



# Global Monitoring



*Report on the*  
status of action against commercial  
sexual exploitation of children

**ETHIOPIA**



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# Glossary of terms and acronyms

**AIDS:** Acquired Immune Deficiency Syndrome

**CBO:** Community-based organization

**CHADET:** Child Aid Ethiopia

**Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

**CPU:** Child Protection Unit

**CRC:** Convention on the Rights of the Child

**CSE:** Commercial sexual exploitation

**CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

**CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

**DIC:** Drop-in centre

**ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

**FSCE:** Forum on Street Children - Ethiopia

**Grooming:** Preparing a child for sexual abuse and exploitation

**HIV:** Human immunodeficiency virus

**ILO:** International Labour Organization  
**ILO/IPEC:** International Labour Organization/International Programme on the Elimination of Child Labour  
**INGO:** International non-governmental organization  
**IOM:** International Organization for Migration  
**ISPs:** Internet service providers  
**JeCCDO:** Jerusalem Children and Community Development Organization  
**MoU:** Memorandum of Understanding  
**NGO:** Non-governmental organization  
**NPA:** National Plan of Action  
**OPRIFS:** Organization for the Prevention, Rehabilitation and Integration of Female Street Children  
**SNNRP:** Southern Nations Nationalities and People's Region  
**UN:** United Nations  
**UNICEF:** United Nations Children's Fund

# Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

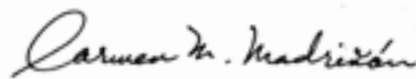
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán  
Executive Director, ECPAT International

## Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of



the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); and (vi) priority actions required.



Child prostitution is growing in both urban and rural areas of Ethiopia. In the capital city, Addis Ababa, the number of children victimised in commercial sexual exploitation (CSE) is increasing at an alarming rate.<sup>1</sup> Numerous children migrate from rural areas in order to escape poverty, limited educational and job opportunities,<sup>2</sup> drought, violence at home, early marriage, abusive relationships and exploitative labour, only to become victims of commercial sexual exploitation in the urban centres.<sup>3</sup>

### *Child marriages leading children to commercial sexual exploitation*

Child marriage has a significant impact on commercial sexual exploitation of children (CSEC) and on child protection issues in general. Besides the fact that it can be considered a form of CSEC in the sense that the families usually receive financial or other compensation in return for giving their daughters away for marriage, such a traditional practice leaves many girls vulnerable to commercial sexual exploitation. While early marriage is illegal (except under particular circumstances), weak law enforcement allows this practice to be widely followed throughout Ethiopia; the phenomenon is reported in almost every region of the country. Nationwide, 19 per cent of girls were married by the age of 15 and about half were married by the age of 19; in Amhara region, 50 per cent of girls were married by the age of 15 and 80 per cent by the age of 18.<sup>4</sup> Girls forced to marry at an early age - some as young as seven years old<sup>5</sup> - have their education interrupted and are often subject to beatings and are treated as servants by their husbands and in-laws. When the marriage finally collapses, the girls usually migrate to urban areas since breaking a marriage arranged by their relatives is considered a shameful act and they are no longer welcome within their families and communities. Once in larger towns they end up living in the streets given their lack of skills to find employment. Such dire circumstances lead many girls to be exploited in commercial sex. Research carried out in 2005 established that most victims of commercial sexual exploitation found in the streets of Addis Ababa had been married when they were below 15 years of age.<sup>6</sup> The problem is exacerbated by the growing demand for young, virgin brides by older men, who fear contracting HIV.<sup>7</sup>

Some children engage in commercial sex in nightclubs, bars and brothels, while others simply stand on street corners waiting for men to pick them up.<sup>8</sup> Those who work as bar attendants have to encourage customers to drink and are subsequently sexually exploited by the willing patrons.<sup>9</sup> There are also reports that fathers, stepfathers, uncles and other close relatives prostitute young girls to generate extra income.<sup>10</sup>

In schools, some teachers take advantage of their positions and force students to engage in sex with them in return for better grades and other favours. Such instances take place in primary and secondary schools.<sup>11</sup>

### *Sexual abuse driving children into commercial sex*

Unwanted pregnancy and sexual abuse are also driving children into prostitution: a high number of children involved in prostitution were raped before ending up on the streets, with many of them becoming pregnant as a result.<sup>12</sup> In an ECPAT International research conducted in 2006 in Ethiopia, when asked whether their first sexual experience was by force or out of free will, 19 out of 28 CSEC victims affirmed that they were raped or forced. Several studies conducted all over the world have clearly demonstrated that sexual abuse is a strong factor in making children more prone to commercial sexual exploitation.<sup>13</sup>

