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**COI QUERY**

Country of Origin	Ethiopia
Question(s)	Treatment of returnees, in particular failed asylum seekers who exited the country illegally, by the government
Date of completion	26 March 2018
Query Code	Q63
Contributing EU+ COI units (if applicable)	

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This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

*The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the **26 March 2018**. Any event taking place after this date is not included in this answer.*



COI QUERY RESPONSE

1. Exit from Ethiopia

Article 32 (1) of the Constitution of Ethiopia provides the following:

‘Any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to’¹.

According to a UN report on Ethiopia dated March 2015, ‘Previously, it was not possible for every person to freely go abroad unless he/she got an exit visa. As this was found to limit the constitutional right to move from country to country, the Government has lifted the restriction to harmonize practices, laws and procedures with the constitution. These days, any Ethiopian is free to reside anywhere of his/her choice’². A 2009 UN report on civil and political rights further specifies that ‘A person may only be prevented from leaving the country by an explicit court order given in accordance with the law’³.

According to the Ethiopian Criminal Code (article 243) of 2004:

‘Whoever intentionally: (a) departs from, enters into or resides in the territory of the State in violation of the national law; or (b) causes any of the acts specified in (a) above to be committed, is punishable with simple imprisonment or fine or with both’⁴.

The Law does not specify, however, the meaning of ‘in violation of the national law’. Furthermore, no additional information could be found on this specific article of the criminal code.

In practice, freedom to leave the country has been restricted on several occasions, as illustrated below.

In **October 2013**, the BBC informs that Ethiopia's government had temporarily banned its citizens from travelling abroad to look for work to ‘safeguard the well-being of citizens’⁵. The US Department of State (US DoS) notes that the 2013 ban on unskilled workers travelling to the Middle East for employment, continued in the **year 2016**⁶. In **November 2017**, the Migrant-Rights.org, an advocacy

¹ Ethiopia, *Constitution of the Federal Democratic Republic of Ethiopia*, 21 August 1995 ([url](#)).

² UN Committee on the Rights of Persons with Disabilities (CRPD), *Consideration of reports submitted by States parties under article 35 of the Convention, Initial reports of States parties due in 2012: Ethiopia*, CRPD/C/ETH/1, 19 March 2015 ([url](#)).

³ UN Human Rights Committee (HRC), *Consideration of reports submitted by States parties under article 40 of the Covenant: International Covenant on Civil and Political Rights, 1st periodic report of States parties: Ethiopia*, 22 October 2009, CCPR/C/ETH/1 ([url](#)).

⁴ Ethiopia, *Criminal Code*, Proclamation No. 414/2004, 9 May 2005 ([url](#)).

⁵ BBC, *Ethiopia bans citizens from travelling abroad for work*, 24 October 2013 ([url](#)); On the exit visa, see also: United Kingdom, Home Office, *Ethiopia Assessment*, 1 October 2001 ([url](#)).

⁶ US DoS, *Ethiopia 2016 Human Rights Report*, 3 March 2017 ([url](#)).



organisation that aims to advance the rights of migrant workers, stated that the 'blanket ban on Ethiopian women migrating for domestic work' was still in place⁷. On **30 January 2018**, however, the Ethiopian News Agency (ENA), a local news provider, announced that the Ethiopia had lifted the ban on Ethiopian citizens traveling to the Middle East in search of jobs⁸.

Sources also report on the travel limitations imposed on certain political figures. In **November 2015**, the passport of Zelalem Kibret, an Ethiopian blogger writing about politics, was confiscated when he was attempting to leave the country for the United States, a few months after he was released from prison. He had been detained for more than a year on terrorism charges related to his blog posts⁹. His passport was returned on 1 June 2016 and he was later permitted to travel abroad¹⁰. In **March 2016**, authorities prevented opposition leader Merera Gudina to leave the country. He was permitted to leave on June 2016¹¹. According to the BBC, Mr Merera was arrested in **November 2016** at the airport in, Addis Ababa, after he returned from Brussels. Mr Merera had criticized the state of emergency in an address to the European parliament¹². The same source informs that he was released on **17 January 2018**¹³.

