

## **Migrants on the Move: The Multifaceted Violation of Human Rights in the Process of Migration**

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### **Abstract**

*Most studies conducted in relation to international migration from Ethiopia to the Middle East focus on trafficking, causes of migration and human rights violations faced in destination countries. Deviating from this trend and adopting an ethnographic research method, the research assesses the socio-economic profile of the migrants and what the different push/pull factors are. It also studies the major process in which migrants pass through and institutions that are involved in facilitating the process. It questions the violation of rights and challenges faced by migrants based on the narration of the migrants themselves. To assess the aforementioned issues, the study employed a number of research methods which generated ample data of a predominantly qualitative nature. The study mainly used case studies drawing on both primary and secondary sources.*

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## Introduction

Migration as it is conceptualized in this study relates to the definition given by Parnwell (1993) who defines it as the permanent and quasi-permanent relocation of an individual or a group of individuals from a place of origin to a place of destination.

As UN 1998 (in Skeldon *et al.*, 2007) noted, a migrant is defined as "any person who changes his or her country of usual *residence*," though residence may refer to a change both of residence and of residential status (Parsons *et al.*, ).

Migration is a widespread phenomenon across the globe; it has existed since time immemorial (Barsk and Lundegren, 2011). Every country is affected in some way by migration, either as a country of origin, transit or destination, or sometimes a combination of these (Barsk and Lundegren, 2011). In the last two decades, migration has become a priority of the global policy agenda for both countries of origin and countries of destination. With the current trend of globalization, international migration is believed to be a phenomenon that will increase in the twenty-first century (ILO, 2010).

Each year, millions of women and men leave their homes and cross national borders. In 2005, 191 million people, representing three percent of the world population, resided outside the country of their birth (ILO, 2010). In the era of globalization defined by growing economic, social, and political integration, technological advancements and information exchange, the movement of people from one place to another in search of a better life has become the reality of our daily life.

This point has been further emphasized by Koser and Lacko who stated, "There are far more international migrants in the world today than ever previously recorded, and their number has increased rapidly in the last few decades" (Koser and Lackoz, 2010).

Historically it is men who have been migrants, leaving their places of origin for various reasons. However the number of women migrants – predominantly for labour – is now greater than the number of men, which has led some to refer to the phenomenon of the "feminization of migration." (De Regt, 2010) In fact, this is one of the most significant changes recently in terms of population movement (Deshingkar and Grimm, 2004). The

increased demand for paid domestic labour in economically developed countries is described as the key causal factor for this phenomenon (ILO, 2010).

Frequently, female labour migrants to the Middle East are engaged in domestic work, which keeps their daily life out of the public view. According to accounts of the ILO, women's work is often in the "invisible sector" (Barsk and Lundegren, 2011). Within this sector, there are large numbers of Ethiopian women and young girls. According to a report of the Ministry of Labour and Social Affairs (MoLSA), in the first nine months of 2011-2012 a total of 139,120 migrants were registered to migrate and work in the Middle East; 95 percent of these, or 132,176, were female.

The main destinations in the Middle East for these Ethiopian migrants are Kuwait, Saudi Arabia, UAE and Yemen.<sup>1</sup> According to the MoLSA, in 2010-2011 more than 72 percent of women migrants went to Kuwait, 23.33 percent of them migrated to Saudi Arabia, 1.69 percent went to UAE and 1.53 percent to Yemen. The remaining 1.24 percent of the migrants migrated to others countries in Europe, North America, and other parts of the world.

In the context of growing migration across the globe, and from Ethiopia in particular, the violation of the human rights of these migrants is described as being severe and escalating (Joyet, 2005). The human rights violations in the final destination countries are often described as multifaceted. Some relate to illegal human trafficking. Illegal migration to the Middle East conforms to the definition of trafficking where young girls and women (primarily) are misinformed about the fortunes awaiting them at their final destination. Furthermore, in some instances they are pressured to migrate to an exploitative environment where they face legal, social, financial and cultural obstacles (Bartunkova, 2006). They are often underpaid (Barsk and Lundegren, 2011), and in some instances the employees end up being totally dependent on their employers.

The existence of a sponsorship system, which requires foreign workers to have a sponsor (*kafil*) in order to get work and residence permits in these destination countries, affects the mobility of the migrant workers (De Regt, 2010). The *Khafala* is the sponsor-employer of migrants and has authority

over the legality of the migrant in the country. Many end up confiscating their employees' passports in order to control them (Fernandez, 2010).

These violations of rights in destination countries are discussed at length in the literature. The few academic studies conducted on the topic of Ethiopian female migrants to the Middle East focus on this subject, and the academic discussion focuses on the different types of migration and the different factors accounting for the migration process. However, the human rights violation of migrants in their country of origin is a topic that has received negligible attention from academic and non-academic researchers.

The lived realities to be presented in the discussion of the findings of this study indicate that the abuse of migrants is not a phenomenon limited to the site of their final destinations. These are rather faced by the migrants during the various phases of the migration process. This study deals with the stories that are often left untold.

This lacuna in the literature hence relates to a visible gap, the failure to address the different types of rights violations and challenges faced by migrants at the country of origin. Moreover, the victims' narratives presented in the few studies on the topic often omit a discussion of the different coping mechanisms adopted by the migrants, a point which this study further explores. Furthermore, the study tries to understand the major push factors which influenced the migrants' decisions to leave despite such challenges. The study maps out the different actors involved in facilitation of the migration process to the Middle East and their role in protecting and/or violating the rights of these migrants.

This study attempts to address a gap in the research and aims to understand and explore the multiple human rights violations of migrants and the challenges they face at different levels of processing their migration cases. It further looks at the different actors involved in the process and how they directly or indirectly contribute to the violation or protection of migrants' rights. It aims at understanding the socio-economic profile of the migrants and the major push and pull factors they identify. Furthermore, the study goes beyond the victim's narrative syndrome and shows the agency of the migrants in their attempts to cope with the various challenges they face.

The study applies a process approach drawing mainly on narratives of migrants who describe the challenges they have faced starting from the initial process in their respective places of origin through the completion of the process that allows them to travel to their destinations.

The study employed a qualitative research methodology. The key informants and the major subjects of the research are migrants who have processed their migration with private employment agencies and reached the stage of the pre-departure orientation at MoLSA. The study also involved interviews with return migrants so as to capture the realities of migration through legal agencies and to find out what happens after departure to the Middle East. The profiles of the migrants who were the subjects of the study are described in the table below.

Table 1. Profile of migrants, by name, age, educational level, and religious background

Name of Respondent	Age	Education	Religious Background	Place of Origin	Destination country
Bizuwork	19	10 <sup>th</sup>	Christian	Arbaminch	Kuwait
Hiwot	21	12 <sup>th</sup>	Christian	Nazreth	Kuwait
Gumiye	23	9 <sup>th</sup>	Muslim	Arisi, Assela	Kuwait
Merima	23	3 <sup>rd</sup>	Muslim	Dessie, Werihyemenu	Kuwait
Eden	23	9 <sup>th</sup>	Muslim	Mizan Tepi	Kuwait
Belaynesh	18	7 <sup>th</sup>	Christian	Goma Woreda, Ketabero	Saudi Arabia
Sofia	23	8 <sup>th</sup>	Muslim	Kombolcha	Saudi Arabia
Behaylua	28	10 <sup>th</sup>	Christian	Assela	Saudi Arabia
Lichia	20	4 <sup>th</sup>	Christian	Adigrat	Saudi Arabia
Birhan	21	No Education	Christian	Mekele	Saudi Arabia
Yeshiwanesh	21	5 <sup>th</sup>	Christian	Welega (Dembidolo)	Returnee
Kassinesh	40	12 <sup>th</sup>	Christian	Shekicho	Returnee
Hadra	38	6 <sup>th</sup>	Muslim	Addis Ababa	Returnee
Lume	19	No Education	Muslim	Hagiti	Returnee
Wessen	25	10 <sup>th</sup> and vocational	Christian	Arisi Negelle	Returnee

## **Introducing the migrants and their accounts of the push/pull factors contributing to the migration decision**

The first step in understanding the process of migration requires a descriptive analysis of the socio-economic profile of the migrants and the different factors accounting for their migration. This section provides basic background information on the migrants and the major push and pull factors they identified in their accounts. Such information lays the groundwork for further discussion on the challenges they encountered and their coping strategies, which are themes to be discussed in the following sections.

### **The socio-economic profile of the migrants**

The profile of the migrants is quite diverse. The very fact that the migrants come from all nine ethno regional states of the FDRE hints at the socio-cultural diversity. The diversity in culture is quite visible for a researcher based on the different languages they speak and their diverse dressing codes. Besides such observable variations, the data presented in this article, drawing on the findings of the study, best explains the socio-economic profile of the migrants.

The key informants particularly the migrants whose accounts have been incorporated in this study also come from different parts of the country. The narration of their story gives us an idea of their lives in their respective villages. In order to present the profile of the migrants this study has focused on five major variables: age, education level, family background (marital status), religious background, and employment history. A summary has been presented in Table 1 above.

