



## **Ethiopia**

SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

99<sup>TH</sup> PRE-SESSION SEPTEMBER 2024

### **ISSUES RELATED TO THE ARREST, DETENTION, REMOVAL, SEPARATION, AND SAFETY OF REFUGEE AND MIGRANT CHILDREN**

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## **ABOUT THE GLOBAL DETENTION PROJECT**

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

# ETHIOPIA

## Submission to the UN Committee on the Rights of the Child

99<sup>th</sup> Pre-Session - September 2024

### Issues Related to the Arrest, Detention, Removal, Separation, and Safety of Refugee and Migrant Children

This submission reviews progress on Ethiopia's efforts to protect the human rights of child migrants, refugees, and asylum seekers since the country submitted its "Combined sixth and seventh reports" to the Committee on the Rights of the Child in February 2021. The submission focuses on the treatment of children during immigration enforcement procedures, including during arrest, detention, and deportation.

The submission is made in light of the CRC-CMW 2017 Joint General Comment on "State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return," which provides that *any detention of a child and their family for migration-related reasons presents an inherent harm to the best interest of the child and thus represents in all instances a child rights violation*. The Joint General Comment further stipulates that in all instances where the state intervenes in the case of a child migrant or family, all effort must be made to remove them from migration custody and instead offer them adequate and appropriate social welfare assistance.

#### 1. Growing Concerns about Arrest, Detention, and Removal

2. Since 2022, there have been growing concerns expressed by observers about violations committed against refugee men, women, and children in the country, in particular those fleeing the conflict in Eritrea. In July 2023, a group of UN human rights experts and special procedures<sup>1</sup> issued an urgent appeal concerning Ethiopia's mass deportation of Eritrean refugees fleeing conflict on their country, noting: "Several cases of family separation have been reported following the mass deportations, with parents forced back to Eritrea and children left behind in Ethiopia."<sup>2</sup>
3. More recently, in May 2024, reports emerged, from UNHCR and through testimonies from refugees from Sudan, indicating attacks on UNHCR-operated camps in Ethiopia by militias followed by the arrest of refugee families fleeing camps.<sup>3</sup>
4. Ethiopia's Human Rights Commission (EHRC) has also reported a growing number of cases of unlawful imprisonment of refugees, often based on charges they lacked

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<sup>1</sup> The experts included: Mohamed Babiker, Special Rapporteur on the situation of human rights in Eritrea; Siobhán Mullally, Special Rapporteur on trafficking in persons, especially women and children; Felipe González Morales, Special Rapporteur on the human rights of migrants; Aua Baldé (Chair-Rapporteur), Gabriella Citroni (Vice-Chair), Angkhana Neelapaijit, Grażyna Baranowska, Ana Lorena Delgadillo Perez, Working Group on enforced or involuntary disappearances; Ms. Priya Gopalan (Chair-Rapporteur), Mr. Matthew Gillett (Vice-Chair on Communications), Ms. Ganna Yudkivska (Vice-Chair on Follow-Up), Ms. Miriam Estrada-Castillo, and Mr. Mumba Malila, Working Group on arbitrary detention and Felipe González Morales Special Rapporteur on the human rights of migrants.

<sup>2</sup> UN Special Procedures, "UN experts urge Ethiopia to halt mass deportation of Eritreans," 13 July 2023, <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-ethiopia-halt-mass-deportation-eritreans>

<sup>3</sup> Reuters, "Sudanese refugees flee UN camp in Ethiopia following attacks," 3 May 2024, <https://www.reuters.com/world/africa/sudanese-refugees-flee-un-camp-ethiopia-following-attacks-2024-05-03/>

documents, raising concerns that authorities are failing to properly assess the age of apprehended migrants and refugees. These age-related concerns are further compounded by the fact that the issuance of new IDs for refugees and asylum seekers was suspended in 2020: “The commission said in a statement on 02 June, the refugees and Asylum seekers were arrested arbitrarily and without court warrant, adding that while many are still behind bars without being charged, the majority were released after being detained at various times. EHRC said, while visiting refugees and asylum-seekers who were detained at the police stations of Akaki Kality sub-city, it noticed that there were individuals imprisoned for 10 days without appearing before the court.”<sup>4</sup>