In relation to trafficking for sexual purposes, related data usually collates women and children and it is difficult to say with certainty to what extent children in particular are affected. The International Organization for Migration (IOM) stated that Ethiopian children are being sold for as little as US\$ 1.20 to work as domestic servants or to be exploited in prostitution. In addition, the United Nations Children's Fund (UNICEF) reported that girls are trafficked both within the country and abroad to countries in the Middle East and to South Africa;<sup>14</sup> this was also indicated by Save the Children.<sup>15</sup> There is however little recorded evidence that children are being trafficked to the Middle East for sexual purposes, although those trafficked for domestic purposes might easily end up in commercial sexual exploitation. Available information shows that most victims of cross-border trafficking are from Addis Ababa, while a significant number come from the Tigray, Oromia and Amhara regions.<sup>16</sup>

Child traffickers in Ethiopia are typically local brokers, relatives, family members or friends of the victims. Many returnees are also involved in trafficking by working in collaboration with tour operators and travel agencies.<sup>17</sup> The traffickers usually recruit children from schools, colleges and villages and time their trafficking activities with events such as the Muslim pilgrimages Hajji and Oumra, which present them with the opportunity to move

young girls to Saudi Arabia and other Arab countries under the pretext of attending the religious ceremonies.<sup>18</sup> Birth certificates, identity cards and other documents are usually falsified.<sup>19</sup> The problem is further aggravated by a widespread lack of birth registration.<sup>20</sup>

The last few years saw an increase in the tourism trade in Ethiopia, accompanied by a growth in sex tourism.<sup>21</sup> While there have been a number of cases of sex tourists from Europe and the Middle East who visit Ethiopia and sexually exploit underage girls,<sup>22</sup> there is no tangible information about the scale of child sex tourism in Ethiopia.

Also lacking is information on the occurrence of child pornography. Children are nevertheless exposed to pornography, as a relatively large number of illegal video shops openly sell and rent such materials to youngsters, in Addis Ababa as well as in other towns.

Ethiopia has one of the largest populations of orphans in the world: 13 per cent of Ethiopian children have lost one or both parents.<sup>23</sup> In 2005, UNICEF Ethiopia estimated that there were 4.6 million orphaned children in the country, while 200,000 children allegedly lived on the streets of Addis Ababa.<sup>24</sup> Ethiopian children are orphaned due to internal conflicts, floods, drought, famine and HIV/AIDS. An estimate by the Ministry of Labour and Social Affairs (December 2005) indicated that the number of children orphaned solely by HIV/AIDS has reached over 1.2 million.<sup>25</sup> These children find themselves at a very high risk of entering commercial sex to survive, yet there is very limited support available for them either from government or non-governmental agencies.<sup>26</sup>

### *Children in prostitution overlooked in HIV/AIDS prevention*

The US State Department's 2004 Report on Human Rights noted that impoverished girls as young as 11 years old are recruited to work in brothels, where they are often kept uninformed of the risks of HIV/AIDS and other sexually transmitted diseases.<sup>27</sup> A 2003 Family Health International report noted that younger children involved in prostitution are particularly at risk of contracting HIV, as they are targeted by customers who believe them to be free of sexually transmitted diseases,<sup>28</sup> and are usually coerced into having unprotected sex. Research conducted in 2006 by ECPAT International, in partnership with the Forum on Street Children-Ethiopia (FSCE) – the ECPAT group in the country – further confirmed this problem and indicated that such children rarely access HIV/AIDS prevention, care and support services. One of the key reasons is their fear of being exposed and discriminated against, which calls for an urgent reassessment of the way such services can be accessed and delivered, particularly by vulnerable children who already suffer considerable discrimination and marginalisation.<sup>29</sup>

Ethiopia adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment at the Second World Congress against CSEC held in 2001.

## NATIONAL PLAN OF ACTION (NPA)

Ethiopia's *National Action Plan on Sexual Abuse and Exploitation of Children (2006 - 2010)* was prepared by the National Committee on Sexual Abuse and Exploitation of Children, formed in 1997. The activities to be carried out, the focal point, the partners for each activity and possible indicators of success have all been identified in the Plan. Monitoring of interventions is undertaken by different parties. Nevertheless, budget limitations have hindered the development of certain initiatives, as very often policy preparation elicits strong government engagement, which is diminished when it comes to the actual allocation of resources for implementation. Funding was secured from international organisations to implement certain activities and to employ the NPA focal point (based under the newly-established Ministry of Women Affairs, Mothers and Children Department since 2006). Effective implementation of the NPA also requires awareness raising, targeting regional structures under the Ministry of Women Affairs, Mothers and Children Department, especially as frequent staff turnover can result in a lack of understanding and commitment on their part. Furthermore, the limited capacity of governmental administrative structures to take action down to the grassroots level needs to be addressed through the allocation of financial and technical resources.