### **Age group**

According to information obtained from the interviews conducted by officers at the private agencies under study and by government officials at MoLSA, most of the potential migrants are young girls between the age of 18 and 23. Based on observation during the field work at the MoLSA, the majority of the migrants coming to the centre for pre-departure orientation are girls in their late teens. According to information obtained from MoLSA, the agencies and different key informants, there are younger girls in their early teens who often claim that they are older than 18.

Of the total 15 key informants of the study, 11 are girls and women between the ages of 18 and 40. The majority of them are in their twenties. The Private Employment Agencies (PEAs) are responsible for checking the age of the migrants; as stated by the Employment Exchange Service Proclamation No. 632/2009, Chapter Three; Article 16 (2) (a).

As a way of proving their age, the migrants are expected to obtain an identity card from their respective kebeles, stating their full name, date of birth, ethnic background, and information about a person to be contacted in case of emergency. These Kebele IDs serve as a reference point for the immigration officers issuing the travel document or the passport the migrants need to process their migration. As age is an important variable in the overall migration process, in some cases the migrants come with false evidence presenting their age as 18, which is the minimum age required for migration.

As the officials stated, this is a challenge they have to deal with on daily basis. As controlling the cases is becoming quite difficult, some girls migrate at an early age when they are not physically fit to handle the arduous activities they will face at their final destinations, serving as domestic workers.<sup>2</sup> According to the supervising team at MoLSA, the only mechanism used to check and verify whether a migrant is at least 18 is the observation of physical appearance. Even if MoLSA have been effective in screening out the underage migrants, the mechanism by itself is ineffective; since there are potential migrants who are below 18 but look physically older. According to an official from MoLSA, there is also a problem of classifying a migrant as underage since the immigration authority has already issued a passport. The issuance of a passport at the immigration authority is mainly based on the Kebele ID a person presents during the process. The authority does not have any other mechanism in place to check migrants' age.

### **Level of Education**

Labour migrants relocating to the Middle East are often described as illiterate masses that have lower chances of getting professional jobs in their countries of origin, or those who have lower educational attainment, according to interviews conducted with the migrants themselves and based on their own perceptions. However the educational background of potential

migrants varies. According to information obtained from officials at MoLSA, most of the migrants from the countryside are uneducated or have dropped out of elementary school.

The educational background of the key informants of this study ranges from those who have not attended school at all to those who have completed their senior secondary high school studies. From the total sample group, six have attended elementary school and seven have reached high school, while two have not attended school at all. Those who stopped at 10<sup>th</sup> grade did so primarily due to the fact that their results on the national secondary school leaving examinations were not high enough to qualify them to join preparatory school or technical and vocational training. Of these key informants, two had decided to drop out of vocational training programs and universities. They stated that their main reason for this decision was the high unemployment rate in the country and the uncertainty of the job market.

The potential migrants' degree of awareness on matters pertaining to their rights and the facilitation of the migration process varied significantly according to educational level. Those who are uneducated and those who come from the rural parts of the country are mostly dependent on brokers or family members who live in Addis Ababa to facilitate their migration. Being uneducated also makes them vulnerable to various human rights violations during and after migration. The following sections will elaborate on this point.

### **Family Background**

The theoretical literature on migration asserts that socioeconomic problems are the major factors contributing to migration. In the case of Ethiopia, the majority of potential migrants coming to MoLSA are from lower economic backgrounds and express interest in migration as a mechanism to transform their own and their families' lives; thus as a solution to socioeconomic problems.<sup>3</sup>

According to the findings of this study, 13 of the key informants mentioned that they come from the rural parts of the country, from families fully dependent on seasonal crops and farming. They have all pointed to the low agricultural yield, which hardly covers the daily subsistence needs of the



household. However, in spite of coming from families with low incomes, parents are responsible for covering the costs of the migration process for their children.

The key informants also describe family size as a significant factor in their decisions. From the total studied cases, 11 migrants come from extended families. All informants mentioned that they come from economically disadvantaged families, and each felt that their parents were not in a position to support themselves or their siblings. In all of these families the fathers are the sole providers for the family. Five of the potential migrants are married and two of them have children. Their decision to migrate is made with their partners. The migrants feel they have the responsibility of supporting their parents and siblings, and for some also their husband and children. Large family size, dependence on farming, and the unemployment of most of the migrants contributed to their decisions to migrate.

### **Religious Background**

As was the case with the three variables presented above, the religious profile of the migrants is quite diverse. Both Christians and Muslims were represented, and of the 15 informants six were Muslim while the remaining nine were Christian. However the dressing codes of these migrants, not to mention the potential migrants in the MoLSA compound, gives the impression that all the migrants are Muslim. This is mainly due to the fact that most of them are covering their heads with head scarves, called *hijab*. All the respondents' stated that in most cases their travel documents identified their religion as Islam, so adopting such symbolic dress is a necessity.

Accordingly, the returnees also speak of the strictness of wearing veils at all times and the requirement that they accept the cultural beliefs of the households they live in. One of the respondents who was migrating to Kuwait said, "I am using a private employment agency that is known to send people to a household taking into account the migrant's religious preference."

## Employment History

The employment histories of the migrants are an important link between the decision to migrate and their expectations after migrating. The following section presents the previous employment histories of the migrants.

Six of the 15 key informants do not have any prior work experience and have not been engaged in any form of employment before deciding to migrate. The remaining potential migrants and the returnees have work experience in low paying jobs. One of the returnees has been working as a housemaid and the remaining four returnees were engaged in different lines of work as daily labourers. Those who are about to migrate have been helping out their families on the farm and/or with household chores. Thus it becomes clear that prior employment history has scant relevance to the decision to migrate. The common denominator is a desire to change their lives and earn more money.

## Brief Overview of Theories of Migration

This section briefly presents some of the numerous theories developed by social scientists attempting to explain the factors that are believed to account for migration. One of the main focuses of the research project relates to the push factors raised by the migrants, and so the literature on this point is helpful in analyzing the data.

The first general set of theories is what is collectively known as the economic theory of migration. This is often known as the push-pull theory of migration, because it perceives that the causes of migration lie in a combination of 'push factors' impelling people to leave their areas of origin and 'pull factors' attracting them to certain receiving countries (Castle *et al.*, 2009).

Push-pull models usually identify various economic, environmental, and demographic factors, which are assumed to push migrants out of places of origin and lure them into destination places (Hass, 2010).

The pull factors are often described as being diverse; they relate to better employment opportunities and incentives that attract people, while push factors relate to negative factors which push the migrant away, such as low living standards and lack of economic opportunities (Chatty, 2010: 12). This theory is also referred to as the neo-classical theory which focuses on

the knowledge and economical calculations an individual makes about migration to a certain country of destination (Castle *et al.*, 2009).

Neoclassical economics focuses on differentials in wages and employment conditions between countries, and on migration costs; it generally conceives of movement as an individual decision for income maximization (Massey *et al.*, 1993).

This decision-making process is also explained by Hass (2010) in the same manner:

Individual migration decisions are made by rational actors who are guided by comparing present discounted value of lifetime earnings in alternative geographic locations, with migration occurring when there is a good chance of recouping human capital investments. (Hass, 2010).

The major driving force for migration can be related to the inter linkage between poverty and physical mobility (Deshingkar and Grimm, 2004). Migration has become an important livelihood strategy for many poor groups across the world. Even if migration cannot be the cure for the poor, it can bring many benefits (Deshingkar and Grimm, 2004). Deshingkar and Grimm (2004), quoting from the works of Anh (2003), explain that migration in many instances is a major driving force for growth and a way out of poverty, changing people's livelihoods and wellbeing. On the same note, Anh argues that attempts to control mobility of people will be counterproductive (Anh, 2003).

While the neoclassical approach focuses on the voluntary action of an individual to migrate, the "World System Theory" developed in the 1970s places it within the framework of the Marxist political economy, which sees the migration process as a means of mobilizing cheap labour for capital (Chatty, 2010: 12). "According to world systems theory, migration is a natural outgrowth of disruptions and dislocations that inevitably occur in the process of capitalist development" (Massey *et al.*, 1993).

The neoclassical approach was criticized for failing to explain or predict where and when migration occurred; it also failed to explain why migration took place. (Abreu, 2010)

In the 1980s a 'New Economics of Labour Migration Approach' emerged that argues migration decisions are not made by isolated individuals but by

families, households or even communities (Castle and Miller, 2009). Its unit of analysis as compared to the neoclassical approach is not the individual but rather the group. Hass explains the works of Stark in 1978 and 1991 as revitalizing the thinking on migration which focused on the individual in the wider societal context, describing the family and the household as the main decision-making body. This assumes that any form of internal or international migration is a response from the household for income generation, as migrants' remittances provide income insurance to households of origin (Haas, 2010).

Transnational theory, on the other hand, goes beyond explaining the different factors that are believed to account for migration. It focuses on the link between the migrants in the diasporas and their respective homelands. Its basic premise states that due to the technological improvements in transportation and communication, migrants are able to maintain links with their place of origin (United Nations Economic Social Council; Commission on Human Rights, 1999). This theory acknowledges the presence of various migration-related cross-border linkages between individuals or groups, and it explains the phenomena of chain migration, return migration, and the perpetuation of migratory processes (Bijak, 2006). According to the main argument here, the network existing in the country of destination is important in understanding the migration pattern.

