

# Ethiopia

## *Documents and citizenship*

**Report based on interviews in Ethiopia**



**Ministry of Immigration  
and Integration**

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Immigration Service

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**October 2018**

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## Disclaimer

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This report was written in accordance with the European Asylum Support Office's (EASO) Country of Origin Information (COI) report methodology<sup>1</sup>. The report is based on approved notes from meetings with carefully selected interlocutors.

This report is not a detailed or comprehensive survey of all aspects of the issues covered in the terms of reference and should be considered alongside other available country of origin information on documents and citizenship in Ethiopia.

The information contained in this report has been gathered and presented with utmost care.

The report does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service (DIS).

Furthermore, this report is not conclusive as to the determination or merit of any particular claim for protection, which will need to be considered on its individual facts. Terminology used should not be regarded as indicative of a particular legal position.

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<sup>1</sup> European Union: European Asylum Support Office (EASO) (2012), EASO Country of Origin Information report methodology

# Abbreviations

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<b>ARRA</b>	Administration for Refugee & Returnee Affairs
<b>AVR</b>	Assisted Voluntary Return
<b>CRRF</b>	Comprehensive Refugees Response Framework
<b>CSO</b>	Civil Society Organisation
<b>DIS</b>	Danish Immigration Service
<b>DRC</b>	Danish Refugee Council
<b>ENDF</b>	Ethiopian National Defence Force
<b>EPRDF</b>	Ethiopian People's Revolutionary Democratic Front
<b>IDP</b>	Internally displaced person
<b>IOM</b>	International Organization for Migration
<b>INGO</b>	International Non-governmental organisation
<b>NGO</b>	Non-governmental organisation
<b>MFA</b>	Ministry of Foreign Affairs
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>ODF</b>	Oromo Democratic Front
<b>OFC</b>	Oromo Federalist Congress
<b>OLF</b>	Oromo Liberation Front
<b>ONLF</b>	Ogaden National Liberation Front
<b>OPDO</b>	Oromo People Democratic Organisation
<b>TOR</b>	The Onion Router
<b>TPLF</b>	Tigrayan People's Liberation Front
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United Nations High Commissioner for Refugees

**VERA** Vital Events Registration Agency

**VPN** Virtual private network

## Executive summary

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The path to obtaining legal documents in Ethiopia is paved with challenges. First, only a minority of children are registered at birth, and given birth certificates. This may complicate their access to other forms of legal documents where a birth certificate is required as breeder document. Secondly, practical obstacles such as distance and unfamiliarity with the public institutions may impede people's correct use of their services. Thirdly, corruptive practices are widespread at all levels of society, which means that bribes may be solicited by civil servants. Bribes may also be offered by people in an attempt to negotiate the issuances of documents or in an attempt to introduce false information in the documents. Finally, to replace lost documents the Ethiopian legal system relies on witnesses or affidavits as proofs rather than on technical evidence. As a consequence, a high number of genuine documents with inaccurate background information are being issued in Ethiopia.

All vital event certificates and ID cards in Ethiopia are issued by a so-called *woreda* (district) and *kebeles* (sub-districts). To improve registration the Ethiopian government has established the Vital Event Registration Agency in Ethiopia (VERA), to provide certified ID documents and civil registration in nine regional and two city administrations in Ethiopia.

If disagreement over custody of a child occurs it is to be decided by the court. The nationality of the parents would not play a role in the decision of granting custody of a child.

With regard to Eritrean refugees, the Administration for Refugee & Returnee Affairs (ARRA), which is responsible for asylum seekers and returnees in Ethiopia, are issuing vital event certificates to refugees recognised by the Ethiopian government. Furthermore, an Ethiopian refugee card only proved the person's status as a refugee and was not the equivalent to an ID card.

Eritrean refugees could only obtain residence permit if he had lived in Ethiopia for more than 20 years. Although it is possible for an Eritrean to obtain Ethiopian citizenship, it is up to a special committee to decide on each case. Due to the war Eritreans are perceived as a security risk by the Ethiopian authorities, and thus seldom offered citizenship.



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## Introduction and methodology

This report is based on interviews with sources in Ethiopia conducted by the COI Division, Danish Immigration Service (DIS) in Addis Ababa, from 17 - 23 May 2018. The purpose of the mission was to collect up to date information on the general political situation as well as on the treatment of members of the opposition, on documents and on issues of citizenship. In addition to the visit to the capital a short visit to the Hitsats refugee camps in Shire with the purpose of being informed about the context and procedures of relevance for the issuance of legal documents about vital events. All findings regarding the general political situation as well as on the treatment of members of the opposition are reported in a separate report.

The present report focuses on documents and citizenship in Ethiopia.

The terms of reference for the mission were drawn up by DIS in consultation with the Danish Refugee Appeals Board as well as a Danish advisory group on COI<sup>2</sup>. The terms of reference are included at Appendix D to this report. The report draws on methodological guidance from the European Asylum Support Office (EASO) Country of Origin Information report methodology<sup>3</sup>.

In the process of compiling this report, the delegation interviewed nine sources, comprising representatives from the Ethiopian authorities, Western embassies, international organisations, and non-governmental organisations (NGOs). The Danish Embassy in Addis Ababa provided valuable assistance in identifying some of the interlocutors relevant to the terms of reference. The Danish Embassy also provided logistical and technical assistance throughout the mission. The sources interviewed were selected by the delegation based on their expertise, merit and experience relevant to the mission. In addition to the empirical data material gathered from the interviews, the report is supplemented with relevant reports.

The sources consulted during the mission to Ethiopia are listed in Appendix B. The interviews were conducted in English. In some, but not all, of the interviews the DIS delegation were joined by two staff members from the Danish National ID Centre who collected background information on the topic of issuance procedures of documents in Ethiopia.

Prior to the interviews all interlocutors were thoroughly informed about the purpose of the mission and the fact that their statements would be included in a report to be made publically available.

The interlocutors were asked how they wished to be introduced and quoted, and all sources are introduced and quoted according to their own wishes. Seven sources are referred by the name of their organisation; in accordance with their own request on this matter. Two sources preferred anonymity.

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<sup>2</sup> The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of Danish European Mission and Open Doors, the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

<sup>3</sup> European Union: European Asylum Support Office (EASO) (2012), EASO Country of Origin Information report methodology

The meeting notes were validated by the sources. All notes were forwarded to the interlocutors for their approval and amendment, allowing the opportunity to offer corrections or make comment on their statements. All sources but the VERA and ARRA approved actively their statements. These sources were contacted by email and informed that the delegation would include the note in the report if no response was received by the deadline. The delegation never received any response.

The report is a synthesis of the sources' statements complemented with reports of relevance for the topics of terms of reference. In the report, care has been taken to present the views of the interlocutors as accurately and transparently as possible and reference is made by number to the specific paragraphs in the meeting notes in foot notes in the report. All sources' approved statements are found in their full extent in Appendix A of this report. Based on a manual retrieval of the complete set of meeting notes, a thematic analysis has been conducted and the findings are presented in the following chapters of this report.

The report was finalised in September 2018 and is available on the websites of DIS [www.newtodenmark.dk](http://www.newtodenmark.dk). This means that it is equally available to all stakeholders in the refugee status determination process as well as to the general public.

# Documents

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## 1. ID cards and vital event certificates in Ethiopia

- 1.1. Vital event certificates and ID cards across Ethiopia are issued by the kebeles (which is an administrative sub-district)<sup>4</sup>. However, for the region of Addis Ababa, ID-cards are issued by a woreda (an administrative district)<sup>5</sup> and the word 'kebele' has been replaced by 'woreda' on identity cards which were issued in the region of Addis Ababa<sup>6</sup>. Previous a person could have such cards issued in the so-called kebeles, however, due to a structural change a few years ago kebeles were merged into a woreda<sup>7</sup>.
- 1.2. Two sources noted that the Vital Event Registration Agency in Ethiopia (VERA) was established with a mandate to provide certified ID documents and civil registration in nine regional and two city administrations in Ethiopia<sup>8</sup>. According to VERA, the agency has 18,600 registration centres where vital events documents as well as national ID cards may be issued. However, VERA noted that the ID cards have not been introduced yet on a national level<sup>9</sup>.
- 1.3. VERA indicated that Ethiopia is a decentralised country and the agency has established local branches, which improved registration in rural areas. 88.8 percent of the population is registered<sup>10</sup>.

## 2. Birth and marriage certificates

- 2.1 In Ethiopia, the law requires children to be registered at birth<sup>11</sup>. The proportion of births which are registered in Ethiopia is, however, minimal<sup>12</sup>: According to the National Demographic and Health Survey from 2016 only three percent of children under 5 had had their births registered with the civil authorities<sup>13</sup>. This number was contrasted by data from VERA which noted that by July 2017, ten percent of all births had been registered nationally<sup>14</sup>. There are important geographical disparities: children born in the region of Addis Ababa are more likely to have their birth registered (with 24%)

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<sup>4</sup> United Kingdom: Home Office (2017). Country Policy and Information Note - Ethiopia: Background information, including actors of protection and internal relocation: 33

<sup>5</sup> Legal source: 149, 150

<sup>6</sup> United Kingdom: Home Office (2017). Country Policy and Information Note - Ethiopia: Background information, including actors of protection and internal relocation: 33

<sup>7</sup> Legal source: 149, 150

<sup>8</sup> British Embassy: 43, VERA: 133

<sup>9</sup> VERA: 117

<sup>10</sup> VERA: 120

<sup>11</sup> United Kingdom: Home Office (2017). Country Policy and Information Note - Ethiopia: Background information, including actors of protection and internal relocation: 32

<sup>12</sup> USDOS – US Department of State: Country Report on Human Rights Practices 2017 - Ethiopia, 20 April 2018:30

<sup>13</sup> Central Statistical Agency (CSA) [Ethiopia] and ICF. 2016. *Ethiopia Demographic and Health Survey 2016*: 13-14

<sup>14</sup> Unicef (2017). Unicef Annual Report 2017: Ethiopia: 44

compared to children born in rural regions such as the Amhara region where 1% of all births were registered<sup>15</sup>.

2.2 This low level of registration can be attributed to the low level of facility based deliveries as registration would, in principle, be done for all babies who are born at health facility<sup>16</sup>. However, only 26 % of all deliveries in 2016 occurred at a health facility<sup>17</sup> ranging from 97% facility based deliveries in the region of Addis Ababa to 15% in the region of Affar. Furthermore, according to the National Demographic and Health Survey from 2016, not all babies who were born at a health facility and who had their birth registered would receive a birth certificate<sup>18</sup>.

2.3 For those children who are born outside of the hospital, their parents would need to present an affidavit to prove affiliation and to register their children with the civil authorities<sup>19</sup>. It is required that both the mother and the father are present during this registration and they must show their ID cards. Furthermore, a fee must be paid for this service and that constitutes a barrier for poor families<sup>20</sup>.

2.2. Regarding marriage certificates, VERA would issue a marriage certificate when married couples have celebrated the marriage at a sharia court or at church. A court can decide whether a person is/has been married, which is based on affidavits that would serve as proof<sup>21</sup>.

### 3. Custody of a child

3.1. According to a legal source, a disagreement over custody of a child is decided by the court. Typically, those parents who seek divorce and who disagree over custody will make use of the legal system to settle their disagreement. Cases regarding children born out of wedlock are rarely taken to court<sup>22</sup>.

3.2. The community would typically perceive a couple who have been living together over an extended period of time as a common-law couple. Regarding the custody of the child in such cases, the couple is considered as a married couple and therefore have joint custody. In other cases where a man may have had a relationship with a woman, which has resulted in the birth of a child, the source advised that it would be very rare that such a case would be brought to court. The most common would be that the man would deny paternity of the child. Hence, the woman would get custody over the child<sup>23</sup>.