Freedom of movement has also been restricted by the national state of emergency. The first national state of emergency lasted from October 2016 until August 2017¹⁴ while the second was announced in February 2018 for a duration of six month¹⁵.

2. Treatment of returnees, in particular failed asylum seekers who exited the country illegally, by the government

Treatment of returnees

Article 32 (2) of the Ethiopian Constitution specifies the following:

'Any Ethiopian national has the right to return to country'¹⁶.

⁷ Migrant-Rights.org, [Stories of Origin] *The Ban Is a Blessing... For The Traffickers in Ethiopia*, 17 November 2017, ([url](#)).

⁸ ENA, Ethiopia Lifts Travel Ban to Middle East, 30 January 2018, ([url](#)).

⁹ NPR, *Freed From Prison, Ethiopian Bloggers Still Can't Leave The Country*, 31 May 2016, ([url](#)). NPR is multimedia news organisation and radio program producer. For more information, see NPR, About: <https://www.npr.org/sections/750000/about-npr/>

¹⁰ US DoS, *Country Report on Human Rights Practices 2016 - Ethiopia*, 3 March 2017 ([url](#)).

¹¹ US DoS, *Country Report on Human Rights Practices 2016 - Ethiopia*, 3 March 2017 ([url](#)).

¹² BBC, *Merera Gudina, Ethiopia opposition leader, freed*, 17 January 2018 ([url](#)).

¹³ BBC, *Merera Gudina, Ethiopia opposition leader, freed*, 17 January 2018 ([url](#)).

¹⁴ Freedom House, *Freedom in the World 2017, Ethiopia*, 3 May 2017 ([url](#)); Human Rights Watch, *State of Emergency Ends in Ethiopia*, 7 August 2017 ([url](#)); US DoS, *Country Report on Human Rights Practices 2016 - Ethiopia*, 3 March 2017 ([url](#)).

¹⁵ Al Jazeera, *Ethiopia's state of emergency 2.0*, 19 February 2018 ([url](#)); BBC, *Ethiopia declares national state of emergency*, 16 February 2018 ([url](#)).

¹⁶ Ethiopia, *Constitution of the Federal Democratic Republic of Ethiopia*, 21 August 1995 ([url](#)).



The governmental body responsible for receiving returnees is the Administration for Refugee & Returnee Affairs (ARRA)¹⁷. The European Union (EU) supports the Government of Ethiopia via different projects, and particularly the ARRA, in the sustainable reintegration of Ethiopian citizens returning from Europe¹⁸.

The US DoS, in its annual report on human rights practices for the year **2016**, states that 'the [Ethiopian] government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern'¹⁹.

In **2016**, the International Committee of the Red Cross (ICRC) assisted returnees in Ethiopia with rebuilding of their homes and provided family-links services to the members of separated families among refugees and returnees²⁰. The Ethiopian Red Cross Society (ERCS) indicates that it cooperates with the Ethiopian authorities in receiving returnees from abroad, although the source does not specify whether the returnees included failed asylum seekers²¹. The United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) notes that 'more than 14,000 undocumented Ethiopian migrants residing in Saudi Arabia have returned to Ethiopia between **15 November and 21 December 2017** [emphasis added]'²².

In **January 2018**, the EUObserver, an independent online newspaper, informs that Ethiopia was negotiating a deal with the European Union to deport to Ethiopia its nationals without the proper paperwork²³. According to the same source, every Ethiopian residing without legal means in Europe will have their names submitted to the Ethiopia's National Intelligence and Security Services (NISS)²⁴. Teshome Toga, Ethiopia's ambassador to the European Union, explained that 'The fundamental human rights of our citizens and of course the migrants will be respected', noting that there were around 3,000 Ethiopians in Europe²⁵. In the same month, sources indicated that the admission procedures for the return of Ethiopians from the EU member states were agreed between the EU and Ethiopian authorities²⁶.

¹⁷ ARRA, *Message from the Deputy Director*, n.d. ([url](#)). According to the 'About us' section of ARRA's web page: 'The Administration for Refugee & Returnee Affairs (ARRA) is the Ethiopian government counterpart of UNHCR in Ethiopia. ARRA is the leading agency in the protection of refugees and overall coordination of refugee assistance interventions in Ethiopia'. For more information see: <http://arra.et/about-us/>

¹⁸ European Commission, *Sustainable Reintegration support to Ethiopian returnees from Europe*, n.d. ([url](#)).

