

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF LAW AND GOVERNANCE STUDIES
CENTER FOR HUMAN RIGHTS



**A CRITICAL ASSESSMENT OF THE VIOLATIONS OF RIGHTS OF
GIRLS DURING IRREGULAR MIGRATION: THE CASE OF WOREDA
SA'ESI'E TSA'EDAMBA IN EASTERN ZONE OF TIGRAY**

GIRMAY TADELE ASSEFA

JUNE, 2015

ADISS ABABA

A CRITICAL ASSESSMENT OF THE VIOLATIONS OF RIGHTS OF GIRLS
DURING IRREGULAR MIGRATION: THE CASE OF WOREDA SA'ESI'E
TSA'EDAMBA IN EASTERN ZONE OF TIGRAY

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF LAW AND GOVERNANCE STUDIES
CENTER FOR HUMAN RIGHTS

BY

GIRMAY TADELE ASSEFA

ADVISOR

ANCHINESH SHIFERAW

A THESIS PRESENTED TO THE SCHOOL OF GRADUATE STUDIES OF
ADDIS ABABA UNIVERSITY IN PARTIAL FULFILLMENT OF THE
REQUIRMENT FOR THE DEGREE OF MASTER OF ARTS IN HUMAN
RIGHTS

JUNE, 2015

ADDIS ABABA

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF LAW AND GOVERNANCE STUDIES
CENTER FOR HUMAN RIGHTS

A CRITICAL ASSESSMENT OF THE VIOLATIONS OF RIGHTS OF GIRLS DURING
IRREGULAR MIGRATION: THE CASE OF WOREDA SA'ESI'E TSA'EDAMBA IN
EASTERN ZONE OF TIGRAY

BY

GIRMAY TADELE ASSEFA

ID NO. GSR/0336/06

ADVISOR: ANCHINESH SHIFERAW

Approved by Examining Board

_____	_____
Dept's Chairman, Graduate Committee	Signature
_____	_____
Advisor	Signature
_____	_____
External Examiner	Signature
_____	_____
Internal Examiner	Signature

DECLARATION

I, Girmay Tadele, declare that ‘A Critical Assessment of the Violations of Rights of Girls during the Process of Irregular Migration: The Case of *Woreda Sa’esi’e Tsa’edamba* in Eastern Zone of Tigray’ is my own work, and that all sources that have been used or quoted have been indicated and acknowledged through complete references.

Candidate

Name: Girmay Tadele

Date of Submission: June, 2015

Signature: _____

ACKNOWLEDGMENTS

First and foremost my utmost gratitude goes to the Almighty and Omnipresent God, who is my source of life, inspiration and strength.

This thesis would not have been possible without the guidance and the help of several individuals who in one way or another contributed and extended their valuable assistance throughout my study.

Above all, I would like to thank my advisor, Anchinesh Shiferaw, who shaped the title of my thesis and made critical remarks beginning from the early inception of this research all through the drafts of the thesis. The successful completion of this thesis would be difficult, if not impossible, had it not been for the unwavering assistance and intellectual guidance of my magnanimous advisor.

I owe my deepest gratitude and respect to all participants in this study for their sincere cooperation and willingness to answer the questions forwarded by the researcher patiently and with due respect. The girls respondents were volunteer to speak the unspeakable truth they face in the migration thinking this will learn others. My special thanks also go to the discussants of the FGD as they were willing to participate killing their precious time.

My deepest gratitude goes to my family for their unflagging love and support throughout my life. Especially my lovely mother Abrhet Muruts, you know that I reached here because of your beholden and boundless support in my entire life. My lovely sister Tsega G/Selassie with her husband Ato Solomon Abrha and her kids Biniam and Robel Solomon; you ease my life in Addis with all your support.

Further, I would like to express my profound appreciation to my friends who always not only encouraged and motivated me throughout my study but also shared the burden of my responsibilities during the last two years. My special thanks go to Dawit Kifle and Yemane G/Egziabher, who always inspired me to achieve my objective. Dave, Yeme your heartfelt moral support were invaluable to accomplish my study thank you.

I also would like to forward my heartfelt thanks to Solomon Kiros for his wholehearted material and moral support when I was in great dilemma to continue my study in Addis.

Table of Contents

Acknowledgment.....	I
Table of Contents.....	II
Abstract.....	V
Dedication.....	VI
List of Acronyms.....	VII
CHAPTER ONE: INTRODUCTION.....	1
1.1. Background of the study.....	1
1.2. Statement of the Problem.....	5
1.3. Research Objectives.....	9
1.3.1. General objective.....	9
1.3.2. Specific objectives.....	9
1.4. Research Questions.....	10
1.5. Significance of the study.....	10
1.6. Scope of the Study.....	11
1.7. Limitation of the Study.....	12
1.8. Structure of the study.....	12
1.9. Research Methodology.....	13
1.9.1. Study Area Description.....	14
1.9.2. Data Source.....	15
1.9.3. Sampling Techniques.....	15
1.9.4. Data Collection Tools.....	16
1.9.4.1. Key Informant Interview (KII).....	16
1.9.4.2. In-depth Interview.....	19
1.9.4.3. Focus Group Discussion.....	20
1.9.4.4. Document Analysis.....	21
1.9.4.5. Data processing and Analysis.....	22
1.9.4.6. Ethical Consideration.....	22
CHAPTER TWO: LITERATURE REVIEW & THEORETICAL FRAMEWORK.....	24

PART ONE: CONCEPTUAL FRAMEWORK	24
2.1. Definitions of Terms and concepts	24
2.1.1. Migration	24
2.1.2. Irregular Migration: Towards Terminology Convergence	25
2.1.3. Irregular Migration	28
2.1.4. Irregular Migrants.....	28
2.1.5. Smuggling Migrants	29
2.1.6. The Difference and Similarities between Irregular migration and Smuggling Migrants	30
2.1.7. Irregular Migration Vs Trafficking in Persons	32
2.1.8. Human Smuggling Vs Human Trafficking	33
PART TWO: THEORETICAL FRAMEWORK ON THE CAUSES OF IRREGULAR MIGRATION.....	35
2.2. THEORETICAL FRAMEWORK.....	35
2.2.1. Neo- Classical Economic Theory	35
2.2.2. Structural Theory	37
2.2.3. Household Theory	38
2.2.4. Network Theory.....	38
2.2.5. The Integrative Approach.....	39
PART THREE: INTERNATIONAL, REGIONAL AND NATIONAL INSTRUMENTS RELEVANT FOR PROTECTING THE RIGHTS OF IRREGULAR MIGRANTS.....	40
2.3.1. International Human Rights Instruments Relevant for Protecting the Rights of Irregular Migrants	40
2.3.2. The African Union Human Rights Instruments.....	47
2.3.3. National Legal Regime that Protects the Rights of Migrants	50
2.3.3.1. The Federal Democratic Republic of Ethiopia (FDRE) Constitution	50
2.3.3.2. The Revised Criminal Code of 2005	51
2.3.3.3. Employment Exchange Services Proclamation No. 632/2009	53
CHAPTER THREE: ANALYSIS AND DISCUSSION	56
3.1. THE MAIN CAUSES OF IRREGULAR MIGRATION AND EXPECTATIONS OF MIGRANTS.....	56
3.1.1. The Push Factors	56

3.2.1.1.	Economic Factors	56
3.1.1.1.	Social Pressures.....	59
3.1.1.2.	Gender Violence.....	62
3.1.1.3.	Legal and political Factors	64
3.1.2.	The Pull Factors.....	65
3.1.3.	Expectations of Migrants before Migration.....	67
3.2.	THE INVOLVEMENT OF VARIOUS ACTORS AND THEIR ROLE IN THE IRREGULAR MIGRATION PROCESS	68
3.2.1.	The Family and Its Role	68
3.2.2.	The Role of Migrants.....	70
3.2.3.	The Role Brokers and/or Smugglers	71
3.2.4.	The Role of Government	74
3.3.	The Preventive Measures	75
3.4.	THE MAJOR CHALLENGES AND HUMAN RIGHTS VIOLATIONS DURING THE ENTIRE IRREGULAR MIGRATION.....	78
3.4.1.	Major Challenges and Human Rights Violations Migrants Face at Different Phases of the Migration Process.....	79
3.4.1.1.	During the Negotiation with Brokers and/or Smugglers.....	79
3.4.1.2.	During the Journey	81
3.4.1.4.	The Conditions under Police Custody.....	90
3.4.2.	Means of Returning Home and Reintegration.....	92
4.1.	Conclusion.....	95
4.2.	Recommendations	96
	Bibliography	99
	Appendix A: Interview Guide.....	104
	Appendix B: FGD Guide	113
	Appendix C: List of Tables.....	114
	Appendix D: Map of Long Distance Irregular Migrant Routes from Ethiopia	115
	Appendix E: Map of Ethiopian Irregular Migrant Returnees from the KSA	116

Abstract

In Ethiopia academic and policy oriented researches have been conducted by various stakeholders focusing on international migration. Most of these researches are conducted in relation to the international migration of Ethiopians to the Middle East countries mainly focusing on trafficking, vulnerability of women towards trafficking, causes of migration, abusive work condition in the destination countries, the role of remittance in Ethiopian economy, the role of PEAs in facilitating migration and various human rights violations faced to the migrants at the country of destination. This study deviates from the other due to the fact that it focused exclusively on the irregular migration of girls in Tigray Regional State and the human rights violations they faced during the desert and sea routes. The study additionally aims at exploring the root causes of girl children's irregular migration, the role of different actors in facilitating their migration and the treatment of brokers/smugglers towards the migrants in the desert route and sea voyage being a girl. Moreover, the study focused on the girls who didn't achieve their migration goals. To achieve this, the thesis is conducted in a critical qualitative research approach and employed in-depth interview, key informant interview and focus group discussion in addition to the analysis of relevant literature as secondary data source to solicit the necessary information for the research. The research found out that girls are pushed by poverty, socio-cultural practices of the community, gender discrimination and related issues while they are attracted by the stories of better life and salary. Moreover, the findings show that the girls had countless human rights violations in the entire desert journey and sea voyage, in destination and in the custodies where they were detained. Thus, the researcher believed that the outcomes of the study will be helpful to all stakeholders to take the necessary measures to end the misery of many Ethiopian girls in the entire irregular migration process.

Keywords: *Girls, Irregular Migration, Migration, Trafficking in Persons, Smuggling Migrants Irregular Migration Returnee Girls and Woreda Sa'esi'e Tsa'edamba.*

**THIS STUDY IS DEDICATED TO ALL EHIOPAINS WHO LOSTS THEIR LIFE
BECAUSE OF IRREGULAR MIGRATION**

LIST OF ACRONYMS

AU	Africa Union
BoLSA	Bureau of Labor and Social Affairs
BoWCA	Bureau of Women and Children Affairs
CAT	Convention Against Torture
CEDAW	Convention for the Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of Children
ETB	Ethiopian Birr
FDRE	Federal Democratic Republic of Ethiopia
FGD	Focus Group Discussions
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDPs	Internally Displaced Peoples
IGAD	Inter-Governmental Authority on Development
ILO	International Labor Organization
IMISCOE	International Migration, Integration and Social Cohesion
IOM	International Organization for Migration

KSA	Kingdom of Saudi Arabia
LDCs	Least Developed Countries
MLA	Mutual Legal Assistance
MoFA	Ministry of Foreign Affairs
MoLSA	Ministry of Labor and Social Affairs
NGOs	Non-Governmental Organizations
OSCE	Organization for Security and Cooperation in Europe
PEAs	Private Employment Agencies
RECs	Regional Economic Communities
RSA	Republic of South Africa
TIP	Trafficking in Persons
UAE	United Arab Emirates
UNDP	United Nations Development Program
UNHCHR	United Nations High Commissioner on Human Rights
UNODC	United Nations Office on Drug and Crime
UNTOC	UN Convention against Transnational Organized Crime
US	United States
USD	United States of America's Dollars

CHAPTER ONE: INTRODUCTION

1.1. Background of the study

Migration, which refers most generally to patterns of movements of persons from one place to another, is not a current phenomenon. Migration, which could be from one place to another within a country or from one country to another country for different reasons, has been an integral part of human history and activity since antiquity.¹ What is striking is that, today almost no country is untouched by international migration or is immune from its effects. International migration becomes one of the vital factors that influence the economic relations of the developing and developed countries in the 21st century. According to the World Bank report of 2013, the total stock of migrants in Sub-Saharan Africa reached 22 Million in 2013 while the total Ethiopian migrants were around 620,000 in 2010.² Whatever the forces that shape specific out flows, international migration has a number of distinct, though complex, consequences.³

Africa as a continent, throughout its history has experienced both regular and irregular international migratory movements beyond the internal regional movements, because of slave trade (forced migration), intra and inter-state war, ethnic fighting and drought. In Africa cross-border migration represents an important source of livelihoods and a coping strategy for ecological and economic downturns.⁴

In Ethiopia, international migration began mainly as a result of the political turmoil following the 1974 popular revolution. The young and educated Ethiopians migrated to the West because of the political instability of the country at the beginning. Later, however, the economic issues

¹Elias, A. (2013). Trafficking of Ethiopian Women and Girls to the Middle East,. Budapest: European University . Unpublished MA Thesis, P.1 Available at <https://www.google.com/search?client=opera&q=Women+andnGirls+trafficking+in+Ethiopia+pdf&sourceid=opera&ie=UTF-8&oe=UTF-8> (Last accessed 15/09/2014)

²Kokeb, G. M. (2014). The Impact of International Remittance on poverty, Household Consumption and Investment in Urban Ethiopia: Evidence from Cross-sectional Measures. In A. Bariagaber, *International Migration and Development in Eastern and Southern Africa* (pp. 213). Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA).

³Endalew, A. (2014). International Migration in Ethiopia: Challenges and Opportunities. In A. Bariagaber, *International Migration and Development in Eastern and Southern Africa*. (pp. 112-188). Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA).

⁴Bariagaber, A. (2014). International Migration and Development in Africa: Issues, challenges, and Policy Options. In A. Bariagaber, *International Migration and Development in Eastern and Southern Africa* (pp. 13-102). Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA).

became the main motive of Ethiopian migrants.⁵ Even though, international migration has a short history it is in rapid spread throughout the country. Within the Horn of Africa, for instance, Ethiopia is the major source country for labor migration to Saudi Arabia. Until the ban on labor migration to the Gulf States by the government, between 100,000 and 200,000 Ethiopian migrants migrated to Saudi Arabia annually through regular labor migration for the last three consecutive years. Irregular Ethiopian labor migration to Saudi Arabia is estimated to be double that size.⁶

Almost 160,000 Ethiopians have been deported from Saudi Arabia between November 2013 and February 2014. The Government of Ethiopia cooperates with a range of international organizations and NGOs (IOM is the leading agency) to provide return and reintegration assistance (including reception, medical and psychosocial support, onward transportation, temporary accommodation, family tracing and reunification and rehabilitation of victimized female returnees).⁷

One of the positive effects of out-migration from Ethiopia is the inflow of remittances from Ethiopian citizens who migrated abroad.⁸ Migration, and the remittance it brings, is increasingly vital to Ethiopia's economy since they are significantly related to poverty reduction.⁹ Indeed, the World Bank (2011) notes that Ethiopia is one of the world's 'top 10 remittance recipients', taking in nearly USD 400 million in 2010.¹⁰ This is remarkable, because Ethiopia does not have long migration history. However, while migration has been linked on both a national and a global level to a variety of positive outcomes for children in particularly through poverty alleviation, there is another side to the coin.¹¹ In many contexts, it may aggravate children's

⁵Kokeb, G. M. (2014... *Supra* Footnote 2, P. 214

⁶RMMS, T. R. (2014). *Blinded by Hope: Knowledge, Attitudes and Practices of Ethiopian migrants*. Nairobi: Swiss Agency for Development and Cooperation (SDC) & Danish Refugee Council (DRC). P.6 Available at http://www.regionalmms.org/fileadmin/content/rmms_publications/Blinded_by_Hope.pdf (Last accessed on 09/03/2015)

⁷Ibid

⁸United Nations Development Program (UNDP) (2009). Human Development Report 2009, Overcoming Barriers: Human Mobility and Development: New York, UNDP. P.32

⁹Nicola Jones, E. P.-M. (2014). *Rethinking girls on the move: The intersection of poverty, exploitation and violence experienced by Ethiopian adolescents involved in the Middle East 'maid trade'*. London : Overseas Development Institute. P. 3, Available at <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9307.pdf> (last accessk2ed on 11/01/2015)

¹⁰ Ethiopia is in the top among Sub-Saharan African countries, least developed countries (LDCs) and low-income countries (World Bank, 2011).

¹¹Nicola Jones, E. P.-M. (2014)... *Supra* Footnote9, P.6

vulnerability because they are particularly vulnerable to violence, exploitation and abuse during all stages of migration.¹²

In Ethiopia, where there has been a recent explosion of international migration to the Middle East, almost exclusively of girls and young women are migrating to engage in domestic work. There are grave concerns that migration is jeopardizing the present and future wellbeing of young Ethiopians.¹³ The migration industry also has many negative effects which include, among others, smuggling and human trafficking.¹⁴

In addition to this, Ethiopian adolescents are leaving the country irregularly to the Gulf States, Sudan, Libya, South Africa, Israel, and to the Western Europe for searching of better life. The Ethiopian youngsters are mainly move to the Arab world due to the geographical proximate to Ethiopia and to use as a transit for further migration.¹⁵ Many of these irregular migrants travel overland where they primarily transit through Djibouti, or alternatively Somaliland and Puntland. They then embark on boat journeys across the Gulf of Aden or the Red Sea to Yemen.¹⁶ Along the way, they experience harsh conditions, including beatings, torture, kidnappings and sexual abuse. However, despite numerous reports of abuse of Ethiopian migrants in Yemen (as well as in Saudi Arabia), Ethiopians have continued to migrate to the Gulf States in large numbers in recent years, indicating a strong ‘culture of migration’ in Ethiopia.¹⁷

The long difficult journey of the irregular migration leaves many malnourished, dehydrated, physically exhausted and in need of medical assistance. Violent criminal gangs that smuggle, traffic and kidnap migrants for ransom seem to operate with impunity that has led to a massive escalation of abuse of migrants. A large number of migrants who became victims of these gangs suffer from broken bones, burns, gunshot wounds, injuries related to sexual violence, malnutrition and trauma. Moreover, in 2012, one analysis estimated that, in recent years the number of “missing” women could hypothetically be as high as 19,000. Some of these women may have successfully found work in Yemen or crossed into Saudi Arabia.¹⁸

¹² UNDP. (2009)... *Supra* Footnote8, P.34

¹³ Nicola Jones, E. P.-M. (2014)... *Supra* Footnote9, P.6

¹⁴ Elias, A... *supra* footnote1 P,2

¹⁵ *Ibid*

¹⁶ *Ibid*

¹⁷ RMMS, T. R. (2014) ... *supra* footnote6 P.14

¹⁸ *Ibid*

This is recognized by the Ethiopian government, which recently issued a ban on work migration to the Gulf States after the crackdown of irregular migrants from KSA in November and December 2013, and until a lasting solution is found, on international work migration.¹⁹ However, the government banned the regular work migration to the Arab world not the irregular one since it is difficult to do and does not have control over. For instance, in the first three months of 2014, which is after the ban, there were two major fatal incidents. On 26 February 2014, at least nine Ethiopian migrants drowned after their boat capsized in the Gulf of Aden, just north of *Obock* in Djibouti. Seventeen people were in the boat and eight are missing. On 7 March 2014, a boat carrying 77 Somali and Ethiopian men, women and children left *Bossaso* in Puntland. The boat ran into strong winds and high waves off the coast of Southern Yemen; 44 people died and 33 were rescued by the Yemeni coastguard.²⁰

There is a perception by the irregular migrants which is, irregular migration is frequently found to be less bureaucratic and time consuming, cheaper and more rewarding. Migrants think that, those who migrate through the irregular channel have better chances of getting higher wages. Other perceived advantages include enjoying weekly breaks and more favorable working conditions. These perceptions seem to influence the decision to use the regular or the irregular route.²¹

This problem is pervasive at the local level of the study area of *Woreda Sa'esi'e Tsa'edamba* too. Migration in the study area becomes as a culture of habitual practice which migrants out flow by irregularly crossing borders in organized way collectively either based on the assistance of family or relatives or singly with the help of smugglers and brokers. Sometimes irregular migration becomes a household decision rather than an individual decision. It is common belief that the young boys and girls have in their mind, migration as the only means of achieving better life and widening choices. Now the youngsters are becoming indoctrinated of migration because of the prevalence and wide spread of migration in the area. The habitants are irregularly migrating to different corner of the world via overseas, oceans and deserts routes illegally.

Ethiopian girls are not competent in economic, political and education terms with their boys counter parts. This is mainly due to the work burden at home on them and the cultural

¹⁹Nicola Jones, E. P.-M. (2014)... *Supra* Footnote9, P.9

²⁰RMMS, T. R. (2014) ... *supra* footnote6 P.14

²¹ Nicola Jones, E. P.-M. (2014)... *Supra* Footnote9, P12

stereotype. Many girls in the study area are using this route to leave the country not only to improve their life but also to help the family. It is also believed that girls are more exposed to human rights abuse during the desert and oversea journey. Sexual abuse, beating, kicking, punching, rape starvation, thirsty and death are among the human rights violations the girls faced in the entire journey of irregular migration. The rationale of this study is mainly to explore the experiences of human rights violations of irregular migrant girls in their journey to different corners of the world.

1.2.Statement of the Problem

Ethiopia being one of the most populated countries in Sub Saharan Africa, with three-quarters of its general population consists of women and children that are exposed to widespread poverty, is one of the countries known as major exporters of labor to the Gulf Regional States.²² Due to existing cultural values which are common mainly in rural Ethiopia, women have limited access to education and training opportunities. Hence, as compared to men, women have lesser access to employment.²³ This made the country as one of the countries of origin for internationally irregular migrants and trafficking women and children.²⁴

They are not competent in the employment of their country mainly due to the socially constructed gender roles and devalued positions they are given in the society. The combination of poverty, unemployment, gender inequality (the low status of girl children), which profoundly influences their access to education and employment and poor law enforcement on the brokers enforce girls to consider migration as the only survival strategy. Seeking better job opportunity and income, the Ethiopian women and girls become the victim of irregular out-migration and in return trafficking. Whatever, the practice is exposed to overt violation of human rights starting from the journey to living or working condition in the destination countries, Ethiopian girls are preferred to leave their country due to the poverty, culture of migration in their community, false promise of brokers and their economic incompetence.²⁵

²² Ibid

²³ Bezabih, T. (2008). *Trafficking of women and children to Alert area in Addis Ababa for Sexual Exploitation*. Addis Ababa: Addis Ababa University. P.24

²⁴ U.S, U. S. (2012). *Trafficking in Persons (TIP)*. Washington DC, USA: United States Department of state. Available on <http://www.unhcr.org/refworld/docid/4e12ee7e37.html> (Last accessed 16/10/2014)

²⁵ Anteneh, A. (2011). *Trafficking in Persons Overseas for Labor Purposes: The Case of Ethiopian Domestic Workers*. Addis Ababa: International Labor Office (ILO). P. x. Available at, http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/genericdocument/wcms_207325.pdf (Last accessed 23/10/2014)

It has been common to see a stream of young girls queue at the check-in of the Bole International Airport in Addis Ababa, most of them excited about their future thinking their dreams is becoming true. Yet for most their dream becomes a nightmare when they face the reality of a slave like forced labor and mistreatment.²⁶

Irregular migration to domestic works abroad deprived girls from their human rights of equality, freedom of movement, freedom even to return to their home country, decent conditions of work, and protection from abuse and so on. Ethiopians living-in domestic work are highly dependent on their employers in the provision of accommodation that makes them vulnerable to fall under full control of their movement by employers.²⁷

Only through the *Metema* route in northern Gondar in *Amhara* Regional state, around 75,000 to 100,000 Ethiopians have used a one month tourist visa to cross the border using bus according to the information from the Federal Democratic Republic of Ethiopia (FDRE) Ministry of Foreign Affairs (MoFA) in 2010.²⁸ One can imagine from the above paragraphs that how many Ethiopians are leaving the country through other routes such as *Logia*, Djibouti and even through the Bole International Airport though, it is temporarily closed after the crackdown against illegal immigrants in Saudi Arabia last year.

Even though all persons including men, women, youth and children are part of irregular migration and victims of trafficking in persons, the women and children mainly, girls are particularly vulnerable to the most bitter physical and psychological inhuman treatments in magnitude and intense. Violent death, sexual exploitation, rape, beatings, insult and intimidation are among other violation which they experience starting from the voyage to the deportation and working place.²⁹

²⁶Emebet, K. (2002). *Ethiopia: An Assessment of the International Labor Migration Situation, the Case of Female Labor Migrants*. Geneva: GENPROM Working Paper No.3,. P.12 Available at http://www.oit.org/wcmsper5/groups/public/--ed_emp/documents/publication/wcms_117931.pdf (Last accessed 21/09/2014)

²⁷Selamawit, B. W. (2013). *The Vulnerability of Ethiopian Rural Women and Girls: The Case of Domestic Workers in Saudi Arabia and Kuwait*. Unpublished, MA Thesis, Uppsala University, UPPSALA. P.1 Available at, <http://uu.diva-portal.org/smash/get/diva2:624613/FULLTEXT01.pdf> (Last accessed 13/10/2014)

²⁸MoFA. (2010). The Situations, Causes of and Recommendations to Eliminate Human Trafficking and Smuggling in Ethiopia. In S. G/egziabher(2013), *Thk2e Situation of Trafficking Women From Ethiopia to Sudan: The Case of Metema Route* (pp. 20-25). Addis Ababa: *Unpublished* MA Thesis Addis Ababa University, Center for Human Rights.

²⁹Shewit, G. (2013). *The Situation of Trafficking Women From Ethiopia to Sudan: The Case of Metema Route* . Addis Ababa: Unpublished MA Thesis, Addis Ababa University, Center for Human Rights. P.3

Looking this problem at the local level, irregular cross border migration become common phenomenon in different corners of the country's regions with different degree and intensity from region to region and even from *Woreda* to *Woreda*. Like to other parts of the country, irregular out migration is rampant in Tigray national regional state especially, in Eastern zone. Furthermore, there is variation among the *Woredas* in terms of the experience, out flow number of migrants, prevalence and the prolonged culture of cross border illegal migration even in the specific part of Eastern zone of Tigray. From the *Woredas* within the eastern zone of Tigray regional state, *Woreda Sa'esi'e Tsa'edamba*, which among the drought prone areas in Tigray, is known for its long period experience of massive irregular out migration using of different migration routes by its habitants. Girls, like other citizens in the *Woreda*, are highly involved in irregular out migration. In addition to this, the geographic proximate of the *Woreda* to Eritrea and sharing a common border with the Afar Regional State, which is among the main routes of irregular migrants to Djibouti, has its contribution to the massive irregular migration of adolescents. Due to this, irregular migration of girls in *Woreda Sa'esi'e Tsa'edamba* is among the very widespread practices, if not the most. Many students drop out their education and march their foot towards the Gulf States, Sudan, Libya, Republic of South Africa (RSA) and Western Europe in search of better income and employment opportunities through different routes.

Even married men, women and those who have certificate, diploma, and first degree indifferent fields and recruited as primary education teachers and other low level governmental and non-governmental institutions are victims and become the actor of irregular migration and trafficking in the district when they think their income is not enough and have no additional income source. According to the personal observation of the researcher however, students who fail in grades eight, ten and twelve are the main victims since; they consider irregular migration as best alternative of employment. Irregular migration becomes the culture of the people or the community in the district. No one condemn if a girls thinks and/or wants to go abroad illegally rather they encourage her to do. Especially, the family helps her with money and moral.

Most of the literatures with regard to migration (internal and/or international) focus on trafficking of women and children in general not particularly on the irregular migration of girls³⁰.

³⁰ Meskerem, M. (2011). "Economic Experiences of Gulf States Returnee Ethiopian Women Domestic Workers", which emphasizes on the economic achievements of the Ethiopian domestic workers. Selamawit, W. B. (2013). "The Vulnerability of Ethiopian Rural Women and Girls: The case of Domestic Workers in Saudi Arabia and Kuwait",

Recent research on child migration is departing from earlier child protection-focused narratives that emphasized trafficking, and has tended to highlight agency and the way children's migration can play a key role in their future seeking. They have also acknowledging that young migrants in general are more vulnerable to abuse and exploitation. This shows that, different studies discuss the subject of irregular out migration in general and on all Ethiopian and on women and girls in particular. And some of them mainly focus, even they have differences, on the trafficking of women and girls facilitated by legitimate and licensed Private Employment Agencies (PEAs) and exploring the practical gaps the provisions of the Employment Exchange Services has in the protection of the rights of Domestic Workers in Saudi Arabia and Kuwait.³¹

Others emphasize on illegal means and routes of migration facilitated by illegal brokers. With the establishment of PEAs since 1998, using legal employment agencies for recruitment and travel process is encouraged and promoted by government as a safer way of labor migration. Still other papers emphasize on the route of trafficking women and its features.³²

There has thus far been limited research directed at girls', rather than women's, migration. Attempts to disaggregate experiences by age, religion, economic status and location of origin have been fewer still. Most of the studies also put the human rights violations of irregular migrants in the entire journey of the migration. They focus on the abusive work environment in the destination. Thus, the research would fill this gap by focusing particularly on girls in Tigray Regional State.