Another related approach, the social network theory, assumes that the presence of a network in the country of destination is important in providing information, minimizing uncertainty, reducing transaction costs, and decreasing the relative importance of traditional economic and social barriers to migration. According to Massey *et al.* (1993), the social network theory is summarized as follows:

Migrant networks are sets of interpersonal ties that connect migrants, former migrants, and non-immigrants in origin and destination areas through ties of kinship, friendship, and shared community origin. They increase the likelihood of international movement because they lower the costs and risks of movement and increase the expected net returns to migration. Network connections constitute a form of social capital that people can draw upon to gain access to foreign employment (Massey *et al.*, 1993).

Such networks have the potential to reduce the anxiety, worry, and risks a migrant faces in the country of destination. This will also play a role in the decision-making process of a potential migrant.

Another recent widely discussed theory in the study of migration is the development theory. According to the development theory, in the 1950s and 1960s return migrants were seen as agents of change and innovation, not only considered to be bringing money but also new ideas, knowledge and entrepreneurial attitudes. Martin (2007) explains that migration and development are linked by the three Rs:

The migration-development link is examined via the three Rs: **recruitment, remittances** and **returns**. Who goes abroad, how much they remit and how remittances are used, and when migrants return and what they do upon return, all affect development, and thus future migration flows (Martin, 2007).

Migration in most developing countries has become a key policy issue. Migration flows depend on the level of economic growth and the employment situation, as well as other factors. According to Ahn (2004), some governments also promote emigration by engaging in the institutional support of recruitment and other policies formulated to promote overseas employment. Yet these policies fail to protect the rights and interests of the potential migrants (Ahn, 2004).

### **Narratives on push/pull factors in the accounts of migrants**

As the discussion in the previous section reveals, a range of factors can explain the decision to migrate and the relative weight/impact of the individual factors varies with the context. In studies on international migration, a range of theories have been formulated regarding the factors that make a migrant leave his/her country of origin for another. These factors relate to natural and manmade problems such as poverty, natural disaster, war and economic insecurity. It is believed that there is interplay between push and pull factors. In most studies it is argued that the search for economic security is the major pull factor, while unemployment, poverty and/or political problems are understood to be push factors driving migration from the home country. According to Hass, "Push-pull models usually identify various economic, environmental, and demographic factors,

which are assumed to push migrants out of places of origin and lure them into destination places” (Hass, 2010). As Castles and Miller (2009) explain, the cause of migration is the combination of both ‘push factors’, impelling people to leave their areas of origin, and ‘pull factors’ attracting them to certain receiving countries.

In Ethiopia the level of absolute poverty is very high and has often been adduced as a major push factor. The current per capita income of the country is 370 USD, which is very low in absolute terms (World Bank: 2013). The unemployment rate in the country is acknowledged as another push factor. Even if this reality is reflected in the situation of most potential migrants, the precise reasons for migration may differ from one migrant to another. This section presents the push and pull factors for the selected migrants based on their own narratives.

In the interviews conducted with the migrants at the final stage of their migration process, most stated that the major reason for their migration was their lower economic status; they stated their primary reason as the pressing need to improve their own and their families’ lives. This improvement might mean different things. For some it is having more money, while for others it is defined in terms of the capacity to establish their own businesses. For those migrants who are married there are extra push factors. They are motivated by the need to provide the basics for their children, as well as the strong desire to find a financial means to plan a better future for their families. All share the same vision of supporting their families mainly parents who have brought them so far. Almost all the migrants shared this plan during the interviews.

For the migrants, it is the poverty in which they themselves and their families live that pushes them from their villages and communities. Most of the interviewees live with their parents, who are farmers living at a subsistence level. They consider migration a necessity and the best way to cope with moments of difficulty. More than half of the interviewees are in their twenties and believe that they are now in a position to undertake the challenges of life abroad in order to change the lives of their family members through their own sacrifice. For Bizuwork, for instance, the reason she wants to migrate is to support her family by assisting a brother who has been the family’s sole provider for a long time. She said, “I want to take the

role of helping and supporting my younger brothers and let our big brother start his own life." In another interview, a migrant from Nazareth stated that she planned to migrate in order to avoid the future challenge of unemployment, which would make her a burden to her parents. She lives with her mother, while her father lives in a rural area working as farmer.

Most of these migrants are young and attracted by the perceived opportunities abroad which they feel can change the lives of their families. The reason provided for the decision to migrate is to make money, live a better life and change the lives of their parents and siblings.<sup>4</sup>

The other push factor cited by informants is related to pressure the migrants face from family members. In some cases, especially in the case of the returnee migrants, societal pressures and inability to reintegrate can constitute push factors.

When Sofia first decided to migrate all of her family members were happy and supportive of her decision. She first migrated to Dubai and worked there for two years, then returned due to the hardships she faced abroad. She was working long hours, handling all the domestic work of her employer's family of fifteen, and the younger boys in the family were harassing her. Nonetheless, Sofia has now decided to move back, and her family is happy even if they know about the challenges she will face. Beyond the challenge she fears there is also a feeling of shame that if she stays behind in her home town friends will consider her as unsuccessful both with her education in the past and her life at the moment.

According to the informants, specifically the returnees, there are many migrants who have returned and who want to resettle. But the social and psychological pressure they face require due attention. The case of Sofia prevents both problems. Once an individual decides to migrate and then returns, we see that the family is more interested in the benefits and support they may receive from their children. For the migrants, this may involve the need to gain remittances at the expense of various human rights violations and work-related challenges. There is also the feeling of proving oneself successful in the eyes of friends and family members.

Some of the returnees who are processing their travel for the second time have their own goals. They feel that they have not achieved their dreams of

improving their families' lives or their own; hence they state that they still want to pursue unfulfilled dreams.<sup>5</sup> They also feel that they have to prove themselves successful in order to feel fulfilled and show their friends that they have achieved something in life.<sup>6</sup>

The motives of migrants vary when we take into account the pull factors. The most dominant pull factor is the higher wage migrants can earn in comparison with what they earn in their home country. Every one of the interviewees responded that there is better pay abroad, whether or not he/she has been employed or engaged in any form of income generating activities before deciding to migrate. There is a widely held belief that the pay they earn abroad will make a difference in life at home. For instance, Merima, who was a housemaid prior to her departure, believes that she will be paid more money in a month than she would earn in a year as a housemaid here; at least that's how the brokers made her believe.

Beyond such pull factors there is the contribution of transnational attachments and information sharing among friends and siblings who have migrated before and those who are still in other countries. For instance, Gumiye has been in Dubai, and she says that the central reason she migrated was related to the information a friend provided her from Dubai. Gumiye's first migration experience was facilitated by this friend in Dubai. Currently Gumiye is processing her migration to Kuwait to join her sister, who has promised her better pay and smooth working conditions.

Another important aspect of the pull factor is the individual's commitment to change their life by going through whatever challenges they may face. In an interview with returnees who are processing their migration for the second time, they pointed out that they have lived a harsh, abusive life where their rights have been violated constantly. But they said this would not stop them from trying their chances until they realized their dreams. For instance, Belaynesh said that she will not be returning back home until she sees her family live a better life and has enough money to bring back home. Eden, who has been to Dubai and returned after six months due to the hardship of working long hours, also mentions that her past experiences will not stop her from migrating to another country in the hope of better opportunity. She explained this saying, "I once had a small business in my



village and now I plan to start my own successful business with the money I will be making in Kuwait.”

The above interviews and testimonies reveal the different push-pull factors contributing to the migration decision. The level of awareness and information one has about the country of destination has a direct impact on the decision-making process. Those who have gained information from a close relative or sibling have a chance of starting their migration process in a more informed manner than those who are new to the idea of migrating to the Middle East. But no matter how they do it and whatever their reasons may be, migrants still face various challenges of human rights violations both in the country of origin and the country of destination, as will be presented in the following sections.

### **The Different Actors and the Various Phases in the Migration Process**

The migration process involves various procedures which the migrant must undergo at multiple levels involving different actors facilitating the processes required to enable migrants' departure. The different phases involve numerous procedures, paper work, communication, travelling and decisions to be made at different levels by the actors involved. The focus of this study is limited to the migration process facilitated through agencies with the legal status to enable migration to the Middle East, specifically Kuwait and Saudi Arabia.

According to the *Institutional Theory of Migration* as sketched by Massey *et al.* (1993), the rise in migration and movement of people leads to the creation of institutions that will facilitate the migration process. This by itself creates a new economic trend for profit-making institutions. More specifically:

Once international migration has begun, private institutions and voluntary organizations arise to satisfy the demand created by an imbalance between the large number of people who seek entry into capital-rich countries and the limited number of immigrant visas these countries typically offer. This imbalance, and the barriers that core countries erect to keep people out, create a lucrative economic niche for entrepreneurs and institutions dedicated to promoting international movement for profit, yielding a black market in migration (Massey *et al.*, 1993).

The above theory sheds light on the context of migration here in Ethiopia. The major premises of this theory can be seen in the existence of both Private Employment Agencies (PEAs) and the Ministry of Labour and Social Affairs (MoLSA).

