

# Children's right to identity in Ethiopia

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## 1 Creation of identity

### Birth registration:

- According to UNICEF, the country had one of the lowest levels of civil registration, particularly birth registration in 2019; however, between July 2022 and June 2023, birth registration of children under-one increased to over 1 million, accounting for 40 % of the total estimated live births excluding Tigray region. About 24 per cent of the total births registered in 2023 were completed through the UNICEF-supported Mobile Ethiopian-Civil Registration and Vital Statistics digital platform.<sup>1</sup>
- UNICEF outlines the challenges in civil birth registration within Ethiopia, including: limited institutional and technical capacity among federal and regional vital events registration agencies; gap in data archiving and storage systems across regions; weak interoperability of the civil registration system with the health system; limited knowledge on the importance and compulsory nature of civil registration services among the general public; the requirement for mandatory presence of both parents during registration; the requirement for payment of fees for certificates.<sup>2</sup>
- According to the Ethiopian Proclamation No. 1049/2017 on Vital Events Registration and National Identity Card,<sup>3</sup> parents must register the child's birth within 90 days of birth. Registering a birth is free; however, in the majority of regional States, there is a fee for a birth certificate,<sup>4</sup> exempt for refugees. Late registration is punishable by imprisonment up to six months or a fine up to 5000 Ethiopian Birr. The parents of the child must register the child; or in the default of the parents, the guardian of the child; or in default of the guardian, the person who has taken care of the child. Documents required for birth registration include identification card of the mother and father, name of the child, and physical presence of birth parents (unless that, on justifiable grounds, both parents cannot be present).<sup>5</sup>
- The information collected at the local Civil Registration Office regarding the child is his or her name, date of birth, sex, weight at birth, place of birth, type of place of birth (i.e. hospital, home, etc.), date of registration, place of registration, attendant at birth and type of birth (i.e. single, twin, triplet, etc.). Information collection about the mother includes her date of birth, type of assistance and qualification of attendants during delivery, marital status, ethnicity, place of residence, place/country of birth, occupational and educational status, citizenship, ID number. The information collection about the father includes his date of birth, marital status, ethnicity, place of usual residence, occupational and educational status, citizenship, ID number, name of father and grandfather of the child.<sup>6</sup>
- In 2020, a study was conducted by the BMC International Health and Human Rights entitled 'Status and associated factors of birth registration in selected districts of Tigray region, Ethiopia'.<sup>7</sup> The purpose of the study was to examine the status of child's birth registration and its associated factors in selected districts of Tigray Region, Ethiopia. Results reveal, that a significant number of respondents did not have knowledge

about birth registration and its uses. Therefore, only 30% of participants registered the birth of their children and secured certificates. Reasons for such a gap include inaccessibility of the registry offices, lack of civil birth registry workers, and an absence of political will of the government.<sup>8</sup>

- According to a local contact, the government is making strides to increase the number of birth registrations. It has started to develop a new electronic system which makes registration easy, efficient and accessible. This will solve challenges faced from the manual registration where files are being lost. Other key activities being implemented include mass awareness campaigns on the benefit of birth registration, frequent stakeholders discussion to pinpoint gaps in the system and legal reform initiatives. However, the conflict in the three regions of the north has caused multiple challenges. The destruction of registered files, facilities and health centers, where primary registration takes place is making big setbacks in the processes.