This elevated and serious problem of girls' migration from Ethiopia in general and in the study area in particular and the human rights violations they face in the desert and sea journey by the smugglers, fellow travelers, gangs and patrol officials initiated the researcher to conduct the research. In addition to this, there is no researcher conducted precisely on the irregular migration of girls in Tigray Regional State. The government and other stakeholders do little in

this too focuses on what makes the Ethiopian women more vulnerable to trafficking than men. Shewit, G. (2013). "The Situations of Trafficking Women from Ethiopia to Sudan: The case of Metema route." This paper also focuses on the trafficking of Ethiopian women only through Metema route and to Sudan. Felegebrhan, B. (2013). "Migrants on the Move: The Multifaceted Human Rights Violation in the Process of Migration", which focuses the human rights violations the Ethiopian women migrant face during the migration process. It emphasizes on the human rights violation in their country to accomplish their migration process legally. Furthermore, the study by Animaw, A. (2011), and entitled as "Trafficking in Persons Overseas for Labor Purposes: The Case of Ethiopian Domestic Workers", also focused generally on persons.

³¹ Ibid, See the above Footnote30, Felegebrhan, B. (2013)

³² Ibid, See the above Footnote30, Selamawit, W. B. (2013)

preventing this issue. For this reason, the adolescents of the *Woreda* in general and girls in particular are migrating irregularly even after the crackdown of the irregular migrants from the KSA and the ban of regular migration by the Ethiopian government.

So the researcher believe that the study will help to the limited effort of the *Woreda* and Zone administration to come up with an organized data on the underlining of the causes that push the migrants crossing their border and face to the human rights violations so as, to combat the problem. Furthermore, the study is organized to present an overview of the general features of Ethiopian girls of victim of the irregular migration and its root causes so as, filling the gap of former studies and government attempts.

1.3. Research Objectives

1.3.1. General objective

The general objective of the study is exploring the difficult circumstances of irregular migrant of Ethiopian girls and the grave human rights they face during their voyage to the destination from the perspectives of human rights.

1.3.2. Specific objectives

- To identify the main push and/or pull factors which shaped the decision of girls to the irregular migration in the study area.
- To explore the main methods and/or techniques in which the smugglers or brokers employ to move girls from their local area.
- To assess the manner how the irregular migrant girls are treated during their journey to the destination countries.
- To scrutinize the kind of challenges and human rights violations irregular migrant girls face in different phases of their migration.
- To assess the different actors involved in the irregular migration process and their role in protecting or violating the rights of these migrant girls.
- To analyze the measures taken by national and local government and other stakeholders to combat the whole problem and identifying the obstacles to such efforts.
- To develop possible recommendations to be applied by government and non-governmental organizations in combating irregular migration.

1.4. Research Questions

- ✓ What are the main driving forces (the push/pull factors) that forces the *Woreda Sa'esi'e Tsa'edamba* girls to use the irregular out migration and to be the victims of smuggling and trafficking?
- ✓ Who are the actors involved in facilitating the irregular migration and what is their role in protecting or violating the rights of the migrant girls throughout the entire process?
- ✓ What are the methods and/or techniques employed by the smugglers/traffickers or other brokers in traveling the irregular migrant girls from one place to another until the destination country?
- ✓ How the irregular migrant girls are treated during their voyage from their local area through different routes and means of transportation?
- ✓ What are the different kinds of challenges faced and major violations of rights of the irregular migrant girls that takes place in different phases of the pre-departure period?
- ✓ What are the obstacles to the efforts in combating child irregular migration especially, girls' irregular migration in the study area?

1.5. Significance of the study

Conducting this study have the following contributions: it provides valuable information for concerned governmental and non-governmental bodies, as well as service providers, about the seriousness of the problems faced by irregular migrant girls in their journey from Ethiopia in general and from Tigray Regional State and the study area in particular.

The study also contributes in creating awareness and shed more light on the social and economical challenges in which the girl victims are facing, at home and in the destination country. Hence, stakeholders might also be encouraged to develop intervention programs to address victims' needs. The paper additionally, can serve as an initial reference for researchers and stakeholders who might be interested in conducting research at a larger scale on the area of irregular migration and on the wellbeing of irregular migrant girls. Last but not least, the study has grant access to up-to-date and reliable information and knowledge for the whole community, academicians, policy makers and other concerned stakeholders regarding to the situations of girls' irregular migration from Ethiopia through different routes and means of transportation and the human rights violations they face.

1.6.Scope of the Study

Even though all persons including men, women, youth and children are victims of and suffer from irregular migration and the human rights violations during the entire journey, girls are particularly exposed to the most bitter physical and psychological inhuman treatments in magnitude and intense. Violent death, sexual exploitation, rape, beatings and insult and intimidation are among other violation which they experience starting from the voyage to the deportation and working place as domestic workers. Based on this and to make the study manageable and comprehensively address the issues on time and with financial and material at hand, the study only address the issues of irregular migrant girls from Ethiopia through different routes and different means of transportation and the challenges, hardship and human rights abuse during their desert and oversea voyage.

In this regard, the study didn't cover all the challenges, human rights violations and other abuses faced by irregular migrant men, women and adolescent boys. The study didn't even cover the issues of migrant girls who use the services of the Private Employment Agencies (PEAs), whether with false age or other systems. In other words, the study never include the irregular migrant girls who arrive safe to the destination country and face many challenges and human rights violations because of the abusive work environment and the slave master relation with their employers.

In addition to this, the study didn't cover the accompanied minor girls who migrate irregularly. The study only gives consideration to the girls who migrate irregularly for labor case outside Ethiopia and those who face countless human rights violation in their journey. In this regard, the study has focused on the girls whose age is between fourteen and eighteen years and migrate irregularly alone searching better job opportunity and life in other states. The paper didn't cover the internal migration like urban-rural, urban- urban, rural-urban, and/or rural-rural migration of girls.

1.7.Limitation of the Study

The most common difficulties in conducting this research were, the hesitation of the girls to share their stories by the respondents since, irregular migration of girls includes sexual exploitation which is difficult to expose publicly; difficulty to access secrete documents such as the court cases of convicted brokers, and lack of well organized and up-to-date data showing full insight of the research area.

However, the researcher was psychologically ready to face this and other limitations throughout the study. The researcher made an effort to establish a good interaction approach with the informants through their friends and family members to make them more comfortable and confidential to narrate their experiences. Moreover, since the researcher is more familiar with the culture, language and traditions of the population in the study area, he had an advantage in establishing good relationship with informants. Passing all the above and other challenges including, the vast nature of the study area and difficulty to found informant girls, parents and to organize FGD participants, the researcher tried to present the complete picture of the problem. Furthermore, the researcher had applied all ethics of scientific social science research mentioned below.

1.8.Structure of the study

The study is organized into four chapters. Chapter one is an introductory part, a brief topical overview is given. Accordingly, the background to the study, statement of the problem, objectives of the study, research questions, the significance of the study, scope and limitation of the study, and research methodology part that deals with the methods and instruments to select samples, and to collect, analyze the data necessary to the study, in addition to the study are description are included in this chapter.

In chapter two different literatures are revised with the aim of getting a broader understanding and identifying research gaps. The global, regional as well as the national contextual overview of irregular migration in general, and girls' migration in particular, the main causes of this migration in line with different migration theories have also discussed. The difference and similarities among the irregular migration, trafficking in persons, and smuggling migrants is briefly discussed in line human rights approach in this chapter. International as well as regional

conventions, treaties and other human rights instruments were briefly analyzed in addition to the national legal human rights documents. In addition, a theoretical perspective that explains the issue under discussion is highlighted in this chapter. In Chapter three the information obtained through interview, observation, focus group discussion and from official document is analyzed. The experiences of the irregular migration victim girls in the entire desert and sea journey have been given much emphasis in the discussion. Since the study is all about girls' migration, which means on female children, the information obtained from the parent informants had also given focus. The last chapter also provides the conclusion remarks and recommendation by the researcher and the participants.

1.9. Research Methodology

To achieve the intended objectives of the research paper and to come up with reliable findings, the study has employed a qualitative research approach. Qualitative research is supposed to gather an in-depth understanding of human behavior and the reason that govern such behavior. The qualitative method investigates *why* and *how* decision making is handled.³³ A qualitative is better suited to allow the researcher to investigate initial participant responses; by using open ended questions ask why or how with full freedom and flexibility. The main reason to use this method is to enable informants express their ideas in their own words freely and get the full picture of the situation.

Generally, Phenomenology as qualitative research inquiry is applied in this study. According to phenomenological perspective, a phenomenon under discussion is best perceived, thoroughly understood and narrated by the actors who have a lived first person experience.³⁴ As a third person who have an indirect knowledge of a certain phenomenon, gathering data applying phenomenological approach allows the researcher obtain deep perceptions and understanding through the qualitative research methods; interview, discussions, observation and other relevant methods as it is directly experienced by the subjects in the life world.³⁵

³³Ytayew, A. & Wendemagegn, T. (2013). *Human Rights Research: A Practical Guidebook on Methodology and Methods*. . Addis Ababa : Addis Ababa University Press. P.139

³⁴King, N. Horrocks, C. (2010). *Interviews in Qualitative Research*. London : SAGE Publications Ltd. P. 79

³⁵ Ibid

Hence, the researcher has used the statement of irregular migration to the returnee girls to establish patterns of the experiences, treatments and human rights violations they face throughout their journey and in destination. In addition, supplementary data had been collected from other informants such as from the concerned governmental offices and the parents, to fill the information gaps appeared in due course.

1.9.1. Study Area Description

The practice of irregular migration, mainly girls migration, is not a single district's problem, but throughout the country, Ethiopia. However, in order to make manageable easily, the research limited its geographically coverage. The study is conducted in Tigray Regional State Eastern zone specifically, in *Woreda Sa'esi'e Tsa'edamba*. *Woreda Sa'esi'e Tsa'edamba* is one of the districts in Ethiopia, Tigray Regional state. Tigray Regional state has totally 7 Administrative zones and more than 48 *woredas* or districts.

To introduce the *Woreda*, *Woreda Sa'esi'e Tsa'edamba* is found Eastern zone of Tigray Regional state. The *Woreda* share a common border with Afar Regional State and *Woreda Erobe* in North, with Afar Regional State and *Woreda Atsbi Womberta*, in East, with *Woreda Kilite Awla'elo* in South, with *Woreda Hawzen* and *Ganta Afeshum*, in the West and with *Woreda Gulo Mekeda* in North Western. According to the 2012 National Census Report, the *Woreda* has 170,000 inhabitants who live in its 28 *kebelles*. *Fireweiny* and *Edaga Hamus* are the two main towns of the *Woreda* found in the main road from Addis Ababa, *Mekelle*, and *Axum*, and the former serves as the capital of the *Woreda* while the rest 23 *kebelles* are rural *kebelles* and the remaining 3 *kebelles* have small rural towns without municipality of their own.

The total area of the *Woreda*, according to the magazine prepared by the *Woreda's* office of Finance and Economic Plan to serve as statistical abstract and base line to different activities, is 1175 square Kilo meters or 116896.16 hectares. From this 20127 hectare is arable land while 96769.16 hectare is non-arable. Average annual rain fall of the *Woreda* is 596 mm. When we look to the land escape and the weather of the *Woreda's kebelles*, only the three *kebeles* (*Sewne*, *Meshul* and *Marwa*) are low-land while the rest are high-land.

Among the three types of soils found in the *Woreda*, the Sand covered 45%. And this soil type (the Sand) could serve as a raw material to 'Glass Industry'. The main crops cultivated in the

Woreda are Wheat and Sorghum. Maize (corn) and other vegetables and fruits mainly orange are also cultivated in the *Woreda* next to the above crops, mainly by irrigation.³⁶

Generally, *Woreda Sa'esi'e Tsa'edamba* is found Eastern zone of Tigray Regional State and located about 850 kilometers north of Addis Ababa and 90 kilometers north of *Mekele* the capital of Tigray Regional state.

1.9.2. Data Source

In order to conduct this research both primary and secondary data sources were employed. The data from primary sources were gathered from different categories of informants through in-depth, interviews, key informant interview, Focus group discussion and informal discussions. Direct observation was also employed in the natural settings and the activities and ideas of the subjects of the study were recorded at the spot. The primary data was gathered from interviews conducted in the in-depth and key informants interviews in *Woreda Sa'esi'e Tsa'edamba*. Since the *Woreda* comprises 28 *kebelles* which are difficult to cover all, the in-depth interviews with the irregular migration victim returnee girls and the parents were conducted in selected 6 *kebelles*.

In addition, the researcher has used primary sources from police officials and prosecutors, legal experts, office of Youth and Sports Affairs and other concerned government authorities to obtain firsthand information. With regard to secondary sources, data basically are gathered from books, journals, published and unpublished research papers, working papers, journal articles, reports, conference papers, newspapers and the internet and legal documents such as police and court case records, state documents and records, official statistics mass media outputs.

1.9.3. Sampling Techniques

The cost of studying an entire population was not done because of time and financial constraints. Hence, snowball non probability sampling method had been employed by the researcher to select respondents from the study area and/or population. It is difficult to effectively track the direct

³⁶ Most of the information about the *Woreda* is found in the Magazine, prepared by *Woreda Sa'esi'e Tsa'edamba* office of Finance and Economic for every five years and serve as statistical abstract and base line for some activities including, attracting investors. Some other information is gathered from the 2012 National Census and from the office of Youth and Sport Affairs of the *Woreda*.

victims and actors of the situation. That is why; snowball method has used to draw a line with irregular migrant returnee girls and other concerned stakeholders. This had helped the researcher to find and introduce new informants in similar situation.

Even though, sample size is highly subjected to the time, financial resources and man power available to the study, the researcher need to consider two criteria for “enough” number of participants. The first one is *sufficiency* when the researcher tries to enquire the number of participants sufficient enough to reflect the assortment of participants that make up the general population, the population represented in the sample might have a chance to connect to the experience of those participating in the research. The second criterion is *saturation* of information in which the researcher reaches the point of having the sense of hearing the same information repetitively and has no longer expects to learn something new. Hence, the researcher has used the principle of saturation by adding new subjects until the point is reached where the researcher feels that no longer encounters any new information.³⁷

1.9.4. Data Collection Tools

To carry out the study, the necessary data were collected from primary and secondary data sources. To achieve this, the researcher had used a combination of multiple data gathering instruments such as, in-depth interview, key informant interview, focus group discussion review of relevant literatures and document analysis.

1.9.4.1. Key Informant Interview (KII)

Even though, the researcher had used different techniques that are available for collecting information from primary sources, KII is considered as the most suitable instrument used in qualitative research. This is mainly due to the fact that, it is a rich source of data necessary to effectively explore people’s experience, views, aspirations and thoughts.³⁸ Accordingly, the primary data were collected from the irregular migration victim returnee girls, parents, families and relatives of the victims, using unstructured and semi-structured interview questions.

³⁷Greeff, M. (2005). Information collection. In H. S. A.S. De Vos, *Research at grass roots level: For the social sciences and human service profession. (3rd ed.)* (pp. 286-313). Pretoria: South Africa: Van Schaik.

³⁸Delport, C. S. (2005). The qualitative research report. . In H. S. A.S. De Vos, *Research at grass roots Level: For the social sciences and human service profession.(3rd ed.)* (pp. 350-354). Petoria: South Africa Van Schaik.

Respondents will be asked with combination of both open-ended and closed ended questions by the researcher. The closed ended questions are intended to answer very short and clear questions while the open-ended questions will allow the respondents to converse and reply to the questions raised by the researcher freely on their own thoughts. All the interviews were conducted in Tigrigna language and later were translated in to English for the sake of analysis.

The foremost participants of the study are girls of *Woreda Sa'esi'e Tsa'edamba* who have passed through and victimized by the irregular migration. The following table clearly shows the background of the key informants in this study

Table 1, General Background Information of Irregular Migrant Returnee Respondents

S. No	Selected Cases	Age of migrants	Educational Level	Religion	Marital Status	Kebelle	Destination Country
1	Case 1	15	7 th	Christian	Single	<i>Fireweiny</i>	Saudi Arabia
2	Case 2	14	5 th	Christian	Single	<i>Fireweiny</i>	Kuwait
3	Case 3	16	10 th	Christian	Single	<i>Edaga Hamus</i>	Saudi Arabia
4	Case 4	16	6 th	Muslim	Single	<i>Edaga Hamus</i>	UAE
5	Case 5	15	6 th	Christian	Single	<i>Sewne</i>	Oman
6	Case 6	17	9 th	Muslim	Married	<i>Sewne</i>	Lebanon
7	Case 7	16	8 th	Christian	divorced	<i>Guila Abenea</i>	Saudi Arabia
8	Case 8	16	10 th	Christian	Single	<i>Guila Abenea</i>	Sudan
9	Case 9	15	8 th	Christian	Single	<i>Welwalo</i>	Kuwait
10	Case 10	17	11 th	Christian	divorced	<i>Welwalo</i>	Saudi Arabia
11	Case 11	15	8 th	Muslim	Single	<i>Hawile</i>	Libya
12	Case 12	17	10 th	Christian	Married	<i>Hawile</i>	Saudi Arabia

The researcher used a variety of qualitative and participatory research instruments to explore the situations of girls' irregular migration, drawing on a purposively selected sample. Accordingly, Table1 is designed to describe individual girls' experiences of irregular migration and the ways in which these experiences shaped their broader wellbeing. Hence, a deeper insight into such perspective and experience was made possible through the interview with the irregular migration returnee girls in the table.

In addition to the information gathered from the irregular migration returnee girls about their experience, it was necessary to explore adults' perceptions of young migrants' experiences. Table2 comprises 12 informants from parents' of irregular migrants selected from six *Kebeles*. As clearly spell out in the table, they are diverse enough in terms of their sex, religion, age and educational background to represent the parents of irregular migrants in the *Woreda*. Their information was very important to know the role of families in irregular migration of the adolescents especially girls' migration. Their response help the researcher to explore the community level views on irregular migration of girls and what could be done to minimize irregular migration in the *Woreda*.

Table 2, General Background Information of Irregular Migrant Victim Parents

S. No.	Selected Cases	Sex	Education	Religion	Age	Kebeles
1	Parent 1	Female	No formal education	Christian	48	<i>Fireweiny</i>
2	Parent 2	Male	2 nd	Christian	56	<i>Fireweiny</i>
3	Parent 3	Female	No formal education	Christian	54	<i>Edaga Hmus</i>
4	Parent 4	Female	No formal education	Muslim	58	<i>Edaga Hamus</i>
5	Parent 5	Male	3 rd	Christian	62	<i>Sewne</i>
6	Parent 6	Female	No formal education	Christian	50	<i>Sewne</i>
7	Parent 7	Male	No formal education	Muslim	65	<i>Guila Abenea</i>
8	Parent 8	Male	No formal education	Christian	67	<i>Guila Abenea</i>
9	Parent 9	Male	2 nd	Christian	58	<i>Welwalo</i>
10	Parent 10	Male	4 th	Christian	70	<i>Welwalo</i>
11	Parent 11	Male	6 th	Muslim	55	<i>Hawile</i>
12	Parent 12	Male	4 th	Christian	66	<i>Hawile</i>

1.9.4.2. In-depth Interview

In-depth Interview is crucial data collection instrument to quickly obtain some information on highly complex and sensitive subject matters from particularly well-informed respondents in the study area³⁹. Hence, semi-structured in-depth interview was conducted with selected government officials government official such as police and judges, officials from the *Woreda* BoLSA, BoWCA, office of Sport and Youth Affairs, Justice and Security and officials from Eastern Zone of Tigray Regional State Court and, to supplement and triangulate the primary data collected from the irregular migration victim returnee girls and the victims' parents for expert analysis of these professionals. The following table clearly shows the background of the informants of the In-depth interviewees in this study.

Table 3, General Background Information of Respondents from Concerned Stakeholders

S No	Sex	Age	Educational Level	Institution's Name	Respondent' Position on the Institution
1	F	42	Diploma	<i>Woreda</i> Police Office	Crimes Examination and Fellow up Expert
2	M	34	Degree	<i>Woreda</i> BoWCA	Head of the Bureau
3	M	37	Degree (LLB)	<i>Woreda</i> Court	<i>Woreda</i> Court president
4	M	36	Degree (BA)	<i>Woreda</i> Justice and Security	Head of the Bureau
5	F	31	Degree (BA)	<i>Woreda</i> BoLSA	Vice head and Fellow up Expert
6	M	32	Degree (BA)	Youth and Sports Affairs	Head of the Bureau
7	M	43	Degree(LLB)	Eastern Zone of Tigray High Court	Eastern Zone High Court President

Table 3 includes informants from concerned governmental offices. They were selected because of their relevance to the problem in the study. Their position in the office and work experience in the field in addition to their willingness was considered. Since they are well informed respondents in the area, their participation helped the researcher to gain some insight on highly

³⁹ Greeff, M. (2005)... See Supra Footnote35, P.290

intricate subject matter which is difficult to the other participants. Such issues may include the difference between irregular migration and trafficking in persons, and what the law says about them. In addition, the information gathered from these Key informants was used to triangulate and supplement the primary data gathered from the irregular migration returnee girls and parents of irregular migrants. Furthermore, their participation helped the researcher to find out about relevant policies and programs shaping migration in general, children (girls) affected by migration specifically, and the types of services and responses available, and how well these are being implemented.

1.9.4.3. Focus Group Discussion

One Focus Group Discussion (FGD) has been used to elicit information from each concerned institutions for further clarity mainly regarding the strengths and weakness of the preventive measures taken to combat irregular migration of girls and to triangulate the data. For this study, the researcher has collected data through FG from the *Sa'esi'e Tsa'edamba Woreda* police official, community elders, BoWCA, Justice and Security, Preparatory school representative as well as from *Fireweiny Kebelle* representative (Town, capital of the *Woreda*). Selection of members was based on positions (in the departments relevant to the study problem) they have in the selected institutions, their work experience and knowledge they have in the area of irregular migration in general and child and/or girls irregular migration in particular in addition to the availability and willingness of the individuals to participate in the discussion.

The participants were composed of three women and five men with age range of 27 up to 65 years old. Selection of participants was based on their position in the department and relevance to the study and their willingness to participate, especially for those who are from the concerned governmental offices. The other participants (the community elders, the *kebelle* administrator and the teacher) were included purposefully to capture the community level perception of irregular migration of young people in the *Woreda*. Based on this, the discussion helped the researcher to identify areas of consensus and debate among the participant on the preventive measures taken by the concerned body to combat irregular migration. The exclusion of returnee girls in this FGD was mainly to avoid repetition since they are the part of KII and the difficulty to speak publicly what they face during the irregular migration.

Table 4, General Background of FGD participants

S No	Sex	Age	Educati on	Work Experi ence	Institutional Name	No. of Particip ants	Position of the Participants on the Institution
1	M	28	Degree	3 years	<i>Tekli-Sewuat</i> Preparatory School	1	Teacher & Anti- trafficking club coordinator
2	M & F	65 & 57	No formal educatio n	---	-----	2	Community Elder
3	F	29	Diploma	2 years	Wereda Justice & Security Office	1	Anti-trafficking case team leader
4	M	34	10 th	6 years	<i>Woreda</i> Police Office	1	Middle Rank Police Officer
5	M	31	Degree	4 years	<i>Kebelle</i> <i>Fireweiny</i>	1	<i>Kebelle</i> Administrator
6	M & F	30 & 27	Diploma & Degree	6 & 4	<i>Woreda</i> BoWCA	2	Training and Capacity Building Experts

1.9.4.4.Document Analysis

The researcher had analyzed the contents of the published and unpublished documents and literatures collected from diverse sources. The opinions, reactions, and views of prominent scholars, politicians, researchers and journalists in relation to irregular migration in general and child and/or girls irregular migration in particular was analyzed to back the information collected from the primary data sources (interviews and focus group discussions). To this end, a number of

literatures and legal documents were used in the study to elaborate the conceptual discussions on irregular migration.

The global, regional and national patterns of irregular migration, mainly irregular migration of girls as well as the role of international, regional and national human rights instruments in preventing irregular migration and prosecute the facilitators such as the brokers, smugglers and/or traffickers was analyzed and integrated in to the data gathered through the other method of the study.

1.9.4.5.Data processing and Analysis

Combining and synthesizing the collected data into meaningful patterns and themes was the next step taken in the research process. Accordingly, the qualitative data that were collected from both primary and secondary sources had been processed and analyzed by using recursive abstraction interpretative technique where data sets are summarized, and those summaries are then further and further summarized and at the end come to compact summary and conclusion of the collected data. In supplementing the expression, simple and unsophisticated tabulations were used. Furthermore, data were interpreted with regard to the critical research approach with the purpose of exploring the experience of the irregular migration victim returnee girls and the things really happened to them. Hence, the whole data collected through primary and secondary sources had incorporated into meaningful manner so that it provides a clear picture of the whole theme of the study.

1.9.4.6.Ethical Consideration

The researcher has follow all ethical principles of scientific social science research throughout the interaction with the people directly and indirectly participate and/or affected by the study. All informants of this research were informed about the purposes of the research and issues of confidentiality before the process of the interview proceeds. Before the data collection started at the site of the study, the researcher was submitting a letter to the selected institutions to introduce the purpose and aim of the research and thereby obtain permission to conduct the fieldwork. The researcher was also informed the informants of the study that their participation in the research is based on their full consent to develop an informed consent form; which were read before each interview proceeds. This was mainly done because the researcher believes that, this form

acknowledges the participants' rights are protected during the data collection process. Furthermore, some elements of the consent form which include: identification of the researcher, identification or clarification of the purpose of the research, clarification of the benefits their participation to the study, guarantee of confidentiality of the participant, and assurance that the participant can withdraw at any time.

The researcher also protected the privacy of the participants anticipating the possibility of harmful because of the disclosure of intimate information during the data collection process since the issue of irregular migration has many sensitive things including sexual exploitation. Hence, the respondents were informed that the researcher will made careful effort to avoid the potential risks which may appear following their contact with the researcher and they have the right not give any information to the researcher.

Furthermore, the researcher had also informed the informants that they are free to withdraw and discontinue participation in this project at any time without prejudice. He assured them even refuse to answer any question the researcher might ask you when they feel discomfort. Moreover, the researcher was ready to inform the concerned bodies if the respondent replied him by naming the person who exposed her to the violations of human rights by facilitate her migration.

Since the study is all about irregular migration of girls, (women less than 18 years old) the researcher was asked the consent of their parents. Accordingly, there was no conducted interview without the permission of the parents, and the full consent of the victims. After getting the affirmation of their consent to give the interviews, once again the researcher asked them whether they are voluntary to record their voices or not. Based on this, most of the interviewee gave permission to be recorded on tape. However, for those who feel discomfort and unwilling to be recorded on tape, the researcher used another option like taking notes. Lastly, the recorded interviews were transcribed in to written format to make them ready to analysis. In case of the interpretation of the data, the researcher tries his level best to provide accurate account of the information.

CHAPTER TWO: LITERATURE REVIEW & THEORETICAL FRAMEWORK

The aim of this chapter is reviewing the available literatures and legislative frameworks relevant to the irregular migration mainly to provide the conceptual discourses, realities and legal grounds with regard to girls' irregular migration. To achieve this objective, the chapter is divided in to three parts. Part one provides the conceptual discussion on irregular migration; including the definitions of key concepts and terms in the study, the difference and similarity of smuggling migrants with irregular migration, the difference between smuggling migrants and trafficking in persons. Part two includes the theoretical frameworks which particularly narrate the root causes of migration from different and multi-disciplinary perspectives. Finally in the third part, the international, regional and national legal frameworks relevant to the protection of the rights of irregular migrants are presented.

PART ONE: CONCEPTUAL FRAMEWORK

In this section, definition of terms, the rationale to use the term irregular migration, the general overview of migration and concepts related to migration as well as relevant literature of the experiences of irregular migrants will be elaborated. A variety of literature that was presented on the specific topic is evaluated in order to substantiate the subject matter.

2.1. Definitions of Terms and concepts

2.1.1. Migration

Migration as defined by the IOM (International Organization for Migration) is,

“a process of moving people, either across international border, or within a state. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people, asylum seekers, trafficked persons and economic migrants.”⁴⁰

⁴⁰(IOM), (2004). *International migration law, Glossary on migration*. Geneva, Switzerland: International Organization for Migration (IOM). P. 41

Migration affects every dimension of social existence, and develops its own complex dynamics. That is why; its study become multidisciplinary by its very nature.⁴¹ It is complex, wide and multi-dimensional phenomenon involving diverse methods and sub-thematic emerging from different disciplines of social science such as; geography, economics, sociology, political science, anthropology, law, and even methods of theoretical physics and statistics.⁴²

Migration is the movement of people from one place to another within a country or from one country to another country for different reasons. So, it is very close idea with the mobility of people and can be understood to involve the permanent and quasi-permanent relocation of an individual and/or group of individuals from their place of origin to a place of destination.⁴³

Migration can be intra-national (like rural-urban) or international (crossing international boarder) and regular or irregular. Hence the focus in this study refers to the discussion of the elements related to the pre-departure process involved for the international irregular migration and the violations of human rights during the process from the origin country (Ethiopia) to the destination country; especially on girls' irregular migrants.

2.1.2. Irregular Migration: Towards Terminology Convergence

There is a debate in the usage of terms among different scholars. Some prefer to use the term illegal migration while others try to replace with terms such as 'undocumented', 'unauthorized' or 'irregular' migration. A research, entitled "Illegal Migration and Gender in a Global and Historical Perspective", IMISCOE (International Migration, Integration and Social Cohesion in 2008, for instance preferred to use the term 'illegal migration'. It argues that, the other alternative terms are as problematic as the term 'illegal'.⁴⁴ Accordingly, 'undocumented' is ambiguous, since sometimes it is used to denote migrants who have not been documented and sometimes to describe migrants without documents however; neither situation applies to all illegal migrants. In addition, undocumented migrants who apply for asylum are not illegal.

