

**Challenges and Coping Mechanisms by Eritrean Women Out of Camp
Policy Beneficiaries vis-à-vis their Human Rights in Addis Ababa**

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I, KidistGetachew, declare that this thesis is my original work and has not been presented for a degree in any other university and that all sources of materials used for the thesis have been fully acknowledged.

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Acknowledgement

God, you are my strength, courage and insight. I have no words to express my feeling. You are always there for me, in my right to bless me. Thank You Lord, for your unlimited support and unconditional love, I always Praise You!!

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Acronyms

AAEB- Addis Ababa Education Bureau

AGD- Age Gender Diversity

ARRA - Administration for Refugees and Returnees Affair

AU- African Union

CEDAW- Convention on Elimination of All forms of Discrimination against Women

DICAC- Ethiopian Orthodox Church Development & Inter-Church Aid Commission

ETB- Ethiopian Birr

EWA- Eritrean Women Association

FDRE- Federal Democratic Republic of Ethiopia

FGD- Focus Group Discussion

HRW - Human Rights Watch

ICCPR- International Convention on Civil and Political Rights

ICESCR- International Convention on Economic, Social and Cultural Rights

IDPs - Internally Displace Peoples

IGA- Income Generating Activities

IGOs- International governmental organizations

ILO's - International Labour Organization's

INGOs- International Nongovernmental organizations

IPs- Implementing Partners

JRS - Jesuit refugee service

NGOs - Non government organizations

NRC - Norwegian Refugee Council

OAU – Organization of African unity

OCP - Out of camp policy (Scheme)

OICE-*Opportunities Industrialization center Ethiopia*

RSD- Refugees status determination

STDs- sexually Transmitted Diseases

UDHR- Universal Declaration on Human Rights

UN- United Nations

UNDP- United Nation Development Program

UNHCR -United Nation High Commissioner for refugees

UNICEF- United Nations International Children's Emergency Fund

UPR- Universal Periodic Review

WFP- World Food Program

Table of Contents

Contents	Page
Acknowledgement.....	i
Acronyms	ii
Table of Contents	iv
Abstract	vi
1. Introduction.....	1
2. Problem statement	4
3. Research question	6
4. Objective.....	6
5. Significance.....	7
6. Scope/delimitation	7
7. Methodology and data collection tools	8
7.1 Research design.....	8
7.2 Target Population and sample size	9
7.3Data collection method	10
7.4Data collection tools	11
8.Limitations	11
9. Ethical consideration	12
10.Organization of the study	13
Chapter two	14
Literature review	14
2.1 Conceptualizing key terms.....	14
2.1.1. Who is refugee?	14
2.1.2. Women refugee.....	16
2.1.3. Urban refugees.....	16
2.1.4. Out of Camp Scheme (OCP).....	17
2.1.5. Informal livelihood opportunities	18
2.1.6 Socio Economic Rights	18
2.2 Women refugees and their challenges.....	20
2.3 Protecting refugee women.....	23
2.4 Refugee Theory.....	25
2.5 Legal rights and obligation.....	28
2.5.1 International refugee rights instruments.....	29

2.5.2	Regional Legal Instruments on the Protection of Refugee.....	32
2.5.3	National Legal Instruments on the Rights of Refugees	34
Chapter Three	38
3.	Description, Findings and Discussions.....	38
3.1	Description of OCP scheme and Asylum System in Ethiopia.....	38
3.1.1	Asylum policy in Ethiopia	38
3.1.2	Asylum process and responsible organs in Ethiopia.....	40
3.1.3	Efforts Made by Ethiopia in the Asylum System	42
3.1.4	Description of the Out of camp scheme (OCP).....	44
3.1.5	Rationale.....	45
3.1.6	Requirements to become OCP beneficiary.....	46
3.2	Findings of the study	47
3.2.1	Background of study participants	47
3.2.2	Camp background.....	48
3.2.3	Why OCP?	50
3.2.4	Awareness and veneration of rights.....	53
3.2.4	Opportunities and challenges of OCP	55
3.3	Discussion and analysis of data.....	62
3.3.1	Access to social services.....	62
3.3.2	Discrimination and Protection	68
3.3.3	Violence	71
3.3.4	Livelihood Opportunity (The Right to Work)	74
3.3.5	The role of stakeholders in the protection of OCP beneficiaries.....	76
Chapter Four	85
4.	Conclusion and Recommendation.....	85
4.1	Conclusion.....	85
4.2	Recommendation	87
5.	References.....	89
Annex I	93
Annex II	96

Abstract

People move out to find shelters outside of their country of origin in order to escape from various types of persecutions. In the country of asylum, refugees and asylum seekers may face a different opportunities in which they could get a solution for their causes of flight. Ethiopia as a county of asylum for refugees coming from different countries provide supports and maintains protection and solutions. Out of Camp Policy is one of the strategies that the Ethiopian government grants for Eritrean refugees to live out of the camp with their own means of financial capacities.

The study addresses the challenges of Eritrean Women refugees in the violation of their human rights and their coping mechanism while residing in Addis Ababa. The study has been conducted through a qualitative research design employing a phenomenological approach using both primary and secondary sources of data. The target groups of the study has been selected by using both purposive and snowball sampling techniques in which the data have been gathered through in-depth and key informant interview as well as FGD.

The study found that despite its appreciative packages, the OCP scheme has created room for the violation of rights and challenging environments for women OCP beneficiaries as a result of its non assistance principle. All the problems of the Eritrean women OCP beneficiaries are also emanated from Ethiopia's reservation on the right to work of the 1951 refugee convention.

Chapter one

1. Introduction

Refugee problem is proving to be the major concern of the international community due to the emerging persecution and insecurity people are facing in their home countries either by manmade or natural disasters. It is well known that most African states are in progressive war and conflict situations. In fact poverty, hunger and famine are still remaining prevalent in Sub-Saharan Africa. In order to escape from those threats to their life, most Africans migrate from their country of origin.¹

Ethiopia has overtaken Kenya to become Africa's largest refugee-hosting country after hundreds of thousands of South Sudanese arrived in the country in 2014.² The total refugee population has reached almost 750,326³ raising concerns that its capacity to help displaced people may be overstretched.⁴

Owing to its geographical location and to geopolitical developments, Ethiopia is likely to receive more people seeking refugee from neighboring countries in 2015 and beyond. The government maintains an open-door-policy and continues to allow humanitarian access and protection to those seeking refuge on its territory.⁵

The number of Eritrean refugees coming into Ethiopia has shown a steady increase over the last several years – from an average of as low as 250 to 300 a month in 2009 to an average of 2,000 a

¹HaileselassieGebremariam. (2010). *the Ethiopian Asylum Policy Review*: AAU Student Law Review, Vol.1 No.2, p 86-108

²[Mark Anderson](http://www.theguardian.com/global-development/2014/aug/20/ethiopia-largest-number-refugees-africa)(2014). Ethiopia Hosts Largest Number of Refugees in Africa, the Guardian, see more on <http://www.theguardian.com/global-development/2014/aug/20/ethiopia-largest-number-refugees-africa> accessed on May 12, 2016.

³ Administration for Refugees and Returnees Affairs (ARRA) (2015), Refugee Update as of December 31, 2015.

⁴ Ibid, *supra note 1*

⁵ UNHCR (2015), Country Operations Profile – Ethiopia see more on <http://www.unhcr.org/pages/49e483986.html>

month in 2014.⁶ Eritrea's escalating refugee crisis has resulted in almost 100,000 people seeking refuge in Ethiopia.⁷

More than 130,000 Eritrean refugees have crossed the border to Ethiopia to escape human rights abuses. Eritrean youth flee because of forced indefinite military conscription as well as torture at the hands of an oppressive government.⁸ Those who cross the border risk their lives Eritrea's strict "shoot to kill" policy spares no one.⁹

“Persons in the position of refugees are not just criminals who have escaped from justice, but large numbers of people who have been forced to leave their country of origin due to persecution, gross human rights violation, war ...etc.”¹⁰

Ethiopian laws and regulations regarding refugee's local integration are very limited and the country has also made reservation to the 1951 Refugee Convention, especially regarding refugees' employment, freedom of movement and public education rights.¹¹

According to United Nations Higher Commissioner for Refugees (UNHCR),

Since the end of 2007, Ethiopia introduced a new policy known as the “Out of Camp Policy” which mainly allows Eritrean refugees to live outside camps and engage in

⁶Mark Anderson, (2014). Ethiopia Hosts Largest Number of Refugees in Africa, The Guardian. see more on <http://www.theguardian.com/global-development/2014/aug/20/ethiopia-largest-number-refugees-Africa>

⁷ Ibid

⁸Christian Fuchs(2015), *Young Eritrean Refugees in Ethiopia Paint Grim Realities*, Jesuit Refugee Service USA. Posted: 08/14/2015 3:45 pm EDT Updated: 08/14/2015 3:59 pm see more on http://www.huffingtonpost.com/christian-fuchs/young-eritrean-refugees-i_b_7988172.html

⁹ Ibid

¹⁰Awoke Diress. (2011). *“The Right to Asylum: A Case Study with Particular Reference to Somali and Eritrean Asylum-seekers and Refugees in Ethiopia”*. Addis Ababa University, School of Graduate Studies, Law Faculty.

¹¹UNHCR (2015), Country Operations Profile – Ethiopia see more on <http://www.unhcr.org/pages/49e483986.html> accessed on May 13, 2016

informal livelihood opportunities and which also benefit refugee university students with fees paid for by the Government (75 per cent) and UNHCR (25 per cent).¹²

As the policy allows the refugees to live outside the camps with their own means of financial assistance such as family support, remittance and informal livelihood activities, UNHCR welcomes it with its significance in reducing the cost of refugee protection and assistance as well it also helps in improving their access to services and helps to build the people to people relation.¹³ .

Following the decision a great number of Eritrean refugees mainly based in remote and barren areas are planning to use the new opportunity and start to live a new life in urban areas.¹⁴ Camp life can be brutally dull, and combined with promise of better prospects elsewhere it is easy to see why a youngster may seek to leave camp life.¹⁵

Therefore, this research focuses on those Eritrean women who are benefiting from this policy, their main challenges and their coping mechanism while surviving the urban life in Addis Ababa. It will look into the rights violations they face in Addis Ababa. The research will be analyzed qualitatively and organized in to four chapters.

¹² ibid

¹³Tesfa-AlemTekle. (2010). Sudan Tribune: Exiled Eritreans hail Ethiopia's 'Out-of-Camp' Policy Shift,see more on <http://www.sudantribune.com/spip.php?article 35965>.

¹⁴Ibid

¹⁵Christian Fuchs, (2015)Young Eritrean Refugees in Ethiopia Paint Grim Realities,Jesuit Refugee Service USA. Posted: 08/14/2015 3:45 pm EDT Updated: 08/14/2015 3:59 pm see more on http://www.huffingtonpost.com/christian-fuchs/young-eritrean-refugees-i_b_7988172.html

2. Problem Statement

With increasing numbers of Eritreans crossing borders to Ethiopia on daily basis, situation in the camps are crowded and inadequate. Providing funds to support all the new arrivals is also a problem.¹⁶ Due to the nature of camps and the refugees' personal willingness, those who are eligible with the criterion by the Administrative for Refugees and Returnees Affair would decide to leave camps and continue life in cities. There are a number of Eritrean women who use this opportunity and reside in Addis Ababa.

However, according to some researches

*Women who make up quite significant numbers among refugees living in Addis Ababa are not receiving the same level of attention or assistance as their camp counterparts. They witness cultural and linguistic barriers in their effort to maintain sustainable social integration and establish better livelihoods during their stay as refugees in Addis Ababa.*¹⁷

Urban refugee women in particular unless they rely on financial remittances from relatives living abroad and works in the various formal and informal sectors of the city's economy cannot get the chances to sustain better living condition.¹⁸ As a policy, it has granted women refugees to sustain their lives by their own means of income or family support, but women should be given special attention as a fact of vulnerability. When they become refugee, they would become doubly vulnerable and at high risk. Women who are beneficiaries of the scheme gains less attention and support relative to their urban refugee and encamped counterparts either from state or non state

¹⁶Tesfa-AlemTekle.(2010) Exiled Eritreans hail Ethiopia's 'Out-of-Camp' Policy Shift,Sudan Tribune, see more on <http://www.sudantribune.com/spip.php?article 35965>

¹⁷Suleiman Ali.(2014). "The Challenges of Social and Urban Livelihood for Refugee Women: A Case Study of Social Integration Process of Urban Refugee Women from the Great Lakes Region", Addis Ababa University School of Social Work.

¹⁸Ibid

actors. So that what is the purpose of the policy in freeing up the women from the camp's worse condition and putting them on to the more complicated urban challenges without the assistance and attention of the concerned actors is one of the issues that need to be addressed.

The country's reservation to the 1951 Convention regarding to refugee rights to employment is also the major barrier to the women refugee to be able win their daily economical challenges. Therefore, the socioeconomic support of those refugees in the urban centers is questionable. As a result, if they are not able to engage in economic activities formally in public and private sectors, they are forced to engage in informal and illegal sectors as a means of survival. The out of camp policy by itself has also granted them to get in to informal livelihood opportunities.¹⁹ But what is an informal livelihoods opportunity and what does it entail? The word informal by itself is also a directive pointer to women to engage in unsecure and life threatening means of survival, as if, they are going to make the informal and illegal opportunities formal or legal, either informally or illegally. Ethiopia reserved the 1951 Convention on the Status of Refugee and its protocol basically on three refugee rights: the right to movement, the right to public education and the right to work. However, the relaxed refugee administration in the country creates inconsistencies in service delivery among the refugees which makes them feel discriminated from social services.

¹⁹UNHCR (2015) Country Operations Profile – Ethiopia See more on <http://www.unhcr.org/pages/49e483986.html> accessed on May 13, 2016.

3. Research question

This research is aimed to answer the basic research questions listed under here:

- What are the basic socio economic challenges and coping mechanisms of Eritrean women under the out of camp scheme of the Ethiopian government?
- How do the out of camp policy by the Ethiopian government could address the challenges of Eritrean women refugees as a double burden group?
- What have been done by the responsible state and non state actors in order to deal with the challenges of those women?
- What are the human rights implications of *Out of Camp Scheme* (OCP) in relation to women refugees?

4. Objective

The main objective of this research is to uncover the basic human right questions of Eritrean women refugees which are under the veil of the out of camp policy.

The specific objectives of this study are

- To assess the socio economic challenges and coping mechanisms of Eritrean women refugees while living in Addis Ababa
- To explore the extent of protection extended by the state and non state actors to Eritrean women refugees in the urban areas
- To draw human rights, policy and research implications in relation to women refugees

5. Significance

This study has a great significance in indicating gaps and outcomes to policy makers to make an inclusive and women friendly policies either in their future endeavors or in amending this policy. The study is also very helpful input for other researchers as the study area is not studied well. Moreover, women refugees, as a more vulnerable and risky group of people and they are very quiet in uncovering their lives, this study would be a say, especially for Eritrean women refugees by unveiling their lives and experiences to be heard for a better protection and attention like their fellow encamped women refugees.

The researcher finds that there is a scarce resource in the study area of this research. Therefore, the study is vital important to other researchers in different disciplines to conduct researches on the area. It is also helpful to different actors on refugee service to understand the unseen needs and necessities of refugees for strengthening their protection and assistance especially for women.

6. Scope/delimitation

Ethiopia is hosting refugees from different parts of the world with varying number of migrants. However, this study basically focuses on Eritrean women refugees OCP beneficiaries who are residing in Addis Ababa beyond three (3) months. As the topic of this research explains itself, the concern of this study is the challenges and coping mechanism of Eritrean women OCP beneficiaries regarding to their Human rights and its protection.

7. Methodology and data collection tools

7.1 Research design

A qualitative research design is employed to this research because it is conducted in the aim of exploring the human rights challenges and coping mechanism of Eritrean women OCP beneficiaries. Both primary and secondary sources of data have been employed in the overall make up of this study. The primary data are obtained from key informants and in-depth interviews as well as focus group discussions. Secondary data's are obtained from desk review, legal review and different publications. In order to get accurate and reliable data, the method of research analysis would be phenomenological approach. The researcher prefers the phenomenological research method because it is helpful to describe the lived experiences of individuals.

Phenomenological approach is helpful to clearly describe and understand the social phenomena and reality of the refugees in their day to day life. As the name indicates, it describes and focuses on the common experiences of participants on a certain phenomena. And its aim is reducing individuals' experience with a phenomenon to a description of the universal essence. In order to study the very problems and challenges of the women refugees, getting in to their life and sharing their experience is crucial. For the best description of the experiences of participants and to get the real and accurate data to be analyzed and interpret data, a phenomenological approach will be implemented.

Therefore, detailed and depth data collection method would be implemented in order to get detailed data that are helpful to the analysis part and to find a solution for the problem. This

research is a study of the problem much related to rights denied knowingly or unknowingly, so that it focuses on the individual's experiences.

