

Child Notice Ethiopia

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LIST OF ACRONYMS

ACPF	African Child Policy Forum
ACRWC	African Charter on the Rights and Welfare of the Child
ACHPR	African Commission on Human & Peoples' Rights
ANPPCAN	African Network for the Prevention and Protection of Child Abuse and Neglect
ARRA	Administration for Refugee and Returnee Affairs
ATP	Anti-Terrorism Proclamation
BOLSA	Bureau of Labour and Social Affairs
BOWCA	Bureau of Women and Children's Affairs
CBCPs	Community-based correction programmes
CBOs	Community-based organisations
CCA	Continuous classroom assessment
CCC	Community Care Coalition
CIA	Central Intelligence Agency
CJPO	Child Justice Project Office
CLPC	Child Legal Provision Centre
CRPD	Convention on the Rights of Persons with Disabilities
CRVS	Civil Registration and Vital Statistics
CSA	Central Statistics Agency
DHS	Demographic and Health Survey
DRC	Danish Refugee Council
DTM	Displacement Tracking Matric
ECCE	Early Childhood Care and Education
EDHS	Ethiopia Demographic and Health Survey
EHRC	Ethiopian Human Rights Commission
EPRDF	Ethiopian People's Revolutionary Democratic Front
EPI	Expanded Programme on Immunization
ESDP	Education Sector Development Program
ETB	Ethiopian Birr
EU	European Union
FDRE	Federal Democratic Republic of Ethiopia
FGM/C	Female Genital Mutilation/Cutting
FSCE	Forum for Sustainable Child Empowerment
GDP	Gross Domestic Product
GTP	Growth and Transformation Plan
HAD	Health Development Army
HEWs	Health extension workers
IDP	Internally displaced person
IDMC	Internal Displacement Monitoring Centre
IFAE	Integrated Functional Adult Education
ILO	International Labour Organization
IOM	International Organization for Migration
LGTBI	Lesbian, gay, transgender, bisexual and intersex
MCDP	Mission for Community Development Program
MDG	Millennium Development Goal
MLR	Mizan Law Review
MRG	Minority Rights Group

NER	Net enrolment rate
NGO	Non-governmental organisation
NRC	Norwegian Refugee Council
OAU	Organization of African Union
OCHA	Office for the Coordination of Humanitarian Affairs
PASDEP	Plan for Accelerated and Sustained Development to End Poverty
PSNP	Productive Safety Net Programme
RMMS	Regional Mixed Migration Secretariat
SAM	Severe acute malnutrition
SDI	Service delivery indicator
SER	School enrolment rate
SIDA	Swedish International Development Aid
SNNPR	Southern Nations, Nationalities, and Peoples' Region
SOM	Smuggling of migrants
TiP	Trafficking in persons
TPLF	Tigray People's Liberation Front
U5MR	Under-five mortality rate
ULR	Utrecht Law Review
UN	United Nations
UNCRC	UN Committee on the Rights of the Child
UNDP	UN Development Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNHCR	UN High Commissioner for Refugees
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
UNOHCHR	UN Office of the High Commissioner for Human Rights
UNTOC	UN Convention against Transnational Organized Crime
US	United States
USD	US Dollars
USDS	US Department of State
WCA	Women and Children's Affairs
WHO	World Health Organization

DISCLAIMER

The information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). The research has been done according to the *Methodology Guidance on Child Notice* (2015) which was developed in the framework of the EU-funded project “Better information for durable solutions and protection” (2013-2016).

The Child Notice provides useful information for immigration/asylum officials, border staff, law enforcement staff, social workers, case managers, guardians, service providers (educators, health staff), interpreters, lawyers, judges in assessing the situation and position of children in asylum and migration procedures.

The main text of the Child Notice contains the most up to date publicly available information until July 2018. Any other events taken place after this date, are not included in the Child Notice.

Different types of sources have been used (Government, NGOs, International Organizations, media, academics). Information was also obtained from interviews with different stakeholders in the countries of origin who have given information based on their expertise and experience. All sources have been checked and cross-checked and are mentioned in the report.

UNICEF Eastern and Southern Africa Regional Office have sought to provide relevant, up to date, balanced and impartial information on the position of children in countries of origin. The necessity to keep the Child Notice a concise report that is useable for the target group, means that choices have been made in the amount of information that is given. Though the intention is there, UNICEF does acknowledge that it is not possible to be exhaustive in the information that is presented.

The views and opinions expressed in this article are those of the authors and do not necessarily reflect the official policy or official position of any organization or person mentioned herein.

INTRODUCTION

Child migration occurs everywhere in the world and for different reasons. Migration might be forced through natural disasters or war. It might be the result of exploitation, in the case of victims of trafficking. It might be induced because children and/or their parents fear for their lives in their countries of origin because of persecution. Also, children might migrate because they are looking for a better future life. Migrant children may be accompanied by their parents or guardians, by other adults (separated children) or alone (unaccompanied children), and children may migrate in regular or irregular ways. Whatever the reason for children to migrate and whatever the way children migrate, the best interests of the child should be a primary consideration during all stages of the migration process. Article 3 of the UN Convention on the Rights of the Child states that:

‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’ Decisions on status, care and residency and on return should be informed by a documented best interests of the child assessment and determination.

Whatever the way and reasons for children to migrate, a durable solution should be sought, taking the best interests of the child into account. Careful and thorough procedures to determine the best interests of the child and a durable solution are necessary. Information on the situation of the involved child, be it separated, unaccompanied or travelling with his or her family, is paramount. This involves both specific information on the situation of the particular child involved, as well as information about the local situation of children in countries of origin.

Authorities in most countries of destination use Country of Origin Information reports (COI). These reports are used to assess the situation in the country of origin and help to determine whether a person has the right to international protection through a refugee status or a subsidiary protection status. COI reports also give valuable information for decisions in which the possibilities for a safe return have to be weighed. Objective country of origin information increases the opportunity of safe return and decreases the chances of re-trafficking. It should inform risk-assessments and reintegration programmes.

Some Country of Origin Information reports do contain information on, for instance, the position of unaccompanied minors, the existence of female genital mutilation or the recruitment or involvement of children in armed conflicts. However, the information provided often lacks detail, focuses solely on the position of children outside the family and does not provide, in general, enough information to assess child-specific forms of persecution, the best interests of a child or safe conditions for return.

The Child Notice foresees the need for more information on child-specific circumstances in the country of origin. The Child Notice gives elaborate information on the local living conditions of children, including information on the existing or non-existing child protection services in the country involved. It also gives information on the access to education and health care, on the occurrence of gender- and children-related violence such as FGM, forced marriages, honor killings, exploitation and human trafficking. This information is paramount in a best interests of the child assessment which is the basis for decisions on the granting or non-granting of international protection and in considering conditions for a safe return.

READER'S GUIDE

How to read the Child Notice?

This Child Notice report is a Country of Origin Information Report providing information on the living conditions of children in Ethiopia. The Child Notice contains valuable background information for policymakers as well as case workers, lawyers and other professionals who work with children coming from and/or going to Ethiopia, primarily in the fields of asylum and migration.

This Child Notice has been produced by UNICEF Eastern and Southern Africa Regional Office and UNICEF Ethiopia as part of the project *Data Collection and Research on Children on the Move* which is financially supported by UNICEF The Netherlands.

This Child Notice for Ethiopia was written between February and September 2018.

The Child Notice starts with a summary which gives an overview of the most important findings of the research on circumstances in which children live, trends, actual events, the difficulties children face in the country, the political context and political responsibility towards children.

The child right's information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). As the UN Convention is a comprehensive document, with rights being interlinked, so is this report. This means that each section of the report should be read in the context of the other sections. For instance, a failing education system and a weak child protection system encourages child labour and child exploitation. Where appropriate, references have been made between the different sections.

In general, the Child Notice has the following structure:

1. Demographic information/statistical data on children
2. Basic legal information
3. General principles
 - a. Non-discrimination
 - b. Best interests of the child
 - c. Right to life and development
4. Civil rights and freedom
5. Basic rights (health/water/food/education)
6. Family environment and alternative care
7. Special protection measures
 - a. Children in conflict with the law
 - b. Orphans, unaccompanied and separated children
 - c. Victims of child trafficking
 - d. Children in armed conflict
 - e. FGM/C
 - f. Forced and underage/child marriage
 - g. Domestic violence
 - h. Child labour and other forms of exploitation
 - i. Street children
 - j. Refugee children and internally displaced persons
8. Returning separated or unaccompanied children and families

How to use the Child Notice?

The information in the Child Notice can be used:

1. To obtain background information on the situation of children in the country of origin.
2. To identify potential (child and gender-specific) forms and manifestations of persecution.
3. To identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.
4. As input for a Best Interest of the Child Determination; to make sure decisions concerning children have been given due consideration to the best interests of the child.

Child-specific asylum and migration policy

With many children applying for an international protection status, the need for child-specific asylum and migration legislation and policies, guided by the principles and provisions of the UN Convention on the Rights of the Child, is clear.

At the heart of the protection of children who apply for asylum is article 22 of the UN Convention which states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

These rights are intertwined with the right to special protection for children who live outside the family (article 20), the right to health care (article 24) and the right to education (article 28).

The basis for the child protection of each minor asylum seeker are formed by the following articles:

Article 2: non-discrimination

Article 3: the best interests of the child

Article 6: the development of the child needs to be promoted

Article 12: the rights of children to be heard

Child-specific grounds for persecution

Each child has the right to make an independent refugee claim, regardless of whether he or she is accompanied or unaccompanied. Even being part of a family and at a young age, a child might

be considered the principal asylum applicant. A child can derive a refugee status from the recognition of his or her parents as a refugee. At the same time, parent(s) can derive status from their child's refugee status.

In order to assess children's claims to asylum and make decisions, one needs to have an up-to-date analysis and knowledge of the child-specific circumstances in the country of origin, including of existing child protection services. Children themselves might not be the perfect source of information. This information can be derived from the Child Notice.

Just as adults, child applicants for a refugee status must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion conform the 1951 Refugee Convention.

As the UN Committee on the Rights of the Child¹ and the UNHCR² have pointed out age and factors such as rights specific to children, a child's stage of development, knowledge and/or memory of conditions in the country of origin, and vulnerability, also need to be considered to ensure an appropriate and child-friendly application of the eligibility criteria for refugee status. The 2011/95 EU Qualification Directive states in article 9.2 that 'Acts Of persecution can take the form of... (f) acts of a gender-specific or child-specific nature'³.

UNHCR's Executive Committee has recognized that children may be subjected to specific forms of persecution that are influenced by their age, lack of maturity or their vulnerability. The sole fact that the claimant is a child might be principal in the harm inflicted or feared. The UNHCR Guidelines on international protection⁴ highlight child-specific forms of persecution as under-age recruitment, child trafficking and female genital mutilation, as well as family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography, and violations of economic, social and cultural rights.

Best Interests Determination

In all decisions taken in procedures concerning children the best interests of the child should be a primary consideration.

In a migration procedure a durable solution should be sought for the child involved. A durable solution will be long-term and sustainable and ensures that the child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfil her/his rights as defined by the UN Convention and will not put the child at risk of persecution or harm. The durable solution will be informed by the Best Interest Determination (BID).

According to General Comment No 14, the specific, factual circumstance of the child is the point of departure for assessing the best interests of the child. Elements, which among other aspects

¹ UN Committee on the Rights of the Child *General Comment No.6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin* CRC/GC/2005/6 (September 2005).

² UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

³ Directive 2011/95/EU of the European Parliament and the Council of 13 December 2011 on Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

⁴ UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

relevant to the specific child, may be taken into account when assessing and determining a child's best interests include:

A. Child's identity

Age, gender, sexual orientation national origin, religion and beliefs, cultural identity, personality, current needs and evolving capacities (including level of education).

B. Child's view

The child's view on his/her identity and on the options available. Include also the view of (foster) parents or (current) caregiver's views.

C. Preservation of the family environment, maintaining relationships

Significant relationships (location), quality and duration of child's close relationships, effect of separation from significant relationships, capacity of parents or other care-givers, possibilities of family reunification, preference of care within family environment in order to ensure the full and harmonious development of a child's personality.

D. Care, protection and safety of the child

Safety from harm, well-being in broad sense (basic material, physical, educational and emotional needs, needs for affection and safety, recognizing that socio-economic circumstances may be quite diverse in in country of origin, possibility of future risk and harm and other consequences of the decision for the child's safety).

E. Situation of vulnerability

Individual physical or emotional needs, specific protection needs including for victims of trafficking and trauma, role of continuity of feelings of security and stability.

F. Child's right to health

Actions required to provide for his/her health condition, including mental health.

G. Access to education

Educational needs and opportunities for development.

These elements need to be balanced in an assessment of best interests. The content of each element will necessarily vary from child to child and from case to case, depending on such things as the concrete circumstances. Child-specific information on the country of origin, as provided in the Child Notice, will give valuable input for an assessment of above-mentioned elements but cannot provide information on a particular situation of a particular child.

A Best Interests of the Child Determination (BID) results in a recommendation for the child's future based on his or her best interests. A BID procedure is a holistic assessment of all possible long-term solutions that could meet the best interests of the child and address his or her individual rights and needs, particularly any need for international protection and adequate care arrangements. This assessment is holistic in considering many factors and goes beyond an assessment of international protection needs based on existing legal instruments. A BID should be a formal process with strict procedural safeguards.

Child protection systems

The Child Notice includes information about the provision of child protection services by state and non-state actors. Thorough knowledge of the existing child protection system in a country of origin or the lack of it, is vital while making a decision on international protection, possible return and assessing return conditions or designing reintegration programmes in the country of origin.

A child protection system (CP system) consists of 'certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children'⁵. The importance of a CP system is to create a protective environment where laws and policies, services, behaviors and practices minimize children's vulnerability and strengthens children's own resilience⁶. There is however not one template for a child protection system that could be copied to every country around the world.

A child protection system should consist of a few basic elements:

- Child protection laws and policies should be compliant with the UNCRC and other international and regional standards.
- Governments have an oversight function and the ultimate responsibility over the child protection system, which involves coordination and engagement of multiple CP actors, including civil society.
- There is a centralized data collection system on both prevalence and knowledge of child protection issues and good practices.
- There are preventive and responsive services that are focused on supporting the families in protecting and caring for their child. Prevention should, besides the child at risk, focus on all the risks that play a factor.
- Children will be involved and will have the opportunity to express their views in responses and interventions deployed to protect them and in the development of child protection policies.

A protective environment encourages the development of a child, improves their health, education and well-being. Besides, it improves their capacities to be parents and productive members of their societies.

The main importance of a child protection system is that it provides protection against the risks and vulnerabilities underlying many forms of harm and abuse: 'Sexual abuse and exploitation, trafficking, hazardous labor, violence, living and/or working on the streets; the impact of armed conflict, including children's use of armed forces and groups; harmful practices such as female genital mutilation/cutting (FGM/C) and child marriage; lack of access to justice; and unnecessary institutionalization among others'⁷.

Return

The durable solutions that are often considered are geographically shaped:

⁵ UNICEF, UNHCR, Save the Children, World Vision *A Better Way to Protect All Children* (2012) Conference report p. 1.

⁶ UNICEF *Child Protection System* UN-Document E/ICEF/2008/5 (2008).

⁷ UNICEF *Child Protection System* UN-Document E/ICEF/2008/5 (2008).



1. Voluntary or forced return to the country of origin.
2. Local integration in the country of destination, or
3. Resettlement to a third country in situations where it is impossible for a person to go back home or remain in the country of destination.

In order for return to take place in a safe manner, there are many considerations, including child protection needs, to be taken into account.

In 2014, UNICEF published a discussion document⁸ on children's rights in return policy and practice in Europe. This document enumerates the following considerations for government practice in the return process for children:

1. Assess the security situation carefully, on a country and local basis and specifically for children.
2. Carry out a Best Interest Determination (BID) to identify a durable solution for every separated child.
3. Develop and use child rights-based procedures for tracing and contacting families.
4. Respect the best interest of children in returning to families.
5. Work on possibilities for long-term development and durable solutions.
6. Conduct public consultations now on policy provisions needed to accompany emerging practices.

⁸ UNICEF *Children's rights in return policy and practice in Europe; a discussion paper on the return of unaccompanied and separated children in institutional reception or family* (2014) Voorburg.

7. Do not return children to institutional reception unless the recommended safeguards are in place.

Although the discussion document has been written with separated and unaccompanied children in mind, some of these considerations are also valid while considering return of children and their families.

In order to assess the security situation and to consider and develop specific reintegration programmes, child-specific country of origin information which can be found in the Child Notice is paramount.

SUMMARY

Ethiopia has a young profile. A little less than half of its population, or about 49.5 million children, are under 18 years old, with 15.2 million children under five years old.⁹ The most recent demographic data on ethnic, linguistic and faith groups comes from the 2007 census which is not disaggregated by age or sex. The number of children who belong to these groups is therefore unknown.

Ethiopia ratified the United Nations Convention on the Rights of the Child in 1991, its optional protocols in 2014, and the African Charter on the Rights and Welfare of the Child in 2002. The 1994 Constitution of the Federal Democratic Republic of Ethiopia has one article devoted to the protection of the rights and welfare of children.¹⁰ A comprehensive Children's Code has not been adopted so far¹¹, but various other laws are relevant to child rights and protection.

The 2017 National Children's Policy addresses major areas of children's well-being.¹² The Ministry of Women, Children and Youth coordinates child rights and child protection nationally. The UN Committee on the Rights of the Child (UNCRC) regrets the absence of specific budgeting for children.¹³

An Ombudsman's office and the Ethiopian Human Rights Commission are functioning and civil society is active, but the law significantly restricts the latter's work, including in the areas of child sexual abuse and harmful practices.¹⁴ Both the Constitution and the Criminal Procedure Code provide protections for children in care, including those in contact with the law, but there is no mandatory reporting of child abuse or neglect cases.¹⁵

The UNCRC highlights ongoing high rates of unregistered children, especially in rural areas, despite legislation and other government effort to address this.¹⁶¹⁷ Ethiopia is one of only a few countries to set the minimum age of criminal responsibility below the recommended minimum of 12 years.¹⁸ The Constitution confirms equal rights for all, and the right to life and development.¹⁹ The UNCRC found continued discrimination against girls, children with

⁹ UNICEF *State of the World's Children 2017: Children in a Digital World* (2017) pp. 174 & 176 (hereafter UNICEF *State of the World's Children 2017* [2017]).

¹⁰ Constitution of the Federal Democratic Republic of Ethiopia 1994 art. 36 (hereafter Ethiopian Constitution).

¹¹ UN Committee on the Rights of the Child *Concluding Observations on the Combined Fourth and Fifth Periodic Reports of Ethiopia* (2015) para.8 (hereafter UNCRC *Concluding Observations* [2015]).

¹² Federal Democratic Republic of Ethiopia (FDRE) *National Children's Policy* (2017) pp. 1–2 (hereafter FDRE *National Children's Policy* [2017]).

¹³ UNCRC *Concluding Observations* (2015) para. 12.

¹⁴ FDRE Charities and Societies Proclamation No. 621/2009.

¹⁵ African Child Policy Forum *African Report on Violence Against Children* (2014) p. 68.

¹⁶ UNCRC *Concluding Observations* (2015) para. 33.

¹⁷ FDRE Registration of Vital Events and National Identity Card Proclamation No. 760/2012 (2012).

¹⁸ African Child Policy Forum *The African Report on Child Wellbeing Getting it Right: Bridging the Gap between Policy and Practice* (2016) p. 78 (hereafter ACPF *African Child Wellbeing Report* [2016]).

¹⁹ Ethiopian Constitution arts. 14 & 54(2)(3).

disabilities, from ethnic minorities, and others; and that children in rural areas lack access to information in their own language.²⁰

From 2011 to 2016, the prevalence of child marriage declined from 63 to 58 per cent²¹ and, from 2005 and 2016, for female genital mutilation and cutting (FGM/C) for children between 15 and 19 years old, from 62 to 47 per cent.^{22 23} The UNCRC was seriously concerned about high poverty rates, especially in rural areas.²⁴ The infant mortality rate reduced from 121 in 1990 to 41 in 2016.²⁵ Ethiopia met the Abuja target with 16.4 per cent of budget allocated to general health expenditure in 2013.²⁶ Concerns remain about per capita basic health spending being below internationally accepted levels, high infant, child and maternal mortality rates, and other health issues.²⁷

In 2015/16, Ethiopia met its global Education for All target, spending 20 per cent of national budget on education.²⁸ Official primary net enrolment rates for 2015/16 were at over 100 per cent: explained by the Ministry of Education as a result of inaccurate school records and population projections.²⁹ In 2012, the government estimated that two million primary school-age children, excluding drop-outs, were out-of-school, of which girls comprised 55 per cent.³⁰ A reservation by Ethiopia to the 1969 UN Convention Relating to the Status of Refugees denied access to education to almost half a million children, and nearly all children with disabilities were reported to be not in school in 2015.³¹

Traditional extended family childcare in Ethiopia is negatively affected by crises and socio-economic changes, although it remains more common in rural areas. Boys and girls from as young as seven years old work domestically and do farm work³², and violence against children in family and other community settings is an accepted norm.³³ Some effective community-based and state-run social care services for children, including alternative care systems, are established.³⁴ A significant increase in the number of children accessing UNICEF-funded social protection services, following integration of nutrition and child protection interventions, was recorded between 2015 and 2016.³⁵

²⁰ UNCRC *Concluding Observations* (2015) paras. 23 & 21 respectively.

²¹ Central Statistical Agency (CSA) and *Ethiopia Demographic and Health Survey 2016* (2017) (hereafter *CSA & Ethiopia Demographic and Health Survey 2016* [2017]).

²² FDRE *Demographic and Health Survey 2005* (2006).

²³ *Ethiopia Demographic and Health Survey 2016* (2017).

²⁴ UNCRC *Concluding Observations* (2015) para. 27.

²⁵ UNICEF *State of the World's Children 2017* (2017) p. 154.

²⁶ ACPF *African Child Wellbeing Report* (2016) p. 30.

²⁷ UNCRC *Concluding Observations* (2015) para. 55.

²⁸ UNICEF *Ethiopia National Education Sector Budget Brief: 2006–2016* (2017) pp. 1 & 4.

²⁹ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16)* (2017) p. 30.

³⁰ UNICEF *Ethiopia National Education Sector Budget Brief: 2006–2016* (2017) p. 9.

³¹ Ministry for Foreign Affairs of Finland *Evaluation: Inclusive Education in Finland's Development Cooperation in 2004–2013 Case Study* (2015) pp. 10–11.

³² FDRE Ministry of Education & UNICEF Ethiopia Country Office *Study on Situation of Out of School Children in Ethiopia* (2012) p. 51.

³³ UNICEF *Understanding Children's Experiences of Violence in Ethiopia: Evidence from Young Lives* (2016) pp. 25–39.

³⁴ UNICEF *Ethiopia Annual Report* (2015) p. 37.

³⁵ UNICEF *Ethiopia Annual Report* (2016) p. 10.

Certain key development indicators for Ethiopian children (e.g. between 1990 and 2016 infant mortality and from 2011 to 2016 education enrolment) have shown progress.³⁶ In other ways, children have remained vulnerable; for example, through older children's risk of imprisonment, trafficking dangers and the reported prevalence of domestic violence, child labour and children who live and work in or on the street. Some initiatives in these areas – such as child-friendly courts, and (limited) provision of services to especially vulnerable children – have been implemented.

In the first half of 2018, Ethiopia hosted just under 1 million refugees, and the largest numbers of IDPs globally.³⁷ In Tigray camps, it was found that one quarter of all children were separated.³⁸ Unaccompanied and separated children from Eritrea who moved on from Ethiopian camps were reported to face greatly increased risk of violence and exploitation and trafficking.³⁹ IDPs are not specifically protected under Ethiopian law.⁴⁰

Ethiopia has no current return agreements with other countries; instead the Ethiopian Embassy in the country concerned may assist returnees directly. Governmental and international agencies facilitate the international return of unaccompanied children, and their temporary accommodation in Ethiopia. It is then the responsibility of various sectoral ministries and government agencies (with support from the International Organization for Migration and UNICEF).

³⁶ UNICEF State of the World's Children 2017 (2017) pp. 154 & 170.

³⁷ Internal Displacement Monitoring Centre *East Africa Worst Hit by Internal Displacement in First Half of 2018* September 2018.

³⁸ UN High Commissioner for Refugees *Situational Update Ethiopia April 2018* (2018).

³⁹ UNHCR *Ethiopia Fact Sheet February 2018* (2018).

⁴⁰ Maru M. *Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia* (2017) pp. 29 & 32.



1. Demographic and statistical data on children

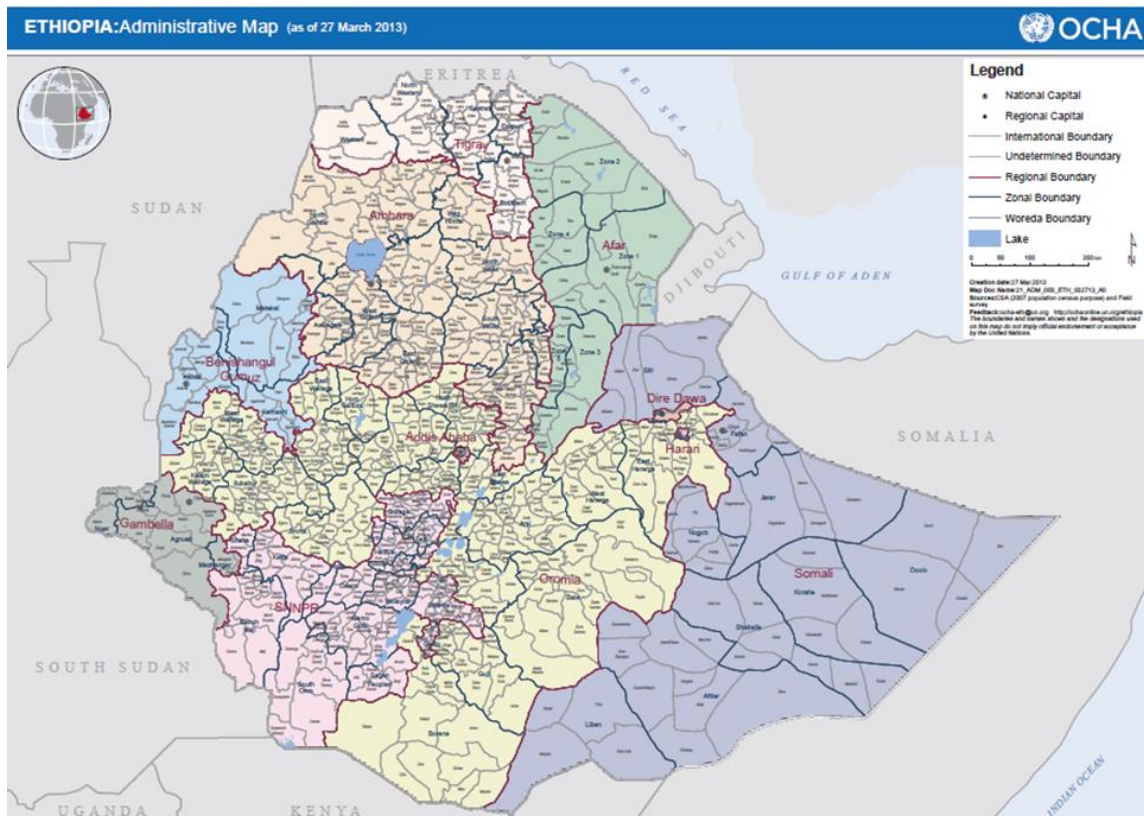
1.1 General background

1. Ethiopia is the second most populous country in Africa sharing boundaries with Sudan and South Sudan to the west, Somalia and Djibouti to the east, Eritrea to the north and northwest and Kenya to the south.⁴¹ The country is officially a federal republic divided into nine regional states: Tigray, Afar, Amhara, Oromia, Somali, Benishangul-Gumuz, Southern Nations Nationalities and People Region (SNNPR), Gambela and Harari and two administrative states, or chartered cities (Addis Ababa city administration and Dire Dawa city council).⁴² (See Figure 1: Administrative map and division of the Federal Democratic Republic of Ethiopia).