⁴¹De Regt, M. (2010). Ways to come, Ways to Leave; Gender, Mobility, and Il/legality among Ethiopian Domestic Workers in Yemen. . *GENDER & SOCIETY*, Vol.24 No.2 , P.239.

⁴²Bijak, J. (2006). *Forecasting International Migration: Selected Theories, Models, and Methods*. . Central European Forum for Migration Research (CEFMR) and the International Organization for Migration (IOM). P.22, Available at <http://www.ppge.ufrgs.br/giacomo/arquivos/eco02268/bijak-2006.pdf> (Last accessed 29/01/2015)

⁴³Parnwell, M. (1993). *Population Movements and the Third World*. New York: Routledge. P.13

⁴⁴IMISCOE. (2008). *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam: International Migration, Integration and Social Cohesion (IMISCOE), Amsterdam University Press. P.11

Similarly, the term unauthorized, too, is often incorrect since not all illegal migrants are necessarily unauthorized. The term ‘irregular’ by itself is problematic since it is not clear to which rules or regulations it refers. Furthermore, the term ‘irregular migration’ leads to confusion, because it is also used to describe migration that takes place at irregular time intervals, as opposed to regular (seasonal) migration.⁴⁵ It concludes that, replacing the term ‘illegal’ because of its negative connotation does not help, since any new term will acquire a similar connotation in the light of how the topic is generally discussed.

In contrary to the above argument, several authors and international organizations have strongly criticized the use of the term ‘illegal migration’. They argue migrants can never be illegal themselves, only their activities can be regarded as such. Because of the association of illegality with crime, authors have suggested replacing the term ‘illegal’ with ‘undocumented’, ‘unauthorized’ or ‘irregular’. One best example is, the 2010 report by the International Council on Human Rights Policy entitled “Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence”. It says juridical and ethically, an act can be legal or illegal but a person cannot. So, using the term illegal is not advisable.⁴⁶ According to the report, entering a country in an irregular fashion, or staying with an irregular status, is not typically a criminal activity but an infraction of administrative regulations; such acts are, at most, a misdemeanor rather than a crime⁴⁷. Furthermore, the use of the term “illegal” is particularly unhelpful because it lends credence to the assumption that irregular migrants are always engaged in criminal activities.⁴⁸

Some convergence seems to be emerging on the use of irregular migration as the most appropriate word to refer to migrants whose status does not conform, for one reason or another, to the norms of the country in which they reside. The term “irregular” may refer variously to conditions of entry, stay and employment, including possession of appropriate documentation⁴⁹. Most commonly, irregularity is determined by reference to the norms of the country of

⁴⁵ Ibid, p.10

⁴⁶ ICHRP. (2010). *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence*. Geneva, Switzerland: International Council on Human Rights Policy (ICHRP). Available at, http://www.ichrp.org/files/reports/56/122_report_en.pdf (Last accessed on 01/29/2015), P.15

⁴⁷ Ibid, P.16

⁴⁸ Ibid

⁴⁹ Koser, K. (2005). *Irregular migration, state security and human security: A paper prepared for the Policy Analysis and Research Program of the Global Commission on International Migration (GCIM)*. London: University College London. P.12

destination or transit, although recent research has shown that irregularity is a multifaceted concept that is often not reflected in policy responses. Countries of origin with specific legislation governing employment of their citizens abroad may also consider the latter to be irregular when they do not comply with its provisions.⁵⁰

The use of the term ‘illegal’ can be criticized in at least three ways. First is its connotation with criminality. Most irregular migrants are not criminals. This has been emphasized by the UN Special Rapporteur on the Rights of Non-Citizens, whose final report recommends that: ‘Immigrants...even those who are in a country illegally and whose claims are not considered valid by the authorities, should not be treated as criminals’.⁵¹ Second, defining persons as ‘illegal’ can also be regarded as denying their humanity.⁵² It can easily be forgotten that such migrants are human beings who possess fundamental rights whatever their status. Third, and of particular concern to the Office of the United Nations High Commissioner on Refugees (UNHCR) cited in Khalid Koser (2005), is the possibility that labeling as ‘illegal’ asylum seekers who find themselves in an irregular situation may further jeopardize their asylum claims.⁵³

‘Undocumented’ and ‘unauthorized’ are the two other terms that are often used in this context. The former is avoided in this thesis because of its ambiguity. It is sometimes used to denote migrants who have not been documented (or recorded), and sometimes to describe migrants without documents (passports etc.). Similarly, not all irregular migrants are necessarily unauthorized, and so this term too is often used incorrectly. Another reason why it is recommended to use irregular migration as opposed to other terms is that, it is used by most organizations with a competence in migration, including the Council of Europe, International Labor Organization (ILO); International Organization for Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE) and UNHCR. So this study preferred to use the term ‘irregular migration’ to other terms because it is used by most of the international non-governmental and intra-governmental organizations and it does not have a negative connotation.

⁵⁰Koser, K. (2005)... See *Supra* Footnote49, p.13. See also the term ‘irregular migration’ was officially endorsed by the UN General Assembly Resolution 3349 (XXX) of 9 December 1975.

⁵¹E/CN. 4/Sub. 2/2003/23 The Rights of Non-Citizens, Final Report of the Special Rapporteur, submitted at the 55th Session of the UN, ESCOR, CHR, Sub-Commission on the Promotion and Protection of Human Rights. Par.29

⁵²Koser, K. (2005)... See *Supra* Footnote49, p.13.

⁵³ Ibid

2.1.3. Irregular Migration

Although there is no clear or universally accepted definition of the phrase ‘irregular migration’, it is the movement of persons that takes place outside the regulatory norms of the sending, transit and receiving countries⁵⁴. From the perspective of destination countries, irregular migration is an illegal entry, stay, or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country⁵⁵. From the perspective of the source country, the irregularity is seen, for example, in cases where a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country⁵⁶.

2.1.4. Irregular Migrants

Before looking in to the definition of irregular migrants, it is better to define the term migrant. According to the UN 1998, cited in Parsons, R., et al, (2007), a migrant is “*any person who changes his or her country of usual residence*”, although the residence may refer to a change in both of residence and of residential status.⁵⁷ For IOM, the term migrant is understood to cover all cases where the decision to migrate is taken freely by the individual concerned for “personal convenience” without intervention of an external compelling factor.⁵⁸

Other definition of the term ‘migrant’, according to the International Council on Human Rights Policy, is;

*Persons who are outside the territory of the state of which they are nationals or citizens, and are in the territory of another state; or Persons who do not enjoy the legal recognition of rights which is inherent in the granting by the host state of the status of refugee, permanent resident or a similar status; or Persons who do not enjoy legal protection of their fundamental rights by virtue of diplomatic agreements, particular visas or other agreements*⁵⁹.

⁵⁴IMISCOE. (2008)... See *supra* Footnote44, p.11.

⁵⁵International Council on Human Rights Policy (ICHRP) (2010)... See *supra* footnote46, p.29

⁵⁶ Ibid

⁵⁷Parsons, R. et al. (2007). *Quantifying International Migration: A Database of Bilateral Migrant Stocks*. World Bank Policy Research Working Paper 4165. P.35

⁵⁸(IOM), (2004)...See *Supra* Footnote40 P. 21

⁵⁹International Council on Human Rights Policy (ICHRP) (2010)... See *supra* footnote46, p.29

This definition applies to individuals who meet any of the above criteria, regardless of how they crossed the border, or whether their stay in a transit or destination country is legal.

An irregular migrant is a person who lacks legal status in a transit or host country. It refers to people who entered the territory of the state without authorization, as well as to those who entered the country legally and subsequently lost their permission to remain.⁶⁰

Currently, Western states define irregular migration as:

“1, crossing borders (leaving or entering a country) without the consent of authorities sending, transit and receiving country; 2, crossing a border in a seemingly legal way though using false documents or using legal documents in a false way, or by making use of bogus marriages or impostor relatives; 3, staying in a country after the expiration of legal status.”⁶¹

In reality, however, the meaning of irregularity shifts across time and space.⁶²

2.1.5. Smuggling Migrants

Smuggling of migrants can be defined as, from a sociological perspective so as, to include every act on a continuum between altruism and organized crime, “every act whereby an immigrant is assisted in crossing international borders whereby this crossing is not endorsed by the government of the receiving state, either implicitly or explicitly.”⁶³

In addition to this, smuggling of migrants is a crime defined under international law 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 of which the person is not a national or a permanent resident”, according to article 3 (1) of the Protocol against the Smuggling of Migrants by Land, Sea and Air (the Smuggling of Migrants Protocol).⁶⁴

⁶⁰ Ibid

⁶¹ Ibid, p.14

⁶² IMISCOE. (2008)... see supra footnote44, p.10.

⁶³ UNODC. (2011). *Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications*. Vienna: United Nations Office on Drugs and Crime (UNODC). Available at, http://www.unodc.org/documents/human-trafficking/Migrant_Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf (Last accessed on 24/02/2015), P.1

⁶⁴ The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Crime, General Assembly Resolution 55/25 of 15 November, (2000), Article 3 (1). Available at http://www.uncjin.org/Documents/convention/dcatoc/final_documents_2convention_smug_eng.pdf (last accessed on 22/11/2014)

Article 6 of the Smuggling of Migrants Protocol, requires States to criminalize both smuggling of migrants and enabling a person to remain in a country illegally in order to obtain, directly or indirectly, a financial or other material benefit, as well as to establish as aggravating circumstances acts that endanger the lives or safety or entail inhuman or degrading treatment of migrants. By virtue of article 5 of the protocol, migrants are not liable to criminal prosecution for the fact of having been smuggled. It is therefore understood that the Protocol aims to target smugglers, not the people being smuggled.⁶⁵ In other words, the Smuggling Protocol didn't criminalize the smuggled persons but the smugglers.

2.1.6. The Difference and Similarities between Irregular migration and Smuggling Migrants

The relationship between irregular migration and smuggling of migrants has been discussed in the literatures, with most authors acknowledging the crucial role of smuggling of migrants in facilitating irregular migration.⁶⁶

The legal definition of smuggling of migrants finds wide acceptance among the academic community, which usually refers to articles 3 and 6 of the Smuggling of Migrants Protocol as clearly explained in next sub topics. Contrary to the concept of smuggling, the notion of irregular migration does not have a universally accepted definition; however, most academics and experts refer to the definition provided by IOM, which highlights that the most common forms of irregular migration are illegal entry, overstaying and unauthorized work.⁶⁷

In looking at the relationship between the two concepts, one should stresses that smuggling of migrants plays a crucial role in facilitating irregular migration, as smugglers may provide a wide range of services, from physical transportation and illegal crossing of a border to the procurement of false documents.⁶⁸ In addition to this, both irregular migration and smuggling migrants involve crossing international border by violating the immigration laws and requirements of the source, transit and/or the destination countries.⁶⁹ Irregular migration most of

⁶⁵ Ibid, Article 5

⁶⁶ Heckmann, F. (2007). *"Towards a better understanding of human smuggling"*. IMISCOE Policy Brief, No. 5. P.39

⁶⁷ UNODC, (2011)... See *supra* footnote63, P.3.

⁶⁸ Heckmann, F. (2007)... See *Supra* Footnote66, P.40.

⁶⁹ Agrinet. (2004). *Assessment of the Magnitude of Women and Children Trafficked With and Outside of Ethiopia* . Addis Ababa: Country Office Addis Ababa: International Organization for Migration (IOM). P.1

the time, is performed with the help of smugglers or brokers. Furthermore, all the smuggling migrants are also irregular migrant however the reverse is not always true.⁷⁰

Irregular migration is conducted by the migrant themselves. But the smuggling migrants cross the border of the transit and/or destination without proper documentation with the help of the smugglers. The relationship between the smuggler and the migrant is a commercial transaction, which ends once the migrant has crossed the border. The main source of profit of smugglers is the fees they charge for moving people across borders.

In the legal review, smuggling migrants is a transnational organized crime mainly violates the immigration law. According to the Protocol against the Smuggling of Migrants by Land, Sea and Air, as known as the Smuggling Protocol, also supplementing the UN Convention against Transnational Organized Crime (UNTOC), smuggling migrants has three constituent elements. These are procuring the illegal entry of another person; transporting into another state and mainly for the purpose of financial or material gain.⁷¹ It is thus important to recall that the objectives of UNTOC and the two protocols are to prevent and combat organized crime (Article 1 of UNTOC); and to prevent and combat the smuggling of migrants and trafficking, while protecting the rights of smuggled migrants and victims of trafficking.⁷² The decision of the drafters to focus on the smugglers rather than the migrants is also reflected in Article 5 of the Smuggling Protocol, which provides that: “Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in Article 6 of this Protocol.”⁷³

In general, there is no international instrument which criminalizes the irregular migrants, smuggled and trafficked persons. However, the revised criminal code of Ethiopia criminalizes the acts of the migrants themselves who violate immigration laws, even for humanitarian reasons, just as it criminalizes the acts of smugglers who profit from these activities.⁷⁴

⁷⁰ Ibid

⁷¹ The Smuggling Protocol, article 3(a)... See *Supra* footnote64

⁷² Rakeb, M. (2013). *Legal Review of National Legislation Related to Human Trafficking and Forced Labour in Ethiopia*. P.26-28, Adiss Ababa: Ministry of Justice and MoLSA in collaboration with ILO.

⁷³ The Smuggling Protocol, articles 5&6... See *Supra* footnote64

⁷⁴ The Criminal Code of Federal Democratic Republic of Ethiopia, Article 243 (1) Proclamation No. 114 of 2004, enter in to force April, 2005

2.1.7. Irregular Migration Vs Trafficking in Persons

There is no clear or universally accepted definition of irregular migration. Irregular migration is ‘the movement of persons or people that takes place outside the regulatory norms of the sending, transit and receiving countries’.⁷⁵ From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in that country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfill the administrative requirements for leaving the country. It is the movement of people from one country to another without respecting the immigration requirements of the transit and destination country. From this one can conclude that, irregular migration is a crime committed by the migrants against the immigration laws and procedures of the destination country.⁷⁶

On the other hand, trafficking in persons is an organized action of recruiting, harboring and transporting of the trafficked people for the sake of exploitation⁷⁷. In the act of trafficking in persons, there must be an organized second party who involve in facilitating the process and called *traffickers* or *brokers*. These traffickers enforce, deceive, or abuse the trafficking persons to be involved in the process of trafficking.⁷⁸ The main difference between the two concepts is the victims of trafficking in persons are not criminals of the transit or destination country like the irregular migrants rather; they are the victims of the traffickers or brokers trap.

Trafficking persons may cross the borders of the transit country and enter the destination country illegally like irregular migrants, but they were initially either influenced, or deceived by the brokers or recruiters. The recruitment, transportation, transfer, harboring or receipt of child for exploitation by itself is also trafficking in persons even though it does not involve any means of the threat or use of force or other forms of coercion, deception, and consent.⁷⁹

⁷⁵IMISCOE. (2008)... See *supra* Footnote44, p.11.

⁷⁶ Shewit, G. (2013)... See *Supra* Footnote29, P.15.

⁷⁷The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, General Assembly Resolution 55/25 of 15 November, (2000), also commonly known as the Palermo Protocol, Article 3. Available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_docum/htm Last accessed on 22/12/2014

⁷⁸ Ibid

⁷⁹ Ibid

Trafficked persons are under the yolk of brokers and didn't possess the capacity to control themselves. Trafficking in persons is an action similar to the enslavement and selling of individuals or people for financial or material benefits. So, the criminals are the traffickers who enslave people for the purpose of exploitation, including 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, not the trafficked persons.⁸⁰

The other important difference between irregular migration and trafficking in persons is, the former always takes place in crossing international borders and without respecting the regulatory norms of the source, transit and destination countries. However, the latter could be performed lawful procedures and illegal activities in intra and/or inter states.⁸¹ Persons may be trafficked even though; they left their country legally, like having tourist visa, family visit, marriage and other practices. But this is deliberately done by the brokers in the source and destination countries via their network. Generally, while irregular migration use always illegal means to enter in to the destination country, trafficking in persons may uses regular and irregular entry of victims to the destination country.⁸² Furthermore, all trafficking involves migration, but all migrations may not necessarily involve trafficking.

2.1.8. Human Smuggling Vs Human Trafficking

Smuggling of migrants must also be differentiated from the concept of trafficking in persons, defined under article 3 of the Trafficking in Persons Protocol as:

*The recruitment, transportation, transfer, harboring 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.*⁸³

According to UNODC, there are three basic differences between smuggling of migrants and

⁸⁰ Ibid

⁸¹ Shewit, G. (2013)... See *Supra* Footnote 29 P. 16

⁸² Agrinet. (2004)... See *Supra* Footnote 69, P. 3

⁸³ The Palermo Protocol, article 3. See *Supra* foot note 77

Trafficking in persons, as summarized below:

The first one is based on the *source of profit*; the primary source of profit and thus also the primary purpose of trafficking in persons is exploitation. In contrast, smugglers generate their profit through facilitating illegal entry or stay. After a migrant has been enabled to illegally enter or stay in a country, the relationship between migrant and smuggler usually ends.⁸⁴

The second point regarding to their difference is *trans-nationality*; smuggling of migrants always has a transnational dimension involving at least two countries. The objective of smuggling of migrants is always to facilitate the illegal entry or stay of a person from country 'X' in to country 'Y'. Trafficking in persons may also involve the illegal entry or stay of a person, but it does not always⁸⁵. The transportation and stay of a victim of trafficking in persons can also occur in a legal way. That is, victims of trafficking are not limited to the group of people who do not have legal opportunities to migrate. Moreover, it may occur up on regular migrants and within the home country of the victim without involving any border crossings.⁸⁶

The third one is *victimization*; smuggling of migrants does not necessarily involve the victimization of the migrant. Smuggled migrants generally give their consent to be smuggled. However, other crimes are often committed against smuggled migrants during the smuggling process, involving violence or endangerment.⁸⁷ It is also possible that smuggled migrants might retract their consent during a smuggling operation. In contrast to smuggling of migrants, trafficking in persons is always a crime against a person as it involves 'means of threat, use of force, deception and abuse of power of a position of vulnerability and giving or receiving of payments or benefits to achieve the consent of the trafficking persons to join the trafficking process.'⁸⁸ Victims of trafficking have either never consented, for instance, if they have been abducted or sold, or if they have given initial consent, their consent became meaningless because of the means the traffickers used to gain control over them, such as deception or violence.⁸⁹ In

⁸⁴UNODC, (2011), *see supra* footnote63, P.6

⁸⁵Horwood, C. (2009). *In Pursuit of the Southern Dream: Victims of Necessity, Assessment of the Irregular Movement of Men from East Africa and the Horn to South Africa*. Geneva: International Organization for Migration (IOM). P. 133

⁸⁶UNODC, (2011), *see supra* footnote63, P.6

⁸⁷ Ibid,

⁸⁸ The Palermo Protocol, Article 3... *See Supra* Footnote77

⁸⁹Shewit, G. (2013)... *See Supra* Footnote29 P. 16

addition, the legal division between smuggling and trafficking oversimplifies the demarcation between voluntary and involuntary processes of migration.⁹⁰

Beyond these differences, however, the two concepts are almost similar in practice. According to Rebecca Tailby, (2001), “smuggling” and “trafficking” in human beings are similar concepts. Although in theory there are some important points of distinction, in practice the boundary between these concepts can become blurred.⁹¹ The blurred relationship between these two concepts has been discussed intensively by academics, some authors arguing that there is no distinction in practice, as migrants may voluntarily use the services of smugglers and then find themselves in coercive situations and thus become the victims of traffickers.⁹²

According to some studies, activities of trafficking and smuggling overlap, and the overall market can be presented as a continuum between these two extremes, where many initial clients of smuggling operations can end up as victims of traffickers.⁹³ Furthermore, smuggling and trafficking are both money-spinning businesses involving human beings and organized criminal networks that make profits out of the process.

PART TWO: THEORETICAL FRAMEWORK ON THE CAUSES OF IRREGULAR MIGRATION

2.2. THEORETICAL FRAMEWORK

The purpose of this section is mainly to present different theoretical models that can explain the causes of migration in general and females’ irregular migration in particular. Looking or discussing different theories is needed mainly due to the fact that, each of the existing migration theories explain the actual phenomena only partially and therefore has a limited use in the forecasting of the causes.

2.2.1. Neo- Classical Economic Theory

The push-pull economic theory of migration, which is the first migration theory, perceives that the causes of migration depends on the combination of ‘push factors’ (such as, poverty,

⁹⁰IMISCOE. (2008)... see *supra* Footnote44, p.85.

⁹¹Tailby, R. (2001). “Organized crime and people smuggling: trafficking to Australia”. *Trends and Issues in Crime and Criminal Justice*, vol. 208 , P.123.

⁹²Aronowitz, A. (2001). “Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it” . *European Journal on Criminal Policy and Research*, vol. 9, No. 2 , P. 167

⁹³UNODC, (2011)... See *Supra* Footnote63, P.15.

unemployment, landlessness, rapid population growth, political repression, low social status, poor marriage prospects etc.) impelling people to leave their country of origin, and ‘pull factors’ (like, better income and job prospects, better education and welfare systems, land to settle and farm, good environmental and living conditions, political freedom) attracting them to the destination country.⁹⁴ Push-pull models dominated much migration thinking during the mid-twentieth century, until the 1960s if not later, and reflect the neoclassical economics paradigm, based on principles of utility maximization, rational choice, factor-price differentials between regions and countries, and labor mobility.⁹⁵

Neoclassical economic theory relates causes of international migration to economic considerations; labor supply and demand, wage differentials, and other factors are only secondary or subsidiary at best. It is worth noting that in the whole neoclassical approach, migration is a disequilibrium phenomenon, which ceases as soon as the equilibrium is reached.⁹⁶

As Massey et al. (1998) point out; the neoclassical model works at both the macro and the micro level. Macro-economically, migration results from the uneven spatial distribution of labor vis-à-vis other factors of production, above all capital. In some countries and regions labor is plentiful and capital is scarce, so the wage level is correspondingly low. In other countries the opposite pertains: abundant capital, labor shortages and high wages. The result is that workers move from low-wage to high wage economies.⁹⁷

At the micro level, migration is the result of decisions made by individual ‘rational actors’ who weigh up the pros and cons of moving relative to staying, based on abundant information about the options.⁹⁸ According to the interpretation of Russel King (2013) the results of this cost-

⁹⁴Massey, D.S. et al. (1993). Theories of International Migration: Review and Appraisal. *Population and Development Review*, 19(3): p, 437.

⁹⁵Bijak, J. (2006)... See *Supra* Footnote42, p.22

⁹⁶Harris, M. P. (1970). Migration, unemployment and development: A two sector Analysis. *American Economic Review*, 60(1), 126-145.

⁹⁷Massey, D.S et al. (1998). *Worlds in Motion. Understanding International Migration at the End of the Millennium*. Oxford: Clarendon Press. P.20

⁹⁸King, R. (2013). Theories and Typologies of Migration: An Overview and a Primer. *Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 3/12 Malmö University, Sweden*, P.14 Available at <http://www.mah.se/upload/forskningscentrum/mim/wb/wb%203.12.pdf> (Last accessed on 29/12/2014)

benefit calculus as a decision to migrate based on returns to the individual's investment in his or her human capital; which is later extended to the 'international immigration market'.⁹⁹

It was dominant migration theory so far. However, with the emergence of other approaches in this area notably; geography, sociology, psychology and of late population, this approach experienced some challenges. Based on this, it is criticized for its failure to predict the many causes of migration¹⁰⁰. This model could not predict, among others,

“... why so few people actually migrate, despite the apparent incentives to do so; and second, why some countries have high rates of out-migration whilst others, with the same structural economic conditions, have very low rates. And its manifest failures to consider personal, family or socio-cultural factors; to acknowledge a political reality of multiple barriers to international movement; to pay attention to the varied histories of colonialism that linked certain countries together and not others; and to take on board the systemic structuring of the world economy in terms of dependency and underdevelopment.”¹⁰¹

Empirical evidence from Asia show that economic indices like G.D.P unemployment rates does not necessarily explain patterns of female migration. Many of the major “sending countries” of migrant women (Philippine, India, Sri Lanka) have higher G.D.P per capita than non sending countries such as; Bangladesh, Pakistan, and Indonesia. According to the study by Oishi, (2000), the Massai of Tanzania in Africa, poor as they are do not emigrate like other groups.¹⁰² This substantiates the earlier point that economic indices fall short to explain what actually happens to individuals on the ground according to other study by J. Bijak (2006).¹⁰³

2.2.2. Structural Theory

This is a sociologist theory of migration, and explains migration in the context of centre-periphery dialectical relationship. It focuses on the element of economic exploitation of the less developed countries L.D.Cs, by the “core” nations in the international system. The main idea of this theory is that, workers from L.D.Cs are attracted to industrial labor markets. Low wages,

⁹⁹ Ibid

¹⁰⁰ Jamie, O. F. (2013). Gender and Migration in Africa: Female Ethiopian Migration in Post-2008 Sudan. *Journal of Politics and Law*; vol.6, No.1, P.188 Available at <http://ccsenet.org/journal/index.php/jpl/article/viewFile/25160/15669> (Last accessed on 26/12/2014)

¹⁰¹ King, R. (2013)...See *Supra* Footnote98 P.14

¹⁰² Ibid p, 154

¹⁰³ Bijak, J. (2006)... See *Supra* Footnote35 P.23

unfavorable conditions, lack of job security and unemployment at home country, are among the main determinants which expose emigrants to all types of exploitation in the developed nations. Supporters of this school like Samir Amin, cited in Jamie, F. O. (2013) views migration as part of the process of peripheralization of Africa in the global capitalist system¹⁰⁴. With regard to female migration, although in Africa data is scarce as most governments do not compile gender-related information, in Asia it was noticeable that multi-national corporations tend to recruit women because they are obedient, easy to fire depending on performance.¹⁰⁵

2.2.3. Household Theory

This theory is different from the above because it focuses on the decision making towards migration. In the context of this school individual's decision to migrate is considered to be taken by the family, not by individual migrant. This is probably true in many developing countries, where members of family play complementary roles in securing living on household basis to reduce impacts of financial risks, and to diversify sources of income of the family.¹⁰⁶ In many or most developing societies household authority or power to decide rests with the father who has much influence on females rather other than (male) family members. That is why many young women and girls migrate to support the income of the family not through their decisions but by the decision of the family leader. However, this didn't mean that young women and/or girls aren't migrating by their decisions.¹⁰⁷

2.2.4. Network Theory

According to this theory, the main factors of migration are personal, cultural and other social ties, where potential migrants benefit from experiences of their peers, who could possibly provide them with relevant information, and in some cases, help them adapt to the new environment in the receiving societies.¹⁰⁸ In such situation, these networks definitely encourage

¹⁰⁴Jamie, O. F. (2013)...See *Supra* Footnote100 P.189

¹⁰⁵Sassen, S. (1988). *The Mobility of Labor and Capital: A Study on International Investment and Labor Flow*. London: Cambridge University Press. P, 231 Available at <http://dx.doi.org/10.1017/CBO9780511598296> (Last accessed 21/12/2014)

¹⁰⁶Bijak, J. (2006)... See *Supra* Footnote42 P.27

¹⁰⁷McKenzie, D. J. (2008). A profile of the World's young Countries International Migrant . *Population and Development Review*, 34(1) , 115-135. Available at <http://dx.doi.org/10.1111/j.1728-4457.2008.00208.x> (Last accessed on 24/12/2014)

¹⁰⁸Jamie, O. F. (2013)...See *Supra* Footnote100 P.202

other migrants from sending countries to follow suit and by so doing contribute to the emergence of “culture of migration” in a sending community.¹⁰⁹ By doing so, migration could become a custom of the community, from unfavorable conditions of local societies, to the presumed better conditions across borders or overseas. The migrant culture is perceived as an activity with expected positive gains, what in turn contributes to changes in the human capital distribution of the source regions. In such a way, the ‘brain drain’ of a sending country can actually turn into the ‘brain gain’.¹¹⁰ Women tend to rely more on personal contacts than men. Some people believe that such networks usually exist between countries that have prior historical, geographical and political ties.¹¹¹ But general observation and empirical research both do not support this belief; as there is no link whatsoever between sending countries and receiving countries: for example between Saudi Arabia and Philippine or Kuwait and Sri Lanka.¹¹²

2.2.5. The Integrative Approach

In the light of the limitations of the other migration theories, and to provide coherent explanation for female migration Nana Oishi, (2000) proposed what she called “integrative approach” theory on female migration.¹¹³ This approach is designed to formulate an inclusive framework for better understanding of dynamics of female migration. This approach comprises the following three elements:

Macro- level: referring to the role of state which could through emigration policies determine patterns of migration; whether female migration is discouraged or otherwise. This could easily be noticed in cases of major “sending countries” of migrant women, where open emigration policies were adopted.¹¹⁴

Micro- level: reference here is made to the degree of autonomy individual women enjoy deciding on their affairs. In many cases in developing world degree of autonomy is very limited, considering socio- cultural variation between societies. Contrary to household theorists, recent

¹⁰⁹Massey, D.S. *et al.* (1993).. *See Supra* Footnote94. P.439

¹¹⁰Faist, T. (2000). *The Volume and Dynamics of International Migration and Transnational Social Spaces*. Oxford: Oxford University Press. P. 236-238

¹¹¹Jamie, O. F. (2013)...*See Supra* Footnote100 P.202

¹¹²Ibid

¹¹³Oishi, N. (2000). *Gender and Migration: An Integrative Approach*. The center for Comparative Immigration Studies. San Diego : University of California San Diego. P.204

¹¹⁴Ibid

surveys suggest that majority of migrant women from major sending countries made decisions by themselves.¹¹⁵

Meso-level: This includes societal response to female migration, and whether society recognizes or legitimizes female migration; (rural - urban or international migration), this perhaps determines ability of women to make such decision. Some societies or even countries discourage or ban female migration, while others are neutral or (open - minded) pragmatic towards the phenomena.¹¹⁶

PART THREE: INTERNATIONAL, REGIONAL AND NATIONAL INSTRUMENTS RELEVANT FOR PROTECTING THE RIGHTS OF IRREGULAR MIGRANTS

This sub title is mainly intended to discuss the various existing international, regional and national legal instruments that are framed for the protection of the rights of irregular migrants. It describes the forms of protection that are available in international, regional and national law on irregular migrants, including smuggled migrants. It tries to identify rights that all irregular migrants enjoy generally, and children and women in particular, regardless of how they travelled.