7.2 Target Population and sample size

Eritrean women OCP beneficiaries who lived in Addis Ababa for at least three (3) months are the target population of this study. As there is no rule for the sample size in qualitative research and its sampling techniques which the researcher employed, the sample size of this specific research was dependent on the amount of information the researcher thought was vital important to answer the research questions and to meet the objective of the research. Thus, ten (10) respondents for the in-depth interview and six key informants have participated. Generally sixteen interviews had been conducted by the researcher.

The researcher believes that the concerned bodies regarding the study problem are both state and non state actors. The State actor is ARRA, (Administration for Refugees and Returnees Affair) as the government focal organization to administer all the issues of the target population. The Non State Actors (NGOs) are UNHCR (United Nation High Commissioner for refugees) as the main international refugee concerning body and different NGOs working on refugee protection especially, JRS (Jesuit refugee service) and NRC (Norwegian refugee council).

Sampling technique

As a qualitative sampling the “goal of sampling is to gather cases, events or actions that could clarify and deepen the understanding”²⁰ of the study area. Therefore, the sampling technique for this research is a non-random sampling which involves both purposive and snowball. The

²⁰ W. Lawrence Neuman. (2007). *Basics of Social Research: Qualitative and Quantitative Approaches*, 2nd ed., p. 141 as cited by Yitayew Alemayehu and Wondemagegn Tadesse. (2013). *Human Rights Research: A Practical Guidebook on Methodology and Methods*, Addis Ababa University, Center for Human Rights.

researcher employs purposive sampling because of the nature of various attributes which the target populations have and in order to enable the researcher to obtain much insight on the subject to be studied. In addition, the researcher has also use a snowball sampling especially to identify respondents who have highly relevant character and case to the problem to be studied in a referral way in order to get useful information in a detail manner.

7.3 Data collection methods

In order to obtain a detailed and accurate data the researcher has used interviews, observation and focus group discussion.

7.3.1 Interview

In order to conduct both the key informant interview as well as in-depth interview, the researcher has used a formally structured schedule of questions to which participants are required to respond. There were nineteen (19) questions for the in-depth interview guidance which basically focused on the experience and challenges of women refugees since they were in the camp. Interviewing key informants would help the researcher to get the policy interpretation and implementation system from the government and humanitarian organization perspectives. So that, key informant interview questions were developed based on the relationship they had with the target population of this research. The questions were produced in English and have been delivered to respondents through a brief explanation by the researcher and for those who are non Amharic speakers (two respondents) the researcher uses translator among the Eritrean community committee who could speak both languages (Amharic and Tigrigna) fluently. The interviews have been conducted in a place where respondents were comfortable. A total of sixteen (16) interviews had been conducted.

7.3.2 Focus Group Discussion (FGD)

The researcher has conducted one FGD with the members of the Eritrean Community Committee. As the Committee is composed of different representatives from various sub-city residents and groups of refugees residing in Addis, it was basically important to have the focus group discussion with them. The group was composed of three women and eleven men. The FGD with the committee revealed that there are more unseen areas of research which should be investigated in the future by different disciplines.

7.4 Data collection tools

In order to gather the appropriate data for the research, guiding questions for in-depth and key informants interview have been employed by the researcher and in order to handle the information field note (note taking) was the preference of the researcher.

8. Limitations

As a phenomenological research, studying the lived experiences of people would be challenging to the researchers, basically in getting accurate and reliable data from informants. Thus, in conducting this study, the researcher has faced the following constraints which she overcame technically:

- Some respondents were suspicious regarding the aim of the research and would be afraid of telling their stories in detail. However, the researcher highly convinced the respondents through the larger aim of the study and its ethics so that they later cooperate.
- Key informants from different state and non state actors' office have been unavailable on expected timing and without considering the researcher's time schedule. The

administrative clerks of some of the offices were not willing to cooperate. Here wise, the researcher has waited patiently and politely in order to get the inputs of this study.

- As a result of the second listed challenge and the scattered residence of the study participants the researcher face shortage of time for data collection. As the sampling technique to select respondents was a snowball and purposive, to find them on the needed time and place was difficult. In addition, some of the respondents who were selected have a resettlement flight so that they will depart without informing the researcher. Thus the researcher has to change the respondents with the same pathway of selection.

9. Ethical consideration

To make the study fruitful and laudable, some ethical considerations should be attained. In regard to this study the ethical principle which are expected both from the researcher and the respondents mainly, openness, honesty, confidentiality, responsibility and respect. Basically, as the researcher is studying private issues of a person; openness, confidentiality, patience and respect are significantly expected from her. Whereas, as a target group to be studied, for the best outcome of the study, respondents are expected to be transparent, honest and responsible for the questions they would be asked to respond. Moreover, the researcher has to explain all the details about the aim and ethics of the research for the respondents carefully.

Therefore, in order to realize the above ethical principles, the researcher has provided full information about the larger aim and objective of the study to them. The respondents were not forced to give their name for the purpose of confidentiality. So that they feel trust and know that they are considered in the study anonymously. They were also told to feel free to withdraw from the study if they feel offended with the questions and if they feel discomfort while remembering their stories.

10. Organization of the study

The research will be organized into four (4) chapters. Chapter one is an introduction (proposal) to the study. Chapter two presents a literature review consists of conceptualizing terminologies, main topics of the study basically women refugees and their challenges, protection of women refugees and a refugee typology which explains refugee settlements and factors affecting them including a legal brief about refugee rights and obligations which address all the international, regional and national legal instruments on refugee rights. Chapter three provides the description of the study area, findings, discussions and their analysis which will be followed by chapter four, conclusion and recommendations. The last part will consist of bibliography/references

Chapter two

Literature review

2.1 Conceptualizing key terms

2.1.1. Who is refugee?

The definition of a refugee, as laid out in Section 1(A) of the 1951 Refugee Convention, is:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The international legal definition of the term "refugee" also excludes those who move not as a result of persecution, but as a consequence of natural disasters (such as drought, floods, or earthquakes), environmental factors, or famine. They are excluded even though they may need international protection and assistance because their home country cannot or will not provide these things.²¹

According to the 1969 Organization African Union (OAU) refugee convention:

²¹Sharon Stanton Russell. (2002). Refugees: Risks and Challenges World Wide, MPI (Migration Policy Institute), <http://www.migrationpolicy.org/article/refugees-risks-and-challenges-worldwide> accessed on December 6, 2015

“The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”²²

This implies that people who are also expelled from their origin because of events which are not related to persecution can also be considered and get protection under the OAU convention. However, *“in the case of a person who has several nationalities, the term “a country of which he is a national” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.”²³*

The convention also provides cessation possibilities of refugees as follow:

“The Convention shall cease to apply to any refugee if: (a) He has voluntarily re-availed himself of the protection of the country of his Nationality, or (b) Having lost his nationality, he has voluntarily re-acquired it, or (c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality, or (d) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution, or (e) He can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality, or (f) He has committed a serious non-political crime outside his country of refuge after his

²²OAU Convention Governing the Specific Aspects of Refugee Problems in Africa Adopted by the Assembly of Heads of State and Government at its Sixth Ordinary Session, Text United Nations, and Treaty Series No. 14691, Entry in to Force 20 June 1974, in accordance with Article XI, UNHCR, Addis Ababa, 10 September 1969.

²³ Ibid

admission to that country as a refugee, or(g) He has seriously infringed the purposes and objectives of this Convention.”²⁴

In respect of the following given facts, the convention has also outlined an exclusion clause for a given person not to be considered as a refugee.

“The provisions of this Convention shall not apply to any person with respect to whom the country of asylum has serious reasons for considering that:(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;(b) He committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;(c) He has been guilty of acts contrary to the purposes and principles of the Organization of African Unity;(d) He has been guilty of acts contrary to the purposes and principles of the United Nations.”²⁵

2.1.2. Women refugee

In accordance with the definition of a refugee given by the 1951 UN convention for refugees, any woman could be said to be a refugee if in fact she falls under the definition and fulfills the characterization stated in the convention.

2.1.3. Urban refugees

There is no single definition for an urban refugee to create a commonly agreed understanding. However, the most articulated form of definition is given as; “an urban refugee is that of an individual of urban origin, usually a student, former politician, a professional, a trader or a skilled, non-agricultural laborer.”²⁶

²⁴ Ibid page 4

²⁵ Ibid page 4

²⁶ UNHCR (1995), UNHCR's Policy and Practice Regarding Urban Refugees, a Discussion Paper, Evaluation Reports, accessed on December 20, 2015.

In addition to the above definition, according to UNHCR, a classification of some of the main groups represented in urban refugee populations includes:

“(a) people with an urban background in the country of origin, (b) people who have been politically active (politicians, members of government, students), (c) professionals and people with higher education, (d) people with rural backgrounds seeking work or education (including those from camps if conditions there do not allow them to meet their basic needs), (e) one-parent (female) families, (f) sick and disabled people who have been referred from camps and rural settlements for treatment, rehabilitation and (g) refugees who have left the country of first asylum.”²⁷

2.1.4. Out of Camp Scheme (OCP)

An out of camp scheme is new and unique policy in Ethiopia essentially “allows Eritrean refugees to live outside camps and in any part of the country, provided that they are able to sustain themselves financially or have a close or distant relative or a friend in Ethiopia who commits to support them.”²⁸ The Out-of-Camp scheme established by the government is a welcome initiative that opens interesting opportunities for Eritrean refugees.²⁹

²⁷UNHCR (1995) "Community Services for Urban Refugees" (op.cit. 1994, p.5) cited in UNHCR's Policy and Practice Regarding Urban Refugees, A Discussion Paper, Evaluation Reports, see more on <http://www.unhcr.org/3bd4254e7.html> accessed on December 20, 2015.

²⁸ UNHCR (2010) *Ethiopia says Eritrean refugees free to live anywhere out of camps*, see more on <http://www.ethiomediamedia.com/absolute/3622.html> accessed on December 20, 2015

²⁹Samuel Hall Consulting (2014) *living out of Camp: Alternatives to Camp-based Assistance for Eritrean Refugees in Ethiopia*, commissioned by the NRC. Page 6

2.1.5. Informal livelihood opportunities

According to the International Labour Organization's (ILO's) definition on the guidelines of informal employment and informal economic sector, the conception of informal employment is given as below;

Informal employment refers to all informal jobs, whether carried out in formal sector enterprises, informal sector enterprises or households. It comprises: Persons employed in the informal sector (except those rare persons who are in the sector who may have formal employment) including: Own-account (self-employed) workers in their own informal enterprises; Employers in informal enterprises; Employees of informal enterprises; Contributing family workers working in informal sector enterprises; and Members of informal producers' cooperatives. And persons in informal employment outside the informal sectors specifically; Employees in formal enterprises not covered by national labour legislation, social protection or entitlement to certain employment benefits such as paid annual or sick leave; Contributing family workers working in formal sector enterprises; Paid domestic workers not covered by national labour legislation, social protection or entitlement to certain employment benefits such as paid annual or sick leave; and own-account workers engaged in the production of goods exclusively for own final use by their household (e.g., subsistence farming, do-it-yourself construction of own dwelling).³⁰

2.1.6 Socio Economic Rights

Economic, social and cultural rights are rights recognized and enshrined in the International Bill of Human Rights, which is composed of three documents: the Universal Declaration of Human

³⁰United Nations (2010), *The World's Women 2010: Trends and Statistics* (United Nations Publication, Sales No.E.10XVII.11) pp. 88-89

Rights (UDHR), proclaimed by the United Nations in 1948; the International Covenant on Civil and Political Rights (ICCPR) (1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966). [Human rights provisions in the UN Charter]

Socio-economic rights are those rights which are known as second generation rights in the international human rights regime so far and those which are established under the ICESCR. Those rights include, the right to education, the right to health, the right to work, the right to the enjoyment of just and favorable conditions of work, the right to enjoyment of the highest attainable standard of physical and mental health, the right to an adequate standard of living for himself and his family including adequate food, clothing and housing, the right to social security including social insurance and the right to form trade union.

However, regarding economic rights, the International Covenant for Economic, Social and Cultural Rights assures that developing countries may determine the extent they would guarantee to the non-nationals in their country.³¹

The realization of these rights is monitored by the periodic reports that signatory states submit every five years to the committee of independent experts on optional protocol on Economic, Social and Cultural Rights. The role of the Committee, which meets in Geneva, is to monitor how the States are implementing the Covenant. These periodic reports outline the legislative, judicial, policy and other measures taken to ensure that the rights set out in the Covenant are enforced.

³¹International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976

2.2 Women refugees and their challenges

Refugee women are at high risk to face the challenges because of their gender, their roles and their position in the society and are less likely to get the access to their basic human rights which could be a factor to their vulnerability to discrimination and violence in a condition of conflict and forced displacement.³²

MarijaObradovic explains that the problems that women and men face during an armed conflict is differs, men inclined to face the threat on their home ground but women at different generations depart to look for a shelter. Women are highly challenged by staying in a refugee camps within the country of origin or seeking protection elsewhere, which brings serious threats to their security, freedom and health. The dependency of the status of women on men has contributed their less access to justice and increases their victimization to different abuses and violence. It hinders the use of different legal sources in the camp also complicates the process of securing efficient legal protection for women.³³

As described by UNHCR, women are inclined too afraid and feel uncomfortable while reporting their case to the concerning body because their experiences are mostly painful and difficult to describe as it usually takes the form of sexual assault. Most of the torture and violations consist of rape, the use of electric currents upon the sexual organs; mechanical stimulation of the erogenous zones; manual stimulation of the erogenous zones; the insertion of objects into the body-openings (with objects made of metal or other materials to which an electrical current is later connected); the forced witnessing of 'unnatural' sexual relations; forced masturbation or to be masturbated by others; fellatio and oral coitus; and finally, a general atmosphere of sexual

³² UNHCR (2011) *Guidelines for Protecting Women and Girls during first entry and asylum procedures in Greece Athens*

³³ MarijaObradovic (2015). *The Protection of Female Refugees against SGBV in Camps*, page 1-2

aggression and threats of the loss of the ability to reproduce and enjoyment of sexual relations in the future.³⁴

Heaven Crawley argues that there are two-fold reasons as an evidence for women not to be able advantageous equitably sometimes from the protection under the Refugee Convention these are:

1. “Procedural and evidential barriers prevent women’s access to the asylum determination process;
2. In interpreting the Refugee Convention, women’s experience have been marginalized. For example, whilst overt expression of a political opinion through conventional means such as involvement in political parties may be considered as a basis for political asylum, less conventional forms of political resistance, such as refusal to abide by discriminatory laws or to follow prescribed rules of conduct, are often wrongly categorized as ‘personal conduct’.”³⁵

According to the study made by Samuel Hall on the Eritrean refugees , the key challenges of the OCP scheme for Eritrean refugees includes : Uneasy adjustment to urban life due to: an unreliable system of sponsorship, Difficult to access employment and livelihood opportunities, Poor conditions of employment, as refugees are restricted to informal jobs with no legal protection. In addition to this, obstacles to local urban integration and to labor market entry: such as: the lack of work permit, the necessity to have an Ethiopian guarantor to be hired, Language can also be a barrier for business-related activities, Lack of market information and Lack of work experience. Protection risks such as food insecurity and negative coping strategies (food

³⁴ UNHCR (1991), *Guidelines on the Protection of Refugee Women*, Geneva

³⁵ Professor Heaven Crawley, Gender-Related Persecution and Women’s Claims to Asylum, See more at: <http://www.refugeelaidinformation.org/gender-related-persecution-and-women%E2%80%99s-claims-asylum#sthash.WP08TWB9.dpuf>

restrictions, prostitution...) are the very challenges of the Eritrean refugees in the OCP scheme as is studied by Samuel Hall.³⁶

³⁶Samuel Hall Consulting (2014) living out of Camp: *Alternatives to Camp-based Assistance for Eritrean Refugees in Ethiopia*, commissioned by the NRC. Page 7

2.3 Protecting refugee women

According to Human Rights Watch ((2002), the most fundamental problem with the urban refugee policy is its lack of detailed protection recommendation. Instead, the policy focuses almost exclusively on assistance and ignores the very real protection needs of refugees in urban area.³⁷

As part of a refugee set women share the protection problems experienced by all refugees. UNHCR guidelines for the protection of women and girls states that along with all other refugees, women need protection against forced return to their countries of origin; security against armed attacks and other forms of violence; protection from unjustified and unduly prolonged detention; a legal status that accords adequate social and economic rights; and access to such basic items as food, shelter, clothing and medical care.³⁸ It continues that, not only the basic needs but also, refugee women and girls have special protection needs that reflect their gender: they need, for example, protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services.³⁹

Equally important, the protection of refugee women requires planning and a great deal of common sense in establishing programs and enforcing priorities that support their safety and well-being. Thus, international protection of refugee women must be understood in its widest sense. Refugee women, who are unable to feed, clothe and shelter themselves and their children will be more vulnerable to manipulation and to physical and sexual abuse in order to obtain such necessities.⁴⁰ Women as a vulnerable group left behind entering into situation of protracted

³⁷Loren.B.Landau, FMO Research Guide, Urban Refugee

³⁸ UNHCR(1991) *Guidelines on the Protection of Refugee Women*, Geneva

³⁹ *ibid*

⁴⁰ *ibid*

displacement and highly dependent on aid, while the majority of young male refugees are ready to engage in further migration despite the immense risks.⁴¹

Jordan and Douvell (2002) and Duvell (2012), research on transit highlights, how the lack of accessible social and economic protection is propelling on ward migration,⁴² so as to improve the likelihood that women's claims of persecution by non- state actors will be recognized by the courts, instead of merely being relegated to the private sphere and disregarded for the purpose of refugee protection.⁴³

Margaret E. Maguinness sets out that protection for refugees at the international regime has two components, the duty of host sates and the authority of UNHCR.⁴⁴ Refugees themselves are entitled to rights under the international regime, the rights to protection and the right to asylum.⁴⁵ However, "the international protection of refugees has focused almost exclusively on refugee law rather than asylum."⁴⁶ The starting point for the legal obligation of states to provide protection to refugees is the non-refoulement principle.⁴⁷

According to UNHCR, states that host women asylum-seekers must treat them in accordance with international standards. Thus, States Parties to human rights instruments are obliged to take all appropriate measures to protect refugee and asylum-seeking women against violations of their

⁴¹ ibid

⁴² Alison Gerard.(2014). *Securitization of Migration and Refugee Women*,page62, Journal of Refugee Studies, Oxford University Press

⁴³ ibid

⁴⁴Stephen John Stedman and Fred Tanner (2003) *Refugee Manipulation: War, Politics and the Abuse of Human Suffering*, Brookings institution press, Washington D.C

⁴⁵ Ibid

⁴⁶ David Kennedy(1986) ,*International Refugee Protection*, page 11, Human Rights Quarterly 1

⁴⁷ Ibid supra note 41

rights and to avoid discrimination against them, including in the enjoyment of economic, social, and cultural rights.⁴⁸

Samuel Halls study on alternatives to camp based assistance for Eritrean refugees in Ethiopia, figured out that because they are supposed to be self-reliant, OCP beneficiaries receive little assistance once in the city. Support and monitoring mechanisms on their living conditions are very loose. This tough adjustment to urban life explains why refugees living in the city still see resettlement as the main durable solution that they could access.⁴⁹

Moreover, regarding to former researches on the area of Eritrean women refugees under the out of camp scheme, the researcher has found one research which is conducted by Suleiman Ali from school of social work which is done on urban refugees from the great lake region that is found in Addis Ababa. The research focused on the refugees of the great lakes region social integration with the urban community. So that it is different from this research in its scope and target group. Therefore the research would focus on pointing out the human right aspects and implications of the out of camp policy on the Eritrean women refugees.