⁴¹ Central Intelligence Agency (CIA) 'The World Factbook Ethiopia' <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/et.html> (Accessed 4 April 2018) (hereafter CIA 'The World Factbook Ethiopia' [Accessed 4 April 2018]).

⁴² Federal Democratic Republic of Ethiopia (FDRE) 'Website of the government of Ethiopia' <http://www.ethiopia.gov.et/regional-states1> (Accessed 21 February 2018).

Figure 1: Administrative map and division of the Federal Democratic Republic of Ethiopia ⁴³



2. There are more than 80 ethnic groups in Ethiopia. The largest are the Oromo (34.5 per cent of the population), Amhara (26.9 per cent), Somali (6.2 per cent), Tigray (6.1 per cent) and Sidama (4.0 per cent). Only 10 groups have a population of over one million.⁴⁴
3. More than 80 languages are spoken in Ethiopia with the greatest diversity found in the south-west. The main languages, spoken by two thirds of the population, are Amharic, Oromo, Tigrinya and Somali. Amharic, a Semitic language, is the official language of Ethiopia.⁴⁵
4. Of the main religions in Ethiopia, about 43.5 per cent of the population adhere to Ethiopian Orthodox Christianity, 33.9 per cent to Islam, 18.6 per cent to Protestantism,

⁴³ UN Office for the Coordination of Humanitarian Affairs (UNOCHA) 'Ethiopia: administrative map (as of 15 Aug 2017)' <http://www.reliefweb.int/map/ethiopia/ethiopia-administrative-map-15-aug-2017> (Accessed 21 February 2018).

⁴⁴ Central Statistical Agency *Summary and Statistical Report of the 2007 Population and Housing Census Results* (2008) p. 16.

⁴⁵ UNICEF *Ethiopia Humanitarian Situation Report January 2018* (2018) (no page numbers).

⁴⁵ Minority Groups International 'Ethiopia minorities and indigenous peoples' <https://www.minorityrights.org/country/ethiopia/> (Accessed 27 March 2018) (hereafter Minority Groups International 'Ethiopia minorities and indigenous peoples' [Accessed 27 March 2018]).

0.7 per cent to Roman Catholicism and 2.6 per cent to traditional religions. Most Muslims and followers of indigenous beliefs inhabit the lowland areas to the south and east of the country.⁴⁶

5. The Ethiopian economy is dominated by agriculture, which contributed 40 per cent of gross domestic product in 2014, 85 per cent of exports in 2011, and 77 per cent of employment in 2014.⁴⁷ The annual growth rate ranged between 8 and 11 per cent for over a decade before 2016, and Ethiopia is listed as one of the fastest growing states among the 188 IMF member countries.⁴⁸ High economic growth reduced the poverty rate from 55.3 to 33.5 per cent between 2000 and 2011.⁴⁹ However, the dominance of rain-fed agriculture in the Ethiopian economy is a real challenge for ensuring the sustainability of growth, unless a profound structural change is made in favour of manufacturing.⁵⁰
6. Ethiopia has also registered significant progress in key human development indicators over the past two decades. Between 1990 and 2016, the infant mortality rate reduced from 121 to 41, and the under-five mortality rate from 203 to 58.⁵¹ Similar gains were made in education: for the year 2000/01, the net enrolment rate (NER⁵²) was estimated at 41.7 per cent for girls and 55.7 per cent for boys⁵³ and from 2011 to 2016, NER increased to 89 per cent for boys and 82 per cent for girls.⁵⁴
7. Despite rapid economic growth, the country is rated as one of the world's poorest, with a 2017 GDP per capita of 2,100 US dollars.⁵⁵ The country faces a major challenge to maintain and accelerate the progress made in recent years unless improvements are made towards achieving good governance and accountability.⁵⁶ The Growth and Transformation Plan (GTP II) currently being implemented by the government will run to 2019/20 and aims to continue maintaining economic growth through public infrastructure development projects and the manufacturing sector.⁵⁷

⁴⁶ Minority Groups International 'Ethiopia minorities and indigenous peoples' (Accessed 27 March 2018).

⁴⁷ Ethiopian Agricultural Transformation Agency *Ethiopian Agriculture and Strategies for Growth* (2017) p. 7 (PowerPoint slides).

⁴⁸ CIA 'The World Factbook Ethiopia' (Accessed 4 April 2018).

⁴⁹ The World Bank 'Ethiopia country overview' <http://www.worldbank.org/en/country/ethiopia/overview> (Accessed 6 April 2018) (hereafter WB 'Ethiopia country overview' [Accessed 6 April 2018]).

⁵⁰ Shiferaw A. 'Productive capacity and economic growth in Ethiopia' (2017) *CDP Background Paper* 34 p. 33.

⁵¹ UNICEF *State of the World's Children 2017: Children in a Digital World* (2017) p. 154.

⁵² Defined as 'Total number of students in the theoretical age group for a given level of education enrolled in that level, expressed as a percentage of the total population in that age group.'. UNESCO Institute of Statistics (2018). *Glossary*. <http://uis.unesco.org/en/glossary> (Accessed 18 Sep. 2018)

⁵³ World Education Forum *Education for All 2015 National Review Report: Ethiopia (2015) s 2 Goal 2* (no page numbers).

⁵⁴ UNICEF *State of the World's Children 2017* (2017) p. 170.

⁵⁵ CIA 'The World Factbook Ethiopia' (Accessed 4 April 2018).

⁵⁶ WB 'Ethiopia country overview' (Accessed 6 April 2018).

⁵⁷ WB 'Ethiopia country overview' (Accessed 6 April 2018).

8. In December 1994, Ethiopia adopted a National Constitution.⁵⁸ Since 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF), which regained power for a fifth consecutive five-year term in 2015, has controlled the country. This is a coalition of four ethnically-based parties⁵⁹: the Tigray People's Liberation Front (the coalition's core founder), the Amhara National Democratic Movement, the Oromo People's Democratic Organisation and the Southern Ethiopian People's Democratic Movement.⁶⁰
9. Perceived flaws in elections have been a source of unrest dating back before the 1994 Constitution. During the 2015 election EPRDF and affiliated parties won all 547 seats⁶¹, but opposition parties complained that their supporters faced attacks and intimidation from EPRDF.⁶² The mass protests that erupted in October 2015 in Oromia were followed by protests in the Amhara Regional State in July 2016. The government declared a state of emergency in 2016 (which remained in force for 10 months) but which did not stop the protests spreading to other regions. A second state of emergency was declared on 16 February 2018.⁶³ The mass protests across the country led to a shift in power dynamics. Prime Minister Hailemariam Desalegn resigned and the EPRDF elected Dr Abiy Ahmed as Prime Minister on 2 April 2018.⁶⁴
10. Government security forces are engaged in a long-standing conflict with the Ogaden National Liberation Front in the Somali region. The ethnic federalist system also causes numerous conflicts between ethnic groups over border determination and the related share of rights to use land, water and other natural resources.⁶⁵ Recent conflicts along the Oromia-Somali border displaced over 1 million people⁶⁶ with almost 700,000 displaced through conflict between Gedeo and Guji ethnic groups on the Oromia and SNNPR border (see 7.10 Internally displaced children).⁶⁷

⁵⁸ Ethiopian Constitution.

⁵⁹ United States Department of State *Ethiopia 2016 Human Rights Report* (2016) p. 1.

⁶⁰ Fiseha A. 'Intra-unit minorities in the context of ethno-national federation in Ethiopia' (2017) *Utrecht Law Review* 13 p. 171 footnote 7.

⁶¹ United States Department of State *Ethiopia 2016 Human Rights Report Bureau of Democracy* (2016) p. 25.

⁶² Minority Groups International '*Ethiopia background*' (Accessed 27 March 2018).

⁶³ Amnesty International Annex: Commentary on the Ethiopian State of Emergency <https://www.amnesty.org/download/Documents/AFR2579822018ENGLISH.PDF> (Accessed 7 July 2018) pp. 1 & 2.

⁶⁴ Dr. Abiy Ahmed's Ethiopia: Anatomy of an African enigmatic polity <https://www.pambazuka.org/democracy-governance/dr-abiy-ahmed's-ethiopia-anatomy-african-enigmatic-polity> (Accessed July 7 2018).

⁶⁵ Dutch Council for Refugees *Country of Origin Information Report Ethiopia* (2016) pp. 54–55.

⁶⁶ UNOCHA *Ethiopia: Conflict-induced Displacement* (2018) p. 1.

⁶⁷ UNOCHA *Ethiopia West Guji – Gedeo Conflict Displacement Flash Update 4* (2018) p. 1.

1.2 Demographic information and statistical data on children

11. In 2016, children under 18 years old, of whom 15,177,000 were under five years old, were estimated to account for nearly half (49.5 million) of the total population.⁶⁸ The Central Statistical Agency's (CSA) projection was slightly lower compared to UNICEF estimates. At medium variant for 2018⁶⁹, the CSA projected the total population of Ethiopia to be 96.5 million, with most (79.3 per cent) residing in rural areas.⁷⁰ The projection for 2017 (at medium variant – see *Table 1: Projected population size of Ethiopia in 2017 by region, sex and two age groups*) showed that the male-to-female proportion was almost equal while the child population⁷¹ stood at 47,484,183, with children under five years old comprising 14.1 per cent.⁷²

Table 1: Projected population size of Ethiopia in 2017 by region, sex and two age groups⁷³

Region	Total	Male %	Female %	0-19 years	0-4 years
Tigray	5,247,804	49.3%	50.7%	49.0%	13.4%
Afar	1,812,558	54.7%	45.3%	44.8%	12.7%
Amhara	21,135,272	50.1%	49.9%	47.1%	12.3%
Oromia	35,466,978	50.2%	49.8%	53.7%	15.1%
Somali	5,748,462	53.8%	46.2%	48.5%	15.8%
Benshangul Gumz	1,065,521	50.7%	49.3%	50.7%	14.1%
SNNP	19,170,511	49.6%	50.4%	52.8%	14.7%
Gambela	435,284	52.1%	47.9%	45.6%	12.3%
Harari	244,756	50.5%	49.5%	42.9%	11.3%
Addis Ababa	3,434,458	47.3%	52.7%	31.5%	10.2%
Dire Dawa	465,750	50.2%	49.8%	39.8%	10.3%
Total	94,227,354	50.2%	49.8%	50.3%	14.1%

Source: Central Statistical Agency (CSA) Population Projections for Ethiopia 2007-2037 (2013).

⁶⁸ UNICEF *State of the World's Children 2017* (2017) p. 174.

⁶⁹ According to CSA, 'The population projection presented in this report was made for 30 years (2007–2037), under three variants of future change in fertility, mortality and migration Ethiopia'.

⁷⁰ Central Statistical Agency (CSA) *Population Projections for Ethiopia 2007–2037* (2013) p. 46 (hereafter *CSA Population Projections for Ethiopia 2007–2037* [2013]).

⁷¹ Here, this refers to 0–19-year-olds.

⁷² CSA *Population Projections for Ethiopia 2007–2037* (2013) p. 61.

⁷³ CSA *Population Projections for Ethiopia 2007–2037* (2013) pp. 66–143.

12. Ethiopia is an important country of origin, transit and destination for people in mixed migration flows in the Horn of Africa.⁷⁴ According to the United Nations High Commissioner for Refugees (UNHCR) in Ethiopia, as of 28 February 2018, the country hosts the second largest refugee population in Africa, with over 920,262 registered refugees and asylum seekers.⁷⁵ Almost half (48.2 per cent) of these are South Sudanese, followed by Somalis (27.8 per cent) and Eritreans (18.4 per cent) while the rest are composed of Sudanese (4.8 per cent), Yemenis (0.2 per cent) and other nationalities (0.6 per cent).⁷⁶ According to UNICEF, 58 per cent of refugees in 2017 in Ethiopia were children.⁷⁷

13. The Ethiopian population is made up of diverse ethnic, linguistic and religious groups.⁷⁸ The latest demographic data on these groups is provided by the 2007 census and it is not disaggregated by age and sex. Thus, the number or proportion of children who belong to the different ethnic, religious and linguistic groups (including minority or indigenous groups) is unknown.

⁷⁴ Danish Refugee Council (DRC) & Regional Mixed Migration Secretariat (RMMS) *Ethiopia Country Profile* (2016) p. 1.

⁷⁵ UNHCR Ethiopia *Factsheet February 2018* (2018).

⁷⁶ UNHCR Ethiopia *Factsheet May 2018* (2018).

⁷⁷ UNICEF *Ethiopia Humanitarian Situation Report January 2018*.

⁷⁸ Minority Groups International '*Ethiopia minorities and indigenous peoples*' (Accessed 27 March 2018).

2. Basic legal information

2.1 International children’s and human rights treaties

14. The Ethiopian Government has ratified international human rights instruments protecting children’s rights including the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child (ACRWC). International human rights treaties signed and/or ratified by Ethiopia are presented below (*see Table 2: International/regional rights treaties ratified by Ethiopia*), with those directly relating to children’s rights in bold face:

Table 2: International/regional rights treaties ratified by Ethiopia^{79 80}

Treaty	Ratification/Accession
Discrimination (Employment and Occupation) Convention (ILO No. 111)	1966
Convention Relating to the Status of Refugees (with Reservation Regarding Primary Education)	1969
Protocol Relating to the Status of Refugees	1969
International Convention on the Elimination of All Forms of Racial Discrimination	1976
Convention on the Elimination of All Forms of Discrimination Against Women	1981
Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime	1981
Convention Concerning Occupational Safety and Health and the Working Environment (ILO No. 155)	1991
Convention on the Rights of the Child	1991
International Covenant on Economic, Social and Cultural Rights	1993
International Covenant on Civil and Political Rights	1993
Abolition of Forced Labour Convention (ILO No. 105)	1999
ILO Worst Forms of Child Labour Convention 182	1999
ILO Minimum Age Convention 138	1999
Equal Remuneration Convention	1999
African Charter on the Rights and Welfare of the Child (ACRWC)	2002
Convention Concerning Forced or Compulsory Labour (ILO No. 29)	2003

⁷⁹ Federal Democratic Republic of Ethiopia (FDRE) *Combined Initial, First, Second and Third Periodic Report on the Implementation of the ACRWC* (2013) pp. 5–6 (hereafter *FDRE Implementation of the ACRWC [2013]*).

⁸⁰ *FDRE Implementation of the ACRWC* (2013) p. 5.

Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	2003
United Nations Convention Against Transnational Organized Crime (UNTOC)	2007
Convention on the Rights of Persons with Disabilities (CRPD)	2010
Trafficking in Persons (TiP), Especially Women and Children Protocol (Palermo Protocol)	2012
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution Child Pornography	2014
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	2014

15. Ethiopia submitted a combined fourth and fifth periodic report on the implementation of the Convention on the Rights of the Child (2006–2011) in April 2012⁸¹, and is expected to submit the next one, the sixth and seventh, by June 2020.⁸² The government also submitted its combined initial, first, second and third periodic report on the implementation of the ACRWC in November 2013.⁸³
16. The 1994 Constitution states that ‘all international agreements ratified by Ethiopia are an integral part of the law of the land’.⁸⁴
17. The UN Committee on the Rights of the Child (UNCRC), in its concluding observations on the combined fourth and fifth periodic reports, urged the State party to withdraw its reservation to the 1951 Refugee Convention regarding primary education.⁸⁵ It also urged ratification of all the treaties presented below (*see Box 1: International treaties not yet accessed/ratified in Ethiopia*).⁸⁶

Box 1: International/regional treaties not accessed/ratified in Ethiopia

- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- Optional Protocol to the Convention on the Elimination of Discrimination against Women

⁸¹ Federal Democratic Republic of Ethiopia (FDRE) *Combined 4th and 5th Periodic Reports of the Federal Democratic Republic of Ethiopia to the United Nations Committee on the Rights of the Child (2006–2011)* (2012).

⁸² UNCRC *Concluding Observations* (2015) para. 71.

⁸³ FDRE *Implementation of the ACRWC* (2013) p. iv.

⁸⁴ Ethiopian Constitution art. 9(4).

⁸⁵ UN Committee on the Rights of the Child *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Fourth and Fifth Periodic Reports of States Parties Due in 2011: Ethiopia* (2013) para. 68(e) (hereafter *UNCRC Consideration of the Periodic Reports of Ethiopia* (2013)).

⁸⁶ UNCRC *Concluding Observations* (2015) paras. 52(f), 68(e), 73 & 74.

- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention on the Reduction of Statelessness
- Convention relating to the Status of Stateless Persons
- Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- Convention for the Protection of All Persons from Enforced Disappearances
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

2.2 National legislation on children

18. Article 36 of the Constitution is devoted to the protection of the rights and welfare of children.⁸⁷ Accordingly, the Ethiopian Government has revised legislation and adopted various proclamations, including the 909/15 Trafficking in Persons Proclamation.^{88 89 90} Ethiopia is one of the 50 countries in the world to have either separate legislation or a special law that prohibits child trafficking (*see 7.2 Child victims of trafficking, paragraph 169*).⁹¹

19. The Ethiopian Government took other measures to protect children through the harmonization of national laws, with the provisions of both the Constitution and of the standards within the international treaties and instruments Ethiopia has ratified, especially the Convention on the Rights of the Child. These reforms included⁹²:

- Enacting the Family Law to replace family law provisions of the Civil Code of 1960 with the aim of giving priority to the well-being, upbringing and protection of children;

⁸⁷ Ethiopian Constitution art. 36.

⁸⁸ UNCRC *Concluding Observations* (2015) para. 3(d).

⁸⁹ Federal Democratic Republic of Ethiopia (FDRE) Prevention and Suppression of Trafficking and Smuggling of Migrants Proclamation No. 909/2015 (2015) (hereafter FDRE Proclamation No. 909/2015 (2015)).

⁹⁰ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) *Better Migration Management Programme Annual Progress Report* (2017) p. 11.

⁹¹ ACPF *African Child Wellbeing Report* (2016) p. 77.

⁹² FDRE *Implementation of the ACRWC* (2013) pp. 9–10.

- Replacing the Penal Code of 1949 with the Criminal Code to criminalize various forms of abuse and exploitation against children, including harmful practices, and to stipulate more severe penalties for them; and
- Enacting the Labour Code which explicitly prohibits the employment of children below the age of 14 years and provides special protections for child workers between the ages of 14 and 18 years old.

20. Box 2 presents the national laws relevant to child rights and protection⁹³

Box 2: National laws relevant to child rights and protection

- Criminal Procedure Code Proclamation No.185, 1961
- Civil Code of Ethiopia, 1962
- Revised Family Code, Federal Negarit Gazette No. 1, 1992
- Constitution of the Federal Democratic Republic of Ethiopia, 1994
- Public Health Proclamation No. 200, 2000
- Ethiopian Human Rights Commission Establishment Proclamation No. 210, 2000
- Office of the Ombudsman Establishment Proclamation No 211, 2000
- Environmental Pollution Control Proclamation No. 300, 2002
- Proclamation concerning the Rights to Employment for Persons with Disabilities, No. 568, 2000
- Registration of Vital Events and National Identity Card Proclamation 760, 2002
- Labour Code Proclamation No. 377, 2003
- Nationality Law of Ethiopia Proclamation No. 378, 2003
- Criminal Code Proclamation No. 414, 2004
- Freedom of Mass Media and Access to Information Proclamation No. 590, 2008
- Social Health Insurance Proclamation No.690, 2010
- Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691, 2010
- Public Servants' Pension Proclamation No. 714, 2011
- Private Organization Employees' Pension Proclamation No. 715, 2011
- Amendment to the Vital Events Registration and National Identity Card, Proclamation No. 1049/2017.

21. In 2015, the UNCRC expressed concern relating to gaps in some provisions of the national laws, whereby the age of criminal responsibility remains at 9 years, children above the age of 15 years are treated as adults within the justice system, and child offenders are not separated from adult detainees.⁹⁴ Ethiopia is one of 14 countries to set the minimum

⁹³ FDRE *Implementation of the ACRWC* (2013) pp. 8–11.

⁹⁴ UNCRC *Concluding Observations* (2015) para. 71.

age of criminal responsibility below the recommended minimum of 12 years.⁹⁵ The Committee was concerned that Ethiopian law does not expressly prohibit corporal punishment in the home, institutional childcare and day-care centres, and that corporal punishment is still widely practised and accepted in schools, the home and other settings.⁹⁶ It also expressed regret at the absence of a systematic legislative review to bring domestic laws into compliance with the Convention on the Rights of the Child and expressed concern that a comprehensive Children's Code has not yet been adopted.⁹⁷

22. The Ethiopian Government adopted several proclamations to operationalize treaties ratified by the country, as presented in Box 3.⁹⁸

Box 3: Proclamations endorsed by Ethiopia to promulgate the treaties it has ratified

- The Convention on the Rights of the Child Ratification Proclamation No. 10, 1992
- Accession to African Human and Peoples Rights Charter Proclamation No. 114, 1998
- African Charter on the Rights and Welfare of the Child Ratification Proclamation No. 283, 2002
- Ratification of Convention Concerning Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour No. 335, 2003 Proclamation No. 336, 2003
- The Convention Against Transnational Organized Crimes Proclamation No. 526, 2007
- Convention on the Rights of Persons with Disability Ratification Proclamation No. 676, 2010
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Ratification Proclamation No. 737, 2012
- Protocol Against the Smuggling of Migrants by Land, Sea and Air Ratification Proclamation No. 736, 2012
- Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Labour Organization Convention No. 29 (Forced Labour)

⁹⁵ ACPF *African Child Wellbeing Report* (2016) p. 78.

⁹⁶ UNCRC *Concluding Observations* (2015) para. 41.

⁹⁷ UNCRC *Concluding Observations* (2015) para. 8.

⁹⁸ FDRE *Implementation of the ACRWC* (2013) pp. 7–8.

2.3 National strategies/plans for children

23. Ethiopia adopted the National Children’s Policy (2017) which puts emphasis on children’s development and growth; prevention and protection from socio-economic and political hardships; and rehabilitation, care and support for children in difficult circumstances.⁹⁹ It underlines how orphan and other vulnerable children should be supported only through domestic alternative options, not intercountry adoption.¹⁰⁰ Policies and plans relating to children are presented in tables 3 and 4¹⁰¹:

Policy	Year of issue
National Children’s Policy ¹⁰²	2017
National Social Protection Policy ¹⁰³	2015
National Criminal Justice Policy ¹⁰⁴	2011
National Policy Framework for Early Childhood Care and Education (ECCE) in Ethiopia ¹⁰⁵	2010
Developmental Social Welfare Policy ¹⁰⁶	1996

Policy	Year of endorsement/publication	End year of implementation
National Social Protection Strategy	2016	2024
Education Sector Development Programme (ESDP) V	2015	2015/16 – 2019/20
National Action Plan on the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants	2015	2015 – 2019
National Human Right Action Plan	2013	2013 – 2015

⁹⁹ Federal Democratic Republic of Ethiopia (FDRE) *National Children’s Policy* (2017) pp. 1–2 (hereafter FDRE *National Children’s Policy* [2017]).

¹⁰⁰ FDRE *National Children’s Policy* [2017] p. 7.

¹⁰¹ Please note that end year of implementation is not mentioned in any of the policy documents.

¹⁰² FDRE *National Children’s Policy* (2017).

¹⁰³ Federal Democratic Republic of Ethiopia (FDRE) *Social Protection Policy* (2015).

¹⁰⁴ Federal Democratic Republic of Ethiopia (FDRE) *National Criminal Justice Policy* (2011).

¹⁰⁵ Ministry of Education, Ministry of Health & Ministry of Women’s Affairs *National Policy Framework for Early Childhood Care and Education (ECCE) in Ethiopia* (2010).

¹⁰⁶ Federal Democratic Republic of Ethiopia (FDRE) *Developmental Social Welfare Policy* (1996).

National Strategy and Action Plan on Harmful Traditional Practices Against Women and Children ¹⁰⁷	2013	2014
National Plan of Action of Persons with Disabilities ¹⁰⁸	2012	2012 – 2021
Growth and Transformation Plan II ¹⁰⁹		2015/16 - 2019/20
Strategic Plan for an Integrated and Multi-Sectoral Response to Violence against Women and Children; and Child Justice ¹¹⁰	2011	2011 – 2015
Plan for Accelerated and Sustained Development to End Poverty (PASDEP) ¹¹¹	2006	2005/06-2009/10

24. Other major policies adopted by Ethiopia between 1992 and 1994¹¹² are now outdated and need to be revised or replaced. These include: the Health Sector Development Programme IV (2010/11–2014/15); the National Women/Girls’ Education Strategy 2009/10; the National Action Plan on Sexual Abuse and Exploitation of Children 2006–2010; the Youth Development Strategy Plan 2006–2015; the National Action Plan for Gender Equality 2006–2010; the National Plan of Action for the Elimination of the Worst Form of Child Labour 2010–2014; the National Action Plan on Sexual Abuse and Exploitation (2006–2010); and the National Plan of Action on Orphans and Vulnerable Children (2004–2006).¹¹³

2.4 Budgeting for children to implement national strategy

25. Data on budgets allocated for the specific plans and strategies for children (discussed above) was not available in the documents reviewed. In 2015 the UNCRC stated that Ethiopia should:

‘Establish a clear, comprehensive and participatory budgeting process, with specific indicators and mechanisms to monitor and evaluate the adequacy and efficiency of the distribution processes’.¹¹⁴

¹⁰⁷ UNCRC *Concluding Observations* (2015) para. 5(a).

¹⁰⁸ Ministry of Labour and Social Affairs *National Plan of Action of Persons with Disabilities 2012–2021* (2012).

¹⁰⁹ Federal Democratic Republic of Ethiopia (FDRE) *Growth and Transformation Plan II 2015/16–2019/20* (2016).

¹¹⁰ UNCRC *Concluding Observations* (2015) para. 5(c).