3.3. The legal source indicated that if a dispute over custody ends up in court a person should submit a birth certificate issued by the hospital or health clinic. If a man claims paternity over a child, he would have to bring witnesses to court to prove this, and then the court will decide on paternity. In most cases the

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<sup>15</sup> Central Statistical Agency (CSA) [Ethiopia] and ICF. 2016. *Ethiopia Demographic and Health Survey 2016*: 13-14, Unicef (2017). *Unicef Annual Report 2017*: Ethiopia: 47

<sup>16</sup> USDOS – US Department of State (2018). *Country Report on Human Rights Practices 2017 - Ethiopia*: 30

<sup>17</sup> Central Statistical Agency (CSA) [Ethiopia] and ICF. 2016. *Ethiopia Demographic and Health Survey 2016*: 13-14

<sup>18</sup> Central Statistical Agency (CSA) [Ethiopia] and ICF. 2016. *Ethiopia Demographic and Health Survey 2016*: Table 2.11

<sup>19</sup> Legal source: 165

<sup>20</sup> Unicef (2017). *Unicef Annual Report 2017*: Ethiopia: 47

<sup>21</sup> Legal source: 166

<sup>22</sup> Legal source: 151

<sup>23</sup> Legal source: 150

custody would be granted to the mother, especially if the child is under ten years. For a child older than ten, the court would also hear the child in order to establish, where they would prefer to live. Furthermore, in regard to the nationality of the parents, the source advised that this would not play a role in the decision of giving custody of a child<sup>24</sup>.

## 4. Challenges in obtaining documents in Ethiopia

- 4.1. The British Embassy noted that citizens could face a substantial amount of bureaucracy when trying to register vital events. This constitutes a barrier for those who are seeking to apply for documents through the indicated channels<sup>25</sup>. This statement is sustained by written sources noting that albeit citizens have a right to have legal documents issued, requirements such as the need to show up in person (e.g. that both mother and father must be present when a birth certificate shall be issued and that they must present their ID cards), absence of breeder documents, travel distance to the issuing office combined with the fee to pay for accessing services in the public sector as well as the solicitation of bribes by civil servants is an obstacle for citizens' access to legal documents<sup>26</sup>. This is in particular the case for persons who have never attended school<sup>27</sup>.
- 4.2. The same source further elaborated that the administration did not follow procedures consistently. This was not necessarily driven by a wish to discriminate between applicants for documents but could possibly be explained by the culture within the administration, which does not enable civil servants to take responsibility for decisions made at lower levels of the bureaucracy. Arbitrary procedures remain a problem. Therefore it is possible for applicants to negotiate inaccurate information in their document. This also includes documents, which have been authenticated by the Ministry of Foreign Affairs<sup>28</sup>.
- 4.3. Furthermore, the U.S. Embassy had doubt to the effectiveness of VERA to register vital events such as birth, adoption, marriage, divorce and death correctly. The source further stated that VERA was not able to prevent rigging of ID documents. The interlocutor corroborated this statement by pointing at a high number of ID documents containing inaccurate information about the document holder is a recurrent phenomenon<sup>29</sup>.
- 4.4. The U.S. Embassy further noted that corruptive practices were widespread at all levels of society in Ethiopia<sup>30</sup>. Written sources confirm that that these practices extend to bureaucrats with direct citizen contact; these bureaucrats may solicit bribes for processing documents<sup>31</sup>. This meant that it was possible and in no way exceptional for people to acquire new, genuine ID documents with inaccurate

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<sup>24</sup> Legal source: 151

<sup>25</sup> British Embassy: 43

<sup>26</sup> Unicef (2017). Unicef Annual Report 2017: Ethiopia: 47; USDOS – US Department of State (2018). Country Report on Human Rights Practices 2017 - Ethiopia: 25

<sup>27</sup> 49 % of all women and 35 % of all men aged 6 and over in Ethiopia has never attended school according to Central Statistical Agency (CSA) [Ethiopia] and ICF. 2016. *Ethiopia Demographic and Health Survey 2016*: 14

<sup>28</sup> British Embassy: 44

<sup>29</sup> U.S. Embassy: 59

<sup>30</sup> U.S. Embassy: 61

<sup>31</sup> United Kingdom: Home Office (2017). Country Policy and Information Note - Ethiopia: Background information, including actors of protection and internal relocation: 25-26

information. Bribes were being used as a means to negotiate the issuances of ID documents where the document holder was represented as younger than they were in reality<sup>32</sup>.

## 5. Lost documents

- 5.1. A legal source explained that if a person has lost a vital document they should hand in their ID card at the woreda in order to get a new copy of the lost document. The source added that the same procedure was applicable for lost ID cards. If an ID card was lost an office employee would check, which kind of information the authorities have on the person in the file, together with face recognition. The woreda office has a physical copy of all certificates. Furthermore, the source advised that the authorities have started taking fingerprints, which also could help the officials authenticate that the person in question actually is who they claim to be<sup>33</sup>.
- 5.2. If a person intends to move to another city, they have to hand in their ID card and obtain a letter, which states the current residence of the person in question as well as the intended future place of residence so that the person can register at this woreda<sup>34</sup>.
- 5.3. However, if the person has lost their documents, they have to return to the woreda, where their documents have been issued, to get a new copy. Furthermore, the source opined that some persons could have more than one ID card obtained through bribes and corruption<sup>35</sup>.

## 6. Fraudulent documents

- 6.1. A number of sources indicated that there were numerous examples of documents with inaccurate background information<sup>36</sup>.
- 6.2. The U.S. Embassy further emphasised that the fact that a document contains inaccurate information does not necessarily imply that the document in itself is fraudulent. For multiple reasons, including practical and geographical reasons, people might avoid to demand documents through the official channels and instead seek to obtain ID documents through unofficial channels<sup>37</sup>.
- 6.3. According to the British Embassy, documents in Ethiopia have become increasingly technically sophisticated; thus difficult to replicate<sup>38</sup>. However, a legal source advised that it was possible for a person to bribe a local employee at the woreda to convince a local employee to include certain information in a given document<sup>39</sup>.

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<sup>32</sup> US Embassy: 61

<sup>33</sup> Legal source: 152

<sup>34</sup> Legal source: 153

<sup>35</sup> Legal source: 153

<sup>36</sup> British Embassy: 45, Legal source: 160, U.S. Embassy: 60

<sup>37</sup> U.S. Embassy: 60

<sup>38</sup> British Embassy: 45

<sup>39</sup> Legal source: 160

- 6.4. The IOM indicated that fraudulent documents occurred and that the request for document verification was growing. IOM verified around 500-600 documents last year of which the organisation found two or three percent fraudulent documents<sup>40</sup>.
- 6.5. One source advised that in the past one could stick a visa from one passport into another passport; this practice used to be widespread. The source did not have any information about the prevalence of this practice today, but added that fraudulent birth and marriage certificates still were widespread in Ethiopia<sup>41</sup>.
- 6.6. According to the MFA, the Ministry would verify a document by two persons and the office would use approximately two to five minutes to verify each document<sup>42</sup>.
- 6.7. The office legalises on average 600 documents every day. The office is flexible regarding the type of document that should be authenticated. Currently, the fee for the services provided by the office ranges from 12-15 US Dollars<sup>43</sup>.
- 6.8. According to a legal source, authentication processes conducted by the Ethiopian MFA are generally of a good quality. The MFA has specimens, which they use in their processing of documents. However, the MFA will not check for fraudulent content in the document<sup>44</sup>.
- 6.9. One source was aware of many cases where fraudulent documents were presented in the courts. The fine for posing with fraudulent documents is up to three years of imprisonment<sup>45</sup>.

## 7. Passports

- 7.1. Regarding the issuance of passports, the legal source noted that previously it was only possible to get passports issued in Addis Ababa, but now one could get a passport issued at an immigration office in the regions as well, where the immigration authorities have established local branches. The legal source added that the passports were registered through a central network so one cannot get issued two passports and that the Ethiopian authorities have now introduced passports with biometry<sup>46</sup>.
- 7.2. The U.S. Embassy indicated, however, that Ethiopian passports were rarely fraudulent as it was fairly easy to obtain breeder documents with inaccurate information that can be used for the demand of a new passport<sup>47</sup>.

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<sup>40</sup> IOM: 99 +100

<sup>41</sup> Legal source: 161

<sup>42</sup> MFA: 15

<sup>43</sup> MFA: 16

<sup>44</sup> Legal source: 162

<sup>45</sup> Legal source: 163

<sup>46</sup> Legal source: 164

<sup>47</sup> U.S. Embassy: 61

# Documents for Eritreans in Ethiopia

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## 7. Eritreans living in Ethiopia

7.1. Administratively, Eritreans who are living in Ethiopia can be divided into two categories: Eritrean refugees and Eritrean migrants, where the latter typically would have lived in Ethiopia in a longer period of time. According to Open Society Foundation, 150,000 Eritreans resided in Ethiopia in 2009. However, those who are registered as voters in the Eritrean referendum of independence in 1993 have been prohibited of acquiring Ethiopian citizenship (see section 11)<sup>48</sup>.

7.2. Regarding certificates issued to refugees in Ethiopia including Eritrean refugees, a number of sources explained that the Administration for Refugee & Returnee Affairs (ARRA), which is responsible for asylum seekers and returnees in Ethiopia, are issuing vital event certificates to refugees recognised by the Ethiopian government<sup>49</sup>. One source mentioned, however, that the Ethiopian authorities did not issue documents to Eritrean refugees but offer them refugee status<sup>50</sup>.

7.3. Regarding refugees who have lost their original documents, the Administration for Refugee & Returnee Affairs (ARRA) noted this person have the right to have issued new documents at a police station. The source explained that every refugee would give biometry, which could be used to prove who the person was in case of lost documents. As for now, one should only give fingerprints, but ARRA was expecting to expand the request for biometric data to also include iris scan<sup>51</sup>.

7.4. According to UNHCR, the issuance of refugee and asylum-seeker ID cards started in 2010 and the UNHCR managed to print the ID cards in some locations<sup>52</sup>.

7.5. Furthermore, ARRA and UNHCR have joint responsibility for the communication with other relevant Ethiopian authorities and with refugees concerning the refugee identity cards<sup>53</sup>. UNHCR noted that the ID card must display the date, month and year of birth<sup>54</sup>.

7.6. Several sources indicated that the Ethiopian government hosted a large and growing number of refugees and that the authorities had a good collaboration with the UNHCR and have to offer shelter, food and basic services to these very diverse groups of refugees<sup>55</sup>. The Ethiopian government welcomes Eritreans who seek protection in Ethiopia in order to embarrass the Eritrean government<sup>56</sup>.

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<sup>48</sup> Open society Foundation (2009), Discrimination in Access to Nationality p. 3

<sup>49</sup> ARRA: 1,6, VERA: 136, legal source: 156

<sup>50</sup> U.S. Embassy: 62

<sup>51</sup> ARRA: 7

<sup>52</sup> UNHCR: 137

<sup>53</sup> UNHCR: 136

<sup>54</sup> UNHCR : 138

<sup>55</sup> U.S. Embassy: 62, international NGO 84, EU Commission: 115, ARRA: 2+5

<sup>56</sup> U.S. Embassy: 62



7.7. An international NGO noted that in many ways Eritrean refugees in Ethiopia benefited from a privileged status compared to refugees of other nationalities. By contrast to other refugees, Eritreans can benefit from the out-of-camp policy, which allows them to take residence out of the designated refugee camps. They can study at national institutions, but they cannot yet get a license to open a shop nor can they apply for jobs at the formal labour market. However, the Government of Ethiopia's "9 pledges" made in line with the New York Declaration for Refugees and Migrants in September 2016 and the subsequent regional policy framework of the CRRF (Comprehensive Refugees Response Framework) has the intention of allowing for full integration of the one million refugees into Ethiopia including access to all basic services<sup>57</sup>.

## 8. Procedures for Eritreans to obtain documents in Ethiopia

8.1. According to ARRA, an Ethiopian refugee card only proves the person's status as a refugee and is not the equivalent to an ID card<sup>58</sup>.

8.2. Regarding Eritrean nationals living in Ethiopia, the legal source emphasised that they could have identity cards issued at the local kebele (now woreda) before 1998. However, after 1998 an Eritrean could only get issued Ethiopian documents via the immigration authorities<sup>59</sup>.

## 9. Residence permits for Eritreans

9.1. ARRA noted that an Eritrean refugee could only obtain residence permit if he had lived in Ethiopia for more than 20 years<sup>60</sup>.

9.2. A legal source elaborated that there is a special committee at the immigration office with the authority to grant a foreigner residence permit. The members of this committee are responsible for interviewing the person who applies for residence permit. Likewise, it is also the committee that would issue vital event certificates for Eritreans, who are not registered as refugees. However, the source noted that an Eritrean must have a valid passport and a residence permit, etc. to be entitled to have vital event certificates<sup>61</sup>.