2.4 Refugee Theory

Most Studies in refugee settlement and voluntarism basically refer the Kunz's typology of refugee. Kunz distinguished refugee movements in to three factors. *Home related factors* in which refugees classified in to three categories based on the refugee's attitude towards their movement.⁵⁰ The first group of refugees are *majority identified refugee*, those refugees whose opposition to political and social events at home is shared by their compatriot, both refugees and those who remain in home areas, so that, such group of people who migrated because of their

⁴⁸UNHCR. (2006). Human Rights and Refugee Protection, Self-study Module 5, Vol. II ,Office of the United Nations High Commissioner for Refugees page 12

⁴⁹Samuel Hall Consulting. (2014). living out of Camp: *Alternatives to Camp-based Assistance for Eritrean Refugees in Ethiopia*, Commissioned by the NRC. Page 7

⁵⁰Kunz Egon F. (1981). "Exile and Resettlement: Refugee Theory". *The International Migration Review* 15 (1/2). [Center for Migration Studies of New York, Inc., Wiley]: 42–51. doi:10.2307/2545323.

opposition to the existing political and social system and who are scared for lives while staying in their nations categorized under this group.⁵¹ *Events related refugees* are those refugees who have left their home areas because of active or latent discrimination against the group to which they belong. Those refugees who belong to this group frequently retain little interest in what occurs in their former homes once they have left.⁵² The third type of refugees are *Self alienated refugees*, they are people who decided to leave their home country for a variety of individual reasons. They are not aggravated by any active policy of that society, but rather by some personal philosophy, we could say that, in their understanding, they do not like the system in their origin so that they prefer to migrate.⁵³

Distance related factors are factors that influence refugees in transit. Distance related factors consist of anticipatory refugee movements and acute refugee movements. The anticipatory refugees are those who arrive door-to-door to the country of immigration, leaves his home country before the deterioration of the military or political situation prevents his orderly departure. The one in this group has the knowhow about his destination characteristic. Acute refugee movements arise from great political changes or movements of armies. The refugees flee either en mass or, if their flight is obstructed, in bursts of individual or group escape and their primary purpose are to reach safety in a neighboring or nearby country which will grant them asylum.⁵⁴

Host related factors are factors in which refugees expect to face in the area of their resettlement and the population they are going to integrate. Host related factors include cultural compatibility,

⁵¹ *ibid*

⁵² *ibid*

⁵³ *ibid*

⁵⁴ Kunz, E. F. (1973). "The Refugee in Flight: Kinetic Models and Forms of Displacement." *The International Migration Review* 7 (2). [Center for Migration Studies of New York, Inc., Wiley]: 125–46. doi:10.2307/3002424.

population policies and social receptiveness.⁵⁵ By cultural compatibility it refers that the refugees tendency of acculturation and adaptation to the new resettlement area and its society they are going to confront. Cultural compatibility is a vital important factor which influences the lives of refugees. Language, value, tradition, religion, food, politics and interpersonal relations are the basic gaps that refugees are confronting while they resettle.⁵⁶ A population policy of host states is the second factor. It implies that the population number of that state will determine the refugees' treatment in the state. Under populated states (Augmentative countries):

*...are likely to look at the refugee as a sought after and valued immigrant who is expected to contribute to the nation's numerical growth and its economic capacity. they look at the pool of refugees primarily as a manpower source to be exploited to their own advantage, and tend to select the healthy and young, leaving the old and ill behind.*⁵⁷

On the other hand overpopulated or demographically self-sufficient countries:

*...are less likely to accept large numbers of refugees. Because they are not particularly anxious to retain and assimilate new arrivals they are less likely to press the refugee to abandon a home oriented outlook and activities. These societies are usually more tolerant and more willing to offer the refugee a sanctuary without forcing the adoption of their particular way of life.*⁵⁸

The last host related factor is social receptiveness. Social receptiveness directly related with the population structure of the given state. Kunz in this stand explains that:

⁵⁵Kunz, Egon F. (1981). "Exile and Resettlement: Refugee Theory". *The International Migration Review* 15 (1/2). [Center for Migration Studies of New York, Inc., Wiley]: 42–51. doi:10.2307/2545323

⁵⁶ ibid

⁵⁷ ibid

⁵⁸ ibid

The chances for advancement which augmentative societies may offer to refugees would also depend on whether they are multiethnic, pluralistic communities open to all comers, or monotonic, monistic communities which give significant preference to sib-arrivals from countries of affinity, but keep only the servant door open to peoples of other races and traditions. The degree of conformity which they would demand from the newcomer would depend on their social receptiveness: monistic societies are less likely to be hospitable to people who cling to their differing cultures than pluralistic societies of broader experience.⁵⁹

2.5 Legal rights and obligation

This section discusses about the major legal instruments from which refugees derive their rights. Refugees derive rights from global instruments supplemented by legal texts at the regional level and by the national laws of the countries in which they find themselves.⁶⁰ The international instruments on the refugee rights are basically the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. At the regional level, the 1969 OAU Refugee Convention and at the national level, the Federal Democratic Republic of Ethiopia (FDRE) constitution and refugee proclamation no. 409/2004 is presented.

⁵⁹ *ibid*

⁶⁰ Human Rights in Africa: Legal Perspectives on their Protection and Promotion / ed. by Anton Bösl and Joseph Diescho, Keetharuth, Sheila B., Major African legal instruments.(2009). Pages 163-231, Publisher Windhoek : Macmillan Education Namibia

2.5.1 International refugee rights instruments

2.5.1.1 The 1951 convention relating to the status of a refugee

Definition of refugee:

Article one sub article a (2) of the convention defines refugee as follow:

*As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*⁶¹

Regarding to the applicability of this provision, there has been given a commentary which discussed that, by the term the country of nationality refers to the country which the asylum seeker is a national. If the person is a national of more than one country, the term implies to each of the countries he is belonging as a national.⁶²

And, according to the commentary, *“a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.”*⁶³

This regards that, according to the house of lords of United Kingdom,

⁶¹Convention and Protocol Relating to the Status of Refugees, (2010). UNHCR, Geneva.

⁶² UN High Commissioner for Refugees (UNHCR).(1990). *The Refugee Convention, 1951: The TravauxPréparatoires analyzed with a Commentary by Dr. Paul Weis*, p. 6 available at: <http://www.refworld.org/docid/53e1dd114.html> [accessed 9 June 2016]

⁶³ Ibid p.8

“The applicant had to have a well-founded fear of persecution if returned to his or her own country meant that there had to be demonstrated a reasonable likelihood that he or she would be so persecuted.”⁶⁴

This means that the condition of fear and persecution that the person is in fear of which, if he go back to his country, shall be justified in order to give him a refugee status and acceptance.

Rights and Obligations of Refugees

Articles 12 - 30 of the Refugee Convention set out the rights which individuals are entitled to once they have been recognized as Convention refugees:⁶⁵ All refugees must be granted identity papers and travel documents that allow them to travel outside the country.⁶⁶

Free exercise of religion and religious education, free access to the courts, including legal assistance, access to elementary education, access to public relief and assistance, protection provided by social security, protection of intellectual property, such as inventions and trade names, protection of literary, artistic and scientific work, equal treatment by taxing authorities must be provided to refugees with the same treatment as nationals of the receiving country. The Convention also stipulate on its article 15 and 17 that refugees must receive the most favorable treatment provided to nationals of a foreign country with regard to the right to belong to trade unions, the right to belong to other non-political nonprofit organizations and the right to engage in wage-earning employment.⁶⁷

⁶⁴ Ibid p.8

⁶⁵ University of Minnesota Human Rights Library.(2003). Study Guide: The Rights of Refugees [Human Rights Education Associates \(HREA\)http://www1.umn.edu/humanrts/edumat/studyguides/refugees.htm](http://www1.umn.edu/humanrts/edumat/studyguides/refugees.htm) accessed on March 20, 2016.

⁶⁶ ibid

⁶⁷ ibid

*Refugees must receive the most favorable treatment possible, which must be at least as favorable to that accorded aliens generally in the same circumstances, with regard to rights such as the right to own property, the right to practice a profession, the right to self-employment, access to housing and access to higher education.*⁶⁸

The right to choose their place of residence, the right to move freely within the country, free exercise of religion and religious education, free access to the courts, including legal assistance, access to elementary education , access to public relief and assistance, Protection provided by social security, Protection of intellectual property, such as inventions and trade names, Protection of literary, artistic and scientific work and Equal treatment by taxing authorities are also granted to refugees to receive with the same treatment as that accorded to aliens generally.⁶⁹

2.5.1.2 The 1967 protocol relating to the status of refugee

A protocol which has eleven (11) articles in general has been come to effect to mitigate the limitations of the 1951 convention and to strength the state parties to work with it equally for everyone. The major limitation of the convention and reasons for the establishment of the protocol are, it covers only those persons who have become refugees as a result of events occurring before 1 January 1951, the rise of new refugee situations and the conventions' limited scope as well as the desirability of enjoying equal status by all refugees.⁷⁰

⁶⁸ ibid

⁶⁹ ibid

⁷⁰Preamble, The 1967 Protocol Relating to the Status of Refugee

2.5.2 Regional Legal Instruments on the Protection of Refugee

2.5.2.1 The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

The OAU convention governing the specific aspects of refugee problems in Africa (the 1969 OAU convention on refugees) is the effective regional complement in Africa of the 1951 UN convention on the status of refugees⁷¹ which done by the heads of African states and government on the 10th day of September 1969 having 15 articles in it.⁷²

The heads of African state and governments, bearing in mind that the UN charter and UDHR have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination and convincing that all the problems of the African continent must be solved in the spirit of the charter of the organization of African Unity and in the African context have agreed to the adoption of the convention.⁷³

Lack of protection to internally displace peoples (IDPs) was considered as the major gap in this Convention. Here wise, in November 2008, African ministers in charge of forced displacement adopted a draft AU Convention on the Protection and Assistance for Internally Displaced Persons in Africa.⁷⁴ Therefore these both documents are the only legally binding regional treaties in the world protecting the rights of displaced peoples including refugees and IDPs.⁷⁵ The 1969

⁷¹ Article XIII, OAU, (1969). Convention on Refugees,

⁷² OAU Convention Governing the Specific Aspects of Refugee Problems in Africa adopted by the Assembly of Heads of State and Government at its Sixth Ordinary Session, text United Nations, Treaty Series No. 14691, entry into force 20 June 1974, in accordance with Article XI, UNHCR, Addis Ababa, 10 SEPTEMBER 1969

⁷³ Ibid, Preamble

⁷⁴ Daily monitor, 16 Nov 2008, as cited by Keetharuth, Sheila B. (2009) *Major African legal instruments, Human Rights in Africa: Legal Perspectives on their Protection and Promotion* / ed. by Anton Bösl and Joseph Diescho, ,Pages 163-231, Publisher Windhoek : Macmillan Education Namibia..

⁷⁵ Keetharuth, Sheila B. (2009) *Major African legal instruments, Human Rights in Africa: Legal Perspectives on their Protection and Promotion* / ed. by Anton Bösl and Joseph Diescho, ,Pages 163-231, Publisher Windhoek : Macmillan Education Namibia

OAU refugee convention was also the first international legal instrument to specifically include the now universally accepted principle of voluntary repatriation.⁷⁶

Definition of refugee:

For the purposes of this Convention, the term “refugee” shall mean every person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”⁷⁷

In addition to this the convention also provides that the term *Refugee* could apply to:

every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.⁷⁸

The second definition given by the OAU refugee convention makes the definition wider than the 1951 which is limited with the requirement given to refugee just to have a well founded fear of persecution based on race, religion, nationality, membership of a particular social or political opinion. It widens the range of fear to the extent which is any event disturbing the public order either in part or whole of the country.

⁷⁶ *ibid*

⁷⁷ Article I par. 1 OAU 1969 convention on refugees

⁷⁸ *Ibid*, Article I par. 2,

Rights and obligations:

The convention provides that no person shall be subjected to rejection at the frontiers of member states of the Convention⁷⁹. It also presents a non discrimination clause which states that member states undertake to apply the provisions of the Convention to all refugees without discrimination.⁸⁰ Voluntary repatriation is also granted by the Convention which implies that no refugee shall be repatriated against his will.⁸¹ For the purpose of travel outside their territory, member States shall issue to refugees lawfully staying in their territories travel documents in accordance with the United Nations Convention relating to the Status of Refugees.⁸² However, every refugee is obliged to abstain from any subversive activities against and from attacking any state member of OAU by any activity likely to cause tension between member states.⁸³

2.5.3 National Legal Instruments on the Rights of Refugees

The FDRE Constitution which is the fundamental law of the country states on its Article 9 sub art, 4 that, all international agreements ratified by the Ethiopia are an integral part of the law of the land. Therefore, all the above international and regional laws regarding to refugee rights are adopted and ratified by Ethiopia with the reservations on the right to work, freedom of movement and public education so that they are also applicable in Ethiopia based on Article 9(4) and 13(2) of the FDRE constitution which stipulates that “All international agreements ratified by Ethiopia are an integral part of the law of the land” and “ the fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the

⁷⁹ Ibid, Article II

⁸⁰ Ibid, Article IV

⁸¹ Ibid, Article V

⁸² Ibid, Article VI

⁸³ Ibid, article III

Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia” Respectively.⁸⁴

However, the country has its own separate proclamation which stipulates the rights and obligations of recognized refugees and asylum seekers. In addition, article 51 (18) of the FDRE constitution states that it is the power and function of the federal government to determine and administer all the matters relating to refugee and asylum.⁸⁵ Article 55(2), has also stated that as the house of peoples representative has given the power of legislation to all the matters assigned to the federal jurisdiction by sub article 1 of the same article, it shall enact specific laws regarding to the rights of refugees and of asylum.⁸⁶

The main legal instrument which specifically deals with the rights and duties of refugees and asylum seekers is the “Refugee Proclamation No. 409/2004”. It has outlined the rights and obligations of recognized refugees and asylum seekers on part four, Art 20 and 21 as follow;

Art 20. Rights and Obligations of an Asylum-seeker

1) Any person who has applied pursuant to Article 13 and Article 19 of this Proclamation for recognition of his status as a refugee shall be allowed to remain in Ethiopia:-

a) Until the Authority decides on his application; or

b) If his application is unsuccessful, until he exhausts his right of appeal.