¹⁹ US DoS, *Country Report on Human Rights Practices 2016 - Ethiopia*, 3 March 2017 ([url](#)).

²⁰ ICRC, *Annual Report 2016 - Ethiopia*, 23 May 2017 ([url](#)).

²¹ ERCS, *ERCS Supports Ethiopian Returnees From Saudi Arabia*, 20 May 2017 ([url](#)).

²² UN OCHA, *Humanitarian Bulletin Ethiopia, Issue 43 | 11 – 24 Dec. 2017*, 26 December 2017 ([url](#)).

²³ EUobserver, *Ethiopian regime to get EU migrants' names*, 19 January 2018 ([url](#)).

²⁴ EUobserver, *Ethiopian regime to get EU migrants' names*, 19 January 2018 ([url](#)).

²⁵ EUobserver, *Ethiopian regime to get EU migrants' names*, 19 January 2018 ([url](#)).

²⁶ TAZ, *Äthiopien soll kooperieren*, 16 January 2018 ([url](#)); Council of the European Union, *Outcome of the Council Meeting, 3593rd Council meeting, Agriculture and Fisheries*, 29 January 2018 ([url](#)).

Treatment of failed asylum seekers who exited the country illegally

No information on the treatment of failed asylum seekers who exited the country illegally could be found amongst all sources consulted and within the timeframe allocated for this query.

On the treatment of failed asylum seekers in general, the below information was found.

In report dated **April 2015**, Landinfo, the Norwegian country of origin information centre, summarizes the situation of returnees to Ethiopia as follows:

‘There is limited specific information about what has happened with Ethiopians who have returned to Ethiopia. Therefore, it is very difficult to give reliable information about what will happen with Ethiopians in exile who may be returned to Ethiopia by force and who are critical to the Ethiopian regime. Landinfo has experienced that the sources are vague and cautious in its statements about what may happen when Ethiopians are returned. The sources we have met differ on what may happen. Landinfo’s assessment is that those who will be under the Ethiopian authorities’ suspicion are, first and foremost, people they apprehend as a threat and who may mobilize and are prepared to use military force for change’²⁷.

The Australian Department of Foreign Affairs and Trade (DFAT), in a September **2017** report on Ethiopia, notes that:

‘Authorities typically welcome voluntary returnees to Ethiopia who are not outspoken opponents of the government. The government has on occasion publicised voluntary returns, in recognition of the Ethiopian diaspora’s contribution to the economy through remittances. There have been some reports of authorities monitoring voluntary returnees for a period following their return, but DFAT is not aware of any credible reports of voluntary returnees who are not active opponents of the government facing problems stemming from their status as failed asylum seekers’²⁸.

On 2 February **2017**, the Immigration and Refugee Board of Canada (IRB) cites a senior Human Rights Watch researcher on the question of failed asylum claimants returned to Ethiopia:

‘The Human Rights Watch Senior Researcher stated that, both in the case of dissidents who return home to visit or failed asylum claimants who are sent back to Ethiopia, "individuals who are known dissidents are at high risk of detention. Mistreatment and torture in detention are common" (Human Rights Watch 27 Jan. 2017). The same source added, without providing

²⁷ Landinfo, *Etiopia: Reaksjoner ved retur og politisk aktivitet i eksil (sur place)*, 28 April 2015 ([url](#)).

²⁸ DFAT, *Country Information Report - Ethiopia*, 28 September 2017 ([url](#)).



further detail, that "higher profile individuals are sometimes treated better" (Human Rights Watch 27 Jan. 2017)²⁹.

²⁹ IRB, *Ethiopia: Information on the ability of the Ethiopian government to monitor and censor Ethiopian dissidents living in Canada, including scope and type of surveillance, and technology used; treatment of returning dissidents from Canada, including whether particular profiles face greater risks upon return (2014-January 2017)*, 2 February 2017 ([url](#)).



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