¹¹¹ Ministry of Finance and Economic Development *Ethiopia: Building on Progress a Plan for Accelerated and Sustained Development to End Poverty 2005/06–2009/10* (2006).

¹¹² FDRE *Implementation of the ACRWC* (2013) pp. 13–14.

¹¹³ UNCRC *Concluding Observations* (2015) paras. 5(e)(f)(g)(i).

¹¹⁴ UNCRC *Concluding Observations* (2015) para.13(b).

2.5 Coordinating governmental body on children's issues and rights

26. At national level, the Ministry of Women, Children and Youth is the responsible government body for coordination on child rights and child protection. Proclamation No. 916, 2015 mandates the Ministry with the following powers and duties directly concerning children:

'a) create awareness and movement on the question of women and children; b) collect, compile and disseminate to all stakeholders information on the objective realities faced by women and children; c) coordinate all stakeholders to protect the rights and well-being of children; and d) conclude international treaties relating to women and children in accordance with law and, follow up the implementation of same and submit reports to the concerned bodies.'¹¹⁵

27. The same proclamation mandates the Federal Attorney General to '... represent citizens, in particular women and children, who are unable to institute and pursue their civil suits before the federal courts'¹¹⁶ In 1999, the Federal Supreme Court, collaborating with international organisations, established the Child Justice Project Office (CJPO, previously the Juvenile Justice Project Office) to coordinate efforts relating to child justice.¹¹⁷ Supported by the African Child Policy Forum (ACPF), the Supreme Court took further action to fulfil its obligation to provide legal representation services. This was done, in 2012, by re-establishing the Children's Legal Protection Centre, established by the ACPF in 2005, within the CJPO.¹¹⁸

2.6 Independent national human rights institutions for children

28. The Human Rights Commission was set up by Proclamation No. 210, 2000 to establish the Institute of the Ombudsman (hereafter 'Ombudsman').¹¹⁹ The Ethiopian Human Rights Commission (EHRC) and the Ombudsman conduct periodic follow-ups on the implementation of human rights conventions and treaties¹²⁰ and submit observations and proposals to the competent authorities.¹²¹

¹¹⁵ Federal Democratic Republic of Ethiopia Proclamation No. 916/2015 (2015) art. 36(1)(a)(b)(l)(j) (hereafter FDRE Proclamation No. 916/2015 [2015]).

¹¹⁶ FDRE Proclamation No. 916/2015 (2015) art. 16(11).

¹¹⁷ African Network for the Prevention and Protection of the Child against Abuse and Neglect Regional Office *Identification and Review of the Roles and Functions of NGOs Working in the Child Justice System and Definition of the Human Resource Needs in Ethiopia: Ethiopia Country Report* (2014) p. 21 (hereafter ANPPCAN *Ethiopia Country Report* [2014]).

¹¹⁸ ACPF *African Child Wellbeing Report* (2016) p. 66.

¹¹⁹ FDRE *Implementation of the ACRWC* (2013) p. 16.

¹²⁰ UNCRC *Consideration of the Periodic Reports of Ethiopia* (2013) para. 32.

¹²¹ UNCRC *Consideration of the Periodic Reports of Ethiopia* (2013) para. 32.



29. The EHRC carries out coordination tasks, cooperates with other human rights bodies, receives complaints about suspected violations of human rights and refers them to the relevant authorities.¹²² In 2015, the UNCRC welcomed the establishment of the EHRC and the Ombudsman but regretted the lack of information on their human, technical and financial resources to ensure efficient and independent operations.¹²³
30. In its report to the African Committee of Experts on the Rights and Welfare of the Child in 2013¹²⁴, the FDRE explained that the EHRC and the Ombudsman are fully functional in regulating the principles of child rights in Ethiopia and that both have a specialized desk to monitor child rights' implementation in the country.
31. In 2013, Ethiopia developed a Human Rights Action Plan with the aim of addressing '... the issue of civil and political rights, economic, social and cultural rights, and rights of vulnerable groups (women, children, the elderly, persons with HIV/AIDS and persons

¹²² UNCRC *Consideration of the Periodic Reports of Ethiopia* (2013) para. 32.

¹²³ UNCRC *Concluding observations* (2015) para. 15.

¹²⁴ FDRE *Implementation of the ACRWC* (2013) p. 16.

with disabilities)'.¹²⁵ The Plan of Action aims to eliminate child labour, in addition to strengthening the implementation of human rights.¹²⁶

2.7 Relevant non-governmental organisations

32. Children in contact with the justice system are provided with legal aid services through programmes implemented by governmental institutions (such as federal and regional justice institutions), non-governmental organisations (NGOs) and professional associations such as Lawyers for Human Rights in Adama, the National Bar Association and the African Network for the Prevention and Protection of the Child against Abuse and Neglect.¹²⁷
33. The National Children's Policy (2017) stated that the desired results in promoting and protecting children's rights were not achieved due to lack of coordination among the various actors.¹²⁸ However, the establishment of the Charities and Societies Proclamation No. 621, 2009 restricts civil society organisations from engaging in numerous areas including preventing child sexual abuse and exploitation, female genital mutilation/cutting (FGM/C) and other harmful practices, and supporting the rights of children with disabilities, or those in conflict with the law. In 2015, the UNCRC recommended that the Ethiopian Government:

'Repeal the Charities and Societies Proclamation No. 621/2009 that put significant obstacles to the work of international non-governmental organizations for the promotion and protection of all human rights, including children's rights, and those that impose restrictions on the funding of local non-governmental organizations from foreign sources.'¹²⁹

2.8 Legislation and policy protecting children in the legal system

34. The Ethiopian Constitution guarantees due process and the protection of substantive and procedural rights of an accused person who is in contact with the justice system. This includes rights to liberty (article 17), of those arrested (article 19), of those accused (article 20) and of those in custody and convicted (article 21).¹³⁰

¹²⁵ Federal Democratic Republic of Ethiopia (FDRE) 2013–2015 National Human Rights Action Plan (2013) p. 29 (hereafter FDRE National Human Rights Action Plan [2013]).

¹²⁶ US Department of Labor's Bureau of International Labor Affairs Ethiopia Moderate Advancement 2013 Findings on the worst Forms of Child Labor (2013) p. 276.

¹²⁷ UNCRC *Consideration of the Periodic Reports of Ethiopia* (2013) para. 296.

¹²⁸ FDRE *National Children's Policy* (2017) p. 10.

¹²⁹ UNCRC *Concluding Observations* (2015) para. 20(a).

¹³⁰ Ethiopian Constitution of Ethiopia arts. 17, 19, 20 & 21.

35. Apart from the general protection of all persons in the context of judicial proceedings, the law envisages special measures for children based on the age classification under the Criminal Code. Article 36(3) of the Constitution¹³¹ and article 53(1) of the Criminal Code¹³² state that juvenile offenders admitted to corrective or rehabilitative institutions must be kept separately from adults. In addition:
- The Constitution further prohibits corporal punishment and cruel and inhumane treatment in institutions responsible for the care of children. The Criminal Code articles 171–180 deal with the procedure of cases concerning young persons (FDRE, 2005)¹³³;
 - The court must inquire whether a child brought before court has a parent or carer and, if so, should summon them (art. 173);
 - The young person has a right to be assisted by counsel (art. 174). The court will appoint an advocate when there is no parent or guardian who appears to represent the young person;
 - Where any evidence or comments are to be given or made which are undesirable for the young person to hear, the child shall be removed from the chambers (art. 175);
 - Where the young person is brought before the court, all proceedings shall be held in chambers. Nobody shall be present at any hearing except witnesses, experts and the parent, guardian or representatives of welfare organisations (art.176); and
 - All proceedings are to be conducted in an informal manner.

2.9 Birth registration

36. In 2012, the Ethiopian Government adopted the Registration of Vital Events and National Identity Card Registration Proclamation No. 760, 2012¹³⁴ and the Vital Events Registration Agency Establishment Council of Ministers Regulation No. 278, 2012.¹³⁵ Accordingly, the country established the Vital Registration Agency which is accountable to the Federal Attorney General.¹³⁶ Yet in 2016, 3 per cent of children under 5 were registered with the civil authorities.¹³⁷
37. When the legislation on vital events registration was redrafted, the Ministry of Women, Children and Youth Affairs and the regional bureaux of Women, Children and Youth, in

¹³¹ Ethiopian Constitution of Ethiopia art. 36(3).

¹³² Federal Democratic Republic of Ethiopia (FDRE) The Criminal Code of the Federal Democratic Republic of Ethiopia (2005) art. 53(1) (hereafter The Criminal Code [2005]).

¹³³ The Criminal Code [2005] art. 171-180.

¹³⁴ Federal Democratic Republic of Ethiopia (FDRE) Registration of Vital Events and National Identity Card Proclamation No. 760/2012 (2012).

¹³⁵ Federal Democratic Republic of Ethiopia Vital Events Registration Agency Establishment Council of Ministers Regulation No. 278/2012 (2012) (hereafter FDRE Vital Events Regulation No. 278/2012 [2012]).

¹³⁶ FDRE Vital Events Regulation No. 278/2012 [2012] art. 3(2).

¹³⁷ *Ethiopia Demographic and Health Survey 2016* p. 14.

collaboration with UNICEF, piloted a project in the cities of Addis Ababa and Dire Dawa, and in the Amhara and Tigray regions, in 2009 and 2010.¹³⁸ The pilot registered 28,541 children and documented challenges and lessons learned to inform the design of national law and systems. Nonetheless, from 2010 to 2016, only 3 per cent of children under five had their births registered (the lowest global rate, shared only with Somalia).¹³⁹

38. In August 2016 the Government of Ethiopia launched the comprehensive civil registration and vital statistics (CRVS) system across the country. One year into operation, a revision was made to the 2012 Proclamation in order to address the gaps observed in providing the service. The amended proclamation (No. 1049, 2017) extended the scope of eligibility of registration services to include refugees and other non-nationals living in Ethiopia and gave the responsibility of notification of births and deaths occurring outside health facilities to health extension workers.¹⁴⁰
39. While appreciating the government's efforts to legislate for and implement vital events registration procedures, the UNCRC voices its concern in 2015 about the high rate of unregistered children, especially in rural areas.¹⁴¹ Prioritization of free and universal birth registration by the Ethiopian Government and the strengthening of links between the health and CRVS systems (supported through UNICEF) is expected to increase birth registrations.¹⁴²
40. In 2015 the African Committee of Experts, referring to the relevant registration provisions of the African Charter, urged the Ethiopian Government to: enforce birth registration within 90 days (as provided under the law¹⁴³); ensure that registration documents are accessible; sensitize society; make registration accessible in rural areas and grant nationality to abandoned children whose nationality is not known.¹⁴⁴

¹³⁸ UNCRC *Consideration of the Periodic Reports of Ethiopia* (2013) para. 86.

¹³⁹ UNICEF *State of the World's Children 2017* (2017) p. 182.

¹⁴⁰ Federal Democratic Republic of Ethiopia Vital Events Registration Agency (VERA) *Vital Event Registration in Ethiopia* (2017).

¹⁴¹ UNCRC *Concluding Observations* (2015) para. 33.

¹⁴² UNICEF *Ethiopia Annual Report* (2016) p. 9.

¹⁴³ Federal Democratic Republic of Ethiopia (FDRE) Registration of Vital Events and National Identity Card Proclamation No. 760/2012 (2012) art. 18(2).

¹⁴⁴ African Committee of Experts on the Rights and Welfare of the Child (ACERWC) *Concluding Recommendations on the Combined Initial, First, Second and Third Periodic Report on the Implementation of the ACRWC* (2015) para. 20 (hereafter *ACERWC Concluding Recommendations* [2015]).

2.10 Legal ages

41. The Revised Family Code defines a minor as ‘... a person of either sex who has not attained the full age of 18 years’.¹⁴⁵ Similarly, for the regional state laws of Amhara, Oromia, Tigray, Southern Nations Nationalities and Peoples Republic, Benishangul, Gambela and Harari the minimum age for marriage is 18 years.¹⁴⁶ Emancipation¹⁴⁷ takes place in the following ways:

‘A child may be emancipated at the age of 14 if the court decides that it is in the best interests of the minor (Article 312). [...] Emancipation through marriage is provided under Article 7(2) of the Revised Family Code which provides that a child aged 16 and above may be allowed to marry upon application of the guardian to the Minister of Justice.’¹⁴⁸

Table 5 summarizes the legal ages situation in Ethiopia.

Description	Legislation	Age
Minimum age of criminal responsibility for ‘young persons’	Criminal Code art. 53	9
Criminal age of majority ¹⁵⁰	Criminal Code art. 56(1)	Above 15
Minimum age of sexual consent	Criminal Code art. 626(1&2)	18
Minimum age of marriage	Ethiopian Constitution art. 34(1); The Revised Family Code art. 7(1); & Criminal Code art. 648	18
Minimum age of consent for custody	Revised Family Code para. 3	10
Minimum age of recruitment into the armed forces	Defence Forces Establishment Proclamation 27, 1996	18
Minimum age for voting	Electoral Law of Ethiopia No. 64, 1993 art. 16	18

No information could be found specifically in relation to whether a child can receive an independent travel and /or identity document and, if so, from what age.

¹⁴⁵ Federal Democratic Republic of Ethiopia (FDRE) The Revised Family Code (2000) art. 215 (hereafter FDRE The Revised Family Code [2000]).

¹⁴⁶ FDRE *Implementation of the ACRWC* (2013) p. 29.

¹⁴⁷ Emancipation is a legal process that allows a child under 18 years to be married.

¹⁴⁸ FDRE *Implementation of the ACRWC* (2013) p. 29.

¹⁴⁹ FDRE *Implementation of the ACRWC* (2013) pp. 29–32.

¹⁵⁰ This means that the law treats children above 15 as adults if they commit any crime. Article 56(1) states, ‘If at the time of the commission of the crime the criminal was over fifteen but under eighteen years of age, he shall be tried under the ordinary provisions of this Code’.



3. General principles

42. As discussed (see 2.1 *International children’s and human rights treaties, paragraph 19*) all international agreements ratified by Ethiopia are an integral part of the law of the land.¹⁵¹ The Constitution is the supreme national law with which all laws, customary practice or decisions of organs of state or public officials are obliged to be consistent.¹⁵² This makes international instruments ratified by the country, including the Convention of the Rights of the Child, central to the revision, enactment and implementation of national and region laws.

3.1 Non-discrimination

43. The Ethiopian Constitution states that, ‘All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex,

¹⁵¹ Ethiopian Constitution art. 9(4).

¹⁵² Ethiopian Constitution art. 9(1).

language, religion, political or other opinion, property, birth or other status'.¹⁵³ The Constitution also provides that children born out of wedlock have equal status to those born in wedlock.¹⁵⁴

44. Although Ethiopia has a minority rights-friendly Constitution¹⁵⁵, reports indicate that some groups are marginalized. The Minority Rights Group report that from 2010 to 2013, thousands of Anuak and other indigenous communities in the Gambela Region face forced displacement from their ancestral lands, when the government leased out at least 3.6 million hectares for large development projects.¹⁵⁶ New villages lack adequate food, farmland, health care and educational facilities, undermining livelihoods and food security and resulting in hunger and cases of starvation. According to discussions carried out with some Anuak women in Abobo woreda in May 2011, forced relocation had psychological impacts on children; and that because there was no school in their new location, children were unable to learn.¹⁵⁷
45. Pastoral or semi-pastoral and emerging regions (Somali, Afar, Gambela and Benishangul-Gumuz) have been neglected and marginalized for a long time and this, together with the mobile lifestyle of pastoralists, has made the provision of quality education services challenging.¹⁵⁸ Afar people are among the most marginalized, with poor infrastructure, few schools and limited access to health care. (*See 5.3 Education*).¹⁵⁹
46. In 2015, the UN Committee on the Rights of the Child (UNCRC) welcomed the positive steps taken by Ethiopia to fight against discrimination but expressed concern at the continued discrimination against girls, children with disabilities, children from ethnic minorities, children in poverty and street situations, and children living with HIV/AIDS and with the *noma* disease.¹⁶⁰ ¹⁶¹ In 2013, the African Committee of Experts observed the disparity between rural and urban areas with regard to accessibility and quality of educational and health services, as well as gender disparity in accessing education and other services.¹⁶²

¹⁵³ Ethiopian Constitution art. 25.

¹⁵⁴ Ethiopian Constitution art. 36(4).

¹⁵⁵ Ethiopian Constitution art. 54(2)(3).

¹⁵⁶ Minority Groups International 'Ethiopia Anuak' (Accessed 27 March 2018).

¹⁵⁷ Human Rights Watch 'Ethiopia: Forced relocations bring hunger, hardship' (2011)

<https://www.hrw.org/news/2012/01/16/ethiopia-forced-relocations-bring-hunger-hardship> (Accessed 16 April 2018).

¹⁵⁸ FDRE Ministry of Education & UNICEF Ethiopia Country Office *Study on Situation of Out of School Children in Ethiopia* (2012) p. 92.

¹⁵⁹ Minority Groups International 'Ethiopia Afar' <https://www.hrw.org/news/2012/01/16/ethiopia-forced-relocations-bring-hunger-hardship> (Accessed 27 March 2018).

¹⁶⁰ According to WHO, Noma is a necrotizing disease that destroys the mouth and face that is treatable if detected and managed early.

¹⁶¹ UNCRC *Concluding Observations* (2015) para. 23.

¹⁶² UNCRC *Concluding Observations* (2015) paras. 13 & 14.

47. In 2015 the African Commission on Human & Peoples' Rights expressed concern about acts of discrimination against certain ethnic groups because of their alleged continued affiliation with opposition political parties.¹⁶³
48. The Criminal Code (article 629) criminalizes any same-sex sexual act as a crime punishable by imprisonment.¹⁶⁴ This is inconsistent with article 24(2) of the Constitution which provides everyone with the right to free development of their personality, and article 25 which protects the equality of all persons before the law.¹⁶⁵ A 2014 report indicated that there is widespread homophobia and transphobia in wider society, political debate and in religious settings. It cited a survey which showed that 97 per cent of Ethiopians harboured homophobic beliefs.¹⁶⁶
49. It was not possible to obtain information, from any of the sources consulted, on discrimination against children by state authorities, on obstacles, if any, that children from certain ethnical, religious, linguistic or indigenous minorities face in their personal development (e.g. concerning culture, religion and language), or regarding the extent to which children of ethnic, religious, linguistic or indigenous minorities have equal access to the health system.

3.2 Best interests of the child

50. Article 36 of the Constitution is devoted to the protection of the rights and welfare of children.¹⁶⁷ In all acts by public and private welfare institutions, courts of law, administrative authorities or legislative bodies concerning children, the primary consideration should be the child's best interest.¹⁶⁸ Article 4(1) of the African Charter on the Rights of the Child, ratified in Ethiopia, has similar provisions, but these are extended to any person or authority.¹⁶⁹
51. The Revised Family Code (2000) article incorporated the principle of the best interest of the child in 194(2) which states that: 'Before approving the agreement of adoption, the court shall decisively verify that the adoption is to the best interest of the child'. The best interest principle is also mentioned in the same code in relation to disagreement

¹⁶³ African Commission on Human & Peoples' Rights (ACHPR) *Concluding Observations and Recommendations on the 5th and 6th Periodic Report of the Federal Democratic Republic of Ethiopia* (2015) para. 35(ii) (hereafter ACHPR *Concluding Observations* [2015]).

¹⁶⁴ The Criminal Code (2005) art. 629.

¹⁶⁵ Ethiopian Constitution arts. 24 & 25.

¹⁶⁶ Swedish International Development Aid *The Rights of LGBTI People in Ethiopia* (2014) p. 1.

¹⁶⁷ Ethiopian Constitution art. 36.

¹⁶⁸ Ethiopian Constitution art. 36(2).

¹⁶⁹ Organization of African Union (OAU) African Charter on the Rights and Welfare of the Child (1999) art. 4(1) (hereafter The African Charter [1999]).

between a father and mother. Article 266(22) decrees that the court shall decide in the child's best interest, and article 312(2) explains that the court may decide to emancipate the child if it is in the child's best interest.¹⁷⁰

52. In 2015, the UNCRC welcomed the efforts of the government towards ensuring the best interests of the child by developing training programmes, establishing child-friendly benches and setting up special investigation and prosecution teams in relation to child justice. However, it was concerned that due consideration was not given to the best interests of the child regarding "... decisions concerning adoption and family reunification processes and legal proceedings, alternative care and early marriage".¹⁷¹
53. UNICEF is supporting the Ministry of Women, Children and Youth to finalise a national case management framework in consultation and coordination with all relevant sectors. This will enable the establishment of a harmonised system with common tools to manage cases reported through statutory and non-statutory sectors. This in turn will enable more efficient service delivery and follow-up for any child who is a victim of abuse or violence. Save the Children has developed a Best Interests Assessment Guide and a best interest procedure which will become part of the case management framework.^{172 173}

3.3 Right to life and development

54. Article 14 of the Constitution states that 'Every person has the inviolable and inalienable right to life the security of person and liberty'.¹⁷⁴ This is reinforced by article 15 which states: "Every person has the right to life. No person may be deprived of his life except as a punishment for a serious criminal offence determined by law".¹⁷⁵ Neither the Family Code nor the Criminal Code mention the child's right to life and development, but the African Charter on the Rights and Welfare of the Child (ACRWC) states that every child has an inherent right to life, and that this right shall be protected by law.¹⁷⁶
55. In harmony with the Convention on the Rights of the Child, the ACRWC requires state parties to '... take all appropriate measures to eliminate harmful and cultural practices

¹⁷⁰ FDRE The Revised Family Code (2000) arts. 194(2), 266(22) & 312(2).

¹⁷¹ UNCRC *Concluding Observations* (2015) para. 25.

¹⁷² UNICEF Ethiopia Office Child Protection Section Chief of Child Protection Personal Communication 22 June 2018.

¹⁷³ Save the Children International Ethiopia Office Child Protection Specialist Personal Communication 31 May 2018.

¹⁷⁴ Ethiopian Constitution art. 14.

¹⁷⁵ Ethiopian Constitution art. 15.

¹⁷⁶ Organization of African Union (OAU) African Charter on the Rights and Welfare of the Child (1999) art. 5(1).

affecting the welfare, dignity, normal growth and development of the child ...'.¹⁷⁷ The Ethiopian Constitution refers to women in this respect, but not children¹⁷⁸; the Revised Criminal Code prohibits acts in relation to harmful practices¹⁷⁹; and the legal minimum age for marriage is set at 18 by the Constitution, the Family Code and the Criminal Code (see 2.10 Legal ages, paragraph 42).

56. According to UNICEF, in 2016 the under-five mortality rate was 64 for males and 53 for females, while infant mortality rate reduced from 121 in 1990 to 41 in 2016 (see 5.2 Health, paragraphs 88 & 89).¹⁸⁰ Further information on infant and under-five mortality rates is given in paragraphs 6, 88 and 90 as well as in the statistics section.
57. A rapid assessment carried out in 2013 to inform the National Strategy identified the major types, prevalence, causes and consequences of harmful practices. The five types of harmful practices prioritized by the assessment in terms of their severity and prevalence were child marriage, female genital mutilation and cutting (FGM/C), cutting of the uvula, milk-teeth extraction and abduction or forced marriage. Widow inheritance, exchange marriage and arranged marriage were also reported to be widely practised marriage-related harmful practices. Other harmful practices include massaging of the abdomen before and during labour, shaking women in prolonged labour, isolation during menstruation and bush delivery, food taboos and food discrimination.¹⁸¹
58. Child marriage is experienced almost exclusively by girls, according to EDHS 2016 which showed that the median age at first marriage is 17.1 years among women and 23.7 years among men aged between 25 and 49.¹⁸² According to EDHS 2016, 47 per cent of girls aged between 15 and 19 years underwent FGM/C nationwide.¹⁸³ A 2016 UNICEF report indicated that both child marriage and FGM/C rates were declining but still prevalent.¹⁸⁴ The government expressed its commitment to end child marriage and FGM/C by 2025 at the 2014 London Girl Summit (see 7.4 Female genital mutilation and cutting and 7.5 Forced child marriage).¹⁸⁵

¹⁷⁷ The African Charter (1999) art. 21(1 & 2).

¹⁷⁸ Ethiopian Constitution art. 35(4).

¹⁷⁹ The Criminal Code (2005) arts. 561, 562, 564-570, 587 & 648.

¹⁸⁰ UNICEF *State of the World's Children 2017* (2017) p. 154.

¹⁸¹ FDRE *Ethiopia National Strategy and Action Plan on Harmful Traditional Practices (HTPs) against Women and Children in Ethiopia* (2013) pp. 4, 8 & 15.

¹⁸² *Ethiopia Demographic and Health Survey 2016* (2017) p. 65.

¹⁸³ *Ethiopia Demographic and Health Survey 2016* (2017) p. 317.

¹⁸⁴ Overseas Development Institute (ODI) & UNICEF *Child Marriage in Ethiopia: A Review of the Evidence and an Analysis of the Prevalence of Child Marriage in Hotspot Districts* (2016) pp. 6, 16 & 26 (hereafter ODI & UNICEF *Child Marriage in Ethiopia* [2016]).

¹⁸⁵ UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) p. 55.



59. In 2015, the UNCRC noted the efforts made by the government but expressed serious concern about the limitations to children’s right to survival and development as a result of high poverty rates affecting children, especially in rural areas.¹⁸⁶
60. While appreciating the measures taken by the government towards the realization of the right to life and development of children, the African Committee of Experts in its 2015 report expressed concerns in relation to the infant mortality rate, diseases nutrition and children on the street. The Committee urged the government to control preventable diseases, increase accessibility of health care services, protect children on the street, provide care for children living with HIV/AIDS and increase efforts to ensure that antenatal services are available to all expectant mothers.¹⁸⁷
61. Demographic and Health Survey (DHS) data for 2016 indicates that 13 per cent of girls aged between 15 and 19 (approximately 1 in 8) were pregnant or had one or more children.¹⁸⁸
62. From all the sources that were able to be consulted for this report, it was not possible to obtain information regarding severe risks that are faced specifically by children (and the

¹⁸⁶ UNCRC *Concluding Observations* (2015) para. 27.

¹⁸⁷ UNCRC *Concluding Observations* (2015) para. 16 & 17.

¹⁸⁸ *Ethiopia Demographic and Health Survey 2016* (2017) p. 81.

extent to which children fear for their lives as a result), on the rates of child suicide and homicide (and the extent to which they are reported and investigated and the statistics analysed), or on the level and prevalence of gang violence and its impact on children and adolescents.