This legalized process of migration involves a variety of actors including kebele officials offering identification cards at the local level; immigration officials; private employment agencies; the migrants themselves; brokers; and the officials at the Ministry of Labour and Social Affairs (MoLSA) who are agents of the government supervising the legal process of migration.

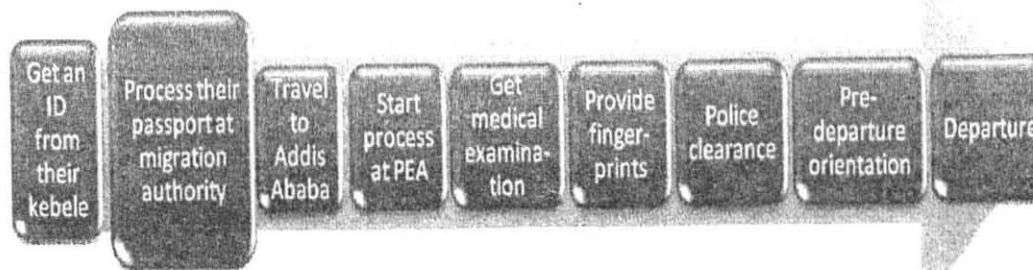
The following section deals with the steps and processes a potential migrant passes through before departure.

### **Phases and Actors in the Migration Process**

What defines the migration process is the process the migrants pass through, whether using the legal or illegal route. In cases where people are trafficked or smuggled, the processes they pass through are mainly designed and executed by the brokers and the traffickers. On the other hand, there is a mechanism of migrating through legal routes.<sup>7</sup>

In this regard, before approaching MoLSA, the potential migrant has to go through various stages of the migration process mostly facilitated by the PEAs.

Figure 1. The various processes migrants pass through<sup>8</sup>



The migrants under study are those who are using the legal route. A certain proportion of the key informants of the study have once migrated through “illegal” means and are now processing their second migration through the PEAs. According to these individuals, their first migration experience was limited to the information and guidance of brokers, *Delalas*. Mostly they establish their relationship with the brokers through a friend or a relative who has prior information about the process. These are described in the literature as “facilitators” (Yoseph *et al.*, 2006). The facilitators provide the information and create the link between the migrants that promotes good will with the brokers. After the introduction, the facilitators’ role will end and the two parties, i.e., the migrant and the broker, become the main actors. The brokers will guide the migrant in the steps he/she has to take. This applies to the situation of the majority of migrants in the process of migration.

The most prominent and common kind of migration at present involves a legal route recognized and supervised by the government through MoLSA. MoLSA is expected to provide a host of services for migrants. The Ministry guarantees the recording of migrants’ data before departure, checks the validity and fulfilment of all the necessary documents by the agency on behalf of the migrant, and provides pre-departure orientation to the migrants. The Ministry is tasked with such duties based on part five of the Employment Exchange Service Proclamation; Proclamation 632/2009 as “Public Employment Service.” It receives more than 1,500 documents every day from various agencies. These documents pass through a strict assessment to cross-check their legal validity before migrants can pass to the next step. This process has been introduced as a means to monitor the various human rights violations that migrants face and to control the human trafficking happening in the country. Furthermore, the process devises a means to keep record of migrants and their destinations and thus to ensure that the government can provide them with assistance when their rights are violated.<sup>9</sup> Cognizant of the aforementioned objectives, PEAs are also required to obtain a formal license from MoLSA. Licensing is required so as to ensure a smooth migration process with efficient job identification, recruitment of interested potential migrants, and conclusion of contracts.

PEAs are institutions that profit by linking job seekers locally and/or internationally with potential employers. In this regard, these agencies are

migrants on the move. the ...

the major actors in the migration process of Ethiopians interested in working in the Middle East through the legal route. PEAs are subject to law. For instance, the procedures and criteria to establish and operate as an agency was initially governed by Private Employment Agency Proclamation No. 104/1998, which is now revised and replaced by the new Employment Exchange Service Proclamation No. 632/2009. The current proclamation is expected to strengthen the mechanisms for monitoring and regulating domestic and overseas exchange service.<sup>10</sup> Proclamation No. 632/2009 states that if an agency wishes to operate as a private employment agency that is engaged in sending migrants overseas, it needs to have a representative who is licensed by the government abroad to work in employment exchange activities. The agency needs to provide an authenticated document and evidence from the embassy or consular office that shows that the representative has an office and facilities in which it can provide temporary food and shelter in the receiving country.<sup>11</sup>

Given the high level of competition between the PEAs, the appeal to brokers is one way of ensuring profitability. Thus the process of legal migration as witnessed in the cases of these key informants starts with approaching a broker. In this study all the key informants have mentioned that they have come to the PEAs with the assistance of their respective brokers. There is a high reliance on the brokers, both by the PEAs and by the migrants. Based on an interview with an agency, it is clear that a broker's job is dependent on the number of migrants he or she brings. As a way of keeping a broker, PEAs give discounts on the process depending on how frequently the broker brings potential migrants. There is little chance of a migrant knowing the office where the process is taking place otherwise. Since brokers fear that the potential migrant will ask the price of processing, they keep them far from the PEAs. The broker then maintains all contact with the agency in order to get the migrants' paperwork and obtain a badge to attend the pre-departure orientation at MoLSA. At the end, they are in charge of giving the migrant their signed contracts from the PEA and returning the badges until the next round of migrants begin their process. As this reveals, most of the financial interactions happen between the broker and the migrant. The broker does not tell the migrant the exact amount to be paid to the agency, and he or she asks for more money as a requirement of the process.

As a prerequisite, the migrant is expected to come to Addis Ababa with an identification card from his/her respective *kebele* and proceed with the process of obtaining the national travel document, a passport from the Immigration and Nationality Affairs Office. This process requires a birth certificate, fingerprints, and a police clearance certificate from the federal police, as well as vaccinations and a medical certificate. Depending on the kind of relationship the migrant has with the broker, or the willingness of the broker, potential migrants may be assisted through these steps or not. Assuming that all of this is underway, the broker then establishes the link with an agency that will make the migration process legal.

As part of these initial requirements, the potential migrant will be provided with a paper requesting a thorough medical examination. The cost of medical examinations varies depending on the country of destination. For instance, those migrating to Saudi Arabia are required to pay 850 ETB for a medical examination, 300 ETB for passport issuance, 10 ETB for fingerprints, 150 ETB for authentication of their fingerprints, and 460 ETB for visa issuance at the Embassy, but they are not required to pay for authentication of their contract at the Ministry of Foreign Affairs. Those migrating to Kuwait, on the other hand, pay the same amount of money for a medical examination, passport issuance, fingerprints and authentication of fingerprints, and pay an additional 162 ETB for authentication of their contract at the Ministry of Foreign Affairs and another 2,125 ETB for issuance of a visa.

After finalizing these processes most of the girls from a rural background will return home until they get a call from their agency or respective broker notifying them that it is time to attend the pre-departure orientation. Most of the migrants come to Addis Ababa two to three days prior to the orientation. Those who have relatives stay with their relatives, but most of them are forced to stay in Merkato around "America Gibi" and "Gojjam Berenda", renting cheap small rooms or in some instances renting sleeping mats in small rooms. These places are known to be shelters for migrants who have no money or place to stay. They are also places where the migrants face physical and sexual harassment by brokers and those who rent them places to sleep.<sup>12</sup> The gender-based discrimination these women face is clear. Due to the fact that they are female and from the countryside, it is assumed that

they are easy to manipulate and violate. This is where the gender-based human rights violations of female migrants often begin.

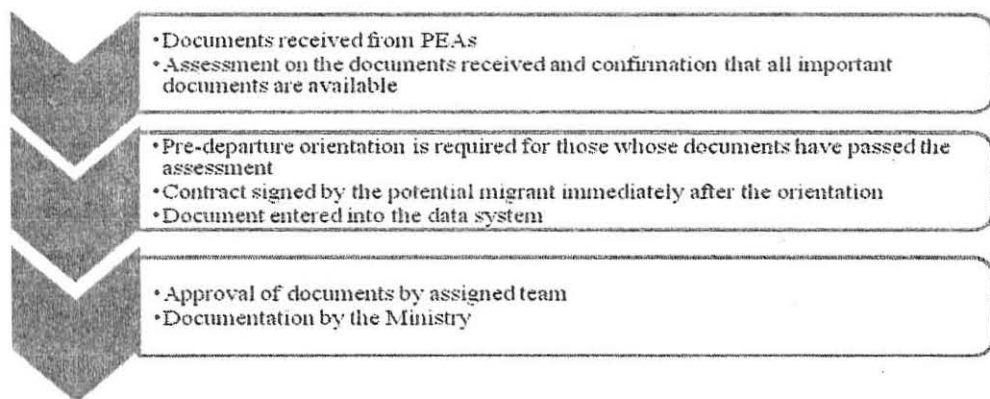
The next step is the pre-departure orientation provided by MoLSA. This pre-departure orientation is divided into morning and afternoon shifts. Once the migrants enter the Ministry compound, their names will be called and cross-checked by the agency representative and MoLSA officials, who make sure that the migrant being admitted for the orientation is registered both at the agency and at MoLSA. Those who are absent or late for the session are expected to return in a day or two to participate in the training. The orientation involves a 90-minute video orientation followed by one hour of training. Everyone is expected to both attend the training and watch the video.<sup>13</sup>

The one-hour training session reflects more on the content of the video that precedes it. This training further explains how the migrants can adapt to the cultures and ways of life in their new homes. They get advice on how to maintain their hygiene, as well as some basic information on the type of clothes and other things they should carry with them when they depart. The rest of the content consists of a brief description of their contract, which includes the working hours, their salary, and what is expected of them during their two years and forty-five days of foreign residence. Even if the contract contains other provisions explaining the employer-employee relationship and expected responsibilities from each side, the training only touches on a few provisions, such as the duty of the employer to provide a round-trip ticket. The training does not create awareness about the employee's right to terminate the contract, which would be helpful to migrants in the event that they are victims of violations during the contract period. Moreover, in a single training session there are often more than three hundred migrants in a room. Yet this brief orientation is expected to raise awareness about life in the Middle East.