5. The U.S. State Department has also highlighted the vulnerabilities refugees face because of the breakdown in registration procedures: “UNHCR reported the government did not register Eritrean arrivals because it ceased granting prima facie recognition for Eritrean asylum seekers in 2020. This led to an increase in unregistered Eritrean asylum seekers with no access to basic services and at heightened risk of protection violations due to lack of a refugee status determination and attendant documentation. The government, however, provided asylum to approximately 40,000 Sudanese and nearly 100,000 Somaliland asylum seekers during the year. ... The government provided refugees with limited freedom of movement, even if properly registered. Refugees benefitting from this out-of-camp policy faced limitations due to delays in the registration process.”<sup>5</sup>
6. In its World Report 2024, Human Rights Watch summarized the worrying reports about Ethiopia’s treatment of refugees in the country: “Public reports began to emerge in June that Ethiopian security forces had rounded up and arbitrarily detained Eritrean refugees, migrants, and asylum seekers in Addis Ababa and other parts of the country. Ethiopian authorities stopped registering newly arriving Eritrean asylum seekers in March 2020.”<sup>6</sup>
7. HRW underscored the precarity of the situation faced by refugees and children due to internal conflicts, in particular in both Tigray and Amhara: “In August and September, heavy fighting was reported in and around cities and towns throughout the Amhara region, resulting in hundreds killed and injured, including children and refugees, and damage to civilian property and infrastructure such as hospitals.”<sup>7</sup>

## **8. Recent Developments Impacting Refugee and Migrant Children**

9. According to UNHCR, Ethiopia is “one of the largest refugee-hosting countries in Africa, with nearly 1 million refugees in addition to 3.5 million internally displaced people (IDPs).” Increasing numbers of refugees, including children, are concentrating in urban environments, presenting a host of protection challenges. The refugee agency’s “Statistics Refugees and Asylum-seekers March 2024” and “Urban Factsheet January - December 2023” provide detailed data on the significant number of Eritrean refugee children, emphasizing the need for sustainable urban integration and adequate support systems to prevent unnecessary detention. The report “Eritrean refugees in Ethiopia: Building urban solutions” discusses potential solutions for integrating refugee children into urban settings, highlighting the necessity for sustainable education and health services.
10. At the same time, there are increasing refugee pressures stemming from the conflict in Sudan. According to the Mixed Migration Centre’s April 2024 regional update, nearly

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<sup>4</sup> Addis Standard, “Ethiopian rights commission says Eritrean refugees and asylum seekers subjected to arbitrary arrest in Addis Abeba,” 3 June 2023, <https://addisstandard.com/news-ethiopian-rights-commission-says-eritrean-refugees-and-asylum-seekers-subjected-to-arbitrary-arrest-in-addis-abeba/>

<sup>5</sup> U.S. State Department, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/ethiopia/>

<sup>6</sup> Human Rights Watch, <https://www.hrw.org/world-report/2024/country-chapters/ethiopia>

<sup>7</sup> Human Rights Watch, <https://www.hrw.org/world-report/2024/country-chapters/ethiopia>

120,000 Sudanese crossed into Ethiopia during the first quarter of 2024.<sup>8</sup> UNHCR reports that the new arrivals, who are mostly women and children, “have put pressure on an emergency transit centre set up at the start of the crisis by the Ethiopian Government’s Refugees and Returnees Service (RRS) and UNHCR, the UN Refugee Agency, together with its partners. Basic assistance such as food, water, tents, blankets, utensils, and emergency medical services are provided there but the centre’s capacity is limited and the nearest refugee camp, Sherkole, which hosts over 15,000 refugees, is full.”<sup>9</sup>

11. The Sudanese who are accommodated in camps are increasingly being targeted by local Ethiopian militias. In early May 2024, the UN reported that more than a 1,000 refugees had fled an UNHCR-operated camp in Kumer after it was attacked. The camp is located in Amhara region, which has been plagued by conflict between local militias and the national government. According to refugees fleeing the camp, many were arrested by police after leaving the camp. Fleeing refugees told Reuters that “about 7,000 of the 8,000 residents of the Kumer camp left on foot early on Wednesday morning after they were attacked and robbed by local militiamen. They said they were detained by the police shortly after leaving the camp, which is 70 km (43 miles) from the Sudanese border in Ethiopia’s Amhara region. They asked not to be named for fear of reprisals.”<sup>10</sup>

## 12. Previous Treaty Body Recommendations Concerning Refugee and Migrant Children

13. **Committee against Torture (2023)**<sup>11</sup>: In Concluding Observations after Ethiopia’s Second Periodic Report to the Committee, CAT included several recommendations that remain relevant and urgent today concerning the protection of refugees in the country, in particular with respect to the treatment of refugee women and girls:

13.1.1. § 29. The State party should: (a) Ensure the safety and security of the refugees and asylum-seekers affected by the armed conflict, particularly those who are displaced, to effectively prevent and address violations of their human rights by any party to the conflict, and to provide them with adequate access to essential services; (b) Effectively investigate and prosecute cases of violence, including sexual and gender-based violence against refugee women and girls, trafficking, disappearance and refoulement, particularly of Eritrean nationals, and bring the perpetrators to justice; (c) Ensure that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture; (d) Guarantee that all asylum-seekers have access to refugee status determination procedures and to the swift and fair determination of refugee status; (e) Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings are available, including reviews of rejections by an independent judicial body, in particular on appeal; (f) Ensure the establishment of effective mechanisms to promptly identify victims of torture, trafficking and sexual and gender-based violence among asylum-seekers.