4. Civil rights and freedom

4.1 Availability of freedoms for children

63. The right to thought, opinion and expression (article 29), the right to assembly, demonstration and petition (article 30), freedom of association (article 31) and freedom to religion, belief and opinion (article 27) are all provided by the Constitution.¹⁸⁹
64. In 2015, the United Nations Committee on the Rights of the Child (UNCRC) expressed concerns that the diversity of ethnic, social and cultural expression was not guaranteed to all children; about the negative impact of the 2009 Anti-Terrorism Act on children's rights to freedom of expression; over the clashes that occurred between religious communities, resulting in many child deaths and injuries; and over the fact that children's clubs and associations were controlled by the government.¹⁹⁰ According to Amnesty International, the federal police, regional police and the military killed children as young as 12 years of age during the protests.¹⁹¹
65. While welcoming children's parliaments and child rights clubs¹⁹² as forums for expression, the UNCRC expressed some doubt regarding their effectiveness in 2015. The Committee encouraged the government to build the capacity of parliaments, to consider their views on policy-making and involve them in the executive process.¹⁹³

4.2 Access to information

66. The Ethiopian Constitution provides everyone with the right to freedom of expression without any interference, which includes '... freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice'.¹⁹⁴ Article 29(3) of the Constitution further guarantees freedom of the press and other mass media and freedom of artistic creativity.¹⁹⁵

¹⁸⁹ Ethiopian Constitution arts. 29, 30, 31 & 27.

¹⁹⁰ UNCRC *Concluding Observations* (2015) para. 35, 37 & 39.

¹⁹¹ Amnesty International *Ethiopia: 25 Years of Human Rights Violations Amnesty International Public Statement* (2016) (no page numbers).

¹⁹² These two kinds of participatory structures are mostly established in schools, although the UNCRC report does not specify this.

¹⁹³ UNCRC *Concluding Observations* (2015) para. 31.

¹⁹⁴ Ethiopian Constitution art. 29(2).

¹⁹⁵ Ethiopian Constitution art. 29(3).

67. In 2015 the UNCRC noted that children in rural areas do not always have access to information in their own language.¹⁹⁶ A study carried out by the African Child Policy Forum indicated that more than a third of 10 and 12 year olds had books to read for fun, around one in four children had a television set at their homes, and only 1.8 per cent of the children had access to the Internet.¹⁹⁷

4.3 Access to legal advice

68. Article 20(5) of the Constitution provides that accused persons have the right to be represented by legal counsel of their choice. It further entitles persons who do not have sufficient means to pay for counsel to be provided with legal representation at the expense of the state.¹⁹⁸ Accordingly, legal services are rendered by government institutions, pro bono lawyers (mandatory pro bono)¹⁹⁹, professional associations, law schools and non-governmental organisations (NGOs).²⁰⁰
69. The government provides legal aid services through the Public Defender's Office and other mandated government institutions, including the Federal Attorney and regional justice bureaux to represent citizens, particularly women and children.²⁰¹ In 2013, the first one-stop care and justice centre²⁰² was being established by the government in Gandhi Hospital in Addis Ababa to provide medical care and legal aid for child victims of sexual violence.²⁰³ This was followed by three similar centres in Addis Ababa and one each in Harar, Dire Dawa, Adama, Jimma, Jijiga, Gambela and Assosa.²⁰⁴ The Children's Legal Protection Centre (see 2.5 *Coordinating government body on children's issues and rights, paragraph 27*) provides legal aid to children in contact with the law and their families.²⁰⁵

¹⁹⁶ UNCRC *Concluding Observations* (2015) para. 21.

¹⁹⁷ Mekonen Y. & Dejene N. *Children's Worlds National Report Ethiopia* (n.d.) p. 14.

¹⁹⁸ Ethiopian Constitution art. 20(5).

¹⁹⁹ Advocates are required by the Federal Courts: as stated in the Advocates Licensing and Registration Proclamation (Proclamation No. 199/2000) to Provide Counsel to Persons who do not have Sufficient Means to Pay for Counsel.

²⁰⁰ Abate M. et al 'Advancing access to justice for the poor and vulnerable through legal clinics in Ethiopia: Constraints and opportunities' (2017) *Mizan Law Review*, Vol. 11, No.1 p. 7 (hereafter Abate M. et al 'Advancing access to justice' [2017]) *MLR*, Vol. 11, No.1).

²⁰¹ Abate M. et al 'Advancing access to justice' [2017]) *MLR*, Vol. 11, No.1 pp. 8–9.

²⁰² This is a service centre established under the health and social welfare sectors to provide comprehensive and immediate access to services for survivors of sexual violence, including pregnancy testing, emergency contraception, abortion services, treatment for sexually transmitted infections, treatment for injuries, post-exposure prophylaxis and psycho-social counselling. The one-stop care and justice centres facilitate the collection and documentation of the necessary evidence to act as a referral point to other services that survivors may need, such as temporary shelter, legal aid, medium and long-term counselling, financial assistance, etc.

²⁰³ FDRE *National Human Rights Action Plan* (2013) p. 29.

²⁰⁴ UNICEF Ethiopia Country Office *One Stop Centres* (provided 9 May 2018 from information compiled for presentation as power point document).

²⁰⁵ ACPF *African Child Wellbeing Report* (2016) p. 61.

70. Only two NGOs provide legal aid services due to restrictions under the Charities and Societies Proclamation²⁰⁶ (see 2.7 *Relevant non-governmental organisations, paragraph 33*). This law prevents NGOs from working in human rights unless more than 90 per cent of their budget is from internal sources. The Ethiopian Women Lawyers Association provides legal advice, counselling and representation to women and child victims of violence, particularly gender-based violence. In 2013, it was reported that the Ethiopian Human Rights Commission (EHRC) had been providing limited financial support to NGOs and professional legal education institutions, with funds from the United Nations Development Programme (UNDP), however at that time it was also indicated that this funding had subsequently become unavailable and that lack of funding had weakened the capacity of the EHRC as an institution.²⁰⁷
71. The legal aid services being provided by NGOs are only available in major urban areas and services provided by the government are limited in terms of geographical coverage and the type of clients that are able to access them.²⁰⁸ The legal aid services provided by the federal Public Defender's Office to defendants lacking the means to pay for them were reported in 2017 as being inadequate in scope and quality, due to a shortage of attorneys.²⁰⁹ Legal aid services provided to children in contact with the law by the Child Legal Provision Centre (CLPC), which is under the Supreme Court, were expanded to three regional capital cities: Bahir Dar (Amhara), Adama (Oromia) and Hawassa (SNNPR).²¹⁰ Other gaps in government provision of legal services include: inconsistency in the coverage/availability of public defenders offices (and lawyers) across the court system; the reported failure of regional justice bureaux to ensure that lawyers provide their obligatory minimum of 50 hours pro bono advice, leading to minimal services available for clients in need and funding challenges faced by law school legal aid centres and NGOs.²¹¹

4.4 Access to independent complaints procedures

72. According to Ethiopia's periodic report (2013) on the implementation of the ACRWC²¹², the government has taken due consideration of the need to strengthen the EHRC and the Institution of the Ombudsman, and has increased the budget allocated for these

²⁰⁶ FDRE The Charities and Societies Proclamation (Proclamation No. 621/2009).

²⁰⁷ Abate M. et al 'Advancing access to justice' (2017) *MLR*, Vol. 11, No.1 pp. 11–13.

²⁰⁸ Abate M. et al 'Advancing access to justice' (2017) *MLR*, Vol. 11, No.1 pp. 8–13.

²⁰⁹ United States Department of State Ethiopia 2017 Human Rights Report (2017) p. 11.

²¹⁰ Federal Supreme Court CJPO Acting Coordinator Personal Communication 9 July 2018.

²¹¹ Abate M. et al 'Advancing access to justice' (2017) *MLR*, Vol. 11, No.1 pp. 8–13.

²¹² FDRE, *Combined Initial, First, Second and Third Periodic Report on the Implementation of The African Charter on the Rights and Welfare of the Child*, November 2013. Available at: http://www.africanchildinfo.net/cir/Report%20and%20Concluding%20Observation/2015%20Update/Ethiopia/ACRWC/ethiopia_initialtothird_acrwc_sr_en.pdf (Accessed: 15 July 2018).

bodies from 7,332,700 Birr (ETB), or USD 758,513.32²¹³ in 2008 to 8,404,900 ETB (USD 621,108.34²¹⁴)²¹⁵ in 2010.²¹⁶ The UNCRC regretted:

‘... the lack of information and data relating to the budget specifically allocated to children belonging to the most vulnerable groups of society, including children of ethnic minorities and indigenous populations, children with disabilities, children in street situations, children affected by and/or infected with HIV/AIDS and children living in poverty in rural and remote areas’.²¹⁷

73. In 2015, the UNCRC expressed regret at the absence of information on the number of complaints received from, and investigations conducted by, the EHRC. It was also concerned that ‘... children can only lodge a complaint through their parents or guardians, a situation which is particularly problematic when family members are the perpetrators of children’s rights violations’.²¹⁸ It recommended that the State party, “ensure that children can independently access those complaints mechanisms and institutions”²¹⁹ and, “establish accessible and confidential complaints mechanisms”²²⁰ to bring the juvenile justice system fully in line with the Convention on the Rights of the Child. No material was found on the protection of children against interference with their privacy.

4.5 Legal protections against torture and degrading treatment

74. In 2015, the African Committee of Experts voiced its concern that some forms of corporal punishment were not prohibited. It encouraged the Government to explicitly outlaw corporal punishment in the Criminal Code.²²¹

4.6 Evidence of harassment through affiliations and memberships

75. In 2015, the African Commission on Human Rights stressed its concern about acts of discrimination against certain ethnic groups.²²² Similarly, the US Department of State observed in 2016 that the ruling party unduly restricted the political representation of political parties and members of certain ethnic groups, particularly the Amhara and

²¹³ Available at <https://xe.com/currencytables/?from=ETB&date=2008-06-30> (Accessed 16 April 2018).

²¹⁴ Available at <https://xe.com/currencytables/?from=ETB&date=2008-06-30> (Accessed 16 April 2018).

²¹⁵ The budget has increased in ETB but decreased in US dollars due to devaluation of the Ethiopian currency.

²¹⁶ FDRE *Implementation of the ACRWC* (2013) p. 18.

²¹⁷ UNCRC *Concluding Observations* (2015) para. 12.

²¹⁸ UNCRC *Concluding Observations* (2015) para. 15.

²¹⁹ UNCRC *Concluding Observations* (2015) para 16(c).

²²⁰ UNCRC *Concluding Observations* (2015) para. 72(h).

²²¹ ACERWC *Concluding Recommendations* (2015) para. 23.

²²² ACHPR *Concluding Observations* (2015) p. 12.

Oromo.²²³ Supporters of opposition parties were also reported to have faced harassment and arbitrary detention.²²⁴ In the same year, Amnesty International indicated that Ethiopia used the Anti-Terrorism Proclamation (2009) to silence political opposition.²²⁵ No material could be found focusing specifically on children.

76. Marginalized groups, particularly in Oromia and Gambela, but also in other regions, were relocated mainly from 2010 to 2013 for development activities without being consulted. One report indicated that human rights organisations have collected testimonies of killings, rapes and beatings and burning of their homes and crops by soldiers to prevent people from returning.²²⁶ No material could be found focusing specifically on children.

²²³ United States Department of State *Ethiopia 2016 Human Rights Report* (2016) p. 25.

²²⁴ Minority Groups International 'Ethiopia minorities and indigenous peoples' (Accessed 27 March 2018).

²²⁵ Amnesty International *Ethiopia: 25 Years of Human Rights Violations Amnesty International Public Statement* (2016) (no page numbers).

²²⁶ Minority Groups International 'Ethiopia current issues'. Available at: <https://minorityrights.org/minorities/anuak/> (Accessed 27 March 2018).



5. Basic rights (health/water/food/education)

5.1 Water, food and housing

77. Ethiopia achieved its Millennium Development Goal (MDG) target on access to improved water sources. On average, 53 per cent of the population had such access. The urban/rural difference was wide, at 92 and 45 per cent respectively.²²⁷ The proportion of the population with access to safe drinking water rose from 14 to 51 per cent between 1990 and 2011.²²⁸
78. Only 5 per cent of the population had access to improved sanitation facilities, with better coverage in urban than rural areas (15 versus 3 per cent). Considerable progress was made to decrease open defecation rates (from 82 per cent in the year 2000 to 37 per cent in 2012). Sanitation coverage was below the national average in Gambela, Somali and Afar, with far higher open defecation rates in these regions (46, 61 and 80 per cent respectively).²²⁹

²²⁷ UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) pp. 38–39.

²²⁸ WHO *Success Factors for Women's and Children's Health: Ethiopia* (2015) p. 17.

²²⁹ UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) pp. 39–40.

79. According to the 2017 Ethiopia Nutrition Global Report, undernourishment reduced from 75 to 32 per cent between 1990 and 2014; availability of fruit and vegetables improved from 47 grams per person in 2000 to 69 in 2013; and total per-person calories from non-staples increased from 18 calories in 1999 to 24 in 2011²³⁰. Even so, food poverty remained high, with food making up a large share of household spending. The Productive Safety Net Programme (PSNP) initiated in 2005, either hires people for public works, or provides families with cash transfers or food to increase food security²³¹. In 2015, PSNP 3 was reported to be covering approximately eight million households (11 per cent of all rural households; 15 per cent of all female-headed households in rural areas).²³²
80. In February 2018, 26,358 children were admitted for severe acute malnutrition (SAM) treatment across the country. In the Somali region, SAM admissions remained high with 8,060 children treated. Dawee Zone reported a significant rise in admissions from 241 in January to 755 in February, due to lack of access to food distributions for several months. Taking account of the numbers of internally displaced people (IDP), extended drought and lack of access to basic services in Dawee, UNICEF advocated with partners to prioritize targeted supplementary feeding services to children and pregnant or lactating mothers.²³³
81. In 2015, a nationwide study of 60,249 households and 104,068 children indicated that nearly half of all children lived in houses with inadequate walls, roofs and floors. A child in the poorest decile was reported to be 67 per cent more likely than a child in the wealthiest decile to live in inadequate housing, and almost three times more likely to live in a crowded house (more than four persons per room). Access to electricity was less than 16 per cent in all quintiles, except the top quintile, where 27 per cent of children had access.²³⁴

5.2 Health

82. The African Child Policy Forum (ACPF) measured current levels of expenditure on health against the Abuja target, which requires that African governments spend at least 15 per cent of the national budget on the health sector as pledged in April 2001²³⁵. According to data from the WHO Global Health Expenditure Database obtained in 2016, Ethiopia was

²³⁰ Development Initiatives Poverty Research Ltd. 'Ethiopia Nutrition Global Report 2017' <https://www.globalnutritionreport.org> (Accessed May 13, 2018).

²³¹ WHO *Success Factors for Women's and Children's Health: Ethiopia* (2015) p. 15.

²³² UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) p. 16.

²³³ UNICEF *Ethiopia Humanitarian Situation Report April 2018* (2018) p. 3.

²³⁴ Central Statistical Agency (CSA), UNICEF & Oxford Policy Management (OPM) *Child Well-Being in Ethiopia Analysis of Child Poverty Using the HCE/ WMS 2011 Datasets* (2015) pp. 41 & 44–45.

²³⁵ WHO *The Abuja Declaration: Ten Years On* (2016) p. 1.

one of seven countries that met the Abuja target, with 16.4 per cent of total government budget allocated for general health expenditure in 2013.²³⁶

83. Another indicator used to assess government budgetary commitments to realizing children's rights and well-being is the amount of budget allocated for the Expanded Programme on Immunization (EPI). The budget allocated for EPI by the Ethiopian Government reduced from 18 per cent of routine EPI budget in 2001 to eight per cent during the years between 2009 and 2013.²³⁷
84. The government designed and successfully implemented a National Nutrition Programme between 2008 and 2012, which contributed to reducing the number of child deaths as a result of malnutrition.²³⁸ In its report to the African Committee of Experts on the Rights and Welfare of the Child in 2013, the government stated that efforts were made to improve child survival and development through revitalizing health services throughout the country. These include; antenatal consultations, delivery care, postnatal and neonatal care, preventive health for children, safe drinking water, sanitation and hygiene, HIV prevention, provision of antiretroviral paediatric treatment and stopping the vertical transmission of HIV from mother to child. The implementation of these services was ensured through the training of 34,000 health extension workers. The Health Extension Programme in Ethiopia is an innovative strategy which delivers preventive and other health services at the community level throughout the country.²³⁹
85. UNICEF has prioritized capacity-building efforts to improve the continuum of care in primary health. Compared to 2015, coverage for antenatal care, skilled birth attendance and immunization improved in 2016. Countrywide, essential and advanced newborn care was provided in 380 health centres and 60 hospitals.

'Since the deployment of two gynaecologists and the training of 118 health workers (HWs) and 454 health extension workers (HEWs) in Afar and Somali, the monthly average of clinically managed FGM/C-related complications per hospital is more than 200 cases, compared to zero in 2015, saving women and their newborn infants and improving the quality of their lives'.²⁴⁰

86. According to UNICEF, Ethiopia met the MDG 4 target on under-5 mortality rates (U5MRs) ahead of the deadline, but continued commitment is needed to reduce urban/rural

²³⁶ ACPF *African Child Wellbeing Report* (2016) p. 30.

²³⁷ ACPF *African Child Wellbeing Report* (2016) p. 31.

²³⁸ FDRE *National Human Rights Action Plan* (2013) p. 21.

²³⁹ FDRE *Implementation of the ACRWC* (2013) pp. 58-59 & 69-70.

²⁴⁰ UNICEF *Ethiopia Annual Report* (2016) p.10 & 19.

differences in U5MRs²⁴¹ (see 1.1 General background, paragraph 6 & 3.3 Right to life and development, paragraph 59). Table 6 presents the most recent under-five mortality rate (2016) in Ethiopia and its neighbouring countries based on estimates by UNICEF.²⁴²

Table 6: Under-five mortality rates in Ethiopia and neighbouring countries

Country	Under-5-mortality rate (per 1,000 live births) in 2016
Eritrea	45
Kenya	49
Ethiopia	58
Djibouti	64
Sudan	65
South Sudan	91
Somalia	133

87. Ethiopia achieved its MDG 4 target on U5MRs three years ahead of the deadline, yet continued commitment was called for to reduce urban/rural differences in U5MRs, regional variations and gender disparity. Boys had higher U5MRs than girls (122 and 98 deaths per 1,000, respectively). The highest U5MRs were in Afar, Somali, Benishangul-Gumuz and Gambela, suggesting the need for tailored approaches.²⁴³ Based on EDHS 2011 data, U5MRs ranged from 53 in Addis Ababa to 169 in Benishangul-Gumuz.²⁴⁴ UNICEF estimates reported in 2016 showed a gender disparity in favour of female children in U5MRs (see 3.3 Right to life and development, paragraph 59).²⁴⁵
88. In 2015, the United Nations Committee on the Rights of the Child (UNCRC) welcomed efforts made by the government, including an increase in the allocation of resources; a reduction in maternal, infant and under-five mortality rates; an extension of immunization coverage and breastfeeding and a reduction in malaria. The Committee however, remained concerned that ‘... the per capita spending on basic health is well below the internationally accepted levels, and deeply regrets the persistence of regional disparities in the provision of health services, and that malnutrition, infant, under-five, prevalence of noma and maternal mortality rates remain high’.²⁴⁶

²⁴¹ UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) p. 44.

²⁴² UNICEF *State of the World's Children 2017* (2017) p. 148.

²⁴³ UNICEF & Ministry of Finance and Economic Cooperation *Updated National Equity Situation Analysis on Children and Women in Ethiopia* (2015) p. 44.

²⁴⁴ Ministry of Health *National Strategy for Newborn and Child Survival in Ethiopia, 2015/16 – 2029/20* (2015) p. 11.

²⁴⁵ UNICEF *State of the World's Children 2017* (2017) p. 154.

²⁴⁶ UNCRC *Concluding Observations* (2015) para. 55.



89. In 2015/16, there were a total of 241 functional hospitals, and a further 153 were under construction or completed but not functional. Of these, the largest number of functional hospitals were in Oromia (65), followed by Amhara (57), SNNPR (47), and Tigray (38). Similarly, the highest numbers of hospitals under construction or completed but not functional were found in Oromia and SNNPR with 50 each, followed by Amhara (34), and Tigray (9). The lowest number of functional hospitals were found in Benishangul-Gumuz, Gambela, Harari and Dire Dawa with only two in each.²⁴⁷ In 2015/16, there were 16,480 health posts throughout the country.²⁴⁸
90. In 2012/13, the government trained and deployed 34,380 rural and 3,400 urban health extension workers (HEWs) to deliver a basic package of preventive and a few curative health services.²⁴⁹ HEWs have been focal in extending the reach of primary health care services in rural areas.²⁵⁰

²⁴⁷ FDRE *Health Sector Transformation Plan-I Annual Performance Report (2015/2016)* p. 96.

²⁴⁸ FDRE *Health Sector Transformation Plan-I Annual Performance Report (2015/2016)* p. 93.

²⁴⁹ WHO *Success Factors for Women's and Children's Health Ethiopia (2015)* pp. 5 & 14.

²⁵⁰ UNICEF *Updated National Equity Situation Analysis for Ethiopia (2015)* p. 42.

91. Addressing the social determinants of quality health services to mothers, neonates, children and young people is one of the implementation strategies of the *Health Sector Transformation Plan-I*. The Health Development Army (HDA) was launched in a number of regions in 2015/16, including Tigray, Amhara and Oromia, to promote community ownership of health programmes and the adoption of healthy lifestyles. In 2015/16 the Ministry of Health reported that encouraging results achieved by the HDA represented a significant contribution to an overall improvement in women and children’s health.²⁵¹
92. In 2016, the Committee on the Rights of Persons with Disabilities (CPRD) expressed its concern that access to health care and the capacity of health and social services to provide care for children with disabilities was insufficient, in particular in rural zones. The CPRD recommended that the State party ensure sufficient capacity of health and social services to provide care for children with disabilities, in particular in rural regions.²⁵²

5.3 Education

93. In Ethiopia, as in the majority of African countries, education is provided as a substantive right in the Constitution, which means that it is constitutionally recognized as a duty of the state.²⁵³ The Constitution states that ‘The State has the obligation to allocate an ever-increasing resources to provide to the public health, education and other social services’.²⁵⁴
94. The Constitution further states that the government shall accord special protection to orphans and take measures to ensure and promote their education. It also states that the government shall encourage the establishment of institutions which ensure and promote their adoption and advance their welfare and education.²⁵⁵
95. Reports confirmed that Ethiopia met the global Education for All target by spending 20 per cent of its national budget on education. The 2006–2016 National Education Sector Budget Brief (UNICEF), stated that in 2015/16, the largest proportion of the Ethiopian Government’s spending was allocated to the education sector. This accounted to 24.2 per cent of the total national expenditure or 4.5 per cent of total GDP.^{256 257}

²⁵¹ FDRE *Health Sector Transformation Plan-I Annual Performance Report* (2015/2016) pp. 13, 14, 19 & 87.

²⁵² Committee on the Rights of Persons with Disabilities *Concluding observations on the initial report of Ethiopia* (2016) paras. 53 & 54.

²⁵³ ACPF *African Child Wellbeing Report* (2016) p. 77.

²⁵⁴ Ethiopian Constitution art. 41(4).

²⁵⁵ Ethiopian Constitution art. 36(5).

²⁵⁶ UNICEF *Ethiopia National Education Sector Budget Brief: 2006–2016* (2017) pp. 4 & 1.

²⁵⁷ ACPF *African Child Wellbeing Report* (2016) p. 113.

96. At the regional level, a substantial part of education spending was allocated for recurrent expenses such as salaries, textbooks and teacher training, while capital spending²⁵⁸ stagnated.²⁵⁹ This is in line with the education policy which intends to finance the construction and expansion of primary schools through community contribution.²⁶⁰
97. According to the UNICEF *Budget Brief*, in 2014/15, per-student spending on higher education was approximately 35 times greater than what was spent on general education. The report recommended reallocation to favour general education – which is more pro-poor and equitable. It further suggested that spending allocated to the sector needs to be inflation-adjusted to ensure sustained increases.²⁶¹
98. In Ethiopia, the official primary school-age population is between 7 and 14 years old.²⁶² While there is no mention of free and compulsory education within the legislation or the Education and Training Policy, a 2016 study indicated that the policy required public education to be fee-free for grades 1 to 10.²⁶³ Another study in the same year reported that primary education was free in public schools and, whilst noting lack of enforcement as an issue, highlighted efforts made by the government to make primary education universal over the preceding decade.²⁶⁴
99. Table 7 presents pre-primary net enrolment ratio (NER)²⁶⁵ disaggregated by region and sex as at 2015/16. Discrepancies between regions were large with the total pre-primary NER in Tigray standing at 93.6 per cent while the lowest rates were observed in Afar and Somali regions at 5.1 per cent and 7.1 per cent respectively. Pre-primary NERs in Oromia and Amhara regions, which together make up over half of the population²⁶⁶, were observed at 37 and 51.2 per cent respectively. Proportionally more males were attending pre-primary schools than females, with a gender parity index of 0.95. The report underlined that achieving gender equity at pre-primary education level is highly important to achieving gender parity at higher levels of education.²⁶⁷

²⁵⁸ Meaning the purchase of capital assets, defined by the Farlex Financial Dictionary (2009) as: “An asset that the owner intends to hold and derive benefits from for a period of more than one year. Capital assets include long-term investments such as land and major equipment” Available at: <https://financial-dictionary.thefreedictionary.com/capital+asset> (Accessed 24 September 2018).

²⁵⁹ UNICEF *Ethiopia National Education Sector Budget Brief: 2006–2016* (2017) p. 7.

²⁶⁰ FDRE *The Education and Training Policy and Its Implementation* (2002) p. 117.

²⁶¹ UNICEF *Ethiopia National Education Sector Budget Brief: 2006–2016* (2017) p. 1.

²⁶² Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16)* (2017) p. 26.

²⁶³ Chicoine L., *Free Primary Education, Schooling, and Fertility: Evidence from Ethiopia* (2016) p. 5.

²⁶⁴ Young Lives *Educational Inequalities Among Children and Young People in Ethiopia* (2016) p. 9.

²⁶⁵ *The Net Enrolment Ratio (NER) is defined by the United Nations Educational, Scientific and Cultural Organization Institute for Statistics as enrolment of the official age-group for a given level of education expressed as a percentage of the corresponding population*

²⁶⁶ CSA *Population Projections for Ethiopia 2007–2037* (2013) p. 61.

²⁶⁷ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16)* (2017) p. 18.

Table 7: Pre-primary net enrolment rates by region and gender (2015/16)

Region	Net Enrolment Rates %		
	Male	Female	Total
Tigray	94.4	92.9	93.6
Afar	7.3	6.8	7.1
Amhara	51.9	50.4	51.2
Oromia	38.5	35.4	37.0
Somali	5.6	4.7	5.1
Benshangul Gumz	37.5	33.7	35.6
SNNP	68.8	66.3	67.6
Gambela	42.7	40.6	41.6
Harari	74.9	69.0	72.0
Addis Ababa	81.1	77.8	79.5
Dire Dawa	35.2	35.0	35.1
Total	49.2	46.9	48.1

Source: Ministry of Education Statistics Annual Abstract, 2008 E.C. (2015/16) (2017).