⁸⁴Article 9 and Article 13, FDRE Constitution (1994)

⁸⁵ Ibid, Article 51

⁸⁶ Ibid, Article 55

2) *Any person stated under Sub-Article (1) of this Article shall, except to the extent that the provisions of any other law may be inconsistent with the purposes of this Proclamation, be subject to laws in force within Ethiopia.*⁸⁷

Art 21. Rights and Obligations of Recognized Refugees

1) *Every recognized refugee shall:-*

- a) Be permitted to remain within Ethiopia in accordance with the provision of this Proclamation;*
- b) Be issued with identity card attesting to his refugee status;*
- c) Be issued with a travel document for the purpose of traveling outside Ethiopia in accordance with international agreement;*
- d) Be entitled to other rights and be subject to the duties contained in the Refugee Convention and the OAU Refugee Convention;*
- e) Except to the extent that the provisions of any other law may be inconsistent with the purposes of this Proclamation, be subject to the laws in force within Ethiopia; and*

2/ *Notwithstanding the provisions of Sub-Article (1) (d) of this Article, the Head of the Authority may designate places and areas in Ethiopia within which recognized refugees, persons who have applied for recognition as refugees, and family members thereof shall live, provided that the areas designated shall be located at a reasonable distance from the border of their country of origin or of former habitual residence.*

3/ *Notwithstanding the provisions of Sub-Article (1) (d) of this Article, Every recognized, refugee, and family members thereof shall, in respect to wage earning employment and education, be entitled to the same rights and be subjected to the same restrictions as are*

⁸⁷Proclamation No. 409/2004, Article 20.

*conferred or imposed generally by the relevant laws on persons who are not citizens of Ethiopia.*⁸⁸

These provisions implies that refugees would benefit from the rights and duties provided by the proclamation in line with the refugee convention of 1951 and OAU refugee convention as accorded by article 21(1)(d) of the proclamation. However, in circumstance of deciding places and areas of residence it is the mandate of the head of authority and they are subject to restrictions and right the same as those who are not the citizen of Ethiopia, regarding the right to work and education. But the status of being refugee and non national or a foreign could not be considered in the same situation because despite this provision, practically, there are a lot of foreigners who got work permits and are working to get earnings in the country, whereas refugees are denied to work legally.

Regarding to the protection of vulnerable groups, Article 22 of the proclamation provided that, *“The Authority shall take measures to ensure the protection of women refugees, refugee children elderly refugees and handicap who needs special protection.”*⁸⁹

This provision implies that vulnerable groups listed above i.e. women refugees, children, elderly and persons with disabilities shall get a special treatment from the government. In this regard, it entails the government acceptance of the vulnerability of these groups and deemed as they need a special protection scheme while they stay in the country and expected to ensure special treatment of these groups considering their double vulnerability as a refugee and disadvantaged group of human.

⁸⁸Article 21, Proclamation No. 409/2004

⁸⁹ Ibid, Article 22

Chapter Three

3. Description, Findings and Discussions

3.1 Description of OCP scheme and Asylum System in Ethiopia

This chapter deals with a description of the asylum process in Ethiopia, the efforts of the Ethiopian government to the protection of refugees and brief description of the study area(OCP) followed by the findings and discussions of the study.

3.1.1 Asylum policy in Ethiopia

Reception of refugees and asylum seekers in Ethiopia has a long lasting history since the time of Aksumite dynasty where the then court of Aksum has granted asylum to followers of Prophet Mohammed in the time of Hijra.⁹⁰ However, one can imagine the history of migration to go back to the creation of man biblically, since Adam and Eve had been expelled from heaven and fled to earth. Peoples could migrate from place to place because of different reason basically to escape life threats and persecutions which are either man made or natural disasters.

“In sub Saharan African countries, particularly in the horn of Africa, there is high refugee mobility due to civil war, ethnic conflict, human rights violations, recurrent drought, etc.”⁹¹ The peaceful and stable situation of Ethiopia in the horn and hospitality of its people as well as its history of receiving migrants will be the potential pulling factors for refugees to the country.⁹²

⁹⁰ Richard Greenfield, *Ethiopia: a new political history*,(New York, F.A Praeger,1965),p 159-160; as cited in HaileelassieGebreMariam, *The Ethiopian asylum Policy review*, AAU student law review vol.1 No.2 Dec 2010, p 86

⁹¹HaileelassieGebreMariam, (2010) *The Ethiopian asylum Policy review*, AAU student law review vol.1 No.2 Dec 2010, p 86-108

⁹²HaileelassieGebreMariam, (2010) ,*The Ethiopian asylum Policy review*, AAU student law review vol.1 No.2 Dec 2010, p 86-108

Nowadays, the refugees and asylum seekers hosted in Ethiopia are from more than twenty countries almost all of them are from African countries, the majority of whom are from neighboring countries Sudan, South Sudan, Somalia and Eritrea. According to the information from ARRA refugee's population update for Dec 2015, the total number of refugees residing in the country is 750,326 whereas the update information of refugees and Asylum seekers population for UNHCR at the same month is 733,644. The numerical difference could be understood from the point that ARRA as the government focal organization discovers the population number from the boarder reception and counts including all at the entry point where as UNHCR records those who passes the screening at the entry points. From this number, the majorities are residing in 31 refugee camps in five different regional states where as some of them are believed to be settled in different parts of the country spontaneously.⁹³

Ethiopia is a State Party to the entire international and regional legal instrument on the status and rights of refugees. These instruments expressly state that parties to these instruments may promulgate domestic laws. The FDRE Constitution also provides in its article 9(4) that all international instruments ratified by Ethiopia are an integral part of the law of the land. Therefore, the country has adopted a refugee proclamation which stipulates “the rights, duties, other principles and definition of the procedure for status determination of refugees which also provides a special protection for vulnerable groups in 2004.”⁹⁴ The proclamation has also provided “the procedure of status determination and in time of rejection and cancellation, appealing procedure to the appeal hearing council within thirty days from the day of notification of the decision of the first instance eligibility committee hearing.”⁹⁵

⁹³ Key informant Interview, ARRA official, February 2016, Addis Ababa

⁹⁴ Refugee proclamation no. 409/2004

⁹⁵ Article 14(3) of the refugee proclamation no.409/2004

3.1.2 Asylum process and responsible organs in Ethiopia

Refugees starting from their first entry till they get a durable solution, they pass through some steps of asylum process. The steps of the asylum process involve both the state and non state actor.

The first step is a *contingency plan*, which is a pre arrival study on the neighboring states political, social, and environmental including security status in order to get a prior notice to be well prepared in the reception of asylum applicants. The next step is *reception* of asylum applicants at the entry points (boarders) and terminals of the state where refugees will be received by the local governments and/or immigration officers respectively. *Refugee status determination* (RSD) will be followed and procedures and database registrations is handled with relatively a short period of time by ARRA.⁹⁶ According to article 14(2) (e) of Proclamation no. 409/2004, UNHCR is invited in the screening process as an observer. Once the status is determined, refugees will be allocated to different camps and *service delivery* starts in their residence. The services to be delivered include basic services like shelter, food ration and potable water as well as clothing, social services such as education, health service, marriage, pass certificate and legal services and physical protection is the major assistances where by asylum seekers and refugees are provided. Such assistances will be temporary for “asylum seekers”⁹⁷ and permanent for “refugees”⁹⁸ including resettlement opportunity and travel document to go

⁹⁶HaileselassieGebreMariam, *The Ethiopian asylum Policy review*, AAU student law review vol.1 No.2 Dec 2010, p 86-108, supported by a key informant interview made by the researcher with the writer of the article who is a senior protection officer at ARRA on February 2016, in Addis Ababa

⁹⁷According to proclamation no. 409/04 article 2(10), “Asylum-seeker” means any person who presents himself at the border or frontier claiming to be a refugee or any person is in Ethiopia and who has lodged an application with the competent authorities for recognition as a refugee and is awaiting a final decision on his application.”

⁹⁸Refugee means any person or group of persons who full fills the criteria under the Provisions of Article 4 or If the Head of the Authority considers that any class of persons met the criteria under Article 4(3) of the Proclamation, he may declare such class of persons to be refugees as stated on article 19 of the Proclamation no. 409/04.

abroad including refugees' administrative matters like preparing pass permits, To Whom It May Concern, etc.⁹⁹

The last step of an asylum process is finding a *durable solution*. Securing durable solutions for refugees is the core element of international protection and part of UNHCR mandate.¹⁰⁰ The three durable solutions are *voluntary repatriation* which implies the return of refugees to their country of origin when the cause of their resettlement has been resolved. *Local integration* which aims the integration of refugees in the local community however which could not possibly be achieved or allowed in countries like Ethiopia due to the country's economic status. The last and the most workable durable solution is *resettlement* which secures integration of refugees in developed countries. ARRA, in cooperation with UNHCR, has been promoting voluntary repatriation and resettlement in search of durable solutions for refugee problems.¹⁰¹

Refugees (those who pass the RSD) could be divided in to three groups. They are the encamped refugees, out of camp refugees and urban refugees. *Encamped refugees* are those refugees who are settled in different refugee camps and get the above mentioned services right at the camp. *Out of camp refugees* are those refugees who reside in the urban centers with the help of their families, remittances from abroad or by their own financial means. *Urban refugees* are those refugees who reside in urban centers because of different reasons such as medical reasons, political case, vulnerability etc. and who receives subsistence allowance on monthly basis from the government and different social services and assistances from different IPs.¹⁰² Among these

⁹⁹ HaileselassieGebreMariam, (2010) *The Ethiopian asylum Policy review*, AAU student law review vol.1 No.2 Dec 2010, p 86-108

¹⁰⁰ Ibid page 106

¹⁰¹ ARRA annual report Oct 31,2010 as cited by HaileselassieGebreMariam,(2010) *The Ethiopian asylum Policy review*, AAU student law review vol.1 No.2 Dec 2010, p 86-108

¹⁰² Key informant Interview, ARRA official, February 2016, Addis Ababa

refugee groups this research focuses on the out of camp refugees especial emphasis on women human rights challenges and their coping mechanism while residing in Addis Ababa.

The responsible actors and agencies in the asylum program are both state and non state actors. State actors include all the federal, and local governments and government organs which engages in dealing the issue of refugees where as non state actors are all the UN agencies and local and international NGOs in service of refugee matters. Government, both federal and regional represented by their focal organization i.e. ARRA, local governments in the entry points and police at the local and border areas basically deals with basic social services like education, health, land administration and security issues respectively. UN agencies like, UNDP, UNICEF has a role to cover the material and technical part, WFP provides food ration supports for refugees, UNHCR assists and monitors interpretation of the international law and has observer status in all stages of RSD. Other international and local organizations and NGOs also provide their support and assistance based on their area of specialization.

3.1.3 Efforts Made by Ethiopia in the Asylum System

Ethiopia, in light of the respecting of the basic human rights principles as well as the major international legal instruments which the country has ratified, follows an open door policy for refugees who come in need of its protection.¹⁰³ It has also a consistent provision and proclamation (proclamation no 404/2004) which are also in line with the international instruments to govern the asylum seeking process and to determine the rights and duties of refugees until they get durable solutions. Stipulating such laws which is helpful to administer the refugees and asylum seekers circumstances in the country is the first effort Ethiopia exerts for

¹⁰³ According to UN High Commissioner for Refugees FilippoGrandi, with his discussion with the Ethiopian prime minister HailemariamDesalegn, The Ethiopian Herald, Jan 31/2016 see more on <http://www.ethpress.gov.et/herald/index.php/news/national-news/item/3579-un-refugee-chief-commends-ethiopia-s-generous-open-door-policy> accessed on July 17/2016

smooth asylum system. Starting from the reception on the entry points up to they get a durable solution, the country provides a great support and made different and valuable efforts to create conducive environment for refugees. Such supports and efforts are also assisted by different international agencies to various extents. Based on the legislatives on the asylum laws, fast pre-eligibility procedure and refugee status determination (within 15 days) both for individuals and groups is the other appreciative effort by the government of Ethiopia relative to other countries experience like Uganda which takes more than three months.¹⁰⁴

Providing basic services like shelter, food ration, potable water, non food items (like soap, clothing etc.), social services, health services(both primary and referral), education services(primary and secondary at camp level) are come in to effect basically in collaboration with different UN agencies and IPs.¹⁰⁵

Scholarship for higher education (if the individual is able to pass the entrance exam) and an out of camp scheme (OCP) which is allowed in written for Eritrean refugees and permitted for others implicitly like the Somali and South Sudan refugees living in Addis Ababa and different areas of the country, to live out of camp to strengthen the people to people relations, preparing traveling document, issuing supporting letter for different issues, consultancy (advise and direction) and legal aid service as well as physical protection are mostly covered by the state only.¹⁰⁶ In addition to these, higher government officials and consular representatives in different countries especially in western countries also lobby to the support of refugees residing in Ethiopia to strength the people to people relation as well as national image building.¹⁰⁷

¹⁰⁴ Key informant Interview, ARRA official, February 2016, Addis Ababa

¹⁰⁵ ibid

¹⁰⁶ ibid

¹⁰⁷ ibid

However, despite the efforts made by the state, there are constraints and gaps in the overall asylum system. Such challenges consists of: insufficient resource to meet the needs of refugees; capacity problems of collaborating organs especially in commitment, knowledge, mechanical resources, integrity and misuse of resources; delayed procedure on appeals; lack of contingency plan on resources; absence of reception centers and ARRA branches on some borders; inconsistency on consultancy (informal education, advise and direction) and legal aid services; degradation of resources and conflict on resource use with the local community, contagious disease, cultural clashes, refugees disobedience to the national laws especially on the freedom of movement and holding of illegal documents such as owning Ethiopian passport and Keble ID cards, defamation, theft and security related problems.¹⁰⁸In addition, “some of the refugees also engage themselves in illegal activities like smuggling, polygamous marriage, secondary movement, leaving the camp without permit.”¹⁰⁹

3.1.4 Description of the Out of camp scheme (OCP)

An out camp scheme is a program of the Ethiopian government towards Eritrean refugees to allow them to live outside the camp in the different parts of the country. The program was started on November 2007 G.C. the scheme legally and by written is applicable only for Eritrean refugees; however the relaxed system of refugee administration by the Ethiopian government allows refugees from other countries to enjoy it by default.¹¹⁰

The practice of OCP has been implemented defacto in the country since the mass displacement of the Somali’s while the regime of President Ziyad Bare was in power (1988- 89). There were

¹⁰⁸ These constraints are driven out from the interview made by the researcher with the official of ARRA, AtoHaileselassieGebreMariam, a senior protection officer, on Feb, 2016.

¹⁰⁹HaileselassieGebreMariam, (2010) “*The Ethiopian asylum Policy review*”, Addis Ababa University Student Law Review , Vol.1 No.2, p 86-108

¹¹⁰ Key informant Interview, ARRA official, February 2016, Addis Ababa

100,000 asylum seekers of Somalia nationalities residing in different cities of the country like Addis Ababa, Dire Dawa, and Harar. However, even if there is no available documentation regarding the detail of the scheme, there is a common understanding among concerned bodies to give the chance and to allow them, currently Eritrean refugees are authorized to live in the urban centers either with their family or by themselves. Here wise, the scheme also expects the refugees to fulfill their financial deficit by their own means. This could be through the support of their guarantor, remittance of their family or anybody in abroad or here in the country.¹¹¹

3.1.5 Rationale

The Ethiopian government rationale to bring this scheme in to practice is mainly the repetitive application of the Eritreans to reunion with their families in Ethiopia.¹¹² The country's reservation on the right to movement on the 1951 convention on the status of refugees and its 1967 protocol is also the major factor for the inception of the OCP scheme. The right to movement of refugees from the camp is not allowed by the Ethiopian government however taking in to consideration, the long lasting brotherhood relation between the two people, division of the families once in the time of the Ethio-Eritrean war and the civilized and urbanized background of the refugees, the scheme comes to be realized and implemented as a positive reply for their applications after a long study.¹¹³

In addition to these, it is believed by the Ethiopian government that, there should be extended relaxed refugee handling system, the people to people relationship have to be strengthen and the positive national image of the country will also be build up through OCP scheme.¹¹⁴

¹¹¹ Key informant Interview, ARRA official, February 2016, Addis Ababa

¹¹² ibid

¹¹³ ibid

¹¹⁴ ibid

3.1.6 Requirements to become OCP

Any refugee who wants to become an OCP beneficiary should have to fulfill some criterions requested by ARRA. These requirements were once available at ARRA with detailed document of OCP, but because of the absence of the written document of the scheme, it is currently apply consistently from the practical experiences that used to be implemented so far. ARRA is the responsible organ to determine the fulfillments of these criteria.

The first among the criterion is to get recognition or a YES reply for their asylum application or RSD. Next, the refugee should have to stay in the camp at least for a month and 15 days (45 days). This duration of stay in the camp initially was at least for 6 months and lately has been decreased in to 3 months and these days to 45 days for the reason of studying the background of the applicant. The other criterion is that the applicant should verify his/her innocence from unlawful practices through obedience to the law and finally he/she is expected to apply voluntarily without the force of anybody.¹¹⁵

While the scheme has come in to effect, its aim and scope was limited to reunion the refugees with their nucleus family. However, when the time goes the reunion request became more and more. Because of that, the handling system becomes more relaxed, reunion with siblings and then permitting the out of camp scheme for those who can get guarantors started and continues till today.¹¹⁶ Though, in all these stages of recruitment, exceptions such as considering severity of problems and priority would be forwarded to those who are vulnerable and at high risk, in order to help them to come to the urban centers to further protection services.¹¹⁷

¹¹⁵ Key informant Interview , ARRA official, February 2016, Addis Ababa

¹¹⁶ ibid

¹¹⁷ ibid

3.2 Findings of the study

3.2.1 Background of study participants

The finding of this study are drawn from the lived experience of ten (10) Eritrean women OCP beneficiaries who are the study informants selected by purposive sampling, living in Addis Ababa and whose profile is presented by the following table.

