

The Legal Protection for Child Domestic Workers in Ethiopia: The Case of Hadiya and Kambata-Xambaro Zones

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ABSTRACT: As the saying goes, the child is the father of the man. We must properly bring up and protect our children today not least because in the future they will shoulder huge responsibility in taking charge of this country after replacing us. In many countries, especially developing ones like Ethiopia, children engage in different types of works for various reasons. Domestic work is one of such sector. Child (domestic) work is not prohibited if it is done by those above the minimum working age (14 years) under a condition that is not exploitative. The problem in Ethiopia, though, is that (child) domestic work is altogether excluded from legal protection (under the labour proclamation). Without formal regulation, child domestics are prone to exploitation by their employers. This kind of exploitation is a human rights violation in addition to being a serious development concern and gender equality challenge. This research aims at examining the adequacy of legal protection for Child domestic workers under the Ethiopian legal system. To this end, the research employs a cross-sectional qualitative research design. Within this design, the research adopts a phenomenological methodology. The research concludes that there is inadequate legal protection for Child domestic workers in Ethiopia beginning from formation of contract to terms of employment and working conditions.

KEYWORDS: Child Domestic Workers, Child Labour, Legal Protection.



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I. INTRODUCTION

In spite of the prevalence and magnitude of child domestic work, there is only little research done on it in Ethiopia. The existing researches either do not directly address child domestic labour or lack adequate geographical coverage. Likewise, there is very little research, if any at all, made on the legal aspect of child domestic work. Most of the researches are made by international institutions instead of local/national institutions and personnel. Though such international institutions might be well equipped, they are not proximate to and better appreciate in detail local/national issues with sense of ownership as local/national institutions/personnel do.

The main goal of this research is to explore the legal protection given for child domestic workers in Ethiopia in general and Southern Nations, Nationalities and Peoples Region (two zones) in particular. To this end, the research adopts a cross-sectional qualitative design while employing a phenomenological approach to inquiring the issue at hand.

The research will be carried on child domestic workers living in two Zones in Southern Nations, Nationalities and Peoples Region, namely Hadiya and Kambata-Xambaro zones. To be clear, the targets of this research are children aged between 14-18 years and employed in third party household at the said two zones. So this marks the scope of the research both topic-wise and geographically.

At the end of the day, this research is expected to fill the knowledge gap that exists with regard to (legal protection for) child domestic work. Particularly, it will pinpoint the legal gaps and challenges in protecting child domestic workers, and explore the living and working conditions of child domestic workers. In addition, the research will identify the causes and consequences of exploitations in

child domestic works, and indicate alternative (and where possible the best) options of designing legal protection for child domestic workers.

II. RESEARCH METHOD AND METHODOLOGY

This research adopts a cross-sectional qualitative research design. The research will be carried out at a given point in time (one year) in a given place (cross-sectional). Since there is little, if any, research and thus understanding on child domestic work and thus the main task of this research is to investigate hidden and invisible phenomenon (the situation of domestic workers in the household) it is a qualitative research design¹ that fits beset this study. Within this design, the research adopts a phenomenological methodology.

It is known that the research design that a researcher chooses, most often than not, determines the specific research tools and sampling techniques that s/he may use. The data collection instruments that are appropriate for qualitative research, and thus for the present study, is semi-structured questionnaire, and textual data (reports, surveys, documents etc). Using these tools, the research gathers information both from primary sources (study participants) and secondary sources (official information and data). On the other hand, the subjects of this research are child domestic workers, children aged between 14-18 years and employed in a third party household at Hadiya and Kambata-Xambaro Zones.

¹ A qualitative approach is needed when (1) little is known or present understanding is inadequate, (2) we want to make sense of complex situations or social processes, (3) learn from participants about their experiences (beliefs, motivations, opinions, practice), (4) construct a theory from data, and (5) understand phenomena deeply and in detail.

A qualitative research typically uses a purposive sampling technique.² When it comes to sample size, the goal of qualitative research should be to have a large enough sample size to uncover a variety of opinions while at the same time limiting the sample size at the point of saturation.³ Saturation is a point at which adding more participants no more results in additional information. More particularly, the sample size for phenomenological research, according to Creswell, should be something between 5-25% of the research population.⁴ A sample size of as low as 5-10% requires a rigorous recruitment process to be put in place though. Therefore a sample size of 15 is adopted

For the present research, it is not possible to accurately determine the study population as there is no study or official data that indicates the number of child domestics at the research sites. It is, however, to make an estimation of the total study population based on surveys in other parts of Ethiopia. According to a rough estimate by ILO, the number of child domestic workers in Addis Ababa town is something between 6500 – 7500.⁵ If we assume that the total population of young domestic workers is a quarter of that of Addis Ababa, then it will be 1625. If we take a sample size of 15% from the total study subjects of 1625, the sample size will be 243.