### Nationality and statelessness:

- According to Article 6 of the Constitution, Ethiopian nationality can be acquired when both or either parents is Ethiopian and foreign nationals may acquire Ethiopian nationality.<sup>9</sup>
- According to the Proclamation on Ethiopian Nationality No.378/2003,<sup>10</sup> an infant who is found abandoned in Ethiopia, shall unless proved to have foreign nationality, be deemed to have been born to an Ethiopian parent and shall acquire Ethiopian nationality.<sup>11</sup>
- According to the UNHCR, Ethiopian laws do not protect the child born in the territory of parents who themselves are stateless, or of unknown nationality, or who cannot transmit nationality to their children. The only protection against statelessness is provided for children of unknown parents. Ethiopian law states that the presumption of Ethiopian nationality relates to an "infant" found in the territory, and the upper age of an "infant" is not defined.<sup>12</sup>
- In accordance of Article 7 of the same Proclamation on Ethiopian Nationality No.378/2003,<sup>13</sup> any child adopted by Ethiopian national may acquire Ethiopian nationality by law if, (1) he/ she has attained age of majority; (2) he/ she lives in Ethiopia together with his/her adopting parents; (3) where one of his/her adopting parent is a foreigner, such parent has expressed his/her consent in writing and; (4) be able to show that he/she has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he is a stateless person.<sup>14</sup>

### Potential considerations:

- **What is the government of Ethiopia undertaking to increase birth registration rates and to ensure that all children are registered promptly or late without fees or other obstacles?**
- **What is being undertaken to ensure that no child remains stateless on Ethiopian territory?**



## 2 Modification of identity

### Alternative care :

- In October 2023, the Ministry of Women and Social Affairs enacted a directive on Alternative Childcare and Support Directive No. 976/2023. The Directive repealed previous Directive No.48/2020 on Foster care and Domestic Adoption Services and the June 2009 guidelines on community -based childcare, reunification and reintegration programs, foster care, adoption and institutional care service. Such guidelines in the provision of alternative care services include non-discrimination, best interest of the child, survival and development, participation, preventing separation, do not harm, consent, proximity to habitual place of residence, and permanency.<sup>15</sup>
- According to a local contact, most protection activities focus on the preservation of the family. However, whenever there is a separation of children from their families, Government, non-governmental, religious and other institutions are there to take care of the child. The recent conflict has scaled up the situation as exponential number of children have lost their families. However, the guidelines on alternative care has been a success from its inception. However, there has been wide concerns over its mandatory status. As such, the Ministry of Women and Social Affairs has now made it a directive, with binding legal status. Besides this, there have been additions to its content. More emphasis has been given to family-based support including preservation of the family, local adoptions and foster care. Additionally, the community-based support and institutional supports have been strengthened.

### Adoption:

- The Revised Family Code of 2000<sup>16</sup> is the main law governing adoptions in Ethiopia. All Ethiopian adoptions are full, final and irrevocable under Ethiopian law.<sup>17</sup> According to Article 138 of the Revised Family Code, the adopted child retain his or her bonds with the family of origin; however, wherever a choice has to be made between the family of adoption and the family of origin, the family of adoption shall prevail.<sup>18</sup>
- The above-mentioned Ministry of Women and Social Affairs guidelines set out principles and objectives of adoption services. Such guidelines establish that material poverty is not a reason of the separation of a child from his biological or extended family and making the child available for adoption; that siblings should be kept together except where it is not in their best interests; and when deemed in the child's best interest cross-regional adoption placement can be arranged.<sup>19</sup>
- According to a local contact, there is a mandatory social inquiry report to be submitted to the court by a social worker, which acts as a safeguard in adoption proceedings as it addresses the child's best interests (Art. 194-3 of the Revised Family Code). Furthermore, the Federal Supreme Court has drafted a 'child-friendly court directive', which basically lays a standard on how to treat child-related cases in the Judiciary.

### Potential considerations:

- *What is being undertaken to prevent children's separation from their families and the provision of quality alternative care in line with the recently-adopted guidelines??*
- *How are children's rights safeguarded in all adoption proceedings?*

## 3 Falsification of identity

### Adoption:

- It is worth mentioning that Ethiopia suspended intercountry adoptions in 2018. The Ethiopian Parliament closed its intercountry adoption program. Momentum to end the programme followed reports of adoption-related exploitation including the abduction and sale of children, falsification of documentation, bribing of officials, inaccurate testimonies, and false promises to birth families. The Ethiopian Parliament also cited concerns over the identity and psychological problems of adoptees as contributing factors to the ban.<sup>20</sup>
- Ethiopia is not a contracting State to the HCCH 1993 Convention.<sup>21</sup>
- According to a local contact, the Court is the primary body entrusted to verify and avert the danger such falsifications may have on the adoption: the home study may only be undertaken by a licensed social worker or institution, to be authenticated of the regulating body. When the documents come from abroad, the Ministry of Foreign Affairs has the obligation to verify the document. Lastly, the Court has all the power to inspect the documents and do whatever it deems necessary to detect falsification. Whenever such issues arise, the Court has the power to revoke the adoption declared, in accordance with Article 195-2 of the Revised Family Code.