2.3.1. International Human Rights Instruments Relevant for Protecting the Rights of Irregular Migrants

Generally speaking, irregular migrants are in a precarious situation. They have no legal immigration status or citizenship of the country in which they reside, they lack specific attachment to the state in which they reside and often remain below the radar of national law.¹¹⁷

International human rights treaties adopted since the end of World War II confer legal form on inherent human rights and have developed the body of international human rights law which not only to protect the rights of the citizens of the given country but also to the nationals of other country in that country.¹¹⁸ In ratifying them, governments undertake to put in place domestic measures and legislation compatible with their treaty obligations and duties. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual

¹¹⁵ Ibid

¹¹⁶ Ibid P.203

¹¹⁷ ICHRP. (2010)... See *Supra* Footnote46, P.52.

¹¹⁸ Ibid

complaints or communications are available at regional and international level to help ensure that international human rights standards are indeed respected, implemented, and enforced locally.¹¹⁹

The most significant international human rights instruments in which the rights of irregular migrants provided is, the Universal Declaration of Human Rights (UDHR). The declaration provides for the basic human rights of individuals with no discrimination. The UDHR's article 1&2 clearly stipulates the equal rights of individuals regardless of any difference among them.

Other international human rights instruments which respect and protect irregular migrants' rights are;

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); the Convention against Torture, and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

All the above instruments except ICRMW don't contain specific references to the rights of migrants. However, their use of inclusive language (pronouns such as "everyone" and "no one") implies that their provisions must apply to all persons, regardless of their circumstances, except where specific reference is made to citizenship rights or lawful residence.¹²⁰

For instance, the ICCPR offered the following rights to everyone without discrimination; "right to life, liberty and security of person", the right to "recognition everywhere as a person before the law", the prohibitions on "arbitrary arrest, detention or exile", and the right against "arbitrary interference with [a person's] privacy, family, home or correspondence".¹²¹ In addition, all migrants are entitled to protection of their economic, social and cultural rights: in this respect the ICESCR entitles "everyone" to the rights to just and favorable conditions of work, to an adequate standard of living, and to the highest attainable standard of physical and mental health.¹²²

¹¹⁹ Ibid

¹²⁰ ICHRP. (2010)... See *Supra* Footnote 46 P.58

¹²¹ The International Covenant on Civil and Political Rights (ICCPR), General Assembly Resolution 2200A (XXI) of 16 December, (1966), Articles 3, 6, 9 & 12

¹²² The International Covenant on Economic, Social and Cultural Rights (ICESCR), General Assembly Resolution 2200A (XXI) of 16 December, (1966), Articles 7, 11, 12

There are also other international instruments which recognized the equality of individuals regardless of their differences. For instance, CEDAW is an important source of protection for migrant women. Even though, it is silent about the rights of migrants as such, it makes no distinctions when it obliges States Parties to adopt measures intended for women.¹²³ CEDAW covers, for example, the private circumstances of irregular migrants of domestic workers employed within the seclusion of private homes that are especially vulnerable to gender-based abuse; and family networks that exploit the many forms of disempowerment (legal, economic, gendered) from which undocumented migrant women suffer.¹²⁴

With respect to trafficking, Article 6 calls on states to “suppress all forms of traffic in women and exploitation of prostitution of women”.¹²⁵ The trafficking and exploitation of migrant women received further attention at the Fourth World Conference on Women (1995) and in the resulting Beijing Platform for Action. Whereas the report of the previous World Conference on Women (1985) solely addressed trafficking in women for prostitution, the Beijing Platform for Action also included forced labor in the definition.¹²⁶ The CEDAW Committee recently issued a General Recommendation on women migrant workers. It focuses particularly on women who migrate independently and for purposes of family unity, and on the situation of women migrant workers who are undocumented.¹²⁷ Noting that migration is not a gender-neutral phenomenon, it states that: “[R]egardless of the lack of immigration status of undocumented women migrant workers, States Parties have an obligation to protect their basic human rights.”¹²⁸ These obligations, which protect the human rights of women migrants at all stages of their journey, cover access to justice, cases of risk to life or to cruel and degrading treatment, cases where women face deprivation of basic health care, and cases where they are abused physically and sexually by employers and others.¹²⁹ The CRC, which defines a child as “every human being below the age of 18”¹³⁰, brings together previous provisions in a comprehensive document, much

¹²³ ICHRP. (2010)... See *Supra* Footnote 39 P.55

¹²⁴ *Ibid*

¹²⁵ The Convention on the Elimination of All Forms of Discrimination against Women General Assembly Resolution 20378, of 18 December, (1979), article 6.

¹²⁶ ICHRP. (2010)... See *Supra* Footnote 46 P.56

¹²⁷ *Ibid*

¹²⁸ CEDAW Committee, General Recommendation No. 26 on Women Migrant Workers, 2008.

¹²⁹ *Ibid*

¹³⁰ Convention on the Rights of the Child General Assembly Resolution 44/25, of 20 November, (1989), Preamble, para,2

of which is relevant to the situation of migrant children.¹³¹ The treaty is based on overarching principles, which apply to all children irrespective of status, including nationality and immigration status: that the “best interests of the child shall be a primary consideration” in all actions concerning children; and that “a child who is capable of forming his or her views [should have] the right to express those views freely in all matters affecting the child.”¹³² These principles have important implications for irregular migrant children, because they require states to treat them first as children, akin to domestic children, and only secondly as irregular migrants. The Migrant Workers’ Convention (ICRMW) represents the most comprehensive international legislative attempt so far to address the vulnerabilities of migrants through a human rights framework. It contains extensive civil, political, economic and social provisions which extend rights both to migrant workers and their families.¹³³ Premised on the principle of nondiscrimination, the Convention provides that *all* migrant workers should have the same protection of their fundamental human rights as nationals of the host country. The Preamble calls for appropriate action to “prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental rights.”¹³⁴ The Convention applies specifically to migrant workers and members of their families¹³⁵ and covers the entire migration process, including: preparations for departure; departure; transit; the entire period of stay and remunerated activity in the state of employment; and return.¹³⁶ The migrant workers covered by the treaty include those who are documented as well as those who are irregular or undocumented, the latter being defined as individuals who are not authorized to enter, stay, or engage in a remunerated activity, in the state of employment.¹³⁷

One of the most important achievements of the ICRMW is the explicit inclusion of irregular migrant workers within its scope, a departure from previous international legal provisions. Though the Convention reserves certain rights for legal workers only (such as the right to form trades unions, and the right to the same treatment as nationals regarding housing and social

¹³¹ CRC, article 1, clearly stipulates that, “... unless, under the law applicable to the child, majority is attained earlier”. See *supra* footnote 130, article 1

¹³² CRC... See *Supra* Footnote 130, Article 3(1)

¹³³ *Ibid*

¹³⁴ Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), Preamble, Para, 3.

¹³⁵ ICRMW, See *supra* footnote 135, Article 1(1). Article 2 provides definitions of “migrant worker” for the purposes of the Convention and Article 3 specifies who are not covered.

¹³⁶ *Ibid*, article 1(2)

¹³⁷ *Ibid*, article 5(1) and 5(2)

services), it lists fundamental rights that must be accorded to all migrant workers, whether or not they are resident legally. These rights apply to those who entered legally but overstayed their visas, and those who entered the country illegally.¹³⁸

For example, the ICRMW clearly states that, “*No migrant worker* or member of his or her family shall be held in slavery or servitude. No migrant worker or member of his or her family shall be required to perform forced or compulsory labor”. It also illegalizes for anyone, except public officials “duly authorized by law”, to confiscate or destroy identity documents, work permits or residence permits, thus prohibiting employers from confiscating the passports of their migrant employees.¹³⁹

The International Labor Organization (ILO) and its several conventions, has been played a crucial role in protecting the rights of regular and irregular migrants. Though individuals cannot take cases to court to enforce their rights under ILO conventions (as they can with some human rights instruments), their assertion of minimum standards establishes a framework for rights enforcement.¹⁴⁰ Most ILO conventions also deal with migrants incidentally, or insofar as migrants find themselves in exploitative situations or belong to specific groups (e.g. children).¹⁴¹

To start with the Convention on Forced Labor, convention No.29, of 1930, and the Abolition of Forced Labor Convention, convention No. 105, of 1957, call on states to suppress such practices. Forced or compulsory labor is defined as “all work or service which is exacted from any person under the menace of any penalty, and for which said person has not offered him/her voluntarily.”¹⁴²

The ILO has also approved legislation on child labor, including the Minimum Age Convention, convention No.138, of 1973, and the Convention on the Worst Forms of Child Labor, convention No.182, 1999. The latter extends traditional labor law by including prostitution of trafficked children, which until recently was considered a purely human rights question.¹⁴³ In general, these documents treat all children, including migrant children, as right holders without difference.

¹³⁸ Ibid

¹³⁹ ICRMW, Article 11 (1) &(2) & Article (21) See Supra Footnote135

¹⁴⁰ ICHRP. (2010)... See Supra Footnote46 P.61

¹⁴¹ Ibid

¹⁴² ILO. (2006). *Multilateral Framework on Labor Migration: nonbinding principles and guidelines for a rights-based approach to labor migration*: International Labor Organization (ILO), Geneva.

¹⁴³ Ibid

The ILO Migration Employment Convention No. 97, 1949 sets standards to be followed in dealing with migrant workers. It limits the scope of the Convention to persons regularly admitted as migrants for employment. This convention stipulates that member States shall take all appropriate steps against misleading propaganda relating to migration; while it requires that immigrants are treated equally with nationals in respect of remuneration, conditions of work, accommodation and union membership; and the convention also provides that where migration between countries is sufficiently large, encourages competent authorities to enter into agreements to regulate matters of common concern in the application of the convention.¹⁴⁴

Migrant Workers (Supplementary Provisions) Convention, convention No.143, 1975, calls on ratifying states to “protect the basic human rights of *all* migrant workers”. This ILO convention enumerates three categories of workers’ rights: the rights of migrants who have entered legally; the rights of migrants who entered legally but who have become irregular (for example, because they lost their jobs); and (a smaller category) the rights accorded to *all* migrants, even those who entered clandestinely. These include the right to access a competent body when disputes over labor rights occur, and the right not to bear the cost of travel if expelled.¹⁴⁵

The Smuggling Protocol becomes the most important international instrument in protecting the human rights of irregular migrants. The first paragraph of the Preamble to the Protocol emphasizes that a comprehensive international approach is needed to combat and prevent the smuggling of migrants, which should include “socio economic measures, at the national, regional and international levels”. While paragraph 2 recalls states and the UN “to strengthen international cooperation in order to address the root causes of migration, especially those related to poverty and to maximize the benefits of international migration to those concerned.”¹⁴⁶

The Preamble further states the “need to provide migrants with humane treatment and full protection of their rights” and says that the stated purposes of the Protocol must be achieved “while protecting the rights of smuggled migrants.”¹⁴⁷ Protection is thus a basic purpose that should always be considered beside the Protocol’s two other basic purposes (prevention of smuggling of migrants, and promotion of inter-state cooperation). In affirming that “protection of the rights of persons who have been the object [of smuggling]” is a state obligation, article 4 of

¹⁴⁴ The International Labor Organization (ILO) Convention on the Migration Employment, (Convention No. 197, (1949)) See Articles, 3, 6, 10 & 11

¹⁴⁵ Ibid

¹⁴⁶ The Smuggling Protocol... See *Supra* Footnote64, Para.1&2

¹⁴⁷ Ibid, Article2

the Protocol extends its scope beyond the prevention, investigation and prosecution of migrant smuggling offences. The state's obligation to protect smuggled migrants is further strengthened by the Protocol's affirmation that migrants are not criminally liable.¹⁴⁸ It targets the criminal act of "smuggling of migrants", not the illegal entry or illegal residence of the migrant. It is not designed to criminalize illegal migration and takes a neutral position on whether those who migrate illegally should be considered to have committed a domestic offence.¹⁴⁹ For this, the Smuggling Protocol cannot be interpreted to require criminalization of irregular migration: it targets members of criminal groups that smuggle migrants and those linked to them.

In the context of trafficking or smuggling, this positive duty of protection requires states to prevent and punish the use of modes of transport which endanger the lives of smuggled and trafficked persons, and to provide rescue services to persons whose lives are in danger. The latter duty is expressly stipulated by the Smuggling Protocol, which requires States Parties to "afford appropriate assistance to migrants whose lives or safety are endangered" by reason of their being smuggled. States are obliged under international law to protect migrants who are being transported in circumstances that could amount to torture or be considered "cruel, inhuman or degrading."¹⁵⁰

Under international maritime law, ship captains and their crews are obliged to respond to distress calls and mount rescue efforts for persons in distress at sea, regardless of their nationality or status, or the circumstances in which they are found. The responsibility to rescue those in distress at sea has become universally recognized and is considered to be customary international law. The obligation of rescue at sea implies that the rescued migrant is able to disembark from the ship at a place of safety. Moreover, traditional maritime humanitarian law on securing the safety of persons in distress at sea has recently been strengthened by adding a new obligation on states to cooperate on rescue operations.¹⁵¹

¹⁴⁸Ibid, Article 5, on the "Criminal liability of migrants", states that: "Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of the conduct set forth in Article 6 of this Protocol".

¹⁴⁹Legislative Guide for the Smuggling Protocol: UN, New York, 2004, para.28. Makes clear that the drafters' intention was to apply the sanctions of the Protocol to "the smuggling of migrants by organized criminal groups and not to mere migration or migrants, even in cases where it involves entry or residence that is illegal under the laws of the State concerned".

¹⁵⁰The Smuggling Protocol... See *supra* footnote 64, Article 6 (1) & (3).

¹⁵¹ICHRP. (2010)... See *Supra* Footnote 46 P.110

According to the General Comment No.6 of the Committee on the Rights of Child, Unaccompanied children (also called unaccompanied minors) are children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.¹⁵² Unaccompanied migrant children are entitled to protection under a broad range of international instruments including the UN Convention on the Rights of the Child (“UNCRC”), the European Convention on Human Rights and the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol to be treated equally with any children with in the territory of the state parts to the CRC.¹⁵³

2.3.2. The African Union Human Rights Instruments

With regard to the African instruments, there are different human rights instrument adopted by the African Union. The African Charter on Human and Peoples Rights (ACHPR) is the major human rights in the continent without any discrimination to all peoples and individuals. In addition, there are also treaties and protocols specifically addressing the issues of migrants. The AU member states, regardless of their differences on the issue of migration, adopted a document in 2006 in Banjul; Gambia which is called “The Migration Policy Framework in Africa”.

The Migration Policy Framework in Africa recommends the member states to adopt various strategies like; promoting equality of opportunity by strengthening gender specific approaches to policies and activities concerning labor migration particularly, in recognition of the increasing feminization of labor migration. It also aims at promoting respecting for, and protection of, the rights of the labor migrants including combating discrimination and xenophobia through inter alia civic education and awareness-raising activities.¹⁵⁴

With regard to the women migrants, there is a protocol known as “the Protocol to the ACHPR on the rights of women” even though it doesn’t make specific reference. The protocol states that, “*Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights*”¹⁵⁵. The protocol also strengthen this by giving

¹⁵² The UN Committee on the Rights of the Child, General Comment No.6

¹⁵³ Ibid

¹⁵⁴ See the Migration Policy Framework for Africa (2006), Banjul; Gambia.

¹⁵⁵ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, Article 3(1)

responsibility to member states to “... *take necessary measures including to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk.*”¹⁵⁶

The African Charter on the Rights and Welfare of the African Child (African Children’s Charter) also bestowed many rights to every child irrespective of his/her parents' or legal guardians' race, ethnic group, color, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.¹⁵⁷ Among others the African Children’s Charter, protect every child accused or found guilty to have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and other fundamental freedoms.¹⁵⁸ Accordingly children should be separated from adults in their place of detention or imprisonment. The Charter also protected every child from all forms of sexual exploitation and sexual abuse. It prohibited child marriage and the betrothal of girls and boys, the inducement, coercion or encouragement of a child to engage in any sexual activity and the use of children in prostitution or other sexual practices.¹⁵⁹

In addition to the above instruments, the Ouagadougou Action Plan was adopted as a declaration of the will and joint intent of the African Union and the European Union and their Member States to enhance their efforts to fight human trafficking.¹⁶⁰ It provides specific recommendations to be implemented by Regional Economic Communities (RECs) and Member States based on the legal and political basis at regional, continental and global level. It further upholds and reinforces the international and regional legal instruments on human rights particularly the conventions on trafficking in person, elimination of discrimination of women, and protection of the rights of the child.¹⁶¹ It further provides that States should adopt and review, as appropriate, legislation, policies and programs to implement the Convention against

¹⁵⁶ Ibid, Article 4(2)

¹⁵⁷ African Charter on the Rights and Welfare of the Child (African Children’s Charter), adopted July 1990 (entered into force 29 November 1999) OAU Doc.CAB/LEG/ 24.9/49 (1990), Article 3

¹⁵⁸ The African Children’s Charter, Article 17

¹⁵⁹ Ibid, articles, 21&27

¹⁶⁰The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children which was adopted by Ministers of Foreign Affairs, Ministers responsible for Migration, and Ministers responsible for Development from Africa and EU member States, and the African Union (AU), as well as European Union (EU) Commissioners and representatives of international organizations gathered in Tripoli, Libya 22-23 of November, 2006.

¹⁶¹Rakeb, M. (2013)... See *Supra* Footnote72, P.16

Transnational Organized Crime and the Palermo Protocol, and other relevant regional and international legal instruments.¹⁶²

The Intergovernmental Authority on Development (IGAD) Council of Ministers has adopted the IGAD Convention on Extradition in 2009 and the IGAD Convention on Mutual Legal Assistance (MLA) in Criminal Matters in 2009.¹⁶³ The Convention on Extradition creates the legal basis through which member States could seek the return of a fugitive, accused and/or convicted from another member State.

The Convention on MLA, on the other hand, creates a legal basis for the making and executing of mutual legal assistance requests between IGAD States.¹⁶⁴ MLA is the principal form of international cooperation in criminal matters and is the mechanism for evidence gathering between States¹⁶⁵. In cases of transnational trafficking in persons, this Convention could assist Ethiopia in seeking cooperation for gathering evidence about, for instance, an act of human trafficking smuggling of migrants from a member State of IGAD.¹⁶⁶

Accordingly, the 4th Meeting of the Regional Consultative Process on Migration was held on 26 November 2014, Addis Ababa, Ethiopia with an aim of creating a dialogue around refugees, Internally Displaced Peoples (IDPs) and returnees to think of creative solutions to some of the migration challenges being experienced.¹⁶⁷ The meeting was ultimately expected to lead to a better protection and assistance regime for labor migrants, refugees, IDPs and returnees in the region.

Participants of the dialogue were drawn from authorities of IGAD Member States including the ministries of interior, immigration, foreign affairs and justice. Others were participated from civil society organizations working on displacement or with returnees. Development partners and other stakeholders in the sector were also participated with a hope that, the meeting would generate recommendations both policy and practice for management of refugees, IDPs and

¹⁶² Ibid

¹⁶³ These conventions are acceded by Ethiopia in 2012 through Proclamation No. 732/2012.

¹⁶⁴ Ibid

¹⁶⁵ Rakeb, M. (2013)... See *Supra* Footnote72, P.16

¹⁶⁶ Ibid

¹⁶⁷ IGAD convenes migration meeting in Addis, from November 26-27, 2014. Available at k2

http://igad.int/index.php?view=article&catid=63%3Amigration&id=1005%3Aigad-convenes-migration-meeting-in-addis&format=pdf&option=com_content&Itemid=159 (Last accessed on 14/05/2015)

returnee populations in the region.¹⁶⁸ In addition, the dialogue was expected to contribute towards creating an enabling environment and commitment of the member states for the protection and assistance of this population as provided in the IGAD Regional Migration Policy Framework.¹⁶⁹

2.3.3. National Legal Regime that Protects the Rights of Migrants

Even though Ethiopia does not have a single comprehensive law against trafficking in persons, smuggling migrants and generally on irregular migration, there are a number of provisions dealing with these issues or with their elements.

2.3.3.1. The Federal Democratic Republic of Ethiopia (FDRE) Constitution

The FDRE does not have clear provision on smuggling migrants and irregular migration. However, the constitution incorporates a blanket prohibition on trafficking in persons and other similar activities including the smuggling of migrants in accordance with international standards.

Accordingly, the constitution states that, *“No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.”*¹⁷⁰

This provision is mainly intended to criminalize traffickers not to protect the free movement of individuals. To clarify this, the constitution states that,

*Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to. Any Ethiopian national has the right to return to his country.*¹⁷¹

The other important provision in the FDRE Constitution which help the irregular migrants, victims of smuggling migrants and/or trafficking in persons and the citizens in general, to enjoy the international rights, is the article that clarifies the implementation and domestication of international instruments. Accordingly, the constitution states that *“All international agreements ratified by Ethiopia are an integral part of the law of the land.”*¹⁷²

¹⁶⁸ Ibid

¹⁶⁹ Ibid

¹⁷⁰ The Constitution of Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995. Article 18 (2)

¹⁷¹ Ibid, Article 32 (1) (2)

¹⁷² Ibid, Article 9(4)

Generally, the constitution has a general prohibition in relation to the different kinds of human rights violations that the victims of trafficking, smuggling and irregular migrants suffer. Only Article 18(1) of the constitution provides the rights to protection against cruel, inhuman or degrading treatment. There should be a civil, criminal or administrative specific national legislation that define trafficking in persons and smuggling migrants and provide the various punishable elements.

2.3.3.2. The Revised Criminal Code of 2005

The revised Criminal Code of 2005 has some articles that criminalize the acts of smuggling migrants and trafficking in persons. With this regard, trafficking in women and children is considered by the Criminal Code as a crime against liberty, and thus against the human rights of the victims. It further criminalizes both internal and external trafficking in women and children for the purpose of forced labor.

Accordingly, the Revised Criminal Code states that,

Whoever by violence, threat, deceit, fraud, kidnapping or by the giving of money or other advantage to the person having control over a woman or a child, recruits, receives, hides, transports, exports or imports a woman or a minor for the purpose of forced labour, is punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.¹⁷³

Whoever knowingly carries off, transports or conducts, whether by land, by sea or by air, the victim mentioned in sub-Article (1), with the purpose stated therein, or conducts or aids such traffic, is liable to the penalty prescribed under sub-Article (1) above.¹⁷⁴

The other provision in the Criminal Code which criminalizes rightfully both internal and external trafficking in women and children for the purpose of prostitution is Article 635 on ‘trafficking in women and minors’. The Article provides that:

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

traffics in women or minors, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or keeps such a person in a brothel to let her out to prostitution, is punishable with

¹⁷³ The Criminal Code of Federal Democratic Republic of Ethiopia, Proclamation No. 114 of 2004, enter in to force April, 2005. Article 597 (1)

¹⁷⁴ Ibid, Article 597(2)

*rigorous imprisonment not exceeding five years and a fine not exceeding ten thousand Birr, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.*¹⁷⁵

Among these articles of the Revised Criminal Code of 2005 Article 243 and 810 are the two provisions with regard to the smuggling migrants. Article 243 criminalizes certain acts, where undertaken with the intention of obtaining, directly or indirectly, advantage, and meets the requirements of Article 6 (1) of the Smuggling Protocol. However, there are some gaps in the Article possibly reflecting errors in drafting rather than policy as it appears to criminalize the smuggled people violating the immigration of the country.¹⁷⁶

Article 810 of the Criminal Code which is mainly designed to criminalize on the control of aliens, also strengthen Article 243 by stating that, *“Whoever, apart from the cases specified in Article 243 of the Criminal Code, contravenes the laws, regulations or directives and regulations concerning the transit, declaration, residence, establishment of aliens or their control, is punishable with fine or arrest.”*¹⁷⁷

In addition, the Immigration Regulation No. 114/2004 also provides that ordinary passport shall be issued to any Ethiopian upon request. The Council of Ministers is responsible for determining the form and content of all travel documents, and for their production.¹⁷⁸ The current Ethiopian passport has various security features, including the use of fingerprints. This has made it easier to track persons who attempt to get a passport on different names at different times. Migrants and victims of trafficking who have been deported from countries of destination with a stamp on their passport used to request for a different passport by altering or changing their names.¹⁷⁹ However, the security features of the new passport have made it difficult for this to happen. The Regulation further designates the Immigration Officer appointed under the Immigration Proclamation No. 354/2003 to control persons entering into or departing from Ethiopia at ports of entry and exit to ensure they have fulfilled the legal requirements.¹⁸⁰

¹⁷⁵ Ibid, Article 635 (1) &(2)

¹⁷⁶ Fiona, D. (2010). *Assessment of Laws and Regulations of Eastern Africa on Smuggling of Migrants*. . Geneva: United Nations Office on Drug and Crime (UNODC). p.46

¹⁷⁷ The Criminal Code of 2005, Article 810, *See Supra* Footnote154

¹⁷⁸ The Federal Democratic Republic of Ethiopia Immigration Regulation No. 114/2004

¹⁷⁹ Rakeb, M. (2013)... *See Supra* Footnote72, P.32

¹⁸⁰ The Federal Democratic Republic of Ethiopia Immigration Proclamation, Proclamation No. 354/2003 Article 16

The Immigration Proclamation No. 354/2003 imposes obligations on carriers to verify that passengers have the necessary travel documents to enter Ethiopia. However, carriers are not equally responsible to ensure that persons, whether Ethiopians or other nationals, have the necessary travel documents when they leave Ethiopia. Carriers are also responsible for bearing the cost of returning persons found not to have the right document.¹⁸¹ Accordingly, the legitimacy and validity of travel documents and passport is verified at Bole International Airport and border check-points. However, due to manpower and other resource limitations, Ethiopian borders are porous and not well guarded.¹⁸²

However, due to lack of training and guidelines, front-line officers are not sufficiently equipped, trained and adequately funded to ensure an appropriate police response. The Criminal Procedure Code grants the police the mandate to carry out independent investigation into suspected areas of crimes, including smuggling migrants and trafficking in persons.¹⁸³ However, specialized investigation techniques are not used, but rather investigatory procedures that over-rely on victim testimony are applied, making it difficult for cases of smuggling migrants and trafficking in persons to be prosecuted where it is difficult to locate the victims or they are not willing to actively participate in the prosecution of the case because they might still be interested to use the services of smugglers and traffickers in the future or the traffickers are family members.¹⁸⁴

2.3.3.3. Employment Exchange Services Proclamation No. 632/2009

Different persons are involved in the recruitment, transport or transfer of labor migrants, which often end up in situations similar to trafficking. Studies have indicated that some licensed private employment agencies, travel agencies, export/import agencies are involved in the trafficking process of persons from Ethiopia. Monitoring the operations of these juridical persons is thus critical to the prevention of smuggling migrants and trafficking in persons. To do this, Ethiopia proclaims the proclamation of Employment Exchange Proclamation No. 632/2009 with the objectives of defining the role of public and private employment agencies in employment

¹⁸¹ Ibid, Article 17

¹⁸² Rakeb, M. (2013)... See *Supra* Footnote 72, P.32

¹⁸³ Ibid

¹⁸⁴ Ibid

exchange; and to further protect the rights, safety and dignity of Ethiopians going abroad for employment in pursuance to their qualification and ability.¹⁸⁵

According to the Proclamation No.632/2009 ‘Private Employment Agency (PEA)’ can be

*“... any person, independent of government bodies, which performs any one or all of the following employment services without directly or indirectly receiving payment from workers: (a) services of matching offers of an application for local employment without being a party to the employment contract; (b) services of making a worker available locally or abroad to a third party by concluding a contract of employment with such a worker.”*¹⁸⁶

The Proclamation No. 632/2009 provides for the suspension and revocation of PEA license. Where the PEA: has failed to renew its license; has failed to provide accurate and timely information or to submit a report it has been requested in accordance with this Proclamation; has failed to display its license in a conspicuous place in its office; has failed, as ascertained by an inspector, to provide the required services in accordance with this Proclamation; and/or has failed to protect the rights, safety and dignity of citizens it has deployed abroad.¹⁸⁷

One of the obligations of PEAs, in accordance to this Proclamation is to make the employer be responsible for the payment of the following costs in relation to the employment of a worker. These includes, visa fee of the country of destination’, round trip ticket; residence and work permit fees; embarkation fee and the insurance coverage.¹⁸⁸ The workers or the migrant workers are required, according to this Proclamation, only to cover, the issuance of passport; the authentication of documents within the country; the medical examination, vaccination; birth certificate; skill testing; and certificate of clearance from any action.¹⁸⁹

Ethiopia has also ratified many international and regional human rights relevant to the protection of irregular migrants, which also become part of the law of the land.¹⁹⁰ Some of the international human rights instruments and other conventions ratified by Ethiopia which apply to the irregular

¹⁸⁵ Ethiopian Employment Exchange Service Proclamation, Proclamation No. 632/2009, The first paragraph of the preamble reads, “...it has become necessary to define the role of public and private employment agencies in employment exchange.”