## 10. Citizenship for Eritreans

10.1. A legal source advised that it was not without problems for an Eritrean to obtain Ethiopian citizenship due to the war between Ethiopia and Eritrea. According to the Ethiopian National Proclamation, however, it is possible for an Eritrean to obtain Ethiopian citizenship. Nevertheless, it is up to a special committee to decide on each case. Due to the war Eritreans are perceived as a security risk by the Ethiopian authorities, and thus seldom offered citizenship<sup>62</sup>.

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<sup>57</sup> An International NGO: 79

<sup>58</sup> ARRA: 10

<sup>59</sup> Legal source: 155

<sup>60</sup> ARRA: 11

<sup>61</sup> Legal source: 156

<sup>62</sup> Legal source: 157

10.2. On the other hand, the legal source noted that it was easy for a child to get Ethiopian citizenship if the child's parents were Ethiopian and Eritrean citizens respectively<sup>63</sup>.

## 11. The Eritrean referendum of independence in 1993<sup>64</sup>

11.1. According to a legal source, the Ethiopian authorities have a file in Ethiopia where everyone who voted at the referendum is listed. If a person's name does not appear on that record, which is a paper file, they could in principle apply for citizenship<sup>65</sup>.

11.2. Furthermore, the British Embassy noted that Eritreans may obtain documents while they reside in Ethiopia and the source suggested that in reality nobody would know the exact situation of Eritreans who have resided in Ethiopia since the referendum in 1993<sup>66</sup>.

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<sup>63</sup> Legal source: 158

<sup>64</sup> After decades of civil war, a UN monitored independence referendum was held 23-25 April 1993. There were 1,173,706 registered voters and almost 100% voted for independence from Ethiopia, see African Elections Database (undated). Eritrea: 23-25 April 1993 Independence Referendum

<sup>65</sup> Legal source: 159

<sup>66</sup> British Embassy: 46

## Appendix A: meeting notes

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### Administration for Refugee & Returnee Affairs (ARRA)

Addis Ababa, 16 May 2018

#### *Mandate and scope of work*

1. ARRA is responsible for asylum seekers and returnees in Ethiopia and is also responsible for making decisions regarding refugees' status together with providing social services. ARRA has a close cooperation with UNHCR, ARRA is represented in all regions of Ethiopia, and operates 26 camps in five regions.

#### *Number of refugees in Ethiopia*

2. The source advised that Ethiopia had around 900,000 refugees, primarily from South Sudan, Eritrea and the Great Lakes<sup>67</sup> respectively. According to the source, the number is increasing at the moment, especially due to a high influx from South Sudan.

#### *Number of Eritrean refugees in Ethiopia*

3. There are 180,000 Eritrean refugees in Ethiopia at the moment. The number of new arrivals from Eritrea continues to increase due to security problems in the country as well as human rights violations such as forced military service. Furthermore, Eritreans are also fleeing because of lack of access to education. The source advised that approximately 100 Eritreans are crossing the border to Ethiopia every day at 17-18 entry points. It is predominant young people who cross the border.
4. Regarding Ethiopian citizenship, ARRA noted that a person could be granted Ethiopian citizenship if they could prove that one or both parents were Ethiopian nationals.

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<sup>67</sup> The Great Lakes region includes the countries Burundi, the DR Congo, Kenya, Rwanda, Tanzania and Uganda.

5. When asked what kind of operational challenges ARRA is facing, the source answered that, when refugees could not get food on time, they tend to move out of camp, which constituted a big challenge. Furthermore, the number of refugees in Gambela is now higher than the number of people in the host community, which also was seen as a big challenge.

#### *Documents*

6. In October 2017 ARRA was created and the agency is issuing marriage, birth, divorce and death certificates. ARRA is issuing ID cards. The Vital Events Registration Agency (VERA) has a representative within ARRA and they are issuing documents for foreigners.

#### *Lost documents*

7. When asked about how a person could reacquire new documents in case they had lost the original document, ARRA replied that one could do that at a police station. The source explained that every refugee would give biometry, which could be used to prove who the person was in case of lost documents. As for now, one should only give fingerprints, but ARRA was expecting to expand the request for biometric data to also include iris scan.
8. Although a refugee is not allowed to work at the formal labour market in Ethiopia, they were allowed to access education even a tertiary level (university degree). Since 2010 Eritreans had been allowed to live out of camp if they could mobilise a so called sponsor. Alternatively, if they could gather the sum of 20,000 birrs they would also be granted permission to live out of camp.
9. The Government of Ethiopia is in the process of drafting a new law that would allow refugees to work at the formal labour market.
10. When asked what kind of information/documentation a person should provide to get an ID card, ARRA advised that a refugee card only proved the person's status as a refugee and was not the equivalent to an ID card. There existed two different cards.
11. An Eritrean refugee could obtain residence permit if he had lived in Ethiopia for more than 20 years.

## The Federal Democratic Republic of Ethiopia Ministry of Foreign Affairs– Consular affairs Directorate General (MFA)

Addis Ababa, 31 July 2018

### ***Mandate of the office***

12. The office works with visa issuance of diplomatic visa and passport services. It also authenticates documents. Ethiopia has not signed the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents also known as the Pastille Convention.

### ***Authentication of Danish documents***

13. The ambassador advised that if a document from Denmark is required to be authenticated by Ethiopia, the original document can be sent to Stockholm, because Ethiopia does not have an embassy in Denmark. This is done by the owner of the document to be authenticated.

### ***General working procedure***

14. The office will check if a document is fraudulent. The office has a procedure for any document type, together with standard for authentication. The ambassador further elaborated that the office has a database with specimens of stamps and signatures of document issuing authorities.
15. The ambassador noted that a document has to be verified by two persons and the office would use approximately two to five minutes to verify each document.
16. The office legalises on average 600 documents every day. The office is flexible regarding the type of document that should be authenticated. Currently, the fee for the services provided by the office ranges from 12-15 US Dollars.

## British Embassy

Following the interview two additional questions were answered by July 2018:

*Could you please comment on the fact that the State of Emergency which was imposed in February has been lifted two month early (in June 2018)? To which extent does this decision affect the human rights situation in the country, especially for members of the opposition?*

17. The State of Emergency being lifted early is an indicator (along with the changing of both the head of the military and intelligence) that the current Prime Minister has significantly more authority than the previous one. Many political commentators did not feel the latest State of Emergency was really necessary, and I think the Prime Minister's confidence to lift early also supports that theory. I do not think it has any clear impact (positive or negative) on the Human Rights situation, including for members of the oppositions. However, the Prime Minister has been lifted terrorism charges against "opposition groups" and has invited them to return to Ethiopia – at this point members of both OLF (Jawar Mohammed, US Diaspora) and Patriotic Ginbot 7 (Andargachew Tsege, British Diaspora, who until recently was serving a life sentence in Ethiopia, and was cleared of crimes) have returned

*In your opinion, what does the fact that the Ethiopian Government has unblocked a number of websites, blogs as well as radio and TV stations mean for the political situation in the country? To which extent does this decision affect the human rights situation, for members of the opposition?*

18. The unblocking of websites suggests the current Prime Minister has a genuine desire to include dissenting voices in politics, and is making a best attempt at bring dissent from the streets, civil unrest and violence and into the parliament. This is admirable; yet allowing dissenting voices into parliament may not be enough to stop civil unrest – particularly if the new voices are not perceived to represent those committing acts of violence. Overall I expect a much more open environment for opposition members within Ethiopia, but this is balanced by the likely increase in civil unrest and the potential for an increase in ethnic violence.

Addis Ababa, 17 May 2018

### **State of emergency**

19. This interview took place in the midst of the State of emergency, which was imposed across Ethiopia in February 2018 and gathered three participants from immigration, consular and political unit of the embassy. The interlocutors noted that the present State of emergency had to be evaluated in connection with the previous State of emergency, which had been lifted in August 2017. The grievances that led to protests, which then led to the proclamation of the previous State of Emergency, were in essence legitimate. Lack of jobs and fear for the future was one of them. People of Ethiopia are concerned about the possibility for their children to create a future. Ethiopia has a very young population – the median age is 18 – which means that an additional 2 million young people enter the labour market every year, many after having graduated from university. However, there has not been created enough jobs to absorb this labour supply, and the jobs, which are created, does not match the qualifications of people with tertiary education but are rather factory or sweat shop jobs. Albeit the Government has initiated the establishment of business parks

the jobs created there only amount to a fraction of what is needed and at a very low salary; thus parents and young people are worried about the future. This fear fuels a general level of frustration in the country, which contributed to mass demonstrations.

20. The interlocutors emphasised that the authorities were treating any person who might be involved in perceived anti-government activities during and after the previous State of emergency roughly. The authorities committed human rights abuses in the regional prisons across all regions and there were reports of torture from the detention centres but the level and amount of abuse varied from centre to centre. Whereas the harshness varied from place to place, there was no region, which stood out as tangibly harsher than the other.
21. The human rights abuse occurred as a result of widespread autonomy within the local administration eager to stop roadblocks and other anti-government activities. It did not happen with a mandate from the Government to 'crack-down' on human rights. The sources suggested, however, that the situation had changed after the nomination of Prime Minister Abiy Ahmed. This time, the security forces have not taken steps to arrest a high number of political activists or citizens.
22. Whereas the previous State of emergency was proclaimed as a reaction to the unrest and security situation in Ethiopia, followed by crack-down on human rights; the second State of emergency was, in the analysis of the interlocutors from the British embassy, driven by a wish to take pre-emptive steps to avoid political instability. The situation has been relatively calm since the State of Emergency was imposed across the country and the roads have, as a result of this, been opened again. There has not been a wave of arrests, this time, rather the opposite: People have been released.
23. The proclamation of the current State of emergency has been followed by a number of public declarations made by Prime Minister Abiy Ahmed in which he promises political reforms. It remains, however, to be seen whether the Prime Minister can deliver on the promises made. The interlocutors emphasised that whereas the constitution does mandate reforms, the required amount of technical capacity to carry out political and economic reform does not seem to be available in the present pool of civil servants.

#### **Political and human rights situation**

24. Asked about the current political situation in Ethiopia, the interlocutors noted that the arrival of Prime Minister Abiy Ahmed had significantly changed the situation.
25. The two main ethnic groups that have expressed grievances the loudest are the Oromos and the Amharas. For the Oromos this was fuelled by a perception of Tigran dominance. This perception has been around since 1991 and is to a certain extent reflective of reality, especially during and after the revolutionary days. The Oromo people have for a long time felt that the Oromo People

Democratic Organisation (OPDO)<sup>68</sup> was being used as a token party by the regime. Ethiopia is an ethnic diverse country composed of over 80 ethnicities/nationalities<sup>69</sup> and this multitude constitutes a real challenge in a situation where all of the intelligence and all important posts, including the one of prime minister, have been held by one ethnicity: the Tigrayans. Even in cases where a top post was not occupied by a Tigran, the perception, which was possibly true, was that the Tigran elite are right behind that person.

26. In Amhara the perception is that Amharas want to turn the country back to the feudal system and the Amharas feel they have been marginalised because of that kind of perception. In addition to that, the Amharas express that they feel pushed out of their own region by the Tigrayans. There is no census to document the current demographic situation really is.
27. At this point of time, it is unclear whether any genuine political reforms are taking place. So far it is a matter of public declarations and announcements. The constitution is sound and the policies are in the right direction, but it remains a question of implementation and of capacity to deliver on promises.

#### **Liberation of political prisoners**

28. According to the participants in this meeting, many individuals who were politicians have previously been arrested and then incarcerated based on various accusations other than political convictions. The accusations range from terrorism to violence. The Government calls these people politicians who are being arrested whereas the international community refers to them as political prisoners who have been arrested because they criticised the Government. 'A great number' of these imprisoned politicians have now been released as promised by Prime Minister Abiy Ahmed. This is being referred to by the Government as a part of the political reforms whereas it is not, according to these interlocutors, in any way a reform to undo something, which was never legitimate.

