate information, to conduct researches, to improve national legislations and assist in returning Ethiopian nationals. However, the Ministry was heavily criticized for its failure to protect its citizens in abroad. As a result, many Ethiopian migrants became victims of gross human rights violations such as torture, rape, killing and mutilations (Yonas, 2015:121).

With regard to bi-lateral agreements, although Ethiopia has completed bilateral labor agreements with Djibouti, Sudan, Jordan, Kuwait, Yemen and Qatar and is negotiating new agreements with

Saudi Arabia, Lebanon, South Sudan, and the United Arab Emirates, the issue with Saudi Arabia has not been achieved yet (US Department of State, 2016:169). Following the mass expulsion of Ethiopian workers in 2013 Ethiopia imposed provisional moratorium on migration to Middle East (ME). However, the ban increase illegal migration through different routes, and expose many Ethiopians to human trafficking. Therefore, the ban which is meant to halt the unlawful practices by overseas employment agencies have intensified human trafficking and resulted in human rights violations, labor abuse, physical and psychological damage of citizens. (Fernandez, 2017; IOM, 2015; US Department of State, 2016).

Although Saudi Arabia is a destination for about 78 percent of Ethiopian migrants, Ethiopia had failed to conclude effectual agreement. It would better if the Ethiopian government takes a lesson from the experience of other migrant sending countries such as the Philippines, India, Sri Lanka, Indonesia and Vietnam, who concluded bi-lateral agreement with Saudi Arabia (ITUC, 2014:44; Anteneh, 2011: 64). Philippines and Indonesia had advanced their bi-lateral agreements on domestic workers with almost all states of the GCC. For instance Indonesia secured bilateral agreements with Saudi Arabia in 2014, with Bahrain in 2007, with Qatar in 2008, and with UAE in 2007. Philippines had also made bi-lateral agreements with Saudi Arabia in 2013, with Bahrain and with UAE in 2007 (ITUC, 2014:44).

3.2.4 The Ministry of Labour and Social Affairs (MoLSA)

MoLSA is responsible to monitor and regulate PEAs, check on the labor condition and ensure fair employment contracts and to provide assistance to emigrants. MoLSA is also empowered to assign labor attaché to ensure the rights, safety, and dignity of workers employed abroad. It is mandated to assign inspectors and monitor the operations of PEAs, to suspend or revoke their licensees if it founds illegal activities. PEAs should regularly report to MoLSA on the profile, number and employment of migrant workers. They also have the duty to notify MoLSA if a migrant worker that they have deployed abroad has sustained a bodily injury or death. Moreover, MoLSA is under obligation to facilitate the resettlement and economic reintegration of citizens after they are deployed abroad (FDRE Proclamation No. 632/2009: arts. 31-36)

MoLSA has developed a model employment contract in three languages: Amharic, English and Arabic for Ethiopians who migrate through PEAs. The contract signed by the employer,

employee and the PEA, and authenticated by the Ethiopian mission in the country of destination and by MoLSA once they approve that the basic conditions set by the model employment contract are fulfilled. Besides, MoLSA works in raising public awareness and delivering orientation for potential migrants (Anteneh, 2011:64).

Despite its vested authority and responsibility, MoLSA remains incapable to ensure the rights, safety and dignity of Ethiopian overseas workers. First of all, PEAs were found to be unqualified to realize their obligations to safeguard the rights, dignity and safety of their clients and many of them were involved in trafficking (Anteneh, 2011:65; Bahar,2014:249; ILO, 2014: 15; RMMS,2015:15; US Department of State, 2015: 155). MoLSA had failed to take legal measures until the 2013 Saudi mass deportation campaign against Ethiopians which leads to the ban on migration to Middle East. Moreover, since Labor attaché was not assigned, Ethiopian migrants in the Middle East are vulnerable to severe violations (Yonas, 2015:87).

Many Ethiopians are exposed to grave exploitations of their human rights mainly because of the ineffective governance of labour migration by Ethiopia (ILO, 2013:3). Unfortunately, due to the lack of the required human and institutional capacity, illegal migration and human trafficking was not addressed in Ethiopia. Moreover, its narrow inspection capacity, weak coordination of stakeholders, lack of capacity and awareness limited the institutional capacity and become a challenge to the fight against human trafficking (ILO, 2014:15).

The Immigration Authority is another key player in preventing trafficking as it is the institution mandated to ascertain all exits out of the country. Accordingly, it checks the existence of employment and necessary authorization by MoLSA, and patrols the borders of the country including the routes which are used by traffickers. However, due to manpower and resource limitations, the border guards are not able to control all the routes (Anteneh, 2011:71). Furthermore, the centralization of the major processes of formal migration in Addis Ababa undermined the prospective migrants who do not have the means to stay in Addis Ababa and leads them to opt for irregular channels which are easily available in their locality. For those who get the chance MoLSA have prepared a three hour pre-departure training (with no room for interaction), very short and limited to one language(Amharic) and exclude potential migrants who speak other languages (RMMS, 2014:25).

3.2.5. International and Non-Governmental Organizations

In Ethiopia, international organizations are supporting in raising public awareness, assisting to victims and funding trainings to officials as well as victims returnees. For example, the International organization for Migration (IOM) conducted mass awareness campaigns on the risks of human trafficking, undertake studies, produced booklets, brochures and films, provided training for teachers, officers and private employment agencies, members of the inter-ministerial counter-trafficking task force, judges and for members of the media (Fransen, and Kuschminder, 2009:28). IOM supported MoLSA to develop a database for the purpose of registering data on migration and human trafficking, and assist Ethiopian returnees throughout the 2013 emergency operation (IOM, 2014:8). IOM had also supported the Government of Ethiopia to develop a five-year (2016-2020) strategic national plan of action to combat trafficking in persons in the country (IGAD RCPM, 2015: 31).

The International Labour Organization (ILO) works closely with MoLSA and local Trade Unions to develop policies and approaches to protect women seeking to migrate abroad. ILO funded research studies and prepared information booklets on issues of human trafficking from Ethiopia (Siegel and Kuschminder, 2012). The United States Agency for International Development (USAID) funds a project on internal trafficking in Ethiopia. United Nations Office on Drug and Crimes (UNODC) Regional Office in Eastern Africa has trained up to 70 Ethiopian judges, prosecutors and police investigators on how to implement anti-human trafficking laws (Carter and Rohwerder, 2016: 27). It has also held two training workshops in Addis Ababa intended to strengthen Ethiopia's and Djibouti's legislations against the crimes of human trafficking as well as bolstering cooperation between the two countries.

Agar Ethiopia Charitable Society is a local nongovernmental and non profitable organization which is supporting victim returnees in Ethiopia. It is active in providing medical and psychiatric treatment, skill trainings, and integrates victim returnees to the community through family reunification. The Good Samaritan Association (GSA) is also another local nongovernmental organization that provides: shelter to returned victims; works on re-integrating the returnees with their families; and encourage them to work in their own country (Abrham, 2014:45; Anteneh, 2011: 70; Woldamlak, 2014: 42).

In a nutshell, though the legal frameworks in Ethiopia had authorized proper institutions and are appropriate to prevent human trafficking, the institutions are found to be less effective in implementing their legal duties and incapable to provide much needed support to migrants or address the current migration problems. The increasing incidences of illegal migration had brought legal and logistical challenges to solve problems of human trafficking. Therefore, the responses to counter human trafficking to date have been fragmented and slow. This slow pace has been criticized subsequently by the annual and global US Department of State reports mainly for its failure even to fulfill the minimum standards to eliminate human trafficking.

Chapter Four

4. Anti-Human Trafficking Responses in Saesi'e Tsada-embra

Wereda: The Local Practice

In this chapter, data collected from informants using in-depth interviews with victim returnees and key informants, as well as Focus Group Discussions (FGDs), accessible statistical records, reports of governmental and non-governmental organizations and personal observations are analyzed pertinent to the objectives of the study. Accordingly, the anti-human trafficking responses which have been implemented in Saesi'e Tsada-embra *Wereda*, were examined in line with existing legal frameworks in Ethiopia. In doing so, the 4P Model (**P**revention, **P**rotection, **P**rosecution and **P**artnership) which are indispensable elements of the national and international anti-human trafficking strategies were employed to schematize the analysis.

4.2. Partnership and Cooperative Measures

To achieve the intended outcomes, inter-agency cooperation is very important in all anti-human trafficking programs. Anti-human trafficking laws and policies require coordinated efforts of all stakeholders on a regular basis (Fukushima and Cindy, 2012: 14; Shavers, 2012:48). Appropriate monitoring for such coordination enables to successful implementation of the anti-human trafficking laws. Well monitored and coordinated cooperation could also strengthen constructive assessment to indicate gaps and ways of capacity-building for further advancement.

In Tigray regional state, Task Force which is drawn from 23 sectors was established in 2014.⁵ This task force had its own plan of action and specific programs. According to the action plan, multi-sect-oral cooperation was proposed to prevent human trafficking, protect and reintegrate the returnees, and enforce anti-human trafficking laws. The regional action plan, illustrates a list of many activities to be implemented by each stakeholders at different levels. Moreover, a direction to appoint two focal persons-one in Mekelle, the capital city of Tigray and the second, in Addis Ababa at federal level- is clearly designated in the action plan.

⁵ A Regional Document: Anti-Trafficking Task Force and Rehabilitation of Returnees in Mekelle, 2014.

The regional task force had able to coordinate anti-human trafficking conferences which had involved about 320,000 youth and 180 religious leaders in Tigray.⁶ The conferences invited the highly affected *weredas*: Saesi'e Tsada-eamba, Raya Alamata, Raya Azebo, and Atsbi wenberta. In the conferences, brochures and pamphlets were distributed, and documentary films were also part of the programme. With regard to economic empowerment, key informant from the regional Task Force stated that:

The government is working unreservedly to stop human trafficking; accordingly, the regional state has a fully structured and functional State Council as well as Regional Task Force to counter human trafficking. The organizational structure is also well established and well equipped up to the bottom administrative arrangements (*Tabias/kebele and Kushets*). The arrangement is cooperative and wide-ranging to include the relevant sectors and had created inclusive command post. As a region, we have no organizational or financial deficiency to counter human trafficking.⁷

However, the researcher had observed that, the planned coordination was not functioning at the regional level. Until the time of the field work, the task to lead the regional task force/ steering committee was not decided, it is simply floating from one bureau to another bureau. The office of the Youth and Sport Affairs is considered as a coordinator of the anti-human trafficking efforts. Nonetheless, the Bureau of Labour and Social Affairs was also assumed to be the most important. Moreover, there is no a specific central secretarial office for coordination. Even though stakeholders are nominated, they need a clear and specific plan of activities and responsibilities. Generally, the regional task force was unstable and there was confusion among the stakeholders. As a result, none of the key informants from the regional task force could prove what they particularly did in practice with regard to human trafficking. One member of the 'Regional Task Force' had described this as it follows:

At first, we were told to be a member of the Regional Task Force and fight against human trafficking, and I have been trying my best. However, what specific activities are assigned to me is not clear. To tell you frankly, it is not well structured, it lacks proper arrangement and commitment. We have no scheduled meeting, data reports, specified manual and evaluation mechanisms. After all, we are overburdened in many other activities. On top of this, the task of human trafficking is simply added to our main duties. Hence we sometimes discuss it in suitable occasions; I have not the courage to say we are working to prevent human trafficking.⁸

⁶Anti-human trafficking and Reintegration Activities in Tigray Regional State. Report, Mekelle, 2016.