¹⁸⁶ Ibid, Article 2(1) (a)&(b)

¹⁸⁷ Ibid, Article 27 (1)

¹⁸⁸ Ibid, Article 15 (1)

¹⁸⁹ Ibid

¹⁹⁰ The FDRE Constitution Article 9 (4), See *Supra* Footnote 171

migrants are; UDHR, ICCPR, ICESCR, CEDAW, CRC, and CERD, and from the ILO Conventions, ILO Convention No. 105 (1957), Convention No.111 (1958), Convention No. 181 (1997). The Palermo protocols (the Smuggling Protocol and the Trafficking Protocol or commonly known as the Palermo protocol) are ratified by Ethiopia in 22 June 2012.¹⁹¹

Furthermore, the Ethiopian government is drafting a law to minimize the problem of irregular migration, smuggling migrants and especially, trafficking in persons. According to the EBC news on television, the Ethiopian government need to improve the existing law and to draft new 'Action Plan' to prevent the irregular migration of citizens and to strengthened the punishment of brokers.

¹⁹¹Rakeb, M. (2013)... *See Supra* Footnote72, P.24

CHAPTER THREE: ANALYSIS AND DESCUSION

3.1. THE MAIN CAUSES OF IRREGULAR MIGRATION AND EXPECTATIONS OF MIGRANTS

The root causes of irregular migration are complex and often interrelated as it has been presented in the preceding chapter where the discussion on the different theories of migration. Different theories present different answers as driving factors for migration in general and irregular migration in particular. Poverty, weak governance, armed conflict or lack of effective protection against discrimination, gender issues, culture of migration, lack of job opportunity at home country and exploitation are some examples. The causes are generally grouped into “push factors” (that drive people away from their home country) and “pull factors” (that attract people to migrate to another place).

3.1.1. The Push Factors

The root push factors of irregular migration of girls in *Woreda Sa’esi’e Tsa’edamba* can be seen as economic, socio-cultural, gender issues and political and legal factors.

3.2.1.1.Economic Factors

The livelihood of most of the local population in *Woreda Sa’esi’e Tsa’edamba* like other rural areas of Ethiopia, primarily depends on agriculture, which is often unreliable.¹⁹² Girls’ work migrations from the towns are mainly caused by poverty and lose of hope to future employment after graduation from different level of education. The causes of poverty among the local population include: lack of other means of income in addition to agriculture, absence of industrial or service sectors to absorb the local working population (unemployment), and the growth of a dependent young population, particularly due to limited source of land.¹⁹³ In this

¹⁹² According to the Magazine, prepared by Wereda Sa’esi’e Tsa’edamba office of Finance and Economic for every five years and serve as statistical abstract and base line for some activities including, attracting investors, from the 116896.16 Hectare total area of the *Woreda* 96769.16 Hectare which more than 82% is un arable land. The Magazine further explains the average annual rain fall of the *Woreda* is 596 mm which is among the lowest comparing to the other parts of the country.

¹⁹³Rahmato, D. (2013). ‘Food Security and Safety Nets: Assessment and Challenges’, In D. Rahmato, A. Pakhurst and J. van Uffelen (eds), *Food Security, Safety Nets and Social Protection in Ethiopia*. Oxford: African Books Collective. P.175

study, this same reason was crucial for the informants' of irregular migration returnee and parents of irregular migrants. Most of the informants explained that farming was rain-dependent and the yield earned was inadequate for the survival of the family. Even worse, most of the farms were located away from irrigation sites preventing them from harvesting vegetables to supplement their income. The informants maintained that their families were impoverished because income was too meager to fulfill basic needs, and they had no other means of livelihood. As a result, they considered poverty as one of the push factors for their work migration.

*You should know that I don't migrate for vacation; it's the level of poverty and other problems that pushes me. I was not happy when I leave my country but there is no other option. I have finished 10th grade but there is no job opportunity here that will make me stay and work.*¹⁹⁴

Some informant irregular migrant returnee girls responded that their primary aim was not only to improve their life but also help their parents.

*My interest was to improve the life of my parents, to make them very rich. Being the elder child for my mother, I decided to migrate irregularly since I have no parent to cover my expense in the regular (legal) way. I don't want my mother to be depressed as I love her so much.*¹⁹⁵

*What you earn there for a year is more than what you get in five years here. So, in order to earn a better income, you migrate. 'When I thought about Ethiopia, I have never seen any hope. You can gain nothing by working here. There are college and even university graduate with no employment. And even those employed didn't improve their own and their family life. You can't change your lifestyle; you are always the same while being here. In Ethiopia, it may take more than five or more years to get the money that one got by working one year in Arab country.*¹⁹⁶

My father was wounded in the Ethio-Eritrean and he couldn't do hard works such as daily laborer and plowing of our plots. "I'm the first born daughter in the family. I had three younger siblings who couldn't earn additional income because they are too young to do. We had no house of our own. We rent from individuals because of poverty. The family living depended on the cultivation of a small plot of land and my father's monthly income is less than 500 Birr pension. We had no other means of survival and lived in a very poor situation. I dropped out of elementary school to sustain the family by working

¹⁹⁴ Informant from the irregular migration returnee girls, Case 3

¹⁹⁵ Ibid, Case 4

¹⁹⁶ Ibid, Case 7

*in mill. But our living situation did not improve. It was therefore due to persistent poverty that I chose irregular migration, not only to improve my own living, but also for the family.*¹⁹⁷

*Our Kebele is among the drought prone Kebeles in the Woreda. We can't cultivate enough crops to feed the family the whole year. We have nothing to do here to assist the economy of the family. It is only if you have a boy or a girl or both working outside Ethiopia that you can sustain economically. If a person has no child outside Ethiopia, he/she wears dirty clothes and he/she depends on the 'Safety Net' program to feed his/her own and/or the family. But if a person has a child in an Arab country, he/she is the one who is hygienic and economically strong. Our economic backwardness enforces us to send our sons and/or daughters to Arab countries.*¹⁹⁸

The informant's response illustrates that poverty was the main cause for their irregular migration and the hope to find a better work abroad pushed them to migrate. Also, it is evident that poverty prevails in the local setting as many poor families depend on their income in the 'Safety Net' program¹⁹⁹ to satisfy their basic food consumptions according to the informant from parents of irregular migrants. In addition to this, other reasons that prove the informants' low standard of living, losing hope in the future employment opportunity in home country and the extreme poverty of their family initiate them to leave their home to work abroad. The informants stated that there are little or no employment opportunities that absorb students who failed in grade eight, ten and even twelve. Even the few employment opportunities in the informal sectors such as working in mill and house maid couldn't improve their economic problem.

Contrary to this, some discussants in the FGD responded that all sectors of the community including the poorest, the better off and the middle-income family's adolescents are migrating. The rich families send their children through regular means because they want to ensure a better future and they can afford its cost. The middle income families send their daughters and/or sons via regular and irregular means as per the condition, mainly to become rich. The poorest of the poor cannot afford the cost for regular means and send their children through irregular means. In addition to this, key informant from the *Woreda* BoLSA respond that, even some employees

¹⁹⁷ Informant from the irregular migration returnee girls, Case 1

¹⁹⁸ Informant from the Parents of irregular migrants, Parent 6

¹⁹⁹ According to the informant from the Wereda Labor and Social Affairs most of the population participates in Safety Net Program in order to fulfill their food shortage and to preserve the environment.

governmental offices including primary school teachers are migrated either irregularly or regularly to search better job opportunity and to become rich within short period of time.

This shows that, even though economy is the primary factor of irregular migration in general, and girls' irregular migration in particular, there are also other factors that drive irregular migration of adolescents in the *Woreda*.

3.1.1.1.Social Pressures

Migration becomes among the common practices of the community in this Woreda. Everybody is ready to go. It is like a competition, 'I am as fit as the other to migrate. I am not lesser than the other.' This is what the youth of the *Woreda* say.²⁰⁰

When I give awareness creation training in Sewne²⁰¹ about prevention of irregular migration, a fifteen years old girl ask me about my salary and whether I have a brother or a sister abroad or not. She told me that 'she knows I'm living in house rent but those who migrate built a modern house and own different business of their own.' An adolescent boy further strengthen her idea by explaining that, there are many youths holding diploma and degree from different higher institutions but still unemployed for years. 'I don't want to be one of them so; I should found other alternative on time.' Everybody laughs on me when I try to convince them that they can achieve their goal working in their country and there are many alternative even in their *Kebelle*. When I invite them a film which shows how the irregular migrants cross the desert route and how much the journey is terrifying, they become a little horrified. The film includes the beatings of migrants by the smugglers in the sea and desert route, the hunger and thirsty of migrants including dead and unburied bodies in the desert route. After this I try to ask them their interest towards irregular migration, surprisingly, most of them were ready to challenge it and to try their chance. This shows that today's adolescent are blinded by the hope of changing their life after emigration.²⁰²

In the early times, those who have many cattle such as oxen to plough were highly respected as any other rural areas in Ethiopia. Now, however, a parent that sends a lot of children abroad and especially, to the Middle East is accorded the privilege of being considered as wealthy. Everybody wants to send his daughter and depend on remittances for his/her life. The People's mentality is geared towards money. Parents nag their

²⁰⁰ Key informant from the office of *Woreda* Women and Children Affairs in *Fireweiny* town

²⁰¹ *Sewne* is one of the *kebelles* in *Woreda Sa'esi'e Tsa'edamba* and among the most victims of irregular migration in the *Woreda*.

²⁰² Key informant from the office of *Woreda* Justice and Security in *Fireweiny* town

*children day and night to drop out their education and go to the Middle East or Europe if they could.*²⁰³

The risks in which the migrants face during the entire irregular migration and in the destination countries are considered as the matter of chance by the community. Indeed, the adolescents of the *Woreda* are ready to face the challenges and hardships so as to fulfill their future dream of better life. In addition parents didn't condemn migration of adolescents; rather they encourage and facilitate their journey by supporting financially. The following table may elaborate how irregular migration becomes more common practice what looks like its trend in the *Woreda*.

Table5: Information about the Number of Migrants in the last Three Successive Years²⁰⁴

S No.	Year	No. of Migrants		No. of death		Migrants in mental-ill being		Migrants with physical problem		Migrants who disappear		Total
		M	F	M	F	M	F	M	F	M	F	
1	Sept. 2012- Aug. 2013	1135	620									
2	Sept. 2013- Aug. 2014	238	47									
3	Sept. 2014- Jan. 2015	765	383									
Total		2138	1050	107	15	6	2	7	3	12	5	3345

Source: *Woreda Sa'esi'e Tsa'edamba* Youth and Sports Affairs.

²⁰³ Information responded by the FGD discussants

²⁰⁴ According to the document in the Office of Youth and Sports Affairs *Woreda Sa'esi'e Tsa'edamba*, the exact time of the dead, mental ill being, physically harmed and disappeared migrants is not known. However, the interview conducted with the head of the Office assured that, all these are happened in two and half years or from Sept.2012- Jan. 2015.

Furthermore, the total numbers of returnees from November 2013 to January 2014, after the crackdown of irregular migrants by the KSA were 4344. Among them 749 were women. According to the information from the *woreda Sa'esi'e Tsa'edamba* Youth and Sports Affairs, this number is not the exact since there are returnee migrant who do not report to their *Kebelles* and even do not return to the *Woreda* even they are in Ethiopia. However, thousands are deported only from the KSA, the tendency of irregular migration didn't stop in the *Woreda* as more than one thousand (1148) leave the country from September, 2014 to February, 2015 among them 383 were female migrants.

The deeply rooted practice of migration in *Woreda Sa'esi'e Tsa'edamba* is built on economic success. As noted earlier *Edaga Hamus* is a town transformed by remittances. One informant from parent of migrants said that,

Look at Edaga Hamus it looks like a big town even bigger than Fireweiny the capital of the Woreda. This is because of the money which young people bring from emigration. This didn't come from the selling neither of agricultural products nor by doing as civil servant here. Girls are not blind to this reality. While many girls are unable to migrate successfully, and some return home with debilitating physical and mental health problems, the overall attitude of adolescents in our Woreda was that, 'Our dreams will come true' through migration.²⁰⁵

It is only me in the village. Every girl went to Saudi or some other Gulf State and some of them are sending money for their families. My neighbor who comes from Kuwait brings lots of things; lots of clothes, lots of jewelry, many and other things. Her family even builds a modern brick house with beautiful painting in Edaga Hamus. When I see all these, even if my parents do not want me to go, I decided for myself. I have to go and bring money and beautiful things for my family.²⁰⁶

Indeed, of the twelve girls who had already migrated and returned, seven were planning their second migration – eyes wide open and focused on earnings.

Despite my parents' objections, I'm planning on going back as soon as possible. Both my parents did not allow me to migrate. They said, 'you are too young and it is enough the sufferings you passed before' But I ignored their advice. Now I am thinking about

²⁰⁵ Informant from the Parents of irregular migrants, Parent 8

²⁰⁶ Informant from the irregular migration returnee girls, Case 11

*fortunate migration in which I would live a comfortable life later. I'm ready to face all the hardships and challenges up to death.*²⁰⁷

Some of the informants from the returnee girls also considered peer pressure as their main push factor to irregular migration.

*I never think about migration. However, when I see my friends and other girls in our Kebelle, they are almost all migrating or preparing to migrate. Their discussion is all about how to migrate and about the successful migrants who are able to support their parents within short period of time. One day when I and my friend talk about it I told her the negative side of irregular migration. However, she laughed at me and she told me it is a matter of chance. 'She told me that to look at the best buildings, mini-buses and other activities in our Woreda. Most of these are owned by migrants not by educated people or civil servants'. After this I decide to migrate and to try my chance like my friends.*²⁰⁸

This indicates that, the migration of friends or family members is a key driving factor for migration and contributes to the development of the practices of irregular migration in the *Woreda*.

To sum up, as it has been clearly explained by the irregular migrant returnee girls, participants in the FGD, the parents of migrants and from the key informants from concerned stakeholders emigration is becoming the common practice of the *Woreda's* adolescent population. Most parents didn't condemn their children thinking to migrate rather they encouraged and facilitated by giving moral and financial support. Every adolescents of the *Worwda* are indoctrinated that migration is among their common activities. This peer and family support to migration; and the successive migration of thousands of adolescents, is building a 'culture of migration' in the *Woreda*. Whereby migration is associated with personal, social and material success, and where migrating has become the norm rather than the exception in which most people appreciate it, one can conclude the socio-cultural practice could be among the factors to migration.

3.1.1.2. Gender Violence

Looking gender issues as driving factor to emigration raises many socio-cultural tradition of a given society. For instance, some respondents believe that the tradition of early marriage, which is mostly guided by Islamic law, actually fuels girls' migration.

²⁰⁷ Informant from the irregular migration returnee girls, Case 9

²⁰⁸ Informant from the irregular migration returnee girls, Case 12

Most parents especially, want to celebrate their daughter's marriage even if she is under age. The fact that children under the age of 18 years are not legally allowed to get married prevented us to do so. There is no birth date registration card. We can get an identification card for our 14 years old daughter as she is 20 years old or above from the Kebele administrators. If the girl is not interested in the marriage we encourage her to go Arab Countries to work and send money for us.²⁰⁹

A girl is usually overburdened with house work so she lags behind the boy in her education. When a boy comes home from school he eats his lunch and either he studies or plays. However, we do not allow a girl to move around because we fear she will encounter bad people or go to places unsafe for her. Furthermore, a girl should practice the house works such as washing and cooking and help her mother.²¹⁰

There are many problems in allowing and encouraging one's own daughter to continue her education above grade 8. If you let her continue her education in grade 9 you should rent her a room in the town, cover her educational and other expenses which is difficult for poor families. In addition, if a girl begin living alone she may take a boyfriend since there is no one who oversee her and may become pregnant before marriage which is a shame not only for her but also the whole family. Furthermore, allowing a girl to continue secondary school or TVET is nothing but allowing becoming a prostitute. No one will marry her because she will be over age and the gossips and mistrust whether she had a boyfriend or not. So it is better to send your daughter to work oversea than to let her continue her secondary education in town alone.²¹¹

For other girls, familial and community expectations about their sexuality may drive their migration. As already noted, parents are worried girls will become promiscuous when they are on their own in town. Accordingly, families didn't want girls' education; rather they help and encourage their migration and benefiting from the remittance they send. So girls in the *Woreda* are still victims of early (child) marriage, which in return forced them to irregular migration. Even though the FDRE Constitution bestowed to ever child the right not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or wellbeing; girls in the *Woreda* are victims of harmful traditional practices such as child marriage.²¹²

²⁰⁹ Informant from the Parents of irregular migrants, Parent 7

²¹⁰ Key informant from the *Woreda* Police Office in *Freweiny* town

²¹¹ Informant from the Parents of irregular migrants, Parent 6

²¹² Four of the twelve returnee girls' informants are victims of child marriage. See also Table 1.

Generally, gendered issues, which shape girls' interactions through a broad array of social institutions, also drive their migration. Girls become poorer to pass exams because of the heavy demands household chores place on their time, and are less likely to be allowed to continue their education even when they do pass exams because of the stereotype of the family on them. Concern about girls' safety from sexual predators and the safety of the family's reputation leads many parents to insist they remain at home after the onset of puberty. Moreover, a discussant in the FGD also strengthening how the social practices in the *Woreda* influence girls migration by saying that, "*it is believed that girls are more sensitive to the realities at home than boys. For this reason, girls give priority to help their family than boys.*" Based on this, many parents often want to send daughters abroad since they are more dependable remitters than sons, and insist them to migrate to the Arab countries dropping out their education.

3.1.1.3. Legal and political Factors

Let me tell you the difference and similarity of working in this country (Ethiopia) and abroad. Here your monthly salary is from 200 to 300 Birr as compare to 6,000 to 8,000 Birr in Saudi Arabia with similar working hours in the week. I was working in Fireweiny town as waiters in small café. However, I was forced to cook in the night, to wash all the materials and to clean the café at 12: 00 AM every day. I had no day off throughout the week. I was working for over 16 hours per day and 7 days per week. I do not know whether there is a law which improves the working hours and the salaries or not. My masters order me what they want at any time which very similar with that of the case of the Saudi Arabia. The difference is only if you want to work outside your country there is a risk of hardships in the migration process.²¹³

The lack of adequate legislation, properly functioning administrative machinery and an effective judiciary on the informal sectors are the most obvious reasons to the irregular migration of girls in the *Woreda*. Various kinds of forced labor, inadequate labor laws and regulations and poor enforcement create serious problems for the victim and in return forced them to migrate irregularly. This applies particularly to services in the informal sector closely related to the private sphere such as domestic work. Furthermore, inadequate follow up for the informal sectors and those who profit from exploitation is the crucial factor.

²¹³ Informant from the irregular migration returnee girls, Case 2

In addition to the above, complex and bureaucratic works in the *Woreda* and *Keblles* in providing services also enforce the adolescents to considered migration as best alternative to improve their life.

*I was interested to begin my business with some of my friends here in my village and ask the kebele administer for credit. At first they appreciate our idea and we hope they will arrange the money as soon as possible. We wait for more than six months and at last they told us to show at least twenty percent of the money we ask which was difficult for most of us. There is complex bureaucracy in the Wereda and kebele which couldn't encourage working in your country.*²¹⁴

3.1.2. The Pull Factors

In addition to the above push factors, there are also many pull factors in the demand side. Among others, “Higher Wage” in rich countries is the main one. According to the most key informants in the study the relative high wage in the Arab countries as compare to the salary in Ethiopia attract the migrants. All of the returnee girls’ interviewee respond that there is a better pay there. Case 5, who have been waiters in a small cafeteria before her migration, respond that she had been paid more in one month in Saudi Arabia than in one year in Ethiopia.

The other important pull factor according to the informants in this study is individual migrant’s commitment not only to change their own life but also their family life.

*Even though I have passed many challenges throughout my emigration process, and lived a harsh and abusive life in the destination country, I will never give up going for the second time to try my chance. I prefer dying even in some of the desert routes or in the sea to live as poor as I am now.*²¹⁵

She further explain that, “*if I’m successful in crossing the sea and found a job in the destination country I’ll never come back home until I see my family are leading a better life and have enough money to open my own business in my country.*”

The contribution of transnational attachment and information sharing among friends and relative who have migrated before and those who live abroad still, is among the pull factors of migration.

²¹⁴ Informant from the irregular migration returnee girls, Case 5

²¹⁵ Informant from the irregular migration returnee girls, Case 6

*My cousin who lives in Kuwait promise me to cover all the required money for Kafalla or sponsorship and arrange to take me to where she lives if I can reach Yemen by any means. She told me that 'she would secure a job for me with a salary of 8,000 Birr per month with better working condition'. After that, I begin thinking about working abroad and to migrate irregularly. Lastly I decide that I should not lose this golden opportunity of my future.*²¹⁶

Moreover, the high demand for cheap unskilled labor especially, in the Middle East countries is among the most crucial pull factors of migration. According a study conducted by IOM, for instance only the KSA demand 750,000- 1.5 million domestic workers from 2010-2012.²¹⁷ The study further clarified that around 160,000 Ethiopian women were traveled legally to work in KSA by the end of 2012²¹⁸. With regard to irregular migrants, the number of Ethiopian migrants who arrived in Yemen with intended destination mostly being the KSA was, 34,000, 75,000 and 84,000 in 2010, 2011, and 2012 respectively²¹⁹. Most of the irregular migrant returnee informant girls strengthened this by responded that if you reach at the destination country, it's not difficult to find a job.

The study proved that, no single cause could be the driving factor of migration, like the different migration theories in the literature part assured. Accordingly, the Neo-classical migration theory contributes how economic factors with the principle of comparative advantage influence individuals to migrate. However, it didn't consider the other factors such as the socio-cultural, gender issues, the legal and political factors as determinants. These factors are addressed by other theories. For instance, the common pull factor, the role of networks and communications with relatives and friends in the destination countries is addressed by the Net Work theory of migration.

However, the most appropriate theory of migration for this study was the Integrative Approach theory of migration. It is more inclusive than the others. It addressed the gender issues, traditional practices of the community towards female, political and legal factors. In other words,

²¹⁶ Informant from the irregular migration returnee girls, Case 9

²¹⁷ IOM. (2014). *Post-return Assessment on the Socio-Economic Status of Ethiopian Returnees from KSA*. Addis Ababa: International Organization for Migration (IOM). Available at http://www.iom.int/Post-Return_Assessment_ToR_Final.pdf (Last accessed on 21/06/2015) P.1

²¹⁸ Ibid

²¹⁹ Ibid

many driving factors of migration especially, female migration are addressed by this theory more inclusively than the other theories of migration.

3.1.3. Expectations of Migrants before Migration

The expectations of migrant girls before they leave their home country is quite different according to their information about the life abroad and the hardship to cross the desert route and the journey in the sea.

*I have no enough information about working condition in Sudan or its difficulty to reach there. "I faced no difficult challenge until Metema, the border Ethiopian town to Sudan. However, starting from Metema to Khartoum, the capital of Sudan, the journey was very exhaustive and tiresome more than I expected. The hope to be employed with a high salary and improve my life encouraged me to complete the journey."*²²⁰

This shows that some migrants only consider the salary they are going to get after departure but not the hardships on their journey.

Contrary to the above some other informants responded that, they were aware of all the hardships, exhaustive journey, beatings, insults and even sexual harassments by the smugglers and other migrants in the desert and sea routes. In addition, they knew about the abusive and discriminatory life in the country where they are migrated to work.

*I had not only information about the difficulties of the journey but also about the beatings, hunger, thirsty in the desert and sea routes. I heard migrants lost their life in many parts of the journey. I knew some girls were raped by smugglers and/or men migrants in the migration process and by some men members in the working place. That is why; I took contraception to prevent unwanted pregnancy for five years until my dream become true.*²²¹

During the FGD, respondents also agreed that the migrants consider everything abroad is better than here. The adolescent considered the local work in the *Woreda* as the most poorly remunerated, seasonal manual labor that does not match with the new generation. Today's adolescents, with their relatively higher levels of education, aspire for more.

The head of the Sport and Youth Affairs Office in *Woreda Sa'esi'e Tsa'edamba* explained that,

²²⁰ Informant from the irregular migration returnee girls, Case 8

²²¹ Informant from the irregular migration returnee girls, Case 10

“They are selective about the type of work they will do and not serious about making it work, not sufficiently committed. For instance, quarrying sand from the riverbank and chiseling Cobble stone are laborious especially for the girls if they are organized; but they don’t want to continue with that work, they are fed up since they expect more abroad.” He continued, *“What the youth want is for the government or others to open factories [...] and whatever the work is dull but better paid otherwise to leave the country.”*

Generally, the expectations of migrants in this study influenced by the salary they will receive after deportation. Most migrants are ready to face every challenges and hardships in the entire journey and the abusive and discriminatory working conditions in their destination. They only think how to escape from their poverty and unemployment so as, to change their life with in short period of time.

3.2. THE INVOLVEMENT OF VARIOUS ACTORS AND THEIR ROLE IN THE IRREGULAR MIGRATION PROCESS

The entire process of irregular migration involves various actors with their own roles. Some actors provide information about the better job opportunity and other facilitates in the destination countries. Others may be part of decision making process and cover the expenses to the journey. In addition, there are also actors who play their role in the process of irregular migration in preventing it either by prosecuting traffickers, smugglers or brokers, or by creating awareness to the community of its bad consequence. The subsequent section offers a clear description of these different actors who involve in the process of irregular migration of girls in *Woreda Sa’esi’e Tsa’edamba* with their specific role. Furthermore, the preventive mechanisms taken by different stakeholders to minimize irregular migration from the *Woreda* are also discussed in this sub topic.

3.2.1. The Family and Its Role

Since this study is all about the irregular emigration of girls from Ethiopia which means female child migration, the family or their parents play a crucial role in decision making and contributing money to the journey.

A community elder in the FGD commented that, “*parents consider girls’ education often as irrelevant for herself as well as her family’*, noting that, *for many. The options are either getting married and migrate together or getting divorced and migrate alone.*” The participant further explains this by saying,

“We think a girl is not competent as a boy in education especially when she goes up in grade her competence decreases. We didn’t consider all the activities they (girls) perform at home as impediment to their success in education. We simply decide to send them abroad.”

My daughter was a good student. She passed her high school leaving certificate examination but I could not send her to Edaga Hamus or any other town for her pre-university education because I cannot afford to pay her expenses and I didn’t want her to be alone in the town. There many girls who become pregnant before marriage and then prostitutes. That is why; I decide to send her to Saudi Arabia by money borrowing from Dedebit micro finance.²²²

Key informant from the *Woreda* Labor and Social Affairs Office further strengthened the idea that parents involvement in decision making to the migration of their children not only by financial and moral support but also by establishing communication links with the local brokers and relatives in the destination country. According to her respond parents want their children especially girls, to migrate for several reasons among others, they think girls are more responsible and sensitive to the family poverty so, they are more remittent than boys. Parents also believe that, there is better job opportunity and payment for irregular girls’ migrant than their counterpart boys in Gulf States. This is mainly due to the fact that girls are employed as housemaids.

Generally, parents have a great role in facilitating irregular migration of girls in *Woreda Sa’esi’e Tsa’edamba*. They participate in decision making, raising money for the journey, establishing communication channels with local smugglers as well as relatives and/or friends at the destination country. This is mainly because of their poverty and incapability to cover the educational expenses of their children in towns. They have no alternative to found a job for their children in their local area. They also see some parents who change their life relatively by sending their children abroad. The other important reason for parents to involve and decide the

²²²Dedebit Micro Finance is a privet owned financial institution operational in Tigray Regional State, Ethiopia and offer a Credit and Saving service to the people.

irregular migration of their daughters is their wrong understanding towards girls' educational capacity. Furthermore, the migration drivers and the culture of migration in the *Woreda* are strong. The high involvement of parents in the irregular migration and continued desire to send one's own daughter shows that the drivers are simply stronger than the fear of risks in which the migrants might evoke.

3.2.2. The Role of Migrants

The migrants, girls in this study, are the primary actors in the entire irregular migration process. They could make decision and change their parents' decision towards their interest. Most of the informants from the returnee of irregular migration strengthened this idea.

My parents didn't want my migration at all. They reject my idea to migrate and try to convince me to continue my education at the TVET in Edaga Hamus or at one of the private colleges in Mekele²²³ because of my poor achievement in 10th grade school leaving examination. First I want to go to Saudi Arabia legally but my parents deny supporting me financially. I couldn't reach in to consensus with my parents as my desire is to migrate but theirs to continue my education. Lastly, I decide to migrate to Sudan without the acknowledgement of my parent when my friend told me there is better payment and job opportunity equal to other Arab countries.²²⁴

Here I work as hard as I can, but my salary is not making my life any easier. I am living with my family at the same time supporting them with all I can. However, I am planning to start my own family soon and that is impossible without having assets. So the only way I can be strong financially is to go there and work hard for three or four years.²²⁵

My older brother lives in Israel since 2000 E.C (2007 G.C). He entered Israel through Egypt illegally with the financial help of my parents. But now he has a resident license there. He built a modern house in Edaga Hamus in which his wife lives. He did nothing to us rather than telephone call and asking our health. In the contrary the family of his wife become beneficiaries of his remittance. They own oxen and begin to lease a plot in the irrigation site. I ask him to take me to Israel as soon as possible however, he tries to convince me to finish my education and after three or four he will. But I can't wait since I

²²³Mekele is the Capital of Tigray Regional State, Ethiopia. And serve the smugglers to collect potential migrant for transporting them to the next rout.