This research will be conducted at Hadiya and Kambata-Xambaro Zones. The researcher have chosen both zones because little, if any,

² This means selection for in-depth study of typical, atypical, or, in some way, exemplary “information-rich cases”. (See Michael Patton, (1990). *Qualitative Evaluation and Research Methods*, 2nd Ed., Newbury Park.).

³ Sample size, in qualitative research design, depends on complexity of inquiry and hence cannot be clearly determined in advance!

⁴ John Creswell, (1998). *Qualitative Inquiry and Research Design: Choosing Among Five Traditions*, CA: Sage Publications, Thousand Oaks.

⁵ International Labour Organization (ILO), (2012). *Global Estimate of Forced Labour 2012: Results and Methodology*. ILO, Geneva.

research is done on child domestic work in these zones despite the prevalence and magnitude of the phenomenon. In addition, the wider is the area of one's research, the more representative it could be. Last, but not least, both Hadiya and Kambata-Xambaro Zones are the catchment areas of Wachamo University.

The scope of this research, topic wise, is confined to the legal protection given for child domestic workers, i.e children aged between 14 to 18 years old. In terms of its geographical coverage, this research is confined to two locations. These are Hadiya and Kambata-Xambaro zones. Put in short, the research deals with legal protection for child domestic workers aged between 14-18 years employed in third party household at Hadiya and Kambata-Xambaro Zones.

III. CONCEPTUAL AND THEORETICAL FRAMEWORK

A. The Concept and Nature of Child Domestic Work

In order to define child domestic work, we must first define who is a child and what a domestic work constitutes. A child, according to the Convention on the Rights of the Child (CRC), refers to any person below the age of eighteen years old unless national laws define it otherwise.⁶ Since Ethiopia does not have a domestic legislation that directly defines a child, a child will, therefore, refers to a person less than eighteen years just as it is put under the CRC. On the other hand, domestic work, according to the 2011 ILO Convention, stands for a work carried out in or for a household(s).⁷ Examples of domestic work include cooking, washing, cleaning, ironing, gardening, rearing children, taking care of elderly, guarding home, taking care of family

⁶ UN General Assembly (1989), Convention on the Rights of Child, UN Treaty Series Vol. 1757, Art. 1.

⁷ International Labour Organization (ILO), (2011). Convention Concerning Decent Work for Domestic Workers (No. 189), ILO, Art. 1(a).

pet, etc.⁸ A domestic worker, on the other hand, is any person who is engaged in a domestic work within an employment relationship.⁹ This means that the person does not work for his/her own home or family, but in or for a third party household.¹⁰ When we sum all these up, a child domestic worker is a person (child) below eighteen years who is employed by a third party household with the view to performing a domestic work in or for that household.

The key element of a domestic work in general and a child domestic work in particular is the existence of employment relationship.¹¹ This means that there must be a legal relationship between the employee (child domestic) and another person called the employer to whom the former provides labour or services under certain conditions in exchange for remuneration.¹² In short, child domestic workers are employed by, and provide services for, a third party such as restaurants, coffee shops, groceries, farming and private household.¹³ It is this very element that distinguishes two children doing an identical task but in a different households. Children who perform a household chore in their own home must be differentiated from those children performing the same task but for a third-party household.

It is, basically, up to national governments to determine, in their national legislations, when and under what circumstances an employment relationship is created. States may also, at their option, adopt the specific employment relationship indicators recommended

⁸ International Labour Organization (ILO), (2017). *Tackling Child Labour in Domestic Work: A Handbook for Action for Domestic Workers and their Organizations*, International Labour Office, Jakarta, p. 13.

⁹ International Labour Organization (ILO), (2011). *Supra note 7*, Art. 1(b).

¹⁰ International Labour Organization (ILO), (2017). *Supra note 8*.

¹¹ International Labour Organization (ILO), (2011). *Supra note 7*, Art. 1(b).

¹² International Labour Organization (ILO), (2017). *Supra note 8*, p. 14.