### Child marriage:

- According to Girls Not Brides, 40% of girls in Ethiopia are married before the age of 18 and 14% are married before their 15th birthday. 5% of boys are married before the age of 18. The Amhara region records the highest rates of child marriage in Ethiopia, with approximately 45% of girls getting married before the age of 18 years. UNICEF has also identified hotspots for child marriage in the regions of Oromia, Gambella and Somali. However, UNICEF's trend analysis in January-April 2023 showed the incidence of child marriage decreased by 26.7% in drought-affected Somali, Oromia, and SNNP regions.<sup>22</sup> A 2017 World Bank/ICRW study estimated that ending child marriage in Ethiopia could generate nearly a 4.4% rise in earnings/productivity for women, and even up to a 9.29% rise for women, who married early.<sup>23</sup>
- In Ethiopia, child marriage is exacerbated by poor education levels, poverty, gender norms, cultural norms, harmful practices, Female Genital Mutilation and Cutting, social status, self-initiated marriage, and COVID-19. Ethiopia faces a huge internal displacement crisis due to inter-communal violence, conflicts and climate shocks. A 2017 study showed that Somali refugees in Ethiopia are much more likely to marry young due to a lack of education and viable future alternatives.<sup>24</sup> Drought afflicted regions in Ethiopia have seen a dramatic increase in child marriage as climate-induced emergencies have pushed vulnerable families into desperation. Drought has brought increased hunger, malnutrition and mass displacement. In the East Hararghe zone, there was a 51% increase in child marriage, from 70% recorded during a six-month period in 2020 – 2021. Other drought-affected areas that saw an increase in child marriage were Oromia, where there were 672 reported cases of child marriage that were recorded between February and August 2021, and between September 2021-March 2022, that number increased to 2,282 reported cases of child marriage.<sup>25</sup>



- According to a local contact, the government of Ethiopia has devised a roadmap to put an end to child marriage to last until 2030. Some of the activities being implemented include awareness-raising on the effects of the latter on the children, the creation of alliances of stakeholders from national to kebeles (the basic form of state), empowerment of the victim girl child, peer-to-peer discussions and community and religious leader-led movements. Hot spots have been identified and a verification tool has been devised to monitor and evaluate progress.

#### Humanitarian situation:

- **Ethiopia Refugee Crisis:** According to UNHCR, there are more than 966,200 refugees and asylum seekers living inside Ethiopia, currently home to the second-largest refugee population in Africa. The majority of refugees in Ethiopia come from three countries: South Sudan (808,336), Somalia (380,000) and Eritrea (157,957). Among these forcibly displaced persons, 81% are women and children, including many children who do not have parents or caregivers. The ongoing refugee crisis causes a loss of identity documents, registrations, and family separation.<sup>26</sup>
- **Internal displacement:** In addition to a large refugee population, Ethiopia has over three million internally displaced people. Rapid urban expansion, ongoing conflicts within Ethiopia and high levels of vulnerability to ongoing drought and seasonal floods continue to generate new displacements yearly.<sup>27</sup>
- **Tigray War:** The Tigray War was an internal conflict that lasted from November 2020 to November 2022. The war was primarily fought in Ethiopia's Tigray, Amhara, and Afar regions, causing a significant humanitarian and protection emergency. The conflict led to the displacement of hundreds of thousands of people in Northern Ethiopia. As of May 2023, 3.1 million people are internally displaced in Ethiopia.<sup>28</sup> The internal displacement of millions due to armed conflict causes a loss of identity documents, registrations, and family separation.
- According to a report by the Special Rapporteurs of the Human Rights Council in October 2022, women and girls in the Tigray, Afar and Amhar were increasingly vulnerable to abduction and trafficking for sexual exploitation as they fled the conflict in Northern Ethiopia. They warned that children were at particular risk of trafficking for purposes of sexual exploitation especially in the Tigray region, where hundreds of children have been separated from their families. 'We are alarmed by reports of refugee and internally displaced women and girls in the Tigray, Afar, and Amhara regions being abducted while attempting to move to safer places [...] we are concerned at the risks of trafficking, in particular for purposes of sexual exploitation, including sexual slavery.' They urged all relevant stakeholders to ensure that victims of trafficking can adequately access medical assistance, including sexual and reproductive health care services and psychological support.<sup>29</sup>