100. Table 8 shows the 2015/16 NER disaggregated by region and sex, with the national NER at 100.25 per cent. An annual report from the Ministry of Education for 2015/16 stated that ‘This is technically impossible as it indicates that there are more 7 to 14 year olds in school than there are in the country. This highlights the issues of having an outdated population projection and children not recording their age correctly when they enter the school system’. The report stated that the 2015/16 target for NER in the Education Sector Development Programme V (ESDP V) was 91 per cent for females and 95 per cent for males. Much lower rates than the target were observed in Afar and Dire Dawa when compared to other regions. The highest NER was recorded in Gambela, at 125.8 per cent for males.²⁶⁸

Table 8: Primary net enrolment rates by region and gender (2015/16)²⁶⁹

Region	Net Enrolment Rates % ²⁷⁰		
	Male	Female	Total
Tigray	108.02	106.87	107.45
Afar	57.06	53.69	55.49
Amhara	102.62	100.80	101.72
Oromia	103.18	91.89	97.58
Somali	91.66	76.70	84.64
Benshangul Gumz	97.20	86.71	92.05
SNNP	114.31	103.28	108.82
Gambela	125.79	115.01	120.64
Harari	102.41	89.80	96.23
Addis Ababa	104.59	118.37	111.57
Dire Dawa	61.01	59.25	60.16
Total	104.24	96.17	100.25

Source: Ministry of Education Statistics Annual Abstract, 2008 E.C. (2015/16) (2017)

²⁶⁸ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16)* (2017) p. 30.

²⁶⁹ Please note that this indicator includes enrolment in Alternative Basic Education (ABE) centres as well as formal primary schools.

²⁷⁰ Please see the explanation in paragraph 102 as to why the figures are higher than 100 per cent.

101. Statistical data compiled by the Ministry of Education shows that the completion rate remained higher for grade 5 compared to grade 8 in 2015/16, with the gap widening from 9.7 to 16.9 per cent in 2014/15. This demonstrates that more children were moving through grade 5 and may indicate a delay in the impact of interventions that were put in place to improve completion rates among grade 8 students. The ESDP V grade 8 completion rate target for 2016 was 50 per cent. The data in Table 9 shows that this target has been met for both males and females. Over the last seven years, completion rates in grades 5 and 8 remained roughly the same, without showing any of the increases that have been seen in the gross and NERs. This indicates that improving completion rates is a challenge which requires vigorous efforts by all stakeholders.²⁷¹ Although Ethiopia ratified the 1969 UN Convention relating to the Status of Refugees, it placed a reservation on their right to education. This denies access to education to almost half a million children (see 2.1 *International children's and human rights treaties, paragraphs 14 & 16*).

Table 9: Grade 5 and 8 completion rates by year and gender

Year	Grade 5			Grade 8		
	Male	Female	Total	Male	Female	Total
2009/10	77.5	73.7	75.6	51.0	44.5	47.8
2010/11	72.0	66.1	69.1	52.5	46.2	49.4
2011/12	74.1	73.4	73.8	52.4	51.9	52.1
2012/13	77.1	75.1	76.1	53.3	52.2	52.8
2013/14	70.7	68.2	69.5	46.7	46.7	46.7
2014/15	62.0	60.0	61.0	51.8	50.9	51.3
2015/16	72.8	69.4	71.2	55.3	53.3	54.3

Source: Ministry of Education Statistics Annual Abstract, 2008 E.C. (2015/16) (2017).

102. The Ethiopia Gender Strategy for the Education and Training Sector was developed in 2014 in line with the national priorities addressed in the second Growth and Transformation Policy and in ESDP V, as well as the global sustainable development agendas for gender equality in education.²⁷² Ethiopia showed encouraging progress in gender parity in primary education²⁷³, but some challenges still exist in relation to enrolment rates at pre-primary and primary levels and completion rates (see *paragraph 101*).

²⁷¹ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16) (2017)* p. 40.

²⁷² FDRE *Gender Strategy for the Education and Training Sector (2014)* p. 6.

²⁷³ Ministry for Foreign Affairs of Finland *Evaluation: Inclusive Education in Finland's Development Cooperation in 2004–2013 Case Study (2015)* p. 28.

103. Increasing access for all children and adults with special educational needs to education and training at all levels is a major aspect of the Special Needs Education Strategy.²⁷⁴ Yet, in 2015, about 97 per cent of children with disabilities were estimated to be not in school, showing that the education of children with disabilities continued to be neglected. According to a 2015 study, the major reasons include lack of government support and commitment, and the fact that inclusive education was not made a programmatic focus by multilateral donors, such as those who committed to the General Education Quality Improvement Project.²⁷⁵
104. The 2002 Education and Training Policy pointed out that, ‘It is both economical and preferable to give students remedial classes in their spare time or during summer vacations and promote them to the next grade than to have them repeat class for a whole year’. The policy further indicated that various groups suffered from the partiality of previous government actions, and that women and girls must now become the beneficiaries of remedial measures. ‘Thus, correction of past gender imbalance in educational opportunity and participation is a matter that the whole society should appreciate and view positively’.²⁷⁶
105. Citing a 2012 study²⁷⁷, UNICEF noted in 2017 that wealth-driven disparities reduce access to education for children with disabilities and those from emerging regions, diminishing their retention and completion rates. Many schools are built without adequate water and sanitation facilities, particularly compromising the chances of girls and disabled children. At that time the government estimated that two million primary school-age children were out-of-school, with girls comprising approximately 55 per cent. However, this estimate increases to over 2.6 million when dropout children are factored in.²⁷⁸ A 2015 report by UNICEF and the Ministry of Education²⁷⁹ however estimated the number of out of school children to be close to 5 million; just over 3 million of this number were estimated to be children of primary school age and the remainder in the lower secondary age group. These estimates were made on the basis of enrolment rates. The same report noted that, based on attendance rates as captured in the EDHS 2011, the estimated number of out-of-school children increases significantly to just over 7.5 million, comprising approximately an equal balance of boys and girls.
106. The 2012 report also highlighted challenges being faced in realizing an equitable provision of quality education services in the pastoral or semi-pastoral and emerging regions of Somali, Afar, Gambela and Benishangul-Gumuz, due to the mobile lifestyle of these groups and socio-economic problems that stemmed from a long period of neglect

²⁷⁴ FDRE *Special Needs Education Strategy* (2012) Sec. 5.2.

²⁷⁵ Ministry for Foreign Affairs of Finland *Evaluation: Inclusive Education in Finland's Development Cooperation in 2004–2013 Case Study* (2015) pp. 10–11.

²⁷⁶ FDRE *The Education and Training Policy and Its Implementation* (2002) pp. 69 & 130.

²⁷⁷ FDRE *Ministry of Education and UNICEF Ethiopia Country Office Study on Situation of Out of School Children in Ethiopia* (2012).

²⁷⁸ UNICEF *Ethiopia National Education Sector Budget Brief: 2006–2016* (2017) p. 9.

²⁷⁹ FDRE *Ministry of Education and UNICEF Ethiopia Country Office Study on Situation of Out of School Children in Ethiopia* (2012) pp. 38 -39.



and marginalization.²⁸⁰ To improve access to education in these regions, the government devised the mobile education strategy²⁸¹ and low-cost para-boarding schools (where priority was to be given to female students in case of capacity limitations for admission).²⁸²

107. Moreover, marginalized groups, particularly in some regions such as Oromia and Gambela, have been relocated mainly from 2010 to 2013 to make way for large development projects, particularly commercial farming ventures. These groups were forcibly resettled far away from basic services like education and health, resulting in children being unable to learn.²⁸³

²⁸⁰ FDRE Ministry of Education & UNICEF Ethiopia Country Office *Study on Situation of Out of School Children in Ethiopia* (2012) p. 92.

²⁸¹ Intended to provide basic education to communities that are mobile for more than four months in a year in mobile schools including tents, and easily moveable simple structures.

²⁸² Aimed at enabling pastoralist children and youth who reside in areas where there are no second cycle primary schools to continue their education.

²⁸³ Minority Groups International 'Ethiopia current issues' (Accessed 27 March 2018).

108. A 2017 guide notes that, by 2013/2014, Handicap International had piloted an approach to inclusive education in six 'cluster schools', accommodating over 700 students with special educational needs, including children with disabilities. The schools were then used to support 30 satellite schools in applying similar educational practices and approaches. Organisations for persons with disabilities were involved in promoting and practising inclusive education for vulnerable groups while children supported this educational process through student parliaments and clubs.²⁸⁴
109. In 2015, the UNCRC welcomed improvements in the education sector including an increase in enrolment rates at primary school level, the development of educational and training programmes for teachers, especially female teachers, measures to promote girls' access to education, and the development and delivery of alternative basic education programmes in rural, pastoral and semi-pastoral regions. The Committee was nevertheless concerned about:
- (a) The lack of national legislation on free and compulsory education;
- (b) The persistent regional disparities in enrolment rates and the high number of school aged children, particularly girls, who remain out of school, as well as the high drop-out rates, the significant low enrolment rates in pre-primary education and secondary education; (c) The scarcity of school facilities to accommodate children's education needs, especially for refugee children, children of displaced indigenous and minority ethnic groups, teenage girls, as well as children with disabilities; and (d) The absence of detailed information on programmes of vocational training for those children and adolescents who leave school.²⁸⁵
110. The World Bank recognized that Ethiopia achieved remarkable results, starting from late 2017, in increasing the number of qualified teachers by investing in their professional development, however, the results of licensing exams showed that quality at entry remained low. Of the 140,435 primary school teachers who took the written exam between 2012/13 and 2015/16, only 22 per cent passed. The World Bank observed that: 'Although teacher presence in Ethiopia compares favourably with other countries in the region, teaching practices are not optimal. Despite teacher content knowledge in Ethiopia being better than other countries in the region and there being no large differences between rural and urban teachers, the Service Delivery Indicator (SDI) survey found serious deficiencies in pedagogical knowledge. In addition, teachers' use of continuous classroom assessment (CCA) to identify learning gaps and address them is not well developed.'²⁸⁶

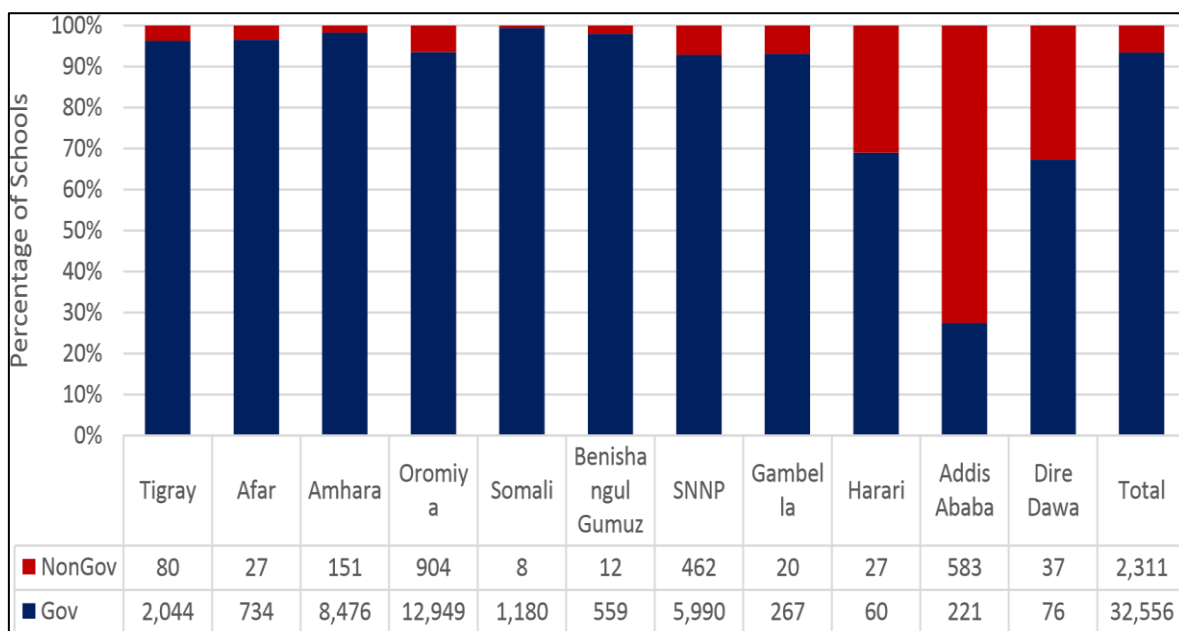
²⁸⁴ UNESCO *A Guide for Ensuring Inclusion and Equity in Education* (2017) p. 29.

²⁸⁵ UNCRC *Concluding Observations* (2015) para. 61(a-d).

²⁸⁶ World Bank *Program Appraisal Document on a Proposed IDA Grant and Multi-Donor Trust Fund Grant for the General Education Quality Improvement Program for Equity (GEQIP-E)* (n.d.) pp. 5–6.

111. According to the Ministry of Education’s 2015/16 annual report, the average pupil-to-teacher ratio in primary schools, (from grade 1 to 8 in Ethiopia) is 46 (54 for grades 1 to 4 and 35 for grades 5 to 8). The Somali region had the highest ratio (75), followed by Oromia (54) and SNNP (50).²⁸⁷ ACPF’s 2016 Child Wellbeing Report also observed that pupil-to-teacher ratios in Ethiopia were high.²⁸⁸
112. In 2015/16, there were 34,867 schools in the country: 32,556 public and 2,311 private. Oromia had the highest number of schools (13,853) followed by Amhara (8,627) and SNNP (6,452). The lowest number of schools were found in Harari (87) and Dire Dawa (113). The house number of private schools were found in Oromia and the fewest were found in Somali region. Addis Ababa had more private schools than public schools.²⁸⁹

Figure 2: Number of government and non-government schools, 2015/16



Source: Ministry of Education Statistics Annual Abstract, 2008 E.C. (2015/16) (2017).

113. In 2011/12, there were around 20.4 million illiterate adults in the country. The Education Sector Development Programme
114. IV aimed to decrease this total by 95 per cent. Significant progress was made, but the target was not achieved. By the end of the programme (2014/2015), about 12 million adults were able to write, read and perform simple arithmetic as a result of participating in the National Adult and Non-Formal Education Strategy which focuses on Integrated Functional Adult Education (IFAE). In 2015/16, 6,903,065 adults took part in IFAE, most

²⁸⁷ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16) (2017)* p. 36.

²⁸⁸ ACPF *African Child Wellbeing Report (2016)* p. 82.

²⁸⁹ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16) (2017)* p. 44.

of them (60 per cent) at level 1 or starter level. The highest number of enrolled adults (43 per cent) were in Amhara region, most of whom (54 per cent) were male.²⁹⁰

115. In all, 22,276 students (12,311 boys and 10,065 girls) have had their education disrupted and 4,297 students (12,392 boys and 11,905 girls) have been displaced with their families, as a result of the floods which occurred in Somali region during April 2018. Additionally, 72 schools and alternative basic education centres were affected by the floods and education supplies were also damaged or washed away by the floods.²⁹¹

²⁹⁰ Ministry of Education *Statistics Annual Abstract, 2008 E.C. (2015/16)* (2017) p. 76.

²⁹¹ UNICEF *Ethiopia Humanitarian Situation Report April 2018* (2018) p. 5.



6. Family environment and alternative care

6.1 Children's place in families and wider society

116. According to the ACPF, in Africa, orphans and children whose parents could not care for them were traditionally absorbed into the extended family.²⁹² Within Ethiopian culture, children were always considered to be the responsibility of the community as a whole. Parenthood was considered as a social responsibility to be fulfilled also by those without genetic ties to the child.²⁹³ In recent decades, the support and protection provided to family members in times of crisis by the extended family structure characteristic of Africa, has been negatively affected by socio-economic changes. Poverty, civil conflict, displacement, environmental disaster and changing patterns of land ownership and use have gradually eroded traditional forms of rural livelihood and lifestyles, exposing many families to significant social and economic stress.²⁹⁴

²⁹² African Child Policy Forum *African Report on Violence Against Children* (2014) p. 43 (hereafter ACPF *African Report on Violence Against Children* [2014]).

²⁹³ Mekonen Y. & Dejene N. *Children's Worlds National Report Ethiopia* (n.d.) p. 1.

²⁹⁴ ACPF *African Report on Violence Against Children* (2014) p. 14.

117. In rural communities, the extended family system and influence of the larger kinship in decisions within the family is much more prevalent than in urban settings where nuclear family structures predominate.²⁹⁵
118. As elsewhere, Ethiopian communities value children highly; they are regarded as the foundation upon which communities are built.²⁹⁶ Yet, children most commonly report experiences of corporal punishment, verbal reprimand and other forms of violence, at home, in schools and within the community.²⁹⁷

6.2 Cultural traditions in relation to families

119. According to the 2016 Demographic and Health Survey, most Ethiopian households were headed by men (75 per cent), with only one in four households headed by women.²⁹⁸ Concerning distribution of the household population, there were over two children under the age of 15 years per household, or nearly half of the total.²⁹⁹ Roughly one in seven 10 and 12-year-old children had their own rooms.³⁰⁰
120. A 2012 study indicated that children as young as 7 years old performed domestic and farm activities. Chores such as fetching water, collecting fire wood, taking care of younger children and supporting mothers in domestic work were done by girls, while boys' employment generated income to support their parents.³⁰¹ In rural areas, female children under 15 years old were three times more likely than male children in the same age group to fetch drinking water (13 versus 4 per cent).³⁰² Half of young adolescent girls spent a minimum of 28 hours weekly on housework compared to 35 per cent of boys.³⁰³
121. The same study described how schoolchildren (boys and girls) worked on farms before and after school and at weekends, especially in rural areas. Such children are either never enrolled in school or eventually drop out due to irregular attendance. The study emphasized that excessive work carried out by girls, due to the double role they assume both at home and on farms, was particularly worrying, being detrimental to their physical, emotional and intellectual development.³⁰⁴

²⁹⁵ Mekonen Y. & Dejene N. *Children's Worlds National Report Ethiopia* (n.d.) p. 4.

²⁹⁶ Mekonen Y. & Dejene N. *Children's Worlds National Report Ethiopia* (n.d.) p. 1.

²⁹⁷ UNICEF *Understanding Children's Experiences of Violence in Ethiopia: Evidence from Young Lives* (2016) pp. 25–39.

²⁹⁸ *Ethiopia Demographic and Health Survey 2016* (2017) p. 13.

²⁹⁹ *Ethiopia Demographic and Health Survey 2016* (2017) p. 13.

³⁰⁰ Mekonen Y. & Dejene N. *Children's Worlds National Report Ethiopia* (n.d.) p. 14.

³⁰¹ FDRE Ministry of Education & UNICEF Ethiopia Country Office *Study on Situation of Out of School Children in Ethiopia* (2012) p. 51.

³⁰² *Ethiopia Demographic and Health Survey 2016* (2017) p. 10.

³⁰³ Stavropoulou M. & Gupta-Archer N. *Adolescent Girls' Capabilities in Ethiopia: The state of the evidence* (2017) p. 28 (hereafter Stavropoulou M & Gupta-Archer N. *Adolescent Girls' Capabilities in Ethiopia* [2017]).

³⁰⁴ FDRE Ministry of Education & UNICEF Ethiopia Country Office *Study on Situation of Out of School Children in Ethiopia* (2012) p. 51.

122. Girls are socialized to accept parental decision-making about their lives, including the timing of their marriage, the choice of marriage partner and, after marriage, their husband's authority.³⁰⁵ According to the 2016 Ethiopia Demographic and Health Survey (EDHS), only 41 per cent of ever-married women aged 15–19, and 47 per cent of women aged 20–24 years, made their own decision to marry.³⁰⁶ DHS data also showed that female genital mutilation/cutting (FGM/C) was generally performed at a young age, with nearly half of women (49 per cent) out of a sample of 15,683 women aged between 15 and 49 cut before the age of five, 22 per cent between the ages of five and nine, 18 per cent between 10 and 14, and 6 per cent aged 15 years or older.³⁰⁷ Younger generations appear to have more gender-equal attitudes, such as increased support for girls' education, later marriage and sharing household tasks and decisions³⁰⁸ (*See also sections 7.4 and 7.5*).
123. Polygamous marriage exists because men are often permitted by custom to take additional and younger brides.³⁰⁹ Among married women, 11 per cent reported that their husbands had multiple wives. Women in rural areas were more likely to report being in a polygynous union than those in urban areas (12 versus 5 per cent). Living in polygynous union is also more likely to be reported among women with no education than women who attended school (14 versus 7 per cent or less). According to EDHS data, polygamy declined from 14 to 11 per cent between 2000 and 2016. Its practice is most prevalent in Somali region (29 per cent) and is just 1 per cent in Amhara region.³¹⁰

6.3 Legislative framework for child protection

124. Legislative measures were taken by the government towards harmonizing national laws with international instruments (*see 2.2 National legislation on children*).³¹¹ Legal reform in 2000, through a revised family law, increased the marriageable age for girls from 15 to 18 years old (the same as that of boys, and in conformity with the Convention on the Rights of the Child). The Ethiopian Constitution, adopted in 1995, resolved the gap in the determination of paternity for children born out of wedlock.³¹² Yet this is contradicted by article 7(2) of the Revised Family Code (2000) which states that '... children born of such relationships [i.e. out of wedlock] shall have a juridical bond only with their mother'.³¹³
125. Family law (2000), the Criminal Code (2005), the Criminal Procedure Law (2016) and the Labour Law (2003) were revised to incorporate provisions that ensure the rights of

³⁰⁵ Stavropoulou M. & Gupta-Archer N. *Adolescent Girls' Capabilities in Ethiopia* (2017) pp. 2–7.

³⁰⁶ *Ethiopia Demographic and Health Survey 2016* (2017) p. 260.

³⁰⁷ *Ethiopia Demographic and Health Survey 2016* (2017) p. 318.

³⁰⁸ Stavropoulou M. & Gupta-Archer N. *Adolescent Girls' Capabilities in Ethiopia* (2017) p. 2.

³⁰⁹ Stavropoulou M. & Gupta-Archer N. *Adolescent Girls' Capabilities in Ethiopia* (2017) pp. 11–12.

³¹⁰ *Ethiopia Demographic and Health Survey 2016* (2017) pp. 65–66.

³¹¹ Ethiopian Constitution art. 9(4).

³¹² Ethiopian Constitution art. 36(4).

³¹³ FDRE The Revised Family Code (2000) art. 7(2).

children. Acts of violence against children were explicitly criminalized. These include sexual violence or rape, child marriage, abduction, FGM and sexual exploitation.³¹⁴

126. According to article 68(b) of the Criminal Code ‘... acts reasonably done in exercising the right of correction or discipline’ are considered as authorized by law and are not punishable as they do not constitute a crime. Similarly, article 576(3), relating to the maltreatment of minors, approves disciplinary measures by parents or persons with similar responsibilities. It considers the measures to be a reasonable exercise of the right of correction or discipline, where it does not contravene the law.^{315 316}
127. A 2016 study on violence recommended the establishment of comprehensive legislation that addresses violence against children in schools and in other settings.³¹⁷ As well as the gaps in legislation discussed (*see 2.2 National legislation on children, paragraph 21*), mandatory reporting of child abuse and neglect for professional institutions working with children is not systematized.³¹⁸ This is a serious gap since mandatory reporting is essential in protecting children from further abuse and responding to the needs of child victims.
128. Legal provisions relating to adoption are covered by the Family Code³¹⁹, while guardianship by biological parents and others is extensively covered under various articles. Parental responsibilities, duties and rights are defined through numerous articles under guardianship.³²⁰ These articles do not mention foster care and the Alternative Childcare Guideline does not mention guardianship in relation to foster care.³²¹ No further information on guardianship could be found.
129. The Ministry of Women, Children and Youth is the government body mandated to coordinate child rights and child protection and responsible for the overarching child protection system and services³²² (*see 2.5 Coordinating body on children’s issues and rights, paragraph 26*). The Children’s Affairs wing of the Ministry, led by a State Minister, has two directorates, one for Child Support and Inspection and the other for Child Protection Mainstreaming and Participation. Expert teams are assigned by the Ministry to raise awareness on children’s rights; ensure the inclusion of children in social, economic and good governance systems in the country; coordinate and monitor the

³¹⁴ The Criminal Code (2005) arts. 620, 647, 589, 565 & 636.

³¹⁵ The Criminal Code (2005) arts. 68(b) & 576(3).

³¹⁶ ACPF *African Report on Violence Against Children* (2014) p. 66.

³¹⁷ UNICEF *Understanding Children’s Experiences of Violence in Ethiopia: Evidence from Young Lives* (2016) p. 12.

³¹⁸ ACPF *African Report on Violence Against Children* (2014) p. 68.

³¹⁹ FDRE The Revised Family Code (2000) arts. 180–196.

³²⁰ FDRE The Revised Family Code (2000) arts. 232 & 233, 262(3), 264–298, 305–309, 312, 315, & 318.

³²¹ FDRE *Alternative Childcare Guidelines on Community-Based Childcare, Reunification and Reintegration Program, Foster Care, Adoption and Institutional Care Service* (2009) pp. 28–38 (hereafter *Alternative Childcare Guidelines* [2009]).

³²² FDRE Proclamation No. 916/2015 (2015) art. 36(1)(a)(b)(l)(j).

implementation of laws and regulations concerning children; and ensure child protection issues are responded to by the responsible sectors.³²³

130. Addressing women and youth affairs in the preparation of policies, laws and development programmes and projects is a common responsibility among ministries.³²⁴ Nationally, the most important institutions are Ministry of Women, Children and Youth, the Committee on the Rights of the Child, the Ministry of Labor and Social Affairs, the National Committee on Trafficking in Women and Children, the National Coordination Body on Violence Against Women and Children and Child Justice, the Ministry of Health, the Ministry of Education, the Ministry of Finance and Economic Development, the Ethiopian Human Rights Commission, the Office of the Ombudsperson for Children, the Federal Attorney General's Office, and the Federal Police Commission.³²⁵ The Parliamentary Standing Committee on Women and Children is another important structure operating at the highest legislative level.³²⁶
131. At regional level, the bureaux of Women and Children's Affairs (WCAs) and in Tigray, the Bureau of Labour and Social Affairs, are responsible for coordinating child rights and child protection activities and implementing child-focused policies and programmes. These bureaux lead the UNCRC Executive Committees. Similar structures are established at zone, *woreda* and *kebele* levels.³²⁷
132. Efforts to put in place a child protection system in Ethiopia were revitalized in 2003, when the country established a self-monitoring mechanism to follow up on the implementation of the Convention on the Rights of the Child.³²⁸ Child protection systems were reported to exist in all regions through the zonal and *woreda* WCA bureaux and offices, with a representative of women's affairs at the *kebele* level. Yet, child-friendly courts are limited to regional and some zonal towns.³²⁹
133. The provision of alternative childcare services is guided by the 2009 Alternative Childcare Guidelines.³³⁰ A draft proclamation developed to amend the Family Code by annulling the articles related to international adoption was passed by parliament in

³²³ Ministry of Women, Children and Youth, Child Care and Support Expert Personal Communication 29 May 2018, Child Care and Support Expert, Personal Communication [29 May 2018].