#### **Treatment of opposition groups**

29. The participants in this interview emphasised that the situation had changed significantly with the arrival of Prime Minister Abiy Ahmed. Before his nomination, it was not necessary to have a very strong connection to Ogaden National Liberation Front (ONLF) or the Oromo Liberation Front (OLF) both groups, which remain on the national list of designated terrorist groups, to be harassed by the authorities. During the previous State of emergency, the Government arrested a very high number of people who were perceived to have any connection to opposition groups. This might be explained by two factors: first, the Government suspected that a very high amount of people might be involved in subversive activities; secondly, the authorities took a law enforcement perspective from which the goal was to arrest as many as possible, including people who might not be directly

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<sup>68</sup> The political party in the coalition of four parties which represents their interests

<sup>69</sup> According to the source, the terms ethnicity and nationality are used interchangeably in Ethiopia – the full name for Southern Nations State is Southern Nations, Nationalities and Peoples Regional State – and ethnicities is also used.



involved with anti-government activities, simply because the authorities would rather arrest too many than too few. Therefore, it has historically been impossible to prove whether an individual who has been arrested was in reality member of an opposition group, who were a sympathiser and who had no connection.

30. However, the interlocutors concurred that the Government, via the security forces, would have ‘a pretty good idea’ of who was engaged with a political organisation from the opposition. This knowledge would derive from information provided through the so-called “1 to 5” groups in Ethiopia – a fine granular system of groups, which constitute a network of intelligence gathering in Ethiopia. The most recent general protest was just two weeks ago (May 2018); local security forces are not very well trained in crowd control and they will shoot at the crowd to disperse the crowd; it causes fatalities, which then causes a bigger crowd the following day. There is a real need for capacity building that the national level is reluctant to offer because it is a quite sensitive topic.
31. In the current situation, it is very difficult to say anything with certainty. The Prime Minister has invited all political groups to join the conversation about the future of Ethiopia but time will tell whether this invitation will be followed up by real action. According to sources within the opposition that the interlocutors had spoken with recently, there is ‘more political space’ now in Ethiopia but still ‘not enough’ space; people with assumed connection to opposition groups are not being arrested anymore and most political prisoners are being released.

#### **Treatment of members of youth organisations**

32. It is impossible to know whether the Government had or had had a policy of harassing young people who were involved in youth organisations of one of the opposition parties. It seems to be less relevant now because the Prime Minister has made an effort of saying that any legal or illegal organisation, be it domestic or abroad should be welcomed at the table now.
33. Asked whether a person with an engagement in a youth organisation of one of the political parties from the opposition would be exposed to risk and repercussions from the authorities, the participants in this interview answered that this was difficult to know with any reasonable certainty. They mentioned that the Prime Minister had said that ‘everybody’ from the opposition now has ‘a seat at the table’ as long as they are not engaged in terrorist or other violent activities. Again, this could change and must be followed closely in the future.

#### **Treatment of pupils and students**

34. Asked about how the Government reacts to pupils and university students who are engaged in anti-government activities, the informants said that historically the threshold for actions, which would lead to repercussions was low and students did not have to be ‘that involved’ to be on the Government’s radar. Now it was different and it would need to be actions, which were violent for the authorities to take measures to arrest the individual. ‘Violent behaviour’ could be defined as participating in a demonstration or cracking windows.

35. At the Ambo University, which one of the interlocutors visited recently there had been student strikes recently where the students refused to come to the university. Then the students were told that they had to go to the university.

#### **Treatment of members of the diaspora**

36. The participants in this meeting with insights into the political situation had been informed by human rights organisations based in Nairobi that members of the diaspora are now, for the first time in 20 years, returning to Ethiopia. According to these sources, the diaspora members are less worried today than before. In the analysis of these interlocutors that was a really strong sign of change in political environment in Ethiopia.
37. Members of the diaspora who decide to return to Ethiopia are allowed to reintegrate into society as citizens, and open private businesses, which many choose to do with quite some success.
38. The interlocutor expects that the Government 'definitely' is monitoring the activity of the diaspora, especially their social media activity, from Minnesota in the US to the UK. However, only activity, which was really into hatred and violence is likely to be flagged in Ethiopia whereas political rhetoric such as 'the Government needs to change' or 'the opposition should be heard' would be monitored but not likely to lead to repercussions.

#### **Corruptive practices**

39. The members of the UK delegation at this meeting concurred that the level of corruption remains low compared to neighbouring countries where corruptive practices remains consistently high and systemic. Corruption in Ethiopia can be characterised as relatively low, but also unpredictable.
40. However, the interlocutors also noted that corruptive practices have increased at two levels over the past years in Ethiopia. First, at the top level of political life and there is now a generalised expectation among observers of Ethiopian politics that the newly nominated Prime Minister, Abiy Ahmed, will take steps to investigate suspicions of official corruption and to have bank accounts of members of parliaments inspected. Secondly, corruption has also increased at the ground level of society and remains a problem at all administrative instances. To illustrate this point, the example of the issuance of a driving license was mentioned. The Government has announced a 'crack-down' on corruption related to the solicitation of bribes from people who need a driving license. The efficiency of such an initiative remains, however, to be seen as the Government has replaced experienced staff in the administration with staff without the same amount of experience.

#### **Liyu Police**

41. The interlocutors had no knowledge of whether forced recruitment to the Liyu police takes place.

#### **Function of Vital Events Registration Agency (VERA)**

42. The British interlocutors were all knowledgeable of the existence and functioning of the VERA as the main agency in Ethiopia with the mandate of providing certified document as a public service to all citizens across the country. VERA has a number of branch offices around the country, which function as notary offices. It is a known fact that the amount of government bureaucracy to go through for citizens who need registration of vital events is vast and that, combined with the waiting time, in and by itself constitutes a barrier for citizens who are willing to apply for documents through the indicated channels.
43. VERA has established procedures to follow when people seek to register an event and to have a document issued. However, the impression of the interlocutors was that there is 'quite a big gap' between what is being stipulated and what is being done in that the administration does not follow these procedures consistently. This is not necessarily driven by a wish to discriminate between applicants for documents but could possibly be explained by a culture within the administration, which does not enable civil servants to take responsibility for decisions made at lower levels of the bureaucracy. Thus arbitrary procedures; e.g. as a result of applicants who manage to negotiate inaccurate information in their document, remain a problem. This also includes documents, which have been authenticated by the Ministry of Foreign Affairs.
44. According to the interlocutors from the British embassy, documents in Ethiopia have become increasingly technically sophisticated; thus difficult to replicate. There are not many known examples of fraudulent documents in circulation, but numerous examples of documents with inaccurate information.

#### **Situation of Eritreans in Ethiopia**

45. The participants in the interview only had anecdotal evidence about how Eritreans may obtain documents while they reside in Ethiopia and they suggested that in reality nobody would know the exact situation of Eritreans who have resided in Ethiopia since the referendum in 1993.

## U.S. Embassy

Addis Ababa, 18 May 2018

### State of Emergency

46. The point of departure for the discussion at this meeting was the current State of emergency which the regime had declared mid-February 2018, and which was supposed to be lifted by August 2018. The State of emergency was imposed just after the resignation of the former Prime Minister (Hailemariam Desalgn), who was replaced by Dr Abiy Ahmed as new Prime Minister. This nomination was unanimously perceived as a sign of Ethiopian People's Revolutionary Front (EPRDF) –the ruling party's– decision to open up for a certain level of controlled change in the country. According to the interlocutors, the new Prime Minister had in his declarations in a number of public appearances consistently demonstrated willingness to 'doing the right thing' as well as a dedication to induce political reforms. In the views of the participants at this meeting, the nomination of a new Prime Minister with the willingness to address a number of sensitive issues should be interpreted as a window of opportunity for an improvement in the human rights situation in Ethiopia because his willingness to lead a change process stood out as genuine. Thus, the current sentiment among Ethiopians including that of international observers at the western embassies was a generalised feeling of 'cautious optimism'.
47. The interlocutors noted that the Prime Minister's readiness to steer a political reform process has an inbuilt risk of firing back on him – if it turns out that he will be unable to pass the announced reforms through parliament. Dr Abiy Ahmed had at numerous public occasions made declarations in which he promised to address the Oromo and Amhara communities' calls for political inclusion and economic equality. The risk of disappointing these expectations was a real threat to the survival of the Prime Minister's own political project.

### Liberation of political prisoners

48. Regardless of the announced political reforms, the newly nominated Prime Minister had yet not delivered on the promises made regarding deliverance of all political prisoners and opposition leaders detained with or without a trial in prison.
49. The interlocutors were not knowledgeable about the status of the closing of the Maekelawi detention centre in Addis Ababa (also known as the Federal Police Crime Investigation and Forensic Sector).

### Political and human rights situation

50. Ethiopia is still characterised by a high level of arbitrary violence which affects the general population in urban as well as rural parts of the country. The nature of the violence is partly ethnical and it was emphasised that to be caught in the fight between two opposing ethnic groups could be a real risk for foreigners traveling in Ethiopia. The regime does not maintain total control over security forces in all of the federal republic's nine regions. To illustrate the fact that the regional security forces at times act independently of the federal government, the example of

Somali Region<sup>70</sup> was mentioned; a region where the paramilitary force, the Liuy Police operates. However, the overall assessment was that the human rights situation in Ethiopia moved in the right direction currently.

51. Previously the regime denied the fact that the humanitarian situation in Ethiopia was so severe that a high number of citizens have been forced to leave their place of habitual residence for a number of reasons including conflict and drought; and often so in the most precarious conditions. Whereas 'IDP' (internally displaced person) used to be a forbidden word, the existence of 'an IDP issue' is now fully recognised as a fact by the authorities and the level of cooperation from the Government in providing assistance to this vulnerable group has improved. However, the interlocutors noted that the Government still occasionally puts restrictions on the deliverance of humanitarian aid to certain IDP groups for political reasons; as an example the case of Somali Region where constraints on the delivery of food aid had been recurrent. It is in particular difficult to transport humanitarian help to remote areas and areas where the security situation is dangerous such as at the Kenyan border.
52. The human rights and security situation in the refugee camps is precarious; the interlocutors noted that revenge killings occur with impunity inside the camps.
53. According to the interlocutors at this meeting, there have been no amendments to the list of designated terrorist organisations made in 2011 and adopted by the Ethiopian Parliament; a list naming five organisations including Ogaden National Liberation Front (ONLF) and Oromo Liberation Front (OLF).

### **Treatment of pupils and students**

54. The regime is known for accepting widespread use of excessive violence by the security forces against pupils and university students who participate in anti-government mass demonstrations. As an example of this, the interlocutors referred to a recent event where the authorities shot at the crowd of non-armed student demonstrators and caused the death of nine peaceful demonstrators who were killed at this occasion.

### **Treatment of members of the diaspora**

55. The situation of members of the diaspora is ruled by its own internal dynamic, which are not obvious to external observers. The Government conducts internet surveillance, monitors the activities of diaspora members who are active on YouTube canals or otherwise engaged in internet based communication. This surveillance also includes those diaspora members who are of a low profile and who are less vocal in their anti-government agitation. It is well know that the Ethiopian government periodically closes down the internet – also known as 'internet blackouts' – blocks

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<sup>70</sup> Also known as Ogaden.

certain websites, which are critical towards the Government and actively seeks to restrict freedom of expression domestically: to illustrate this practice examples were given of how the authorities had contacted foreign governments, hosting large diaspora communities, and requested a foreign government to take action in order to close down TV programs or YouTube channels which were run by the diaspora communities.

56. The interlocutors noted that in the past recent years a growing number of people from the diaspora community had chosen to return to Ethiopia. The explanation for this, offered by the interlocutors was that members of the diaspora might find that there is now a chance for influencing the political development in the direction that they desire.

### **Fair trials**

57. The judicial system in Ethiopia is weak because it suffers from lack of staff, lack of technical capacity and scarce resources. Although trial procedures under the constitution are in place, these procedures are not followed systematically.