#### Potential considerations:

- *What is being undertaken to ensure that proper safeguards are in place to prevent the falsification of identities in adoption proceedings and to restore the identities of potential victims of falsification?*
- *What actions have been taken or are foreseen to put an end to child marriage in the country?*
- *What is the government planning to ensure the registration of the births of all children on the move, whether refugees or IDPs?*

## 4

### Preservation of identity and access to origins

#### Adoption:

- In October 2023, the Ministry of Women and Social Affairs enacted a directive on Alternative Childcare and Support Directive No 976/2023 which outlines procedures for preservation of adoption records: adoption service providers must keep records of all adoptions concluded, and the identifying details related to the child's genetic origins, their biological parent or parents, and their adoptive parent or parents. These must be submitted quarterly to the relevant government authority, who must maintain a national adoption register. Additionally, no persons other than the child, who reaches the age of 16, or the adoptive parent(s) of the child, may have access to the child's file.
- According to a local contact, there is no national standard as to how and when to preserve records. There is a working culture to preserve records until the child reaches 18 years, but after that, there is no standard procedure on whether to delete or preserve such. Generally, there is no information management system or case management. Nonetheless, all court documents are legally obliged to be preserved in perpetuity, but practice experiences gaps in its implementation

#### Potential consideration:

- *How will the new provisions on preservation of records relating to adoptees be implemented?*

## 5

### Restoration of identity

#### Birth registration and humanitarian situations:

- According to UNICEF's 2023 Humanitarian Situation Report No. 10,<sup>30</sup> 72,000 people were found to be affected by conflict, drought, cholera, and other emergencies across the country. Various humanitarian services have been provided, including protection services such as gender-based violence prevention, social service interventions, mental health and psychosocial support, family tracing and reunification and alternative care services for unaccompanied and separated children. UNICEF and its partners provided support in strengthening institutional and technical capacity of the civil registration system in Afar, Oromia, Somali and Southern regions. Interventions include, building the capacities of civil registrars and health workers trainings, awareness creation activities as well as monitoring and supportive supervision of civil registration activities. As a result, the rate of birth registration and issuance of birth certificates to children under the age of five has shown improvement in all target areas. Additionally, UNICEF reports that 555 unaccompanied and separated children were reunified or placed in alternative care. UNICEF provided support to nearly 49,000 children and community members with child protection and gender-based violence prevention and response interventions. Such includes case management, support to unaccompanied and separated children, gender-based violence risk mitigation and services for survivors, and awareness-raising.<sup>31</sup>



As noted by UNICEF, in 2023, Notably, about 70 % of newborns in refugee contexts were registered.<sup>32</sup>