According to an informant at MoLSA, the purpose of providing the pre-departure orientation is mainly to convey an instructive message to the migrants, with the implicit hope of convincing them to change their minds. At the end of the orientation session, each migrant's name is called, and he or she signs a document confirming his or her attendance at the training. These documents are filled by their respective agencies and are intensively

reviewed by MoLSA officers. Every agency is allowed to bring twenty such documents on their assigned date, twice or three times a week. After the signing on their contract; which they do not read at that time, the migrants will receive their passports, which have been held by the Ministry for “supervision”. The migrants will obtain the official contract immediately after their tickets are issued and shortly before their departure. Three copies of each contract are provided to the migrant, including one to be documented at MoLSA, and one for the PEA. The agency’s role in relation to the contracts is to fill in the names of the migrant and the employer, and to authenticate the document to make it legally binding for all parties.

Figure 2. The phases of the process at MoLSA



## **Existing International and National Policies and Legal Frameworks Protecting the Rights of Migrants**

### **International Human Rights Instrument and Migration**

This chapter discusses the various existing policies and legal instruments that pertain to the protection of the rights of migrants. Human rights mechanisms in this study refer to the different instruments and strategies adopted by various actors with the major objective of preventing human rights violations. This section deals with the applicable international and national legal frameworks and seeks to assess their importance in relation to the practical process of migration.

As Aleinikoff put it, "People have forever crossed borders in search of work" (Aleinikoff, 2002). The ways in which millions of people are employed outside of their countries of origin differs, at the most basic level, in the duration of employment as permanent or temporary and in the status of the worker, who may have entered lawfully or unlawfully (Aleinikoff, 2002).

In all cases, the primary reference document for the mandate on the human rights of people is the Universal Declaration of Human Rights (UDHR). This declaration proclaims equality and dignity to be the basis of the rights of every individual human being. Articles 1 and 2 of the UDHR state that all human beings are "*Born free and equal in dignity and rights*" and that everyone is entitled to all the rights and freedoms set forth in the declaration.<sup>14</sup>

The UDHR was followed by the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (United Nations, 2002). Even though all the covenants mainly address specific issues, they also serve intrinsically in the protection and guaranty of the rights of human beings as migrants, as migrants are part of each of the groups that these covenants address.

The ICCPR, for instance, clearly states that rights are derived from the inherent dignity of a human person. Accordingly, every human being has the inherent right to life, with Article 7 also stating that no one shall be subjected to any form of inhuman or degrading treatment or punishment. Article 8(2) states that "no one shall be held in servitude", and Article 8(3)(a), Article 12 (2) (4), Article 16 and Article 18 strengthen these protections.<sup>15</sup>

The ICESCR provides all men and women with a legal basis for full enjoyment of their social, economic and cultural rights.<sup>16</sup> Article 7 emphasizes the right of employees, engaged in different types of work, to enjoy favourable conditions. It focuses on the provision of fair payment to workers as well as equal opportunity for both men and women. It also



assigns countries the duty to ensure humane working conditions within their territories.

The International Labour Organization (ILO) is the UN body entrusted with the protection of migrant workers' rights. Protection of migrants' rights is central to realizing the development benefits of migration. Existing international instruments and the ILO Multilateral Framework on Labour Migration provide a solid foundation in this respect. The ILO has adopted different conventions relating to the migrant worker and international labour laws. The major convention on this subject is the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICMRW) which was adopted by General Assembly resolution 45/158 on 18 December 1990 and entered into force in 2003. Nevertheless, it must be noted that to this day only 13 countries from Sub-Saharan Africa (SSA) have ratified the ICMRW and only 13 countries have signed it (D'Orsi, 2013).

The ICMRW applies to all migrant workers "without distinction of any kind." The convention defines various terms that are related to migration, including the "migrant": "a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national." Article 1 of the convention also explains that the provisions apply throughout the entire process of migration.<sup>17</sup>

Even if the international human rights instruments guarantee the rights and protection of migrants as human beings, a single convention that specifically addresses the issue of domestic workers did not exist until the year 2011, when the ILO adopted the Convention on Domestic Workers. Migrants engaged in domestic work throughout the world are particularly vulnerable to different kinds of human rights violations. The major problem is that violations of these workers happen in the private sphere, which makes it more difficult to report the employer (United Nations, 2002). For now, in countries where such conventions are not adopted, only the major international human right documents can serve as instruments guaranteeing the rights of migrants as human beings.<sup>18</sup>

In the absence of specific laws governing the violations of migrants' rights in the domestic sphere, the ILO has drafted various conventions that are aimed at the protection of the rights of the migrant worker. Some of these

Conventions are the ILO Migration for Employment Convention, No. 97 (C97); the ILO Migrant Workers Convention, No. 143 (C143); Convention No. 97 Concerning Migration for Employment; Convention No. 143 Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers; Convention No.87 Concerning Migrants' Freedom of Association and Protection of the Right to Organize, Convention No.111 Concerning Discrimination in Respect to Employment and Occupation; Convention No.122 Concerning Employment Policy; Convention No. 156 Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities; and Convention No. 189 Concerning Decent Work for Domestic Workers (Fornell, 2012).

The issue of labour migration is believed to have placed a duty on both the sending and receiving states in the protection of the rights of the migrants (Ignacio and Mejia, 2009). Practically speaking, however, most countries have shifted the responsibility of recruitment and processing of migration to private agencies. This is problematic insofar as it juxtaposes the economic interests of the agencies with the protection of the rights of migrants (Ibid). In this way, Ethiopia has also shifted the responsibility of recruitment and migration processing to private employment agencies. This creates a gap in the protection of migrants, as the business dimension of the migration process is prioritized. The agencies are more concerned with increasing their profits by getting more migrant clients, even if this comes at the expense of these migrants' rights and safety.

Between this structural problem in Ethiopia and the international attempts to address such problems, migrant rights may be addressed at the regional level. The African Charter on Human and Peoples' Rights is the major regional instrument, but there are also treaties and protocols that guaranty the rights of Africans, and some specifically addressing the issues of migrants in Africa.

Considering the various challenges posed by migration, as well as the presence of variations in the migration trends and processes from country to country, the member states of the African Union have adopted a document in Banjul, Gambia, called "The Migration Policy Framework in Africa" (2006). Prior to the adoption of this framework, recognizing the importance

of the free movement of people, in June 1991 the Heads of States and Government adopted the Abuja Treaty, which resulted in the establishment of the African Economic Community (AEC) and urged member states to adopt employment policies that allow the free movement of persons within the Community (African Union, 2006).

The migration policy framework in Africa recommends various strategies, which include promoting equality of opportunity by strengthening gender-specific approaches to policies and activities concerning labour migration particularly, in recognition of the increasing feminization of labour migration.

It also aims at promoting respect for, and protection of, the rights of labour migrants including combating discrimination and xenophobia through inter alia civic education and awareness-raising activities (African Union, 2006).

In a context in which the number and percentage of women migrants is increasing, there is The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women. Accordingly, Article 3(1) of the protocol states, "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."<sup>19</sup> Article 4(2) of the Protocol also gives member states the responsibility to measure violations, which includes the responsibility "to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk."

Other regional documents and resolutions also guaranty the rights of migrants. One such resolution is the Resolution on Migration and Human Rights: 114. This resolution was adopted by the African Commission on Human and Peoples' Rights (ACHPR), meeting at its 42nd Ordinary Session held in Brazzaville, Republic of Congo, in 2007 (African Commission on Human and Peoples' Rights, 2007).

### **The Legal Regime that Protects the Rights of Migrants in Ethiopia**

Like other sovereign states, Ethiopia has its own constitution, which is the supreme law of the land. This constitution guaranties rights to economically disadvantaged citizens, including the unemployed and those with low standards of living. It dictates that the state must design policies that favour

migrants on the ...

these parts of society. This is clearly stated in Article 41 (6) (7) of the constitution.

Article 41 (6): The State shall pursue policies which aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programmes and public works projects. Article 41 (7): The State shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.