³²⁴ FDRE Proclamation No. 916/2015 (2015) art. 10(3).

³²⁵ Save the Children *Policy Review Report Relevant to Child Protection and Alternative Care* (2017) pp. 1–2.

³²⁶ UNICEF Ethiopia Office Child Protection Section Chief of Child Protection Personal Communication 22 June 2018.

³²⁷ Ministry of Women, Children and Youth, Child Care and Support Expert Personal Communication 29 May 2018.

³²⁸ Save the Children *Policy Review Report Relevant to Child Protection and Alternative Care* (2017) p. 1.

³²⁹ Ministry of Women, Children and Youth, Child Care and Support Expert Personal Communication 29 May 2018.

³³⁰ *Alternative Childcare Guidelines* (2009).

January 2018.^{331 332} International adoption was banned due to safety concerns for Ethiopian children.³³³

134. In 2015, the United Nations Child Rights Committee (UNCRC) expressed concern that the law does not expressly prohibit corporal punishment in the home and in institutional childcare and day-care centres³³⁴, and over the absence of a national strategy and action plan focusing on alternative family and community-based options for children deprived of a family environment.³³⁵

6.4 Policy and implementing framework for child protection

135. An implementation strategy for the 2017 National Children's Policy was drafted by the Ministry of Women, Children and Youth. The National Children's Policy and the National Social Protection Policy are expected to clearly define the responsibilities of all service providers for promoting the well-being and protection of vulnerable children and their families.³³⁶
136. At the federal level, the Ministry of Women, Children and Youth developed manuals, guidelines and directives to guide the implementation of child rights and protection laws and policies. They include manuals on Child Protection Mainstreaming and Children with Disabilities Mainstreaming; guidelines on Alternative Childcare, Children's Parliaments Establishment, Foster Home Standards and Community-based Childcare Coalition and a Committee on the Rights of the Child Directive.³³⁷ Excepting the Alternative Childcare Guideline, which was revised in 2009, the other manuals and guidelines are not well-developed.³³⁸
137. According to an expert in Oromia region, most orphans and vulnerable children and child victims of violence are being supported within the community through contributions, as at May 2018. Many *idirs* (a form of funeral insurance)³³⁹ provide social services both in urban and rural areas.³⁴⁰ Currently, efforts are being made by the

³³¹ FDRE Revised Family Code (Amendment) Proclamation (no number) (2017).

³³² US Citizenship and Immigration Services 'Adoption Information: Ethiopia'

<https://www.uscis.gov/adoption/country-information/adoption-information-ethiopia> (Accessed 16 June 2018).

³³³ Ministry of Women, Children and Youth, Child Care and Support Expert Personal Communication 29 May 2018.

³³⁴ UNCRC *Concluding Observations* (2015) para. 41.

³³⁵ UNCRC *Concluding Observations* (2015) para. 49.

³³⁶ UNICEF *Ethiopia Annual Report* (2017) p. 45.

³³⁷ Oromia Bureau of Women and Children's Affairs (BOWCA) Child Right Protection & Promotion Expert Personal Communication 31 May 2018 (hereafter Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018).

³³⁸ Amhara Bureau of Women and Children's Affairs (BOWCA) Child Right Protection & Welfare Directorate Director Personal Communication 10 July 2018 (hereafter Amhara BOWCA Child Right Protection & Welfare Directorate Director Personal Communication 10 July 2018).

³³⁹ *Idirs* provide physical, emotional, and financial support during the burial ceremony: in the last few decades they started providing social services to vulnerable groups.

³⁴⁰ Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

government to revitalize this cultural support system through the establishment of the Community Care Coalition (CCC).³⁴¹

138. CCCs are community structures established at the kebele level and headed by the *Kebele* Manager. Members include community leaders and elders, representatives of the business community, *idirs*, health extension workers (HEWs), development agents, the police, representatives of WCAs and non-governmental organisations (NGOs). The role of CCCs is to implement community-level social protection activities by mobilizing resources and to support highly vulnerable families and children.³⁴² Steps taken by the government in 2017 to legalize the CCC as a community structure, supported by UNICEF, included carrying out a study in five regions and drafting a strategic framework and a guideline.^{343 344} In Amhara region, this initiative was realized and the CCC was legalized in 2012 through Regulation No. 92/2012.³⁴⁵
139. In 2017, the number of vulnerable people who benefited from the social protection initiative implemented through the fourth Productive Safety Net Programme (PSNP) reached approximately 8 million. The social protection initiative worked with agriculture, health, nutrition and child protection sectors to ensure sustainable impacts on the most vulnerable children and households.³⁴⁶
140. The Child Justice Project Office (CJPO) was established in 1999 under the Federal Supreme Court, and gradually became involved in the entire child justice system. The CJPO established child-friendly benches within the Federal First Instance Courts to handle cases of child victims, witnesses of crimes and children in conflict with the law (*see 7.1 Children in conflict with the law*).³⁴⁷
141. The National Coordination Body for Multi-Sectoral and Integrated Response to Violence against Children, chaired by the Federal Attorney General, has 18 members including ministries, courts, commissions, regional offices and others (e.g. UNICEF). Among its achievements, it has established one-stop centres³⁴⁸, in two hospitals in Addis Ababa (Ghandi Hospital in 2012 and Minilik Hospital in 2017). The National Coordination Body has shared experiences with sectoral offices at regional level to establish referral pathways and, if possible, one-stop centres.³⁴⁹

³⁴¹ Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

³⁴² Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

³⁴³ UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 29 May 2018.

³⁴⁴ UNICEF Ethiopia Annual Report (2017) p.46.

³⁴⁵ Amhara National Regional State Community Support and Care Coalition Establishment Regulation No. 92/2012 (2012).

³⁴⁶ UNICEF *Ethiopia Annual Report* (2017) pp. 5 & 12.

³⁴⁷ Federal Supreme Court, Child Justice Project Office (CJPO), Acting Coordinator, Personal Communication, 6 June, 2018 (hereafter Federal Supreme Court, CJPO, Acting Coordinator, Personal Communication, 6 June, 2018).

³⁴⁸ A one stop centre is a centre where multiple services are offered.

³⁴⁹ Federal Attorney General's Office Coordination Office Women Children Youth & Cross Cutting Affairs Coordinator Personal Communication 1 June 2018.

142. One-stop centres were also functional in Dire Dawa and Harar.³⁵⁰ In Oromia, one-stop centres were reported operational in all hospitals with inter-sectoral collaboration between the Prosecutors' Office, the police, the courts, health, and WCA offices.³⁵¹ A hotline service was reported to be available and functional in the region³⁵², while in Addis Ababa, agreement with the Police Commission was pending.³⁵³ In Amhara region, two one-stop centres are being established, one in Dessie and one in Bahir Dar.³⁵⁴
143. According to the 2015 Annual Report by UNICEF, the Child Protection Programme continued to support the Government of Ethiopia to strengthen child protection, justice and social welfare systems during the reporting period. This included strengthening the social service workforce, community based structures and justice systems to prevent and respond to all forms of violence against children.³⁵⁵

6.5 Alternative forms of childcare

144. In 2015, the African Committee of Experts expressed appreciation for the Ethiopian Government's efforts to increase domestic adoption. The Committee recommended continued reduction of international adoption and ratification of The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.³⁵⁶
145. Alternative childcare options to place children in need in Addis Ababa include community-based care (sponsorship and kinship care); foster care (emergency, short-term, long-term, and fostering to adopt); reunification and reintegration; local adoption; and, as a last resort, institutional care. According to the Addis Ababa Bureau of Women and Children's Affairs, there are as of 2018, 38 childcare institutions (35 private, 3 governmental), and 13 day-care centres run by NGOs in Addis Ababa.³⁵⁷ Specific information about centres elsewhere in Ethiopia was not found.
146. According to information provided by a government expert in May 2018, an exit strategy to close childcare institutions is being developed³⁵⁸, and a manual to establish day-care services in all government organisations has been prepared at the federal level.³⁵⁹ Reunification of unaccompanied and separated children with their families is carried out

³⁵⁰ UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 29 May 2018.

³⁵¹ Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

³⁵² Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

³⁵³ UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 29 May 2018.

³⁵⁴ Amhara BOWCA Child Right Protection & Welfare Directorate Director Personal Communication 10 July 2018.

³⁵⁵ UNICEF *Ethiopia Annual Report* (2015) p. 37.

³⁵⁶ ACERWC *Concluding Recommendations* (2015) para. 26.

³⁵⁷ Addis Ababa Bureau of Women and Children's Affairs Child Friendly Social Welfare & Child Right Program Coordinator Personal Communication 4 June 2018.

³⁵⁸ Ministry of Women, Children and Youth, Child Care and Support Expert Personal Communication 29 May 2018.

³⁵⁹ Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

after tracing their parents or family members through regional bureaux of WCA (see 8.1 *Return agreements, paragraph 239*).³⁶⁰

147. The 2015 Annual Report (UNICEF) described comprehensive child-friendly social welfare services, including alternative care and family strengthening services that were provided to 71,401 children. A total of 1,229 children (660 male; 569 female) were placed in community-based alternative care and provided with necessary support. During 2015, a social cash transfer programme launched by the Tigray Bureau of Labour and Social Affairs with the support of UNICEF in 2011 and piloted in two woredas (Hintalo Wajirat and Abi Adi), was rolled-out in coordination with Ministry of Labour and Social Affairs and UNICEF.³⁶¹ The social cash transfer programme provides a monthly cash payment to the poorest labour-constrained households with the aim of improving ‘...the quality of life of orphans and vulnerable children, elderly and persons with disabilities and to enhance their access to basic services such as healthcare and education. Specific initial objectives included contributing to the reduction of poverty, hunger, and starvation; increasing school enrolment and attendance; improving the health and nutrition of children and generating information on the feasibility in terms of BOLSA’s capacity to implement and administer such a programme.’³⁶²
148. Recent reforms promote local alternatives for children without parental care, but a formal system of community or family-based alternative care is not yet established.³⁶³ Law enforcement was reported to be weak, and even with sufficient guidance to implement social services, there were coordination gaps. An example of this concerned the mass reunification of street children without considering individual cases.³⁶⁴ Under this process, and after rehabilitation, children are returned to families, which are also offered psychosocial and economic support (when needed). Elshaday, a local NGO, reunified most street children. However, since most children return to the streets, the Ministry is developing a reunification manual to improve the service.³⁶⁵

Information was not available on the number of existing social workers, the extent to which staff working in family homes/shelters or other forms of alternative care are qualified/receiving training and support, how such services are financed, or to what extent the latter has an influence on access to these services.

³⁶⁰ Ministry of Women, Children and Youth Child Care and Support Expert Personal Communication 29 May 2018.

³⁶¹ UNICEF *Ethiopia Annual Report* (2015) p. 37.

³⁶² Berhane, G., et al. *Evaluation of the Social Cash Transfer Pilot Programme Tigray Region, Ethiopia: Endline Report* (2015) (Nairobi: UNICEF). Available at: https://www.unicef.org/evaldatabase/index_90511.html (Accessed 18 September 2018).

³⁶³ ILO *Child Labour Survey* p. 12.

³⁶⁴ Ministry of Women, Children and Youth Child Care and Support Expert Personal Communication 29 May 2018.

³⁶⁵ Ministry of Women, Children and Youth Child Care and Support Expert Personal Communication 29 May 2018.

6.6 Statistics

149. The number of children covered by social protection systems increased from 3.8 million in 2015 to 4.55 million in 2016.³⁶⁶ From June 2017 to May 2018, a total of 78,730 children were supported through the child protection system through the Addis Ababa Bureau of Women and Children's Affairs, excluding children directly supported through subcities and *woredas*.³⁶⁷ A total of 293,088 children were supported through the child protection system in the Amhara region during the 9-month period, from September 2017 to May 2018.³⁶⁸
150. According to a recent government report, 447,683 children received social support and care; 67,844 moved to guardian families; 945 children were adopted within the country; 63 were adopted abroad. A further 2,928 children benefitted from reintegration programmes and 45,808 children from special needs educational support.³⁶⁹
151. Data from EDHS 2016 showed that 1 in 10 children under 18 years old were not living with a biological parent. Seven per cent of them were orphans, with one or both parents dead. The Gambela region had the highest percentage of orphans (13 per cent).³⁷⁰
152. The UN Child Rights Committee regretted the absence of detailed statistical information on children placed in different types of alternative childcare, including community-based care services, and particularly regarding children in vulnerable situations.³⁷¹ Relevant international or regional statistical comparisons were not found for this chapter in relation to childcare.

³⁶⁶ UNICEF *Ethiopia Annual Report* (2016) p.10.

³⁶⁷ Addis Ababa Bureau of Women and Children Affairs, Program Coordinator Personal Communication 4 June 2018.

³⁶⁸ Amhara BOWCA Child Right Protection & Welfare Directorate Director Personal Communication 10 July 2018.

³⁶⁹ FDRE *The 2017 Voluntary National Reviews on SDGs of Ethiopia: Government Commitments, National Ownership and Performance Trends* (2017) p. 15.

³⁷⁰ *Ethiopia Demographic and Health Survey 2016* (2017) p. 13.

³⁷¹ UNCRC *Concluding Observations* (2015) para. 49.



7. Special protection measures

7.1 Children in conflict with the law

Legislation and policy

153. The United Nations Standard Minimum Rules for Administration of Juvenile Justice (or Beijing Rules) ‘... aim at promoting juvenile welfare to the greatest possible extent’. The Beijing Rules state that, while in custody, children must be provided with ‘care, protection and all necessary individual assistance – social, education, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality’.³⁷²
154. As already noted in paragraph 21 and in Table 5, the criminal age of responsibility in Ethiopia is 9. The 2005 Criminal Code incorporates important provisions on the handling of young persons in the justice system. According to article 161(1) of this Code, ‘In all cases where an offence provided by the Criminal Code or the Code of Petty Offences has been committed by a young person between the ages of 9 and 15 years (art. 53) The Court shall order one of the following measures...’ These measures include admission to a curative institute (art. 162), supervised education (art. 163) reprimand (art. 164), school or home arrest (art. 165) and admission to a corrective institution (art. 166).³⁷³

³⁷² UN *Standard Minimum Rules for the Administration of Juvenile Justice or ‘The Beijing Rules’* (1985).

³⁷³ The Criminal Code (2005) arts. 53 & 161-166.

155. In cases where the measures under articles 158–162 have failed to bring about the intended outcomes, the court may sentence the young offender a penalty set out under article 167 and 168 (i.e. fines, imprisonment in a correction institution). The Criminal Code specifies that the penalty of imprisonment may be imposed only when a young offender has committed a serious offence which is normally punishable with a term of rigorous imprisonment of 10 years or more, or with capital punishment (article 168[1][a][b]). It thus stipulates that deprivation of liberty should only be used as measure of last resort. The Criminal Code states ‘A sentence (of death) shall be passed only on a criminal who, at the time of the commission of the crime, has attained the age of 18 years’.³⁷⁴
156. The Criminal Code states that, ‘In the carrying out of penalties entailing loss of liberty the rule of segregation until majority shall be strictly observed’.³⁷⁵ The National Criminal Justice Policy of Ethiopia provides that alternatives to deprivation of liberty should be given priority, that deprivation of liberty should only be used as a measure of last resort. The policy stipulates that a special institution to implement alternative measures will be established at the federal and regional levels.³⁷⁶

Application/implementation

157. The practical application of the law becomes difficult due to lack of specialized institutions for children in conflict with the law and lack of birth certificates. There are only three remand homes, one each in Addis Ababa, Adama and Mekele, in the whole of Ethiopia. Most children do not have birth certificates, exposing even those below 15 years old to the risk of detention in police stations together with adults and even in adult prisons.^{377 378}
158. There are community-based correction centres in all regional towns, except Afar.³⁷⁹ Yet, in Addis Ababa, out of the three such centres located in Arada, Kolfe Keraniyo, and Akaki Kaliti subcities, only the one in Kolfe Keraniyo is still operational. These centres provide supportive and supervision services to children below 15 years old, who are first time offenders for non-serious crimes.^{380 381}
159. A 2014/15 study in Addis Ababa of 749 child offenders (652 male and 97 female) showed that the application of the policy remained poor, even when there were three functioning community correction centres. Only 6 per cent (45 children; 41 male, 4 female) of all children in conflict with the law in Addis Ababa were sent to any of them,

³⁷⁴ The Criminal Code (2005) arts. 158-162, 167-168 & 117.

³⁷⁵ The Criminal Code (2005) arts. 110(2).

³⁷⁶ FDRE *National Criminal Justice Policy* (2011) sec. 6.4.3 & 6.4.4.

³⁷⁷ Federal Supreme Court CJPO Acting Coordinator Personal Communication 6 June 2018.

³⁷⁸ UNICEF Ethiopia Office Child Protection Specialist Personal Communication 1 June 2018.

³⁷⁹ UNICEF Ethiopia Office Child Protection Specialist Personal Communication 1 June 2018.

³⁸⁰ UNICEF Ethiopia Office Child Protection Specialist Personal Communication 1 June 2018.

³⁸¹ Federal Supreme Court CJPO Acting Coordinator Personal Communication 6 June 2018.

while 20.7 per cent (155 children; 139 male, 16 female) went to the remand home. This demonstrated how children in conflict with the law were commonly deprived of their liberty.³⁸²

160. Child Protection Units (CPUs) are established in every police station at the federal level, and then promoted in all regional states, through the collaborative efforts of various government and non-governmental organisations (NGOs). A good practice example in Adama was the establishment of a child helpline service (in 2007) to refer child abuse and violence cases to CPUs. The inclusion of CPUs in the police structure in Addis Ababa, Adama, Dire Dawa and Desse ensured their sustainability. Due to the efforts of the Federal Supreme Court Child Justice Project Office (CJPO), regional police commissions and social affairs authorities, CPUs are now part of the regional police commissions' structure.³⁸³
161. There are 71 child-friendly courts throughout the country established by the CJPO (this excludes such courts established by UNICEF and others). In Addis Ababa, there are child-friendly courts in 9 of the 10 subcities, of which, only 7 handled cases of children in conflict with the law.³⁸⁴ In Oromia region, child-friendly courts are not available at *woreda* levels, and child victims are referred to the zonal level high courts. Financial support is provided for transport costs for vulnerable families and children. Child-friendly courts were available in all 20 zones.³⁸⁵ In Amhara region, child-friendly courts were available in 15 major towns.³⁸⁶
162. CJPO services are supported by a referral network of civil society organisations which provide legal aid and psychosocial services (e.g. rehabilitation, reintegration, temporary shelter, health, education and vocational skills training).³⁸⁷ The Child Legal Protection Centre (CLPC) was incorporated into the CJPO in 2012 to facilitate multi-sectoral services for children in contact with the law.³⁸⁸ Since 2012, 37 government organisations and NGOs have signed memorandums of understanding to provide services to children in contact with the law. In 2018, the CLPC had 52 staff, of whom 39 were social workers. Voluntary services were also provided by pro bono lawyers (*see 2.7 Relevant non-governmental organisations, paragraph 32 & 4.3 Access to legal advice paragraphs 71–73*).³⁸⁹

³⁸² Kumneger G. *A Child Rights-Based Approach to Diversion in Ethiopia: An Analysis of the Community-Based Correction Program in Addis Ababa* (2015) pp. 38–39.

³⁸³ ANPPCAN *Ethiopia Country Report* (2014) p. 14.

³⁸⁴ Federal Supreme Court CJPO Acting Coordinator Personal Communication 6 June 2018.

³⁸⁵ Oromia BOWCA Child Right Protection & Promotion Expert Personal Communication 31 May 2018.

³⁸⁶ Amhara BOWCA Child Right Protection & Welfare Directorate Director Personal Communication 10 July 2018.

³⁸⁷ ANPPCAN Regional Office *Identification and Review of the Roles and Functions of NGOs Working in the Child Justice System and Definition of the Human Resource Needs in Ethiopia: Ethiopia Country Report* (2014) p. 21.

³⁸⁸ These are child victims, and witnesses in criminal cases, children in conflict with the law and children whose interests are affected through civil justice processes.

³⁸⁹ Federal Supreme Court CJPO Acting Coordinator Personal Communication 6 June 2018.

163. With UNICEF support, social workers embedded in the child justice system handled the cases of 1,662 children, 925 at federal level and 737 in Somali Region in 2017. During the same year, the Benishangul-Gumuz Region put all nine social workers on the payroll of the Regional Supreme Court. The Somali Regional Supreme Court did likewise for 54 of the 108 project-supported social workers deployed to child justice facilities across 35 *woredas*. Given the limited number of community-based social workers, preventing and mitigating child protection issues, including gender-based violence, has remained a challenge.³⁹⁰
164. In 2013, the UN Committee on the Rights of the Child (UNCRC) noted that capacity-building, training and support to specialized child protection structures in Addis Ababa, and to regional towns, was provided by several government organisations and NGOs working on child rights and justice. It observed that the number of child-friendly benches was reported to be increasing and that the Federal First Instance Court and the CJPO assigned social workers to facilitate the communication between the child and the court, and to provide emotional and psychological support to the children.³⁹¹
165. A 2014 African Network for the Prevention and Protection of Child Abuse and Neglect (ANPPCAN) report found that the ‘... lack of effective infrastructure and adequate financial and human resources restrict policy implementation and affect the delivery of quality services’ within the Ethiopian child justice system.³⁹² These problems present critical challenges in ensuring the protection of children in general, and especially of those in contact with the law.
166. In 2015, the UNCRC observed that Articles 161–166 of the Criminal Code offer protection only to children up to the age of 15 years. Children between 16 and 17 years old are treated as adults within the justice system and risk ending up in adult prisons. It was concerned at the lack of disaggregated data of children in conflict with the law, the limited psychological and legal counselling services available, and insufficient rehabilitation and reintegration services.³⁹³ The UNCRC also recommended that the government should ‘Expand further the regional presence of the Child Justice Project Office and ensure that adequate human, technical and financial resources are provided’.³⁹⁴
167. No information could be found from the sources consulted regarding whether children who have served sentences are subject to discrimination.

³⁹⁰ UNICEF Ethiopia Annual Report (2017) pp. 46–47 & 51.

³⁹¹ UNCRC *Consideration of the Periodic Reports of Ethiopia* (2013) paras. 74, pp. 292 & 296.

³⁹² ANPPCAN *Ethiopia Country Report* (2014) p. 6.

³⁹³ UNCRC *Concluding Observations* (2015) para. 71.

³⁹⁴ UNCRC *Concluding Observations* (2015) para. 72(g).

Statistics

168. No material was found on the number of children who are in detention, the reasons for which they are detained and specific groups of children overrepresented in the juvenile justice system.

7.2 Child victims of trafficking

Legislation and application

169. Ethiopia has ratified international laws and adopted national legislation to protect children from trafficking, including the relevant optional protocol to the Convention on the Rights of the Child; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons (see 2.2 National legislation on children, paragraphs 18 & 22).
170. There is mandatory reporting in relation to trafficking and smuggling of migrants. Article 16 of the Trafficking in Persons and Smuggling of Migrants Proclamation states 'Any person who knows the commission or the preparation for the commission of any of the crime stipulated under this proclamation shall have the duty to notify the police, any other relevant authority or local administrative organ; and shall have duty to take appropriate measure allowed by law'.³⁹⁵ Children are not specified in relation to mandatory reporting.
171. A recently-developed National Action Plan on Trafficking in Persons and the Smuggling of Migrants is meant to protect children by operationalizing the relevant legislation.³⁹⁶ The country has also developed a National Children's Policy which includes a focus on the protection of children from abuse, trafficking, child labour and harmful practices (see 2.3 National strategies/plans for children, paragraph 23).³⁹⁷
172. In 2015, the Federal Attorney General (earlier the Ministry of Justice), was mandated to chair the National Anti-Trafficking and Smuggling Taskforce, formerly facilitated by the Prime Minister's Office.³⁹⁸ Relevant ministries, international and local NGOs are Task Force members. A referral mechanism was established at the federal level while at the regional level it exists only in some.³⁹⁹

³⁹⁵ FDRE Proclamation No. 909/2015 (2015) art. 16(1).

³⁹⁶ US Department of State 'Trafficking in Persons Report 2017 Ethiopia' <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271186.htm> (Accessed March 19 2018) (hereafter 'USDS 2017 TIP' [Accessed 19 March 2018])

³⁹⁷ FDRE *National children's policy* (2017) sec. 3.8 p.21.

³⁹⁸ Proclamation No. 909/2015 (2015) art. 40(2).

³⁹⁹ Federal Attorney General's Office Human Trafficking and Smuggling of Migrants Task Force Office Senior Public Prosecutor Personal Communication 6 June 2018.

173. Ethiopia remains a Tier 2 country⁴⁰⁰ in the 2017 US Department of State (USDS) report on trafficking in persons (TiP), which indicated that men, women and children are subjected to forced labour and sex trafficking.⁴⁰¹ The country was identified as one among four African countries which are becoming hotspots of child sex tourism.⁴⁰² Factors related to poverty and limited economic opportunities worsen the situation of children from poor families.⁴⁰³ In general, girls are exploited into domestic servitude and commercial sex, while boys are exploited into forced labour – in traditional weaving, construction, agriculture, and street vending.⁴⁰⁴ It is estimated that 411,600 people are living in modern slavery⁴⁰⁵ (0.41 per cent).⁴⁰⁶
174. The 2017 USDS TiP report indicated that the Ethiopian Government increased its anti-trafficking law enforcement efforts. As a result, in 2016, more than 30,000 individuals vulnerable to trafficking, many of whom were minors, were intercepted in the border areas of the country and 640 traffickers were convicted. This was a significant increase from 2015 when there were only 69 reported convictions.⁴⁰⁷
175. There are two migration response centres in Semera, Afar region, and in Metema⁴⁰⁸, Amhara region, operated by the government jointly with an international organisation.⁴⁰⁹ Another such centre exists in Somali region. The migration response centres are mandated to provide humanitarian assistance to abandoned or intercepted migrants. The services provided include: transportation of rescued migrants to temporary reception sites; provision of food, water and overnight accommodation; provision of healthcare and sanitary materials; family tracing and reunification for unaccompanied migrant children; and onward transportation to areas of origin. Disaggregated data (e.g. showing the number of adults and children, male and female victims) was not available, nor even for the raw numbers of victims. The Task Force recently prepared a reporting format to fill this gap. Some centres are child-friendly but, in others, children are kept with adults.⁴¹⁰
176. According to the 2017 Trafficking in Persons Report, staff working in the CPUs in police stations in Addis Ababa and several major cities received training in assisting vulnerable children, including potential trafficking victims. The report also notes that police and civil

⁴⁰⁰ This means that the country does not yet meet minimum standards but the government is making significant efforts to improve the situation.

⁴⁰¹ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴⁰² ACPF *African Child Wellbeing Report* (2016) p. 30.