¹³ Pearl Boateng and Helen West, (2017). *Child Domestic Work – Knowledge, Evidence and Learning for Development*, K4D Helpdesk Report, Institute for Development Studies, UK, p. 1.

by the ILO in 2006.¹⁴ In practice, however, it is not easy to establish the existence of an employment relationship and often it may be overlooked (goes unidentified).¹⁵ This is so because there are many factors surrounding domestic work that may conceal, blur or disguise the existence of an employment relationship, and thus, the rights and obligations of an employee and employer. For instance, the sector often uses informal arrangements such as making oral agreements, and not declaring such agreements to public authorities. The other reason could be that child domestics may work in a familial relationship. That is to say since some child domestics work in relatives house, they are seen as a family member instead of an employee.

The fundamental problem in relation with domestic child work is that it is socially and culturally accepted in many societies.¹⁶ Since socio-cultural ideologies obscure the existence of an employer and employee relationship, domestic worker are among the least protected global work force. Most national labour legislations provide lower protection to domestic workers relative to other groups of workers. In worst case scenario domestic workers are entirely excluded from the scope of protection of labour laws. “These socio-cultural factors, and the consequential legislative deficits, are amplified in the case of child labour and specifically child domestic workers, with further ambiguity created as many child domestic workers often work for relatives (sometimes distant) or carers (as

¹⁴ International Labour Organization (ILO), (2006). Recommendation Concerning the Employment Relationship, R 198.

¹⁵ International Labour Organization (ILO), (2017). Supra note 8, p. 14.

¹⁶ Pearl Boateng and Helen West, (2017). Supra note 13.

many are orphans), and the relationship is often regarded or described as familial rather than of that of employment''.¹⁷

At the same time, where child workers have reached the minimum age for work and are legally permitted to work, special attention should be paid to ensure that their working conditions and environment are age-suitable, take account of their specific needs, and prevent their situation from becoming hazardous.¹⁸

B. The Causes and Impacts of Child Domestic Work

1. The Causes of Child Domestic Work: Push and Pull Factors

It is a complex interplay of push and pull factors that draw many children into the domestic work sector.¹⁹ Some of the causal factors that drive children into the domestic work sector include, but not limited to, poverty and lack of access to education. On the other hand, increasing (wealth) inequality and wrong perception that the domestic work sector is beneficiary are notable examples that sit on the pull factors side. Generally, children enter this sector lured by deception and false promises of better life (ex. good job, better pay, and schooling) contrary to the reality, i.e the very exploitative nature of the sector.²⁰

Many steps have so far been taken both at international and national levels to tackle child domestic labour (by creating decent working

¹⁷ International Labour Organization (ILO), (2013). Child Labour and Domestic Work, Available at: <https://www.ilo.org/ipec/areas/Childdomesticlabour/lang--en/index.htm> (Accessed on 19/01/2022).

¹⁸ International Labour Organization (ILO), (2013). Ending Child Labour in Domestic Work and Protecting Child Workers from Abusive Conditions, International Labour Office, Geneva.

¹⁹ International Labour Organization (ILO), (2004). Helping Hands of Shackled Lives: Understanding Child Domestic Labour and Response to it, International Labour Program Program on the Elimination of Child Labour (IPEC), International Labour Office, Geneva.

²⁰ The Population Council (2018). Migration and Child Domestic Work: Evidence from Ethiopia, Available at: https://knowledgecommons.popcouncil.org/departments_sbsr-pgy/461/ (Accessed on 14/01/2022).

and living conditions), however (un)successful they might be. The major step, at international level, is the adoption of the ILO domestic workers convention in 2011 and its accompanying recommendation No. 201. “These new standards contain specific provisions requiring ratifying States to protect children from child labour in domestic work, while ensuring that child workers who can legally work are provided with decent work conditions and do so without compromising their education”.²¹ Apart from this the ILO minimum age convention along with the convention on the worst forms of child labour put in place the legal framework for ending child labour in domestic work. The minimum age according to the ILO convention is left for the determination of national laws as is appropriate, which in Ethiopian case happens to be 14 years.²²

So too, there are many steps taken at national level to protect child domestic workers against exploitation no matter how unsuccessful it might be. This includes steps beginning from constitutional recognition of children fundamental rights down to specific legislations that directly or indirectly concern the matter.

2. The Impacts of Child Domestic Work

The impact of domestic work on the lives of children can be both positive and negative.²³ Regarding the positive effects, child domestic work serves as a source of income and livelihood both for the child domestic workers themselves and their families. In fact, in many societies young/child domestic work is perceived as an appropriate

²¹ International Labour Organization (ILO), (2013). *Supra* note 17.