⁷Interview with member of the Regional Task Force, Tigray, Mekelle, 2016.

⁸Interview with member of the Regional Task Force, Tigray, Mekelle, 2016.

From the above description, it can be inferred that the structural organization what is stipulated in the regional action plan was hardly applied at the ground. Lack of mutual understanding among the roles of stakeholder sectors and individuals have negative impact on the effectiveness of partnership. Cooperation mechanisms necessitate clear understanding and specific roles of each stakeholder. Moreover, there should be defined means of collaboration through regular and programmed meetings in lined with consistent follow up. The absence of specific secretarial office to display as a central processing unit on data and other appropriate information about the overall activities, the failure to outline specific time table for meetings and discussions about the magnitude of human trafficking and the effectiveness of the responses given, is another drawback to counter human trafficking activities. The coherence among stakeholders needs to be competent enough to counter human trafficking. Therefore, it can be deduced that anti-human trafficking cooperation lacks proper attention in Tigray regional state.

At the local level, the coordinator in Saesi'e Tsada-emba *Wereda*, who had just working there for about three years, forwarded that the anti-human trafficking activities in the *Wereda* fluctuates over time. This is mainly, because of the inconsistent attention given towards human trafficking. With regard to the local activities, the key informant in the *Wereda* said that:

We had tried to support the returnees during the 2013's mass deportation from Saudi Arabia. At that time we had been trained about human trafficking to implement the action plan and then we had begun to work on awareness raising activities to the local community. However, due to the financial constraints we had not coordinated other anti-human trafficking programmes. Moreover, stakeholders had failed to contribute their share in countering human trafficking.⁹

In practice, anti-human trafficking activities have been very fragile (on and off)and disparate from the objectives of the regional action plan. To begin with, Saesi'e Tsada-emba *Wereda* lacks central and active unit of coordination the same to the Regional Task Force. During the fieldwork the Office of the Youth and Sport Affairs was trying to coordinate the anti-human trafficking activities. On the other side, the Bureau of Labor and Social Affairs was expected to contribute more. Surprisingly, none of them had specified budget with regard to human trafficking. Hence, it can be concluded that despite the high incidences of human trafficking, coordination of counter trafficking activities are less prioritized in Saesi'e Tsada-emba *Wereda*.

⁹ Interview with member of the steering committee at Saesi'e Tsada-emba, *Wereda*, Frewini Town, 2016.

Tabias/kebeles such as, Edagahamus, Frewini, Asmena, and Guilabena had established anti-human trafficking Command Post which incorporate key persons from relevant sectors and associations. Selected coordinators of each stakeholder had tried to activate as a unit in their locality and this is important initiation to combat human trafficking. However, it was a show off and remained without visible results. One of the key informants from the members of the command post in Edagahamus *Tabia* stated the reasons as follows:

I was selected to coordinate anti-human trafficking activities in my *Tabia*. In the beginning, I was interested to contribute my part and I have tried all my best to aware the youngsters in my locality. The Command Post, and the youth have had interesting discussion in our *Tabia*. In our discussion, the youth suggested several alternatives where they can work in their locality instead of illegal migration. Some of the alternatives that the youth wanted to engage include sport, construction, garments, metal work and furniture. However, when we ask our administrators, they gave us a deaf ear. As a result, most of the youth had illegally migrated to Saudi Arabia. I was ashamed of being a coordinator and I really understood that if the lack of employment opportunities continues, human trafficking will increase.¹⁰

At *Wereda* level, command post which comprises representatives from the police, militias, labour and social affairs, women affairs, youth and sport affairs, and farmers' association was established. Structurally, the command post is organized to address the problems of human trafficking from the grassroots level. Moreover, members at the local level understood that illegal migration cannot be a lasting solution and are prepared to work in any activity that could save them away from poverty. However, economic opportunities that could bring a practical change in their life had been limited.

Anti-human trafficking networks which link local, regional, national and international networks together through institutionalized vertical and horizontal cooperation and coordination, and above all dialogue and information sharing, are potentially one of the most powerful tools that states have in combating human trafficking. However, the absence of special unit and established center of coordination, lack of financial backing and durable cooperation between the coordinators at the *Wereda* and the command post at the *Tabias*, as well as among stakeholders weaken the anti-human trafficking efforts in Saesi'e Tsada-emaba *Wereda*,. On top of this, the researcher argues that through an interdisciplinary approach, a functional anti-human trafficking partnership is necessary to address the gaps in current anti-trafficking initiatives in the area.

¹⁰Interview with member of the Command Post in Saesi'e Tsada-emba *Wereda*, Edagahamus *Tabia*, 2016.

4.2. Preventive Measures in Saesi'e Tsada-emba *Wereda*

Prevention of human trafficking is a multifaceted issue that requires a multi-disciplinary approach. Previously, prevention activities have been taken as the form of public education and awareness campaigns to inform the society. But, the aim of prevention, particularly, in countries of origin like Ethiopia is to reduce poverty, increase employment opportunity, educate the people, and empower the vulnerable part of the society. In essence, this is to reduce the pushing factors (UNODC, 2008: 417) Having this in mind, the prevention measures which are undertaken in the study area is discussed bellow.

4.2.1. Awareness Creation

The officials in Saesi'e Tsada-emba *Wereda* argued that lack of awareness is the major factor to human trafficking in the *Wereda*. They asserted that the youth lack awareness about the risks of illegal migration and the available opportunities in the local area. According to the officials, individuals had perceived working abroad as the best way to get rich and help their families. Moreover, available job opportunities in their locality had been considered as stagnant and unsupportive to change one's economic status. They have presumed the local saying '*Ab adka lewti yelen*' which literally means 'There is no change in one's country.' According to the key informant in the study *Wereda*:

Our youth are misguided and blinded to see the risks of irregular migration and the evils of human trafficking. This is because they see the luxurious materials such as good clothes, jewels, latest cell phones, cars and houses that some returnees have owned them after their return from abroad. Additionally, parents, families, friends and neighbors are motivating the teenagers to migrate illegally. At the same time, traffickers are deceiving and misleading our youngsters to decide for illegal migration.¹¹

According to the key informants, the culture of migration was linked to personal, social and material success in Saesi'e Tsada-emaba *Wereda* and staying home being a working age group is considered as a failure. Furthermore, the desire to become rich within short period of time (quick reach syndrome) is also accompanied by the principle '*Awet wey Mot*' literally mean '*Win or*

¹¹Interview with an Officer of the Sport and Youth Affairs in Saesi'e Tsada-emba *Wereda*, Frewini Town, 2016.

die.' For this reason awareness raising activities have been conducted in cooperation with mass media, sport and youth associations, labour and social affairs, women affairs, the judiciary, and law enforcement bodies, education bureau, religious leaders, artists, and community networks.

Moreover, the key informants added that success stories of few returnees encourage individuals to migrate illegally and fall in the arms of traffickers. Thus, it is not only the job seekers but also those who are employed in income generating activities have decided to migrate illegally. Teachers, local administrators, police officers, and health extension workers are common examples. The key informants argued, though the people had witnessed a range of atrocities, they believe on 'someone's death or injury as a predetermined fate by their God' and this motivates illegal migration and aggravate vulnerability to human trafficking.

Contrary to the officials' view, 21 of the 24 interviewed victim returnees and majority of the focus group discussants argued, poverty and absence of economic opportunities were the major reasons for illegal migration. These informants asserted that they know the catastrophic nature of illegal migration better than the authorities, and most of them have experienced it in practice. According to them, they do not like to leave home and endanger themselves unless there are pressing factors. Likewise, participants of the FGD demonstrated that parents discourage illegal migration. This is because they have witnessed severe consequences such as death, physical injuries, psychological problems, disappearances, and lose of material resources. Moreover, every bad news of illegal migration disseminates easily among members of the community. This is during funeral ceremonies, market days and other social occasion. Holding this idea, one of the participants in FGD said:

After all, we do not like to lose our beloved children. We are sending them to school, and advising them to look forward to improve their life. However, after they learn for about 17 years and graduate from the universities many of them come back home, and become unemployed and depressed. After they wait for some time, they become hopeless and start to trouble us to give them money for illegal migration. No one understands our entire problems, and every official criticizes us. But we are afraid even if our little children may trouble us again after a time. This is because they are observing their elders and becoming hopeless in education.¹²

Despite all these devastating effects of illegal migration, many youngsters are still planning for illegal migration to search economic opportunities. Although, the community had information

¹² FGD held in Asmena *Tabia*, 2016.

about the dangers of illegal migration, it is hardly said that a conscious person can willingly enter to the dangers and risks of illegal migration and human trafficking (Browne, 2015:3). If a person had information, but not changed in perception, attitude, and behavior, it is difficult to say he/she has been abstained from illegal migration. Therefore, it can be inferred that lack of behavioral change is one of the basic factors of human trafficking in Saesi'e Tsada-emba *Wereda*.

The research found that 4.1% of the interviewed victim returnees were employed before they migrate, 8% were students who dropped out their school, 16% had migrated illegally before they attempt any job in their country and 71.9% are those who attempt to work in different local activities such as farming, animal husbandry, and small enterprise. Therefore, it is possible to deduce that the duty holders (officials) in Saesi'e Tsada-emba *Wereda* have failed to bring behavioral change in potential migrants. Initially 89 percent of the key informants recognized lack of awareness as basic factor. However, 95.8% of the interviewed returnees and almost all participants of the focus group discussion stated that they have information about the risks of illegal migration and human trafficking. Those who have no information about the dangers of illegal migration are only 4.2%. Findings of this research had revealed that, although all most all of the people have information and know about the risks of illegal migration, they remained far from changing their behavior towards illegal migration and human trafficking.

Although few attempts were made to bring behavioral change of the youth, these attempts were not successful and some of them seems to have unintended outcomes. For example, many part of the videos prepared to aware the youth are inappropriate. This is because the so called role models and exemplary youth in the videos were chosen incorrectly. Victim returnees who had illegally migrated for many times and brought some money and then able to start a business are talking about the dangers of illegal migration and human trafficking. However, the people know these persons could able to start a business because they had migrated and brought money from abroad. A victim returnee who had illegally migrated for three times and broken his leg after traffickers shot him is talking against illegal migration. This person had brought money and could obtain the will to possess a suitable land (workplace). By implication, this can infer that after suffering a lot of troubles and come back with money, everything will be good. Conversely, successful youngsters that had never migrated and could appropriately educate the people and share their constructive experiences were not included.