²²⁴ Informant from the irregular migration returnee girls, Case 8

²²⁵ Informant from the irregular migration returnee girls, Case 5

*want to change my family life within short period of time and I decide to migrate although my parents oppose me.*²²⁶

*I was trying to persuade her about the challenges and/or hardships of the entire irregular migration process and the abusive life in the destination but I can't. I think her mind was gone before her body. She couldn't hear my advice rather she tries to convince me that her migration is not only her but also to change the life of the whole family. We couldn't understand each other and reach to consensus. Lastly, she threatened me if I can't give money for her journey she would go to the town to work as a prostitute which shame for the family. When I know I have no alternative, I gave her 10,000 Birr selling my single ox. After exactly a month and three days they told me my 16 year old daughter is dead in the Saudi desert. (He was crying) I can't bury my beloved daughter. I didn't understand my fault to her to decide to migrate leaving me and her mother.*²²⁷

To sum up, migrants are the main actors in facilitating the irregular migration. They are active to make communication with those in the destination countries and in meeting smugglers. They put pressure on their parents to give them money for their journey either by selling their property or borrowing from someone or from local financial institutions such as *Dedebit and Adeday*²²⁸ microfinance. Adolescents of the *Woreda* have no future in their country for this reason they seem to be prepared to endure harsh circumstances in order to attain their migration goals.

Even though there is the same opportunity for men and women in every activity formally, for instance, in education and job opportunities, girls are lagging behind their boys' counterpart mainly, due to gender influences and stereotyped views towards them. Girls' hope to work in their country is much lower than boys, since they do not perform well in education because of the overwhelming works at home and the attitude of the community towards them.

3.2.3. The Role Brokers and/or Smugglers

Brokers are considered as the main actors in the entire process of irregular migration. Since they know many social networks in the destination countries, the community believes that they can facilitate the migrants' entry and secure them employment. Brokers serve not only as the main source of information to the potential migrants but also as guidance and facilitators of the entire migration process. Generally, brokers are the fore front runners of irregular migration. The

²²⁶ Informant from the irregular migration returnee girls, Case 5

²²⁷ Informant from the irregular migration returnee girls, Case 12

²²⁸ *Adeday* is also microfinance in Tigray Regional State, Ethiopia. Like the *Dedebit* Micro finance but, this serves only for women.

crucial question in this study is how these brokers meet the young girls and promise them better future? According to the key informants in this study, brokers use different methods to communicate with migrants.

My friend told me there is better job opportunity in Sudan after my parents deny covering my expense to Saudi Arabia. She promise me to introduce a man who knows how to get employment there, after saw him I was shocked because he is my relative. When I ask him not only to send me to Sudan but also to cover my journey expense he laughed at me and he told me that he don't know anyone in Sudan. However, when I ask him repeatedly, he agreed with my idea and told me not tell this to anyone including my parents. I promise him to pay the overall cost for transportation service after I reached Sudan from my wage. He told me that I will reach Sudan safely and I can change my life in a short time. He gave me 500 Birr and phone number and ordered me to go to Gondar. When I reach Gondar and call with that number, somebody receive me and took me to Metema without any payment even for transport and from Metema somebody else to Sudan. My employers in Sudan didn't give my salary for six months when I ask them to pay me they replied me that I agreed to pay the brokers my six month salary for the transportation and other services they offered to me. When I realize this now, they shared my salary to all of them including the relative of mine.²²⁹

This shows that, the irregular migrant girls didn't know whether they are trafficked, smuggled or not. They have no awareness about the net work of brokers and how they deceive them after their destination. Moreover, this shows that how irregular migration ends with trafficking in persons. According to the Palermo Protocol; the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any means such as deception, coercion, use of force, or consent.²³⁰

Even though the migration started with the full consent of the migrant, it lasts by making the girl a slave for debt bondage. In addition to deception, some of the brokers do not open themselves to all the potential migrants, instead they accomplish every activity to transport the migrants through some potential migrants and/ or their relatives who they think are trustful to them. In this regard, Case 12 responded that she didn't know the broker who facilitates her migration still now. According to the other informant from the returnee girls (Case 2) also the brokers didn't advertise the easiness of irregular migration journey, rather their problem at home forced them to

²²⁹ Informant from the irregular migration returnee girls, Case 8

²³⁰ The Palermo Protocol... See *Supra* Footnote77, Article 3(c)

found the brokers. She further explained that, they track them through friends, returnees and those whose children have migrated.

The brokers in the local area have a network in the destination and transit countries. Without them, it's difficult to think about irregular migration in general and irregular migration of adolescents in particular. The broker who facilitate the transportation and the journey here transfer the migrants to another place in somewhere in the country and from this other brokers by return to another in the transit country up to the destination country. They guide the migrants the entire desert and sea routes. These made them financially strong and help them to hide from the eyes of security workers.²³¹

The study shows that, the brokers use different methods to recruit and transport the potential adolescent migrants. Some of them approach the potential migrants through their friends and relatives, and others as a relative who thinks to them not as a broker who wants money at all. So some brokers receive their commission before migration while others take money from the wages of the migrants after migration. And some others get money from the migrants before migration and from the salary they receive in the destination.

In addition the study point out that, the brokers have established a widespread and chain of networks encompassed many people starting from the local brokers rambling all over the community to the family level and the transit and destination countries. Irregular migrant victim girls have been transferred from one broker/smuggler to another during the passage. Every brokers/ smugglers have their own role in the entire irregular migration process.

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

²³¹ Information responded by the FGD discussants

Generally, the role of brokers starts with the recruitment of potential migrants by false promise and deception of better job opportunity in the destination country followed by collecting and preparing them in somewhere suitable to the passage. The next step is transferring the victims to other brokers/smugglers in the transit or destination country. Most of the time the role of brokers end when the irregular migrants reach in the destination country, however in some cases their role continue up to the engaging of the victims in exploitative work and collect money.

3.2.4. The Role of Government

The role of government in emigration is mainly protection and preventing of citizen by taking measures. However, there are some occasions in which a government can be a reason to the migration of its people. For instance, political unrest in the country, lack of democracy, the prevalence of corruption and bad governance can be reasons for migration. In addition, a government could also facilitate the irregular migration of adolescents, if it fails to create job opportunity to the new generation, if it couldn't ensure fair distribution of resource among citizens and if it uses excessive bureaucracy.

Many adolescents are forced to flee the Woreda to get a better life. They concern about climate change and changing rainfall patterns, which make harvests increasingly uncertain. Furthermore, the land is over cultivated for centuries which need a modern agricultural in puts for its fertility. These inputs, primarily the fertilizer, in return put many farmers in to debt to purchase it. When I decide to migrate my parents were worried how to pay the cost of fertilizer there was not enough rain to cultivate more. The cost of fertilizer brings crises in our house and fuels my decision to migrate irregularly.²³²

It is difficult to found nine individuals with similar attitude and interest since the Kebele administrators want us to be organized in a group of ten to give us credit and a job. Besides that, they request us to show them twenty percent of the money we ask for credit. After we did this, we also have to wait whether there are degree or diploma holders who are organized like us. If there are, priority is given to them and we have to wait for unknown period of time. I was finished this process with my friends patiently and become ready to take a business training before taking the credit money. It was time consuming and tiresome process even to begin. At the middle it becomes a political education which

²³² Informant from the irregular migration returnee girls, Case6

*was boring for all of us. Generally, their bureaucracy didn't encourage the adolescent to work in the country.*²³³

The study indicates that the excessive bureaucracy especially at the *kebelle* level has its own negative impact on the adolescent to stay and work in their country. In addition, a key informant from the parents of migrants (Parent 12) responded that the *Kebelle* administrators and agricultural experts forced the farmers to use fertilizer without their interest in the drought prone kebelles. This adds other crisis in the economy of the farmers; and most of them couldn't pay the debt of agricultural inputs by next year. This in turn facilitates the irregular migration of adolescents in general and girls' migration in particular in the *Woreda*.

3.3. The Preventive Measures

Like in the facilitating factors, different actors should also be involved in the preventing mechanisms to combat irregular migration and to bring effective result. To begin with the government, the FDRE is making numerous efforts to prevent irregular migration in general and trafficking of women and children in general. These measures include, issuing laws to criminalize, bringing the perpetrators to justice and establishment of a committee at national level.

At the beginning 2013 an auxiliary sub-committee were established in regional, city administration, *Woreda* and *Kebelle* levels mainly to fight trafficking in persons in more extended way. Moreover, the committees were working in creating awareness on the regular migration if it is necessary. To this end, MoLSA was giving training of trainers to the representatives from regional, *Woreda*, and *Kebelle* level sub committees²³⁴. However, this service is currently stopped mainly due to the crackdown irregular migrants by the Kingdom of Saudi Arabia (KSA) and the Ethiopian banned legal migration following this.

Looking at the *Woreda* level, there are some efforts to prevent irregular migration include prosecuting of brokers, smugglers, and traffickers, awareness raising campaigns, creating job

²³³ Informant from the irregular migration returnee girls, Case3

²³⁴ An interview with Dr. Zerihun Kebede, Deputy Minister of Minister of MoLSA conducted by Fana Broadcasting Corporate (FBC) *Tegauzh Nekash* Program, January 02, 2013 in the morning 9:33 am at FBC Studio in Shewit, G. (2013). *The Situation of Trafficking Women From Ethiopia to Sudan: The Case of Metema Route*. Addis Ababa: Unpublished MA Thesis, Addis Ababa University, Center for Human Rights. P.72

opportunity, and ensuring coordinated works with local and international NGOs. However, there are many different obstacles to accomplish the above preventive measures.

To begin with, the prosecution process of the accused brokers, smugglers and/or trafficking offenders is not satisfactory. Many accused brokers didn't get appropriate punishment for their offence usually. According to the key informant from the Eastern Zone of Tigray High Court, most of the cases are not concluded with a court decision at all. He further explained that, accused brokers usually released and come back after their case is transferred to the Regional Higher Court. And the respondent from *Woreda* police strengthened this by saying that, "... *this totally paralyze us to hunt the brokers again.*" This is sometimes related with bribery; most of the time however, lack of evidences and vanishing of the brokers in lawsuit after they are released on bail²³⁵.

The other obstacle to prosecute the brokers according to the interview with the *Woreda* court president is the unwillingness of the community to expose them. This is mainly due to lack of awareness in the community towards the seriousness of the issue (irregular migration or trafficking in persons). In addition, there is also some interests or benefits attached to this in the community. According to the informant from the *Woreda* Justice and Security Office, irregular migration is considered as one of the main income generator in the community and it is impossible without brokers. Most stakeholders pointed out that the community works in collaboration with local brokers to send migrants abroad not knowing and understanding the risks of irregular migration but wanting to get financial benefits. The community refuses to report and testify against local brokers because they do not understand the impact of irregular migration. The community thus hides local brokers amongst its midst. As a result, key informant from the *Woreda* Court further pointed out that;

"Many court cases are closed due to lack of evidence. However, due to recent media coverage about the risks of irregular migration, the community has started to understand

²³⁵The Federal Democratic Republic of Ethiopia Federal Courts Proclamation, Proclamation No. 25/1996, Article 3 clearly states that, Federal Courts shall have the jurisdiction over "cases arising under the Constitution, Federal Laws, and International Treaties". Accordingly, the cases of smuggling and trafficking in persons are the jurisdiction of the Federal Court. However, the Regional States High Court has the power to prosecute and see the brokers accused by trafficking and/or smuggling of people and their cases mainly because they have the delegation to exercise the power of the Federal First Instance Court.

that smuggling/or trafficking is a serious crime and wants the local brokers to be brought to justice. Even some community members want that migration, both regular and irregular, should be stopped as the young and productive force of the nation is migrating in mass”.

Participants of FGD agree that the practice of reporting against local brokers is not common. The reasons include the fact that the practice is hidden and clandestine by nature, the fact that these are sons, brothers, uncles, cousins and close relative of community members, and largely due to the fact that the persons who have the details of local brokers have used or are planning to use their services to migrate abroad. As everyone aspires to migrate to change his/her life, they want to establish a good relationship with local brokers. For those with a migrant family member, local brokers are the channel of communication and sometimes of money transfer. They thus have all the interest to remain silent about their misdeeds.

Police and prosecutors in the Wereda also complain that they do not have budget to provide shelter and transportation for victims and brokers when they catch them for instance at or close to the borders. They do not also have resources to provide temporary shelter to victims in order to secure their appearance in court to testify. They further complain that the problem of irregular migration is by nature complicated and might require police officers and investigators to travel long distance to arrest brokers, smugglers/traffickers in the act. However, they do not have vehicles and adequate resources to cover the related costs.

The other preventive measure in the *Woreda* is awareness creation campaign in cooperation with NGOs. According to the interview with the concerned governmental stakeholders, such as the *Woreda* BoLSA, BoWCA, Police and the Office of Youth and Sports Affairs, there is awareness creation campaign on the seriousness of irregular migration in different occasions especially for women and adolescent but not regular. With regard to cooperating with NGOs, there is no NGO which works on prevention of irregular migration in the *Woreda*. However, the IOM Addis Ababa helps them in training the trainers as part of its international campaign. In addition to this the Tigray Youth Association does similar works. According to the response of the *Woreda* Youth and Sports Affair Head, World Vision Ethiopia also help in creating job opportunity and some trainings for the adolescent in the Wereda but not specifically in combating irregular migration.

In the FGD discussion, discussants have reported the following positive sides in preventing irregular migration of adolescents. The involvement of local government officials', community level actors', includes personals from religious institutions and teachers in awareness-raising about the risks of irregular migration. Some have also mentioned the efforts of local Government officials and institutions that have started to get engaged in raising awareness of the community and the strengthened enforcement of the law.

Furthermore, informant from the parents of migrants and returnees also further mentioned some efforts by NGOs (World Vision Ethiopia and the Tigray Youth Association) to support potential victims and raise public awareness as strong side to prevent irregular migration. The recently effort of the media is appreciated by the majority of respondents, through the police program on Ethiopian Broad-caste Corporation (EBC), reporting of consultations amongst key stakeholders, elaborating on the legal and human rights issues and presenting testimonies of victims. The existence of community policing efforts in each *Kebelle* that include surveillance of irregular migration and recruitment by local brokers is another positive effort mentioned by informants in the study. Nevertheless, all interviewed informants and FGD discussants admitted that despite some efforts, the response is still not enough and adequate to effectively address the issue of irregular migration in the *Woreda*. Moreover there is no organized taskforce to prevent irregular migration as its severity in the *Woreda*.

3.4. THE MAJOR CHALLENGES AND HUMAN RIGHTS VIOLATIONS DURING THE ENTIRE IRREGULAR MIGRATION

This study mainly differ from other researches on international migration and Ethiopian migrants, because it focuses the challenges and human rights violations that happen on the entire process of the migration before departure. The study also deviates from the other researches because it is totally about irregular migration of girls.

As it has been clearly explained in the introductory chapter, most researches on the international migration whether on irregular or regular migration, focuses on the human rights abuses, violations and challenges faced by the migrants at the destination countries. There are also some researches which focus on women and girls in international migration. Other few researches also

give emphasis to the lack of communication between the migrants and their family or any other concerned body like, the embassy in the destination country, MoLSA or the agencies.

The major human rights violations faced by the migrants can be seen by dividing the whole irregular migration in to different sub topics or steps. This also helps to draw the real picture how the migrant girls suffer and what major human rights of the girls are violated in each steps of the migration process.

3.4.1. Major Challenges and Human Rights Violations Migrants Face at Different Phases of the Migration Process

The primary challenge for most migrants is leaving their family and friends and the community at large. It is known that, there is a close societal tie and extended family in Ethiopia. The long rooted Ethiopian patriarchal cultural system also didn't allow girls to go away even from their home. Most informants from the irregular migrant returnee girls describe that, when the migrants are adolescent especially, girls the first challenge is moving away from families and/or relatives to unknown community and place.

3.4.1.1. During the Negotiation with Brokers and/or Smugglers

The initial contact between the potential irregular migrant and the brokers differ from migrant to migrant and based the methods that the brokers used. In this study for instance, cases, 2, 4, 5, 6, and 11 reported that they had initially contacted with a broker through friends and/or relatives lived in or returned from the destination countries. Cases, 1, 3, 7, 8, 9, 10 and 12 were directly contacted and negotiated with the brokers by themselves. This shows that there are migrant girls who do not even negotiate their transportation, the fees expected from them, for the services they get from the brokers and with whom they will go.

First I had a plan to migrate to Saudi Arabia legally through one of the PEAs in Addis Ababa however, when I met a broker in my friends 'Coffee House'²³⁶ he persuade me to migrate irregularly. The broker told me that 'there are many girls who suffer from abusive life and heavy work in Saudi mainly because they can't change work place or home since their finger-print is available in the authority'. He convinces me irregular migration is less costly and after reaching the destination country you will have an

²³⁶ Coffee House is a small business which provides coffee to customers with the local Ethiopian coffee ceremony.

*alternation to work in where you like. After this, I change my plan and decide to migrate irregularly.*²³⁷

*I met the broker in the mill house while I was grinding grain in my Kebelle. At the beginning both of us were afraid. I was afraid to introduce him and he was afraid since he does not know me whether I'm spying him or not. He was very pessimistic and wakeful to understand people. At that time he told me to prepare for the journey within the next two weeks and to have 7,000 Birr for the total journey to Saudi.*²³⁸

*Even though I know he sends people by my friend, the broker is my relative. Our negotiation was not about the money to pay him for his service and for the journey to reach to Sudan, but about to send me covering all my expenses by him. I didn't know when I will repay his money at that time.*²³⁹

*I didn't met and negotiate with any broker. This process was done by my cousin who migrated with me. My role in this step was readiness to the journey when we are told to leave. The whole expense of mine to the entire journey was covered by my parents.*²⁴⁰

*My parents didn't agree to my decision to migrate. So, I collect information about brokers who can send with less money and receive the remaining from the migrants' wage. After this, I met a broker and negotiate about the payment for his service and some remaining money to the transportation. When he agreed with my idea, I considered myself as a lucky person. He was very kind to me at that time.*²⁴¹

The above verbatim examples show how the migrants and local brokers met and negotiate from the irregular migration returnee girls' perspective. All the informants from the irregular migrant returnee have reported similarly on how they met and negotiated with brokers. The main challenge in this step especially, for those who directly met the broker was how to negotiate about the money they are expected to pay or to be paid and the difficulty of the journey throughout the entire migration process.

The study also indicates the brokers persuaded the migrants through their social networks to pay the total or some percent of the required money for the travel arrangement. Only in one case, the girl has not been asked to make initial payment. In this case, it is known that she will pay it from her salary at the destination country. This exposed her to be seized in debt and conditions akin to

²³⁷ Informant from the irregular migration returnee girls, Case1

²³⁸ Informant from the irregular migration returnee girls, Case

²³⁹ Informant from the irregular migration returnee girls, Case 8

²⁴⁰ Informant from the irregular migration returnee girls, Case 12

²⁴¹ Informant from the irregular migration returnee girls, Case 9

slavery which is one form of exploitation defined by the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Slavery-like practices.²⁴² The other similarity of the respondent girls in this stage is that, they all were not forced by the brokers. In all cases respondents reported that the initiation of migration started by themselves or their parents not by the brokers. However, this didn't mean that, they become victims of the brokers as their decision making is completely controlled in the entire journey and in some cases even after their destination.

3.4.1.2. During the Journey

The main focus of this study is to show the human rights violations faced by the irregular migrants during the journey to leave Ethiopia. To do this, the study begins by identifying the main destination country of the adolescent of the *Woreda*. Based on this, Saudi Arabia is the most preferred destination country to most of the adolescents of the *Woreda* as five of the twelve returnee girls' informants are deported from there. Other destination countries to the migrants of the *Woreda* next to Saudi are Kuwait, Lebanon, Oman, UAE, Sudan and Libya. For this reason, the study made an extensive interview with the irregular migration returnee girls from the above seven destination countries and try to identify the major human rights violation face the migrant girls in the transportation to all these countries.

All the informants from the irregular migration returnee girls reported that they pass either through the Afar - Djibouti or the *Jigjiga – Bossaso* route to reach Yemen, the main transit country to the destination country, except Case 8 and Case 11 who use the *Metema* route to leave Ethiopia. To clarify it more, cases, 1, 2, 3, 4, 5, 6, 7, and 12 start their journey from their local areas mainly, from *Firewiny* or *Edaga Hamus* to *Mekelle* by using regular public means of transportation, a bus or mini-bus. The smugglers then transport them to *Chifera*, *Milie*, *Logia*, *Dicheauto*, *Alidahar* and *Maneda*, which are all travel points in Afar Region. They then proceed to Djibouti travelling in containers and trucks at night and on foot by choosing routes not frequented by authorities. After this, the smugglers transport them to Yemen through the sea voyage by boat from around the port of *Obock* in Djibouti.

²⁴² Supplementary Convention on the Abolition of Slavery, the Slave Trade and the Institutions and Practices Similar to Slavery, (1956), Article 1, requests, "Abolition of Slavery-like practices including debt-bondage and serfdom, forced marriage and sale/transfer of children for labor exploitation (all further defined in this article)" and Article 6 reads, "Act or attempted act of enslaving or including another to slavery or slavery like practices is a criminal offence."

Cases 9 and 10 are reported, the use the route from *Mekelle*- Addis Ababa- *Jijjiga* by public bus and then to the port *Bossaso* in Punt land, Somalia. They use different means of transportation including, lorries carrying containers, trucks and on foot day and night. They then cross the three to four day sea journey (the Gulf Aden) by boat with the help of smugglers to reach Yemen. Cases 8 and Case 11 start their journey differently even though they are reported using the *Metema* route to leave Ethiopia. Case 8 starts her journey from *Fireweiny* to *Adigrat*²⁴³ and then to *Shire*²⁴⁴, *Gondar*, *Metema* by using public transportation. She then crosses the desert between Ethiopia and Sudan with other migrants and smugglers on foot and sometimes on trucks. However, case 11 use the tourist visa to enter Sudan and then the Sudanese smugglers transport her from Khartoum, the capital of Sudan to Libya via the desert route mostly on foot and sometimes by trucks.

Having the above information about the means of transportation, following verbatim examples show the various kinds of human rights violation face by the migrants during their journey.

*First I go to Mekelle from Fireweiny by mini-bus and then to Chifera, Milie and Logia through similar means of transportation. There was no problem in our journey, except the suffocations since we were more than twenty persons in a mini-bus and the weather was very hot, until Logia. After this the smugglers turned in to butcher and try to threaten us without any reason. They didn't consider as humans. They ordered us to be fast in the desert journey without water and food. Beating, insulting, hunger and thirsty become our fate. I saw a dead person half buried in a mountain where we were hiding from the police. While all migrants were crying to the dead person, the smugglers began rapping a young woman selecting from us. The woman who was rapped at that night was migrating with her husband. No one can protect the migrants from such action by the smugglers. I always wonder how I survive from this harsh situation and journey of a week. When we arrive at Djibouti, another smuggler receives and takes us to a place hidden from police and where we are ready to the oversea journey by boat. The journey over sea was very threatened and took 29 hrs. You can't ask the smugglers for water or food. If you try to move even from your seat they will beat you and throw you to the sea. After this exhausting oversea journey they can drop you at the shore where is difficult to walk if you can't swim. Finally, you have to run to escape yourself from the Saudi patrols.*²⁴⁵

²⁴³ *Adigrat* is a town found in Tigray Regional state, Ethiopia. It's the capital of Easter zone of Tigray Regional State including *Woreda Sa'esi'e Tsa'edamba*, where this study is conducted in.

²⁴⁴ *Shire* is a town found in Tigray Regional state, Ethiopia. It's the capital of North Western zone of Tigray Regional State in which a regular public transportation to Gondar is available.

²⁴⁵ Informant from the irregular migration returnee girls, Case 1

Case 2, further describe the human rights violation in the irregular migration by saying that,

“The main danger and human rights risk irregular migrants face entering Yemen on the coast is from criminal gangs who capture, torture and extort migrants. The gangs demand a ransom from family and friends to release the hostages otherwise; they can kill or hurt you physically and psychologically. They didn’t trust you if say I have no relative in Saudi and could imprison you even for a year. After such a long and tiresome journey I decide to work in Saudi, but my friend told me Kuwait is better and the voyage from Saudi is more save. Then I travel from Saudi to Kuwait by small Toyota car for three days”.

What I want to tell is that every girl who migrant irregularly knows that she would be raped en-route, including by fellow travelers and smugglers leading the way, or by border patrolling officials. We wish that we would not face the problem, but in case that happens, we want at least to prevent pregnancy. We plan to mitigate the consequence of the rape by taking contraception. Unfortunately, I’m among the victims of rape twice, in the desert journey from Afar to Djibouti and in Yemen by the gangs who imprison migrant for ransom.²⁴⁶

We started the perilous journey through Afar desert, where some plunderers attacked and beaten us badly and took the money we had. They raped and kidnapped two migrant from us. After six and half day of walking in the desert, during which some people died of starvation, we reached Tajoor²⁴⁷ Mountain, where we stopped in order to have a rest. I was looking around me, I found some people dying, some were sleeping, and others were crying and asking for water or food. I was walking among people laying down, looking at them and talking they were staring at me, but no answer from their side, then I realized that they were dead. There I realized that I was going through a journey of death, some people died during the desert crossing, some while climbing the mountain and some on the top of it. It is a matter of chance that, the one die while the other survive. After this, we had the oversea journey by boat which is the first in our life at least for some of us. In this journey the cheapest thing for the smugglers is a life of a person. I saw that a man was thrown in to the sea like a bag of trash. After I arrive in Yemen the smuggler also lead me a five day journey by land-cruiser to UAE.²⁴⁸

In the entire migration journey starting from Logia in the Afar and Djibouti deserts and the sea voyage I saw a tremendous human rights violation which is difficult even to believe it if you hear it from someone else. Migrants are transported by containers for days like stuff. There was degrading treatment, verbal abuse, exhaustion, dehydration,

²⁴⁶ Informant from the irregular migration returnee girls, Case 3

²⁴⁷ A mountain found between the border of the Afar Regional State, Ethiopia and Djibouti.

²⁴⁸ Informant from the irregular migration returnee girls, Case 4

*starvation, deprivation of sleep and kidnapping by criminals for ransom up to the destination country Oman. When God wants you to arrive, you will go anywhere.*²⁴⁹

*It's difficult even to remember all the violations of migrants' life in the entire journey. However, to say something, every activity of yours is subject to the will of the smugglers. Even the fate of your survival is in the hand of them. Your humanity is more degraded from ever. They didn't even consider you as human. I think I was lucky to reach Lebanon passing such challenges even though; I didn't achieve my goal there.*²⁵⁰

*I was informed that most irregular migrants face many human rights violation and challenges including rape, beating and insulting. I consider myself as lucky because I didn't face such serious human rights violations by the smugglers or fellow travelers in the desert route via Afar- Djibouti and in the oversea journey. However, I was kidnapped and raped for three days by the security officials in Yemen.*²⁵¹

*I prefer migrating through Jigjiga and Bossasa, Somalia to the Afar Djibouti rout because a smuggler told me that there is strong relation between the Djibouti and Ethiopian government, to work coordinately to control irregular migration. The existence of weak government in Somalia becomes a good opportunity to the smugglers to the ports. Every migrant should accept the insults, beatings and other abusive treatments by the smugglers in the desert route from Jigjiga, Ethiopia to the port of Bossasa in Somalia. This journey was to be accomplished on foot and other vehicles. The most serious challenge in this route was the oversea journey since it took three day and eight hours without food and water. Many migrants were dead of hunger and smother on the boat. No one would travel by sea if they knew what the journey by sea was like this. It's fate who survives and who doesn't. The sea was too terrible. After this harsh journey I was caught and imprison by the gangs in Yemen. They ask me 3,000 Riyal²⁵² and my cousin sends them from Kuwait and releases me after two weeks imprisonment.*²⁵³

I prefer the Jigjiga Bossasa route to the Afar-Djibouti because my fellow traveler preferred it. I didn't travel before so, I needed someone who travels with me from my village and preferred my relative. I found the journey exhaustive and tiresome with hunger and thirsty completely. The smugglers thought we have money and every smuggler asked us for more money to ease the journey. Human rights violation was obvious during the irregular migration. My fellow traveler was thrown in the middle of

²⁴⁹ Informant from the irregular migration returnee girls, Case 5

²⁵⁰ Informant from the irregular migration returnee girls, Case6

²⁵¹ Informant from the irregular migration returnee girls, Case 7

²⁵² Saudi Arabia's local currency

²⁵³ Informant from the irregular migration returnee girls, Case 9

*the sea. They didn't consider the mutual benefit between the migrants and them. They are cruel and inhuman to treat migrants.*²⁵⁴

*Until Metema I travel by the public transportation and I didn't face any serious challenge in the two days journey. It was after this, when I start crossing the Ethio- Sudan border, the smugglers began to threaten us that they can even kill us if we are disobedient to their orders. The most challenge in this journey was traveling at night. Most of the journey was covered at night while we were keep on the day covering under stick huts made by the smugglers to hide from security patrols. It was while we approach Khartoum, we enter in to lorry and transported like stuff until our destination.*²⁵⁵

*Since I had a tourist visa, I arrived at Khartoum Sudan safely using bus. The Sudanese smuggler then transferred me to Libya by using different means of transportation. The journey from Sudan to Libya is physically demanding and migrants are vulnerable to the elements, the physical rigors of the journey, the abuse from crew controlling the borders are some of the serious challenge. However, even in the desert when things were really bad I knew that I couldn't go back. I knew I had to arrive in Libya to achieve my goal.*²⁵⁶

*Narrating all the human rights violation face the irregular migrants is boring and time consuming to you. In general, there is no human right respected. Most of the smugglers especially, the sea smugglers are addicted with different drugs and didn't treat migrant as human. In the over sea journey, the boat contained more than eighty people, I saw a smuggler rape a young women in front of us.*²⁵⁷

The study indicates that the irregular migrant girls have experienced grave human rights violations during their transportation to the destination country. These violations are committed on them by the smugglers, fellow travelers, security official gangs and other unknown people in the desert and in the oversea journey. The smugglers had absolute power over the migrants to fulfill their desires. The irregular migrants lost their status as human being in the desert and sea journey since they didn't have power to stop the grave human rights violation they faced by the smugglers.