²² The Federal Democratic Republic of Ethiopia (FDRE), (2003). Labour Proclamation of the Federal Democratic Republic of Ethiopia, Proclamation No. 377, Federal Negarit Gazette Year 10 No. 2

²³ Gina Crivello & Nardos Chuta, (2012). Rethinking Orphanhood and Vulnerability in Ethiopia, *Child Protection in Development*, 22(4).

means of child upbringing and preparation for adulthood.²⁴ In many cultures, children/children engagement in a domestic work is considered quiet normal.²⁵

But child domestic work results into loss of several rights and education opportunities that is detrimental to the personal, social and psychological development of children. Child (young) domestic work has, in fact, become one form of child labour across the globe.²⁶ As a matter of fact, it is now a day considered as modern-day slavery, mainly owing to the lack of (adequate) regulation. Child domestic work (labour) is a national concern as much as it is a globally pressing issue.

The domestic work sector is one of the informal/under/unregulated, degrading and lowest paying work sector compared to other sectors. Domestic work affects children by keeping them out of school, confining them to the home, making them socially isolated, and overburdened with domestic works.²⁷ According to one study made in three cities of Ethiopia, nearly half (49%) of domestic workers have never been to school.²⁸ They are also, according to the same study, highly vulnerable to sexual abuse.

²⁴ Scott Lyon and Cristina Valdivia, (2010). Towards Effective Measurement of Child Domestic Workers: Building Estimates Using Standard Household Survey Instruments, Understanding Children's Work Programme Working Paper Series, UNICEF.

²⁵ Yordanos Tesfaye, (2018). Child Domestic work in Ethiopia: The experiences of rural girls who migrate to take up jobs as domestic servants in Addis Ababa, Norwegian University of Science and Technology.

²⁶ United Nations International Children Emergency Fund (UNICEF), (1999). Child domestic work, Innocent Digest, Italy.

²⁷ Maggie Black, (2002). Child Domestic Workers: Finding a voice, Anti-Slavery International, UK.

²⁸ Annabel Erulkar & Abebaw Ferede, (2009). Social Exclusion and Early, Unwanted Sexual Initiation in Poor Urban Setting in Ethiopia, International Perspectives on Sexual and Reproductive Health, 35(4).

In the absence of appropriate (adequate) regulation, child domestic work often leads to the violation of children fundamental rights.²⁹ The most important child rights which are at stake in this regard include the right to health, education and the right to be protected from exploitation. Most of the time, it is female (children) who join this sector in significant proportion relative to their male counterparts.³⁰ For these reasons, child domestic work has now become not only human rights and a development concern but also one of a gender equality challenge. Such is the more so in developing countries especially like Ethiopia.

C. Vulnerabilities in Domestic Work Settings

Anybody engaged in the domestic work sector is prone to exploitation since they are vulnerable for the following two major reasons. The first source of vulnerability is the status difference and the consequent power imbalance between the employer and the child domestic worker.³¹ There is a huge power asymmetry between an employer and a child domestic worker owing to differences in literacy, income and age.

The second source of vulnerability, on the other hand, emanates from the invisible and underground site of domestic work, i.e the home.³² This is so because accessing the private home is often a thought as violation of privacy. Especially, live-in child domestics are vulnerable to exploitation in the home.

Like any child domestic workers, child domestic workers are particularly prone to vulnerability due to their isolation in private

²⁹ International Labour Organization (ILO), (2004). Supra note 19.

³⁰ International Labour Organization (ILO), (2012). Supra note 5.

³¹ Janie Chuang, (2010). Achieving Accountability for Migrant Domestic Worker Abuse, North Carolina Law Review, 88(?).

³² Virginia Mantouvalou, (2012). Human Rights for Precarious Workers: The Legislative Precariousness of Domestic Labour, Comparative Labour Law and Policy Journal, 34(?).

households, separation from their families, dependency on their employers, and ignorance of their rights.³³ It is impossible to provide protection to child domestic workers if they are subject to employment law that applies to adults.

