

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

10 July 2016

ETH105548.E

Ethiopia: Treatment of sex workers by society and authorities, including arrest, prosecution and conviction; treatment of women with children born out of wedlock by society and authorities (2014-June 2016)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

A 2016 report by the East African Sexual Health and Rights Initiative (UHA1) [1] on the human rights situation of sex workers and the LGBT community in Ethiopia states that "[s]ex work is not expressly criminalized in any legislation" (UHA1 13 May 2016, 42). The Global Network of Sex Work Projects (NSWP), a private non-profit organisation based in Scotland that "advocates for rights-based health and social services, freedom from abuse and discrimination, and self-determination for sex workers" (NSWP n.d.a), similarly states that sex work in Ethiopia is "not legal or illegal" (ibid. n.d.b, 4). Article 634 of the Ethiopian *Criminal Code* states the following:

Article 634. - Habitual Exploitation for Pecuniary Gain.

Whoever, for gain, makes a profession of or lives by procuring or on the prostitution or immorality of another, or maintains, as a landlord or keeper, a brothel, is punishable with simple imprisonment and fine. (Ethiopia 2005, Art. 634)

Articles 846 and 847 of the same law state the following:

Article 846. - Immoral Soliciting and Debauchery.

Whoever in the street or in a public place or in a place accessible to the public:

- a. with an intent contrary to decency or morality molests a person who is not soliciting; or
- b. by improper soliciting incites another person to sexual intercourse or to committing an act contrary to decency or acts of debauchery of any kind whatsoever; or
- c. by engaging in prostitution or debauchery, is a nuisance to the occupiers of the dwelling or the inhabitants of the neighbourhood, is punishable with fine or arrest not exceeding one month.

Article 847. - Advertising for Debauchery.

Whoever, with a view to encouraging debauchery or satisfying the sexual urge of others, publicly advertises by any means that debauchery may be enjoyed in a particular place, is punishable with fine or arrest. (ibid., Art. 846, 847)

2. Treatment by Authorities

According to a 2014 UK government-funded report on sex work and poverty alleviation programs in Ethiopia, produced by Cheryl Overs, the "founder of the Global Network of Sex Work Projects, and member of the Technical Advisory Group of the Global Commission on HIV and the Law" (Unlocking HIV n.d.) for the Institute of Development Studies at the University of Sussex,

[n]o participant[2] in any of the groups reported any personal experience, or knew of a sex worker or other person involved in the sex industry having been charged with a prostitution-related offence. Participants in the Addis Ababa group said that crackdowns against street sex workers do occur, usually associated with key dates in the government calendar[,] such as meetings of the African Union or elections. Even then, the police mainly move women on rather than arrest them. (Overs June 2014, 18)

According to the same source, while Ethiopian law "contains a range of provisions that could be used against the sex industry, they are not enforced" (ibid., 23).

According to an April 2015 report on pregnancy and Ethiopian sex workers by consortium partners of Link Up, a project "to improve the sexual and reproductive health and rights (SRHR) of one million young people most affected by HIV" in five countries, including Ethiopia [3], violence against sex workers is a "pervasive problem," and perpetrators include police as well as intimate partners and clients (Population Council et al. Apr. 2015, 7, 8). According to the same source, during interviews with 30 female sex workers and 10 "key informants" in Adama city, Ethiopia, one interviewee stated that "'it is the police who harass us a lot on the streets. They ask us to give them money'" (ibid., 2, 7). According to an article published in the academic journal *Annals of the American Association of Geographers*, on the mobility and livelihood strategies of young female sex workers in Ethiopia, some of the girls interviewed [4] had to change work locations "because of ... negative interactions with security and police" (van Blerk 19 Jan. 2016, 419).

In contrast, according to Overs' 2014 report, "[p]articipants in each group were unanimous that police usually ignore sex workers" (Overs June 2014, 18). According to the same source, while there were "some anecdotes about violence by police[,] there was a clear indication from each group that it is rare" (ibid., 19).

The 2016 UHAI report states that over the past five years, "police attitude[s] and behavior[s] towards sex workers[have] improved," and according to interviewees, "there has been a reduction in solicitation of sex or money as bribes by the police" (UHAI 13 May 2016, 53). The source further explains that organisations, such as the Nikat Charitable Association, [a "community-based organisation that supports sex workers in Addis Ababa by providing a range of services, including SRHR information and commodities, education programmes and income-generating activities" (International HIV/AIDS Alliance et al. 2015, 4)], have held information sessions with police "on challenges faced by sex workers at the hands of clients as well as harassment by police" (UHAI 13 May 2016, 53).

Cases of arrest, prosecution and conviction of sex workers in Ethiopia could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Police Response to Violence Against Sex Workers, Including Protection

According to the April 2015 report by Link Up consortium partners, "[m]any women expressed a sentiment of helplessness and resentment towards law enforcement officials who did not offer them protection or assistance" when they experienced violence (Population Council et al. Apr. 2015, 7). The UHAI report similarly states that upon experiencing sexual violence from clients, they

face persistent judgement and re-victimisation from law enforcement officers at the stage of reporting who typically fail to arrest or investigate the perpetrators on the basis of their perceived personality of the perpetrator. If the perpetrator is charming and friendly with the police[,] nothing is done. (UHAI 13 May 2016, 56)

Further information on treatment by authorities, including protection and response to violence against sex workers, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Access to Services

According to sources, sex workers face stigma and discrimination that limits their access to services (NSWP n.d.b, 4; International HIV/AIDS Alliance et al. 2015, 3; UHAI 13 May 2016, 49). Sources state that sex workers are recognized as a "vulnerable group" (ibid.) or "'Most at Risk' group" for HIV (Overs et. al 2011, 20) and as such, receive HIV-related services and care from government sources (ibid., 20, 24; UHAI 13 May 2016, 49). The 2016 UHAI report further states that sex workers are

beneficiaries of various government sponsored interventions such as supplementary income generation measures, harm reduction programs encouraging condom use, increased availability and access to condoms as

well as access to STD [sexually transmitted disease] diagnosis and treatment ... HIV testing in government clinics is free of charge. However testing for other STIs [sexually transmitted infection] is not. (ibid.)