The girls in this study have witnessed and are victims of the abuse of rape by more than two men or gangs to one girl at once. The crime of rape has been treated as in human act against women

²⁵⁴ Informant from the irregular migration returnee girls, Case 10

²⁵⁵ Informant from the irregular migration returnee girls, Case 8

²⁵⁶ Informant from the irregular migration returnee girls, Case 11

²⁵⁷ Informant from the irregular migration returnee girls, Case 12

in international human rights law.²⁵⁸ Rape was also proclaimed as form of violence against women in other international human rights laws such as CEDAW and the Protocol to the ACHPR on the rights of Women in Africa.²⁵⁹ The victim girls in the study have also witnessed and were victims to the confiscation of money and other properties in their journey. This is the violation of the right to property as it is clearly stated in the UDHR Article 17 (1) and (2) “everyone one has the right to own property alone as well as in association with others.” And no one shall be arbitrarily deprived of his property.” Furthermore, the migrants have experienced physical violence including beating, punching, slapping and kicking at the time of delaying behind the travelers when they are tired in the desert route due to hunger and thirsty.

Moreover, the migrants in the study have witnessed of death of migrants in the desert as well as in the sea journey because of hunger and thirsty. This shows the irregular migrants are violated their right to life and their right to food. This rights are an inherent rights to all human beings proclaimed in most of the international human rights instruments, including in the ICCPR Article 6 (1), in the UDHR article 3, in the ACHPR, in the Protocol to the ACHPR on the rights of Women, and in the CRC.

With regard to the national of Ethiopia, Article 9(4) of the FDRE Constitution states that, “All international agreements ratified by Ethiopia are an integral part of the law of the land”. All the above international human rights instruments are ratified by the country. In addition to this, the FDRE Constitution provides the rights to protection against cruel, inhuman or degrading treatment and not be held in slavery or servitude. And the constitution further states that,

²⁵⁸ The Rome Statute of the International Criminal court, of 10 November, (1998), in its Article 7 (1) (g) classifies “rape, Sexual Slavery, enforced prostitution,...or any other form of sexual violence of comparable gravity” committed “as part of widespread or systematic attack directed against any civilian population” as crime against humanity. In addition, Article 6 (c) of the Nuremberg Charter clearly states crimes against humanity as “... atrocities and offences, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape or other inhuman acts committed against any civilian population or prosecution on racial, political or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal whether or not in violation of the domestic law of the country where perpetrated”.

²⁵⁹ The protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, of 11 July, (2003), Article 4 (1) reads “Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited: (2) State parties shall take appropriate and effective measures to: (a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;(b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violation against women... (e) punish the perpetrators of violence against women and implement programs for the rehabilitation of women victims”

trafficking in human beings for whatever purpose is prohibited and no one shall be required to perform forced or compulsory labor.²⁶⁰

3.4.1.3.Risks on the Passageway and Arrival to the Destination Country

All girls on the study reported that the challenges and hardship of both the desert and sea journeys were more tiresome and dangerous more than they expect before migration. These journeys exposed them to psychological and physical abuses and risky state of affairs. They experience hunger, thirsty, robbery, rape, beating, punching and insulations, being captured by patrol security and gangs, and being lost in the deserts with no food, water and money, either to return to their home country or to continue their journey to the destination countries.

With regard to the arrival at the destination country, the irregular migration returnee girls similarly reported that the situation didn't match with the information they heard at home. Cases 1, 3, 7, 10 and 12 was received and sponsored by their friends and/or relatives in Saudi Arabia and they were forced to stay in the house of their sponsors until they got work. Cases 2 and 9 were recruited directly when they arrive Kuwait with the help of their relative who prepared work and sponsored them starting from Yemen. Cases 4, 5, and 6 also reported they began work with the help of their sponsors within short period of time which varied according to the situation in their destination countries. Case 8 starts work in Khartoum as maid immediately on her arrival while Case11 was recruited in the help of Sudanese broker in Libya.

The following verbatim examples indicate how the irregular migrant returnee girls express the violations inflicted up on them and the situation on the arrival in the destination country with regard to their expectation before migration.

Before I migrate to Sudan, I was expected to get a job with better wage since the broker who send me is my uncle. But on the arrival and work as maid in Sudan, I realize that I was wrong in my decision to do. It was a big house with more than ten family members. To manage this, I have to work more than 16 hrs per day with no day-off at all. They forced me to pray with them even I told them I'm Christian. Moreover, they didn't give me my salary for six months by saying they are paying the broker to cover my

²⁶⁰ The FDRE Constitution Article 18, See *Supra* Footnote171

*transportation expenses. Generally the situation in Sudan is much more different from my expectation before migration.*²⁶¹

*When I arrive in Libya a Sudanese man received me after I gave him a call according to the address an Ethiopian migrant gave me in Sudan. He also engaged me in a domestic work in return; I agree to give him my one month salary. In Libya being a black doesn't entitle you any rights, anyone can do anything to you. Libyans have a separate plate for their black servant and they refuse to eat from it after it has been used by them, they might even throw it away. Even they know me I'm Muslim and I always pray with them and answered their question about basic Islamic dogmas, they didn't like me because I'm black.*²⁶²

*After I arrive in Kuwait passing the horrible journey, my cousin tried to narrate me how life is difficult here and how I should face it. She told me the working hours are more than that of Ethiopia. The salary she promised me when I was in Ethiopia is lowered from 8,000 Birr to 5,000Birr. I was surprised by her deception to satisfy her employer. Her employer also engaged me in his relative's house. My employers were so cruel to me. They didn't want me to rest even I finished my work. I get everything different and more than my expectation in Kuwait. They insult and sometimes beat me for a simple fault or for nothing.*²⁶³

*On the arrival in Lebanon, I was expected to forget all the challenges in the desert and sea routes including the starvation, thirsty and other abusive treatments by the smugglers patrol officers and gangs. However, Lebanon becomes an earth hell for me. I wonder how a person call and sponsored to his/her relative or any other person who knows to Lebanon as better opportunity. At first they beaten and insulted me if I couldn't understand what they told me because of language barriers. They never call me by my name instead they call me 'donkey' at any time. They never allow me to pray with them.*²⁶⁴

*I considered arriving in UAE, Dubai as a success by itself compared to my situation in the entire transportation process. However, I faced discrimination, work load, and abusive treatment from my employers. The older son of the house raped me several times, when the owners were at work. He always insulted and beaten me for nothing. When I reported this to his father, he kicked me out of the house instead of solving my problem.*²⁶⁵

²⁶¹ Informant from the irregular migration returnee girls, Case 8

²⁶² Informant from the irregular migration returnee girls, Case 11

²⁶³ Informant from the irregular migration returnee girls, Case 9

²⁶⁴ Informant from the irregular migration returnee girls, Case 6

²⁶⁵ Informant from the irregular migration returnee girls, Case 4

In Saudi Arabia, Ethiopians are considered as the most unskilled and cheap people in the world. I was a second maid in the house in Saudi Arabia. Even though we did the same task and hours with the Philippine maid they paid her twice my salary. They didn't allow me to bring food for them.²⁶⁶

The study shows that all the irregular migrant girls have realized that they were wrong to decide to migrate. They were blinded by some successful migrants. They were restricted to visit and to call their relatives after they are recruited as domestic workers in the destination countries. In case 8 the girl was seized as debt bondage until she ended paying the compulsory fee to the smugglers from her salary. The girls in the study also revealed they were treated as less-humans. They also responded that Ethiopian maids are branded as unskilled, thieves, naughty and prostitutes especially in Libya, Kuwait, Lebanon, and Oman.

Furthermore, the irregular migration returnee participant girls are evident that they were all engaged in domestic work with long working hours, unsafe working conditions with considerable hostility and harassment. Since they are illegal in the destination country, their salary is not based on their agreement but by the will of the employers. According to Case 1, irregular migration not only leaves them vulnerable to violence and exploitation en route, but also means they have no safety net on arrival.

Their rights which are preserved in the Migrant Workers Convention were violated. The ICRMW represents the most comprehensive international legislative attempt so far to address the vulnerabilities of migrants through a human rights framework. It contains extensive civil, political, economic and social provisions which extend rights both to migrant workers and their families.²⁶⁷ Premised on the principle of nondiscrimination, the Convention provides that *all* migrant workers should have the same protection of their fundamental human rights as nationals of the host country. The Convention applies specifically to migrant workers and members of their families²⁶⁸ and covers the entire migration process, including: preparations for departure; departure; transit; the entire period of stay and remunerated activity in the state of employment; and return.²⁶⁹ The migrant workers covered by the treaty include those who are documented as

²⁶⁶ Informant from the irregular migration returnee girls, Case 7

²⁶⁷ Ibid

²⁶⁸ ICRMW, See supra footnote 82, Article 1(1). Article 2 provides definitions of "migrant worker" for the purposes of the Convention and Article 3 specifies who are not covered.

²⁶⁹ Ibid, article 1(2)

well as those who are irregular or undocumented. The ICRMW clearly states that, “*No migrant worker or member of his or her family shall be held in slavery or servitude. No migrant worker or member of his or her family shall be required to perform forced or compulsory labor.*”²⁷⁰

Case 2 further explained, ‘If those who use the legal route face problems at the destination country, the Ethiopian Embassy could give them some protection. However, the Embassy will not be responsible for those who migrated illegally.’ Girls without legal documentation are even more vulnerable to abuse and employer control, as they lack access to any form of redress.

Furthermore, interviewed stakeholders also listed the risks, which include harassment, physical and mental abuse, financial loss and death, rape and thereby exposure to sexually transmitted infections including unwanted pregnancy, suicide, death as they are smuggled through the desert or the sea, being eaten by beasts, being kidnapped for ransom, disappearance, dehydration, starvation, labor exploitation, deportation, imprisonment, removal of organs, etc. They agree that the risks of irregular migration are much greater than the benefits. Irregular migration has a negative impact on the image of the country. They reported that we are losing the productive force of our population, which might affect the economy of the country. For instance in some rural areas, older men had to go back to farming as all the young and productive force has migrated abroad. Only few benefit from irregular migration. Some say that to be able to change your life, you have to go through hardship. That is the price you pay for a better life. They noted that some female migrants died leaving their young children behind.

3.4.1.4. The Conditions under Police Custody

All of the informants in this study have reported that they experienced imprisonment before their deportation to their country. The difference is that some of them were held in prison for week while others up to a year or more.

After the Saudi Arabia declared crackdown of irregular migrant from the country, I decided to surrender myself peacefully before they harm me. I was detained for two weeks before deportation. There is no single room to individual prisoners, instead many women were held together. There are women who lost their memory, physically and psychologically harmed. It was the most disgusting in my life where a detainee could not sleep normally due to lack of enough space slept and the disturbance of mental-ill being

²⁷⁰ICRMW, Article 11 (1) &(2) & Article (21) See Supra Footnote125

*detainees. We have no right to claim to enough space and sanitation since; the police have no mercy on us.*²⁷¹

*I was detained in Sudan for a month because of my irregular status. I was captured when I visited my relative in the same city, Khartoum. In the prison I slept on the floor with no resting mat. Besides, the prison officers have not provided any services to us however; the Sudanese detainees and some Ethiopian residents in Sudan have sometimes provided us some food and other items including mat and sheet.*²⁷²

*I was arrested when I return to home from the negotiation with smugglers to Italy. The Libyans have no mercy for the prisoner. They think that a prisoner is like a donkey. I can't tell you what happened to me. I don't even remember some of it myself. I don't know how I managed to get from one place to another with their merciless punching and kicking.*²⁷³

*I was detained in Oman for six months together with Ethiopians and other nationals such as Somalis, Eritreans, Kenyans, Sudanese and Philippine. The police asked us several times how and by whom we managed to enter Oman. Whether you told them the truth or not they beat you. They also discriminate by religion for instance; they didn't treat us as equal to the Sudanese or with other Muslims with the same national.*²⁷⁴

*I was in prison for two months in Kuwait. The overall situation of the custody was sickening. The sanitation of the prison is very bad. I had no bed or mat to sleep on, because it was taken by other prisoners. I was forced to sleep on the floor most of the time by putting my dresses below. Many detainees including Ethiopians were dead in the prison because of suffocation and abusive and violent treatments of the officers. A detainee with me told me that there was situation when the prison guards raped the detainee women. The officers are not accused and awkwardly our voices were totally unheard. There was no place we can talk and appeal for our problems. Generally, nothing was good about it.*²⁷⁵

The above verbatim examples show the conditions of the irregular migrant girls in the prisons. Accordingly, the informants revealed that there were dead prisoners out of the violent conditions of the prison. However, being in prison doesn't mean that having no rights at all. The detainees' right to life, right to food, right not be tortured and the right not to be rapped was violated in the prison.

²⁷¹ Informant from the irregular migration returnee girls, Case 1

²⁷² Informant from the irregular migration returnee girls, Case 8

²⁷³ Informant from the irregular migration returnee girls, Case 11

²⁷⁴ Informant from the irregular migration returnee girls, Case 5

²⁷⁵ Informant from the irregular migration returnee girls, Case 2

The study also shows that the condition of the prisons in which the girls on the study was detained was hostile to their physical and mental health conditions. According, to their explanations the prisons couldn't fulfill the minimum standards of the universal prison treatment.²⁷⁶ All the above crimes committed by the prison guards up on the detainees including, arbitrary beating, rape inhuman or degrading treatment and torture are criminalized under different international human rights laws. For instance, torture is criminalizing under UDHR, article 5, CAT and ICCPR, article 7. In addition, the prisons didn't treat separately to the juvenile offenders. United Nations Standard Minimum Rules for the Administration of Juvenile Justice and commonly known as 'the Beijing Rules' guarantees some privileges to the juvenile offenders, regardless of their race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.²⁷⁷

In contrary to the above informants, there are informants who noted the prison as sort of relief to their ordeal at least in the destination country was nearing an end. Even before the recent Saudi crackdown on illegal migrants, irregular workers were at constant risk of arrest and imprisonment. While obviously very stressful, in general girls did not complain about abusive treatment or lack of food in prison; instead, for instance, Case 7 who migrated to Saudi Arabia noted, "*I was pleased when I was detained as I would be sent to my country.*" This is not to say that they would not try to migrate again the majority of the case study respondents were considering returning despite their negative experiences. But until they encounter '*better luck*', detention and expulsion are often the only way out of an unbearable situation.

3.4.2. Means of Returning Home and Reintegration

According to the irregular migration returnee informant girls, the major reason to return to Ethiopia is mainly when they are deported by the destination countries immigration office after they are captured by the police. For instance, 4, 344 migrants²⁷⁸ were deported in November and

²⁷⁶ Standard Minimum Rules for Treatment of Prisoners, the Economic and Social Council Resolution 663C (XXIV), of 31 July, (1957) and 2076 (LXII), of 13 May, (1977).

²⁷⁷ United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") Adopted by General Assembly resolution 40/33 of 29 November 1985. Article 2, states that, "The following Standard Minimum Rules shall be applied to juvenile offenders impartially, without distinction of any kind, for example as to race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status."

²⁷⁸ According to the information from the *Woreda* Youth and Sport Affairs Office, and interview with the head of the bureau, this number is not the exact number since there are migrants who didn't return to the *Wereda* even they arrive in Ethiopia.

December 2013 after the crackdown of irregular migrants by the Kingdom of Saudi Arabia. Among these 749 were women. This shows that, most irregular migrants return home without their choice.

In addition to the above, there are also many reasons raised by the girls in the study. These are mainly related with the abusive work conditions, degrading treatment and discrimination by their employers, unbearable work load, and health problems in the destination country. For instance, case 5 says that, *“I can’t tolerate all the discriminations, abusive work conditions and the beatings by my employers in Oman and I decide to surrender myself to police in order to deport to my country.”*

Reintegration is the next process after the returning of the migrant by any means. Reintegration by itself can serve as a means of preventing irregular migration since it avoid the re-migration of returnee migrants. Reintegrating returnee girls from domestic work abroad should be broad-based and sustainable, aiming at fitting the returnees into the labor market, family and community. In most cases returnee girls encounter more problems of reintegration than men, owing to socio-cultural factors. Thus young women’s decisions for remigration may result from poorly coordinated reintegration schemes, which do not encompass social and economic reintegration on sustainable basis.

The reintegration of migrant domestic workers was the other main theme of the FGD in the study. The participants explained that the role of the government is unsatisfactory and do not know any NGOs in the Wereda working on the reintegration of returnees from domestic work in Arab countries. Although the government knew that many women would migrate from the Wereda looking for alternative employment as domestics abroad, it did not intervene to facilitate their reintegration, nor raised public awareness for possible interventions by the civil society. Accordingly, many returnee girls in the Wereda had been migrated back to different Arab countries in search of domestic work to make a living.

Three of the informants who returned home from domestic work in Saudi Arabia (cases 3, 10 & 12), one from the UAE (case 4), Kuwait (case 4) and Lebanon (case 6), explained that they were not able to improve their living standard when they returned home. Like the others, they asserted that they organized work migration with the hope of improving their living back home. However,

their expectations were not met, for different reasons. They argued that the exploitative working system did not enable them to save enough money and this prevented them from improving their living standard upon return. In addition, the informants emphasized that they had been sending remittances regularly, paying their debts, and they had also spent much on consumption items. Some of them also mentioned that they had started to run small businesses, which failed later because of feasibility problems.

The other important barrier of reintegration of returnee girls is the perception of the society towards them. The community stigmatized the girls when they return home in some cases. According to the interview conducted with informant from the parent of migrant (Case 11), in some cases, returning migrants may become more conservative socially and religiously as a result of their own migration experiences. They choose to wear *hijab* that covers all their body including their eyes, and avoid shaking hands with non-relatives. This is totally out of our culture even though our *Kebbele* is among the Muslim dominant²⁷⁹ population in the *Woreda*. This also widens the social distance between them and the communities they belong to.

Concerning the perception of the community towards the returnee girls' participants of the FGDs argued that, the community usually associates the success of the returnee girl with the smooth relationships they maintain with their families, while those who come back empty-handed can be rejected by their families. In most cases, the community perceives that all migrant girls can acquire wealth and people often ask them for gifts or loans.

²⁷⁹ *Hawile* and *Raele* are the two *Kebelles* in *Woreda Sa'esi'e Tsa'edamba* where their population is more Muslim than Christians. These are the *Kebelles* of the *Woreda* which share common border with Afar Regional State.

CHAPTER FOUR: CONCLUSION AND RECOMMENDATIONS

4.1. Conclusion

Once getting to the irregular migration route, the girls had experienced countless human rights violations throughout the desert and sea journey. Most of the irregular migration victims in this study have traveled on foot, on containers and lorries to cross the desert between Ethiopia and Djibouti or between Ethiopia and Somalia without proper food and water to sustain their life. In this journey, the girls witnessed dead and half unburied migrants. They have experienced beatings, insults, rape among the grave human rights violations. Furthermore, the migrants were facing many human rights violations in the sea journey by boat to Yemen including throwing in to the sea, rapping by the smugglers and starvation. To sum up, the irregular migrants faced many forms of crimes against humanity such as gangs rape, torture, robe and rapping by more than two men at once which unbearable.

The study further shows that the girls have experienced feeling of loneliness and isolation due to strict control by their respective employers. They also had no protection from abuse and exploitation in the destination countries. The actual experience in the destination countries were of heavy workloads, long working hours, serving more than one family even though they were hired for one, restriction of movements, deprivation of food and sleep, denial and withholding of salaries and sexual harassment had exposed the girls to physical and /or social or emotional health problems. In addition to this, some of the girls have seized for debt for up to six months to pay to the service they get from the brokers.

In similar way, the irregular migration victim girls have also faced various human rights violations in custody by the prison guards. The prisoner treatments in most custody of the destination countries to the victim girls in this study couldn't fulfill even the UN minimum standard of prisons. The returnee girls assured that, they were not treated as juvenile and were not special treatment; rather they were suffered from ill-treatments of the guards. There was not enough food, bedding, toilet, health care service and shelter. They were reported that, the prisons lack sanitation at all.

In general, the irregular migration victim girls have experienced many grave circumstances starting from the initial journey to the deportation to their country. The main rights violated in the entire irregular migration process include, the right to life, the right to freedom from torture, the right to be free from cruel inhuman or degrading treatment, freedom from hunger the right to

healthy work environment, the rights to be protected against racial discrimination, the right to liberty and the freedom of belief or religion. Furthermore, the expectations from their family and others and the financial losses they had suffered exposed them to regret, disappointment, frustration, fear of being rejected and stigmatized. They feel that they have failed as they had not been able to earn the income they were promised and/or were left with unpaid debt. Because the girls presumed they were stigmatized by their social environment, their reintegration into society had been hindered. Hence, the same circumstance of unemployment and a lack of prospects that had led to their original vulnerability await them on their return coupled with social and psychological distress. What is heart breaking is that despite the hardship and the unfavorable conditions they have experienced, some of them are still looking for possibilities of undergoing the same experience again, thereby making irregular migration too hard to stop.

There is no easy solution to the problems of irregular migration from Ethiopia. Although there were efforts have been made by the federal and local governments, these are not enough. It needs coordinated work with other stakeholders. Hence, governmental, non-governmental and civil society members including researchers must play an important role in preventing irregular migration as well as in protecting and supporting the victims.

4.2.Recommendations

The following major recommendations are not only the researcher's but also the participants' of the study. All the interviewees from the irregular migration victim returnee girls, parents, and the concerned stakeholders and the participants of the FGD give their own recommendation to prevent irregular migration in the Wereda in general and irregular migration of girls in particular. They forward their recommendation to the concerned bodies, so as to controlled irregular migration and to avoid the human rights violation in the entire process. Accordingly, the researcher by adding his own and summarize these recommendations, present as follow.

Addressing the Drivers of Irregular Migration: the drivers of the irregular migration can be tackled by providing local role models and employment options such that migration does not feel like 'the only option' for young people. This may include; giving incentives to teachers and other civil servants who are in the local areas in a way that they can serve as role models to encourage adolescents and their families to invest in education, ensuring programs that provide training and seed money to local young people targets girls and young women, continuing to invest in the infrastructure responsible for linking rural livelihoods into the broader economy and working to

broaden families' horizons with regard to employment options, encouraging adolescents and parents to look beyond traditional sectors such as agriculture and civil service. In addition to the above, there should be awareness raising campaign about the risks of irregular migration intensively and in a continuous manner using drama, documentary films, literary works, community dialogue and organization of events in markets, churches and mosques to reach rural people especially, with the participation of the victims. Awareness raising activities should also be conducted in schools not only for both students and parents, but also to teachers using mini-media, clubs, etc. If possible, information about the risks of irregular migration should be integrated in the curriculums of schools. Awareness raising activities should also target bus owners, drivers, and their assistants who are the key in the transportation of migrants to the border towns. These activities should be taken to the lowest levels to counter the false information that local brokers are spreading to farmers in the rural areas and how the adolescents can work and improve their life in their country. Furthermore, the study advices for the formulation of information campaigns to show the seriousness of the problem and to convince the community not to hide local brokers amongst its midst, but to report and testify against them in the support of their prosecution and conviction. Use the Government's structure of community organization of 1 to 5 to identify and report on local brokers and bring them to justice.

Moreover, there should be community based awareness raising programs on the elimination of gender discrimination towards girl child, as gender issue is among the drivers to migration. Even though the government provided equal opportunity of education to boys and girls, girls are lagging behind the boys due to the deeply rooted socio-cultural practices and harmful traditional practices, early marriage is among these. Even though, early marriage or child marriage is prohibited by the law of the country, the irregular migration returnee girls' participants are evidence to its existence in the *Woreda* as four of them were victims of it. Since early marriage is among the obstacle to the girls' education in the *Woreda*, and its adverse effect become the reason for their irregular migration, there should be a community level awareness creation campaign to avoid it. Elimination of early marriage from the *Woreda* needs the cooperation of different stakeholders including the community elders, religious leaders, teachers, the adolescents and representatives from the government officials. The government and other stakeholders should ensure the equal enrollment of girls with boy at every educational level by encouraging girls and changing the attitude of the community. The equal enrolment of boys and

girls can't ensure only by opening schools, the economic and technological capacity of the people should be strengthened.

Investing on Rehabilitation; the respondents indicated that, there is a complete dearth of support services for returnees in the *Woreda*, particularly for those who have developed physical or mental ill-health during their stay overseas. While dreams of a better, more financially secure future pull adolescent girls to leave their country, many return home empty-handed, and some the victims who faced the worst forms of abuse have serious medical and psychological needs. Services for not only these girls and young women but also for those who return with small money should be urgently provided, as, without such help, these individuals are unlikely to lead productive lives, putting further pressure on their families' limited resources. To achieve this, the government should consider the following comments.

Support services need to be adequately funded and staff capacity should be strengthened, especially in the areas of psychosocial ill-being or mental illness, which requires specialist skills. The government should also cooperate with local and international NGOs in the reintegration of returnees. The governments with cooperation and coordination of other stakeholders should provide business training to the returnees how to invest their money wisely. In addition, there should be financial support in the form of loans, and material and moral support to the returnees to stay home.

There should also be awareness creation by different stakeholders at the grass-root level to avoid the stigmatization of returnee migrants. This would help to avoid remigration of returnees. Furthermore, the justice sector should implement legal education activities to the public on what the law says about trafficking in persons and smuggling migrants. There should be awareness creation on the legal requirement on the children migration including they can't migrate alone and their consent is irrelevant.

Research: last but not least, the study revealed that there is shortage of up to date data and information about the current status of irregular migration in general and on the girls' irregular migration in particular. The research should be action oriented that can bring solution to the problem. A research does not only benefit the concerned stakeholders by forwarding the possible solution to the problem but also by disseminating information to the community at large.

Bibliography

- Agrinet. (2004). *Assessment of the Magnitude of Women and Children Trafficked With and Outside of Ethiopia* . Addis Ababa: Country Office Addis Ababa: International Organization for Migration (IOM).
- Anteneh, A. (2011). *Trafficking in Persons Overseas for Labor Purposes: The Case of Ethiopian Domestic Workers*. Addis Ababa: International Labor Office (ILO).
- Aronowitz, A. (2001). “Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it” . *European Journal on Criminal Policy and Research*, vol. 9, No. 2 , 132-205.
- Bariagaber, A. (2014). International Migration and Development in Africa: Issues, challenges, and Policy Options. In A. Bariagaber, *International Migration and Development in Eastern and Southern Africa* (pp. 13-102). Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA).
- Bezabih, T. (2008). *Trafficking of women and children to Alert area in Addis Ababa for Sexual Exploitation*. . Addis Ababa: Addis Ababa University.
- Bijak, J. (2006). *Forecasting International Migration: Selected Theories, Models, and Methods*. . Central European Forum for Migration Research (CEFMR) and the International Organization for Migration (IOM). .
- Delpont, C. S. (2005). The qualitative research report. . In H. S. A.S. De Vos, *Research at grass roots Level: For the social sciences and human service profession.*(3rd ed.) (pp. 350-354). Pretoria: South Africa Van Schaik.
- De Regt, M. (2010). Ways to come, Ways to Leave; Gender, Mobility, and Illegality among Ethiopian Domestic Workers in Yemen. . *GENDER & SOCIETY*, Vol.24 No.2 , 239-287.
- Elias, A. (2013). *Trafficking of Ethiopian Women and Girls to the Middle East*. Budapest: European University .
- Emebet, K. (2002). *Ethiopia: An Assessment of the International Labor Migration Situation, the Case of Female Labor Migrants*. Geneva: GENPROM Working Paper No.3,.
- Endalew, A. (2014). International Migration in Ethiopia: Challenges and Opportunities. In A. Bariagaber, *International Migration and Development in Eastern and Southern Africa*. (pp. 112-188). Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA).