No	Name	Sex	Age	Educational background	Marital status	No. children	Duration of stay in Addis Ababa	Current source of income
1	P 1	F	27	BA in Marketing and PSIR	Single	0	6 years	IGO employee
2	P 2	F	25	11 th grade	Married	0	1 year	Husband remittance
3	P 3	F	26	11 th grade	Divorced	2	10 months	Dependent on Eritrean fellow
4	P 4	F	32	11 th grade	Married	2	2 years	Husband income from unsecured daily labour
5	P 5	F	34	11 th grade	Single	0	2 years	Dependent on family
6	P 6	F	38	Diploma	Single	0	2 years	Nothing
7	P 7	F	28	12+1(Nurse)	Single	0	1 year	Dependent on her sister
8	P 8	F	43	12 th grade	Married	3	2 years and 6 months	Dependent on my husband's family
9	P 9	F	40	9 th grade	Married	5	4 years	Dependent on siblings
10	P 10	F	32	12 th	Single	0	4 years	Dependent on inconsistency remittance

3.2.2 Camp living Condition

Refugee's first experience in host states is considered to be camp life. According to Merriam Webster dictionary, camp is a place usually away from urban areas where tents or simple buildings (as cabins) are erected for shelter or for temporary residence.¹¹⁸ Based on the given definition, the operational definition of Camps for this study is "places where refugees are settled in groups temporarily until they get a durable solution to their cause of flight from their country of origin." Refugee could experience a different way of life from their background and as a result could face different challenges. In regard to this research, the refugee's camp background could imply the extent of protection forwarded by different actors to them and their uninformed reason to be part of the out of camp scheme.

All respondents of the OCP beneficiaries describe that the camp condition is very difficult and challenging comparing to their previous life. They all mention that there is a scarcity of food ration, high risk of malaria, poor medical services, bad weather condition, insecurity and lack of infrastructure which leads to the less adaptability of the environment by the refugees in general.¹¹⁹ Regarding to this one of the participant has said that: *"for me, camp life is the same like hell."*¹²⁰ The other participant explains that:

*...there is crowdedness in the camps, the bathrooms are not clean they don't even have doors so that anyone can see you there; I am always ashamed of washing my body because of this.*¹²¹

¹¹⁸ Merriam Webster Dictionary, see more on <http://www.merriam-webster.com/dictionary/camp>

¹¹⁹ Similar opinions of all the Study informants

¹²⁰ Interview with P5 May 2016, Addis Ababa

¹²¹ Interview with P6 May 2016, Addis Ababa

On the other hand, in addition to the above listed challenges, women and underage children as a highly vulnerable group, also experience specific challenges such as rape and attempts of rape, unwanted pregnancy, illegal abortion, sexual harassment, violence. One of the participants said that:

*...Guys come drunk and disturb us. We couldn't be able to sleep because of them. Sometimes they stole foods from our tents while we went out for toilet or somewhere else.*¹²²

The other participant added on that: *“Even if it didn't happen on me, I have witnessed that, one of the securities of the camp has been forcefully taking three underage to the forest area in the mid night, I have also informed this situation to the officers...”*¹²³

There are many under ages who came along with peoples whom they don't know before which means that they are free from a responsibly looking guardian. In this regard, they are exposed for the above mentioned challenges very easily. Here wise, one of the participants who have been working as a nurse in the camp explains:

*There is no one to control and guide once life. So, girls especially the under ages could go for multiple sexual partners and suffers a lot, they get unwanted pregnancy, illegal abortion, and even STDs. They think their life gets worse and meaningless because of that they usually commit a suicide.*¹²⁴

As the refugees explained above, despite the challenges all the refugees share in common, women are subjected to challenges that trace their femininity and vulnerability as a result of

¹²² Ibid supra note 113

¹²³ Ibid supra note 113

¹²⁴ Interview with P7 May 2016, Addis Ababa

“absence of alternatives for refugees and displaced women to challenge their dependency.”¹²⁵ In addition women especially those who are under age could go for the different risk causing factors by themselves, because of lack of a legal guardian who looks after them. More over on the common challenges that all the refugees suffer, such challenges could occur mainly because of the shortage of resources in camps provided by the government as well as collaborating organs and implementing partners (IPs).¹²⁶

Food insecurity, the right to clean environment, the right to privacy and security are the major human rights violations to be examined from this scenarios. The country reserved only three rights which have been mentioned in the previous pages i.e. the right to freedom of movement, the right to public education and the right to work. However, as a result of scarce resources refugees in camps are not being able to entertain other than the reserved rights. Such, difficult and challenging situation of camps are also forcing refugees to take different alternatives such as being an OCP beneficiary and secondary movements¹²⁷ to escape from it.

“In October 2013, UNHCR reported that some of the survivors of a boat tragedy in which 357 Eritreans drowned off the coast of the Italian island of Lampedusa on October 3, 2013, had previously registered as refugees in the eastern Sudanese and Ethiopian camps.”¹²⁸

3.2.3 Why OCP?

Refugees once they settle in camps, they start to look for the different alternatives they could be better protected and live safely. Ethiopian government as a host state provides different

¹²⁵ Amsterdam law forum volume 3:2 page 79

¹²⁶ key informant interview, ARRA Official , February 2016, in Addis Ababa

¹²⁷ Secondary movement refers to the refugees’ migration to another country for the request of second asylum. Which basically implies those who go through brokers and smugglers across Libya and mediterranean sea, who mostly are exposed to different disasters

¹²⁸ Human rights watch,(2014)“*I Wanted to Lie Down and Die*” *Trafficking and Torture of Eritreans in Sudan and Egypt*;United states of America, page 9

mechanisms of settling refugees covering the expense by itself and in cooperation with different Implementing Partners. Among those efforts, as it has been explained in the previous chapter, OCP is the one which is allowed by the Ethiopian government for Eritrean refugees in written.

Refugees have different reasons and initiations to prefer to be the out of camp scheme beneficiaries. Some could choose it voluntarily whereas others being part of it emergent [as a result of leaving the camp for various reason except family reunion]. Voluntary reasons could be such as reunion with families, to be near to finalize flight process both to resettlement as well as family reunion abroad, to look for a better living in cities to survive through different means. Some refugees come out from camps for medical cases, scholarship positions in higher education's, looking for their Ethiopian husbands and will remain in urban centers. One of the participants who become OCP beneficiary emergently stated that:

My immediate cause was the higher education scholarship which I got from the Ethiopian government. However, when I graduated I didn't want to go back to camp, because, I know the camp situation. It is full of stress because there is no safe home, job, light and appropriate service at all. There are different offices of concerned bodies but I can say that they are corrupted, they don't serve appropriately. I would prefer to be empty mouth here in Addis rather than staying in the camp with these conditions.¹²⁹

Another study participant has a different reason why she becomes an OCP beneficiary. She said that *"I just come to Addis to find my husband who left his family 6(six) years before in Eritrean."*¹³⁰ This is also her reason to migrate from her country of origin.

¹²⁹ Interview with P1 March 2016, Addis Ababa

¹³⁰ Interview with P9 May 2016, Addis Ababa

Among the voluntary OCP beneficiaries, one of the participants of this research explains that,

I had no information about OCP when I come to Addis in the first place, however my reason to be out camped was to reunion with my families whom I left them when I was expelled by the Ethiopian government when Ethio-Eritrea conflict has been proclaimed. After I came to Addis I got the information to become OCP and I took the opportunity.¹³¹

The case of this participant basically is the same with the rationale given by the Ethiopian government to provide the opportunity of the OCP scheme which explains *the frequent requests by refugees to reunion with their nucleus as well as extended families in Ethiopia*. The beneficiary reasons out her rationale to be in the out of camp scheme as a result of her desire to reunion with her nucleus family which she left years ago.

I have a mental and womb health problem, I have been in the camp for 6 years; Because of the camp bad weather condition to my health and the poor medical service in the camp, my health condition gets worse when the time goes on so, I have to change my living place.¹³²

The case of this participant shows that the poor camp services are also the reasons of refugees to prefer the out of camp scheme as escaping point. Because one of the study participants said that she prefers to be an OCP beneficiary;

¹³¹ Interview with P5 May 2016, Addis Ababa

¹³² Interview with P3 May 2016, Addis Ababa

*Just to escape from hell.*¹³³

Especially the poor Medical service is the very reason for most of the OCP beneficiaries.

*My child suffers from malaria very badly in camp so I have to bring him to a better health treatment.*¹³⁴

Summing up her story, the other participant said that

*One of my daughter and me has a critical health problem. I am asthmatic and in the camp there is a heavy dust which is not good for my health and my daughter got malaria. So, we better change our living space to secure our health.*¹³⁵

“As with Eritrean refugees in Sudan, most Eritrean refugees living in the camps in the Afar and Tigray regions of Ethiopia are not permitted to leave the camps to find work and live in poor conditions with limited opportunities to lead productive lives.”¹³⁶

3.2.4 Awareness and veneration of rights

Refugees are from different background of educational and life experience. They might have develop their awareness of both individual and group human rights as well as its veneration in their settlement area based on their prior knowledge as well as the awareness creation and raising programs developed by actors intervening in refugee protection and service.

¹³³ Interview with P5 May 2016 , Addis Ababa

¹³⁴ Interview with P4 May 2016 , Addis Ababa

¹³⁵ Interview with P9 May 2016, Addis Ababa

¹³⁶ Human rights watch,(2014) “I Wanted to Lie Down and Die” *Trafficking and Torture of Eritreans in Sudan and Egypt*;United states of America, page 9

Participants of the study differently indicate that their awareness about their rights and duties is very limited. They observed that staying in Ethiopia secures their freedom and their right to life. One of the participants regarding to this explains by comparing her previous life as follow: *“There is no pressure as Eritrea, the government system is relaxed, I have freedom, and no one oppressed me.”*¹³⁷

Another participant added on it that: *“While I was in Eritrea my rights has been abused badly, but here, I can understand that my right to life and freedom are respected to some extent.”*¹³⁸

However, most of them do not particularly know what right they are entitled to as a refugee as well as what rights and duties they do have as an OCP beneficiary. Some of them give a response of “I do not know my rights” for the question forwarded to them by the researcher if they know about human rights. They do not even have the awareness that refugees have rights.

One of the participants responds: *“I don’t think that refugees have a right. Because everywhere is challenging for us, so I don’t really know my rights.”*¹³⁹ The other also added on it that: *“there is freedom but there is no right for refugee. We are always dependent and in need of others hand.”*¹⁴⁰

It is obvious that, peoples in exile usually tend to fear and do not claim their rights. This will result the continuing of right violation and abuse in the area. When thing happen again and again, it will lead to the realization and acceptance of it as correct and right among the community members. In spite of that, the refugees awareness of their rights and duties have a great influence in their live while they stay in the asylum giving state.

¹³⁷ Interview with P4 May 2016, Addis Ababa

¹³⁸ Interview with P3 May 2016, Addis Ababa

¹³⁹ Interview with P6 May 2016, Addis Ababa

¹⁴⁰ Interview with P7 May 2016, Addis Ababa

The responses given by participants indicate that there is a misunderstanding as well as information gaps on rights and duties among OCP beneficiaries. The unavailability of written document which states the OCP scheme in general, attributes to the confusion created among the OCP beneficiaries and makes them to expect as well as claim rights which they are not also entitled to. For example, one of the participants said that:

As an OCP I don't know my rights and duties, I am not even told to know them. So, I want to claim all the rights that every nationals of the country claims to have.¹⁴¹

The other participant appreciates that her right to life is secured however she claims her right to work and to get work permit, which Ethiopia is reserved to the 1951 convention on the status of refugee and its protocol concerning its limitation of resources. She also added that because she is married to an Ethiopian husband she is denied from accessing resettlement opportunity.

In this regard, refugees as other human beings, they are entitled to all the rights stated on the UDHR and other human rights instruments. Therefore, it has to be noticed here that they have the right to get adequate information timely and appropriately. Moreover, actors on the area of refugee protection should better address the gaps which are not yet addressed and those which seem to be easy to cover.

3.2.4 Opportunities and challenges of OCP

Being an OCP beneficiary could result two outputs, positive or negative. This could only be determined by the refugees lived experience in urban centers as if different facts of life affect their lives.

¹⁴¹ Interview with P1 March 2016, Addis Ababa

As it is discussed previously, being out camped is preferred by women OCP beneficiaries as a result of different factors which influence their life in the camp. However, along with its limitations and regulations the OCP scheme by itself would impact the life of the beneficiaries positively and negatively.

According to participants discussion, the out of camp scheme provides an opportunity to live in a comfortable weather condition accordingly with the interest of the beneficiaries, enables to manage once life in a way of desirability, one could be able to find different life possibilities and opportunities, anyone can get Ethiopian friends and accompanies, anyone can learn and upgrade him/herself, there is accessibility of basic needs as once wish and anyone can get good medical service (at least with his own expense). One of the participants describes the out of camp life as follows: *“Basic needs are accessible; there is a good social life and networking. You can find different opportunities to subsidize your life”*¹⁴²

The above listed opportunities of OCP scheme is shared by majority of the scheme beneficiaries. In general, it helps them to live a life safe from threats. “UNHCR Ethiopia, has also reported for the Office of the High Commissioner for Human Rights’ Compilation report, Universal Periodic Review (UPR), about OCP as a key protection issue that Ethiopia has provided especially to Eritrean refugees and recommends to Continue to allow refugees to move from refugee camps to urban or other areas when needed; and to further expand the Out of Camp Policy to include refugees of all nationalities and ensure equal access to this beneficial program.”¹⁴³ The Human rights committee welcomes the development of OCP but commented that

“The State party should strive to promote the integration of asylum seekers and refugees, including by extending the out of camp policy to the extent possible. The Committee invites

¹⁴² Interview with P6 May 2016, Addis Ababa

¹⁴³ UNHCR submission for UPR recommendation

the State party to ratify the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).”¹⁴⁴

In contrast, the out of camp scheme has negative impacts which challenge the lives of the beneficiaries. Such challenges are:

Financial problems: this challenge is attributed by factors such as the lack of sustainable assistance forwarded to them from actors, inability to secure job and wage earning employment, unwillingness of guarantees to support them.

*I am not doing anything, I don't have financial capacity; I don't be able to rent a house. That is the reason, why my children and I are dependent on their Aunt.*¹⁴⁵

*I have no job, am dependent on my Eritrean fellow with my two kids. My husband has left me and my children within a month after we left the camp and reside in Addis. I have nothing and no one to subsidize my children and my life, if my friend left me. I get the OCP opportunity while one of my siblings from Ethiopia has signed the guarantee form for me however he is not capable to help me.*¹⁴⁶

*Financial problem is the most problem while I live here, even if I live with my sister, I am dependent on her and she usually complains and tries to demoralize me. I am feeling dependent all the time. I always wish to rent my own house and live alone but how can I pay for it.*¹⁴⁷

¹⁴⁴ ibid

¹⁴⁵ Interview with P9 May 2016 , Addis Ababa

¹⁴⁶ Interview with P3 May 2016 , Addis Ababa

¹⁴⁷ Interview with P7 May 2016 , Addis Ababa

*I, as a woman and my children as a child have a lot of needs, but our financial capacity couldn't afford it. My guarantee is not capable of helping himself not even mine and my family.*¹⁴⁸

Discrimination: it takes place in different life patterns such as house renting, being requested a high price in a fair market.

*"I am living with my Eritrean fellow in a house which we rent for four. Our house holders request us to increase the house rent fee in short period of time with no reason while others (Ethiopian) are not requested. I could witness that one of my friend has been also expelled from the house she rented when her householders knows she is Eritrean"*¹⁴⁹

*"While I was to sign the contract agreement for my living house, they prevented me from signing it because of the temporary residence ID I have. As a result, in order to escape from such discrimination I always hide myself."*¹⁵⁰

*"When we want to rent a house, we have been prohibited twice, because they knew we are from Eritrea."*¹⁵¹

Loose protection from actors: it implies that the concerned body does not follow the status of guarantees regarding the situation of the OCP beneficiaries as well as protection of OCPs from any kind of harms that could affect them.