Beyond the provision of such policies, the constitution also guarantees the free movement of people locally and internationally and their right to return to their country. As stated in Article 32 (1) (2):

Article 32 (1) ...[A]ny 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. (2) Any Ethiopian national has the right to return to his country...

Although the constitution protects free movement, it also prohibits illegal movements such as human trafficking as stated in Article 18 (2) of the FDRE Constitution.

As part of the international community, Ethiopia has acceded to some of the important international conventions. The international conventions that are ratified and adopted also become part of the law of the land.<sup>20</sup> The instruments that apply to the migrant workers that have become part of Ethiopian law include the UDHR, the ICCPR, the ICESCR, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, CEDAW, and the CRC (Yoseph et al., 2006: 87). Ethiopia has also ratified the following ILO conventions: the Private Employment Agencies Convention (No. 181, 1997); the Abolition of Forced Labour Convention (No. 105, 1957); the Discrimination (Employment and Occupation) Convention (No. 111, 1958); and ILO Convention No. 182 on the Worst Forms of Child Labour (Yoseph et al., 2006: 87).

However, Ethiopia has not ratified one of the most important ILO conventions in relation to migrants, the Convention on Protection of the

Rights of all Migrant Workers and Member of their Families (ICMRW), which was adopted by the General Assembly Resolution 45/158 on 18 December 1990 (D'Orsi, 2013). Ethiopia has also failed to adopt: the Migrant for Employment Convention (Revised), 1949 (No.97); the Migrant Workers (Supplementary Provisions) Convention; the Convention on the Promotion of Equality of Opportunity and Treatment of Migrant Workers; and the UN Protocol to Prevent, Suppress, Punish Trafficking in Persons, Especially Women and Children (Yoseph *et al.*, 2006c).

The fact that the above mentioned conventions have not been adopted and incorporated into Ethiopian law and policy frameworks creates a gap in protection, as various human rights violations of migrants are not addressed. Instruments such as the recent Domestic Workers Convention (No. 189) and the accompanying Recommendation (No. 201), both adopted in 2011, offer a historic opportunity to make decent work a reality for domestic workers worldwide (ILO, 2013). Ethiopia's failure to adopt such provisions limits the protection of migrant workers' rights.

### **Law that Governs Private Employment Agencies in Ethiopia**

Private employment agencies (PEAs) have assumed total responsibility for facilitating the migration process in Ethiopia. These agencies have the duty to protect the rights, safety and dignity of migrants. Thus this section of the paper describes the law that governs the activities of PEAs and the various provisions within the law that guaranty the rights of migrants in the process of migration as well as their application. Such provisions are provided by the Employment Exchange Service Proclamation No. 632/2009.

### **Employment Exchange Service Proclamation No. 632/2009**

The preamble of the Employment Exchange Service Proclamation states the rationale for its enactment: "...to further protect the rights, safety and dignity of Ethiopians going abroad for employment and pursuance of their qualification and ability and it has also become necessary to revise the existing Private Employment Agencies Proclamation No. 104/1998." This proclamation states the various obligations delegated to PEAs and government institutions, in this case the MOLSA. The Ministry is described as the "Public Employment Service" in the proclamation, which reflects the functions it performs.<sup>21</sup> Beyond such services currently the Ministry has

looked to the Philippines and designed a program with various technical and vocational training colleges in different regions to provide two to three months of intensive training before migrants' departure. This program is meant to provide trainees with necessary knowledge, provide basic skills, and develop the trainees' attitudes to meet the standard required by the occupation.<sup>22</sup> This action is expected to increase the knowledge, skill and competence of migrants, hence boosting their monthly salaries.<sup>23</sup> The training is aimed mainly at the three major migrant occupations: housekeeping,<sup>24</sup> care giving<sup>25</sup> and household service.<sup>26</sup>

The proclamation also describes the steps and preconditions for licensure to establish a PEA, their specific obligations, and the various factors that may lead to suspension of a PEA's license. Article 23 states the requirement that a PEA deposit 50% in blocked bank account and 50% in the form of an approved and irrevocable instrument of guarantee from a recognized financial organization.

Article 23 (1),(a) for up to 500 workers USD 30,000 or its equivalent in Birr; b) from 501 up to 1,000 workers USD 40,000 or its equivalent in Birr; c) for 1,001 and above workers USD 50,000 or its equivalent in Birr.

Beyond this, the proclamation also states the duties and responsibilities of a potential migrant.

Article 17 states the obligation of workers; any worker deployed abroad shall have the following obligations: 1/ to carry out his work in accordance with the contract of employment; 2/ to respect the laws and cultural values of the country of employment; 3/ to give true information in connection to his employment.

The articles that state these requirements are strictly followed by the agencies, with few exceptions. The gap in protection at this stage involves the processing of migrants' documents, which often involves additional payments and fails to make migrants aware of their rights.

The proclamation is a guideline for all PEAs that are engaged in facilitating the migration process and sending migrants to their final destinations. But the duties that the government has imposed on these agencies make them the main actors in facilitating the process, but also responsible for ensuring

their safety and protection abroad. Article 16(2) (1) also states: “The private employment agency has to ensure that the workers has acquired the necessary skills for the intended employment abroad and to produce evidence to prove such fact.”

These kinds of provisions are not yet applicable. They are neglected by the PEAs and the Ministry does not expect them to perform such duties. But the aspects of the proclamation which seek to compel the agencies to guaranty the safety, dignity and protection of rights of migrants is equally problematic for profit-making institutions. These agencies do not have the capacity to protect migrants’ rights abroad, and they have a financial conflict of interest that is likely to undermine any efforts to focus their attention on migrants’ protection before departure.

According to interviews conducted with PEA owners, there is a consensus that they have not been engaged in any such activity. Even if there are expectations stated and trainings provided to them by MoLSA concerning their duties and what the proclamation entails, the PEAs fulfil only what they call “the most basic of the requirements.” They compile the necessary documents and reporting to the Ministry. Although the proclamation purports to govern PEAs, it also lacks an enforcement mechanism and a means of efficient monitoring.

Instead, the PEAs are concerned about allegations that come from abroad due to the violation of migrants’ rights and other problems with the workers. When the family of a migrant files a complaint with MoLSA, the agency is expected to report to the Ministry and try to solve the problem immediately, in conjunction with the partner agency abroad.

### **Narratives about the Dominant Challenges and Humans Rights Violations Migrants Face and Their Coping Strategies**

Most studies on international migration and Ethiopian migrants, especially those migrating to the Middle East, tend to focus on the kind of human rights violations, abuse and challenges faced by migrants in their countries of destination. There are few studies that have been conducted on returnees with the purpose of reporting and understanding the problems they have faced. This study deviates from the prevailing trend in the literature since it focuses on the challenges and human rights violations that occur in the

process of migration, prior to departure, in the country of origin. These issues are often overlooked and underrepresented compared to the aforementioned studies.

Migrants that come to Addis Ababa from different parts of the country face various challenges and violations of their rights. These violations happen during the facilitation of their migration to the Middle East, a process which requires that they pass through a number of steps, facing different people and institutions.

### **The Dominant Challenges and Human Rights Violations Occurring at Various Phases of the Process**

For most of the migrants leaving their community, family and neighbourhood is quite challenging. In a society where there are close ties with extended family, and in cases where the migrants are young, the first challenge informants describe is the difficulty of moving away from "home" to an "unfamiliar place." Families and relatives have no idea what the process entails or how to proceed. They do not generally know the contact addresses of agencies.<sup>27</sup>

The initial steps in the migration process presented above require the physical presence of the migrants in Addis Ababa for a few days. In the interviews conducted with migrants that come from the countryside, the major and the first challenge they related starts with travelling to Addis Ababa. This challenge forced most of them to approach a broker who promised to bring them to the city, show them the agencies and facilitate the process. Coming to the big city can be one of the most difficult moments for a young girl from a rural area, with no acquaintances in the city. Most of the migrants are young, confused and in need of direction, and yet they feel suspicious of the city people who offer to help. They have only a hazy idea of city life. The only close person to them is the broker who brought them from the countryside. They rely on a few people and institutions in this case the broker, the agency and relatives, if there are any in the city.

Even if they have prior knowledge of Saudi Arabia and Kuwait from the stories they have heard from friends or family members who have been to these places, their information about Addis Ababa is generally quite limited. They need someone who will show them the city and the agency. This



acquaintance with brokers creates financial and emotional vulnerabilities. There is always a negotiation between the broker and the migrant to pay some amount of money for the service provided by the broker in connecting the migrant and the agency. The amount of money the migrants pay varies from one person to the next, but the average sum is between 2,500 and 5,000 ETB. These brokers also get paid a commission by the agency based on the number of potential migrants they bring.

Beyond the amount they are expected to pay the broker, upon their agreement the migrants are expected to give their word that they will not in any way pass on information about the brokers and the services they have obtained to a third party. The informants have mentioned that in some instances brokers have threatened them, telling them that if they fail to keep their word negative consequences will follow. During this study it was difficult to obtain the consent of the interviewed migrants to share their thoughts in detail due to the deep fear that the migration process might get delayed or stopped if they told their stories. However, based on the researcher's establishment of rapport with the migrants, some of them were willing to share their stories and experiences.