The NPA addresses prevention, protection, rehabilitation and support to children, and sets specific targets regarding health, education, combating violence and reducing CSEC and the impact of HIV/AIDS on children.<sup>30</sup> A number of girls clubs and similar structures promoting the *Convention on the Rights of the Child (CRC)* have been established, as well as a programme for the empowerment of girls. With a view to improving the legal and social protection of CSEC victims, UNICEF Ethiopia is working with the Government and local non-governmental organizations (NGOs) on a series of concrete initiatives, including a project with the Judicial Training Centre, to incorporate child rights as a key component of the curricula for judges and prosecutors.<sup>31</sup> Key activities envisaged in the 2007 work plan include national level awareness raising workshops for government officials, strengthening regional steering committees formed to support the NPA implementation and preparing rehabilitation guidelines for dealing with abused children.

The NPA also provides an overview of the CSEC situation in Ethiopia based on several research studies and identifies “poverty, economic disparities, dysfunctional families, lack

of education, rural urban migration, gender dissemination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children”<sup>32</sup> as some of the causes of the commercial sexual exploitation of children taking place in the country.

The national committees involved in the development of the NPA include the Ministries of Labour and Social Affairs; Education; Foreign Affairs; Information; and Justice, as well as FSCE, the Ethiopian Women Lawyers Association, Child Aid Ethiopia (CHADET), the African Network for the Prevention and Protection against Child Abuse and Neglect (ANNPCAN), Hope for Children, Save the Children Norway, Save the Children Sweden and Save the Children Denmark.

The *National Action Plan for Children* (1996–2000) and the *National Action Plan on Orphans and Vulnerable Children* (2004–2006),<sup>33</sup> also address child protection issues.

## COORDINATION AND COOPERATION

### Local and National Level

Structures set up to tackle the commercial sexual exploitation of children include the National Committee on Sexual Abuse and Exploitation of Children and the NPA focal point based within the Ministry of Women Affairs, Mothers and Children Department. However, better coordination between governmental organisations, NGOs, and community-based organisations (CBOs) needs to be fostered. The engagement of CBOs is crucial in this regard, as they have traditionally played an important role in mobilising and supporting communities in Ethiopia.

A National Inter-Ministerial Committee was established in 1994 to monitor and provide leadership in the implementation of the *Convention on the Rights of the Child*. However, it is no longer functional.

### *The Child Resource Development and Database Centre*

Forum on Street Children-Ethiopia founded a Child Resource Development and Database Centre that provides information on commercial sexual exploitation and other child protection issues. The Database Centre organises the data forwarded by Ethiopia's Child Protection Units in order to compile quantitative information on children in conflict with the law, abused and trafficked children, as well as on perpetrators. This information is available for use by researchers, policy makers, child rights advocates, programme managers and others.

## Regional and International Level

The Ethiopian Government has not engaged sufficiently in transnational cooperation against the commercial sexual exploitation of children.<sup>34</sup> The ECPAT East Africa Network is currently preparing a Regional Plan of Action against CSEC, which it is hoped will draw stronger commitment on the part of governments in the region in taking appropriate action.

Ethiopia is a member of the African Committee of Experts on the Rights and the Welfare of the Child, established under the *African Charter on the Rights and Welfare of the Child*. The Committee has identified trafficking as one of the main child rights issues that demands attention, together with sexual abuse of children, orphans affected and infected by HIV/AIDS, child labour, access to education and children in armed conflicts.<sup>35</sup>

The Ethiopia chapter of ANPPCAN runs a psychosocial and legal aid programme for impoverished young girls who are at high risk of commercial sexual exploitation. The programme operates in three sub-districts of Addis Ababa and includes skills training and facilitation of employment opportunities.



## PREVENTION

Sexual exploitation of children has only recently started to be addressed in Ethiopia, and as such the country is still building expertise to effectively tackle the problem.<sup>36</sup> Furthermore, limited information and research is available to assist policy makers in devising appropriate counteraction,<sup>37</sup> since studies carried out so far have involved small-scale samples and failed to provide a comprehensive picture of the CSEC manifestations presently affecting the country. Nevertheless, advocacy undertaken by various national steering committees in collaboration with civil society organisations has resulted in the development of key policies and laws on issues impacting on CSEC - such as early marriage, sexual abuse and rape, female genital mutilation, abduction - which represent important achievements in terms of CSEC prevention. Also significant have been a number of school-based programmes focusing on girls' empowerment, as well as livelihood projects targeting disadvantaged female-headed households. The generally low level of awareness of CSEC, especially in rural areas, remains to be addressed. As highlighted by the NGO Group for the *Convention on the Rights of the Child*, interventions are needed in rural areas to prevent young girls from running away to the cities, where they become highly vulnerable to sexual exploitation.<sup>38</sup> Lack of coordination among government, NGOs and communities to take joint action has also hindered prevention efforts.