"Because of some family issue, my family has expelled me from house. I have a health problem. But when I explain this for ARRA, they told me that 'you are already OCP we can't help you. If you want you can return back to the camp.'" ¹⁵²

¹⁴⁸ Interview with P4 May 2016 , Addis Ababa

¹⁴⁹ Interview with P2May 2016 , Addis Ababa

¹⁵⁰ Interview with P1May 2016 , Addis Ababa

¹⁵¹ Interview with P4May 2016 , Addis Ababa

“When you are OCP there is no support. Especially from ARRA, once when I was sick I go there and they told me my sister should take me to hospital. The concerned bodies do not follow us at least to understand our situation.”¹⁵³

“When I told them that my husband is Ethiopian, they gave me a negative response saying that if he is an Ethiopian why not he handled you! And while I explain to them that I couldn’t find him, they told me to submit an application but there is always no answer.”¹⁵⁴

Inconsistency on social service: this indicates that some social service deliveries reached to the beneficiaries inconsistently. That means some would get it and others may not get it. Such services might include banking services, health services by actors.

“There are a lot of problems, in banking they said we can access banking services but when we give them our ID, they will say No this id is only for movement.”¹⁵⁵

“They do not allow us to use banking service but while I was going there I took my child with me and they allow me with some feeling of sympathy.”¹⁵⁶

Violence: violence happened on them includes domestic violence, harassment and exploitation either by their fellow refugee partners or Ethiopians in their nearby.

“Single women are victims of sexual violence and rape for their refusal for the request for sexual relationships especially from Ethiopian nationals.”¹⁵⁷

¹⁵² Interview with P6May 2016 , Addis Ababa

¹⁵³ Interview with P7May 2016 , Addis Ababa

¹⁵⁴ Interview with P9May 2016 , Addis Ababa

¹⁵⁵ Interview with P5May 2016 , Addis Ababa

¹⁵⁶ Interview with P4May 2016 , Addis Ababa

¹⁵⁷ Interview with key informant, EWA chairperson, June 2016, Addis Ababa

“I had to have a house to live and I thought I have no rights to rent a house by myself so I ask one of my old friends to find a house rent for me. Even if I was the one who pay the rental fee, the house was by his name so that he was able to get in to my house as he wishes. Meanwhile the guy told me his interest to get in romantic relationship. But I was not willing to accept his request. He starts to present it again and again and I continued with my rejection to his request. We were arguing on the issue daily. He starts to threat me with bad wordings, he insult me. He always told me that I am here because of him and he can do whatever he likes to do and no one will help me. Finally he started to rape me; he beats me very hardly which made me paralyzed on my left body for some times and which still have an effect on my left hand. I had informed to police all my cases but they take no measures on him, rather they told me to change my location (my house)”¹⁵⁸

Emotional and psychological impacts: some of the challenges listed herein have a significant influence in the psychological and emotional wellbeing of the beneficiaries. The continuous increase in living cost aggravating their lack of income develops a dependency syndrome inside them and this resulted to high depression and stress. This mainly reflected on protracted refugees, those who made long years residing in Addis¹⁵⁹.

“I am always feeling stressed waiting for the day for my resettlement. Because of the high living cost in the city, my sister always speaks indirectly to me that I become a burden on her. There is always a nagging in our house and that creates a stress on me.”¹⁶⁰

Unfair and unequal treatment by officials among refugees: some officials are unethical biased to treat refugees equally. They create a faction among refugees and favors one group against

¹⁵⁸ Interview with P10May 2016 , Addis Ababa

¹⁵⁹ Interview with key informant, ARRA official, February 2016 , Addis Ababa

¹⁶⁰ Interview with P7May 2016 , Addis Ababa

another. It also includes less cooperativeness by officials and committee members to present and solve the problem of beneficiaries. This by itself creates feeling of discrimination among refugees.

“The committee and the officials are not cooperative and helpful. They don’t feel like brothers and sisters. After you told them your problem they simply hold it and you will see them helping their nearby friends and relatives while you are still suffering of the same problem.”¹⁶¹

“After I explain them my problem, they hold it and didn’t give me a solution for a long time. There is always absence of answer.”¹⁶²

Information gap: for refugees and OCP beneficiaries who are residing in Addis Ababa in scattered way, the means of information dissemination by concerned bodies for different reasons lacks consistency and addressability. Because of this many are suffered from lack of getting different current and necessary information as well as from sharing of benefits which comes in the name of refugees.

“The main problem in urban center is information gap. We do not get information on time and sometimes we don’t even hear while different supports and services (small rations given by JRS which is inconsistent and the one time support by NRC for IGA) are delivered by actors, when there is general meetings and benefits. Because the means of information dissemination is unreachable, we suffer a lot and we couldn’t participate on the programs concerning us.”¹⁶³

¹⁶¹ ibid

¹⁶² Interview with P9May 2016 , Addis Ababa

¹⁶³ Interview with P7May 2016 , Addis Ababa

However, they (the OCP beneficiaries) take different coping mechanisms to adopt and cop up with those challenges. In order to deal with financial problems, dependency on friends and foreign aid(remittance) is the only way as the right to work is still on reservation by the Ethiopian government because they don't have another legal alternative to go on.

For problems such as discrimination, lack of protection and emotional and psychological impacts, they usually adopt a coping mechanism such as hiding oneself, pretending as being Ethiopian, being silent and looking for alternatives.

Reading bible, going to church, discharging with friends to get stress release and to be relaxed as well as hoping durable solutions like resettlement are the basic coping mechanisms that help OCP beneficiaries cope up with the out of camp condition.

3.3 Discussion and analysis of data

3.3.1 Access to social services

By social services, it refers that, the accessibility and availability of services such as education, housing, protection and health services provided by the host state in the residing area. In this section, the right to education and the right to health will be discussed and analyzed in detail.

3.3.1.1 The Right to Education

The right to education is one of the basic socio economic rights that everyone is entitled. Article 13 of the ICESCR states that, “the states parties to the present covenant recognize the right of everyone to education.”¹⁶⁴ Ethiopia is the state party to this convention and the 1995 federal

¹⁶⁴ ICESCR article 13

constitution article 9(4) stipulates that international agreements ratified by Ethiopia are an integral part of the law of the land.

The implementation of the law shows that refugees residing in camps and OCP beneficiaries get free and accessible primary education. The study participants have also verified that they could access public education freely and they are also free to join and enjoy private schoolings, if they have the ability to pay.¹⁶⁵

According to an official from Addis Ababa Education Bureau states that, “any Eritrean refugee who does have a valid ID card from ARRA could be accepted and allowed to get the educational service. They are not even requested any educational certificate and its authentication unlike to other aliens. Especially starting from 2010/11, the number of Eritrean refugees has increased in Addis Ababa. Following that the Ministry of Education has forwarded a guideline to all Regional Education Bureaus to provide a support to them to get educational service. Based on this guideline, we disseminated the message to all sub city education offices so that they could easily get access to education using the support letter they would get from the sub city education office”.¹⁶⁶

Regarding to the delivery and accessibility of the right to education to the OCP beneficiaries, especially regarding to primary and secondary public educations, it is free and equally attainable with the support of the Education Bureau. However there is always an information gap and suspicion among the refugees to get the service.

¹⁶⁵ Common understanding among the participants of the study, observed by the researcher during interview period

¹⁶⁶ Interview with key informant, an official from AAEB May 2016 , Addis Ababa

“I need to get to school but I thought they request for documents and I do not have it. So I do not try yet to register.”¹⁶⁷

In addition to this, OCP beneficiaries are non assisted refugees residing in urban centers, the lack of financial capacity prevents them from sending both themselves as well as their accompanies to school because they are dependent on either their relatives, volunteer hosts or inconsistent remittance which is inadequate to cover all the expenses required to schooling including food, school materials and proper clothing.

“I have no job; I am dependent on my Eritrean fellow with my two kids. My husband has left me and my children within a month after we reside in Addis. While he was with us he has registered our son to school, but as soon as he left us, our son has quitted the school because I am dependent on my Eritrean friend and I have nothing to maintain his all schooling expense”.¹⁶⁸

Because, these beneficiaries already feel like a burden on others, they feel that asking for additional favors such as lunch box for their children is inappropriate.

“As a child, my children have a lot of needs. My son has enrolled to school but to maintain his all needs are beyond my financial capacity. Because I have inconsistent earnings, we really need the support and attention of the government of Ethiopia.”¹⁶⁹

However, the right to education, according to the general comments of the ICESCR committee, shall exhibit four essential features: *“Availability.* Functioning educational institutions and programs have to be available in sufficient quantity within the jurisdiction of the State party,

¹⁶⁷ Interview with P5 May 2016 , Addis Ababa

¹⁶⁸ Interview with P3 May 2016 , Addis Ababa

¹⁶⁹ Interview with P4May 2016 , Addis Ababa

Accessibility. Educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the State party, *Acceptability* - the form and substance of education, including curricula and teaching methods, have to be acceptable, *Adaptability* - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings”.¹⁷⁰

In the case of the above stated stories of the participants of this research, maintaining their right to education, even if, preserving the right to education is available, accessibility is reflected as challenging, as a result of critical financial problem the OCPs are facing to resist the urban life. Even though, article 2(3) of the ICESCR has clearly stipulates that availability of economic right could be determined by the country’s economy, sub article 1 of the same article provides that, if the country cannot afford providing they could seek international assistance and cooperation. In addition to this general comment 20 on ICESCR, par 30 provides that without the prejudice to the above article, the ground of nationality should not bar access to covenant rights to any one documented or undocumented. Nonetheless, even if, Ethiopia could not be duty bound as a result of the above article, the country is also a party to other conventions such as CEDAW, CRC, CERD and Article 13(2) of the FDRE constitution give that “the fundamental rights and freedoms specified in this chapter shall be interpreted in a manner conforming to the principles of the UDHR, international covenants on human rights and international instruments adopted by Ethiopia.”¹⁷¹ This implies that the constitution and the international legal instruments ratified by Ethiopia have a direct relationship in order to ensure the right of everyone in its jurisdiction including refugees at any age level.

¹⁷⁰UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10, page 3, par. 6 (a,b,c,d)available at: <http://www.refworld.org/docid/4538838c22.html> [accessed 2 October 2016]

¹⁷¹ FDRE constitution 1994, Article 13

3.3.1.2 The Right to Health

Article 12 sub article 1 of ICESCR states that “the states parties to the present covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. And sub article 2(d) stipulates that states parties shall create conditions which would assure to all medical service and medical attention in the event of sickness.”¹⁷²

Health is the basic and necessary need for all. Regarding to the OCP, as all the study participants and one of the key informants confirm, in the previous years there were no health services provided for OCP beneficiaries. But these days, OCP beneficiaries like other urban refugees would be provided with a primary medical service at ARRA and for serious and complicated cases with a referral system in cooperation with the UN agency for refugees (UNHCR) either in Ethiopia or abroad.

*“I have a health problem. I used to treat at ARRA but now due to the seriousness of my case, I am following my treatment at Zewditu Hospital and UNHCR has arranged it for me.”*¹⁷³

Despite this, there is complaint that, the health service is not addressing health problems appropriately. FGD with the committee members of the Eritrean community assert that the medical service is not sufficient enough. Even those who got a board decision to get the medical treatment abroad have suffered from lack of services.¹⁷⁴ One of the key informants told the story of a woman who had been living with her husband in the camp and later becomes an OCP beneficiary in Addis. She said that:

¹⁷² ICESCR Article 12

¹⁷³ Interview with P3May 2016 , Addis Ababa

¹⁷⁴ FGD with the Eritrean Community Committee

The woman and her husband has a daughter, while they were living in Addis, the husband got a resettlement opportunity and went abroad. Life has been continued with the mother and daughter. The husband has been also helping them by sending remittance. One day the mother was taking bath in a bathroom, soap slaps her down and she got hurt. She came to ARRA and takes a medical treatment, however, they told her that her problem is very complicated and she ought to take a medical treatment abroad. When her husband heard this he was not willing to help her anymore. He even betrayed her. She has been told to be sent to abroad for further medical treatment but this has taken three year. Her health condition got sever and now she becomes a physically disable person who uses a crunch. She is still waiting for the concerned body to give her a response. In addition as an OCP beneficiary she is not assisted by anyone and even her husband has betrayed her. She is really in a difficult situation. Sometimes she doesn't even have anything to feed her daughter.¹⁷⁵

To get the appropriate health service is the right of everyone as stated on article 12 of the ICESCR. According to the representative of Eritrean women association a lot of similar cases and situation exist.

However, as long as it is believed to be the right of the beneficiaries to utilize the available and presented resources, the concerned body shall be considering it, in spite of Article 2(3) of the ICESCR. In this regard, it has to be understood from the point that “the constitution demands the long list of human rights under chapter three to be interpreted in conformity with international human rights instruments adopted by Ethiopia. This means that international human rights

¹⁷⁵ Interview with key informant, EWA chairperson June 2016, Addis Ababa

instruments including refugee-specific human rights are to be taken as a guideline to establish the meaning and content of the rights given in chapter three of the constitution. From this, again, one could suggest that as far as chapter three rights of the constitution are concerned, the constitution is subordinate to the adopted international human rights instruments, particularly where the issue of interpretation comes up.”¹⁷⁶

3.3.2 Discrimination and Protection

Discrimination is one of the violation and deprivation of human right which affects the emotional and psychological well being of individuals. To protect individuals from discrimination the international legal instruments have provided the following discrimination clauses.

According to Article 3 of the 1951 refugee convention, “the contracting states shall apply the provisions of this convention to refugees without discrimination as to race, religion or county of origin.”¹⁷⁷

Article 2(2) of ICESCR also provides that “the states parties to the present covenant undertakes to guarantee that the rights enunciated in the present covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹⁷⁸

However, people are discriminated in all over the world in different aspects. Concerning to the target population of this research, the extent of discrimination has extended in the area of house

¹⁷⁶GizachewAdmassu, *Refugee law teaching material*,2009, pp 280 sponsored by the justice and legal system research institute

¹⁷⁷ Article 3, 1951 refugee convention

¹⁷⁸ Article 2, ICESCR

renting, resettlement opportunities, protection delivery and emotional feeling. Such problems are discussed as follow:

3.3.2.1 The right to housing

Article 21 of the 1951 convention stipulates that, “as regards housing, the contracting states, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favorable as possible and in any event, not less than that accorded to aliens generally in the same circumstances.”¹⁷⁹

As stated above the 1951 refugee convention provides that host state shall provide housing to refugees residing in its territory, and so Ethiopia is not reserved to it. Appreciably, with the help of local administration a large territorial site is allocated to refugees’ settling camp near to their entry points. However, for OCP beneficiaries such service is not available and not yet considers them as a fact that they chose to be an out of camp. In addition to that, participants stated that, they are highly discriminated by the host community in renting houses. This includes some householders are not voluntary to rent their house to them because they perceive that they are from enemy country.¹⁸⁰

On the other hand, some householders even if they allow them to rent their house, it is with high price which they can’t afford. Further they frequently demand them to increase the price. OCP beneficiaries take a coping mechanism of hiding themselves and pretending as being an Ethiopian from Tigray region in order to escape from such discriminations.

¹⁷⁹ Article 21, 1951 refugee convention

¹⁸⁰ This is mainly because there is a lack of awareness by the community that they are legal to live in the city.

While I go to rent house, I usually hide myself. I don't want to expose myself as a refugee because I always think that they may not feel good with it. If they go deep and ask me where I am from I respond as I am from Tigray region. This is because I have been treated badly in two houses because they know that I am Eritrean.¹⁸¹

In this regard, it can be argued that those refugees who live in camps are in better position as they are staying in the camp or the territory (space) provided to them to construct their tents. As OCP beneficiaries are not assisted refugees such problem of housing highly affects their existence in the urban life.

3.3.2.2 Resettlement Opportunity

Resettlement opportunity is an opportunity in which all refugees are entitled equally to benefit from in order to get a durable solution for their cause of flight. It is clear that durable solution is needed to all refugees whether they are OCP, urban or encamped. Because they all need to have it in order to get a final solution.

However in this regard, OCP beneficiaries are getting a little attention from the concerned organ in their resettlement program. They are even given less consideration in registering their cases. One of the study participants said that,

“Because I have an Ethiopian husband, I am not allowed to register my case to a resettlement opportunity program.”¹⁸²

One of the key informants has also assures that,

¹⁸¹ Interview with P3May 2016, Addis Ababa

¹⁸² Interview with P8May 2016, Addis Ababa

“There is a default perception by the concerned organ in this regard that Ethiopia will change this OCP scheme in to local integration program, so that OCP beneficiaries are not and will not suffer more. Therefore, the resettlement program mostly resembles (concentrates) on considering refugees based in camps.”¹⁸³

But this should be free from such excluding and isolating grounds as if all are under the big umbrella of refugee who should have to be served with an equal opportunity to entertain the resettlement opportunity. Even if there is variance in degree for the cause of the flight and their status of living, refugees are refugees after all and the consideration of them to provide support and protection as well as solution to the cause of flight should better be addressed fairly. There is numerous unevidenced information regarding to this system (allocation of resettlement opportunity) among the refugee community. In addition to the above mentioned reason, they complain that the system is very corrupted and it is very accessible to embezzlement in which the chance of someone could be sold to another person who might not even be a refugee.

3.3.3 Violence

Violence is an important factor that should be studied in the deprivation of rights. It could be occur in different forms. Especially on women, when the weaker side of them is figured out by perpetrators, they are easy and comfortable to be violated.