Some of the leaders, who are expected to educate the people are migrating illegally, sending their siblings and cooperating with traffickers. Moreover, the activities of some leaders could trigger illegal migration than to discourage it. For example, excessive respect, appreciation and admiration to the few successful returnees, considering them as role models and presenting them in Medias, as well as inviting them as opening speakers of different popular celebrations or special occasions is common in Saesi'e Tsada-emba *Wereda*. As a result, the activities of some officials and local administrators in the *Wereda* are counterproductive.

4.2.2. Measures to Create Economic and Educational Opportunities

Lack of economic opportunities can make people to become vulnerable to human trafficking. Poverty, unemployment and lack of economic opportunities are situations that deny choice to people and erode self-esteem, sense of worth, and reduce productivity. Besides, illiteracy and poor quality of education lead many individuals to have less or limited access of employment in formal labor markets, and deteriorates their living conditions. That is why programs to expand economic opportunities, especially for the vulnerable part of the society, becomes an important solution. Improving the quality of education and creating incentives for parents to enroll and keep their children in school is necessary to prevent human trafficking (Vega, 2010:11).

Key informants in Saesi'e Tsada-emba *Wereda*, asserted that the government is striving to create various employment opportunities. To this end, the government has been organizing the youth, and provides a start-up loan for small business programs in their locality. The government has also introduced several rural and urban package programs to create employment opportunities to the youth. Accordingly, one of the coordinators in Saesi'e Tsada-emba *Wereda* said that:

The government provides many alternatives such as, farmland, irrigation land, mineral extraction, and animal husbandry in the rural areas. In addition to this, nowadays, job seekers are getting loan even those who were wasting their time in *Tela houses* (*Telais* cultural drink). In the towns, loan and market places are given to organized groups and individuals. Consequently, we have many youngsters who engaged in small enterprise such as metal and wood works. However, this is not satisfactory, because we have many unemployed youth and there are persons who migrate illegally after they get the loan.¹³

¹³Interview with the officer of the Youth and Sport Affairs Saesi'eTsada-emba *Wereda*, Frewini Town, 2016.

According to the data from the Bureau of Labour and Social Affairs (BoLSA), the *Wereda* had employed about 1016 women and 1200 men (total 2216) and organized 88 groups (mahberat). Some of them are provided with working places (412), land (520), sand and stone supply (60) and 1,224 youth were given the loan and engaged in different activities. However, this figure is small when compared to the present rate of unemployed. Until the time of the field work about 4788 men and 5054 women (9842) were unemployed. The researcher could observe that the alternatives for income generating activities are very limited and undermined the interest of the beneficiaries. Manufacturing activities such as metal and wood works, soap production, and other technical trainings are not included. With regard to the loan, since it is not suitable for all beneficiaries, careful consideration is needed to select legible candidates. This is because failure in such venture may bring psychological, social or economic impact on those individuals.

Farming is the most important means of livelihood in Saesi'e Tsada-emba *Wereda* and more than 80% of the population depends on agriculture. However, the population is growing quickly, putting pressure on existing natural resources. While the size of the land remains the same and its quality is deteriorating from time to time this has a negative effect in holding a land and in the production. The available land for cultivation is over exploited and dependent on seasonable rainfall. Besides, drought occurred almost every year, though it has differences in its magnitude, (Maxwell, 2010).

Loan is considered as a remedy agricultural activities are failed. Nonetheless, over-regulations and long processes, the requirements for surety, and its interest rate are discouraging the people especially the youth. Though it is difficult to get loan at the needed time, the amount of the loan is also inadequate to start any rewarding business activity. Hence, many youth have been migrating illegally using the borrowed money. The youth argued, as they do not like to migrate illegally if they were provided with economic opportunities to get away from poverty. Therefore, it can be inferred that lack of economic opportunity is the major pushing factor in the *Wereda*.

This study finds that, 95.9 percent of the interviewed victims of human trafficking in Saesi'e Tsada-emba *Wereda* are among the poor and unemployed member of the community. The remained, 4.1 percent are relatively in better living condition having job, farm land, car, house in towns, and market place etc. Therefore, unemployment and the dream to escape from poverty motivate the majority of the youth to look for an oversea employment. If there were economic

opportunities in the local area, the severe problems of illegal migration and human trafficking would be reduced. Moreover, lack of skill training discourage the youth to innovate new economic opportunities. Expanding trainings in traditional and non-traditional skills in line with market opportunities can generate employment options to the vulnerable part of the community. Traditional skills such as: tailoring, candle-making, weaving, and jewelry-making and nontraditional skills like driving, mechanics, electric house wiring, barbering, and screen printing are some of the requests by the youth in the *Wereda*.

Additionally, restricted access to education has been a pushing factor for some *Tabia* in Saesi'e Tsada-emba *Wereda*. A victim from Guilabena *Tabia*, which is the most vulnerable area of the *Wereda*, stated that:

Before I decided to migrate, I was a clever student in Guila elementary school and never thought about migration. However, when I finished my elementary school I ought to stop it. Because, there is no high school in Guilabana and the high school in Freweyni town is far from our *Tabia*. While my parents were poor, they could not afford me with the required expenses (house rent, food or transportation). Then, after I stayed home for a while, I understand that the only option in our *Tabia* was illegal migration. Almost all the youth have tried at least one or two times. Since there is no economic opportunity in the *Tabia*, no one stays there unless he/she has a health problem. Therefore, I also decided to try it.¹⁴

Issues related to lack of opportunities for high school education have been mentioned by focus group discussants as well as by victim returnees in Guilabana *Tabia* as factor to illegal migration in the area. The first problem is high drop out after completing the highest grade inside the *Tabia* (grade eight). This drop out is mainly due to economic problems to afford all the education expenses if the school that the students are going to join is in a long distance and difficult to reach as a result, many students are forced to terminate due to inaccessibility and economic problems. Besides, FGDs have also complained for the absence of basic infrastructures in their *Tabia*. One of the participants of the FGD in Guilabena *Tabia* alleged that:

There is no high school in our *Tabia* or in close proximity to our *Tabia* and this could exactly affect us, because of our poverty, we could not send our children to the high schools located in other parts of the *Wereda*. Therefore, the chance of joining universities or colleges and then become professionals is very difficult in our *Tabia*. Additionally, the absence of other fundamental services such as transport, electric

¹⁴Interview victim returnee in *Tabia* Guilabena, Saesi'e Tsada-emba *Wereda*, 2016.

power, and network restricted us from alternative development opportunities and pushes our children to migrate illegally and expose them to human trafficking.¹⁵

Education supports rapid economic growth through encouraging technological transfer, promoting productivity and progressively upgrading the skills base as required for each successive economic shift to higher value-added areas of manufacturing and service industry (Green, 2007) This is because education conveys knowledge and skills that can generate income. It is commonly presumed that formal schooling is one of the several important contributors to equip individuals with life skills and to realize human capital. Though it is not the only factor, lack of access to education denies many people the opportunity to participate fully and meaningfully in the social, economic, cultural and political life of the community (Lewin, 1993:55). Therefore, it can be deduced that the absence of high school and other basic infrastructures such as transportation, electric power and network have contributed to set Guilabena as number one vulnerable *Tabiain Saesi'e Tsada-emba Wereda*. Students who have completed the elementary school remained home and since there is no other economic opportunity, they become susceptible to human trafficking.

Generally speaking, Saesi'e Tsada-emba *Wereda* has been ineffective in educational endeavors. According to the data obtained from the *Wereda*, there were 2,744 national examinees of grade ten in 2016, and only 274 (9.9%) students joined preparatory school. Besides, there is only one TEVT school in the *Wereda* and is very far to the largest number of students. Therefore, we can deduce that it is unreachable and inadequate to hold for those who have not joined the preparatory school (91.1%). Key informant from one of the two preparatory schools in the *Wereda* revealed that 79% of the drop out students and most of the low scorers in the national examination had migrated illegally.¹⁶ Therefore, poor achievement in education has a direct impact to increase illegal migration and then open the gate for human trafficking in the *Wereda*. Regarding this issue, a key informant from the bureau of education in the *Wereda* stated that:

Our main objective is improving the quality of education. However, the culture of migration in the *Wereda* is still influencing us negatively. For example, the dropouts and failure of students in national examination are mostly related to illegal migration. Students and many of their families consider the school as a stay room until they mature for the journey. While the largest number of the society has experienced

¹⁵FGD in *Tabia* Guilabena, Saesi'e Tsada-emba *Wereda*, 2016.

¹⁶Interviewed with one of the directors of the preparatory schools in Saesi'e Tsada-emba *Wereda*, 2016.

irregular migration, many of the students have the inclination to migrate. Even some of our teachers are prejudiced by the culture and left their jobs to migrate illegally.¹⁷

The coordinator of the Teacher's Development Program office affirmed, poor quality of education has its own contribution to increase illegal migration and then human trafficking in the *Wereda*. Illegal migration of high school and university students, as well as university graduates is common in Saesi'e Tsada-emba *Wereda*. High school students have been depressed by the lack of quality education that can generate skillful graduates. This is because they are observing their senior brothers being unemployed after graduation. As a result, they do not like to spend their time and prefer to look for other alternatives. Unfortunately, if they could not get any other option, illegal migration takes the place.¹⁸ Teachers, FGDs and victim returnees had demonstrated that lack of quality education is one of the pushing factors.

According to related literature, education could positively affect individual's life. It could open an opportunity of being paid in formal labor market, improve individual's life, and situate individuals to develop skills and then work privately (Boyden, and Howard, 2013:36; Jones *et al.*, 2014:24). However, this may not happen if there is a failure in its quality. In spite of blaming the culture of illegal migration as a reason to their failure in education, the bureau of education in Saesi'e Tsada-emba *Wereda* should better work to positively influence the attitude of the students and train the teachers in a way to change their behavior. Therefore, it can be said that education and illegal migration has unintended correlation in Saesi'e Tsada-emba *Wereda*. Though the main purpose of education, starting from its inception is to bring a behavioral change, the reverse is happening in Saesi'e Tsada-emba *Wereda* because the quality of education is negatively affected by illegal migration.

4.2.3. Good Governance

Good governance is all about legitimate, accountable, and effective ways of obtaining and using public power and resources in the pursuit of widely-accepted social goals (Johnston, 2006:2) Among others, good governance is essentially the combination of transparent and accountable authorities having appropriate skills, competence, willingness and commitment to deliver better services, manage existing resources, create job opportunities, and then improve living standards

¹⁷ Interview with the officer on the Education bureau of Saesi'e Tsada-emba *Wereda*, Frewini Town, 2016.