The law must take into account the unique situations and vulnerabilities of (young) domestic workers arising from their work setting in the private home.³⁴

D. Prevalence and Trends: National and Global Data

The domestic work sector hosts a huge amount of child workers. For instance, according to the 2012 ILO estimates, child domestic workers account for 6.6% of all children in employment aged between 5 and 17.³⁵ Millions of children, mainly girls, are engaged in the domestic work sector all over the world. According to the ILO study, 17.2 million children are involved in paid or unpaid domestic work globally.³⁶ Of this figure, 11.5 million are in child (domestic) labour while 3.7 million are engaged in hazardous works.³⁷

In Ethiopia, although most children work for their own families without pay,³⁸ there are huge proportions of children in the domestic work sector (i.e. employed in a third party house hold). Generally,

³³ Child Rights International Network, (2012). A Call for Global Protections for Child Domestic Workers, Available at: <https://archive.crin.org/en/home/network/challenge/petitions/call-global-protections-child-domestic-workers.html> (Accessed on 06/12/2021).

³⁴ Human Rights Watch, (2012). Dignity Overdue: Decent Work for Domestic Workers, Available at: <https://www.hrw.org/video-photos/video/2015/02/11/dignity-overdue-decent-work-domestic-workers> (Accessed on 12/02/2022).

³⁵ International Labour Organization (ILO), (2012). Supra note 5.

³⁶ Id.

³⁷ Id.

³⁸ US Department of Labour, (2009). 2008 Findings on the Worst Forms of Child Labour – Ethiopia, Available at: <https://www.refworld.org/docid/4aba3edf28.html> (Accessed on 03/01/2022).

about 41.5% of children, aged between 7 and 14 years old, work in different sectors including domestic work in the country.³⁹

According to a rough estimate by ILO, the number of child domestic workers in Addis Ababa town is something between 6500 - 7500.⁴⁰ Although the vast majority of domestic workers in Ethiopia are found in urban areas, they originally come from rural parts of the country.⁴¹ A study made in 2007, for instance, reveals that as much as 97% of domestic workers in Addis Ababa migrated to the town from rural areas.⁴²

D. Possible Solutions to Child Domestic Work Exploitation

There is no single magic bullet to tackle child domestic work exploitation. The solution involves taking range of complementary steps at different levels that aim to deal with child domestic work exploitation at the root cause level. Some of these possible solutions might include:⁴³

- a) Enhancing the statistical visibility of child domestic work: this helps to better capture the extent and magnitude of child labour and further develop knowledge thereon.
- b) Changing societal attitude regarding child domestic work and labour: this involves awareness creation/raising, advocacy and campaigns to alter the widespread societal tolerance and acceptance of child labour in many African countries cultures.

³⁹ Bureau of International Labour Affairs (BILA), (2017). 2017 Findings on the Worst Forms of Child Labour: Ethiopia – Moderate Advancements, Available at: https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2017/ethiopia.pdf (Accessed on 22/02/2022).

⁴⁰ International Labour Organization (ILO), (2012). Supra note 5.

⁴¹ The Population Council (2018). Supra note 20.

⁴² Annable Erulkar and Tekleab Mekbib, (2007). Invisible and Vulnerable: Adolescent Domestic Workers in Addis Ababa – A Rapid Assessment, *Vulnerable Child and Youth Studies*, 2(3).

⁴³ IDAY (2015). A survey on child and child domestic workers in Uganda, IDAY International.

- c) Creating and promoting decent working environment for domestic workers compliant with ILO standards (in accordance with ILO Conventions 138, 182 & 189).
- d) Taking legislative and policy measure aimed at to end child labour and protect domestic workers.
- e) Addressing vulnerabilities of child domestic workers.
- f) Formalizing the employment relationship in domestic work: for example using formal and written contract of employment.

E. The Legal Framework: International and National Laws

In view of the seriousness of child domestic work, there are multitudes of international conventions that directly or indirectly address the problem. The convention on the rights of the child provides that member states must protect children's right to health, education, adequate standard of living and safeguard them against exploitation.⁴⁴ The FDRE Constitution states that every child has the right not to be subjected to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being.⁴⁵

The ILO Minimum Age Convention states that the minimum legal working age shall be 14, 15 or 16 depending on national legislation. This age requirement equally applies to domestic works as in others. In Ethiopia, the minimum working age is 14 years old. On the other hand, according to the Worst Form of Child Labour Convention, children (below 18 years but above the minimum age) may not engage in works that constitute worst form of child labour and

⁴⁴ UN Commission on Human Rights, (1990). Convention on the Rights of Child, E/CN.4/RES/1990/74, Arts. 19, 24, 27 & 28.

⁴⁵ The Federal Democratic Republic of Ethiopia (FDRE), (1995). Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1, Federal Negarit Gazette Year 1 No. 1, Art. 36(1)(d).

hazardous works. From this, we can understand that there are three groups of child works, of which the two are forbidden. The first group, which the ILO convention forbids, consists of children below the legal minimum age whatever the kind of work they do may be. The second one consists of children below eighteen but above the minimum age, who are engaged either in worst form of child labour or in hazardous work. This one, too, is strictly prohibited.