Aiming to protect orphans and street children from falling prey to sexual exploitation and other exploitative situations, a national Orphans and Vulnerable Children Committee has been established within the Ministry of Women Affairs, Mothers and Children Department, with support from UNICEF.

NGOs working on CSEC issues comprise Children Aid Ethiopia, Hope for Children, the Organisation for Prevention, Rehabilitation and Integration of Female Street Children (OPRIFS), ANPPCAN Ethiopian Chapter, FSCE and a national network of NGOs coordinated by the Jerusalem Children and Community Development Organization (JeCCDO).

FSCE has organised peer education and public education campaigns to prevent and raise awareness on the commercial sexual exploitation of children. In addition, the group undertakes capacity building of social workers and other professionals working in related areas. It also works closely with communities through its community-based integrated child-focused projects, which involve health, livelihood training, gender equality and HIV/AIDS projects.<sup>39</sup>

### Monitoring media coverage of children's issues

FSCE has initiated a project to monitor how child rights issues are presented in different media. A total of 649 newspapers have been monitored to date and the first media analysis bulletin was produced and distributed to media houses, child rights NGOs, journalism and communication schools, and so on. The project also works with journalists to enhance reporting on children's issues, and has drawn some positive responses as a number of them consult the project office prior to writing on specific topics.

'Ethiopia's Campaign for Vulnerable Children' on child trafficking was launched by IOM in 2005 in collaboration with the UN and the Ethiopian Government. The campaign received support from top Ethiopian athletes.<sup>40</sup>

In addition, the US State Department has provided funding to the Ethiopian Ministry of Justice to host rural seminars to raise awareness and sensitise at-risk populations about trafficking. Through USAID, the State Department has also provided funding to IOM and the Good Samaritan Association in Ethiopia to expand return and reintegration activities and to strengthen government and civil society capacity for legislative reform and improved protection against trafficking in human beings.<sup>41</sup>

The *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* has not been signed by any travel and tourism company in Ethiopia.<sup>42</sup>

## PROTECTION

Ethiopia acceded to the *Convention on the Rights of the Child (CRC)*<sup>43</sup> in 1991 but has not signed or ratified its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*.<sup>44</sup> Similarly, Ethiopia has not signed or ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.<sup>45</sup> *ILO Convention No. 182*<sup>46</sup> was ratified in 2003. At regional level, Ethiopia ratified but did not sign the *African Charter on the Rights and Welfare of the African Child* in 2002.

## Legislation

Ethiopia's *Penal Code*, which features the main laws pertaining to sexual exploitation of children, was revised in 2004 and the ensuing changes became effective in May 2005.<sup>47</sup> Ethiopian citizens who are victims of violent crimes may also, in some instances, seek compensation from a convicted offender through various provisions of the *Civil Code*.<sup>48</sup>

As a federal republic, Ethiopia has several types of legislation: federal legislation that applies to the entire country, such as the criminal and labour laws; legislation of the nine administrative regions in areas such as family law; and customary and religious norms governing personal and family issues. Disputes related to personal and family issues may be adjudicated using customary or religious laws as long as both parties to the dispute consent to the use of those laws. This principle also applies to the country's Sharia courts, where Sharia law may be used to resolve disputes, provided that the parties consent to the court's jurisdiction.<sup>49</sup>

### Prostitution of Children

Ethiopian law outlines a variety of offences involving sexual acts with children, but falls short of international standards for protecting children from prostitution. As a preliminary matter, Ethiopia has not signed or ratified the *Optional Protocol*. While its few laws related to prostitution address procuring or prostituting a child and provide for enhanced penalties where a crime is committed with the intent to prostitute a child, the *Criminal Code* fails to specifically prohibit the act of having sex with a child for remuneration. Furthermore, the laws criminalising sex with children divide children into two categories - those under 13 and those between 13 and 18 years of age - and provide stricter penalties for crimes involving younger children. This approach offers weaker protection to teenage children, who are often the most vulnerable. In several cases, Ethiopian law establishes differences that leave certain categories of children without protection against sexual crimes: for example, its rape law applies only to girls between 13 and 18 years of age, offering no protection to girls under 13 or to boys of any age. On the other hand, positive features of Ethiopian law include stringent penalties for sexual crimes against children; provisions for the prosecution of juridical officers for failing to protect children in certain circumstances from being exploited; and protection so that child victims of certain sexual crimes are not treated as offenders.