¹⁸ Interview with a teacher in Tekli Sweat high school in Frewini Town, Saesi Tsadamba *Wereda*, 2016.

of the people. Generally, good governance is a normative conception of the values according to which groups of social actors interact in a certain social context and makes a difference on social, economic and political conditions of the society. Good governance ensures that the voices of the poorest and the most vulnerable are heard in decision-making on the management of development resources (CIPFA, 2013; 12; Grham, *et al.*, 2003:3; Johnston, 2006:3).

According to participants of the FGD and returned victims, in Saesi'e Tsada-emba *Wereda* in addition to poverty, unemployment, and lack of economic opportunities, lack of good governance is also a contributing factor which mainly discourages the poor and helpless part of the community. Consequently, absence of good governance that manages the local resources and arranges better opportunities contributes to the prevalence of illegal migration and human trafficking in the *Wereda*. Most of the administrative problems are related to local resources management particularly, the land. One of the in-depth interview informants in the study area revealed the feeble local resource management in his *Tabia* as it follows:

I and my friends had a plan to work in our *Tabia* in animal husbandry, and we had organized in a group of 10 youth and we borrow money from *Dedebit* microfinance 10,000 for each. Then we requested a workplace in our local area, however, our administrators couldn't allow us. When we apply to the officials in the *Wereda*, they told us approval from *Tabia* administrators is the first requirement. Although we have asked them for so many times our local administrators denied us. Eventually we became hopeless and eight members of the group including me migrated illegally using the borrowed money. Even now after my return, I am asking again and again for the work place being organized with other group, but still it is cumbersome enough and still we could not get.¹⁹

On the other hand, some local administrators are discouraging the youth who desire to work in their local areas. For example a victim returnee in Tahtayziban *Tabia/Kebele* stated that:

In our *Tabia* if you do not have money or a person in power, law could not be applied deservedly. Because my father and uncles were died in the war against the Derg regime, I become helpless and am living with my old grandmother. I have no any brother or sister. Let alone getting a support from *Tabia* administrators, I was denied the land that I should have to use (my father's land). According to the law, I can fit the criteria to own my father's land; I am matured enough and have a child, and I do not have a plot of land, but the administrators violated my right and gave the land to other person. Now I am searching money for re-migration and help myself, my child

¹⁹Interview with victim returnee in *Tabia* Tahtayziban, Saesi'e Tsada-emba *Wereda*, 2016.

and poor grandmother. As I had observed, rule of law in which my father had paid his life for has faded away.²⁰

Lack of good governance leads some poor people to feel that they have no option other than to leave and search for a better life elsewhere. Many people in the study area often decide to migrate illegally through the dangerous routes. As a result, lack of good governance is one of the alert points for expanding illegal migration and ill-feeling between the local people and local administrators in Saesi'e Tsada-emba *Wereda*.

According to participants of the FGD, farmers are forced to use fertilizers beyond their capacity which incurs additional cost. When one refused to take fertilizer, he/she will be underprivileged by the *Tabia* administrators from local benefits such as the Safety-Net (aid) program. The people become dependent on the Safety-Net program to sustain their life. Besides, people borrow money from nearby micro finance institution (*Dedebit*) and attempt to enhance life by engaging in other activities (husbandry, trade etc.). However, when their businesses have become failed and unable to pay the loan, the last resort becomes illegal migration in search of better job and to pay their debt back.²¹ In spite of working hard, those who have plot of land produce too little and face chronic shortage of food to sustain their lives. This is so, because the land size they possess is very small, and has been affected by recurrent drought and environmental degradation. Moreover, population has continued to grow, there is high level of unemployment particularly, of landless youth, and this becomes the frequently mentioned socio-economic problem in the *Wereda* (Maxwell, *et al*, 2010:6).

In addition, lack of good governance creates grievances and displeasure among the civil service workers in Saesi'e Tsada-emba *Wereda*. For example, one of the interviewed teachers in the study area stated that 'The essence of secularism has been prejudiced in schools.' If a teacher is not a member of the ruling party, he/she will incur the cost of different privileges including the professional career development opportunities, the rights for transfer, and replacement. A teacher who is also one of the victim returnees has stated this situation as follows:

My basic factor to migrate was the bad governance on the bureau of education in Saesi'e Tsada-emba *Wereda*. I had rationally asked for transfer to schools near the towns. This is because of the infection I had been injured when I was a soldier. In

²⁰Interview with victim returnee in Tahtayziban *Tabia* , Saesi'e Tsada-emba *Wereda*, 2016.

²¹FGD in Saesi'e Tsada-emba *Wereda* ,2016.

addition, I had 11 years work experience in teaching. My infection was medically confirmed by doctors. However, no one could pay attention to my claim. Eventually when my pain had got severe, I left the school and went to my relatives in the town. After I stayed for some time there, I decided to migrate illegally.²²

An expert in the study area had also strengthened the above grievances. Professionals argued, until we are under the pressure of the ‘Shumegna’ or the chief, it is impossible to work effectively, first and for most, they did not know the detail activities in which they have been placed to lead, and they robustly overburden us. After that, they are highly dependent in reporting unrealistic data and we disagree. As a final point, their main objective is only to sustain their position, ‘Siltan kem menberi mitkam’ which literally mean ‘position as a means of livelihood.’ One of the key informants in Saesi’e Tsada-emba *Wereda* put emphasis on this idea as it follows:

I know that unlike migration, human trafficking is avoidable; however it requires commitment. In doing so, it needs its own specific program, budget, and other resources. Nonetheless, in its present manner it is difficult to combat it. Government officials who are responsible to work in human trafficking are engaged in many other routine political activities. Everybody is engaged out of the institutional and professional occupation. Generally, ‘*Zichireh ember zisereh merahi ayranan.*’ Literally mean “Despite their slogan, we have never seen a functional official.”²³

The “shumegnoch” (public officials) assigned to lead the offices and run affairs in the local government are leaders with low level of education. Even those who cannot write and read properly and overburdening the experts are bosses. For example, in Saesi’e Tsada-emba *Wereda* the leader of the Bureau of Labour and Social Affairs (BoLSA) is to this kind.²⁴ They are those public officials that determine the fate of the local community. These office holders have little concern for the effectiveness and performance of the local public institutions and most of the times they defend their private interest to stay in power regardless of the local people complain. Moreover, FGDs explained that many of the *Kebele/Tabia* administrators are unpaid and have been trying to get benefits through corruption. Generally, consolidating and institutionalizing competent civil service through which it could serve the community and reduce vulnerability ineffective in Saesi’e Tsada-emba *Wereda*.

²² Interview with a victim returnee in Saesi Tsadamba *Wereda*, Freweini town, 2016

²³ Interview with an officer in the Bureau of Education in Saesi Tsadamba *Wereda*, Freweini town, 2016

²⁴ Interview with an officer in BoLSA and Bureau of Education in Saesi Tsadamba *Wereda*, Freweini town, 2016

By and large, poor governance in managing the resources and corruption by local administrators are discouraging for those who have been working and attempting to involve in local development activities in their areas. Furthermore, it can be concluded that the community has been bored of the government's political rhetoric on serving the youth, job creation and the like. What they missed really is not those who can make blessing speeches in different Medias and different formal stages rather the one who can truly act locally as to the official promises.

4.2.4. Legal Migration

Different countries adopted migration policies to regulate cross border movements of the people. However, the restrictions on legal migration raise illegal migration and open the opportunity to human traffickers. In the absence of safe and legal options for migration, large numbers of migrants can be left with little choice and place themselves at the mercy of migrant smugglers and in the worst cases in the hands of human traffickers. In such a way the immigration policies of countries contribute to human trafficking.

In Ethiopia, the 2013 ban on legal migration to the Middle East discouraged potential migrants who have planned to migrate legally. Due to the absence of legal migration to major destination countries, illegal migration has been increasing from time to time in Ethiopia (Fernandez, 2017:243; US Department of State, 2016: 167; RMMS, 2016). While illegal migrants are highly susceptible to human trafficking, at this point, it can be concluded that in addition to poverty and other economic necessities, restricted migration policy has been a cause to increase human trafficking in Ethiopia. FGD participants and in-depth interviewees had asserted similarly. Since the ban on October 2013, many people from Saesi'e Tsada-emba *Wereda* have been crossing the routes to the Middle East illegally and exposed to human trafficking.

4.3. Protection and Rehabilitation /Reintegration Measures

Protection of victims of human trafficking is part of a comprehensive anti-human trafficking response and the cornerstone of victim-centered approach. According to the international frameworks, victims of human trafficking are entitled with basic rights, including access to services. Sufficient services necessary to rehabilitation and reinstatement should be afforded through joint venture of all relevant stakeholders acting on behalf of the victims.

4.3.1. Protection Measures

Key informants affirmed that the government of Ethiopia is trying to ensure the protection of migrant citizens abroad. However, this is limited for regular migrants who live near the embassy of Ethiopia. Hence, irregular migrants are often far from the cities and hide themselves because of the fear of deportation. As a result, irregular migrants who are vulnerable to human trafficking are unknown and unreachable during their difficulty. Additionally, key informants stated that the government has been working to protect victims in the routes and potential borders. As a result, a number of illegal migrants were protected in the routes while they are crossing the borders. At the local level, security officers, justice officials, the police and militia are partners to combat human trafficking and protect victims. A security officer from the study area expressed that they frequently caught many victims when they were in their journey. Moreover, an investigator from Saesi'e Tsada-emba *Woreda* stated that:

A large number of trafficked persons were saved while travelling abroad. Logya in Afar region, Waja-Tumuga in southern Tigray, and Hayu at the periphery of Gulf of Aden were identified as common lines of human trafficking to Saudi Arabia across the desert routes of Yemen. For that reason we have a direct contact with police officers in all of the outlets and we have used to secure the victims cooperatively.²⁵