The third group, and the main focus of this research, consists of child workers (those below 18 but above the minimum age) who engage in a (domestic) work that neither qualifies as worst form of child labour or hazardous work. This form of child (domestic) work is neither inherently harmful nor good. It can be productive or counterproductive depending on whether and how it is regulated though. In this regard, it is worth mentioning the 2011 Domestic workers convention that provides for the legal framework to create decent working environment for (child) domestic workers.

The 2011 ILO (Domestic Workers) Convention is an important instrument that provides for legal protection to (child) domestic work although Ethiopia did not ratify it as of yet. According to this convention, each member states shall set a minimum age for domestic workers. They shall also take measures to ensure that work performed by child domestic workers (who are under the age of 18 and above the minimum age of employment) neither deprives them of the opportunity to complete compulsory education nor interferes with the opportunities for further education and vocational training.⁴⁶ The convention also provides for normal hours of work for domestic workers, including weekly rest of at least 24 hours and paid annual leave; minimum wage (where one exists for other classes of workers); enforcement of the minimum work age, consistent with other forms

⁴⁶ International Labour Organization (ILO), (2011). *Supra* note 7, Art. 4.

of work; a healthy and safe work environment and protection from all forms of abuse, harassment, violence.

In addition, the ILO Recommendation provides for specific measures that states can take into account when regulating the working conditions of domestic workers by giving special attention to their needs. These include strict limitation of working hours, prohibition of night work, placing restriction on excessively demanding works, and establishing mechanisms to monitor working and living conditions of (child) domestic workers.⁴⁷

Coming to Ethiopia, child domestic work appears to be unregulated under the Ethiopian labour proclamation. The Ethiopian labour proclamation, in its scope, applies to contractual labour only. In other words, it does not apply to informal sector, in our case (child) domestic work, except that it promises the issuance of regulation that did not yet become a reality as of yet.⁴⁸ Surprisingly, the new labour proclamation adopted in 2011 made no changes, not even the slightest one, to its predecessor in this regard.⁴⁹ As a result, the domestic work sector (including child domestics) is still regulated by the 1960 civil code.⁵⁰ But the civil code gives inadequate protection to domestic workers and it simply relies on employers' sense of fairness.⁵¹ The code devoted as few as four articles (provisions) only in regulating domestic work. No doubt that this (four Articles) stands way shorter than what the vastness of the regulation of domestic

⁴⁷ International Labour Organization (ILO), (201). Domestic Workers Recommendation, R. 201, ILO, Art. 5(2).

⁴⁸ The Federal Democratic Republic of Ethiopia (FDRE), (2003). *Supra* note 22, Arts. 3(2)(d) & 3(3)(c).

⁴⁹ *Id.*

⁵⁰ The Federal Democratic Republic of Ethiopia (FDRE), (1960). Civil Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 1, *Negarit Gazette* Year 1 No. 1, Arts. 2601-04.

⁵¹ Mussie Gebremedhin, (2016). Procrastinations in Recognizing the Rights of Domestic Workers in Ethiopia, *Mizan Law Review*, 10(1).

work requires, particularly from contract formation to defining the respective rights and duties of parties and the enforcement thereof.

IV. FINDINGS AND DISCUSSION

In what follows, the researcher will present findings and discussion on the prevalence, causes and impacts of child domestic work at Hadiya and Kambata-Xambaro Zones from data gathered from 243 respondents through semi-structured questionnaire.⁵²

A. Prevalence and Distribution of Child Domestic Work

This research is conducted over 243 young domestic workers at Hadiya and Kambata-Xambaro Zones. Of the 243 young domestic workers contacted, about 85% are females while the remaining 15% are males.

Table 4.1: Zonal Distribution of Child Domestic Workers

	HADIYA ZONE	KAMBATA-XAMBARO ZONE	TOTAL
No of Young Domestic Workers Per Zone	145	98	243
Percentage	59.6%	40.4%	100%

B. Common Types of Child Domestic Works

The common types of domestic works that child domestics engage in includes, but not limited to, cleaning rooms, fetching water, washing clothes, carrying goods, backing food, etc.