While Ethiopia's *Criminal Code* contains provisions related to sexual violence against

children, only a few are directly related to criminalising child prostitution. It is illegal to procure or prostitute another person for gain or as a profession; or to rent premises out for sexual purposes or maintain a brothel. Offenders may be punished with simple imprisonment and an unspecified fine.<sup>50</sup> Professionally procuring a minor is an aggravating circumstance to this crime that increases punishment to between three and 10 years' rigorous imprisonment and a fine up to 20,000 Birr (approx. US\$ 2,250).<sup>51</sup> It is also illegal to procure a minor for prostitution, even if s/he consents, or to keep a minor in a brothel for purposes of prostitution. This crime may be punished with up to five years' rigorous imprisonment, a fine of up to 10,000 Birr (approx. US\$ 1,125), and additional severe measures if there is concurrent illegal restraint.<sup>52</sup> Furthermore, abducting a minor with the intent to use him/her for prostitution is an aggravated crime for which violators may be punished with 10 to 25 years' rigorous imprisonment.<sup>53</sup>

Ethiopia also has several laws related to sex with children: it is illegal to rape a girl between 13 and 18 years of age. Offenders may receive five to 20 years' rigorous imprisonment, as well as any additional punishments that may apply if the victim was illegally restrained, abducted or given a communicable disease.<sup>54</sup> If this crime results in serious physical or mental injury or death, punishment is life imprisonment.<sup>55</sup>

Ethiopian law bans certain sexual acts with children and prescribes punishment based on the child's age. It is illegal to have sexual intercourse with a child of the opposite sex or to force a child of the opposite sex to have sexual intercourse; where the child is between 13 and 18 years of age, punishment is three to 15 years' rigorous imprisonment;<sup>56</sup> and where the child is under 13 years of age, punishment is 13 to 25 years' rigorous imprisonment.<sup>57</sup> A woman who forces a male child to have sexual intercourse with her may be punished with up to seven years' rigorous imprisonment if the child is between 13 and 18 years of age;<sup>58</sup> and up to 10 years' imprisonment if the child is under 13 years of age.<sup>59</sup> Performing "an act corresponding to the sexual act" with a child of the opposite sex, inducing the child to perform such act, or deliberately performing such an act in the child's presence may be punished with at least three months' imprisonment or up to five years' rigorous imprisonment if the child is between 13 and 18 years of age;<sup>60</sup> and up to 10 years' rigorous imprisonment if the child is under 13 years of age.<sup>61</sup> All of these crimes are subject to additional penalties if the child is a pupil, apprentice, dependent upon or entrusted to the care or custody of the offender, or where these crimes result in serious physical or mental injury or death.<sup>62</sup> More severe penalties may also apply in cases of rape and sexual outrage<sup>63</sup> where the victim becomes pregnant, contracts a sexually transmitted infection, or commits suicide due to shame, distress, anxiety or despair.<sup>64</sup>

Ethiopia bans sex and indecent acts with a child of the same sex as the offender. A sexual act with a child of the same sex may be punished with three to 15 years' rigorous imprisonment if the child is between 13 and 18 years of age; and 15 to 25 years' rigorous imprisonment if the child is under 13 years of age.<sup>65</sup> Any person who performs an indecent act on a child of the same sex may be punished with imprisonment.<sup>66</sup> Punishments for these crimes increase if the child is a pupil, apprentice, dependent upon or entrusted to the care or custody of the offender, if the crime results in serious physical or mental injury or if the child commits suicide due to shame, distress or despair.<sup>67</sup>

Juridical officers may also be punished separately for allowing officials or employees to commit sexual offences<sup>68</sup> against children living in educational, training or other institutions by creating favourable conditions for or failing to provide sufficient safeguards against these crimes.<sup>69</sup> Finally, child victims of "sexual outrage crimes" are not liable for punishment.<sup>70</sup>

### Trafficking in Children for Sexual Purposes

Ethiopian law criminalises some acts related to child trafficking for sexual purposes, but its legislation requires clarification and strengthening to truly protect children. First, Ethiopia has failed to sign or ratify the *Trafficking Protocol*. Second, the existing legislation provides inconsistent protection for children. For example, Article 635 prohibits the acts of inducing, enticing or procuring a child for purposes of prostitution, but leaves out many other activities related to trafficking, such as harbouring, receiving, transporting, selling or buying a child. On the other hand, Article 597 is limited to trafficking for forced labour, so the acts that it addresses - recruiting, hiding, receiving, transporting etc. - do not specifically apply to cases involving child trafficking for sexual purposes; and it requires the use of violence or deception in trafficking. Under international standards, the crime of child trafficking requires no use of violence, deception or fraud and includes trafficking for purposes beyond merely forced labour, such as trafficking for prostitution and other forms of exploitation. Similarly, Ethiopia's abduction law requires the use of violence, and its enslavement law includes fewer activities than those prohibited by the *Trafficking Protocol*.