### **Function of Vital Events Registration Agency (VERA)**

58. The members of the US embassy delegation were not convinced of the effectiveness of VERA to register vital events such as birth, adoption, marriage, divorce and death correctly. All participants at the meetings concurred that they did not fully trust the procedures installed by this agency to prevent rigging of ID documents. The interlocutors agreed that a high number of ID documents containing inaccurate information about the document holder are in circulation.
59. The interlocutors emphasised that the fact that a document contains inaccurate information does not necessarily imply that the document in itself is fraudulent. For multiple reasons, including practical and geographical reasons, people might avoid to demand documents through the official channels and instead seek to obtain ID documents through unofficial channels.
60. Corruptive practices are widespread at all levels of society in Ethiopia, according to our interlocutors. This means that it is possible and in no way exceptional for people to acquire new, genuine ID documents with inaccurate information. Bribes are being used as a means to negotiate the issuances of ID documents where the document holder is represented as younger than they are in reality. As an effect of this, the embassy has made a decision to fact check all the breeder documents at the issuing office by themselves in order to check their validity. The consular department at this particular embassy estimates that they see approximately five fraudulent ID documents per month. Passports are rarely fraudulent as it is fairly easily possible to obtain breeder documents with inaccurate information that can be used for the demand of a new passport.

## **Situation of Eritreans in Ethiopia**

61. Ethiopia is currently the second largest recipient country of refugees in sub-Saharan Africa. The participants in this meeting recognised that the Ethiopian government hosts a large and growing number of refugees and that the authorities has managed, in collaboration with UNHCR, to offer shelter, food and basic services to these very diverse groups of refugees. The situation has been particularly critical since the government of Saudi Arabia has cracked down on the illegal workers in the country, which has led to a high number of returnees to Ethiopia. The Ethiopian government willingly welcomes Eritreans who seek protection in Ethiopia in order to embarrass the Eritrean government. The authorities do not issue documents to Eritrean refugees but offer them refugee status.

## International NGO

Following the interview two additional questions were answered by July 2018:

*Could you please comment on the fact that the State of Emergency which was imposed in February has been lifted two month early (in June 2018)? To which extent does this decision affect the human rights situation in the country, especially for members of the opposition?*

62. Yes, the State of emergency was lifted earlier. This is very much in line with the general political signals originating from Dr Abiy. Ethiopia's new Prime Minister Dr. Abiy has announced a lot of reforms to reshape the nation but implementing them is harder.

Most important and most recently the Prime Minister:

- shook up the security services – removed Ethiopia's intelligence and military chiefs along with the national security advisor
- Ended the State of Emergency before expected
- Freed long-time political prisoners
- Announced plans to liberalise the economy – selling shares in EthioTelecom and Ethiopian Air
- try to resolve a 20 year old conflict with Eritrea – Ethiopia will respect a 2002 UN commission ruling that demarcated the country's border with Eritrea

63. But there are signs of cracks in the unity within the ruling coalition EPRDF that has otherwise been in unchecked control of Ethiopia since 1991. You will recall that Abiy is the first Oromo speaking PM ever. That makes the biggest population group the Oromos very satisfied and they continue to praise him and whatever he does. Also Amaras (second largest) are still very happy. And Abiy has travelled extensively within Ethiopia and seem to be genuinely listening to the grievance of the people, wherever he appears.

64. Abiy was elected within the Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition by united votes from Oromia and Amhara – that meant against the two other parts of the coalition, namely the Tigrayan and the Southerners. They are not happy and we see again violence and nasty ethnic clashes. Like before is it likely "government sponsored riots" – some elements from the South want to kick out Oromos. In the mixed town of Hawassa in south where all the big industrial parks are with various ethnic groups coming together as labours, we have seen since mid-June violent protests, clash, vandalism (burn property and cars) and another 16,000 internal displaced persons. According to OCHA<sup>71</sup> more than a million people has been internally displaced and in dire need of humanitarian assistance. On the issue of the IDPs, there is no obvious plan for them to return. And not returning is a silent acceptance of displacement based on ethnicity.

65. Also, Abiy's plans for the economy may also run into resistance, as ERPDF elites are entrenched in the state-run industries at the heart of the country's economy. And finally there were also protest against Abiy's announcement on Eritrea by residents of territory. The decision may be popular in

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<sup>71</sup> OCHA (2018). Ethiopia: Oromio-Somali Conflict –Induced displacement



the international community but approx. 70,000 Ethiopians lost their lives in that war (over a sandy desert) and some are asking now for what were all those lives lost.

66. So in conclusion, it is too early to say whether there will be genuine improvement on the human rights situation for the opposition. While there were welcomed changes on the leadership in central security apparatus, it is also obvious that the security apparatus remain rather loyal to those formerly in power. For example a small grenade was tossed at the recent pro-Abiy rally in Addis on Meskel Square in Addison 30 June. The event attracted several 100,000s of Ethiopians. Speculations are that as there has never been any such attack on those in power before, this could only have happened because certain elements within the police allowed it to happen. Later the Addis Ababa chief of police was arrested.

*In your opinion, what does the fact that the Ethiopian Government has unblocked a number of websites, blogs as well as radio and TV stations mean for the political situation in the country? To which extent does this decision affect the human rights situation, for members of the opposition?*

67. Dr. Abiy continues to take measures in support of more freedom of expression and the un-blocking of media and websites are welcomed changes. Dr Abiy enjoys wide support from the population across various ethnic groups and regions, but his actions are no doubt also causing resentment within the government coalition. See above on government sponsored riots - these continue in areas of southern Oromia, Benishangul Gumuz and North Gonder in Amhara. Therefore we are only cautiously optimistic on the human rights situation.

Addis Ababa, 16 May, 2018

### **State of emergency**

68. The interview took place four months into the state of emergency which was declared on 16 February 2018. This state of emergency was different compared to the previous one which had been declared on 9 October 2016 and then lifted by the Government in August 2017, according to the interlocutor. The difference was a certain sense of trust in the future which had emerged; a trust which seemed to be inspired by the nomination of the new Prime Minister, Dr Abiy Ahmed. The interlocutor noted that people, e.g. staff members of this NGO and others, expressed more hope in the future now. This level of hope seemed to be fuelled by the declarations made by the new Prime Minister in the early days of his mandate although nothing of substance had changed in terms of the locus of control over the country. Ethiopia is still a one-party system and EPRDF maintains full power over the rule of the country regardless of change of prime minister.
69. There has been a significant reduction in violent riots and public protests after the proclamation of the current state of emergency according to this interlocutor. Up to its entry into force, the situation across the country was characterised by instability and numerous security incidents. There were clashes on the Oromo-Somali Region border and many roads were being blocked frequently. This has changed and the situation was notably calmer by then. The new Prime Minister had made a number of public statements, including his inaugural address, which in the views of this interlocutor had been interpreted by the general population as a new beginning. However, the

informant noted that the Prime Minister had yet to address the media to advise whether the issue of political prisoners would be solved. This has later been directly addressed. Previously illegal Oromo media outlets are no longer illegal, and recently more than 200 websites run primarily by opposition and diaspora Ethiopians have been unblocked.

70. The Proclamation of the state of emergency prohibits all assembling or other kinds of moving in groups regardless of purpose as well as it puts restrictions on the freedom of association and of peaceful assembly. This has a direct consequence for civil society organisations, including international development NGOs with a global mandate to carry out advocacy and other kinds of awareness raising activities. It is important to note that it is prohibited for INGOs to engage in any gender, advocacy and right related issues.

71. According to the CSO law INGOs can engage in:

- Prevention or alleviation or relief of poverty or disaster
- Advancement of economy and social developments and environmental protection
- Advancement of health or saving lives
- Overall services provisions

But cannot engage in:

- Advancement of human and democratic rights
- Promotion of equality of nations, nationalities and peoples and that of gender and religion
- Promotion of rights of disabled and children's rights
- Promotion of conflict resolution or reconciliation
- Promotion of efficiency of justice & law enforcement service

72. Any NGO activity which requires that people gather in groups needs approval beforehand by the authorities as a consequence of the State of emergency. This is a limitation in the freedom to carry out development activities aiming at raising awareness about civil rights or even any technical awareness on for instance good agronomic practices or the like. This requires civil society organisations to carefully monitor which language they use when they make references to rights based approaches, women's empowerment, political awareness raising, etc.

73. A number of directives under the state of emergency wield power to regulate public life. According to these directives it is prohibited to communicate about security issues including access and road safety, etc. This causes trouble for civil society organisations with operations across the country as these organisations need to exchange information among staff members who travel across different regions of the country, including those regions where the security situation is volatile. Security threats include the blocking of roads as well as stone-throwing but also the danger of getting caught in gun fire when security forces have intervened to disburse crowds. It has in particular been in Oromia State where there have been many security incidents.

## Political and human rights situation

74. Noting that Ethiopia's administrative structure is built on the principles of ethnic federalism, the interlocutor emphasised that ethnic division has been and still remains a source of instability over the years. Ethnicity as an engine of political conflict still dominates, and increasingly so, Ethiopia's political life. This is fuelled by the Ethiopian federal government, which uses 'ethnification' actively as a key strategy to keep the Oromia and the Somalis engaged in local conflicts at the regional level thereby preventing the Oromos from fully engaging in the competition for influence at the national level. According to the interlocutor, ethnic competition and mistrust can be felt at all levels of society, including in organisations where much efforts have been invested in creating a workplace free of ethno-nationalist sentiments. To illustrate this phenomenon the interlocutor referred to an example of a staff member of Tigrinya descent who expressed fear of being physically abused and attacked by the mob if they travelled to Oromia where people of Tigrinya ethnicity are intensely disliked. However, the interlocutor noted that there were indications of a certain reduction in the level of ethnical based animosity in the country, although it was still too early to assess whether these improvements were sustainable beyond the immediate reaction.
75. The new Prime Minister, who is of Oromo and Amhara descent with a Muslim father and a Christian mother, has called for national reconciliation and dialogue among the federal regions of Ethiopia; the interlocutor emphasised that the Prime Minister has called for a peaceful solution to the ongoing unrest in Oromia. The fact that the regime has nominated a Prime Minister of Oromo descent has altered the ethnic composition of political life and has inspired hope in a more fair ethnic balanced representation at national level and in more willingness to enter into real dialogue with opposition parties. As an indicator of this level of optimism that now prevails among people of Oromo descent, the interlocutor referred to anecdotal evidence of new-borns being given names such as 'We won' or 'At that time'.
76. Albeit the level of corruption in Ethiopia might be lower than in the neighbouring countries, corruption remains a problem according to the interlocutor. Examples of this were numerous including misuse in the judicial system. Also, land concessions sold to foreign investors is highly contested.

## Situation of political prisoners

77. The Prime Minister has publically announced the release of an unspecified number of prisoners. According to the interlocutor a significant number of prisoners, in particular prominent politicians, activists and human rights advocates and political "bloggers", have been released during this state of emergency. However, besides a few well known public figures, it is not clear who have been released out of the many who have been detained over the years. Thus it remains to be established how many have in reality been released and how many remain in prison.

### **Treatment of members of opposition groups**

78. The interlocutor was unaware of whether there had been significant changes in the way the government is responding to anti-government protests organised by the Oromo Liberation Front (OLF) or the Ogaden National Liberation Front (ONLF). However, the interlocutor knew of at least one recent example of interethnic violent conflict in 2018 in the town of Moyale near the Kenyan border and, on the Ethiopian side of the border, split between the Oromia Region on the West and the Somali region<sup>72</sup>) in the east. At this occasion, the police fired shots at the crowd and several demonstrators were killed. The interlocutor explained that this incident has been followed by calls for an investigation into the use of what appears to be excessive force by the police against demonstrators.

### **Situation of pupils and students**

79. Ethiopia has a history of politically motivated mass protests by university students in all regions. The national and regional security forces are known for having limited 'crowd control skills' and student participants in demonstrations have been shot at, killed or arbitrarily detained regardless of their role in these demonstrations. Students who have been arrested have most often been detained without being charged with any crime; many have been released without ever having been formally presented for a judge. Especially at the event in Bishoftu in Oromia in October 2016, where a Oromo cultural festival escalated into anti-government protest and turned violent and some 700 allegedly died<sup>73</sup>. There were many arrests and whereabouts of the arrested are still unknown or contested.

### **Treatment of person who have previously been detained and then released**

80. Persons, who have previously been arrested, detained and then released with or without a trial, might still be exposed to increased surveillance by the authorities.

### **Liyu police**

81. According to the interlocutor, it is well established that the Somali Regional Special Policy, also known as Liyu Police, is using excessive force against citizens. The interlocutor was not knowledgeable about whether forced recruitment to the Liyu Police took place.