A power imbalance exists in the relationship between the broker and the migrant. The broker has full knowledge of the migration process and of city life. The migrant has only the broker's close acquaintance. This creates a leader, decision-maker and follower relationship between the two. Migrants are expected and have no choice but to follow whatever the brokers say. In some instances, the migrant never even sees the agency in which their migration process and paperwork are being undertaken. In these cases the broker has assumed total authority over the process and serves as the liaison between the agency and the migrant. Migrants are expected simply to pay and present any documents that are required. In such cases the migrants are forced to pay more money to the broker, who will be sharing it with the agency.

Furthermore, female migrants are often convinced by brokers to stay in Addis Ababa while waiting for the issuance of their visas. In the meantime, the brokers facilitate the migrants' employment as housemaids. These brokers tend to keep the migrants together in one house until their process is finalized, and will force them to work by convincing them that the process

takes time and they need to make money. This activity serves two purposes. It allows the broker to generate revenue by getting potential migrants hired from one house to the other before departure. But the migrants themselves may also adopt this work as a coping mechanism. There is no benefit to migrants, however, when the brokers who bring them from the countryside and host them in Addis Ababa rape or sexually harass them. And all of these acts violate the rights of the migrants during the journey from place of origin to the city and during their stay in Addis Ababa.<sup>28</sup>

The other important actors in the migration process are the PEAs that may be closer to the protection and/or violation of the rights of migrants. During the migration process a migrant is responsible for certain expenses<sup>29</sup> mentioned in the proclamation, but other costs are to be covered by the agencies. Proclamation 632/2009 Article 25(2) clearly states that "it shall be unlawful for a private employment agency to charge a worker payments in cash or in kind other than provided for in sub article (2) of Article 15 of this Proclamation." This study however found that the agencies make migrants pay for their facilitation of the process, illegally, without providing any receipt. Such illegal payments are mostly made through the brokers who have closer contact with the agency and the migrant. The reason they are provided is that "payment is for the facilitation made by the agencies."<sup>30</sup> The migrant who is desperate to leave for the country of destination in search of better life and who is new to the city and the process, with limited information, may be forced to pay the money. However, there are also instances in which a migrant pays more money to the broker and agency as a gesture of gratitude. According to an informant who is facilitator for an agency, such payments are usual because migrants are happy to get the visa and leave the country as quickly as possible.

PEAs receive the amount of money required for the process at the initial stage. However, migrants are not provided with this information or told the amount of money they should have to pay until the last stage of the process in the pre-departure orientation at MoLSA. Since there is no contact between the migrant and MoLSA before the orientation, the migrant simply pays the amount requested by the agency.

Migrants' rights may also be violated through the intentional delay of their departure. The PEAs are responsible for finalizing the process and securing

visas within a month following the pre-departure orientation. But in some instances the process is not finished within this timeframe. In response to questions about these delays, the PEAs claim that the extra time incurred is due to the negotiations they must undertake to finalize the process with their counterparts abroad. However, at least one of the MoLSA officers believes that the PEAs and brokers delay some individual migrants' processes when the migrants become resistant about the amount of money they are asked to pay and in instances where medical results of the migrants is falsified and put as Un-fit by GAMCCA. This is done in individual partnership with the medical personnel. Migrants are simply expected to pay whatever amount is asked.

The Ministry of Social and Labour Affairs is engaged in the investigation, supervision and approval of documents. It also provides the final pre-departure orientation that is intended to create awareness about the country of destination and the various problems in the Middle East. Even if this orientation gives a migrant some insight about the precautions he or she may have to take, it is also drastically insufficient. The 90-minute video and subsequent presentation cannot possibly guarantee the level of awareness that migrants need, especially in relation to issues pertaining to the violation of their rights. The expectation that 300 potential migrants gathered in a single room will follow and understand such an important and complex presentation is both unrealistic and ambitious.

The other major problem related to the pre-departure orientation centres on the language of communication used for the training. Both the documentary and the training are provided in Amharic language. However, as presented in the preceding chapters, more than half of the participants come from regions where Amharic is not the mother tongue. The Ministry claims that sometimes they use the migrants themselves as translators, but the researcher did not observe this during the period of the study. As a result, only the physical presence of a migrant is guaranteed. Many appear only for the sake of passing through the formal process and obtaining the passport at the end, as non-attendance will result in the denial of documents required for migration.

The Ministry acknowledges the limitation of the pre-departure orientation, but also contends that it is doing more than is required by law. For instance,

Proclamation 632/2009 states that PEAs must “ensure workers have acquired the necessary skill for the intended employment abroad and produce evidence to prove such fact”<sup>31</sup> yet the state has taken the initiative to guarantee that potential migrants will go through an intensive three-month training at the technical and vocational colleges in their respective regions. This is expected to combat trafficking by training qualified skilled migrants. This plan is now under trial in four regions of the country: Amhara, Tigray, Dire-Diwa and Addis Ababa. Based on the outcome of the trials in these four areas, the program will be replicated across the country. So far the manuals that have been designed are also drafted in Amharic, which will be the medium of instruction. All of the manuals lack any provision for teaching or creating awareness about the rights of individuals and workers’ rights and duties at the work place.

The Ministry has also taken measures to amend the existing directive with a new one which came into effect on March 10, 2013. According to this amendment, every PEA has to bring an official confirmation, authenticated by the Ethiopian Embassy or consular office in the destination country, that shows that the intended employer earns not less than 1000 USD per month and the salary of the worker will be raised from 180 USD to 250 USD per month. This is expected to raise the salary of a migrant who will be trained by one of the colleges his or her region and to guaranty that the employer can afford the money to be paid for migrant labour. The directive has not yet been operationalized due to complaints from PEAs that there has been no transitional period between the old and new directives; this may also be an attempt on the part of the PEAs to avoid implementation of the law for those whose process is already in progress. But this directive has also been seen as a threat for the business of the PEAs, since getting the confirmation may require some time and they fear that it will take longer to process the migration of each client.

## Conclusions

Assessing the extent of the violations that migrants face in their country of origin during the process of migration is a complex matter, since most of these violations happen during the process they have to undergo before departure. A lack of awareness about their rights and prior knowledge about what the process involves makes migrants susceptible to various violations.

Even though multifaceted violations of rights exist in the process of migration, the measures taken by the government are good starts and provide some form of protection to the migrant. The use of PEAs as facilitators under the surveillance of MoLSA has enhanced interest in migrating through the legal route. The Ministry is trying to provide information to all potential migrants, to create awareness about country of destination conditions, and to make sure that a record of all migrating individuals is maintained in Ethiopia. Beyond this, the newly designed TVET program may be the solution to providing better awareness and education to any interested migrants.

While such measures are important, the whole curriculum lacks the provision of education or awareness creation programs about international human rights, which is an important aspect of migration to another country. There is a wide gap which necessitates amendments on the provision of rights education to all migrants. Unless these trainings are provided in the respective regions using the regional language, they will be nothing more than the continuation of the pre-departure orientation at MoLSA, which leaves many migrants without important information - a communication gap that emanates from the language used as medium of communication. The lack of rights awareness and the limited provision of information in a language many migrants do not understand may also contribute to perpetuation of the multifaceted violations in the migrants' destination countries.

On the one hand, the constitution of Ethiopia allows free movement of people, while on the other hand there is the plan to require TVET for employment migration. This right and this requirement are in conflict. However, the advantages of this training must outweigh the benefits of other means of migration in order to be strictly followed by the people intending to migrate; otherwise, this new training requirement may lead to an increase in illegal migration in order to avoid it.

The ILO conventions that provide for the protection of migrants and those employed as domestic workers have not been adopted by Ethiopia. Although the existence of such conventions draws some attention and pushes towards protection of migrants, there has not been much progress on

this front. Such gaps in adopting international conventions require attention and an attempt should be made to adopt the conventions.

The narratives of the migrants provide a picture of the migration process they pass through and the lives they have lived prior to their departure. Migration to the Middle East in search of better opportunities touches every part of society, the educated and uneducated, the single and the married, every religion and everyone. This study has presented the multifaceted challenges and rights violations that are happening here at the country of origin. It shows that due consideration must be given by governmental, international and local organizations working on migration in order to address these multifaceted human rights violations that occur before migrants depart.