The Ethiopian Constitution broadly prohibits human trafficking for any purpose.<sup>71</sup> The *Penal Code* makes it illegal to recruit, receive, hide, transport, export or import a child for forced labour using violence, threat, deceit, fraud or kidnapping or by bribing a person who cares for a child. Violators may be punished with five to 20 years' rigorous imprisonment and a fine up to 50,000 Birr (approx. US\$ 5,625); a person who assists or knowingly carries or transports a trafficked person by land, sea or air is subject to the same punishment.<sup>72</sup> Ethiopian law also bans trafficking a child or woman for gain or "to gratify the passions

of another” by enticing, inducing or procuring a child or woman for prostitution, even if the child or woman consents; offenders may be punished with up to five years’ rigorous imprisonment, a fine of up to 10,000 Birr (approx. US\$ 1,125), and additional severe measures if there is concurrent illegal restraint.<sup>73</sup> This crime is considered aggravated if a child is trafficked, and the penalty is revised to between three and 10 years’ rigorous imprisonment and a fine up to 20,000 Birr (approx. US\$ 2,250).<sup>74</sup> Ethiopian law also prohibits arranging or providing for the procurement or trafficking of children; violators may be punished with simple imprisonment, but if a professional procurer or a group of victims is involved, punishment may be up to three years’ rigorous imprisonment and a fine of at least 500 Birr (approx. US\$ 56) in ‘grave’ cases.<sup>75</sup>

Ethiopia also has laws related to abduction and enslavement. It is illegal to abduct a child using violence or, after obtaining the child’s consent, by using violence, fraud or deceptive measures; violators may be punished with five to 15 years’ rigorous imprisonment.<sup>76</sup> Abducting a child with the intent to use the child for prostitution increases the penalty to between 10 and 25 years’ rigorous imprisonment.<sup>77</sup> Forcibly enslaving, selling, alienating, pledging, buying, trading, trafficking or exploiting a person in any manner is a crime that may be punished with five to 20 years’ rigorous imprisonment and a fine up to 50,000 Birr (approx. US\$ 5,625).<sup>78</sup> Any person who assists, aids, delivers, carries off or transports a person by land, sea or air is subject to the same punishment,<sup>79</sup> and if this crime is committed against a child, punishment is increased to between 10 and 20 years’ rigorous imprisonment.<sup>80</sup>

## Child Pornography

Ethiopia has not signed or ratified the *Optional Protocol*, creating a significant gap in its protection of children from being used to create pornography. Ethiopia’s law is limited to displays of simulated sexual intercourse by a child and exhibiting a child’s genitals, which does not cover the full range of abusive acts that can be perpetrated against children in the production of child pornography. Under international law, any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes is to be considered child pornography.<sup>81</sup> Furthermore, it is unclear whether Ethiopian law applies to digital or computerised images, audio files or other types of visual representations, whether real or simulated. While Ethiopian law addresses many activities related to producing, possessing and distributing child pornographic materials, it requires broadening to conform to international standards.

Ethiopian law bans making, importing, exporting, transporting, receiving, possessing, publicly displaying, selling, hiring, distributing, trafficking or trading writings, images, posters, films or other objects that display simulated sexual intercourse by a child or that exhibit a child's genitals.<sup>82</sup> It is also illegal to advertise, or publicise by any means, how or from whom such materials may be either directly or indirectly procured or distributed.<sup>83</sup> Offenders may be punished with at least one year's imprisonment and a fine of up to 10,000 Birr (approx. US\$ 1,125).<sup>84</sup> The Government acknowledges that these laws do not specifically address crimes committed through the Internet, but claims that this legislation is broad enough to include such crimes.<sup>85</sup>

Ethiopia's *Criminal Code* also contains laws that prohibit performing sexual, obscene or grossly offensive acts in the presence of a child;<sup>86</sup> knowingly providing obscene or grossly indecent materials to a child;<sup>87</sup> or exposing a child to certain offensive materials.<sup>88</sup>

### Extraterritorial Legislation

Provided that certain limited conditions are met, Ethiopian legislation may in some cases allow for the prosecution, in Ethiopia, of criminals who commercially sexually exploit children outside the country. Nevertheless, prosecutions can only take place if the crime is prohibited by the laws of the country where the crime was committed and the laws of Ethiopia (i.e. the 'principle of double criminality'), which actually may allow some offenders to escape prosecution.