### **Situation of the diaspora**

82. The level of surveillance inside Ethiopia is high and, according to the interlocutor, there is 'no doubt' that this surveillance extends to people who belong to the diaspora. The activities and utterances of those members of the diaspora who are active on social media such as YouTube are most possibly being followed closely by the secret service.

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<sup>72</sup> Also known as Ogaden.

<sup>73</sup> The source made reference to Human Rights Watch (2017). "Fuel on the Fire: Security Forces Response to the 2016 Ireecha Cultural Festival. September 19, 2017

83. The internet and telecommunication sector in Ethiopia is highly controlled by the state. There are numerous examples of how the federal government has decided to shut down the internet to restrict citizens' communication. The Government also blocks certain websites, in particular those of diaspora groups. In Ethiopia it is against the law to access the internet via a VPN connection. In practice the law does not, however, prevent ordinary people from using VPN connections. For individuals who are not on the radar of the security service it is possible to use VPN connections to access the internet.

#### **Situation of Eritreans in Ethiopia**

84. In many ways Eritrean refugees in Ethiopia benefit from a privileged status compared to refugees of other nationalities, according to this interlocutor. By contrast to other refugees, Eritreans can benefit from the out-of-camp policy which allows them to take residence out of the designated refugee camps. They can study at national institutions, but they cannot yet get a license to open a shop nor can they apply for jobs at the formal labour market. However, the Government of Ethiopia's "9 pledges" made in line with the **New York Declaration for Refugees and Migrants in September 2016 and** the subsequent regional policy framework of the CRRF (Comprehensive Refugees Response Framework) has the intension of allowing for full integration of the one million refugees into Ethiopia including access to all basic services.

## International Organization for Migration (IOM)

Addis Ababa, 17 May 2018

*IOM was established in 1951. It is the leading intergovernmental organisation in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants.*

### Scope of work

85. IOM is working with USA, Canada, Australia and European countries in cases of resettlement. Furthermore, IOM has a smaller project called the Document Verification Project in Ethiopia, which is growing, according to the interlocutor. The project includes many Western countries: Last year the Germany joined the project and Norway confirmed that they would join in February 2018. Furthermore, the source added that France confirmed their participation in the project.
86. IOM Ethiopia is doing the document verification in Ethiopia and does cover only the verification in Ethiopia; however, other IOM missions in other countries provide the same service based on countries context and request from different countries.
87. The Document Verification Project started 12 years ago in cooperation with the Swizz embassy. It is working on the basis of requests from embassies, where they would request for documents to be verified, and the IOM would verify the documents in question for a service fee. The IOM could verify documents in any given Ethiopian region. However, the source advised that the fee also depended on the location of the region.
88. The source further noted that IOM is verifying documents for Australia and New Zealand, although this caseload is handled by their embassies in Nairobi. There are different types of questions, IOM come back with positive or negative answers regarding validity of the documents.
89. The source advised, however, that IOM do not verify statements. The source clarified that IOM could not verify statements of migrants from Ethiopia that for example Migrant said he or she was staying in this city doing that unless this opinion is documented and endorsed by legal entity or government offices. Furthermore, IOM is not collecting data on migrants under this project.
90. Regarding refugees the interlocutor noted that when new refugees arrived they would be received by ARRA, who subsequently would send them over to the UNHCR for registration. Afterwards IOM's nurses and doctors would assist refugees in medical check (Fit to travel) before joining IOM bust and transported to the UNHCR/ARRA designated refugee camps including but not limited for

fever, Malaria, Malnutrition etc. and take them on busses to the camps. IOM is not registering anyone and is only dealing with registered refugees; however, IOM hold records of the number of refugees being assisted by IOM

#### *Current situation*

91. The source advised that there was another unit called Assisted Voluntary Return (AVR) that helped refugees. However, the source knew of huge numbers of Ethiopians who have migrated to Saudi Arabia and who are being deported now.
92. IOM, through its offices in Yemen, Djibouti and Ethiopia, is assisting vulnerable and stranded Ethiopian migrants to voluntarily return to their country of origin. Since the conflict broke out in Yemen in March 2015, IOM has been providing this assistance to nearly 10,000 Ethiopian migrants.
93. Ethiopian irregular migrants are caught in deplorable conditions due to the ongoing conflict. IOM, together with the international community, has been engaged in life-saving operations targeting thousands of stranded Ethiopians that prioritize the most vulnerable, including children, women, the elderly and medical cases.
94. IOM's support includes medical screening, facilitation of nationality verification, transportation, and specialized support for vulnerable groups.
95. As part of its ongoing evacuation assistance, in November 2016, IOM evacuated 150 Ethiopians from Yemen, and also assisted the return of 166 Ethiopians who been deported from Yemen and were stranded in Djibouti. All return assistance provided by IOM to these stranded Ethiopians was on a voluntary basis only, as part of its Assisted Voluntary Return (AVR) program.
96. IOM prioritises the needs of migrants and the return support is centred on the principle of consent, voluntariness, and best interest of returnees.
97. IOM's mandate explicitly prevents the organization from participating or supporting involuntary return, including deportation.
98. Asked if IOM is joining the UN family, the source replied that Yes IOM has joined the UN family.

#### *Fraudulent documents*

99. When asked about fraudulent documents the source advised that they occurred. The request for document verification is growing.
100. The IOM verified 136 documents in March 2018. However, there are different seasons for document verification. The number of request would typically increase at the end of the year,

according to the source. IOM verified around 500-600 documents last year. The source had seen two or three percent fraudulent documents last year.



## EU Commission

Following the interview two additional questions were answered by July 2018:

*Could you please comment on the fact that the State of Emergency which was imposed in February has been lifted two month early (in June 2018)? To which extent does this decision affect the human rights situation in the country, especially for members of the opposition?*

101. Though the latest State of Emergency was implemented with a softer hand than the previous one, it is positive it was lifted before the expired time. This reflects a more forthcoming approach by the new Government towards opposition parties (Prime Minister Abiy started dialogue with all of them). It will be interesting to observe the new Government's approach towards the still complicated security situation in some regions (including Oromiya).

*In your opinion, what does the fact that the Ethiopian Government has unblocked a number of websites, blogs as well as radio and TV stations mean for the political situation in the country? To which extent does this decision affect the human rights situation, for members of the opposition?*

102. The reopening of internet network and release of the grip on media was of utmost importance. News is now circulating more and people are connected. This includes easier communication/outreach for member of the opposition, and quicker signalling of possible human rights abuses. The press is, however, generally favourable to the new Prime Minister, it will be interesting to observe the Government's reaction in case of more critical press approach in the future.

Addis Ababa, 23 May 2018

### *Political situation*

103. The source described the current political situation in Ethiopia as a big chance for the Government to be successful. There has been a peaceful change of prime minister, which in itself was something extraordinary in Ethiopia. The previous leaders of the country died, got exiled or as the emperor got killed. The source noted that this was the first time when Ethiopia in modern time had a normal change of prime minister. The fact that the previous prime minister resigned and that pass-over of power took place as per constitution was seen as very positive. It was still extremely difficult to get information out of the inner circle. The resignation, however, did not come as a surprise, as a consequence of the protracted protests that swept throughout the country before he resigned.

104. According to the interlocutor, the EPRDF, the ruling coalition, has a very solid party line, the only going out to the public. Despite that criticism towards the Prime Minister leaked, suggesting a possible change of the Prime Minister. The timing, however, was surprisingly sudden and created an uncertain moment. The authorities stressed with the international community that they went by the constitution by getting a new prime minister and a new government.

105. The source noted that the new Prime Minister promised changes are going in the right direction. While he might not have had direct control of social media and the protests in the fields, he used them to his own advantage. Furthermore, the Tigrayan party<sup>74</sup> miscalculated or was overconfident during the elections for prime minister, which saw Abiy successful.
106. The new Prime Minister is 42 years old with a background in the political establishment, he was in the army, and uses innovative talking – the change people was calling for. Whether he will be able to deliver on his promises has to be seen. The interlocutor advised that in general the new Prime Minister managed to calm down the situation. First he went out to the regions and talked to the people, and then he went to the Middle East talked to Saudi leaders and his next visit would be to Uganda and Egypt.
107. According to the source, the TPLF<sup>75</sup> represented six percent of the population; nevertheless they controlled the establishment and large part of the economy: big parastatal companies, the army, the security service, etc. Although the new Prime Minister did not start a purge of the old guard, he put Amhara and Oromo people in key positions. The fact that the new Prime minister himself was from Oromia defused the demonstrations in Oromia somewhat, which would have been more difficult if the EPRDF had chosen someone else as prime minister. Therefore in terms of political change, the source was optimistic. The source was more sceptical in regard to the economy and employment. The source advised that there were very few options for graduates in Ethiopia, which created frustration among young people. The source opined that if a graduate had no real options for employment in the formal sector, they would be more inclined to try to change things themselves.

### *State of Emergency*

108. According to the source, the clashes between Somali and Oromo people had been ongoing for a long time. The Somali police target ethnic Oromos on their own territory and vice versa. They forced them to move to the other state. What was even worse, the interlocutor stated that many

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<sup>74</sup> Tigrayan People's Liberation Front is part of the ruling coalition Ethiopian People's Revolutionary Democratic Front

<sup>75</sup> Tigrayan People's Liberation Front

Somalians from Oromia could not speak Somali, which in itself constituted a problem, when they were relocated.

109. The source noted that the international community (including EU) had called for lifting of the first imposed State of emergency, and the authorities abided to that in order to appease the international community and show that Ethiopia's security situation was under control. However, 2-3 months after the prime minister resigned the Government re-introduced the state of emergency.

110. The interlocutor opined that the second state of emergency was less heavy handed. Some people were still getting arrested, but the extent of arrests was not comparable to the previous state of emergency. The source noted that there should now be ground to have the state of emergency lifted. The interlocutor also believed that if things got out of hand, it would be a huge problem for the Prime Minister. In this respect, the source referred to the internal clashes in the Somali region.

#### *Release of prisoners and the closure of Maekelawi centre*

111. According to the source, the authorities had started to release prisoners including opposition leaders. The authorities imprisoned political prisoners around 2015/2016. The source estimated that there were approximately 30,000 persons imprisoned all in all. The source informed that the authorities started to release 10,000 including prominent opposition party leaders. While the Government is releasing prisoners, there are still others that are being arrested.

112. Regarding the Maekelawi detention centre, the source advised that it had been closed down. The source added that the closure should be seen as a symbolic gesture by the Government, since a number of people were detained and tortured there. However, the authorities had constructed a new centre outside of the city, but in a symbolic way the source opined that the closure was a good thing.

113. According to the interlocutor, the new political environment bears a range of contradictory elements. As an example the source referred to a situation, where one opposition leader was released from prison and was going to address his people in his home town. He was subsequently detained by the federal police, who stated that he was not allowed to address his people. However, the regional police did not agree with the federal position, which resulted in a stand-off between federal and regional police.

#### *Internally displaced persons (IDPs)*

114. The source advised that Ethiopia had a substantial amount of IDPs, which was caused by primarily clashes and drought. Nevertheless around 60 percent of all IDPs are conflict generated. The source opined that there were around 1.66 million IDPs in Ethiopia.

115. Regarding refugees, the source advised that Ethiopia had almost one million refugees. The source elaborated that in Ethiopia the conditions for refugees were better than for IDPs. The whole refugee system experienced a good collaboration between the Government and UNHCR. However, the UN in general tries to play the poor conditions down for refugees, because they want to be on good ground with the Government.

#### *The situation for the opposition*

116. In general it was the opinion of the source that the conditions for the opposition had improved, although, there were exceptions. The source mentioned a case where a number of persons had been released from prison and wished to celebrate. They were immediately arrested. Furthermore, there had been a number of rearrests of journalists, social media bloggers and activists. The interlocutor opined that this area was more sensitive than others. Even though there was a liberalisation of the media, the control/censorship was still there and arrests still occurred, although in a smaller scale than before. The source also opined that students got less targeted now than before, which also was due to the lack of willingness to demonstrate for the time being.

## VERA (Vital Events Registration Agency)

Addis Ababa, 23 May 2018

### *Mandate*

117. VERA was established to lead the ID and civil registration in 9 regional and 2 city administrations. VERA has 18,600 registration centres for vital events and also provides national ID cards (also known as Kebele cards). However, the ID cards are not implemented yet on a national level.
  