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## Endnotes

- <sup>1</sup> An interview, with Communication Directorate Director Ato Girma Sheleme in MoLSA.
- <sup>2</sup> An interview with Mesele Tesfa; informant from the training and research team in MoLSA.
- <sup>3</sup> An interview with Ato Mesele Tesfa, an official in MoLSA.
- <sup>4</sup> Bizuwork lives in a family of four who are dependent on their brother who works as a “weaver” of traditional cloth. He is in charge of supporting the family and looks after the two siblings and their mother. Bizuwork has stopped school and believes it is time for her to look after the family and relieve her brother, so that he can build his life.
- <sup>5</sup> Eden believes she can make the money she wants to start the business she always dreamed of. She also wants to make her family proud of her.
- <sup>6</sup> After returning from Dubai, Merima’s intention was to stay in Dessie and continue her education. But since her friends have already progressed, she feels the only opportunity she has is to prove herself and become successful financially.
- <sup>7</sup> The legal path involves the private employment agencies which are governed by Proclamation No. 632/2009 and the Ministry of Labour and Social Affairs, which is involved in assessing the activities of the agencies, providing pre-departure orientation and approving the migrant’s documents, among many other services.
- <sup>8</sup> During the process of migration the brokers are important actors, but the stage in which they are involved may vary from individual to individual. In most cases they are the ones who initiate the process, but in other instances they are involved in the process only after the migrant has reached Addis Ababa and/or after he or she gets a passport.
- <sup>9</sup> An interview with Wzo. Meselch Asfaw from MoLSA, team leader for Ethiopian overseas employment, approval of contract and training team.
- <sup>10</sup> Refer to the Preamble of Employment Exchange Service Proclamation No. 632/2009.
- <sup>11</sup> Proclamation No. 632/2009, Article 7 (2), subsections a, b, c and d.
- <sup>12</sup> An interview with an agency representative who facilitates the process of a few migrants at MoLSA.
- <sup>13</sup> The whole idea of this pre-departure orientation is to create awareness about the Middle East and deliver information about the various challenges faced by other migrants before people leave their country of origin.
- <sup>14</sup> Refer to Articles 1 and 2 of the UDHR.
- <sup>15</sup> Refer to the ICCPR.
- <sup>16</sup> Article 3 of the ICSECR states that “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”
- <sup>17</sup> Article 1(2) of the Convention on the Protection of the Rights of all Migrant Workers and their Families covers all phases of the migration process. It states: “The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit



- and the entire period of stay and remunerated activity in the State of employment as well as return..."
- <sup>18</sup> State of origin or the state of habitual residence.
- <sup>19</sup> See the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women.
- <sup>20</sup> Article 9 (4) of the Constitution of the Federal Democratic Republic of Ethiopia declares that all international agreements ratified by Ethiopia are an integral part of the law of the land.
- <sup>21</sup> Employment Service Proclamation No. 632/2009. Article 31 functions of public employment service.
- <sup>22</sup> Operational Plan designed by MoLSA and TVET program designed for the Care-giving curriculum.
- <sup>23</sup> Interview with Communication Directorate Director Ato Abebe, on February 28, 2013.
- <sup>24</sup> The training for housekeeping involves: Cleaning Living Room, Dining Room, Bedrooms, Toilets, Bathrooms and Kitchen, Provide Food and Beverage Service, Wash and Iron Clothes, Linen and Fabric, Prepare Hot and Cold Meals/Food, Maintain Effective Relationship with Employer, Manage Own Performance, Work in Team Environment, Participate in Workplace Communication, Practice Occupational Health and Safety Procedures, Practice Career Professionalism.
- <sup>25</sup> Care-giving involves: Providing Care and Support to Infants/Toddlers, Provide Care and Support to Children, Provide Care and Support to People with Special Needs, Provide Care and Support to the Elderly, Foster Physical Development of Children, Foster Social and Intellectual, Creative and Emotional Development of Children, Clean Living Room, Dining Room, Bedrooms, Toilets, Bathrooms and Kitchen, Wash and Iron Clothes, Linen and Fabric, Prepare Hot and Cold Meals/Food.
- <sup>26</sup> Domestic help (Household Service) involves: Cleaning House, Provide Food and Beverage Service, Wash and Iron Clothes, Linen and Fabric, Provide Care and Support to Children, Provide Care and Support to Pets, Respond Effectively to Difficult/Challenging Behaviour, Maintain Healthy and Safe Environment, Respond to Emergencies, Receive and Respond to Workplace Communication.
- <sup>27</sup> One mother who accompanied her daughter to MoLSA to attend the pre-departure orientation said, *"We had no idea of what Addis Ababa looks like but we came to find a solution to our problem by sending my daughter to an Arab country. If I had money I wouldn't have said ok to her travel for misery like most people say it is."*
- <sup>28</sup> In the interviews conducted with the potential migrants, most of them testified that there is constant sexual harassment by the brokers. One of the respondents said, *"I was forced to cover all expenses for our stay in the city and beyond that he used to spend the night in my room."*

<sup>29</sup>The migrants have to cover the following costs, according to Proclamation No. 632/2009: (a) issuance of passport; (b) authentication of documents within the country; (c) medical examination; (d) vaccination; (e) birth certificate; (f) skill testing; and (g) certificate of clearance from any crime.

<sup>30</sup>An interview conducted with a broker from the southern part of the country. He has been engaged in this business for more than two years. He facilitates the travel from place of origin to Addis Ababa. Interview conducted on April 18, 2013.

<sup>31</sup>Refer to Proclamation 632/2009, Article 16 (2) (1).

## References

- African Union. 2006. The Migration Policy Framework for Africa. Executive Council Ninth Ordinary Session 25 – 29 June 2006 Banjul, The Gambia EX.CL/276 (IX)
- Aleinikoff, T. 2002. International Legal Norms and Migration: An Analysis. International Legal Norms and Migration. IOM Geneva.
- Barsk, K., and Lundegren, L. 2011. Regulating Private Employment Agencies in Ethiopia: Protecting the Rights, Safety and Dignity of Ethiopian Housemaids in The Middle East. Degree Paper. Law Faculty, Umea University of Sweden.
- Burtunkova, I. 2006. Trafficking in Women: Forced Labor and Domestic Work in the Context of the Middle East and Gulf. Working Paper; Anti Slavery International.
- Castles Stephen, and Miller.J Mark. 2009. The Age of Migration. International Population Movements in the Modern World. Fourth Edition. The Guilford Press. New York London.
- Chatty D. 2010. Displacement and Dispossession in the Modern Middle East.
- Deshingkar Priya and Grimm Sven. 2004. Voluntary Internal Migration an Update: Overseas Development Institute. London.
- 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. , 237-260.
- D'Orsi C. 2013. Which Legal Protection for Migrants in Sub-Saharan Africa? HEINONLINE: 9 NZJPIL 83 2011.
- Fornell K. 2012. Compendium of International Legal Instruments on Human Migration. Notre Dame Law School. Program on Law and Human Development.
- Federal Negarit Gazeta. 2009. No. 54 6<sup>th</sup>. Employment Exchange Service Proclamation 632/2009.
- Fernandez, B. 2010. Cheap and Disposable? The Impact of the Global Economic Crisis on the Migration of Ethiopian Women Domestic Workers to the Gulf. *Gender and Development*, Vol. 18 No. 2 , 249-262.
- Hass, d. H. 2010. Migration Transitions: A Theoretical and Empirical Inquiry in to the Developmental Drivers if International Migration . International Migration Institute, University of Oxford.
- Ignacio Emilyzen and Mejia Yesenia. 2009. Managing Labour Migration: The Cases of the Filipino and Indonesian Domestic Helper Market in Hong

King. ILO Asian Regional Programme on Governance of Labour Migration Working Paper No.23. ILO.

International Labor Organization (ILO). 2010. International Labor Migration: A Right Based Approach to Development. Geneva: International Labor Office.

International Labor Organization (ILO). 2010. Women and Men Migrant Workers: Moving Towards Equal Rights and Opportunities. Geneva: ILO.

International Covenant on Civil and Political Rights, (ICCPR). 1966.

International Covenant on Economic Social and Cultural Rights, (ICESCR). 1966.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Adopted by General Assembly resolution 45/158 of 18 December 1990.

Joyet Beyene. 2005. Women Migration and Housing: A case Study of Three Households of Ethiopian and Eritrean Female Migrant Workers in Beirut and Naba'a. Masters Thesis. American University of Beirut.

Koser, K., and Lackoz, F. (eds.). 2010. World Migration Report 2010; The Future of Migration: Building Capacities for Change. Geneva: International Organization for Migration (IOM).

Massey, S. D., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., and Taylor, J. 1993. Theories of International Migration: A Review and Appraisal. *Population and Development Review*, Vol. 19, No. 3, 431-466.

Parsons R., C., Skeldon, R., Walmsley, T., and Winters, L. A. 2007. Quantifying International Migration: A Database of Bilateral Migrants Stocks. *World Bank Policy Research Working Paper 4165*.

Parnwell, M. 1993. Population Movements and the Third World. New York: Routledge.

The African Commission on Human and Peoples' Rights (the African Commission or ACHPR), Meeting at its 42nd Ordinary Session held in Brazzaville, Republic of Congo, from 15 - 28 November 2007.

United Nations General Assembly. 2007. Resolution on Migration and Human Rights: 114. 2007, Available at <http://www.achpr.org/sessions/42nd/resolutions/114/> (accessed on 28<sup>th</sup> April 2013).

United Nations General Assembly. 2002. Report on the Human Rights of Migrants, Submitted by the Special Rapporteur of the Commission on Human Rights. Fifty-seventh session, A/57/292. New York.

Universal Declaration on Human Rights. 1948.

World Bank. 2013. *Ethiopian Economic Overview*. Retrieved March 12, 2013, from <http://www.worldbank.org/>.

Yoseph Endeshaw, Mebratu Gebeyehu and Belete Reta. 2006. *Assessment of Trafficking in Women and Children In and from Ethiopia*. Addis Ababa: IOM.