Ethiopian law allows for the prosecution of crimes committed outside Ethiopia in several circumstances. If a person commits a crime outside Ethiopia involving international law; an international treaty or convention that Ethiopia has ratified; or, among other things, trafficking, procuring a woman or child or child pornography, s/he may be tried in Ethiopia provided that the offender is in Ethiopia and has not been prosecuted and also received a final judgment for the same crime in a foreign country.<sup>89</sup>

In addition to violating international laws, conventions or the crimes specified above, a person who commits a crime outside Ethiopia against an Ethiopian national, or an Ethiopian national who commits a crime outside Ethiopia, may be tried in Ethiopia under certain conditions, including, among others: if the crime is prohibited by the laws of the country where the crime was committed and the laws of Ethiopia (i.e. the 'principle of double criminality', which actually hinders prosecutions in several cases); the criminal was not tried in the foreign country; and the crime is sufficiently serious to justify extradition.<sup>90</sup>

## Child Protection Units

Several Ethiopian police stations now accommodate child protection units (CPUs) to assist child victims of crime as well as child offenders. Regular training and awareness raising programmes are held to build the capacity of police officers in such units, thus improving the way children are treated both at police stations and on the streets. These initiatives have been undertaken with technical and financial assistance from FSCE. Furthermore, since September 2004 Addis Ababa has had a child-friendly court system for cases involving violent crimes against children, where child victims of violent crimes can provide testimony via closed circuit television, and have an intermediary to assist them in responding to questions. Cases pending in other courts related to violence against children are being transferred to this special court for hearing.<sup>91</sup> Similar child-friendly courts are being set up in the regions of Tigray, Oromia and Southern Nations Nationalities and Peoples Region (SNNRP). While it is envisaged that the system will be operative in all regions throughout the country,<sup>92</sup> no timeframe has been defined in this regard, as the regional states have their own *modus operandi*. Attempts have been made to arrange experience sharing events targeting concerned regional bodies to foster replication of the child-friendly courts in their respective regions. In general, efforts to establish CPUs and child-friendly courts have been enthusiastically received by the concerned authorities. However, stronger commitment at the higher level - such as from regional and provincial governors and parliamentarians - is still required, especially with a view to securing budgetary support for their wider and sustained implementation.

The African Child Policy Forum established the Children's Legal Protection Centre in Addis Ababa in 2004. It seeks to improve access to justice by children, facilitate referrals to complementary services such as medical and psychosocial assistance, as well as provide legal education and training to various target groups (police, public prosecutors, judges, media, etc.).<sup>93</sup> The Ministry of Justice has assigned the Centre's legal counsellors as the choice representatives of child offenders, and has granted it an observatory role in court for child victims of crime.<sup>94</sup>

## Support Services for Children

Support services for children escaping CSEC and other forms of abuse and exploitation are provided mainly by NGOs and include drop-in-centres (DICs), safe homes and shelters, medical support, counselling, legal aid, skills training and assistance with reintegration in their families and communities. These services are not present in all regions though, and overall very limited resources are available for the organisations providing them, especially in view of the actual



demand. There is also a shortage of community-based rehabilitation centres. Enhancement of the existing, rather informal referral system for sexually abused or exploited children has been initiated, as well as for a repatriation system for trafficked children.

In 2003, Save the Children Denmark, CHADET, ANPPCAN and OPRIFS launched the project 'Protection, Prevention and Rehabilitation of Children Exposed to Sexual Exploitation' in 12 kebeles<sup>95</sup> of Addis Ababa (still ongoing). As part of the project, the OPRIFS Centre has provided training on skills such as sewing and weaving, as well as non-formal basic education and psychosocial support to children trafficked or exploited in commercial sex and domestic labour. The children are also trained as peer educators.<sup>96</sup> The OPRIFS Centre also undertakes family tracing and reunification.<sup>97</sup>

FSCE runs DICs for child victims of commercial sexual exploitation in four major towns, as well as safe homes in

Addis Ababa, Dire Dawa, Bahir Dar and Dessie. The children receive medical and psychological care, non-formal education, skills training and support for income-generating activities. FSCE also undertakes family tracing and reunification and works closely with the police and public prosecutors in the investigation of sex crimes against children and prosecution of offenders.

In Addis Ababa, IOM works closely with the Good Samaritan Association to provide (short-term) shelter, psychosocial counselling and medical care for child victims of trafficking: to this end, the Meraf Centre was established in 2004 and accommodates up to 12 children at a time.<sup>98</sup>

## Training Law Enforcement Personnel

In 2003, Save the Children Denmark, CHADET, ANPPCAN and OPRIFS launched the project 'Protection, Prevention and Rehabilitation of Children Exposed to Sexual Exploitation' in 12 kebeles of Addis Ababa (still ongoing). As part of the project, the OPRIFS Centre has provided training on skills such as sewing and weaving, as well as non-formal basic education and psychosocial support to children trafficked or exploited in commercial sex and domestic labour. The children are also trained as peer educators. The OPRIFS Centre also undertakes family tracing and reunification.

As part of the *National Action Plan on Sexual Abuse and Exploitation of Children*, child rights education should be incorporated in the training curricula for judges and prosecutors; UNICEF is currently conducting a training needs assessment to identify topical areas for this purpose.