Eritrean women OCP beneficiaries have a great vulnerability. The major factor that aggravates the violence on them is their femininity and being a refugee, which makes them to have a double vulnerability risk. Being a woman has a fact that attributes to being violated. Because most perpetrators thoughts that women are weak to defend themselves. On the other hand, being a

¹⁸³ Key informant interview April 2016, Addis Ababa

refugee will make them fear that they do not have rights in other country and they can't even claim it. Even if they claim, there is no one to hear them. As a result, they are vulnerable to be abused by the host community, their fellow refugees or officials of the protection and service giving organs.¹⁸⁴

What happened to one of the study participants¹⁸⁵ is that: she is a returnee from Ethiopia to Eritrea while the conflict between the two states has been proclaimed. However she came again to Ethiopia as a refugee and starts to live here again with the support of her old friend (male). But as a result of her rejection to his request, he was committing violence on her for a long period of time. Even if she had accused him to police, she couldn't be able to get justice.

In this regards, Article 2 sub article c and e of CEDAW states that , “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination and (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.”¹⁸⁶ However the police have failed to interpret the law to take measures and to protect from the persecutions happened on her accordingly.

In addition to this, Article 23 of the 1951 Refugee Convention regarding to public relief states that, the contracting states shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

¹⁸⁴World Health Organization (2003), GUIDELINES FOR MEDICO-LEGAL CARE FOR VICTIMS OF SEXUAL VIOLENCE,*Sexual violence: prevalence, dynamics and consequences, page 11, Geveva*

¹⁸⁵ Ibid Supra note 152

¹⁸⁶ CEDAW article 2(c) and (e)

Their dependency on others income has a great influence to be emotionally depressed and to get into an irritating condition with their hosts due to the high living cost in the urban centers. This irritating condition with their hosts and guarantees leads them to fight and go through their own way which they think, they will find peace. In addition to this, refugee emotional wellbeing should be considered in the protection arena. According to Haile silassie, Specially, women who are in a protracted situation feels emotionally unhealthy thoughts because their ages has gone older while their life still not get free from suffer. ¹⁸⁷The major risk and suffer will starts here. They don't have an income to secure their life, so that they get in to a "negative coping mechanism"¹⁸⁸ as a means of survival. Such negative coping mechanisms could be getting into informal livelihoods, prostitutions, getting married with aged man, working as a house maid with low prices at single men houses etc. which increases their risk to abuse and violence.

According to study participants the solution to such problem given by the government is to return back to the camps. But this is not preferable by the out camped refugees because they think the camp is not convenient for them. ¹⁸⁹

The researcher finds out that such violations and persecutions happened because of lack of appropriate information refugees do have about their rights at the first place and the lack of awareness by the host community towards the legality of refugees to reside in urban centers.

¹⁸⁷ Interview with key informant, ARRA official February 2016, Addis Ababa

¹⁸⁸ Adopted from Samuel hall study

¹⁸⁹ Common understanding among the participants as narrated by the researcher

3.3.4 Livelihood Opportunity (The Right to Work)

Article 24(4) of the 1951 Convention states that, the contracting states will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at anytime be in force between such contracting states and non- contracting states.

To survive means to secure once life through financial sources, by engaging in wage earning employment. Anyone should have to work to get an income which enables him to fulfill his basic needs. In case of refugees, particularly the target population of this research, financial means of survival is essential to cover their expenditures while they reside in urban centers. However, the condition of OCP beneficiaries' in Ethiopia is far from this. Though Ethiopia has made a reservation on the right to wage –earning employment, she has obliged by other international instrument by which Ethiopia is a party, Such as CEDAW which stipulates on its article 11(a)“States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings.”¹⁹⁰

Article 2(3) of the ICESCR stipulates that developing countries, with due regard to human rights and their national economy , may determine to what extent they would guarantee the economic rights recognized in the covenant to non-nationals. In spite of this, Article 2(1) of the same convention urges states to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the covenant.

¹⁹⁰ CEDAW article 11(a)

Therefore, even if the availability of resources in the country requires a further research and if Ethiopia is unable to maintain all the costs; she could seek the cooperation of others.¹⁹¹ The applicability of the article to the non national has been interpreted by Rolf Künnemann as:

*“... it should be noted that ICESCR 2.1 does not limit the realization of the right (and the related obligations) to persons within the territory of a state party. Moreover the realization of rights in a territory of a state that is not party is also not excluded.”*¹⁹²

Therefore, the obligatory clause in Article 2(1) of ICESCR on states would be applicable to non nationals.

Article 6 of ICESCR also clearly provides that, “the States Parties to the Covenant recognize the right to work, which includes the right of everyone [every one implies or represents all of the people within the jurisdiction of the state party] to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.² The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”¹⁹³

Therefore as article 9(4) of the FDRE constitution clearly stipulates as, all international agreements which Ethiopia is a state party are an integral part of the law of the land. The above stated article would work out for everyone in its territory because it is subjected to everyone which includes refugees too. This is basically because; it doesn't give an implication which limits the extent of the applicability of the law.

¹⁹¹This implies that. either donation, cooperation, financial and technical assistance from the developed countries

¹⁹²Rolf Künnemann, *Extraterritorial state obligation, The Extraterritorial Scope of the International Covenant on Economic, Social and Cultural Rights*, page 4

¹⁹³ ICESCR Article 6

Furthermore, the researcher contends that, the existence of such reservation make the OCP scheme meaningless. Because unless the government helps the OCP beneficiaries to engage in wage earning employment to seek their means of survival, it is implicitly depriving the right of their existence.

I know some of my fellow refugees really suffer from the lack of financial constraints. so that they tend to engage into a difficult working conditions such as, commercial sex working, house maid with a very small money and exposed to sexual and labour abuse, just for the sake of survival.¹⁹⁴

The denial of formal work makes the OCP beneficiary Eritrean women to get in to different means of survival which is degrading and life threatening works. Such as prostitution, domestic servant for single men who they don't know them before with low payment (implies labor exploitation). Moreover the effect is not limited to the exploitation; it is also expose them to different types of violence and harassment risks. This could be the result of the dependency syndrome; they are in because they are not allowed to work formally.

3.3.5 The role of stake holders in the protection of OCP beneficiaries

By stake holders it refers to the different NGOs and INGOs which are involved in the protection and service of refugees apart but in cooperation with the Government focal organization ARRA. Among those stake holders working in the area, this study involves the main three NGOs who mainly deal with OCP beneficiaries directly or indirectly and these are UNHCR as the UN refugee agency, JRS as all inclusive NGO and NRC an NGO mainly deal with OCPs.

¹⁹⁴ Interview with P5 May 2016, Addis Ababa

3.3.5.1 UNHCR¹⁹⁵

UNHCR is the UN refugee agency which gives an international protection and assistance to refugees and IDPs wherever they are. As a UN refugee agency representative to Ethiopia, it deals with all matters attributed to refugees and IDPs both in urban settings and encampments.¹⁹⁶

Regarding to Ethiopia's policy on Eritrean refugees to live out of camp (OCP scheme), UNHCR welcomes it positively. Because, UNHCR has a lion share in funding and supplying the necessary services in camps. Therefore, it is perceived that, it minimizes the financial cost that both the government of Ethiopia and UNHCR spend on all the refugees, and it is advantageous for both organs while the refugees become self reliant.¹⁹⁷

UNHCR Ethiopia provides different types of protection and services for refugees in urban centers on issues such as, resettlement, split, link, marriage, and etc. in addition to those services it also extend its support for refugees in different ways in cooperation with IPs. Regarding to urban refugees UNHCR supports them in providing Medical services, monthly financial support, and children's schooling, and in cooperation with IPs entrepreneurship trainings, psychosocial support, and daycare for children, seed money and cash grants. The main implementing partners of UNHCR in Ethiopia are DICAC which works on urban refugees, JRS which engaged in all inclusive work, NRC works mainly on OCP beneficiaries, OICE which engaged in all inclusive work and ARRA as a government focal organization.

¹⁹⁵ All the information in this section are drawn from a key informant interview made by the researcher with Mrs. Senait Mohammed, a senior protection Associate at UNHCR representative to Ethiopia, in July 2016 at UNHCR representation office Addis Ababa.

¹⁹⁶ Key informant interview with UNHCR official in July 2016 at UNHCR

¹⁹⁷ Tesfa-Alem Tekle, (2010) *Exiled Eritreans hail Ethiopia's 'out-of-camp' policy shift*, Sudan Tribune, August 2010 see more on <http://www.sudantribune.com/spip.php?article35965>

OCP beneficiaries supported by UNHCR in an indirect ways through the IPs which is a very less degree of support relative to their urban and encamped counter parts. According to an official from UNHCR, regarding to services and protections from UNHCR they are equally assisted. However, participants of this research describes that they do not get an equal support with their urban refugees counter parts.

UNHCR official explains that, Resettlement is not a right. It is an opportunity determined by quota. In order to get a resettlement opportunity there is a standard criterion and besides to it there is the criterion that the host country sets in order to determine the number of refugees they want to accept. However, in the selection of refugees to resettlement we take vulnerability as apriority but still the desire of the host states is considered. Issues related to women who marry with Ethiopian man are also difficult to get the resettlement opportunity. Because, as it is described by the official of UNHCR, they are considered to be equal beneficiaries from the country (Ethiopia) because of their husband. The case is also very challenging to UNHCR. However it is determined by the law of the country (Ethiopian law) and the desire of the host states rather than their vulnerability.

But in this regard, Ethiopian nationality proclamation no.378/2003 does not provide that any foreigner can get citizenship and be part of the rights and benefits of the country because she just has an Ethiopian husband unless she applied for nationality in accordance with the provisions provided under the proclamation in article 5-12 . Therefore, the premises given by the official regarding to the allocation of the resettlement opportunity shows the gaps in the consideration and recruitment of the beneficiaries of the opportunity.

According to UNHCR official, there has been made an assessment on the livelihood of Somali and Eritrean refugees in urban center. The finding of the assessment shows that Eritrean OCP

beneficiaries are more vulnerable and suffers more than the Somalis as a result of their culture of living in which the Somalis adopt to live in groups while Eritreans live an independent life.¹⁹⁸

UNHCR is well informed about the challenges that women OCP beneficiaries encounter in Addis Ababa. Especially, the economical problems that women OCP beneficiaries face and puts them on to a trouble are well known. However, as the official explained to the researcher, there is nothing made especial and targeted in support of them. It is because the all inclusive programs made by UNHCR and its IPs, are more of women participatory by default as a result of the absence of men participation. Some programs, however, sets a criterion of “women at risk” in order to select the participators. In addition to this, when refugees who got risk report their problem, there is a safe house in Addis Ababa which enables them to stay in it however they can only stay for two weeks.

Regarding to future plans and programs for women refugees in urban centers especially for OCP beneficiaries, there is nothing planed specific to this group but UNHCR has a plan to work on a realignment program of targeted assistance. The program is on plan and do not come to the ground for implementation however it is planned to work based on a criterion of their need and vulnerability through AGD approach to select and a need based assessment to support them.

¹⁹⁸ Key informant interview with UNHCR official in July 2016, in Addis Ababa

3.3.5.2 NRC¹⁹⁹

Norwegian refugee council is the only international NGO²⁰⁰ that works in livelihood program of refugees. It has started working in Ethiopia in the year 2011. The main intervention spots of the organization are in 4 refugee camps(Asosa, Dollo Ado, Shire and Gambella) and 1 IDP program in Jigjiga working on construction of shelter, education, livelihood and water for wash and hygiene. In addition it works in Shire on child protection and in Addis Ababa in urban refugee program mainly focused on OCPs in order to help them in livelihood and income generating activities.

In spite of Ethiopia's reservation to the right of refugees to work, informal sectors are relaxed and permitted to be engaged by refugees but it has still limitations. Therefore NRC has intervened in the livelihood empowerment strategy of OCP beneficiaries. By this project it has addressed 100 OCP beneficiaries of which 72 are women and the remaining are men. The selection criteria to identify these beneficiaries are through the representatives of the Eritrean community, selecting those who are highly vulnerable (elderly, protracted, women), OCPs with disability and gives a support of 1000 ETB per month for one year (November 2015- December 2016). In addition to this the organization has tried to reach out more than 800 OCPS in which 42% women and 58% are men through providing a seed money of 2000 Birr to let them organize and work on IGA in the aim of ending secondary movement by refugees and to create a durable solution for OCP beneficiaries. According to the NRC official, the percentage of men has increased because of the dominance of young men in the OCP. It has also established a

¹⁹⁹ All the information in this section is drawn from a key informant interview made by the researcher with Mrs. Fethia Ismail, Urban Refugee Program Assistant at NRC Ethiopia country office, in May 2016 at NRC office Addis Ababa.

²⁰⁰ *ibid*

resource center for refugees in cooperation with other implementing partners. More over it work on information dissemination works such as printing messages on T-shirts and formulations and printing of Magazines in collaboration with the Eritrean refugee journalists committee.

The NRC official said that, in terms of socio economic rights and accessibility, the OCP scheme contributes nothing to its beneficiaries rather it lets them to be dependent. They have a limited income earning option. They prefer it just for the sake of escaping from the camp. But it is all their decision. Regarding to their children schooling, they could teach their children but they are unable to manage or cover the expense.

Referring the Samuel hall study a study conducted on OCP scheme by NRC, the official explains, the most challenges that women OCP beneficiaries face in urban setting are high rate of vulnerability, using negative coping mechanisms, survival sex, dependency on men in help of them (as servants), unwanted pregnancy, health follow up for un expected expenses generally a chain of problems are situated on them. However we cannot say that it is the result of the OCP scheme but its limited accessibility could be considered as a pushing factor. Our organization does not have any women specific intervention area, but as an Eritrean they could be consider in some ratio or quota.

3.3.5.3 JRS²⁰¹

It is an international faith based organization which has three aims on refugees. These are: *accompany, serve and preaching*. It works both in urban and camp settings, at the camp level it intervene in *Dolo Ado, Melkadadi* and Shire camps in psychosocial support and basic need supply. The urban program established in 1996 GC with a tripartite agreement with ARRA and UNHCR. The aim of the program is to be a welcoming center of refugees. It serves all the refugees without any discrimination.²⁰²

JRS provides three services, *Education*: it gives an English language course, Library service in which local peoples are also allowed to attend and which creates a good opportunity to the refugees to integrate and a computer skill which develops the internet usage skill of refugees. The second service is a *Community Service* which involves a sport activity which refugees form teams with the help of JRS and prepare for match. A day care service for children which gives refugee mothers to get rest and which help children interact and learn with each other and the music training which helps the refugees to reveal from their traumatized mentality. The third service delivered by the JRS is the *Emergency* service which addresses new comers with financial assistance until ARRA and UNHCR determines their status, providing food items and non food items, medical referral, group counseling or experience sharing are also among the services. However, for the refugees who are in the urban setting, they have to get an ID card of either urban or OCP in order to get the service. And in order to learn the English language they have to pass the entrance exam. For computer training English language is compulsory. Then

²⁰¹ All the information in this section is drawn from a key informant interview made by the researcher with Mrs. Hanna Petrose, Project Director at JRS Ethiopia, in June 2016 at JRS office Addis Ababa.

²⁰² Key informant interview with JRS official in June 2016, in Addis Ababa

screening will be conducted. JRS has established a women association but it is not functional/active. But it helps women at risk in a special consideration.

JRS official explains that, “Life in urban is better than the camp. We, Ethiopians and Eritreans, have the same culture and living style. So, it is suitable and good for them. There is no discrimination. We provide them basic needs such as food cloth and education. They have freedom of movement so they could move as far as they could reach and find a job. Urban refugees mostly spend the stipend amount of money assisted to them for house rental fee. So they usually come to us to get basic need supports.”²⁰³ The official of JRS said that, “I guess, Eritreans do have external assistance because their lives are better than other nationalities”.²⁰⁴

JRS do not have a separate support program for a certain group of refugees. We just give the support to all equally. We are inclusive and our services are equal for everybody. We tried to link them in a women association but the women by themselves are reluctant and passive for such activities. If they were active and motivated there are always open doors that could support them but they are not free and open to reveal their problems. So, if the OCP scheme needs to be women friendly, it must be the women OCPs who are expected to take the initiative and identify the problem.”²⁰⁵

The researcher of this study observed that efforts made by the stakeholders in order to address the challenges of women OCP beneficiaries are very limited and low. However, situations themselves have helped the women to benefit from the inclusive interventions made by the stakeholders. However, all the interventions are appreciable which are expected to be developed and more women friendly in the future.

²⁰³ Ibid supra note 193

²⁰⁴ Ibid supra note 193

²⁰⁵ Ibid supra note 193

Generally, the asylum process and its components especially, OCP, shows that the efforts of the Ethiopian government in the protection of refugees and asylum seekers are very appreciative. However, limitations of the program brought a human rights abuse and violations as discussed in this chapter. In addition, the role of stakeholders in the support of the government as well as refugees has also a positive contribution to the overall refugee arena in the country. Though, the role of stakeholders should improve to be at the heart of the refugees' major problems, most importantly, the human rights violations discussed above should have to be addressed by joint efforts of both the government and the stakeholders.