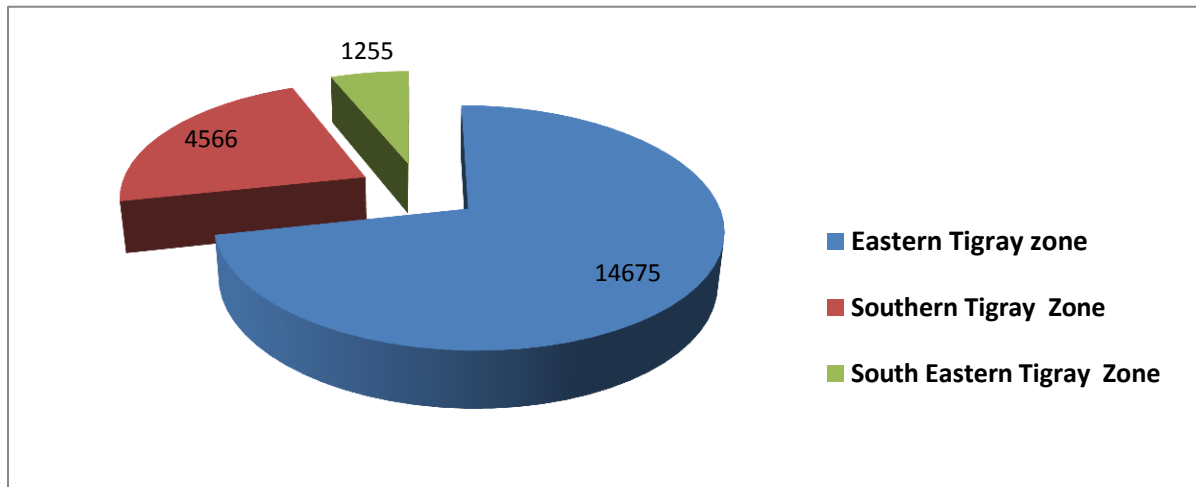
According to the police officers and investigators in Saesi'e Tsada-emba *Woredaa*, victims of human trafficking are treated appropriately and properly. On the other hand, they also said victims are placed in police stations after they are rescued from the hands of traffickers, which is unsuitable for victim protection. This is contradictory to article 26(4) of the proclamation 909/2015; law enforcement officials should create a sense of safety via establishing compassion, treating as victims than arresting them, providing quick access to social welfare agencies, medical services, community services, proper housing, clothing or personal hygiene and a period of recovery or recuperation from their traumatic experiences. In addition, children and women require special treatment. This can be vital to victim's long road recovery, create sense of safety and healing process. Furthermore, this can ensure trustworthiness to open up to express their emotions, and talk about their experiences and cooperate with law enforcement bodies. Nevertheless, lack of capacity to handle victims appropriately and the swiftness of traffickers make the efforts to rescue victims and fight criminal acts so problematic.

²⁵Interview with investigator in Saesi'e Tasd-emba *Wereda*, Edaghamus, 2016.

4.3.2. Rehabilitation and Reintegration Measures

With regard to rehabilitation/reintegration of the returned victims, key informants from Tigray Regional State expressed that, the regional government of Tigray proposed different projects to rehabilitate and reintegrate the returnees. For instance, according to the information obtained from the regional bureau of Youth and Sports Affairs, in 2014 an attempt was made to create employment opportunity for around 8,000 returnees (39% of the total returnees 20, 496). However, this shows 61% of the total returnees were unsupported. As a result, the vulnerability of re-migration and re-trafficking could occur simply.

Figure 2: Number of Victim Returnees in Tigray Regional State in 2014.



Source: Report by the Federal Task Force, 2014

According to the above figure (1), among the recorded men and women returnee, about 72% (14675) were captured by Eastern Zone and 4,188 (20%) of these returnees belong to Saesi'e Tsda-emba *Wereda*. In the regional action plan the regional government has a clear direction to rehabilitate and reintegrate the returnees; however, there is no specifically allocated budget for its implementation. Similarly, there was no specifically allocated budget to anti-human trafficking activities and to rehabilitate the returnees in Saesi'e Tsda-emba *Wereda*.²⁶ Even though the Fund was officially established for the purpose of combating human trafficking (909/2015, art. 32), it is unheard in Saesi'e Tsada-emba *Wereda*. Key informants from the

²⁶Interview with officials of the Bureaus of the administration, BoLSA, and Youth and Sports Affairs, Saesi'e Tsada-emba *Wereda*, 2016.

Wereda stated that there was no mechanism for special treatment of victim returnees. They already follow the regular and common procedures, such as providing loan and possible work places/shades.

On the other hand, Non-Governmental Organizations (NGOs) have been attempting to provide in kind and in cash assistances and to arrange skill trainings for returnees in Saesi'e Tsada-emba *Wereda*. For example, World Vision Ethiopia, Comitato Internazionale Perlo Sviluppo Popoli (CISP), and Ethiopian Catholic Church Diocese Adigrat are trying to support the returnees in the *Wereda*. However, the assistances were hardly offered to the victim returnees and attend their intended objectives. For example, CISP paid for skill trainers to train 101 victim returnees and provided assistance for the trained victim returnees both in kind and in cash. However, the assistance had not given to the returnees yet. The interviewed representative of CISP explained the issues as:

CISP provided to pay for trainers and to support the victims in Saesi'e Tsada-emba *Wereda*, and ask the *Wereda* administrators to recruit the trainees. Though, we have already fixed to support freely, the local government ordered us to submit the money to the local credit institutions. The proposed victims were told to take money and the materials as a form of loan and with interest. The trained victims have repeatedly asking us to give them the supports but we are not allowed to do.²⁷

According to the interviewed NGO representatives, while donors are interested in financing activities to assist the returnees, the procedures in the local administration are discouraging. The local administrators are reluctant even to provide the list of persons to be assisted. While direct contact is not allowed, NGOs ought to agree with the *Wereda* and transfer the assistances.

Though it was not based on the interest of the beneficiaries, the trained victims appreciated the TVET trainers especially for their commitment, patience, and ability to handle them wisely. At the same time, the trainees have complained about the unfair recruitment of the trainees. While many victims were excluded from the program, non-victim residents were included. As a result, the returnees assume infidelity of the local administrators. In spite of utilizing such opportunities to reintegrate the actual victim returnees, local administrators are inclined to be corrupted to favor non-returnees.

²⁷Interviewee with the worker in CISP (NGO), Adigrat, 2016.

According to the interviewed returnees, frustration is common in relation to the loan particularly, to the system and its interest rate (15-20%). Let alone to pay back every month, some returnees have failed to generate an income even for their daily consumption and re-migrate to repay the loan. Besides, interviewed victim returnees, if the objective is to assist the youth, it is better to reduce the rate of the interest, there should be appropriate gross period. FGD participants and key informants have recognized that, the loan is inadequate for business startup, training should be given about using the money, and the loan should be sufficient enough for business startup. In the study area, though an attempt to reintegrate the returnees had been made by providing a work place (shades) and a startup loan, the program cannot achieve its intended objectives. A number of the shades have been shut down, and some of the owners of the shades have been re-migrated illegally. Most of those who are working are also unhappy and unable to pay back the loan every month. With regard to re-migration of the returnees, one of the coordinators of the anti-human trafficking activities in Sasei'e Tsada-emba *Wereda* said that:

Those who reach Saudi Arabia could never stay here, I think they are injected. Many of the returnees in our *Wereda* came having some money or sent the money before their deportation. However, they are very wasteful and finish their money in bars and go back again. Though they have enough money to start a business they prefer to migrate illegally. Even a millionaire who has properties such as cars and houses finished his money after reckless expenses. Uncontrolled drinking of alcohols, chewing chats and spending for unnecessary consumption, left him empty pocket and died when he tried to migrate again. This is the reason of re-migration in our *Wereda*.

Opposing to the above explanation, returnees who are working there stated that there are basic reasons for their failure of the attempted businesses. The amount of the loan provided by the credit institution (*Dedebit*) is small (20,000 thousand birr) to start a business in the area, the time difference between getting the loan and the work place is not adjusted, and the payment with its interest begins earlier than starting the business. According to interviewed returnees, the 3-6 month grace period which is officially allowed in the credit institution (*Dedebit micro-credit*) is not applied in practice. Moreover, the expense to construct the shed is 10,000 birr and then very small amount of money remains. The last option is shutting down the business and looking for another way to pay back the loan. Hence, they take annoying decisions including illegal migration.

The repayment of the start-up loan has its own difficulty to the victim returnees who live without sustainable income. Provisions of startup loan for victim returnees who are interested in small businesses enterprises have not been effective; nonetheless, grants are most effective to reintegrate victim returnees (Surtees, and Kerchove, 2014:9). Likewise, it was revealed that small loans have a positive impact to increase irregular migration and then human trafficking (Ibid). Therefore, unless a long-term reintegration program that intends to facilitate the social and economic conditions of victim returnees is undertaken, the existing procedures could not protect them from vulnerability. Furthermore, providing micro-businesses activities such as: hairdresser salon, clothes boutique, tailor shop, graphic design studio, second hand clothes store, dairy, bakery, greenhouse, beautician shop, upholstery business, textile, print business, grocery store, beauty salon, laundry and ironing business, handicraft store and so on can better reintegrate victim returnees.

According to the in-depth interviews with the returnees, returnees knew the dangers of the journey, and some of them have experienced physical and psychological injuries. But if they are unemployed, and could not start any income generating activity, they become very depressed and susceptible to be trafficked. Even those who are physically impaired returnees (lost one eye, broken legs and harmed other parts of their bodies) are not being assisted in Saesi'e Tsada-emba *Wereda*. One of the returnees who has physically disabled stated that:

Being an illegal migrant, I was arrested and detained in prison for seven months. Because of the situation in Saudi Arabian prison, I became paralyzed. A Doctor told me that my disability is curable, but I have no money for the payment. Every administrator knows me and my family, even the media particularly Tigray TV had interviewed me. I had expected to get support, but it was only for their political consumption. I felt sorry about the interview. Until now, I am surviving by the help of some sympathetic and volunteer individuals. Nonetheless, I am in severe problems.²⁸

Disabled returnees need special attention to recover and normalize their life. However, they are underestimated in Saesi'e Tsada-emba *Wereda*. According to interviewed victims, no one had asked them and they are in dangerous conditions. Many of them have children and live in rented houses; they could not feed their children, buy clothes and other basic needs. This shows that the principles of protection in the legal frameworks lack implementation in Saesi'e Tsada-emaba *Wereda*.

²⁸Interview with victim returnee, Asmena *Tabia* 2016.

As it is discussed in the literature part, returnees have entitled with basic rights such as medical or health assistance, psychological support, legal help, shelter, rehabilitation, skill training. Ethiopia had also ratified to perform such kind of rights and establish its own legal framework in a similar way to assist victims of human trafficking. For that reason, medical or health care services, counseling, financial assistance, legal assistance, reinsertion into the education system, vocational training, micro- enterprise and income generating activities, job placement, wage subsidies, temporary shelter and accommodation, are included as the specific types of rehabilitation assistance (FDRE Proclamation No.99/2015, art.26).However, the practice in Saesi'e Tsada-emba *Wereda* is far from what are declared officially. One of the informants in the *Wereda* expresses the situation as it follows:

I had been impaired and became ineffectual when I was in prison in Saudi Arabia. When I was deported to Yemen, IOM doctors gave me a letter with its seal. When I arrived at Addis Ababa, I have received an identification card and informed me that I will get medical assistance in my region. However, no one could help me either in Mekelle or in the *Wereda*. Finally I borrowed money and try to treat myself. Now I cannot work, and return back the loan, life becomes very difficult to me.²⁹

According to the existing laws in Ethiopia, victims have the right to get the available health and social services, medical care, counseling and psychological assistance, with care, on a confidential basis and with full respect of privacy. They also have the right to get the information on how to attain the protection, assistance and support as well as information on any legal proceedings related to them (FDRE Proclamation No.99/2015, art.26). However, the victims in Saesi'e Tsada-emba *Wereda* are not prepared to benefit from these rights. Additionally, a victim returnee had stated the problem as it follows:

When I was in Saudi Arabia, I had been working at household and earn about 1700 Rials (9,775.5 birr) and send money to feed and educate my children. Whereas, when our government called us to return to our country and promised to restore us to our prior jobs, I trusted my government and returned to my country. However, here the situation is different and they said to me that, 'since you have left the job for two years, we will never employ you again.' Now, life becomes very difficult to me. I have no house or any other property but I have 5 children. The loan which is allowed from *Dedebit* micro-finance is not enough for business startup. Unless any one supports me, still the option that I have is to borrow money and migrate illegally.³⁰

²⁹Interview with Victim returnee in Sasea, *Tabia* 2016.