## PRIORITY ACTIONS REQUIRED

- ✦ The Government must allocate a greater percentage of the financial resources needed to the implementation of the *National Action Plan on Sexual Abuse and Exploitation of Children*, as funding only from international organisations will not suffice.
- ✦ National coordination against CSEC could be improved through the allocation of technical and financial resources to the regional steering committees formed to support the implementation of the *National Action Plan on Sexual Abuse and Exploitation of Children*. Resources must also be allocated to engage community-based organisations in such efforts.
- ✦ To foster understanding of the harmful consequences of early marriage, sensitisation programmes must be conducted in rural communities in particular, also emphasising the fact that such a practice is illegal. Law enforcers must also be targeted in such interventions to ensure that the relevant family law provisions are well known and enforced by the authorities.
- ✦ Livelihood and vocational training must be made more widely available for children vulnerable to commercial sexual exploitation: children orphaned by AIDS and other tragedies, street children, child domestic workers, child labourers, child hawkers, children from dysfunctional families, migrating children, etc. Such training must be based on realistic market and employment assessments so that the skills learned effectively empower children financially. This would have a strong impact in reducing children's migration to urban centres, which is essential in preventing them from falling prey to CSEC.
- ✦ Ethiopia must sign and ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* as well as the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.
- ✦ Ethiopia must revise its domestic legislation to specifically prohibit the act of having sex with a child for remuneration. In addition, the penalties for having sex with children should not differentiate between children under 13 and those between 13 and 18 years old; this offers limited protection to teenage children. Moreover, the rape law should apply to all children under 18 years of age, not only to girls aged between 13 and 18.
- ✦ Ethiopia must draft a streamlined law that defines trafficking in children as the recruitment, transportation, transfer, harbouring or receipt of a person under 18 years of age for the purpose of exploitation, such as, but not limited to, prostitution, forced labour or slavery - regardless of the use of violence, deception or fraud.
- ✦ Ethiopia's laws are limited to certain acts related to child pornography and could be strengthened so that they clearly prohibit any representation, by whatever means - including digital, computerised, electronic, audio or any other type of files - of a child engaged in real

- or simulated explicit sexual activities, or any representation of the sexual parts of a child for primarily sexual purposes.
- ✎ Ethiopia should specifically include all crimes related to child prostitution, child trafficking for sexual purposes and child pornography as violations under *Criminal Code* Article 17, for which offenders may be prosecuted in Ethiopia when they commit these crimes outside Ethiopia. Furthermore, the principle of double criminality should be abolished so that prosecutions can take place in Ethiopia regardless of whether the offences are also prohibited in the country where they were committed.
  - ✎ Child Protection Units and child-friendly courts need to be gradually available across all regions in the country; this requires stronger support from relevant authorities such as regional and provincial governors.
  - ✎ Child Protection Committees must be formally established at community level - and their functioning monitored - to prevent and enhance reporting on child rights violations. Government endorsement and support is essential to create accountable and sustainable child protection committees.
  - ✎ Support is required from the Ministry of Education so that child protection policies and procedures are set up in schools to protect children against sexual exploitation and other abuses. Children must be empowered to take the necessary action following incidences, through convenient complaint procedures and related activities in children's clubs and other informal children's forums. Strict measures must be taken against perpetrators both administratively and judicially, which demands the adoption of stricter harassment laws.
  - ✎ The referral systems for trafficked children and for sexually abused/exploited children need to be refined and properly disseminated so that they can be used throughout the country by a larger number of organisations.
  - ✎ More care and rehabilitation programmes need to be made available for CSEC victims. The establishment of community-based rehabilitation centres would be particularly strategic in this regard, considering the major role that community-based organisations play in Ethiopian society.
  - ✎ A situational analysis research on how the commercial sexual exploitation of children manifests itself in Ethiopia is required to inform adequate counteraction.
  - ✎ To prevent an escalation in child sex tourism, it is essential that tourism and travel companies operating in Ethiopia sign and implement the ECPAT/UNICEF/UNWTO *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.
  - ✎ Food insecurity caused by droughts has increased poverty and hence the vulnerability of children to commercial sexual exploitation. Greater resources, human as well as financial, must be allocated to the Government's Productive Safety Nets Programme so that a larger number of disadvantaged children can be reached.
  - ✎ Access to education by girls must be steadily promoted through adequate policies and sensitisation campaigns.
  - ✎ Children exploited in prostitution need proper care and protection against HIV/AIDS: there is a need to expand outreach and mobile interventions targeting this population, and to systematically train staff at voluntary counselling and testing centers, management centres and clinics on how to provide child-friendly assistance, attract and retain contact with vulnerable children and those already in commercial sex.

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