⁵² The questionnaire included an open ended question with range of alternative choices on the following nine points about the child domestics subject to the research. These are (1) the level of their education, (2) the common types of child domestic works, (3) the causes of child domestic work, (4) the consequences of child domestic work, (5) the means of recruitment, (6) the form of employment, (7) their work and living conditions, (8) remuneration and (9) abuses faced by child domestic workers.

C. Causes of Child Domestic Work

As the discussion in the conceptual and theoretical framework provided under section 3 outlines there are two drivers of child domestic work, namely the push and pull factors. Some of the causal factors that drive children into the domestic work sector include, but not limited to, poverty and lack of access to education. On the other hand, increasing (wealth) inequality and wrong perception that the domestic work sector is beneficiary are notable examples that sit on the pull factors side.

As can be seen from the table below, poverty and the need for better life are the drivers of child domestic work at the study area.

Table 4.2: The Causes of Child Domestic Work

	PUSH-FACTORS (POVERTY)	PULL-FACTORS (BETTER STANDARDS)	TOTAL
Respondents	148	95	243
Percentage	60.9%	39.1%	100%

To the extent that poverty is the cause of child domestic work which in turn leads to children' exploitation, loss of education, and other rights, it can be said that government failure to address poverty is violation of the rights of children under the CRC.

Any attempt to protect child labour exploitation, emphasis must be placed on the very factors that drive these individuals into the domestic work sector. To the extent possible it is imperative to empower child domestic workers by creating income generating opportunities within their own families, providing vocational and skills traind

D. Means of Recruitment of Child Domestic Workers

Table 4.3: Means of Recruitment

	AGENTS	FAMILY	FRIENDS	SELF	OTHERS	TOTAL
Number	103	81	40	12	7	243
Percentage	42.3%	33.3%	16.5%	4.9%	2.8%	100%

Most often children are driven into the domestic work sector through agents and brokers. These brokers may include family members, relatives, friends or outsiders. These agents and brokers lure children into the domestic sector by providing false promises that changes the life of children.

E. Forms of Employment of Child Domestic Workers

Table 4.4: Forms of Employment

	WRITTEN CONTRACT	ORAL AGREEMENT	NO AGREEMENT	TOTAL
Number	0	169	74	243
Percentage	0 %	69.5%	30.5%	100%

All child domestic workers had no formal and written contractual arrangements. In fact, most of the child domestic workers do not even know what a contract means and what it is used for. Even if there might be verbal agreements, they only focus on salary leaving other important terms of work unaddressed. Moreover, it is hardly possible to prove oral agreements. This means that they are unclear with their rights and duties, and their working conditions which make them susceptible to exploitation. In the absence of formal and written

agreement, it is difficult to determine hours of work, scope of duty, amount of wage, leave and leisure, duration of employment, working environment, termination and other important conditions of employment. Hence, child domestic workers have the least protection against abuses and exploitations.

The entire situation, therefore, runs contrary to the ILO Convention 189 that emphasizes the need for formal employment contract between an employer and a (young) domestic worker. Ideally there must be a contract touching up on as many details as possible about the location of a work, time of work, rest hours, salary, and conditions of termination.

F. Working and Living Conditions of Child Domestic Workers

Table 4.5: Work Hour and Leisure

	BELOW 8 HOURS A DAY	8-12 HOURS A DAY	UNLIMITED	TOTAL
Respondents	31	55	157	243
Percentage	12.6%	22.6%	64.6%	100%

Child domestic workers have no limited working hours. They even often work at nights in as long as and until their work is unfinished. They have no regular and sufficient rest and leisure time. Overall, they work in an unsafe and unhealthy working environment that is detrimental to their personal development.

Most of the child domestic workers live with their employers. They are not mostly provided with good sleeping places, clean living

rooms, clothes, and adequate food. Many child domestic workers do not gain adequate food and suitable accommodation.

G. Remuneration of Child Domestic Workers

Table 4.6: Remuneration

	NO WAGE DEAL	NOT PAID	PAID IRREGULARLY	PAID REGULARLY	PAID BASED ON WORKLOAD	TOTAL
Number	48	61	47	68	19	243
Percentage	19.7%	25.1%	19.4%	27.9%	7.8%	100%

While some child domestics have no expressly agreed wages and thus work without any or low wages, some others are paid some amount of wages even if it is not adequate enough.

Even though children join the domestic work sector with the view to generating income, they eventually end up working freely or in exchange for food and/or accommodation.