⁴⁰³ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴⁰⁴ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴⁰⁵ According to the Walk Free Foundation, which produces the Global Slavery Index, there is no legal definition of 'modern slavery' but it includes crimes such as human trafficking, forced labour, forced marriage, and other forms of slavery and servitude.

⁴⁰⁶ Global Slavery Index 2016 *'Ethiopia Country Study'* <https://www.globalslaveryindex.org/country/Ethiopia/> (Accessed 12 April 2018).

⁴⁰⁷ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴⁰⁸ Metema is an Ethiopian border crossing with Sudan.

⁴⁰⁹ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴¹⁰ Federal Attorney General's Office Human Trafficking and Smuggling of Migrants Task Force Office Senior Public Prosecutor Personal Communication 6 June 2018.

service transport workers were trained to recognize child trafficking victims and referred most of those they intercepted to local shelters.⁴¹¹

177. In 2013 a child trafficking committee was set up in Addis Ababa's Mercato Bus Station, in collaboration with the transport authority, Woreda Seven police station, the Forum for Sustainable Child Empowerment (FSCE) and other stakeholders. Unaccompanied children are brought to a central office at the bus station, where they stay in the temporary shelter established by FSCE until they can be reunited with family or other carers.^{412 413}
178. Vigorous preventive efforts have been made to raise public awareness on trafficking. However, investigation and prosecution of sex trafficking and internal forced labour cases are reported to be insufficient, and some government officials have provided identity documents for children, stating their age to be above 18 years old, in return for money. This encourages unsafe irregular migration, exposing children to trafficking, abuse and exploitation. Thus, screening procedures in the distribution of national identification cards and passports also need to improve, to prevent their fraudulent issue.⁴¹⁴
179. The Ministry of Foreign Affairs is following-up the cases of trafficked children, of which nine, who were taken to Libya through Metema and Sudan, will return to Ethiopia soon.⁴¹⁵ The 2017 USDS TiP report indicated that the efforts made by the government were adequate to reduce demand for commercial sex acts, forced labour, or child sex tourism.⁴¹⁶
180. Save the Children International is working in Arba Minch and Gamo Gofa zone on children on the move and child trafficking in collaboration with two NGOs, Retrak and Mission for Community Development Programme (MCDP). Support to strengthen the anti-trafficking efforts of the government is done through capacity development.⁴¹⁷
181. No data was available to the authors regarding the scale of child trafficking or the circumstances under which trafficking takes place, including whether parents, other family members or caregivers might be involved (i.e. complicit or consenting).

⁴¹¹ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴¹² Federal Transport Authority Transport Operation Expert Personal Communication 7 June 2018.

⁴¹³ Bus Drivers Association Representative Personal Communication 7 June 2018.

⁴¹⁴ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴¹⁵ Ministry of Foreign Affairs Director General Personal Communication 6 June 2018.

⁴¹⁶ 'USDS 2017 TIP' (Accessed 19 March 2018).

⁴¹⁷ Save the Children International Ethiopia Office Senior Migration Specialist Personal Communication 31 May 2018.

7.3 Children in armed conflicts

Legislation and application

182. Ethiopia ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in 2014.⁴¹⁸ The 1996 Proclamation, however, to establish 'the Ethiopia Defence Forces does not address the legal age of recruitment. Instead, it states that 'The Military may, in accordance with criteria periodically issued by it, recruit persons fit and willing for military services'.⁴¹⁹
183. In its report to the UNCRC in 2012, the Ethiopian Government stated that the internal regulations of the armed forces have clear criteria for recruitment in accordance with international standards.⁴²⁰
184. No data was found on children recruited into regular army or the armed forces or whether a formal action plan of any kind has been put in place to prevent the recruitment and use of children in armed conflict.

Situation

185. In 2016, with the exception only of Nigeria, Ethiopia was the African country with the largest number of children living in conflict zones (*see 7.10 Internally displaced children*).⁴²¹

7.4 Female genital mutilation and cutting

Legislation and policy

186. The Criminal Code states that, 'Whoever infibulates the genitalia of a woman, is punishable with rigorous imprisonment from three years to five years. If genital mutilation or cutting results in harm to the bodily or health, the law prescribes a more severe penalty, which is rigorous imprisonment from 5 to 10 years'.⁴²² No information was available to confirm the extent to which persons involved in the practice of FGM are legally prosecuted.
187. The target set by the 2011 Growth and Transformation Plan was to reduce child marriage to 0.5 per cent by 2020. The government renewed its commitment to ending

⁴¹⁸ UNCRC *Concluding Observations* (2015) para. 3(a).

⁴¹⁹ Federal Democratic Republic of Ethiopia Defence Forces Establishment Proclamation 27/96 art. 4(1).

⁴²⁰ FDRE *Combined 4th and 5th Periodic Reports of the Federal Democratic Republic of Ethiopia to the United Nations Committee on the Rights of the Child (2006–2011)* (2012) para. 9.2.

⁴²¹ Save the Children International *The War on Children: Time to End Grave Violations against Children in Conflict* (2018) p. 16.

⁴²² The Criminal Code (2005) arts. 566 (1 & 2).



female genital mutilation/cutting (FGM/C) and child marriage by 2025 at the London Girls' Summit in 2014. Key actions taken towards this end included the endorsement of the National Strategy and Action Plan on Harmful Traditional Practices against Women and Children and the establishment of the National Alliance to End Child Marriage and FGM/C.⁴²³

188. 'The fear of teenage pregnancy, fear of stigmatization by the society in case of pregnancy, protecting virginity and unwanted pregnancy and the urge to conform to tradition/religion' are among the deep-rooted factors that drive the rates of FGM/C in Ethiopia. Because religious leaders have a strong influence on the beliefs, attitudes and behaviours of their followers, developmental agencies have worked jointly with faith-based organisations to combat the prevalence of FGM/C (and likewise to prevent child marriage).^{424 425}

⁴²³ UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) p. 15 & 55.

⁴²⁴ UNICEF *Concerted Efforts of to Abandon & CEFM in Ethiopia: A Consolidated Report* (2017) pp. 8 & 55.

⁴²⁵ UNICEF Ethiopia Annual Report (2017) p.10.

Situation

189. Country level data from the 2016 DHS data showed that 47 per cent of girls aged 15–19 years old underwent FGM/C. The rural/urban variation ranged from 15 (urban) to 24 per cent (rural).⁴²⁶
190. From 2005 to 2016, prevalence of FGM/C reduced from 74 to 65 per cent among women aged 15–49 years and from 62.1 to 47 per cent among those aged 15–19 years.^{427 428} The Somali region had the highest prevalence (99 per cent), followed by Afar (91 per cent). Infibulation is also common in Somalia and Afar with a prevalence of 73 and 64 per cent, respectively.⁴²⁹
191. A 2016 study by the Overseas Development Institute (ODI) for UNICEF concluded that integrated approaches utilizing multiple channels and social influence approaches were found to be most effective in preventing FGM/C. These included media campaigns to improve communities' knowledge of the law, norm-shifting community dialogues for parents and potential husbands, empowerment approaches aimed at girls, and economic incentives including the provision of school supplies and tutorial support.⁴³⁰
192. In 2016, care and treatment for FGM/C victims in Somali and Afar regions were provided by a UNICEF supported integrated programme. At the same time, the programme provided awareness on FGM/C and worked with communities to change attitudes towards harmful practices.⁴³¹
193. Information on whether FGM may reoccur after women given birth (or for any other reasons) and whether girls and/or their parents can refuse FGM (and what, if any, discrimination, negative impacts or protection issues may result from such as decision) was not available to the authors.

7.5 Forced and child marriage

Legislation and policy

194. The Revised Family Code sets the minimum age of marriage at 18 years for both sexes. It also covers other issues, including divorce and custody.⁴³² Child marriage is criminalized by the Criminal Code which states that, 'Whoever concludes marriage with a minor apart from circumstances permitted by relevant Family Code is punishable with: a) rigorous imprisonment not exceeding three years, where the age of the victim is 13

⁴²⁶ *Ethiopia Demographic and Health Survey 2016 (2017)* p. 317.

⁴²⁷ Federal Democratic Republic of Ethiopia *Demographic and Health Survey 2005 (2006)* p. 253.

⁴²⁸ *Ethiopia Demographic and Health Survey 2016 (2017)* p. 317.

⁴²⁹ *Ethiopia Demographic and Health Survey 2016 (2017)* p. 317.

⁴³⁰ ODI & UNICEF *Child Marriage in Ethiopia (2016)* p. 31.

⁴³¹ UNICEF Ethiopia Annual Report (2016) p. 9.

⁴³² FDRE The Revised Family Code (2000) art. 7(1 & 2).

years or above; or b) rigorous imprisonment not exceeding seven years, where the age of the victim is below 13 years'.⁴³³

195. The Ethiopian Government signed the global commitment, at the 2014 Girl Summit in London, to achieve the total elimination of early and forced marriage by 2025 (see 7.4 *Female genital mutilation and cutting, paragraph 185*).⁴³⁴
196. Please note that information on the legal age of marriage and the age of sexual consent is provided in section 2.10 (Table 5) and information on the difference in legal age of marriage for girls and boys is addressed in paragraph 192. Further information on the challenges vis-à-vis adherence to the standard/ legal age of marriage is provided in paragraphs 60, 61, 194 and 195.

Situation

197. A 2016 study on child marriage in Ethiopia categorized the main types of child marriage as: arranged, via abduction, or by free-choice.⁴³⁵ 'Telefa is a traditional Ethiopian practice by which a man kidnaps, hides and rapes a girl and then, as the father of her unborn child, can claim marriage'.⁴³⁶ In Ethiopia, since girls marry much younger than males, on average girls marry men who are seven years their senior.⁴³⁷
198. The Ethiopian Government has undertaken legal, institutional and strategic measures against child marriage; by recognizing its negative consequences: from interrupted schooling, to maternal deaths, to intergenerational poverty. Evidence suggests that girls who migrate, internally or externally, put themselves into situations of grave risk of being married as a child.⁴³⁸

Statistics

199. The 2016 report highlighted regional variations in hotspot areas drawing on 2007 census data. Amhara, with over a quarter of all girls between 15 and 17 years old who had ever been married, stood out compared to only 16 per cent of Somali, and 11 per cent of Afar, girls of the same age. Youngest girls are most at risk in Gambela, where over 16 per cent of those aged 10-14 years old had ever been married, against under 10 per cent in Amhara, and 5.5 per cent in Afar.⁴³⁹

⁴³³ The Criminal Code (2005) art. 648 (a & b).

⁴³⁴ UNICEF *Updated National Equity Situation Analysis for Ethiopia* (2015) p. 55.

⁴³⁵ ODI & UNICEF *Child Marriage in Ethiopia* (2016) p. 11.

⁴³⁶ African Union *Campaign to End Child Marriage in Africa: The Effects of Traditional and Religious Practices of Child Marriage on Africa's Socio-Economic Development* (2015) p. 11.

⁴³⁷ ODI & UNICEF *Child Marriage in Ethiopia* (2016) p. 15.

⁴³⁸ ODI & UNICEF *Child Marriage in Ethiopia* (2016) pp. 6 & 28.

⁴³⁹ ODI & UNICEF *Child Marriage in Ethiopia* (2016) p. 20.

200. From 2011 to 2016, child marriage declined from 63 to 58 per cent, and the median age at first marriage for 25–49 year olds increased slightly, from 16.5 to 17.1 years.⁴⁴⁰ Despite a strong legal framework that makes marriage illegal below 18 years old, ending the practice has been challenging. As a report from UNICEF describes it, ‘... child marriage continues to be seen by many as the best way to preserve girls’ – and therefore families’ – honour and place in the community’.⁴⁴¹

7.6 Domestic violence

Legislation

201. The Criminal Code stipulates that any physical violence endangering a person’s life or permanently jeopardizing his/her physical or mental health ‘... is punishable, according to the circumstances of the case and the gravity of the injury, with rigorous imprisonment not exceeding 15 years, or with simple imprisonment for not less than one year’.
202. There is no specific article in the Criminal Code criminalizing domestic violence, including violent acts perpetrated against children. The Family Code states that the guardian of a minor may be removed by the court where the minor does not receive the care which his condition requires. It also stresses that the court should take extreme caution before declaring the removal of the mother or of the father or of the other ascendants as guardians or tutors of their children.⁴⁴²
203. On the other hand, the Criminal Code approves disciplinary measures by parents, or persons in similar responsibilities (*see 6.3 Legislative framework for child protection, paragraph 127*).⁴⁴³ Corporal punishment at home is not prohibited and is a widely-accepted practice (*see 2.2 National legislation on children, paragraph 19; 4.5 Legal protections against torture and degrading treatment, paragraph 76 and 6.1 Children’s place in families and wider society, paragraph 118*).⁴⁴⁴
204. In relation to adoption, the Family Code states that the court has the power to confirm that the adopter will handle the adopted child as his own child and will not abuse the child.⁴⁴⁵ The court may revoke the adoption if the adopter handles the child as a slave, or in conditions resembling slavery, or makes him/her engage in immoral acts for gain, or handles the child in any other manner that is detrimental to their future.⁴⁴⁶

⁴⁴⁰ *Ethiopia Demographic and Health Survey 2016* (2017) p. 67.

⁴⁴¹ ODI & UNICEF *Child Marriage in Ethiopia* (2016) pp. 31 & 35.

⁴⁴² FDRE *The Revised Family Code* (2000) arts. 245(1 & 2) & 247(1).

⁴⁴³ The Criminal Code (2005) art. 68(b).

⁴⁴⁴ UNICEF *Understanding Children’s Experiences of Violence in Ethiopia* (2016) pp. 24–39.

⁴⁴⁵ FDRE *The Revised Family Code* (2000) art. 194(e).

⁴⁴⁶ FDRE *The Revised Family Code* (2000) art. 195(2).

Situation

205. According to the African Child Policy Forum, the prevalence of psychological and emotional abuse within home or family settings varies with attitudes and judgements concerning its perpetration. Ethiopian children reported an overall prevalence of domestic violence at 53 per cent, and 40 per cent of 11–17 year olds said they had experienced at least one form of physical punishment at home in the 12 months preceding the survey carried out in 2012.⁴⁴⁷
206. A 2016 study on children’s experiences of violence indicated that children respond to violence at home in different ways. These feelings range from accepting the punishment as a justified act, to fearing, avoiding or hating the person beating or insulting them. Some children reported that they felt guilty while some expressed a sense of helplessness.⁴⁴⁸
207. A UNICEF report in 2017 showed that children exposed to domestic violence are more likely to act aggressively towards peers or siblings; and carry violence into adulthood, as either victims or perpetrators. Children who witness domestic violence might also develop attitudes about its acceptability within the family and close relationships, and may pass it down to their children, perpetuating the cycle of violence.⁴⁴⁹

7.7 Child labour

Legislation

208. Although Ethiopia does not yet have exclusive legislation to protect children against child labour, the Constitution and the primary laws of the country, especially the Civil Code, the Criminal Code, the Revised Family Code and the Labour Proclamation do contain such provisions.⁴⁵⁰ The legal consequence of treating a child as a slave is mentioned in relation to adoption (*see 7.6 Domestic violence, paragraph 199*).
209. The Labour Proclamation explicitly prohibits the employment of children below 14 years old. It gives special protection for child workers between 14 and 18 years old. The labour law sets the maximum working hours for young workers at seven hours a day and prohibits the employment of young workers for night work, overtime work and work on weekly rest days and on public holidays.⁴⁵¹

⁴⁴⁷ ACPF *African Report on Violence Against Children* (2014) pp. xii, 32.

⁴⁴⁸ UNICEF *Understanding Children’s Experiences of Violence in Ethiopia* (2016) pp. 40–41.

⁴⁴⁹ UNICEF *A Familiar Face: Violence in the Lives of Children and Adolescents* (2017) p. 21.

⁴⁵⁰ International Labour Organization (ILO) & Central Statistical Agency (CSA) *Ethiopia National Child Labour Survey* (2015) p. 28 (hereafter ILO & CSA *Ethiopia National Child Labour Survey* [2015]).

⁴⁵¹ Federal Democratic Republic of Ethiopia (FDRE) Labour Proclamation No. 377/2003 (2003) arts. 89 & arts. 90-91 (hereafter FDRE Proclamation No. 377/2003 (2003)).

210. The Ministry of Labour and Social Affairs is planning to improve the Labour Proclamation by increasing the minimum age for employment from 14 to 15 years.⁴⁵²

Situation

211. A 2015 International Labour Organization (ILO) survey on child labour in Ethiopia indicated that 42.7 per cent of children aged between five and 17 years old were engaged in child labour.⁴⁵³ This was much higher than a UNICEF 2010–16 estimate of 27 per cent (31 per cent male; 24 per cent female).⁴⁵⁴ The ILO survey distinguishes between child work and child labour, defining the latter as the engagement of children in prohibited work. Children involved in child work attend school and do not engage in hazardous work. The survey found that 26.8 per cent⁴⁵⁵ of children were working (boys 31.3 per cent; girls 21.8 per cent).⁴⁵⁶ According to a study by Young Lives, children consider work as an integral part of their lives and accept that the benefits to themselves and their families outweigh the risks.⁴⁵⁷
212. The ILO survey showed that, among those engaged in child labour the proportion of children living in rural areas was higher (48.8 per cent) compared to those in urban areas (14.7 per cent). The highest percentage was found in the northern regions of Amhara (54.9 per cent), Afar (46.2 per cent) and Tigray (42.8 per cent) including Oromia (46.7 per cent).⁴⁵⁸
213. The prevalence rate of hazardous work among children aged 5 to 17 years old was 23.3 per cent (28.0 per cent boys; 18.2 per cent girls) and in urban areas it was 9.2 per cent, versus 26.4 per cent in rural areas. The survey also indicated that boys were more likely than girls to be engaged in child labour (boys 50.2 per cent; girls 34.5 per cent). Children worked about 19.5 hours a week; and 71 per cent of all children aged 5 to 17 years were engaged in household chores in their own homes (girls 79.3 per cent; boys 63.5 per cent).⁴⁵⁹
214. No information was found on child slavery, debt bondage, forced or compulsory labour and the use of children in procuring pornography or offering of a child for prostitution.

⁴⁵² Ministry of Labour and Social Affairs Operational Safety & Health Coordinator Personal Communication 1 and 11 June.

⁴⁵³ ILO & CSA *Ethiopia National Child Labour Survey* (2015) p. xii.

⁴⁵⁴ UNICEF *State of the World's Children 2017* (2017) pp. 1 & 182.

⁴⁵⁵ The ILO/CSA survey quoted erroneously states 28.6 per cent but this figure does not match the product of its percentages for boys and girls – which is 26.8 per cent.

⁴⁵⁶ ILO & CSA *Ethiopia National Child Labour Survey* (2015) pp. 1 & 76.

⁴⁵⁷ Young Lives *Children's Work and Labour in East Africa – Work in Children's Lives in Ethiopia: Examples from Young Lives Communities (Chapter 2)* (2015) p. 72.

⁴⁵⁸ ILO & CSA *Ethiopia National Child Labour Survey* (2015) pp. 63 & xii.

⁴⁵⁹ ILO & CSA *Ethiopia National Child Labour Survey* (2015) pp. 65, 62, 75 & 42.

7.8 Children living and/or working on the streets

215. A 2012 study by the African Child Policy Forum (ACPF) indicated that the three most commonly perceived problems of children in the streets were lack of access to food (66.7 per cent), violence (56.7 per cent), and lack of access to education (42.4 per cent). Other perceived problems included health problems (41.6 per cent), police arrests (29.3 per cent), lack of family attachment (28.1 per cent), community disapproval/stigma (23.4 per cent), robbery (23.1 per cent). The study identified five types of hazardous situations faced by children in the streets: exposure to people abusing drug and alcohol in the streets, verbal altercations, hand-to-hand fighting, fighting with weapon/s, and murder.⁴⁶⁰
216. The prevalence of physical, mental and psychological violence against children living or working in the street was found to be as high as 87 per cent in Ethiopia. Fourteen per cent of female street children reported that they have experienced forced sex. Street children face danger from gangs and competitors, face hostility from the public, shopkeepers and police, and are stigmatized.⁴⁶¹
217. According to the African Report on Violence against Children, there are cases of children with disabilities being forced by their families to beg on the street and who may be routinely subjected to violence to keep them there, where they also face abuse by the public. A 2014 multi-country study conducted by the ACPF in Ethiopia, Cameroon, Senegal, Uganda and Zambia showed that, on average, children with disabilities were nearly twice as likely to suffer abuse as their non-disabled peers.⁴⁶²
218. Prevention and protection services for street children are mainly provided via programmes run by NGOs and community-based organisations (CBOs). These services include basic services, health, education, vocational skills training, rehabilitation and reintegration. A study on the situation of street children in Ethiopia carried out in 2012 reported that, of 2,707 child respondents, those who received support from NGOs and CBOs amounted to only 136 and 99 respectively.⁴⁶³ This clearly showed that a very small proportion of street children have access to social services.
219. The same study indicated that, among the children who said that they received support from NGOs, more than half were provided with basic services such as food and clothing. Those who received school materials amounted to over one quarter of the children. The three main types of support provided to street children by CBOs were food items or meals, clothing and shelter. However, most children who reported receiving support

⁴⁶⁰ African Child Policy Forum *Violence Against Children Living and/or Working in the Streets in Ethiopia* (2012) pp. 26 & 33–34.

⁴⁶¹ ACPF *African Report on Violence Against Children* (2014) pp. 39–41.

⁴⁶² ACPF *African Report on Violence Against Children* (2014) p. 49.

⁴⁶³ Save the Children UK *Situational Analysis on Street Children in Ethiopia* (2012) pp. 97–103.

from NGOs, and over two thirds who did so from CBOs said that these services did not adequately address their needs.⁴⁶⁴

220. Reintegration services are provided by the Addis Ababa Bureau of Women and Children's Affairs in collaboration with the Addis Ababa Bureau of Labour and Social Affairs and NGOs. A total of 239 children living on the street were rounded-up on June 1, 2018 and admitted to the rehabilitation centre run by Elshaday Relief and Development Association. Most (194) were from SNNPR, with 41 from Amhara region and 4 from Tigray.^{465 466}
221. Round-ups take place once every three or four months. In the rehabilitation centre children go through a three months' rehabilitation and are then reunified and/or reintegrated back to their places of origin. Among the 35 Addis Ababa NGOs working on children's issues, a few work on the rehabilitation of street children. They are Retrak, Elshaday, MCDP, Child Cross Connection and Don Bosco; and shelter is provided by all five.⁴⁶⁷
222. Goal Ethiopia provides rehabilitation and reintegration services with economic support for children living and/or working on the street, and special consideration is given to young street mothers. The target of Goal Ethiopia for 2018 is to provide services for 4,000 street children.⁴⁶⁸

⁴⁶⁴ Save the Children UK *Situational Analysis on Street Children in Ethiopia* (2012) pp. 97–103.

⁴⁶⁵ Addis Ababa Bureau of Women and Children's Affairs Child Friendly Social Welfare & Child Right Program Coordinator Personal Communication 4 June 2018.

⁴⁶⁶ Addis Ababa Bureau of Labour and Social Affairs Labour Exchange Regulation and Support Officer Personal Communication 11 June 2018.

⁴⁶⁷ Addis Ababa Bureau of Women and Children's Affairs Child Friendly Social Welfare & Child Right Program Coordinator Personal Communication 4 June 2018.

⁴⁶⁸ Goal Ethiopia Acting Rural Urban Development Manager and Empowerment and Protection Advisor Personal Communication 30 May 2018.



7.9 Refugee children

223. As of 30 April 2018, there were over 915,073 registered refugees and among these, 521,592 were children.⁴⁶⁹ In the different refugee camps throughout the country, there were 44,873 registered unaccompanied or separated children in March 2018. Twenty-five per cent of all children in the refugee camps in Tigray region were separated from their primary caregivers. Table 10 shows the distribution of refugees in camps in Ethiopian regions in March 2018.⁴⁷⁰

Table 10: Numbers of refugee children in Ethiopia in March 2018

Region	Total No. of Refugee Children in the Camps	% of Children of the Total Refugees in the Camp/s
Gambela	224,125	53.5%
Somali	163,032	63.1%
Benishangul-Gumuz	37,087	58.2%

⁴⁶⁹ UNHCR *Situational Update Ethiopia April 2018* (2018).

⁴⁷⁰ UN High Commissioner for Refugees *Child Protection Fact Sheet March 2018* (2018).

Afar	21,849	57.0%
Tigray	15,491	38.6%
Addis Ababa	7,238	33.4%
Source: UNHCR, 2018. Child Protection Fact Sheet - Ethiopia, March 2018		

224. Altogether, 21,632 refugees resided in the capital Addis Ababa as ‘urban refugees’. Of the total urban refugee population, 16,311 (75.4 per cent) were Eritrean refugees who are beneficiaries of the Government’s Out-Of-Camp Policy⁴⁷¹. Of these, 780 were children who arrived alone or were separated from their parents or relatives during their flight.⁴⁷²
225. Poverty, lack of economic opportunities and pressure from family, peers, transport operators and brokers/smugglers are among the major factors driving children to become migrants or refugees.^{473 474 475}
226. No information was found on the number of children who fled from Ethiopia, with or without their family, and the countries they fled to.
227. The Administration for Refugee and Returnee Affairs (ARRA) is the government counterpart of UNHCR in Ethiopia. ARRA, with support from UNHCR, is the lead agency coordinating refugee assistance interventions in Ethiopia and working to protect refugees.
228. In the refugee camps located in Tigray region, there were around 4,700 unaccompanied and separated children present at the end of April 2018. Children comprised around 40 per cent of the total Eritrean refugee population present in the camps, while 50 per cent of unaccompanied and separated children live in non-family care. According to the UNHCR, the continuing influx of this group of children, as well as their onward movement, poses a specific challenge in the operation of the camps.⁴⁷⁶
229. An average of around 300 unaccompanied and separated children move onwards in any given month. Children are driven to move due to various reasons including: the desire to reunify with relatives abroad; to earn an income to support their family members; to access better educational services, or to escape feelings of ‘hopelessness’ developed

⁴⁷¹ Ethiopia made pledges at the September 2016 Leaders’ Summit on Refugees which included offering local integration to some refugees (UNHCR Ethiopia factsheet February 2018 (2018)).

⁴⁷² UNHCR *Ethiopia: Urban Refugees Factsheet March 2018*.

⁴⁷³ ‘USDS 2017 TIP’ (Accessed 19 March 2018).

⁴⁷⁴ Food and Agriculture Organization *Addressing rural youth migration at its root causes: a conceptual framework* (2016) pp. 1–2.

⁴⁷⁵ RMMS *Young and on the move: children and youth in mixed migration flows within and from the Horn of Africa* (2016) pp. 31–40 (hereafter *RMMS Young and on the move*).