- In January 2019, Ethiopia passed a new law that allows refugees to obtain work permits and other legal documents entitled the Refugees Proclamation No. 1110/2019.<sup>33</sup> The law now allows refugees to obtain work permits, access primary education, obtain drivers' licenses, legally register life events such as births and marriages and open up access to national financial services, such as banking. According to the UN High Commissioner for Refugees Filippo Grandi, 'the passage of this historic law represents a significant milestone in Ethiopia's long history of welcoming and hosting refugees from across the region for decades [...] by allowing refugees the opportunity to be better integrated into society, Ethiopia is not only upholding its international refugee law obligations, but is serving as a model for other refugee hosting nations around the world'.<sup>34</sup>
- Furthermore, according to Multi agency Belg/Gena 2023 seasonal assessment report, in the Borena zone of Oromia region, there are an estimated 154,824 IDPs, out of which 19,501 are under five years and require birth certificates. According to the Oromia Civil Registration Agency (CRA), new measures were introduced, such as allowing registration and issuance of birth certificates free of charge, waivers for those who do not have required document such as ID card, outreach registration and issuance of Certificate, establishing registration centers within IDP sites, and registering birth in the presence of only one parent. These measures made registration of births and issuance of certificates more accessible and friendly for parents and care givers. As a result, in Elwaye, Dubuluk and Yabello IDP sites, over 5,000 children were registered, and issued birth certificates between October and November 2023. However, considering Oromia region's complex emergencies and the large number of IDPs, estimated at 1.5 million, with more than 20% children, more financial resources need to be mobilised to register all under five-year old and provide them with birth certificates.<sup>35</sup>

#### Child marriage:

- According to UNICEF, a trend analysis was conducted to assess the influence of the humanitarian situation and interventions on reducing the vulnerability of adolescent girls by analyzing incidents of child marriage using data from January to April 2022/2023. Accordingly, the result has shown that child marriage has decreased overall by 26.7 per cent in 2023 for the drought-affected regions.<sup>36</sup>
- According to Girls Not Brides, the Ethiopian government is undertaking multiple initiatives to address child marriage. Three of such initiatives include (1) Ethiopia is a focus country of the UNICEF-UNFPA Global Programme to Accelerate Action to End Child Marriage, a multi-donor, multi-stakeholder programme working across 12 countries over four years. In 2019, the President of Ethiopia Sahle-Work Zewde presented the National Costed Roadmap to End Child Marriage and FGM/C 2020–2024, developed by the Ministry of Women, Children and Youth with the support of UNFPA, UNICEF, and UN Women. The National Roadmap stipulates the approaches and evidence-based interventions to eliminate child marriage and FGM/C by 2025, throughout in five strategies: empowering adolescent girls and their families; community engagement (including with faith and traditional leaders); enhancing systems, accountability and services across sectors; creating and strengthening an enabling environment; increasing data and evidence generation and use.<sup>37</sup>

Through the successful engagement of formal service providers and non-formal community structures, UNICEF and its partners achieved the cancellation of 3,755 child marriages and the prevention of 167 FGM arrangements. This is the result of intensive gender-transformative, community-based work to achieve social norm change in ending child marriage and FGM, and supporting alternative life options for adolescent girls.<sup>38</sup>

- Furthermore, with strategies adapted to humanitarian situations, UNICEF continued its effort to strengthen the child protection system, particularly through interventions to improve birth registration, address violence against girls, boys, and women, and end child marriage and female genital mutilation. In addition, Creative solutions to allow birth registration inside IDP camps were delivered, and the methodology for community conversations to address FGM and child marriage was adapted and delivered in humanitarian contexts. With the Ethiopia National ID Program (NIDP), UNICEF supported the integration of systems, granting unique identifiers to programme beneficiaries, and improving targeting and access to basic social services and protection for refugee and returnee children, while facilitating dialogue between NIDP and Immigration and Citizenship Services on alignment between digital ID and birth registration. Mobile birth registration in IDP camps and prevention of child marriage in conflict zones also ensured greater safety for high-risk children.<sup>39</sup>

#### Potential considerations:

- *What is the government planning to undertake to ensure easily accessible and free late registration for all children on Ethiopian territory and to restore their identities?*
- *What additional actions is the government planning to implement to continue putting an end to child marriage and to respond to the violations of identity rights in humanitarian situations?*

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<sup>14</sup> *Ibid.*

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<sup>17</sup> *Ibid.*

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