H. Level of Education of Child Domestic Workers

Table 4.7: Distribution of Child Domestic Workers by Level of Education

	ATTENDED SCHOOL		NEVER ATTENDED SCHOOL	TOTAL
	PRIMARY	SECONDARY		
Number	34	0	209	243
Percentage	13.9%	0%	86.1%	100%

The table shows that substantial numbers of child domestic workers in the study area are illiterate. In fact, according to one study made in three cities of Ethiopia, nearly half (49%) of domestic workers have never been to school.⁵³ The two main reasons for not attending school are financial constraints on the part of child domestic workers and employer unwillingness. It therefore appears that involvement in the child domestic sector jeopardizes their opportunity for education and thereby their personal and professional developments in the long-run.

I. Abuses Faced by Child Domestic Workers

Table 4.8: Types of Abuses Faced by Child Domestics

	VERBAL ABUSES	PHYSICAL ABUSES	SEXUAL ABUSES	FINANCIAL ABUSES	NO ABUSE	TOTAL
Number	97	95	27	121	3	243
Percentage	39.9%	39.1%	11.1%	49.7%	1.2%	100%

As can be seen from the table above, all child domestics have suffered from abuse, although the type and magnitude might be different. Financial and emotional abuses are the most prevalent forms of abuses faced by child domestic workers in the study area. There is also a considerable number of physical abuses followed by sexual abuses. This shows that the child domestic work sector is full of abuses contrary to the internationally and nationally recognized rights of children (children) to be free from abuses. Any form of abuse is an obstacle to children personal, emotional, psychological, and social development.

⁵³ Annabel Erulkal & Abebaw Ferede, (2009). Supra note 28.

V. CONCLUSION

There is a high prevalence of child domestic work in SNNPR (generally Ethiopia) despite the fact that it is an under-researched and so invisible and underground phenomenon. Many children (as you can see from the background above) are engaged in the child domestic work sector.

The condition under which children work and live is so exploitative that it amounts to child labour, and at times in its worst form even. This is so because the sector has not been formalized and so kept under legal regulation. Since Ethiopia did not ratify the ILO (domestic workers) Convention No. 189, one may say that it does not have any obligation to regulate the child domestic work sector. But the failure to formalize and regulate child domestic work is constitutes, in view of this researcher, a violation of other indirectly relevant ILO conventions No. 138 and 182. This is so because the exploitation of children in domestic work constitutes child labour. This is also a violation of children's right provided under the FDRE Constitution itself and other pertinent international human rights instruments particularly the CRC.

Children often work under precarious conditions such as long working hours, no family/holiday leave, no/low remuneration, no school permit and the like. The other problem is that child domestics live in an inadequate and abusive living conditions. For instance, they face physical, sexual and verbal abuses not to mention the very poor accommodation they get such as shelter and food.

This is so because the domestic sector is an informal and un(der)regulated sector in Ethiopia, and SNNPR in particular. Literally speaking, this means that the domestic sector is not formally

regulated by law. Instead, child domestic workers rely on informal arrangements for their protection and often altogether fall at the mercy of their employers. Without regulation, child domestics have no legal protection but to face exploitation by their employers that violates their human rights to education, health, work and pay, and the right to be protected against exploitation. In addition, the exploitation of child domestic worker is a development challenge for the country at large. This is so because, with appropriate regulation put in place, the sector can be made to generate wealth instead of destroying/destroying an important work force of the nation.

VI. RECOMMENDATIONS

Using the ordinary labour law for child domestic workers is ineffective for the following major reasons. First, objective of the ordinary labour law is different from the one that we need for the protection of child domestic workers. While the ordinary labour law is meant to safeguard the economic interest of the employee, it has no place for personal, social and emotional development of a youngster as an objective.

Secondly, the very nature of employer-employee relationship in child domestic worker context seeks a different conception from one based on economical interaction alone. The prime objective of any legal protection for child domestic worker should be maintaining familial working environment.

Thirdly, the ordinary labour law is meant to apply to an employment setting that is not so hidden and invisible as is the private household in the case of child domestic workers. This means that the child domestic work setting cannot be effectively monitored through the ordinary labour inspection system.

Fourth, the child domestic work sector involves certain unique vulnerabilities that are not addressed under the ordinary labour law. As such, they need a special support system to help them out during exploitation and abuse of rights.

The very working and living conditions of child domestic workers raises unique issues that the ordinary labour law cannot comprehend. For example, they live with the employer house hold, they rely on their employer for food, the duration of work hour cannot fixed in black and white, the nature of work they perform is different, etc. It therefore seems better to adopt a separate legislation that takes into account the unique needs and vulnerabilities of child domestics and aims at building familial working environment.

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