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<sup>8</sup> Mixed Migration Centres, [https://mixedmigration.org/wp-content/uploads/2024/04/QMMU\\_Q1\\_2024-ESA.pdf](https://mixedmigration.org/wp-content/uploads/2024/04/QMMU_Q1_2024-ESA.pdf)

<sup>9</sup> UNHCR, <https://www.unhcr.org/news/stories/thousands-sudanese-fleeing-violence-cross-ethiopia>

<sup>10</sup> Reuters, “Sudanese refugees flee UN camp in Ethiopia following attacks,” 3 May 2024, <https://www.reuters.com/world/africa/sudanese-refugees-flee-un-camp-ethiopia-following-attacks-2024-05-03/>

<sup>11</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “Concluding observations on the second periodic report of Ethiopia\*”, 07 June 2023, United Nation, (paragraph 28), file:///Users/Intern2/Downloads/CATCETHCO2.pdf

14. **Committee on the Elimination of Discrimination against Women Torture (2019)**<sup>12</sup>: In Concluding Observations after Ethiopia's Eight Periodic Report to the Committee, CEDAW included several recommendations that remain relevant and urgent today concerning the protection of refugees in the country, in particular with respect to the treatment of refugee women and girls:

14.1.1. § 52. The State party: (a) Effectively investigate and prosecute cases of gender-based violence, including sexual violence against refugee women and girls, as well as cases involving child and forced marriage among displaced women and girls, and bring perpetrators to justice; (b) Put in place adequate training for government officials, including border officers, on gender-appropriate and culture- and age-sensitive individual screening and assessment procedures to ensure the systematic and early identification of refugees and asylum seekers, in particular women and girls who have been victims or are at risk of gender-based violence; (c) Increase the number of awareness-raising programmes, especially among internally displaced women, on the harmful impact of child and forced marriage on the health, development and education of girls, and take the measures necessary to ensure that internally displaced girls have access to education; (d) Accelerate the process, which is already underway, of ratifying the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 2009. § 54. The State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and provide further information on the situation of regular and irregular migrant women and girls.

15. **Committee on the Rights of the Child (2015)**: In Concluding Observations after Ethiopia's Combined Fourth and Fifth Periodic Reports to the Committee, the CRC made several relevant recommendations that remain unfulfilled today, more than 10 years later, but equally relevant and urgent:

15.1.1. § 68. "The Committee urges the State party to: (a) Collect disaggregated data on refugee, asylum seeking and internally displaced children, including unaccompanied and separated children; (b) Enhance the security in refugee camps and ensure the protection of all refugee children, particularly girls, against all forms of violence, including sexual violence, exploitation and trafficking, and establish appropriate mechanisms to report and investigate such cases, and to effectively prosecute the perpetrators; (c) Urgently investigate reports of disappearances of children from the refugee camps, establish their whereabouts and prosecute those responsible for such crimes; (d) Adopt targeted policies to promote the integration of refugees, asylum seekers and internally displaced persons through the development of out-of-camp policies and to elaborate and implement a comprehensive strategy for the protection of internally displaced persons; (e) Withdraw its reservation to the 1951 Refugee Convention regarding primary education and ratify the 1954 United Nations Convention relating to the Status of Stateless Persons and the 1961 United Nations Convention on the Reduction of Statelessness; (f) Urgently improve the conditions in refugee camps, particularly by providing adequate and quality nutrition, education and health services, including mental and reproductive health services; (g) Ensure that children of refugees are registered at birth; (h) Continue to engage with the Office of the United Nations High Commissioner for Refugees in this regard."