118. VERA at the federal level is responsible for creating awareness about the need to conduct ID-registration across Ethiopia, but it is up to the regions themselves to train staff members so they have the required technical capacity. However, training material is made at the federal headquarters hence everybody will get the same training. All in all there are four federal registration centres.
  
119. It is given by law that a staff from VERA should be present at ARRA.

### *General working procedures*

120. Although Ethiopia is a decentralised country VERA has managed to establish local branches, which improved registration in rural areas. 88.8 percent of the population is registered. The source noted that in rural areas such as the Afar region VERA is running resettlement programs, which will help the agency with registration of vital events.
  
121. The source advised that each Kebele had a copy of people's documents. VERA also had copies of such documents, which would be sent to different institutions. It is necessary to renew one's Kebele card.

122. The interlocutor noted that a person could only get a new Kebele card issued at the same Kebele, where it was initially issued. In this regard, if a person was to move to another city and subsequently lost their documents, they have to reacquire the document at the place of issue. A person had always the right to get reissued certificates at VERA or from a federal office, which can issue vital event certificates: birth, marriage, divorce death, and adoption certificates.
123. If a region has been following Sharia law, a marriage celebrated according to Sharia is accepted as legal, and the marriage would afterwards be integrated into a federal data system. VERA has a mandate to roll out civil systems across Ethiopia.

## UNHCR

Addis Ababa, 18 May 2018

### The refugee situation

124. The meeting began with the four staff members from UNHCR describing the general situation for refugees in Ethiopia. Ethiopia maintains an open door policy for refugee inflows into the country and allows humanitarian access and protection to those seeking asylum in its territory. Ethiopia has traditionally been a hosting country for refugees from the neighbouring countries and currently there are more than 915,000 refugees in Ethiopia. The large majority are people who come from South Sudan (more than 440,000), Somalia (more than 220,000) followed by refugees from Sudan and Eritrea. People from South Sudan are placed in a number of refugee camps in Gambela whereas the Somalis are placed in two locations in Jijiga. Refugees arriving from Eritrea are placed in refugee camps in Shire.

Melkadida, below are camps under UNHCR Office in Melkadida:

- Bokolmanyo Camp: 43,201
- Melkadida Camp: 34,606
- Kobe Camp: 48,032
- Hilaweyn Camp: 50,805
- Buramino Camp: 41,588

125. In Ethiopia, refugee protection is provided within the framework of international and national refugee laws, in particular the Ethiopian National Refugee Proclamation (409/2004), as well as core international human rights treaties that have thus far been ratified by the country. Ethiopia has joined the UN Comprehensive Refugee Response Framework (CRRF), which was adopted at the Leader's Summit on Refugees and Migrants in September 2016. The Government has made nine pledges to improve the living conditions for refugees in Ethiopia. The nine pledges shall be implemented in collaboration with relevant civil society organisations and business and a core element is to improve refugees' access to employment and education. According to the UNHCR staff present at this meeting, it is still too early to tell what impact this new approach will have on the refugees' possibilities for gaining a livelihood in Ethiopia.

126. According to the UNHCR representatives at this meeting, the Ethiopian Government has been more tolerant and more willing to engage in discussion about sensitive issues such as the question of internally displaced persons.

## Registration of refugees in Ethiopia

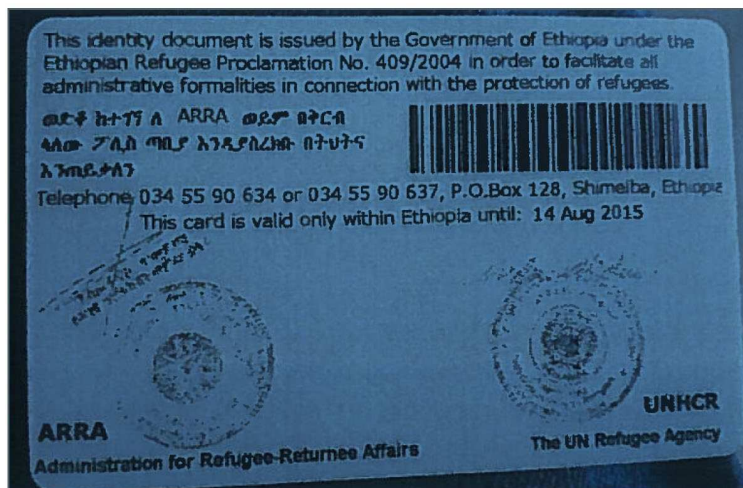
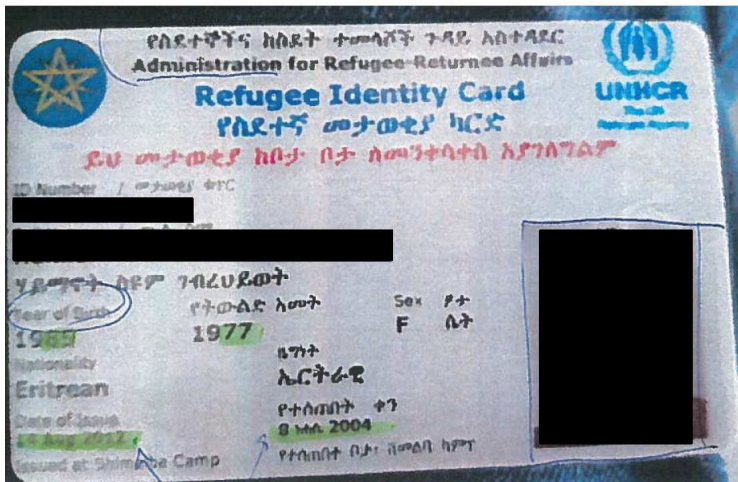
127. The UNHCR staff members described the registration process of refugees in Ethiopia. When a refugee arrives, the government counterpart, the Administration for Refugee and Returnee Affairs (ARRA), is responsible for reception of refugees followed by nationality screening and individual manual registration. After registration with ARRA, the refugee proceeds to UNHCR for detailed registration using a standard database.
128. All asylum-seekers are expected to be registered within 15 days of arrival in Ethiopia.
129. Since 2017, while there are numerous points of entry, it is principally in three reception centres throughout the country (Endabagouna in Shire, Dollo Ado in Somali region, and Pandong in Gambela), where UNHCR undertakes comprehensive registration associated with Biometric Management Information System (BIMS) for new arrivals in Shire (Endabagouna) and in Somali region of Ethiopia (Dollo Ado). At the moment, UNHCR's comprehensive registration and BIMS technology are in the planning stage in Gambela at the reception centre (Pamdong).
130. Asked about which kinds of personal or biometric data is being collected by ARRA during the registration process of refugees, UNHCR answered that ARRA collects basic bio-data, flight route, family members and dependents accompanying the applicant, documents (if any exists), address, reason of flight and possible intention to return to country of origin.
131. Asked about which kinds of personal or biometric data UNHCR collects during the registration process of refugees, the UNHCR representatives answered that UNHCR staff conduct registration based on the information collected by ARRA and UNHCR using a standard database, proGres, which will facilitate the collection of a full dataset, including biometric data of refugees.
132. Asked about to which extent the ARRA and UNHCR exchange information, UNHCR explained that on 7 December 2016, ARRA and UNHCR signed a Data Sharing Agreement with a provision to develop and implement a Registration Multi-Year Plan of Action (2017-2020). The aim of the registration multi-year plan of action is to move from the parallel registration system between UNHCR and ARRA to a joint registration system in Ethiopia.
133. The Registration Multi-Year Plan of Action envisages three main components, which are (1) capacity development of both UNHCR and ARRA, (2) upscaling of data through Level 3 registration, and (3) ensure its sustainability through continuous and practical registration at camp level. The strategy governs the collaboration between the Government of Ethiopia and UNHCR concerning the registration of refugees and asylum-seekers in Ethiopia. The four year plan aims to establish a joint and unified registration system between ARRA and UNHCR, as well as the need of UNHCR to coordinate assistance provided to persons of concern by multiple partners allowing for accountable, effective and efficient assistance. The expected outcome of the four year strategy is linked to the Comprehensive Refugee Response Framework (CRRF) and the implementation of the Nine Pledges made by the Government, which requires quality and reliable data on refugees and



asylum-seekers. The Registration Strategy will allow for improved targeting both regarding assistance and protection needs, but also access to solutions and opportunities in line with skills and qualifications of persons of concern.

134. Asked about which authority has the right to edit in the data concerning the registration of refugees and asylum-seekers in Ethiopia, which is shared between ARRA and UNHCR, the UNHCR staff members informed us that currently UNHCR has the authority to edit, register and update data. ARRA has a copy or read-only database, which has countrywide consolidated data and refugee fingerprints with the aim to avoid refugees to get register into the national system.
135. Asked about who has authority to establish the identity of a refugee in Ethiopia, UNHCR explained that the legal framework for issuing refugee identity cards is the Ethiopian National Refugee Proclamation (409/2004) and the 2008 Memorandum of Understanding between ARRA and UNHCR on registration and documentation of refugees. The issuance of refugee identity cards is a joint responsibility between ARRA and UNHCR. ARRA will have a lead role and will be responsible for the printing, issuing, re-printing, and verification of the refugee identity cards. UNHCR will be responsible for the referral of eligible refugees and shall provide material and technical support as required. The source added that this was already implemented. For instance, In Gambela (Nguenyiel Camp) through the L3 registration 25,837 new ID cards have been issued for individuals who are 14 years and above.
136. ARRA and UNHCR have joint responsibility for the communication with other relevant Ethiopian authorities and with refugees concerning the refugee identity cards.
137. Issuance of refugee and asylum-seeker ID cards started in 2010 and the operation managed to print the ID cards in some locations. Refugee cards hold information about basic bio-data, which is ID number, full name, year of birth, sex, nationality, date of Issuance, issued at (place), expiry date (back side), address and photo.
138. Asked about whether a refuge card must display the birth year or whether there would also be a date, the UNHCR staff stated that the card must display the date, month and year of birth

Below is a sample copy of a refugee card, which is currently being circulated.



Below is an overview of places where refugee documents are issued. The table has been used to present the refugee documentation situation in Ethiopia with various external actors.

**State of documents issued to refugees by ARRA and UNHCR in Ethiopia (As of April 2018)**

Location	Camp/Urban	ARRA		Joint (ARRA & UNHCR)	UNHCR
		Pass Permit	Birth Notification	ID card	Proof of Registration
Addis Ababa	Urban caseload in Addis Ababa			Issued Continuously	
Shire	Shimelba				
	OCP in the region			Issued Continuously	
	Mai-Aini				
	Adi-Harush				
	Hitsats				
Mekelle	Aysaita				
	Barahle				
	Erebt				
	Dalool				
	Ayne-Deeb				
Gambela	Pugnido				
	Kule				
	Jewi				
	Okugo				
	Tierkidi				
	Pugnido II				
	Nguenyiel			Issued in 2018	
Assosa	Sherkole				
	Bambasi			Issued in 2013 & 2012	
	Tongo				
	Gizan/Ad-Damazin				

	Tsore				
	Gure-Shembola				
Borena	Ken-Borena				
Melkadida	Bokolmanyoo				
	Melkadida				
	Kobe				
	Hilaweyn				
	Buramino				
Jijiga	Aw-barre			Issued in 2017 & 2018	
	Kebribeyah				
	Sheder			Issued in 2017 & 2018	

**Legend:** Shaded orange area = documents are issued.

139. The UNHCR representatives confirmed that a refugee card can be used as proof of identity as well as proof for other purposes than identity, for example open bank account, SIM card, police control, etc. However, strong advocacy is required from UNHCR and its partners to work closely with the Government through CRRF to promote the use of the ID refugee card and Proof of Registration in Ethiopia for various Government 'services. For instance, the Proof of Registration issued by UNHCR is used by embassies in Ethiopia as Identity Document too. Italian corridor project requests the Proof of Registration to enable visa procedures for refugees, and other embassies used the document for family reunification.
140. Asked whether a refugee card issued by UNHCR given to an individual means that the person is also recognised as a refugee by the Government, the UNCHR confirmed that this is correct.
141. Asked whether a UNHCR refugee card indicates that the person who has been given this card has also been granted a valid residence permit in Ethiopia, the UNHCR staff members answered that this is not yet the case.
142. There is a strategic focus on refugee documentation in Ethiopia currently, which has been integrated in UNHCR's agreement with ARRA and thereby with the Government. The ambition is to register 530,668 individuals aged 14 years and above by the end of 2018. UNHCR has hired additional registration officers to issue ID refugee cards as well as to establish sheets of family

composition to document affiliation. This registration is based on whatever underlying/breeder documents the refugees might have at their disposition upon arrival.