³⁰ Interview with Victim returnee in Edagahamus *Tabia*, 2016.

From the above explanation one can infer that, the government of Ethiopia has promised to reintegrate and restore returnees to their prior job, and therefore, it should arrange for its implementation. The authorities in Saesi'e Tsada-emba *Wereda* had to consider such a special cases. Otherwise, if it is beyond their capacity they should apply to the concerned bodies and attempt to help the returnees. Nonetheless, illegal migrants who were employed abroad may be exposed to re-trafficking if the situations in their *Wereda* become discouraging.

4.4. Prosecution and law Enforcement Measures

As it was presented in chapter three, Ethiopia has enacted its own national laws to counter human trafficking. These laws had been appreciated by recognized international evaluators as good progress in the legal aspect. The US Department of State affirmed that, Ethiopia had endorsed a comprehensive law that defines human trafficking similar to the trafficking protocol (2016: 167). Moreover, Ethiopia had declared a new overseas employment proclamation to prevent unlawful recruitments, protect oversea workers and punish criminals of human trafficking.

As a result, prosecution of human trafficking cases has increased after the declaration of the new anti-human trafficking law. The 2016 US Department of State reported that Ethiopian government has increased anti-trafficking law enforcement efforts and improved its legal structure to facilitate effective law enforcement. With regard to Tigray regional state, 227 cases of human trafficking were accused and 11 persons were prosecuted in 2014. In 2015 there were 191 suspects were accused and 16 of them were prosecuted.³¹

According to article 24 of the new proclamation no.909/2015, jurisdiction of human trafficking cases is given to the Federal First Instance Court. And according to article 80(4) of the FDRE constitution the State High Courts are empowered to exercise the jurisdiction of the Federal First Instance Court. As a result, human trafficking cases from Saesi'e Tsada-emba *Wereda* are investigated and prosecuted in the State High Court in Eastern Zone of Tigray which is located in Adigrat town. Since human trafficking cases were carried out in the State High Courts, prosecutors and accusers (plaintiffs) could able to follow their cases in close proximity. This

³¹ Report by the Regional Task Force, Tigray Mekelle, 2016.

reduced costs, and the load in State Supreme Court. Furthermore, it can have educational and advantage because many people can follow and communicate about the nearby cases.

In Saesi'e Tsada-emba *Wereda*, the criminal Justice system and the police officers established an interface agreement to scrutinize criminal cases including human trafficking. The general objective of the agreement is to offer effective and efficient law enforcement and justice to the people.³² According to the prosecutors and investigators in the *Wereda*, they are companionship during investigations and undertake a prior-investigation jointly. This mechanism helped them to acquire a binding confession as an evidence for the allegation of the accused persons.

Since the enactment of the new proclamation no. 909/2015, and until the time of the field work, 11 suspects (ten men and one woman) were accused in cases of human trafficking from Saesi'e Tsada-emba *Wereda*, however, only two cases were concluded. One person was sentenced for 11 years imprisonment and fined 3,000 birr, and the second was found to be innocent.³³ However, according to the record in the *Wereda* 416 men and 135 women (total 551) were trafficked in 2015 only. Moreover, 32 men and 6 women had already died in the same year.³⁴ Therefore, when we compare the prevalence of human trafficking in the area with the prosecutions of criminals, it is possible to conclude that the weakness in investigation and prosecution of traffickers has hardly deterred the crime of human trafficking. The prosecutors argued, human trafficking cases are very complex and takes more time. Besides, there are some institutional challenges, with regard to this idea a prosecutor from the State High Court Said:

Human trafficking is a very complex and multifaceted crime; it requires special attention and a particular unit that deals with it. However, we are very small in number, overburdened with many other criminal offences, and we are always in venue. Moreover, if the evidence at hand is insufficient to support the case, prosecutors may not keep on cases. This is because cases should contain best evidences to fit the charges including the testimony of the victim-witness, into a story tailored to bring about a successful result from the jury. But witness disappearance is another bottleneck in cases of human trafficking. Moreover, we lack competent investigators who can bring critical evidences. Our police are not well trained to cope with such kind of tough offences and some of them are bogging down to corruption.³⁵

³² Interface Agreement between the Justice System and Police Office, Saesi Tsadaemba *Wereda* 2016

³³ Statistics in Eastern Zone Justice Bureau, 2016.

³⁴ Tigray Region: Report on the prevalence of human trafficking, traffickers and other related issues, 2016, Mekelle.

³⁵ Interview with a prosecutor in the State High Court, Eastern Zone of Tigray, Adigrat, 2016

In Ethiopia if cases of human trafficking were brought to law, it is inevitable that accused persons will remain in prison. This is so because bail is not allowed for a person who is suspected of human trafficking (FDRE Proclamation No. 909/2015, art.63 and 67). Therefore, if cases are delayed inappropriately, out of proportion or being avoidable, this may lead to justice delayed is justice denied (Sourdin, and Burstyner, 2014: 59). Even though it has its own importance to reduce criminal flee, the prohibition of bail has also brought a new challenge. Some individuals are trying to use it as an opportunity for revenge and to attack innocent persons. This can also violate the rights of innocent persons if cases are not concluded promptly.

The records on human trafficking trial in the State Supreme Court of Tigray shows a maximum of three years and a minimum of one year is required to close a single human trafficking case. In order to avoid such kind of problems, specialized unit that particularly work in cases of human trafficking is required. Because, investigators are expected to gather all relevant facts such as the name or description of the offender, the names and addresses of the principal witnesses and other evidence that is pertinent for the investigation of the case (FDRE Proclamation No. 909/2015, art.18; Criminal Procedural Code of Ethiopia, 1961, art.24). However, prosecutors doubt on the integrity and competence of the investigators.

On the other hand, interviewed investigators and police officers in the study *Wereda*, notify that, even though they have been trying to educate the people, investigate cases and arrest traffickers, the outcomes are not satisfactory. The investigators in the study area explained that, if complaints were brought to the police they immediately arrest the suspected person, and then search evidences to the case. In such a way, they tried to investigate some cases of human trafficking in the *Wereda*. However, shortage of means of transportation to reach criminals promptly, lack of budget and man power restrains their efforts. Besides, lack of trained and skilled man power has been a serious obstacle in the study area. Nonetheless, training that aim to provide investigators with required technical skills to identify and investigate trafficking cases, to protect victims and to respect and promote their rights, to encourage cooperation with criminal justice agencies and non governmental agencies, could contribute for their effectiveness.

In addition, the investigators are angry by victim's unwillingness to be a witness in the cases of human trafficking. The investigator stressed on the reluctance of the victims by saying, 'though

we have saved them from the hands of traffickers and brings back their money; they did not help us in the legal procedures.³⁶

To the contrary, victims have their own reasons to become reluctant to cooperate in the legal procedures. One of the interviewed victims justified this as:

I could never be a witness against traffickers, because I do not trust the police and lawyers. It is difficult to arrest the traffickers; instead victims were arrested in our area. Traffickers have no stable residence and permanent phone number. They are unreachable by the police and have a relation with officials. And they could corrupt officials, the police and lawyers. Therefore, there is high possibility of retribution. Moreover, even if a trafficker is arrested, the witness and his families will be harassed and attacked by the networks of the traffickers.³⁷

While cases of human trafficking are complicated, there is no guarantee that the perpetrator will be captured and that is why victims opt to avoid possible difficulties in the future (Palmiotto, 2014:57). Moreover, victims of human trafficking rarely identify themselves as victims, including as in many cases they have become dependent on their traffickers and/or may fear threats and reprisals. Consequently, cases of human trafficking hardly get witnesses to give testimony against the criminals. This is because victims may be traumatized by their experiences and being impaired to recall, may not know as they are victims of criminal act, may think about their privacy, and may not have confidence on the police.

According to the Proclamation 909/2015, victims of human trafficking have qualified rights of protection and assistances. However, there is a tendency that victims of human trafficking may not get legal protection. As a result, victims of human trafficking may be arrested and prosecuted with false witnesses arranged by the actual traffickers. Therefore, victims become uncertain to the legal protection pledged for them. In relation to this, a prosecutor from State High court argued that:

While arresting the giant masters of human trafficking had been difficult, we are working to stiffen the sources who are feeding the masters of the crime. On the way, every person who had acted any of the elements of human trafficking will get proportional penalty. Therefore, we are giving more focus to the infliction than the individual rights of victims.³⁸

³⁶ Interview with an Investigator in Saesi'e Tsada-emba *Wereda*, 2016.

³⁷ Interview with victim returnee in Edagahamus, *Tabia* 2016.

³⁸ Interview with a Prosecutor on the State high court, Eastern Zone Bureau of Justice, Adigrat, 2016.

According to, article 30 of the proclamation No. 909/2015, victims of trafficking shall not be prosecuted being a victim of the crime. Trafficked persons shall not be detained, charged or prosecuted for the involvement in unlawful activities to the extent that involvement is a direct consequence of their situation as trafficked persons. Therefore, it can be deduced that the legal protection for the victims of human trafficking which is the central element of any counteracting measures was threatened in the study area.

In a nutshell, prosecutors believed that traffickers are highly networked and expand a strong connection with the entire population, with politicians and government officials and make political corruption as an integral part of the business. Accordingly, the better way to control traffickers will be through raising the awareness of the people to forbear and surrender them. Educating people in a way to understand the egoist behavior of the traffickers and clarifying how they are exploiting the people is one mechanism. The people in general and the injured parties in particular should bring issues of human trafficking to the police. Besides, law enforcement units should step further and ahead of the criminals. While traffickers have widened their social bonding and achieve sense of loyalty and belonging on the society (Potter, and Lyman, 2011), the processes of recruitment and transportation takes place with the help of the local brokers. Most of the time victims are not ready to initiate complaint regarding the criminals. Instead of waiting for complaints, the police, investigators and security workers should search proactively and follow the footprints of the traffickers. Moreover, technical capacity is another issue that goes to the heart of whether the responsible bodies are fully discharging their obligation to investigate and prosecute trafficking cases.