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<sup>12</sup> Committee on the Elimination of Discrimination against Women, "Concluding observations on the eighth periodic report of Ethiopia, "CEDAW/C/ETH/CO/8, 21 February 2019, <https://uhri.ohchr.org/Document/File/0956d3fe-d605-43f3-837f-ebf6ca0d3cf5/873A5CEB-B1E3-43CC-8F0E-E0293409C791>

**16. Recommendations** Taking into account the current context of arrest, detention, removal, and separation from their families of migrant and refugee children in Ethiopia today, increasing reports of attacks on refugees, as well as the long history of unfulfilled or only partially fulfilled recommendations from UN treaty bodies dating back more than a decade, the Global Detention Project urges the Committee on the Rights of the Child to issue the following recommendations to Ethiopia:

- 16.1. In line with the joint CRC/CMW General Comment No 23/No 4 (2017), Ethiopia should immediately cease arresting and detaining refugee and migrant children and their families for reasons related to their migration or asylum status. Instead, appropriate non-custodial accommodation must be found for them.**
- 16.2. Ethiopia must ensure that children are never separated from their families and as stipulated in the joint CRC/CMW General Comment No 23/No 4 (2017), when migrant children are encountered with their families, the family unit must remain intact and be provided appropriate shelter and social services outside of any form of detention or incarceration.**
- 16.3. Ethiopia must provide detailed information about the locations of all detention centres, prisons, jails, informal camps, or other sites of deprivation of liberty where refugee or migrant children or their families are detained and ensure access to these facilities by independent monitoring bodies.**
- 16.4. Ethiopia must never forcibly deport refugee children or their families back to places where they will face persecution or other harm.**
- 16.5. Ethiopia must not subject refugee children or their families to any form of punishment or reprisal due to their irregular entrance into or stay on its territory.**
- 16.6. Ethiopia should implement the following CRC recommendation made in its 2015 Concluding Observations after its after Ethiopia's Combined Fourth and Fifth Periodic Reports to the Committee:**
  - 16.6.1. Collect disaggregated data on refugee, asylum seeking and internally displaced children, including unaccompanied and separated children;
  - 16.6.2. Enhance the security in refugee camps and ensure the protection of all refugee children, particularly girls, against all forms of violence, including sexual violence, exploitation and trafficking, and establish appropriate mechanisms to report and investigate such cases, and to effectively prosecute the perpetrators;
  - 16.6.3. Urgently investigate reports of disappearances of children from the refugee camps, establish their whereabouts and prosecute those responsible for such crimes;
  - 16.6.4. Adopt targeted policies to promote the integration of refugees, asylum seekers and internally displaced persons through the development of out-of-camp policies and to elaborate and implement a comprehensive strategy for the protection of internally displaced persons;
  - 16.6.5. Withdraw its reservation to the 1951 Refugee Convention regarding primary education and ratify the 1954 United Nations Convention relating to the Status of Stateless Persons and the 1961 United Nations Convention on the Reduction of Statelessness;
  - 16.6.6. Urgently improve the conditions in refugee camps, particularly by providing adequate and quality nutrition, education and health services, including mental and reproductive health services.
- 16.7. Ethiopia should implement the following CEDAW recommendations made in its 2019 Concluding observations on the eighth periodic report of Ethiopia to the Committee:**

- 16.7.1. Effectively investigate and prosecute cases of gender-based violence, including sexual violence against refugee women and girls, as well as cases involving child and forced marriage among displaced women and girls, and bring perpetrators to justice;
  - 16.7.2. Put in place adequate training for government officials, including border officers, on gender-appropriate and culture- and age-sensitive individual screening and assessment procedures to ensure the systematic and early identification of refugees and asylum seekers, in particular women and girls who have been victims or are at risk of gender-based violence
  - 16.7.3. § 54. The State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and provide further information on the situation of regular and irregular migrant women and girls.
- 16.8. **Ethiopia should implement the following CAT recommendations made in its 2023 Concluding observations after Ethiopia's Second Periodic Report to the Committee:**
- 16.8.1. Ensure the safety and security of the refugees and asylum-seekers affected by the armed conflict, particularly those who are displaced, to effectively prevent and address violations of their human rights by any party to the conflict, and to provide them with adequate access to essential services;
  - 16.8.2. Effectively investigate and prosecute cases of violence, including sexual and gender-based violence against refugee women and girls, trafficking, disappearance and refoulement, particularly of Eritrean nationals, and bring the perpetrators to justice;
  - 16.8.3. Ensure that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;
  - 16.8.4. Guarantee that all asylum-seekers have access to refugee status determination procedures and to the swift and fair determination of refugee status; (e) Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings are available, including reviews of rejections by an independent judicial body, in particular on appeal;
  - 16.8.5. Ensure the establishment of effective mechanisms to promptly identify victims of torture, trafficking and sexual and gender-based violence among asylum-seekers.