- Faist, T. (2000). *The Volume and Dynamics of International Migration and Transnational Social Spaces*. Oxford: Oxford University Press.
- Fiona, D. (2010). *Assessment of Laws and Regulations of Eastern Africa on Smuggling of Migrants*. . Geneva: United Nations Office on Drug and Crime (UNODC).
- Greeff, M. (2005). Information collection. In H. S. A.S. De Vos, *Research at grass roots level: For the social sciences and human service profession. (3rd ed.)* (pp. 286-313). Pretoria: South Africa: Van Schaik.
- Harris, M. P. (1970). Migration, unemployment and development: A two sector Analysis. *American Economic Review*, 60(1) , 126-145.
- Heckmann, F. (2007). “Towards a better understanding of human smuggling”. IMISCOE Policy Brief, No. 5.
- Horwood, C. (2009). *In Pursuit of the Southern Dream: Victims of Necessity, Assessment of the Irregular Movement of Men from East Africa and the Horn to South Africa*. Geneva: International Organization for Migration (IOM).
- ICHRP. (2010). *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence* . Geneva, Switzerland: International Council on Human Rights Policy (ICHRP) . Available at http://www.ichrp.org/files/reports/56/122_report_en.pdf
- ILO. (2006). *Multilateral Framework on Labor Migration: nonbinding principles and guidelines for a rights-based approach to labor migration*: International Labor Organization (ILO), Geneva.
- IMISCOE. (2008). *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam: International Migration, Integration and Social Cohesion (IMISCOE), Amsterdam University Press.
- IOM. (2004). *International migration law, Glossary on migration*. Geneva, Switzerland: International Organization for Migration (IOM).
- IOM. (2014). *Post-return Assessment on the Socio-Economic Status of Ethiopian Returnees from KSA* Addis Ababa: International Organization for Migration (IOM). Available at http://www.iom.int/Post-Return_Assessment_ToR_Final.pdf
- Jamie, O. F. (2013). Gender and Migration in Africa: Female Ethiopian Migration in Post-2008 Sudan. *Journal of Politics and Law; vol.6, No.1* , 181-210. Available at <http://ccsenet.org/journal/index.php/jpl/article/viewFile/25160/15669> (Last accessed on 26/12/2014)
- King, C. H. (2010). *Interviews in Qualitative Research*. London : SAGE Publications Ltd.

- King, R. (2013). Theories and Typologies of Migration: An Overview and a Primer. *Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 3/12* Malmö University, Sweden, 11-97. Available at <http://www.mah.se/upload/forskningscentrum/mim/wb/wb%203.12.pdf> (Last accessed on 29/12/2014), P.14
- Kokeb, G. M. (2014). The Impact of International Remittance on poverty, Household Consumption and Investment in Urban Ethiopia: Evidence from Cross-sectional Measures. In A. Bariagabe, *International Migration and Development in Eastern and Southern Africa* (pp. 213-289). Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA).
- Koser, K. (2005). *Irregular migration, state security and human security: A paper prepared for the Policy Analysis and Research Program of the Global Commission on International Migration (GCIM)*. London: University College London.
- Massey, D.S. *et al.* (1993). Theories of International Migration: Review and Appraisal. *Population and Development Review*, 19(3): p. 437
- Massey, D.S *et al.* (1998). *Worlds in Motion. Understanding International Migration at the End of the Millennium*. Oxford: Clarendon Press.
- McKenzie, D. J. (2008). A profile of the World's young Countries International Migrant . *Population and Development Review*, 34(1) , 115-135.
- Messele, R. (2013). *Legal Review of National Legislation Related to Human Trafficking and Forced Labour in Ethiopia*. Adiss Ababa: Ministry of Justice and MoLSA in collaboration with ILO.
- MoFA. (2010). The Situations, Causes of and Recommendations to Eliminate Human Trafficking and Smuggling in Ethiopia. In S. G/egziabher, *The Situation of Trafficking Women From Ethiopia to Sudan: The Case of Metema Route* (pp. 20-25). Addis Ababa.
- Nicola Jones, E. P.-M. (2014). *Rethinking girls on the move: The intersection of poverty, exploitation and violence experienced by Ethiopian adolescents involved in the Middle East 'maid trade'*. London : Overseas Development Institute.
- Oishi, N. (2000). *Gender and Migration: An Integrative Approach. The center for Comparative Immigration Studies*. San Diego : University of California San Diego.
- Parnwell, M. (1993). *Population Movements and the Third World*. New York: Routledge.
- Parsons, R. *et al.* (2007). *Quantifying International Migration: A Database of Bilateral Migrant Stocks*. World Bank Policy Research Working Paper 4165.

Rahmato, D. (2013). 'Food Security and Safety Nets: Assessment and Challenges', In D. Rahmato, A. Pakhurst and J. van Uffelen (eds), *Food Security, Safety Nets and Social Protection in Ethiopia*. Oxford: African Books Collective.

Rakeb, M. &. (2013). *Baseline Assessment on Human Trafficking Prevention and Response in Ethiopia*. Addis Ababa: IOM Special Liaison Office in Addis Ababa, Ethiopia.

RMMS, T. R. (2014). *Blinded by Hope: Knowledge, Attitudes and Practices of Ethiopian migrants*. Nairobi: Swiss Agency for Development and Cooperation (SDC) & Danish Refugee Council (DRC). Available at http://www.regionalmms.org/fileadmin/content/rmms_publications/Blinded_by_Hope.pdf

Sassen, S. (1988). *The Mobility of Labor and Capital: A Study on International Investment and Labor Flow*. London: Cambridge University Press.

Selamawit, B. W. (2013). *The Vulnerability of Ethiopian Rural Women and Girls: The Case of Domestic Workers in Saudi Arabia and Kuwait*. Uppsala.

Shewit, G. (2013). *The Situation of Trafficking Women From Ethiopia to Sudan: The Case of Metema Route*. Addis Ababa.

Tailby, R. (2001). "Organized crime and people smuggling: trafficking to Australia". *Trends and Issues in Crime and Criminal Justice*, vol. 208, 121-194.

USDS, U. S. (2012). *Trafficking in Persons (TIP)*. Washington DC, USA: United States Department of state.

UNODC. (2011). *Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications*. Vienna: United Nations Office on Drugs and Crime (UNODC). Available at http://www.unodc.org/documents/human-trafficking/Migrant_Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf

Ytayew, T. W. (2013). *Human Rights Research: A Practical Guidebook on Methodology and Methods*. Addis Ababa : Addis Ababa University Press.

National Laws

The Federal Democratic Republic of Ethiopia Immigration Regulation No. 114/2004

The Criminal Code of Federal Democratic Republic of Ethiopia, Proclamation No. 114 of 2004, enter in to force April, 2005

The Federal Democratic Republic of Ethiopia Immigration Proclamation, Proclamation No. 354/2003

Ethiopian Employment Exchange Service Proclamation, Proclamation No. 632/2009

The Federal Democratic Republic of Ethiopia Labor Proclamation, Proclamation No. 377/2003

Federal Democratic Republic of Ethiopia Federal Courts Proclamation, Proclamation No. 25/1996,

International Human Rights Instruments

The protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, of 11 July, (2003),

The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children; adopted in Tripoli, Libya 22-23 of November, 2006.

The International Covenant on Economic, Social and Cultural Rights (ICESCR), General Assembly Resolution 2200A (XXI) of 16 December, (1966)

The International Covenant on Civil and Political Rights (ICCPR), General Assembly Resolution 2200A (XXI) of 16 December, (1966)

The Convention on the Elimination of All Forms of Discrimination against Women General Assembly Resolution 20378, of 18 December, (1979)

Convention on the Rights of the Child General Assembly Resolution 44/25, of 20 November, (1989)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, General Assembly Resolution 55/25 of 15 November, (2000).

The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Crime, General Assembly Resolution 55/25 of 15 November, (2000)

The International Labor Organization (ILO) Convention on the Migration Employment, (Convention No. 197, (1949)

Appendix A: Interview Guide

Interview Guide for Irregular Migration Returnee Girls

Introducing the Purpose of the Study

Before giving your consent to participate in this research interview, I would strongly like encouraging you to read or hear the following explanation of this study.

Ethiopian women and girls are facing various problems in their life time and irregular migration is one among others. It involved them to the involuntary servitude, physical and psychological abuse, sexual violence, murder and suicide. The government and other stakeholders put an effort in combating it so as the rights of citizens are protected although it is not enough. However, irregular migration continues as a major threat to the rights of Ethiopians, especially women and children and yet it is not abated. Based on this, the study aims at exploring the situations of irregular migrants of girls from Ethiopia through different routes and transportation means in *Woreda Sa'esi'e Tsa'edamba*. It is intended to examine the manner how irregular migrant girls are treated during voyage, the situations which make girls more vulnerable to human rights violence in the migration process. Moreover, it is aimed at investigating the accustomed techniques and trends which are applied by brokers in their operations to move the victims from one place to another. In addition to this, identifying the strengths and weaknesses of stakeholders and their current responses to overcome or suppress the patterns of irregular migration especially, girls' migration.

Explanation of Procedures

Participation in the study involves conducting a face-to-face interview, which will last for approximately 30 minutes to one hour. The interviews will be conducted by the researcher, audio-taped, if you give me your consent and/or written record and later transcribed for the purpose of data analysis. The interview will be held at a place of your choice.

Guarantee of Anonymity and Confidentiality:

I would also like to assure you that, the information you gave during the interview will be confidential and will be coded. There will not be any identifying names on the surveys or interview transcripts. Your names and any other identifying details will never be revealed in any publication of the results of this study. The tapes will be destroyed at the completion of the

study. The results of the research will be published in the form of a research paper. The knowledge obtained from this study will be of great value in contributing its part for the effort of overcoming the problems the study dealing with. You are free to withdraw and discontinue participation in this project at any time without prejudice. You are also free to refuse to answer any question the researcher might ask you. Moreover, you are not going to be responsible for the research outcomes.

Informed Consent Form

For the parents of the victims:

I hereby confirm that the interviewer has informed me about the nature, conduct, risks and benefits of the study. I have read (or have had someone read to me) the above information regarding this study, and have had enough opportunity to ask questions. I declare my willingness for my daughter/relative, who is the victim of irregular migration, to participate in this study.

Name of participant (optional): _____

Participant's signature: _____

Date: _____

Informed Consent Form

For the interviewees:

I hereby confirm that the interviewer has informed me about the nature, conduct, risks and benefits of the study. I have read (or have had someone read to me) the above information regarding this study, and have had enough opportunity to ask questions. I declare myself willing to participate in the study.

Name of participant (optional): _____

Participant's signature: _____

Date: _____

For the Researcher:

I hereby confirm that I have informed the above participant about the nature, conduct, and risks of this study.

Interviewer's name: _____

Interviewer's signature: _____

Date: _____

This interview guide is full of open-ended and unstructured questions, thereby allowing participants to freely tell their stories.

- Could you tell me your name (optional) age, religion and which kebele you are from?
- What were your educational background, marital status and employment status before you leave Ethiopia, and your current status?
- Tell me about your family size and situation. Are they living together? What do you say about their income?
- Is there any affirmative action that encourages girls to stay in school and continue their education in your village, *Kebele* or *Woreda*? If any what enforce you to dropout your education and to think to work abroad?
- Tell me in what situations you were living before you make a voyage to leave Ethiopia and where did you get the information about working abroad?
- How do you understand irregular migration? What do you think are the most critical elements within it (irregular migration)?
- Could you tell me the main reason that initiated you to exit from Ethiopia to other country? Who did initially tell you the information about better job opportunity and other situation in that country?
- Could you tell me the exact situation in the country where you were working? How did you get everything there? How was the work as well as the living condition?
- Tell me how was the whole process the transportation way and type you used starting from your home to the destination country, and you went from getting travel documents (if any), recruitment to work abroad?
- What were the conditions of the brokers you met? And why did you choose this person to facilitate your employment?
- Why did you choose to use illegal routes rather than the legal routes?
- Did you have any work experience before you travel? Any training? If so what kind of training or experience?
- What were the promises that the person made to you in relation to: The nature of your job, Conditions of work, content or legality of work contract, family reunification/communication, housing and living condition, travel and recruitment conditions, wages, and access to education opportunities?

- Did the recruiter ever use violence? In what manner?
- Did someone lend you or your family money? If yes, who was that person? How much money was it? What was the rate of interest? And for what period was the loan?
- How was the involvement of your parents and guardians in the process of recruitment and payment of debt and ‘fees’?
- How do you express the treatment of the brokers before starting the journey and in the whole voyage especially towards girls and young women passengers?
- Did you observe any special treatment or abuse committed against you or other girls’ travelers in the passageway for only being a female by the traffickers?
- Do you know other irregularly migrated/trafficked persons who have ever faced sexual abuse while they were traveling/recruiting or under employment? What prompted such abuse? Who are the most common abusers?
- What options do migrant workers have to challenge and report abuse and exploitative practices? How often do you use the available channels and options?
- What seems the situation you faced at the arrival in the destination country? Was it matching with your expectation before you leave your country and you heard about it?
- Who and how did receipt you there? How did you get everything there? How was the work as well as the living condition?
- How did you manage to return home? Is there any GO, NGO, agency, trade unions who assisted you in your return?
- Have you ever achieved the goals you set out while searching for employment abroad? If no, what are the factors for failing to achieving your goals? Do you have any plan or thought to go back again?
- What is your general opinion about irregular migration and working outside Ethiopia?
- What do you think need to be done by the community, the girls and their families, the government and other stakeholders?
- Can I call you if I need to ask you further questions?

Interview Guide for Parents of Irregular Migrants

Introducing the Purpose of the Study

Before giving your consent to participate in this research interview, I would strongly like encouraging you to read or hear the following explanation of this study.

Ethiopian women and girls are facing various problems in their life time and irregular migration is one among others. It involved them to the involuntary servitude, physical and psychological abuse, sexual violence, murder and suicide. The government and other stakeholders put an effort in combating it so as the rights of citizens are protected although it is not enough. However, irregular migration continues as a major threat to the rights of Ethiopians, especially women and children and yet it is not abated. Based on this, the study aims at exploring the situations of irregular migrants of girls from Ethiopia through different routes and transportation means in *Woreda Sa'esi'e Tsa'edamba*. It is intended to examine the manner how irregular migrant girls are treated during voyage, the situations which make girls more vulnerable to human rights violence in the migration process. Moreover, it is aimed at investigating the accustomed techniques and trends which are applied by brokers in their operations to move the victims from one place to another. In addition to this, identifying the strengths and weaknesses of stakeholders and their current responses to overcome or suppress the patterns of irregular migration especially, girls' migration. Furthermore, is intended the role of the community at large and the parents of migrants, not only in preventing but also in facilitating irregular migration of adolescents in the *Woreda*,

Explanation of Procedures

Participation in the study involves conducting a face-to-face interview, which will last for approximately 30 minutes to one hour. The interviews will be conducted by the researcher, audio-taped and/or written record and later transcribed for the purpose of data analysis. The interview will be held at your office or elsewhere based on your convenience.

Guarantee of Anonymity and Confidentiality:

I would also like to assure you that, the information you gave during the interview will be confidential and will be coded. There will not be any identifying names on the surveys or interview transcripts. Your names and any other identifying details will never be revealed in any publication of the results of this study. The tapes will be destroyed at the completion of the study. The results of the research will be published in the form of a research paper. The

knowledge obtained from this study will be of great value in contributing its part for the effort of overcoming the problems the study dealing with. You are free to withdraw and discontinue participation in this project at any time without prejudice. You are also free to refuse to answer any question the researcher might ask you. Moreover, you are not going to be responsible for the research outcomes.

Informed Consent Form

For the interviewees:

I hereby confirm that the interviewer has informed me about the nature, conduct, risks and benefits of the study. I have read (or have had someone read to me) the above information regarding this study, and have had enough opportunity to ask questions. I declare myself willing to participate in the study.

Name of participant (optional): _____

Participant's signature: _____

Date: _____

For the Researcher:

I hereby confirm that I have informed the above participant about the nature, conduct, and risks of this study.

Interviewer's name: _____

Interviewer's signature: _____

Date: _____

- ✓ Could you tell me your name (optional) age, religion and which Kebele you are from?
- ✓ Tell me about your family size? How many dependent and independent children have you (living with the family and in other places disaggregated by sex, educational background and age)?
- ✓ What is your and your family's source of income?
- ✓ How do you understand irregular migration? What do you think are the most critical elements within irregular migration?
- ✓ Do you have girl-child working in the Gulf States or other countries outside Ethiopia? If yes where and since when? And how old were they when they left?
- ✓ Who made the decision to go there? Herself or you her parents?
- ✓ Why did she decide to there or why you (her parents) decide for her to go?

- ✓ Could you tell me how were they recruited (by whom and with what promise)? Have they been told about the kind of job they will do, their salary and employer?
- ✓ Was there any advance payment made to the child before they migrate?
- ✓ How do you compare the promises made before departure and what the children discovered after arrival in terms of kind of job, working condition and payment of salary? Are your children getting the promised benefits? Engaged in promised workplaces and enjoying right working conditions?
- ✓ What do you know about the route and means of transportation they use and who paid for it?
- ✓ What were the opinions of your children with regard to the whole process? And what was your involvement (consent) in the whole process and, what were your motivations to do so?
- ✓ What do you know about the life and work conditions of your children at the place of destination? Such as, their employment, employer and salary, working conditions, generally, their overall information?
- ✓ What is the source of information about your children? If you have any communication with them, in what frequency and means?
- ✓ What kind of benefits and returns have you got from the migration of your children?
- ✓ When do you expect the child to come home? What factors determine their return? Do you think that they can leave the destination country if they want?
- ✓ Are you willing to send another child abroad? Why or why not?
- ✓ What do you think are the pull and push factors for trafficking?
- ✓ What do you know about the methods used by brokers to recruit their victims? And what are the common routes and means of transportation?
- ✓ What kind of measures should be taken to address the problem? (by parents, children, the community, GOs and NGOs)
- ✓ Can I call you if I need to ask you further questions?

Interview guide questions for interviews to be conducted with officials from selected key governmental institutions

Introducing the Purpose of the Study

Ethiopian women and girls are facing various problems in their life time and irregular migration is one among others. It involved them to the involuntary servitude, physical and psychological abuse, sexual violence, murder and suicide. The government and other stakeholders put an effort in combating it so as the rights of citizens are protected although it is not enough. However, irregular migration continues as a major threat to the rights of Ethiopians, especially women and children and yet it is not abated. Based on this, the study aims at exploring the situations of irregular migrants of girls from Ethiopia through different routes and transportation means in *Woreda Sa'esi'e Tsa'edamba*. It is intended to examine the manner how irregular migrant girls are treated during voyage, the situations which make girls more vulnerable to human rights violence in the migration process. Moreover, it is aimed at investigating the accustomed techniques and trends which are applied by brokers in their operations to move the victims from one place to another. In addition to this, identifying the strengths and weaknesses of stakeholders and their current responses to overcome or suppress the patterns of irregular migration especially, girls' migration.

I want to thank you for your cooperation in answering the following questions.

Name (Optional) _____

Age: _____ Sex: _____

Name of the institution: _____

Responsibility in your institution; _____

Educational Background (your profession): _____

- ✓ Could you tell me the connection of your responsibility with the issue at hand?
- ✓ How long have you work in activities that are related to migration and/or trafficking in *Woreda Sa'esi'e Tsa'edamba*?
- ✓ How do you understand the irregular migration in *Woreda Sa'esi'e Tsa'edamba*?
- ✓ How do you assess the prevalence of irregular migration of girls from *Woreda Sa'esi'e Tsa'edamba*?

- ✓ What push and pull factors are considered by many as root causes behind irregular migration? Are they different for men and women and children or similar?
- ✓ Who are the victims/risk and vulnerable groups in the irregular migration process? In terms of age, gender, ethnicity, living area and situation, etc and why?
- ✓ Who are the persons involved in irregular migration? What is the profile of these individuals in terms of sex? What are the methods used to recruit victims?
- ✓ What are the routes and transportation employed to migrate victims? And what are the most common forms of abuse and exploitations reported by girl-child victims?
- ✓ Are suspected irregular migration/trafficking/smuggling cases reported to the authorities, investigated and prosecuted? How many smuggling or trafficking cases are reported to your office especially, on girl-child migrants?
- ✓ Do you consider the existing legal framework is conducive to the reporting, investigation and prosecution of smuggling/trafficking cases? What are its strong and weak sides?
- ✓ What are the challenges and limitations on law enforcement, judiciary and other government bodies in addressing the problem of human trafficking and girls trafficking in particular?
- ✓ What measures are taken at the boarder?
- ✓ What is the role of your institution towards abating irregular migration in general and irregular child (especially girls) migration/trafficking in the *Woreda* with regard to providing information for the girls prior to their departure from the country of destination?
- ✓ What kind of assistance/services or provisions does your institution provide for the community around? And who are the main beneficiaries of the service provided by your institution?
- ✓ Is there any particular program or service provided by your institution targeting on child trafficking in general and girls trafficking in particular or in trafficking/ irregular migration/smuggling victims?
- ✓ Did you ever discuss with girls who are victims of irregular migration/trafficking? If any, what are their reasons behind their initiation to exit Ethiopia to other country according to the returnee girls?
- ✓ Based on the information that you have got from returnee young women/girls what are their coping strategies and the major challenges of irregular migration?

- ✓ How do you explain the seriousness of the problem of irregular migration in your *Woreda*?
- ✓ Could you tell me your recommendation to suppress irregular migration of girls from Ethiopia and the human rights violations committed against them in the whole process?
- ✓ Can I call you if I need to ask you further questions?

Appendix B: FGD Guide

FGD Guide for the discussion to be conducted with officials from concerned governmental stakeholders and community elders

Introducing the Purpose of the Study

Ethiopian women and girls are facing various problems in their life time and irregular migration is one among others. It involved them to the involuntary servitude, physical and psychological abuse, sexual violence, murder and suicide. The government and other stakeholders put an effort in combating it so as the rights of citizens are protected although it is not enough. However, irregular migration continues as a major threat to the rights of Ethiopians, especially women and children and yet it is not abated. Based on this, the study aims at exploring the situations of irregular migrants of girls from Ethiopia through different routes and transportation means in *Woreda Sa'esi'e Tsa'edamba*. It is intended to examine the manner how irregular migrant girls are treated during voyage, the situations which make girls more vulnerable to human rights violence in the migration process. Moreover, it is aimed at investigating the accustomed techniques and trends which are applied by brokers in their operations to move the victims from one place to another. In addition to this, identifying the strengths and weaknesses of stakeholders and their current responses to overcome or suppress the patterns of irregular migration especially, girls' migration. Furthermore, this discussion also elaborates how the stakeholders coordinated with the community to prevent irregular migration and the consensus or disagreement of the discussant towards this.

I want to thank all of you for your cooperation and participation in the discussion.

- ❖ How do you describe the magnitude of irregular migration in general and particularly, child (girls) migration in the *Woreda*?

- ❖ What are the factors that force girls to migrate through irregular routes?
- ❖ What are the measures taken by the government and other stakeholders to combat child (girls) migration from your *Woreda*?
- ❖ How far the preventive measures taken by the government and non-governmental organizations in reducing irregular migration do you think effective?
- ❖ How do you explain the collaboration and network among the different concerned bodies and their work in alleviating irregular girls migration in *Woreda Sa'esi'e Tsa'edamba*?
- ❖ What problems/gaps in general do you see (observe) in suppressing girls migration by all stakeholders, the government, non-government organizations, the community, and the girls themselves in the *Woreda*?
- ❖ What do you suggest to be done by all parties to tackle the problem in your *Woreda*?

Appendix C: List of Tables

Table 1, General Background Information of Irregular Migrant Returnee Respondents-----17

Table 2, General Background Information of Irregular Migrant Victim Parents-----18

Table 3, General Background Information of Respondents from Concerned Stakeholders-----19

Table 4, General Background of FGD participants-----21

Table 5: Information about the Number of Migrants in the last Three Successive Years-----60

Appendix D: Map of Long Distance Irregular Migrant Routes from Ethiopia

Long distance Irregular migration routes

Eastern Route

- Djibouti, Somalia, Yemen, KSA.

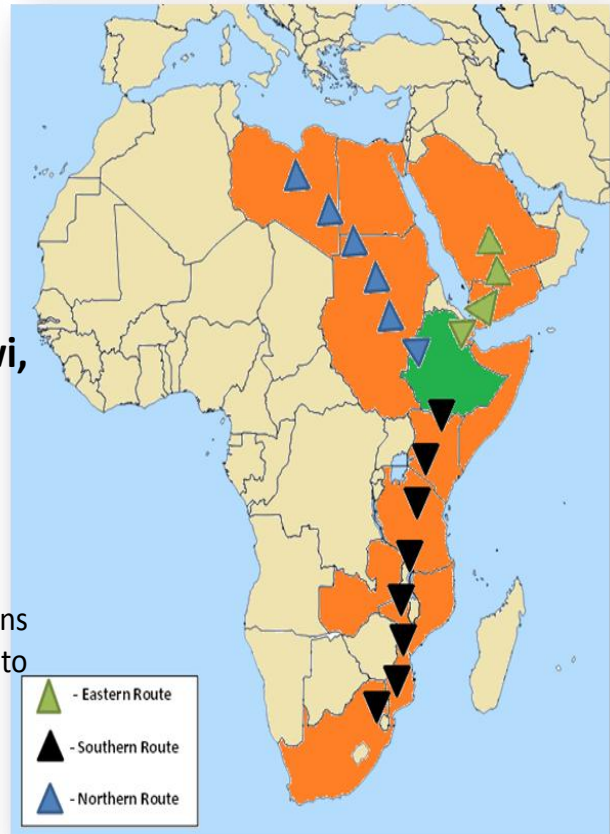
Southern Route

- Kenya, Tanzania, Zambia, Malawi, RSA

Northern Route

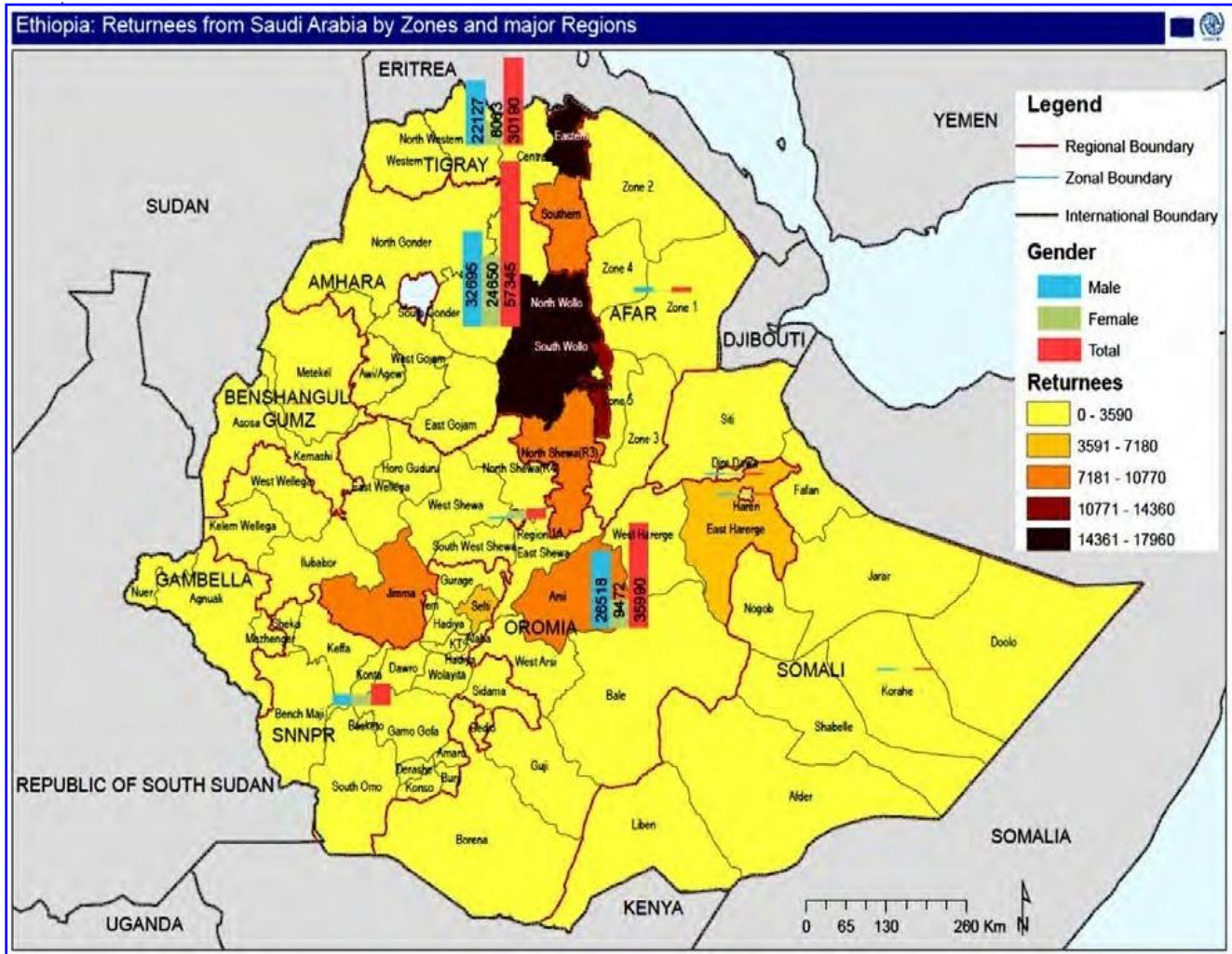
- Sudan, Libya, Egypt

Both Libya and Sudan are also final destinations and Egypt are transit for migrants destined to Europe Israel and the Middle East



Appendix E: Map of Ethiopian Irregular Migrant Returnees from the KSA

NB. Woreda Sa'esi'e Tsa'edamba (the study area of this thesis) also found among the Zones with highest number of



Source: IOM, June, 2014 retrieved from http://www.iom.int/Post-Return_Assessment_ToR_Final.pdf