Chapter Five

Conclusion and Recommendations

5.1. Conclusion

Although Ethiopia had ratified pertinent international anti-human trafficking laws and enacted national legislations, incidences of human trafficking are increasing from time to time. Be acquainted with, this study intended to analyze Ethiopia's anti-human trafficking legal frameworks and examine the local practices particularly, in Saesi'e Tsada-emba *Wereda*. It also sought to explore the barriers of the undergoing anti-human trafficking efforts and suggest possible solutions for improvement. The findings of this study reveal that Ethiopia has comprehensive, integrative, and enabling anti-human trafficking legal frameworks. In addition, inter-ministerial national committee and task force was established to coordinate and monitor anti-human trafficking activities throughout the country. Structurally relevant agencies are incorporated and embrace cooperative as well as specific responsibilities to combat human trafficking. Therefore Ethiopia has recognized the issue of human trafficking as serious problem and advocate extensive governmental interventions. Notwithstanding, the problem is mounting and there is a vast gap between the legal frameworks and the local practices.

Despite the vested responsibilities, expected institutions such as the Ministry of Labour and Social Affairs, Ministry of Foreign Affairs, as well as the Ministry of Justice had been less effective to prevent human trafficking. For example, Ethiopia has failed to inspect deceptive private employment agencies, secure bilateral agreements and lift the ban on regular migration. Moreover, very few trafficking cases were prosecuted by criminal law in Ethiopia. These institutions have been confronted by inadequate resources such as human/professional, financial, and material constraints. And this indicates less attention is given to the implementation of the existing anti-human trafficking laws in Ethiopia.

In Tigray regional state, the task force has been less effective to coordinate successful anti-human trafficking efforts within the region. The duty to lead and monitor stakeholders is not specified, and there is a lack of task specification among the stakeholders. Furthermore, there is a lack of central secretariat office for the Task Force. Even though fragmented attempts were made

to create awareness, failure to incorporate economic opportunities, capacity building, and local input hampers it from bringing an attitudinal or behavioral change. Moreover, the programs with the current anti-human trafficking measures tends to be short-term in nature, focused on the effects and do little in addressing the root cause through long-term preventive measures.

In Saesi'e Tsada-emba *Wereda*, the issue of human trafficking is linked to individuals' need and desire to migrate illegally as an 'exit strategy' from uncertain living conditions in the area. While few attempts were made to reduce the problem through business start up loans, the root causes and the vulnerability of potential migrants are not addressed. Procedural difficulties, delay, corruption, inadequacy, frustration to interest rate, absence of grace period, and inconsistency (inconformity/lack of harmony) between those who provide the loans and the work places have been a bottleneck. Moreover, lack of basic skill-building trainings about business and planning lead some individuals to use the loan as a means to migrate illegally.

In addition, government officials lacked the capacity and experience to manage the existing resources and implement effective programs. Some of the local leaders had an inclination to migrate illegally and send their siblings; therefore, they are less committed in the fighting against human trafficking and less sensitive to rehabilitate victims. Local leaders fall short to implement the laws, allow genuine involvement of the local community, understand the exact vulnerability issues and provide viable alternatives. Lack of coordination, capacity, commitment, and budget, are the major challenges. Therefore, anti-human trafficking programs are formed without regard to proper results. Consequently, the well being of the vulnerable people is being sacrificed in the promotion of the anti-human trafficking principles.

In view of all this, in spite of the grandiose rhetoric about the evils of human trafficking, the legal frameworks issued by the government remained less implemented in practices. The dearth in financial, material and human resources show slow attention and prioritization is given to implement the existing anti-human trafficking laws. Verbally, leaders could define the correct language about human trafficking, but they keep missing to deal with it, and the trend seems towards managing rather than really combating the problem. Meanwhile, what is needed first and for most is the devotion to put the theory in to practice; prioritizing the issue, making meaningful progress and achieving more results, because the issue of human trafficking is about the plight and suffering of human beings and not simply about inexpressive goods.

5.2. Recommendations

- The government should strengthen its institutions and enable them to implement the existing legal frameworks. For example, concerned institutions such as MoLSA and MoFA should secure bilateral agreements and lift the ban on legal migration to the Middle East.
- The regional task force needs to have its own headquarter (secretariat office) and specify the responsibilities of each stakeholder. And incorporate important agencies. For example, the Bureau of health, NGOs, and social organizations.
- There is a need to train local administrators for better knowledge about human trafficking and keep them away from being victims or catalysts. Members of the command posts hall are encouraged and provided with technical and financial supported.
- Realistic and community based awareness creation programs complemented by viable alternatives is required in Saesi'e Tsada-emba *Wereda*. While people change their behavior if they see the new behavior is easy, rewarding and normal, awareness raising programs should be suitable to bring attitudinal and behavioral changes. Schools should establish anti-human trafficking clubs and educate the school community. As often trusted and well-respected, religious leaders should participate in fighting against human trafficking.
- A need for income generation projects and advanced micro-finance initiatives to build sense of community empowerment at home. It is in fact critical to make the difference in the lives of ordinary people and perceive that their own vulnerability is decreasing. In doing so, people must be involved in planning the programs, be active participant of the actual activities and feel ownership of the programs.
- Enhance training in traditional and non-traditional skills in line with market opportunities to create employment options, equip the youth with gainful and marketable skills and build their confidence to economically support themselves and their families.
- Foster strategic alliances with government, private sectors and civil society to enable the youth to access a range of services and support including: core work and life skills, career counseling, mentorship and coaching, demand-driven vocational and entrepreneurship training, access to financial services and financial assistance, job placement and monitoring of working conditions, advocacy for more enabling work and business environments integrating behavioural change to accompany youth's safe transition to the world of work.

- Ensure demand-driven and competency-based vocational and technical training schemes including the dropped-out and out-of-school youth. Equipping with the mindset and skills needed to become self-employed rather than ‘wait for a job’ – a ‘spirit for’ and set of social attitudes applicable to their future employability and cultivate participatory income generating activities aligned with youth’s aspirations/capabilities as well as actual skills demand, in order to generate durable decent work outcomes.
- Enable the poorest and most marginalized youth to take advantage of education, training and employability initiatives.
- The local government should ensure the rehabilitation of victim returnees including medical care, social services, counseling and psychological assistance. Rehabilitation of victims should be facilitated by longer term therapy, training and skills development, and with special treatments. For example, start-up loans with lower interest could better work.
- Enhancing the capacity of police, prosecutors, and judges through regular training on investigation and prosecution of human trafficking cases, confiscate illegally acquired properties and compensate victims.
- While traffickers are opening different business centers to mask their illegally accumulated wealth, the government should enact additional law to enable detection of unpredictable and non justifiable wealth accumulation of individual suspect.
- Having said this, it is worthy to note that the issue of human trafficking needs further researches. For example, research is needed on the methods used by traffickers to recruit their victims, the relationship between recruiters and victims, trafficking routes, and methods of manipulation and exploitation. Research studies involving countries of origin, transit and destination is needful. While most researches are concerned with international trafficking, there is a call for research with internal trafficking. Exploring the role of culture in relation to human trafficking is also researchable. Last but not least, while human trafficking is continuing to destroy the lives of many, organizations, scholars, activist and individuals are called to contribute for its eradication.

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Appendix I. Consent Form to the Interviews

Anti-Human Trafficking Responses in Ethiopia: Legal Frameworks and Local Practices The Case of Sasea Tsada Emba *Wereda*

Request

My name is Mehari Zeru and I am a candidate for a Masters degree of International Relations at Addis Ababa University. I cordially invite you to participate in a study which aims to analyze and examine the anti-human trafficking responses in Ethiopia, particularly in Saesi'e Tsada-embra *Wereda*. Findings of this study will help to identify the barriers of the anti-human trafficking efforts and promote successful prevention and the result of this interview is quite important to the success of the study. The study is purely an academic project and your views will be kept confidential, your name will never be used in any report, and there is nothing to affect your personal circumstances. If you are voluntary to participate, the interview will last 40-90 minutes.

Your participation in this study is voluntary. There are no foreseeable risks and direct benefits (incentives) to you for participating in this study. However, results of this interview as well as the others will help us in solving the problems of human trafficking. Feel free, you have the right to ask clarification, skip answering certain interview questions or withdraw altogether at any time with no consequence at all. And it is according to your consent for the interview being audio-taped or not.

I am signing this form to show that I have read you this information and promised confidentiality.

Interviewer's Signature _____ Date _____

If you agree to participate, please sign this form to show that I have explained this information to you and you agree to be interviewed.

Interviewee's Signature _____ Date _____

Appendix II. Interview Guide A

for interview with Key Informants (Representatives Anti- Human Trafficking Task Force, administration, Labour and Social Affairs, Youth Affairs, NGOs)

I. Respondent's Profile

- . Name of Respondent [Optional] _____
- . Sex: Male ___ Female ___
- . Age: _____
- . Educational Background: _____
- . Represented institution and location: _____
- . Official position/title within the represented institution: _____
- . Duration of engagement with the institution represented: _____

II. Interview Questions

1. What is your understanding about the problem of human trafficking in Saesi'e Tsada-emba *Wereda*? How do you describe it?
2. What are the major factors of human trafficking in Saesi'e Tsada-emba *Wereda*?
3. What is the role of your institution/ office in combating human trafficking?
4. What activities have you done to prevent human trafficking? please describe the measures taken in your office .

A. do you evaluate the undertaken measures? If yes, please provide copies of any impact evaluation reports. B. If no, why? What are the major difficulties/challenges?
5. Have you ever taken any measures to empower the vulnerable groups? Please elaborate!
6. Have you ever support victims of human trafficking? If yes, A. what accommodation is available for victims? B. Is there a follow up? C. does your service made a difference?
7. Do you think that the government is giving a due concern to prevent human trafficking?
A. If yes, how? B. If no, why do you think?

8. Have you made any coordinated efforts with other stakeholders?
9. What governmental or societal measures are devised to prevent human trafficking? If yes, please describe.
10. Do you think that the government is providing the necessary support for the returned victims of human trafficking? If yes, how? If no, why?
11. How do you see the current anti-human trafficking legal frameworks in Ethiopia? Can you explain about its strength or weakness?
12. How do you see the implementation of the anti-human trafficking laws in Sasea Tsada Emba *Wereda* ? Please explain!
13. What do you think should be done by the government and other relevant actors ?
14. Do you have any additional opinion related to the issue?

Thank you very much for your cooperation!