⁴⁷⁶ UNHCR *Child Protection Briefing Note May 2018* (2018).

during their stay in camps. While some movements are into Ethiopian urban centres, the majority journey to Sudan and onwards while others attempt to return to Eritrea.⁴⁷⁷

230. A 10-month survey in 2018 of newly arrived unaccompanied and separated children at Endabeguna camp indicated that about 80 per cent of those from Eritrea have relatives outside Eritrea, 35 per cent in Europe, 35 per cent in Ethiopia, 15 per cent in Israel, and 15 per cent elsewhere. The survey also found that 30 per cent of this group of Eritrean children have a mother or father abroad, with 50 per cent of these parents in countries that could potentially support family reunification for biological children (mainly in the Netherlands, Germany, Norway, Sweden, Switzerland).⁴⁷⁸
231. Shire is a camp of the young. There are unaccompanied and separated children as young as four years old. Group shelter or group care arrangements are in place to care for these children because foster care could not be arranged. The refugees came from Eritrea, planning to move onwards. There are child-friendly spaces in the camps, but not sufficient to serve all the children.⁴⁷⁹
232. A UNHCR report (2018) indicated that 60 per cent of Eritrean refugee unaccompanied and separated children who move onwards from camps each year were exposed to smuggling, trafficking and sexual and gender-based violence.⁴⁸⁰ According to an analysis of such children who returned to the camps after onward movement, rates of sexual abuse, physical abuse and psychosocial issues were 10 times higher among this group compared to other children. Studies have indicated that unaccompanied and separated children living in family-based care are almost 30 per cent less likely to move onward from the camps than unaccompanied children living in non-family-based care. A key child protection priority is therefore to promote family-based care arrangements. At the end of April 2018, 50 per cent of all care arrangements in the camps were family-based, a significant increase from the 35 per cent reported at the end of 2016.⁴⁸¹
233. UNHCR preliminary data on the school enrolment rate (SER) showed that refugee children in primary schools increased from 118,275 in 2016/17 to 132,563 in the 2017/2018 academic year. In the same period, the elementary SER among refugee children was 72 per cent (close to the 75 per cent government target). Likewise, the secondary SER increased from a mere nine per cent in the previous academic year to 12 per cent. The gaps reported in relation to the provision of education in Ethiopia included: lack of classroom space, trained teachers, quality classroom materials, including books, scientific implements and stationary materials, as well as high teacher to student ratio (1:80).⁴⁸²

⁴⁷⁷ UNHCR *Child Protection Briefing Note May 2018* (2018).

⁴⁷⁸ UNHCR *Child Protection Briefing Note May 2018* (2018).

⁴⁷⁹ UNICEF Office in Tigray Child Protection Specialist in Tigray Personal Communication 7 June 2018.

⁴⁸⁰ UNHCR Ethiopia *Fact Sheet February 2018* (2018).

⁴⁸¹ UNHCR *Child Protection Briefing Note May 2018* (2018).

⁴⁸² UNHCR Ethiopia *Fact Sheet May 2018* (2018).

234. In 2017, the decision of the Ethiopian Government to extend the national birth registration system to refugee children born in Ethiopia was a positive development.⁴⁸³
235. The number of children in Gambela is large, with 65 per cent of all registered refugees, 10 per cent (about 22,000) of whom are unaccompanied and separated children. Save the Children, Plan and Danish Refugee Council provide education, health and other services including alternative care, mostly foster care. The movement of children from camp to camp to look for family members has been challenging, as has child marriage (for all children, not only unaccompanied and separated ones).⁴⁸⁴ Girls are exposed to child marriage since parents have used it as a coping mechanism to marry off their young – 9 and 10-year-old – daughters.⁴⁸⁵ Onward movement was reported to be minimal in Gambela camps with only one per cent of the refugees there applying for asylum. Most refugees hope to return to South Sudan or Sudan when their situations allow.⁴⁸⁶
236. Plan International has been supporting refugees in six camps in Gambela starting since 2014, five in Benshangul Gumuz since May 2017 and urban refugees in Addis Ababa and Shire since 2017. Unaccompanied and separated children are exposed to violence. Child-friendly spaces have been built and awareness-raising on parenting has been provided.⁴⁸⁷
237. Between August 2017 and April 2018, the International Rescue Committee provided services to refugees and IDPs. During the same period, the organisation was building the capacity of staff from Bureaus of Women and Children’s Affairs (WCAs) to strengthen case management, service mapping and referral pathways. An assessment on internally displaced persons carried out in 2017 indicated that unaccompanied and separated children have been exposed to economic problems and child labour. There are schools in the camps but some children are forced to choose work over school. Safe spaces exist and alternative care arrangements for unaccompanied and separated children are carried out through referrals. Training on positive parenting is provided to the community.⁴⁸⁸
238. According to UNHCR, the key child protection challenges relating to unaccompanied and separated children (referred to as UASC in the quote below) are:

‘Onward movement of children, particularly of UASC, and the risks of smuggling, trafficking and kidnapping; Providing family-based care for UASC is a challenge where

⁴⁸³ UNHCR *Child Protection Briefing Note May 2018* (2018).

⁴⁸⁴ UNICEF Office in Gambella Child Protection Officer Personal Communication 7 June 2018.

⁴⁸⁵ International Rescue Committee (IRC) Assistant Child Protection Coordinator Personal Communication 11 June 2018.

⁴⁸⁶ UNHCR Ethiopia Office Child Protection Officer Personal Communication 8 June 2018.

⁴⁸⁷ Plan International Ethiopia Office Program Specialist for South Sudanese Refugee Response Personal Communication 30 May 2018.

⁴⁸⁸ International Rescue Committee (IRC) Assistant Child Protection Coordinator Personal Communication 11 June 2018.

the majority of the population are young (72% under 25 years), single and also moving onwards, resulting in the reliance on community-based small-group care ('community care'); Concern over the long-term psychosocial impact for unaccompanied children living in non-family-based care; Voluntary separation occurs between children and families hoping to access better services in community care; Limited durable solutions available for children and currently no facilitated return to Eritrea is possible; and idleness and sense of hopelessness among youth due to very low enrolment in secondary education'.⁴⁸⁹

7.10 Internally displaced children

239. A 2017 report on internal displacement in Ethiopia indicated that the Ethiopian legal system does not specifically protect internally displaced persons (IDPs), and that the country did not yet ratify the African Union's Kampala Convention, which offers protection specifically tailored to the needs of IDPs. Internal displacement is highly correlated with human trafficking⁴⁹⁰, and better protection of IDPs is needed, especially for children (*see Box 1: International/regional treaties not accessed/ratified in Ethiopia*).
240. According to IOM's most recent Displacement Tracking Matrix (DTM) data set, there were 1,776,685 IDPs as at the second week of June 2018, of which children (5-14 years) amounted to 461,779 (26 per cent). Conflict was identified as the primary driver of internal displacement, followed by climate-induced factors.⁴⁹¹ A report on displacement from Ethiopia defined the main factors driving internal displacement as being the ethnic federal structure, the persistent threat of famine, and ethnic conflicts.⁴⁹²
241. IDPs are mostly displaced from Somali, Oromia, Afar, Gambela, Amhara and Tigray. There is ongoing displacement due to the Gedeo and W. Guji conflict.⁴⁹³ The National Disaster Risk Management Commission estimated 527,263 people were displaced from West Guji zone to Gedeo zone alone; while some 170,467 people were displaced in West Guji zone.⁴⁹⁴ Since December 2017, of almost 1.69 million IDPs, 1 million were displaced by conflict along the Somali-Oromia regional borders, and more than 528,000 due to climate change.⁴⁹⁵ The DTM indicated that persons displaced by these factors were settled in 916 sites across the country (SNNPR sites are not covered by DTM). Over 1.2 million IDPs (70 per cent) had been displaced by conflict or societal tensions.⁴⁹⁶

⁴⁸⁹ UNHCR *Child Protection Briefing Note January 2018* (2018).

⁴⁹⁰ Maru M. *Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia* (2017) pp. 29 & 32.

⁴⁹¹ Displacement Tracking Matrix *Ethiopia National Dashboard Round 9: January to February 2018* (2018).

⁴⁹² Maru M. *Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia* (2017) p. 6.

⁴⁹³ UNHCR Ethiopia Office IDP Protection Consultant Personal Communication 12 June 2018.

⁴⁹⁴ UNOCHA *Ethiopia West Guji – Gedeo Conflict Displacement Flash Update 4* (2018) p. 1.

⁴⁹⁵ UNICEF *Ethiopia Humanitarian Situation Report January 2018* (2018).

⁴⁹⁶ UNOCHA *Ethiopia: Conflict-induced Displacement* (2018).

242. Children are among the most vulnerable IDPs. There have been many reports on unaccompanied and separated children during displacement. The overwhelming nature of displacement means that families resort to negative coping mechanisms (e.g. child marriage, not sending children to school, or child labour). Some children are stressed by the challenges at the time of emergency and displacement. Rape and other assaults are also reported during displacement.⁴⁹⁷
243. Estimates by the 2018 UN Office for the Coordination of Humanitarian Affairs show that at least 93,000 conflict-displaced school-aged children in Oromia and Somali regions had their schooling interrupted due to displacement⁴⁹⁸. With UNICEF support, a multi-agency team from the Bureau of Women and Children's Affairs (BOWCA), International Red Cross and Disaster Relief Commission registered 202 unaccompanied and separated children in the Somali region.⁴⁹⁹
244. In February 2018, the Oromia BOWCA identified 267 separated and unaccompanied children. Of these, 119 were reunited with their families, and psychosocial support was provided to 491 children in the IDP settlement sites. The Bureau reached 500 community members with key messages on violence prevention and the protection of children through community awareness campaigns. Fifty-two (47 girls and five boys) cases of sexual and physical violence against children were reported in the IDP settlement sites in Oromia, for whom appropriate referrals to services were made.⁵⁰⁰
245. In 2018, it was reported that, with support from UNICEF, BOWCA identified 107 (52 girls, 55 boys) unaccompanied and separated children in 12 woredas hosting IDPs in Oromia. Of these, 28 (three girls, 25 boys) were reunified with their families/primary caregivers and 33 children (all boys) were placed in community-based care. In the same region, 1,211 children (554 girls, 657 boys) received psychosocial support through child-friendly spaces.⁵⁰¹
246. In some cases, internally displaced children did not access education and health services. The reasons range from unavailability of school facilities in the displacement area, families being unable to afford to send children to school or through lack of documentation. Families often lose documents during displacement and documentation may be a requirement to allow internally displaced children into school.⁵⁰²

⁴⁹⁷ UNHCR Ethiopia Office IDP Protection Consultant Personal Communication 12 June 2018.

⁴⁹⁸ UNOCHA Ethiopia: Conflict Displacement January 2018 (2018).

⁴⁹⁹ UNICEF *Ethiopia Humanitarian Situation Report February 2018* (2018).

⁵⁰⁰ UNICEF *Ethiopia Humanitarian Situation Report February 2018* (2018).

⁵⁰¹ UNICEF *Ethiopia Humanitarian Situation Report April 2018* (2018) p. 4.

⁵⁰² UNHCR Ethiopia Office IDP Protection Consultant Personal Communication 12 June 2018.

247. The IOM have reported that, of 461,779 children, aged five to 14 years old, in all regions where site assessments were conducted during the second week of June 2018, 358,315 children (77.59 per cent) had primary education access, but 102,134 (22.12 per cent) did not. For health facilities, 385,596 children (84 per cent) had access and 76,183 children (16 per cent) did not.⁵⁰³ Detailed data disaggregated by region is presented in the tables below. The data was not disaggregated by sex.

Table 11: Access to health services by region

Access	Yes	No	Grand total
Addis Ababa	1,543		1,543
Afar	12,390	2,225	14,615
Amhara	1,535	107	1,642
Dire Dawa	3,232		3,232
Gambella	3,822		3,822
Hareri	904		904
Oromia	171,742	34,600	206,342
Somali	185,187	38,380	223,567
Tigray	5,241	871	6,112
Grand Total	385,596	76,183	461,779

Source: IOM, 2018. DTM IDP Children Data Access to Services, June 14, 2018

Table 12: Access to primary education by region

Access	Yes	No	Unknown	Grand total
Addis Ababa	1,543			1,543
Afar	12,648	1967		14,615
Amhara	1,494	148		1,642
Dire Dawa		3232		3,232
Gambella	3,822			3,822
Hareri	904			904
Oromia	153,035	53307		206,342
Somali	179,110	43127	1,330	223,567
Tigray	5,759	353		6,112
Grand Total	358,315	102,134	1,330	461,779

⁵⁰³ IOM Ethiopia Office Programme Coordinator – DTM Personal Communication 15 June 2018.

248. The Ministry of Labour and Social Affairs reported 460,000 registered legal migrants between September 2008 and August 2013 of whom 94 per cent were women domestic workers.⁵⁰⁴ A recent IOM update found that, from the estimated 500,000 Ethiopian migrants in Saudi Arabia, a total of 130,000 have returned to Ethiopia. Among the 103,493 arrivals registered and profiled by IOM, 26,996 were voluntary returnees while 76,497 were deportees⁵⁰⁵. Data from UNICEF showed that 505 unaccompanied migrant children returned to Ethiopia during 2017.⁵⁰⁶

⁵⁰⁴ Italian Agency for Development Cooperation *About Migration: The Root Causes of Irregular Migration* (2017) p. 3.

⁵⁰⁵ IOM *Return and Reintegration Assistance to Ethiopian Migrants from the Kingdom of Saudi Arabia* (2018).

⁵⁰⁶ UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 9 & 12 March 2018



8. Returning separated or unaccompanied children and families

8.1 Return agreements

249. Ethiopia has not signed return agreements with host countries, but it was reported that such an agreement is under negotiation with the European Union (EU). The Government has acted to support migrants in other countries. For example, migrants in Italy who were thrown out of a building they lived in for four years and threatened with deportation were assisted by the Ethiopian Embassy to stay with other Ethiopians.⁵⁰⁷

8.2 Family tracing/family reunification for unaccompanied and separated children in country of origin

250. According to UNICEF, during 2017, 505 unaccompanied migrant children returned to Ethiopia, of whom only 9 were female. Most (226) of the children came from Djibouti, followed by Yemen (182). The others returned from Malawi (36), Tanzania (33), Zambia (14), Kenya (9) and Saudi Arabia (5).⁵⁰⁸ Among migrants and refugees crossing borders, unaccompanied and separated children were identified to be at high risk of abuse and

⁵⁰⁷ Ministry of Foreign Affairs Director General Personal Communication 6 June 2018.

⁵⁰⁸ UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 9 & 12 March 2018.

exploitation. This includes trafficking, sexual abuse and exploitation, forced labour, violence and other exploitative conditions in transit and destination countries.^{509 510 511}

251. Over the past few years, unaccompanied migrant children returning to Ethiopia received emergency and protection services through the collaborative efforts of the International Organization for Migration (IOM), UNICEF and relevant government and civil society organisations. The services provided to these children included safe return, food and accommodation, clothing and sanitary supplies, medical care and psychosocial support as well as family tracing and reunification (supported with reunification and reinsertion grants)⁵¹² as well as follow-up.⁵¹³
252. In the return process, IOM shelters unaccompanied children in its Transit Centre in Bole for about 7 to 10 days until reunification. IOM also supports logistics costs, such as car rental, food and accommodation for children who are in the process of reunification and provides a reinsertion grant of 1,000 birr.⁵¹⁴ The International Committee of the Red Cross (ICRC) provides rehabilitation and reunification for the few children who need intensive psychosocial support. Family tracing is enabled through various means, depending on the region, including via open letters, mass photos and/or mass media (e.g. the BBC), and websites.⁵¹⁵
253. The Addis Ababa Bureau of Women and Children's Affairs (AA BOWCA) facilitates the return of children to their places of origin. It contacts the relevant bureaux of women and children's affairs (WCAs), or the Bureau of Labour and Social Affairs if the children's families live in Tigray. The bureaux collaborate in tracing the families of unaccompanied children. Following this, social workers in the AA BOWCA, and assigned by UNICEF, accompany the children and finalize the reunification process. This involves signing off relevant documentation at different levels, and handing over the children to their families in the presence of government authorities, usually the Woreda WCAs office. Female social workers accompany female children. Follow-up is carried out at the *woreda* and *kebele* levels. No feedback is received on reunified children.^{516 517 518}
254. Many children become unaccompanied migrants by crossing the border through Metema (in Ethiopia) and travelling on to Khartoum, Sudan. Others go to Saudi Arabia through the

⁵⁰⁹ US Department of State *Trafficking in Persons Report* (2015) p. 318.

⁵¹⁰ IOM. *Annual report 2013/14* (2014) p.17.

⁵¹¹ RMMS. *Young and on the move* (2016) p. 44.

⁵¹² Family of the child was provided with 800 ETB (US\$41) as reinsertion grant.

⁵¹³ McEvoy C. *Documentation of UNICEF-IOM collaboration on the safe return and reunification of Ethiopian unaccompanied migrant children from third countries* (2016) p. 1–4.

⁵¹⁴ IOM Ethiopia Office Program Assistant & KSA Operation Manager Personal Communication 13 June 2018.

⁵¹⁵ International Committee of the Red Cross (ICRC) Deputy Protection Coordinator in charge of Restoring Family Links (RFL) & Detention Delegate Personal Communication 29 May 2018.

⁵¹⁶ Addis Ababa Bureau of Women and Children's Affairs Child Friendly Social Welfare & Child Right Program Coordinator Personal Communication 4 June 2018.

⁵¹⁷ Oromia Bureau of Women and Children's Affairs Family Tracing, Reunification and Reintegration Expert Personal Communication May 31 2018.

⁵¹⁸ UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 9 & 12 March 2018.

border town of Tezan (Tigray region). In the case of undocumented children who return, whether accompanied or unaccompanied, the Ethiopian embassies in the host countries provide *lèse passe* documentation. IOM then takes the children from the Ethiopian community organisations which in many cases shelter, or in some cases may even bring up, children born abroad. There are Ethiopian community schools (grades 1-12) in Khartoum (Sudan), Riyadh and Jeddah (both Saudi Arabia).⁵¹⁹

255. Children born out of wedlock are undocumented. The Ethiopian Embassy in the country concerned must negotiate with the host country for their return. Women who live out of wedlock and become pregnant are not allowed to give birth in any health institution. Embassies send the documents of children to IOM but, for abandoned children, it is difficult to find these. Some children are abandoned in hospital.⁵²⁰

8.3 Return conditions

256. Children and their families who returned to Ethiopia can settle where they like. However, unaccompanied children are reunified with their families in the regions where their families are residing. Among recent returnees from Saudi Arabia, one child was admitted to a childcare institution in Addis Ababa when she said that both her parents were dead and that she has no other carers. Two children, on the way to being reunified with their families, escaped before reaching their destination. They were afraid to face their families because they had sold family property before migrating.⁵²¹

257. Returnees are not detained for illegal emigration after return. There are no special reintegration programmes run by state or non-state actors for children and their families upon return, except for the reinsertion grant, which is for children only. Returnees are expected to take advantage themselves of opportunities such as vocational and skills development training, credit facilities or engagement in small scale enterprise development.⁵²²

258. Most of the children who returned to their families in 2017 and 2018 did not have any documentation except for *lèse passes*. They did not have identity cards or records to show their education and medical status.⁵²³

259. There is no further information on children exposed to abuse, intimidation or violence upon return and on returned children and their families who were discriminated against. There are no reports on returned children who have no access to school or who drop out of school because of problems with language, absence of appropriate documentation etc. There is no further information on returned children who have no access to health care, including mental health care and rehabilitation.

⁵¹⁹ Ministry of Foreign Affairs Director General Personal Communication 6 June 2018.

⁵²⁰ Ministry of Foreign Affairs Director General Personal Communication 6 June 2018.

⁵²¹ Addis Ababa Bureau of Women and Children's Affairs Child Friendly Social Welfare & Child Right Program Coordinator Personal Communication 25 June 2018.

⁵²² UNICEF Ethiopia Office Social Welfare Sub Unit Personal Communication 9 & 12 March 2018.

⁵²³ Addis Ababa Bureau of Women and Children's Affairs Child Friendly Social Welfare & Child Right Program Coordinator Personal Communication 25 June 2018.

260. No information was found by the authors regarding mechanisms either for monitoring return or for ensuring that returning children have all the necessary documentation (identity, citizenship, education and medical records).



9. Country-specific issues that affect children

261. The recent internal displacement which is happening due to ethnic conflicts in Somali, Benshangul Gumuz, Oromia and other regions, is a major human-made disaster. It is not a new phenomenon, but has intensified recently, especially since April 2018 (*see 7.10 Internally displaced children*).
262. The second country-specific issue affecting children in Ethiopia is the law which governs civil society organisations, the Charities and Societies Proclamation No. 621, 2009.⁵²⁴ The limitations imposed by this law are clearly explained in the comments of the United Nations Committee on the Rights of the Child (*see 2.7 Relevant non-governmental organisations, paragraph 33 & 4.3 Access to legal advice, paragraph 72.*)

⁵²⁴ Federal Democratic Republic of Ethiopia Charities and Societies Proclamation No. 621/2009 (2009).

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The country report on Ethiopia can be found at: <http://www.unhcr.org/uk/ethiopia.html>

The Concluding Observations for Ethiopia's Periodic Reports of the United Nations Committee on the Rights of the Child can be found at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=ETH&Lang=EN

Table 13: Demographic information

Population	Figure
Total population (2016) thousands	102,403,000
Population under 18 years (2016) thousands	49,500,000
Population under five years (2016) thousands	15,177,000
Infant mortality rate (under one year) (2016) expressed per 1,000 live births	41
Under-five mortality rate (2016) expressed per 1,000 live births	58
Source: UNHCR, 2018. Child Protection Fact Sheet - Ethiopia, March 2018	

UNICEF 2017: The State of the World's Children 2017 available at <https://www.unicef.org/sowc2017/> (accessed 22 June 2018), where the current report and other State of the World Children data can be found.

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	Organization	Position	Name
1	Addis Ababa Bureau of Labour and Social Affairs (BOLSAs)	Deputy Bureau Head	Mr. Gebrekidan Gebru
2	Addis Ababa Bureau of Labour and Social Affairs (BOLSAs)	Education, Awareness and Advocacy Officer	Mr. Tariku Negash
3	Addis Ababa Bureau of Labour and Social Affairs (BOLSAs)	Labour Exchange Regulation and Support Officer	Mr. Tewodros Seifu Beya
4	Addis Ababa Bureau of Women and Children's Affairs	Program Coordinator, Child Friendly Social Welfare & Child Right Program	Mr. Berhanu Yigzaw
5	Amhara Region Women and Children's Affairs Bureau	Child Rights & Welfare Directorate Director	Mr. Ashagrie Zewedie
6	Child Justice Project Office, Federal Supreme Court	Acting Coordinator	Ms. Genet Shume
7	Federal Attorney General's Office	Coordinator, Coordination Office Women, Children, Youth and Cross Cutting Affairs	Ms. Enku Asnake
8	Federal Attorney General's Office	Senior Public Prosecutor, Human Trafficking and Smuggling of Migrants Task Force Office	Ms. Feteya Seid
9	Federal Transport Authority	Transport Operation Expert	Mr. Yonas Kassahun
10	Justice and Legal Research Centre	Civil Laws Research Bureau Head	Mr. Gashaye Mersa
11	Ministry of Foreign Affairs	Director General	Ms. Freheoit Asrat
12	Ministry of Labour and Social Affairs	Operational Safety & Health Coordinator	Mr. Mesfin Yilma
13	Ministry of Women, Children and Youth	Child Care and Support Expert	Mr. Yohanis Ababayehu
14	Oromia Bureau of Women and Children's Affairs	Child Right Protection & Promotion Expert	Ms. Mariam Adanu

15	Oromia Bureau of Women and Children's Affairs	Family Tracing, Reunification and Reintegration Expert	Mr. Dereje Legesse
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United Nations agencies

S.N.	Organization	Position	Name
1	ILO Ethiopia Office	Chief Technical Advisor, Labour Migration Project, ILO Regional Office (Ethiopia based)	Ms. Aida Awel
2	IOM Ethiopia Office	Program Assistant	Ms. Wintana Tarekegn
3	IOM Ethiopia Office	KSA Operation Manager	Mr. Abdi Yusuf
4	IOM Ethiopia Office	Programme Coordinator – DTM	Mr. Daniel Salmon
5	UNHCR Ethiopia Office	Child Protection Officer, UNHCR Representation in Ethiopia	Ms. Dominique Reineche
6	UNHCR Ethiopia Office	Protection Officer, Mixed Migration	Ms. Richette Haines
7	UNHCR Ethiopia Office	IDP Protection Consultant	Ms. Gelila Dereje
8	UNHCR Sub-Office in Gambella	Child Protection Officer in Gambella	Ms. Mmone Moletsane
9	UNICEF Ethiopia Office	CP Officer	Ms. Kedija Zeinu
10	UNICEF Ethiopia Office	Child Protection Specialist	Ms. Fasica Hailu
11	UNICEF Ethiopia Office	Chief of Child Protection	Ms. Karin Heissler
12	UNICEF Office in Gambella	Child Protection officer in Gambella	Mr. Wossen Gebeyehu
13	UNICEF Office in Tigray	Child Protection Specialist in Tigray	Mr. Alemseged Gebru

International Organisations and NGOs

S.N.	Organization	Position	Name
1	Bus Drivers Association	Representative	Mr. Mesay H. Mariam
2	Goal Ethiopia	Acting Rural Urban Development Manager and Empowerment and Protection Advisor	Mr. Biniam Berhanu

3	ICRC	Detention Delegate	Ms. Chloe Marie-Paule Laetitia Gaden
4	International Committee of the Red Cross (ICRC) - Ethiopia Delegation	Deputy Protection Coordinator in charge of Restoring Family Links (RFL)	Ms. Amaya Fernandez and Ms
5	International Rescue Committee (IRC)	Assistant Child Protection Coordinator	Mr. Ayelew Legesse
6	Plan International Ethiopia Office	Acting Head of Plan International and Program an Child Protection Country Lead	Mr. Zeru Fantaw
7	Plan International Ethiopia Office	Program Specialist for South Sudanese Refugee Response	Dr Fozia Tesfa
8	Plan International Ethiopia Office	Program Specialist for RDPP& ARC Projects	Mr. Seleshi Zenebe
9	Save the Children International Ethiopia Office	Senior Migration Specialist	Mr. Haileyesus Tsehay
10	Save the Children International Ethiopia Office	Child Protection Specialist	Mr. Getachew Adamu

GLOSSARY

Idir: A traditional self-help association established by people living in a neighbourhood which usually provides support to families for burial and death-related expenses.

Kebele: The smallest unit of local government in Ethiopia (urban and rural), equivalent to a neighbourhood association. *Kebeles* are accountable to the *woreda* (district), subcity, or city administrations.

Region: Ethiopia is divided into nine ethnically-based regional states and two federal city administrations (Addis Ababa and Dire Dawa), each with its own government directly accountable to the federal government.

Woreda: An administrative division of a zone managed by a local government, equivalent to a district. *Woredas* are important political and administrative units with legal recognition and authority, including the delivery of services such as education and health, budget allocation and management.

Zone: A subdivision of a region with varying political and legal recognition as well as authority. A zone is divided into *woredas*.

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