143. The UNHCR representatives noted that in the future UNHCR might issue another kind of refugee cards. This is linked to the fact that there currently is a serious gap of under-registration of refugees in Ethiopia. For 530,668 individuals aged 14 years and above, only 2% have an ID document, and the rest uses the “ration card” as ID. UNHCR hopes that through the scheduled L3 registration, UNHCR will be able to cover all refugees with ID cards by the end of 2018. In 2019 and 2020, UNHCR will sustain efforts made in 2018. The ID card has a validity of 3 years. The UNHCR representatives expressed the hope that during the renewal phase in 2021 of the ID cards issued in 2018, we can include the biometric component in the new ID cards.

### **Situation of Eritrean refugees in Ethiopian camps**

144. The Eritrean refugees are concentrated in refugee camps in Shire. The names of these camps are Hitsats, Shimelba, Mai-Aini and Adi Harush.

145. Eritrean asylum-seekers who flee persecution in their own country are not interested in staying for a prolonged period of time in these camps. The camps lack basic facilities such as running water, electricity, shelters and activities. This penury contributes to the fact that these camps function more as transit points than as places of living. In May 2018, food rations in the camps were cut because World Food Program (WFP) ran out of funds: the daily amount of calories that a refugee would receive through rations distributed went down from 1,600 to 1,200. This recent scarcity of food is likely to lead to additional movement among the refugees in the near future.

146. In Hitsats camps there are many Eritrean unaccompanied children and children who have been separated from their families en route, thus a high number of minors living alone. UNHCR seeks to offer these children alternative care arrangements such as host families through the assistance of the Red Cross and other civil society organisations and although social services have improved it remains a challenge to offer minors adequate care.

147. Normally, the registration process of an underage child is up to two weeks.

148. Eritreans refugees are included in the out-of-camp policy, which allows refugees to leave the camp (without permission from ARRA) and take up residence in Ethiopia. It is a requirement that the refugee has a sponsor in Ethiopia who is willing to vouch financially for the refugee. If they have enough financial means on their own, refugees are also allowed to live outside of the camp and to work and study. It is, however, increasingly difficult for anybody to find a proper job in Ethiopia, including for refugees.

## Legal source

Addis Ababa, 18 May 2018

### *Documents*

149. According to the source, all vital event certificates and ID cards are issued by a Woreda (which is an administration unit/district). Previously a person could get issued such cards in the so-called Kebeles, however, due to structural change a few years ago two or more Kebeles were merged into a Woreda. In some cases only one Kebele forms one woreda. Above the Woredas is Sub city. One Sub city can have more than 8 Woredas under it. So Kebele ID cards were previously issued by Kebeles and now, because Kebeles do not exist, the Woredas issue such certificates.
150. Previously all vital event certificates were issued by the municipality as regards Addis Ababa residents. However, these functions were decentralised and all except marriage certificates were issued by Kebeles and subsequently by the Woredas after the Kebeles were merged into Woredas. However, marriage certificates were still issued by the Subcities. But recently about one or two years ago even marriage certificates have been issued by the Woredas and no more by the Subcities.

### *Custody of a child*

151. Disagreement over custody of a child is decided by the court. Most cases taken to court are between parents. Typically, parents seeking divorce and who disagree over custody will make use of the legal system to settle their disagreement, whereas few cases of custody issues regarding children born out of wedlock in Ethiopia are taken to court. The community would also perceive them to be a married couple. Although they are not married legally, they are considered to be husband and wife. Regarding the custody of the child, it is considered a married couple and therefore the parents have joint custody. In other cases where a man temporary has a relationship with a woman, which results in the birth of a child, the source advised that it would be very rare that one would find cases of custody fights. The most common would be that the man would deny paternity of the child. Hence, the woman would get the custody.

### *What kind of documents should a person submit in court in custody cases?*

152. The person should submit a birth certificate issued by the hospital or health clinic (or nurse if the child was not born in a health facility). If a man claims paternity over a child, he would bring witnesses to court to prove this, and then the court will decide whether he is the father or not. In most cases the custody would go to the mother if the child is younger than ten years. For a child older than ten, the court would also hear the child in order to establish, where they would prefer to live. Furthermore, in regard to the nationality of the parents, the source advised that this would not play a role in the decision of giving custody to a child.

### *Lost documents*

153. If a person has lost a vital document they should hand in their ID card at the Woreda in order to get a new copy of the lost document. The source added that the same procedure was applicable for a lost ID cards. If an ID card was lost an office employee would check, which kind of information the authorities have on the person in the file, together with face recognition. The Woreda office has a physical copy of all certificates. Furthermore, the source advised that the authorities have started taking biometry (fingerprint), which also could help the officials authenticate that person in question actually is who they claim to be.
154. If a person intends to move to another city, they have to hand in their ID card and obtain a letter, which states the current residence of the person in question as well as the intended future place of residence so that the person can register at this Woreda. However, if the person has lost their documents, they have to return to the Woreda, where their documents have been issued, to get a new copy. Furthermore, the source opined that some persons could have more than one ID card obtained through bribes and corruption.

### *How do Eritreans obtain documents in Ethiopia?*

155. According to source, an Eritrean could get issued identity cards at the local Kebele (now Woreda) before 1998. However, after 1998 an Eritrean could only get issued Ethiopian documents via the immigration authorities.

### *How do Eritreans obtain residence permits?*

156. The source advised that there is a special committee at the immigration office with the authority to grant a foreigner residence permit. The members of this committee are responsible for interviewing the person who applies for residence permit. Likewise, it is also the committee that would issue vital event certificates for Eritreans, who are not registered as refugees. However, the source noted that an Eritrean has to have a valid passport and a residence permit, etc. to get issued vital event certificates. Regarding Eritrean refugees, the vital event certificates would be issued by the Administration for Refugee & Returnee Affairs (ARRA).

### *Citizenship for Eritreans*

157. It is not without problems for an Eritrean to obtain Ethiopian citizenship due to the war between Ethiopia and Eritrea. According to the Ethiopian National Proclamation, however, it is possible for an Eritrean to obtain Ethiopian citizenship. Nevertheless, it is up to a special committee to decide on each matter. Due to the ongoing war Eritreans are perceived as a security risk by the Ethiopian authorities, and thus seldom given citizenship.
158. According to the interlocutor, it was easy for a child to get Ethiopian citizenship if the child's parents were Ethiopian and Eritrean citizens respectively.

*How do the Ethiopian authorities know who voted at the Eritrean referendum of independence in 1993?*

159. The source advised that the Ethiopian authorities have a file in Ethiopia where everyone who voted at the referendum is listed. If a person does not appear on that record, which is a paper file, they could in principle apply for citizenship.

*Fraudulent documents*

160. The source noted that there were many fraudulent documents in circulation in Ethiopia; it was in particular frequent to see genuine documents, which contained inaccurate background information. The source added that ID cards also could be fraudulent. A person could bribe a local employee at the Woreda to get the information they want.
161. The source advised that in the past one could stick a visa from one passport into another passport; this practice was very widespread in the past. The source did not have any information about the prevalence of this practice today, but added that fraudulent birth and marriage certificates still were widespread in Ethiopia.
162. According to the source, authentication processes conducted by the Ethiopian Ministry of Foreign Affairs (MFA) are generally of a good quality. The MFA has specimens, which they use in their processing of documents. However, the MFA will not check for fraudulent content in the document.
163. Regarding the issuance of passports, the source noted that previously it was only possible to get passports issued Addis Ababa, but now one could get a passport issued at an immigration office in the regions as well, where the immigration authorities have established local branches. The source added that the passports were networked so one cannot get issued two passports. The source added that the Ethiopian authorities have now introduced passports with biometry.
164. The source was aware of many cases where fraudulent documents were presented in the courts. The fine for posing with fraudulent documents is up to three years of imprisonment. When asked why there were so many fraudulent documents in circulation, the source answered that this was partly due to people's wish to travel abroad to find work. The source opined that this was due to economic reasons and not political.

*Issues regarding birth and marriage certificates*

165. According to the source, if a child is born at a hospital, the parents would receive a birth certificate immediately after the delivery. However, not many children are born in hospitals in Ethiopia, which is why the parents would find some kind of affidavit to prove that it is their child.
166. Regarding marriage certificates, Vital Events Registration Agency (VERA) would issue a marriage certificate when married couple have been at a sharia court or a church. A court can



decide whether a person is/has been married, which is based on affidavits that would serve as proof.

#### *Political situation*

167. According to the source, there were examples of human rights violations in Ethiopia. To illustrate this, reference was made to cases where a person is critical of the ruling party or if a person declined to become a member of the ruling party, then they could experience problems, even harassment or threatened. However, the source opined that the harassment would not be targeted the person in question's spouse or family.

#### *Students*

168. When asked about the situation for students in Ethiopia, the source advised that anti-government demonstrations were not tolerated in Ethiopia. The authorities have agents everywhere, who could identify who the student leaders were. According to the source, the main pressure would be on the leaders, they were at risk of being detained without a trial. The source added that a person's chances of having a fair trial in Ethiopia were very limited.

#### *Diaspora*

169. When asked whether the Ethiopian authorities were monitoring the diaspora, the source advised that the diaspora leaders would be watched. If members of the diaspora have not been very vocal and critical of the ruling party, they could return to Ethiopia. Actually some diaspora members were asked to return and would be offered land if they accepted.

## Appendix B: Sources consulted

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1. Administration for Refugee & Returnee Affairs (ARRA)
2. The Federal Democratic republic of Ethiopia Ministry of Foreign Affairs – Consular Affairs Directorate General (MFA)
3. British Embassy
4. U.S. Embassy
5. International NGO
6. International Organization for Migration (IOM)
7. VERA (vital Events Registration Agency)
8. UNHCR
9. Legal Source

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## Appendix D: Terms of reference

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### 1. Documents

1.1. Mechanisms for obtaining legal and administrative documents for citizens of Ethiopia; in particular passports, birth certificates, marriage certificates, ID-Cards (kebele cards) and custody certificates for children born outside of wedlock as well as the procedures through which these documents can be obtained;

1.1.1. Mechanisms for obtaining legal and administrative documents for Eritreans, residing in Ethiopia, in particular residence permits, birth certificates, marriage certificates, ID-Cards (kebele cards) and custody certificates for children born out of wedlock;

1.2. Function of 'Vital Event Registration Office' and its ability to issue legal documents; including to persons who have lost their original legal and administrative documents;

1.3. Prevalence of illegal identity documents (kebele cards, marriage certificates and birth certificates);

1.4. Prevalence of authentic identity documents with false information (kebele cards, marriage certificates and birth certificates);

1.5. Existence of mechanisms to curtail the production of illegal identity documents (kebele cards, marriage certificates and birth certificates) and the efficiency of these mechanisms;

1.6. The situation of persons who have been granted a Refugee Identity Card by UNHCR in Ethiopia (as per the UN Refugee Convention); especially whether the possession of this card indicates that the holder has been granted a valid residence permit in Ethiopia;

1.7. Physical copy of a refugee card issued by the Ethiopian government indicating that the card holder has been recognised by the authorities according to the Refugee Convention.

1.8. Prevalence of authentic Refugee Identity Card containing false information.

### 2. Issues of citizenship

2.1. Custody and citizenship in case of divorce of a child whose parents are Eritrean and Ethiopian respectively;

2.2. Paths to naturalisation under the Ethiopian Nationality Proclamation of 2003 for a stateless person with residency in Ethiopia, whose parents are Eritrean and Ethiopian respectively;

2.3. Possibility for a person to document that he or she has been released from a previous nationality;

2.4. Situation of persons of Eritrean descent residing in Ethiopia who have been registered as having voted in the 1993 Referendum and who are neither recognised by the Eritrean or the Ethiopian authorities as well as their access to citizenship