Appendix III. Interview Guide B

For interview with returned victims of human trafficking

III. Respondent's Profile

1. Name (Optional) _____	4. Educational Background: _____
2. Sex: Male ___ Female ___	5. Marital status _____
3. Age: _____	6. Location/ <i>Tabia</i> : _____

IV. Interview Questions

1. Could you please tell me what conditions you lived before your migration?
2. What was your reason for migrating?
3. Who leads you to the trip? Family, Friends, broker/ traffickers
4. How did you finance your trip?
5. How many times do you migrate?
6. Did you attend any training or awareness raising program about human trafficking?
7. What is your understanding about traffickers? /What do you think about them?
8. Do you have an idea to expose traffickers? A. If yes, how? B. If no, Why?
9. How did you come back to your country?
10. Have you got support so far? If yes,
 - A. Who provides the support (gov't or NGOs)?
 - C. What type of support did you get?
 - C. Is the support is fair enough?
 - D. Where there any challenges with the support?
11. Have you received certain kind of long-term reintegration assistance? If yes, please explain it?
12. Are you currently earning income? If yes, are able to cover your living costs?
If no, how are you covering your living expenses?
13. What is your future plan? Do you have an idea to migrate again? If yes, why and how?
14. What do you think should be done by the government and other relevant actors to prevent human trafficking?
15. Do you have anything to further suggest or ask?

Thank you very much for your cooperation

Appendix IV. Interview guide C

Interview with law enforcement and judicial officials

V. Respondent's Profile

- . Name of Respondent [Optional] _____
- . Sex: Male ___ Female ___
- . Age: _____
- . Educational Background: _____
- . Represented institution and location: _____
- . Official position/title within the represented institution: _____
- . Duration of engagement with the institution represented: _____

VI. Interview Questions

1. How do you understand the crime of human trafficking?
2. What do you think are the most critical elements within the act of human trafficking?
3. How do you assess the prevalence of human trafficking in Ethiopia and this *Wereda*?
4. What is the root causes of human trafficking in Sasea Tsada Emba *Wereda*?
5. Who are the potential victim (vulnerable) groups?
6. What do you know about traffickers?
7. What are the methods used to recruit victims?
8. What are the routes and transportations employed to traffic victims?
9. How many trafficking cases are reported to your office?
10. Was there follow up of the reported case? A. If yes, what was the outcome?
B. If no, why?
11. Do you think that the existing legal frameworks are conducive to prevent human trafficking, protect and assist victims, as well as to investigate and prosecute traffickers? What strong and weak sides does it have?
12. What activities have you done to increase reporting, investigation and prosecution of human trafficking cases?

13. Have you (your institution) ever assist or protect victims of human trafficking? A. If yes, would you please give me an example? B. If no, why do you think?
14. What measures are taken to protect the confidentiality of information and protect the personal life victims or witnesses?
15. How many cases of human trafficking/suspects did you investigate and/or persecute prior (month/year)?
16. Can you tell the number of judgments resulted to confiscation of assets of criminals?
17. Are there victims who had claimed and received compensation?
18. What specific measures are taken to make available the assets of traffickers to provide compensation?
19. Do you have any success stories in addressing the problem of human trafficking? If yes, please explain?
20. What are the major difficulties of investigation/prosecution of human trafficking?
21. Has your agency offered any training on issues of human trafficking?
22. Is there coordinating and collaborating mechanism between different actors? If yes, is it efficient?
23. Have you ever participated in joint trainings with other cooperative entities such as prosecutors, judges, and victim service providers, or the public?
24. Do you know if any federal, state or local human trafficking task forces operate in your jurisdiction? If yes, do you or your agency participate as members of the task force? If yes, what results does it have?
25. In your opinion what can help to improve the prosecution of human trafficking either at the *wereda*, state or federal level?
26. Do you have any other information you would like to add?

Thank you very much for your cooperation!

Appendix V. Interview Guide D

For FGD with Residents (Elders, Families/Relatives of Victims)

Greeting, Introducing myself, and my work

The ultimate purpose of this FGD is to generate an evidence based information from the grass root society with regard to the trends of human trafficking and the undergoing countering responses in Saesi'e Tsada-emba *Wereda*,. The awareness level of the society, actors involved in the crime of human trafficking and the most reasons of vulnerability are also part of the discussion. With regard to this issue please feel free to narrate your experience or your families, relatives and neighbors' phenomenology. Any comment or opinion related to the issue under discussion is welcomed and it is confidential that will be used only for academic research purposes. You are also welcomed to ask for clarification of any concept.

1. Could you please tell me the historical and current trends of human trafficking in Sasea Tsada-emba *Wereda/ in your Tabia*?
2. What are the main factors?
3. Who are the traffickers?
4. Who are the most vulnerable sections of the society? And Why?
5. What is the role of the families/the societies in relation to human trafficking?
6. What is the society's level of awareness about the consequences of human trafficking?
7. What do you know about the anti-human trafficking legal frameworks?
8. What governmental or nongovernmental measures have been taken to combat human trafficking in the *Wereda/ in your Tabia*?
9. How do you see the anti-human trafficking efforts in the *Wereda/ in your Tabia*?
10. What are the main problems of the anti-human trafficking responses?
11. What measures should be taken to combat human trafficking effectively?
12. If you have any additional ideas related to the issue, you are welcomed?

Thank you very match for your cooperation!

Appendix VI. Table 1 General Background of Interviewed Victim Returnees

No	Code	Sex	Age	Educational status	Marital status	Living condition	<i>Tabia/ Kebele</i>	Date of the Interview
1	# 1	M	28	12th	Married	Self employed	Edagahamus	10/17/2016
2	# 2	M	22	7th	Single	Unemployed	Guilabenea	9/13/2016
3	# 3	M	26	graduate	Single	Unemployed	Frewini	11/29/2016
4	# 4	F	22	8th	Single	Unemployed	Saesi'e	11/27/2016
5	# 5	M	26	8th	Single	Self employed	Asmena	10/19/2016
6	# 6	F	26	8th	Divorced	Self employed	M.agamet	9/14/2016
7	# 7	F	24	10th	Divorced	Unemployed	T. Ziban	11/28/2016
8	#8	F	27	graduate	Single	Unemployed	Sewne	10/21/2016
9	#9	M	30	literate	Married	Unemployed	E.Robue	10/22/2016
10	#10	M	21	9th	Single	Unemployed	Welwalo	11/30/2016
11	#11	F	20	10th	Married	Unemployed	Edagahamus	9/24/2016
12	#12	M	25	graduate	Single	Self employed	T. Ziban	11/24/2016
13	#14	M	37	illiterate	Single	Unemployed	Guilabenea	9/13/2016
14	#15	F	22	10th	Single	Self employed	Frewini	10/24/2016
15	#16	F	24	graduate	Single	Unemployed	Saesi'e	11/27/2016
16	#17	M	19	9th	Single	Unemployed	Asmena	11/27/2016
17	#18	F	18	8th	Divorced	Unemployed	M.agamet	9/14/2016
18	#19	F	23	12th	Single	Unemployed	T. Ziban	11/27/2016
19	#20	F	31	7th	Single	Self employed	Sewne	11/27/2016
20	#21	M	20	10th	Divorced	Unemployed	E.Robue	11/27/2016
21	#22	M	48	4th	Married	Unemployed	Welwalo	11/30/2016
22	#23	F	21	10th	Single	Unemployed	Edagahamus	11/27/2016
23	#24	M	26	6th	Single	Unemployed	T. Ziban	11/27/2016
24	#26	F	21	10th	Divorced	Unemployed	Guilabenea	9/13/2016

Appendix VII. Table 2: General Background of FGD Participants

No	Informants Code	Sex	Age	Status	Place of FGD <i>Tabia/Kebele</i>	Date of FGD
1	FGD Gu.1	F	53	Resident	Guilabna	9/14/2016
2	FGD Gu.2	F	58	Resident	Guilabna	9/14/2016
3	FGD Gu.3	F	42	Resident	Guilabna	9/14/2016
4	FGD Gu.4	F	45	Resident	Guilabna	9/14/2016
5	FGD Gu.5	F	41	Resident	Guilabna	9/14/2016
6	FGD Gu.6	F	37	Resident	Guilabna	9/14/2016
7	FGD Gu.7	M	46	Resident	Guilabna	9/14/2016
8	FGD Gu.8	M	57	Resident	Guilabna	9/14/2016
9	FGD Gu.9	M	51	Resident	Guilabna	9/14/2016
10	FG Gu10	M	49	Resident	Guilabna	9/14/2016
11	FGDGu11	M	58	Resident	Guilabna	9/14/2016
12	FGDGu12	M	42	Resident	Guilabna	9/14/2016
13	FGD As.1	F	37	Resident	Asmena	10/7/2016
14	FGD As.2	F	45	Resident	Asmena	10/7/2016
15	FGD As.3	F	44	Resident	Asmena	10/7/2016
16	FGD As.4	F	51	Resident	Asmena	10/7/2016
17	FGD As.5	F	46	Resident	Asmena	10/7/2016
18	FGD As.	F	48	Resident	Asmena	10/7/2016
19	FGD Ed.2	M	50	Resident	Edaghamus	9/9/2016
20	FGD Ed.3	M	49	Resident	Edaghamus	9/9/2016
21	FGD Ed.4	M	54	Resident	Edaghamus	9/9/2016
22	FGD Ed.5	M	49	Resident	Edaghamus	9/9/2016
23	FGD Ed.6	M	52	Resident	Edaghamus	9/9/2016
24	FGD Ed.7	M	51	Resident	Edagaamus	9/9/2016

Appendix VIII. Table 3: General Background of Key Informants

No	Code	Sex	Age	Edu. status	Institution /Bureau	Position	Date of Interview
1	KI A	M	32	1 st Degree	S/Ts/E <i>Wereda</i> Police	Investigator	8/17/2016
2	KI B	F	28	1 st Degree	Bureau of Labor and Socialaffairs (BoLSA)	Vice-principal of labor and social affairs office	8/13/2016
3	KI C	M	35	1 st Degree	Bureau of Youth and Sport affairs	Principal	8/19/2016
4	KI D	M	35	1 st Degree	S/Ts/E Justice office	prosecutor	8/21/2016
5	KI E	M	32	1 st Degree	S/Ts/E Public and gov't communication Bureau	Director	8/13/2016
6	KI F	M	33	Diploma	S/Ts/E <i>Woreda</i> police office	Crime prevention team leader	8/15/2016
7	KI G	F	49	1 st Degree	S/Ts/E Justice office	Prosecutor	8/22/2016
8	KI H	M	51	1 st Degree	CISP(NGO) Eastern Tigray District, Adigrat	Coordinator	11/23/2016
9	KI I	F	35	MA	Tigray Region BoLSA	Leader	8/10/2016
10	KI J	M	31	1 st Degree	Tigray Regional BoLSA-	Coordinator of the Anti-Trafficking Task Force	8/10/2016
11	KI K	F	43	1 st Degree	State High Court-Eastern Zone of Tigray	Prosecutor	8/27/2016
12	KI L	M	39	1 st Degree	State High Court-Eastern Zone of Tigray	Prosecutor	8/25/2016
13	KI M	M	36	11 th	Anti –HT Command post S/Ts/E <i>Wereda</i>	Team Leader	9/01/2016