According to Overs' 2014 report, while the government has a "policy that recommends poverty alleviation and social protection programs for sex workers, coverage is seen as patchy and uncoordinated" and the women interviewed for the report "were concerned that the programmes operate for short periods of time and lack resources or technical expertise" (Overs June 2014, 25). The same source also states that some women, due to economic concerns, took advantage of the poverty alleviation programs and continued sex work rather than "exchange one for the other" (ibid., 26). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Further information on the scope and effectiveness of these programs could not be found among the sources consulted by the research Directorate within the time constraints of this Response.

3. Treatment by Society

According to the 2016 UHAI report, compared to "seven to eight years ago ... [b]oth government and society are generally more accepting of their [sex worker's] existence" (UHAI 13 May 2016, 55). The NSWP report states that "in Ethiopia, sex work is considered an act of deviant behaviour and [is] immoral, but it is permitted on the basis that it would be impractical to abolish it instantly" (NSWP n.d.b, 4). In correspondence with the Research Directorate, a professor of human geography at the University of Dundee, who has conducted research on sex workers in Ethiopia, stated that the stigma against sex workers in Ethiopia is "very high" (Professor 3 June 2016).

According to a 2015 article by 8 authors affiliated with health science departments in universities in Mekelle and Axum, Ethiopia, as well as in Chicago, published in the academic journal *Reproductive Health*, 45.6 percent of the 250 survey respondents contacted in April 2013 in Mekelle City, northern Ethiopia, "reported clients inflicting physical harm on them" and 60 percent "reported experiencing unwanted genitalia touching" (Alemayehu et al. 2015, 1, 3). The April 2015 Link Up report similarly states that violence against sex workers by intimate partners and clients is "pervasive" (Population Council et al. Apr. 2015, 7). According to the journal article, the

exclusion of women and girls from the public arena in Ethiopia increases their vulnerability to violence in their communities, reinforces gender-based discrimination, and propagates the social subordination of women. ... These phenomena manifest especially in the population of CSWs [commercial sex workers], who are subject to significant additional stigma and discrimination owing to their profession. (Alemayehu et al. 2015, 5)

Further information on the treatment of sex workers by society, including instances of violence, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Treatment of Women with Children Born out of Wedlock

Information on the treatment of women with children born out of wedlock was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. In an interview with Migrant-Rights.org, an online "advocacy forum that aims to advance the rights of migrant workers in the Middle East" (Migrant-Rights.org n.d.), a representative of the International Organization for Migration (IOM), referring to women who have returned to Ethiopia from Saudi Arabia, states that "some women have returned back with babies or kids born out of wedlock, and Ethiopia being the conservative society that it is, this is a taboo. It is just simply unacceptable and most women will be viewed as commercial sex workers" (Migrant-Rights.org 10 Apr. 2014). According to the article on the mobility and livelihood strategies of young female sex workers in Ethiopia, a 17-year-old interviewee stated that she became pregnant and had a child in grade ten and that because she was a student and unwed, her parents would not allow her to live with them anymore (van Blerk 19 Jan. 2016, 418). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The UHAI is an "indigenous activist fund which provides flexible, accessible resources to support civil society activism around issues of sexuality, health and human rights in the East African region" (UHAI n.d.).

[2] The research for the report was conducted in partnership with the "Addis Ababa-based sex worker group, Nikat, and the NGO Timret that operates sexual health services and education for sex workers" throughout

Ethiopia (Overs June 2014, 13). There were five semi-structured small-group interviews with 53 adult female sex workers (ibid.). The meetings were conducted in Addis Ababa, Shashamene and Bihar Dar "in mid-2011" (ibid.).

[3] Link Up was "launched in 2013 by a consortium of partners led by the International HIV/AIDS Alliance," an "alliance of nationally-based, independent, civil society organizations" that aim to fight AIDS (International HIV/AIDS Alliance et. al 2015, 2). In Ethiopia, "the project is led by the Organisation for Support Services for AIDS (OSSA) in partnership with Marie Stopes International Ethiopia (MSIE), Family Guidance Association Ethiopia (FGAE), National Network of Positive Women in Ethiopia, Nikat Charitable Association, Talent Youth Association, the Ministry of Health and the Ministry of Women, Youth and Children Affairs" (ibid., 3).

[4] 60 girls, between the ages of 14 and 19 were interviewed for the article (van Blerk 19 Jan. 2016, 415). The research was conducted in two locations, Addis Ababa and "Nazareth, the regional capital for Oromia district located on the trade route toward Djibouti" (ibid.).

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Additional Sources Consulted

Oral sources: Global Network of Sex Work Projects (NSWP).

Internet sites: African Sex Workers Alliance; Amnesty International; Bar Hostess Empowerment & Support Programme; ecoi.net; Ethiopia Human Rights Project; Factiva; Fédération internationale des ligues des droits de l'homme; Freedom House; Human Rights Watch; IRIN; International Union of Sex Workers; Sex Workers Education & Advocacy Taskforce; United Nations – Refworld, UN Women; United States – Department of State.

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