Chapter Four

4. Conclusion and Recommendation

4.1 Conclusion

Being a refugee may not be a choice. But, people might be forced to migrate and look for a better living place as a result of different challenging situations in their home country. Countries receive refugees of different origin in order to give a safe ground for their life and commit various efforts for the better protection of refugees and asylum seekers in their territory.

Ethiopia is one of the most refugee receiving countries in the world as well as in Africa. It accepts the largest number of refugee in the horn of Africa. Besides the positive acceptance of receiving refugees, it goes through different efforts to provide a better protection to recognized refugees and asylum seekers. OCP is one of the efforts of the Ethiopian government to secure a better living for refugees in the place they choose to live. The coming of OCP has created a relaxed system of refugee administration in the refugee protection arena. However, beneficiaries of the scheme, especially women suffer because of the financial problem. Even if, article 22 of proclamation no. 409/2004 regarding to Special Protection to Vulnerable Groups provides that “The Authority shall take measures to ensure the protection of women refugees, refugee children, elderly refugees and handicap who needs special protection”²⁰⁶, they usually are victims of dependency, violence and discrimination. However, in spite of this provision refugee women are suffering from challenges such as lack of adequate Information, unfair and unequal treatment by officials among refugees, emotional and psychological oppression, Violence,

²⁰⁶ Proclamation 409/2004 article 22

inconsistency on social service delivery, loose protection from actors, discrimination, and the basic which contributes a lot for the above all is financial problems.

The above mentioned provision of the proclamation is in particular alignment with the provisions of the FDRE constitution regarding to the rights of women. Therefore, as the constitution is applicable to everyone in the territory, the provision of the constitution on article 35 stipulating the rights of women, would also be pertinent to those women, as being women in Ethiopia and a disadvantaged group with a lot of suffering and challenges which lets them to being a double vulnerable group of persons. All the international conventions that Ethiopia is a party to, which promotes the rights and protection of women, shall also be applicable in extending their legislative protection for women OCP beneficiaries under the Ethiopian jurisdiction.

However, refugees in different situation may suffer from challenges that come out of the grounding conditions. Thus, refugees in the OCP scheme also encounter challenges that affect the veneration of their basic human rights. The preamble of ICESCR clearly stated that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights. Therefore the presence of these challenges on the refugee protection arena will affect the interdependency nature of human rights and could entail the deprivation of certain rights which leads to the violation of other rights.

These challenges are mainly due to the lack of follow up and sustainable support both from the state and non state actors in the refugee protection sectors. However, states which are party to the ICESCR are obliged by Article 2(1) to fulfill the rights enshrined in the covenant within the available resources and through the support of the international cooperation from other countries to everyone within its territory.

In fact, the problem of women refugees may not be solved pragmatically only by the hand of the government. Therefore, the collective, practical and technical efforts and support of different stake holders such as individuals, NGOs, INGOs, IGOs and others is vitally important.

4.2 Recommendation

Ethiopia's effort for being a better shelter for refugees is very appreciative. However, for further improvements and alleviation of the challenges found by this research, the following recommendations are drawn.

For the Ethiopian Government

- Should prepare an official written document regarding OCP scheme framework
- Should establish a strong and critical criterion for screening of OCP beneficiaries. It should have to set up age, gender, vulnerability, disability and detailed information pack about the refugees and there should be a detail need based approach to determine whether the given refugee is bitterly protected by the scheme or not, which will be more accessible and helpful to extend financial support.
- Should undertake an intensive investigation on the financial and material status of guarantees
- Should establish a mechanism of follow up on the refugees status with their guarantees and at their own stakes
- Shall provide awareness raising trainings on the refugees basic rights and duties while once they are recognized as OCP beneficiaries
- Shall organize a platform which enables refugees to present and report their situations (violation and abuses) and claim their human rights in the country.

- Shall aware the nationals about the legality of refugees residing in the urban areas.

For Stake holders (NGOs and INGOs such as NRC, JRS and UNHCR)

- Should better extend a possibility of supporting OCP beneficiaries like their fellow urban refugees in spite of the random believe that they do have financial support through a specific way of screening
- Shall engage on capacity building programs for economic empowerment of women OCP beneficiaries like IGA, small scale industries, skill depending organization owned businesses
- Shall undertake in-depth study on the problems of women OCP beneficiaries for cross cutting intervention (such as gender mainstreaming, child protection, economic empowerment etc.) on the protection system to make a sustainable and change oriented intervention which will grantee the lives of women refugees in urban centers that mainly deals on economic empowerment which is a base to eradicate all problems and challenges.
- Shall program a gender mainstreaming strategies in their refugee protection and assistance program in the urban centers
- For UNHCR, shall take the OCP beneficiaries in consideration for support rather than taking them as opportunities for reduction of refugee protection cost. The possibility of the scheme to develop in to local integration might not take place, so that the protection hand of the international refugee agency shall be extended to them as part of a disadvantaged group of human being.

References

- Christian Fuchs(2015) *Young Eritrean Refugees in Ethiopia Paint Grim Realities*, Jesuit Refugee Service USA. Posted: 08/14/2015 3:45 pm EDT Updated: 08/14/2015 3:59 pm
- Awoke Diress. (2011). “*The Right to Asylum: A Case Study with Particular Reference to Somali and Eritrean Asylum-seekers and Refugees in Ethiopia*”, Addis Ababa University, School of Graduate Studies, Law Faculty
- Suleiman Ali. (2014). “*The Challenges of Social and Urban Livelihood for Refugee Women: A Case Study of Social Integration Process of Urban Refugee Women from the Great Lakes Region*”, Addis Ababa University School of Social Work.
- Yitayew Alemayehu and Wondemagegn Tadesse. (2013). *Human Rights Research: A Practical Guidebook on Methodology and Methods*, Addis Ababa University, Center for Human Rights.
- Gizachew Admassu, *Refugee law teaching material*, 2009, pp 280 sponsored by the justice and legal system research institute
- Samuel Hall Consulting (2014), *living out of Camp: Alternatives to Camp-based Assistance for Eritrean Refugees in Ethiopia*, commissioned by the NRC.
- United Nations (2010), *the World's Women 2010: Trends and Statistics (United Nations Publication, Sales No.E.10XVII.11)*
- UNHCR (2011), *Guidelines for Protecting Women and Girls during first entry and asylum procedures in Greece Athens*
- Marija Obradovic (2015). *The Protection of Female Refugees against SGBV in Camps*
- UNHCR (1991), *Guidelines on the Protection of Refugee Women*, Geneva
- Alison Gerard. (2014). *Securitization of Migration and Refugee Women*, Journal of Refugee Studies, Oxford University Press.
- Stephen John Stedman and Fred Tanner (2003), *Refugee Manipulation: War, Politics and the Abuse of Human Suffering*, Brookings institution press, Washington D.C
- David Kennedy (1986), *International Refugee Protection*, 8 Human Rights Quarterly 1
- UNHCR (2006), *Human Rights and Refugee Protection, Self-study Module 5, Vol. II*, Office of the United Nations High Commissioner for Refugees

- Kunz Egon F. (1981). “*Exile and Resettlement: Refugee Theory*”. *The International Migration Review* 15 (1/2). [Center for Migration Studies of New York, Inc., Wiley]: 42–51. doi:10.2307/2545323.
- Kunz, E. F. (1973). “*The Refugee in Flight: Kinetic Models and Forms of Displacement.*”*The International Migration Review* 7 (2) [Center for Migration Studies of New York, Inc., Wiley]: 125–46. doi:10.2307/3002424.
- UNHCR, (2010) Convention and Protocol Relating to the Status of Refugees, Geneva
- UNHCR (1990) *The Refugee Convention, 1951: The TravauxPréparatoires analyzed with a Commentary by Dr. Paul Weis,*
- University of Minnesota Human Rights Library (2003). Study Guide: The Rights of Refugees Human Rights Education Associates (HREA)
- Keetharuth, Sheila B. (2009) *Human Rights in Africa: Legal Perspectives on their Protection and Promotion* / ed. by Anton Bösl and Joseph Diescho, Major African legal instruments, Publisher Windhoek : Macmillan Education Namibia.
- The Ethiopian Herald, (January 2016) According to UN High Commissioner for Refugees FilippoGrandi, with his discussion with the Ethiopian prime minister HailemariamDesalegn,
- Amsterdam law forum volume 3:2
- Human rights watch, (2014) “*I Wanted to Lie Down and Die*” *Trafficking and Torture of Eritreans in Sudan and Egypt*; United States of America
- UNHCR submission for UPR recommendation
- UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10
- World health organization (2003),*Guidelines for Medico-Legal Care for Victims of Sexual Violence, Sexual violence: prevalence, dynamics and consequences*, Geneva
- Rolf Künemann, *Extraterritorial state obligation, The Extraterritorial Scope of the International Covenant on Economic, Social and Cultural Rights*,
- HaileselassieGebreMariam, (2010) “*The Ethiopian asylum Policy review*”, Addis Ababa University Student Law Review, Vol.1 No.2,
- Mark Anderson. (2014). *Ethiopia Hosts Largest Number of Refugees in Africa*, the Guardian

Administration for Refugees and Returnees Affairs (2015), Refugee Update as of December 31, 2015.

Tesfa-Alem Tekle, (2010) *Exiled Eritreans hail Ethiopia's 'out-of-camp' policy shift*, on Sudan Tribune

UNHCR (2015) Country Operations Profile – Ethiopia

UNHCR (2010), *Ethiopia says Eritrean refugees free to live anywhere out of camps*,

Sharon Stanton Russell (2002), *Refugees: Risks and Challenges World Wide*, MPI (Migration Policy Institute),

Professor Heaven Crawley, *Gender-Related Persecution and Women's Claims to Asylum*

Loren B. Landau, *FMO Research Guide, Urban Refugee*

UNHCR (1995), *UNHCR's Policy and Practice Regarding Urban Refugees, A Discussion Paper, Evaluation Reports*.

Merriam Webster Dictionary

- **Legal instruments**

The 1994 FDRE Constitution

Proclamation No. 409/2004

Universal Declaration of Human Rights (UDHR)

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa

The 1951 Convention Relating to the Status of Refugees

The 1967 Protocol Relating to the Status of Refugee

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Civil and Political Rights (ICCPR)

- **Internet links**

<http://www.sudantribune.com/spip.php?article35965>

<http://www.refworld.org/docid/4538838c22.html>

<http://www.ethpress.gov.et/herald/index.php/news/national-news/item/3579-un-refugee-chief-commends-ethiopia-s-generous-open-door-policy>

<http://www1.umn.edu/humanrts/edumat/studyguides/refugees.htm>

<http://www.refworld.org/docid/53e1dd114.html>

<http://www.refugeelaidinformation.org/gender-related-persecution-and-women%E2%80%99s-claims-asylum#sthash.WP08TWB9.dpuf>

<http://www.ethiomeia.com/absolute/3622.html>

<http://www.unhcr.org/3bd4254e7.html>

<http://www.migrationpolicy.org/article/refugees-risks-and-challenges-worldwide>

<http://www.sudantribune.com/spip.php?article35965>

<http://www.unhcr.org/pages/49e483986.html>

http://www.huffingtonpost.com/christian-fuchs/young-eritrean-refugees-i_b_7988172

<http://www.theguardian.com/global-development/2014/aug/20/ethiopia-largest-number-refugees-africa>

<http://www.merriam-webster.com/dictionary/camp>

Annex I

Profile of the study participants

No	Name	Sex	Age	Educational background	Marital status	No. children	Duration of stay in Addis Ababa	Current source of income
1	P 1	F	27	BA in Marketing and PSIR	Single	0	6 years	IGO employee
2	P 2	F	25	11 th grade	Married	0	1 year	Husband remittance
3	P 3	F	26	11 th grade	Divorced	2	10 months	Dependent on Eritrean fellow
4	P 4	F	32	11 th grade	Married	2	2 years	Husband income from unsecured daily labour
5	P 5	F	34	11 th grade	Single	0	2 years	Dependent on family
6	P 6	F	38	Diploma	Single	0	2 years	Nothing
7	P 7	F	28	12+1(Nurse)	Single	0	1 year	Dependent on her sister
8	P 8	F	43	12 th grade	Married	3	2 years and 6 months	Dependent on my husband's family
9	P 9	F	40	9 th grade	Married	5	4 years	Dependent on siblings
10	P 10	F	32	12 th	Single	0	4 years	Dependent on inconsistence remittance

Key Informant profile

No.	Name	Sex	Organization	Position
1	AtoHaileselassie G/Mariam	M	ARRA	Senior protection officer
2	Mrs. Senayit Mohammed	F	UNHCR	Senior protection Associate
3	W/roFethia Ismail	F	NRC	Urban Refugee Program Assistant
4	W/ro Hanna Petrous	F	JRS	Project Director
5	W/roTekleyKiflom	F	EWA	Chairperson
6	AtoFekaduFente	M	A. A. E.B	Test development senior expert

FGD participants Profile ECC members

No	Name	Sex	Position
1	YikaaloAsgedom	M	Chairman
2	TewodrosAregay	M	Deputy chairman
3	BereketTsegay	M	Administrator
4	Samuel Amanuel	M	Secretary
5	YoditRezene	F	Finance
6	Yacob Abraham	M	Representative of UNHCR
7	Hana Tesfay	F	RCC member

8	Israel Tamrat	M	Disability and Geriatrics
9	FenklTesfay	M	Representative of gurdshola
10	MisghinaTesfay	M	Rep. of megenagna&kotebe
11	Daniel Berhe	M	Rep. of CMC
12	G/kirstostewelde	M	Rep. of Ferensay
13	G/michael Abraham	M	Rep. of Jemo
14	TekleyKiflom	F	Rep.of saris & women children

Annex II

Interview Guiding Questions

These guiding questions are articulated by the researcher to make a detailed interview to gather data for a research conducted on challenges and coping mechanisms by Eritrean women OCP beneficiaries vis a vis their human rights in Addis Ababa, for the partial fulfillment of MA Degree Award in Human Rights. Your kind cooperation is vitally important for the realization of this study. I would like to assure you that all the information you provide will remain confidential and will not be consume for a different purpose. In the due course of the interview, if you feel discomfort, you have a right to quit it. You are not forced to give any information and make sure that it is all with your good will.

General background questions

Name :

Sex:

Age:

Marital status:

Educational back ground:

Position:

Guiding Questions for in-depth interview with participants

1. How long have you stayed in the camp?
2. What was your situation in the refugee camp?
3. What were the challenges in camp life?
4. Why do you prefer to be part of the out of camp policy?
5. What are your immediate causes to get out from the camp?
6. What difference did you observe between being encamped and living out of camp?
7. As a Refugee, What do you think about your basic human rights?
8. What do you do for living?
9. How did you choose your current job?
10. Which sectors of the informal/formal economy are easily accessible to support your livelihood?
11. Did you ever face any challenge as a refugee?
12. If yes, what are those challenges?
13. How do you overcome the challenges?
14. Have you benefited from any social services easily from the concerned body such as health and educational institutions? If not, why?
15. How do the administration (Kebele or any other) treat you?
16. What is the response of the public at large towards you (as an Eritrean refugee)?
17. Are you part of the social network of the host community? If not, why?
18. Have you ever got any technical and financial support from state or non state actors?
19. What do you recommend for the issue?

Discussion guides for key informants interview

UNHCR

1. Do refugees refer out of camp life? Why?
2. How do UNHCR welcome the out of camp policy for Eritrean refugees?
3. What kind of protection and support do you provide to refugees living out of camp?
4. Did you make any assessment of the out of camp scheme? What are your findings?
5. What are the challenges women living out of camp face? How do you support them to minimize this challenge?
6. Do you have any special modality to give attention for women refugees in urban centers?

ARRA

1. Would you please give me a brief explanation about the out of camp scheme?
2. Why did Ethiopia introduced out of camp policy for only Eritreans?
3. What is the main objective of the out of camp scheme for Eritrean women refugees?
4. Did the scheme able to achieve its intended objectives? Did you make any assessment of the out of camp scheme? If so, what are your findings?
5. What are the challenges women living out of camp face?
6. What other special attention programs are there to help women refugees in urban settings?
7. Did you take any measure to make out of camp life easy for refugee women?
8. With whom do you collaborate to make out of camp life easy for refugee women?
9. Are there any future plans and programs in helping women refugees living out of camp?

Women Association representative

1. Why is the association established for?
2. What are the major activities of the association?
3. What benefits do the members get from the association?
4. As the women representative what are the major challenges the women are facing while living in Addis as OCP?
5. What sort of coping mechanism does the association provide to overcome the challenges that the women refugees are facing?
6. What do you recommend to the improvement of the out of camp scheme to mitigate the challenges of the women refugees?

NGOs (JRS and NRC)

1. What are your major areas of working regarding to women refugees both encamped and out of camp?
2. What are your criteria to select refugee beneficiaries to be part of your intervention?
3. Do you have any gender related intervention activities? If yes how?
4. How do you perceive the benefit of the out of camp scheme by the Ethiopian government to Eritrean refugees?
5. What do you think of the major problems of women living out of camp?

6. Is there any support provided by your side to Eritrean women refugees living in Addis Ababa?
7. What do you recommend for the out of camp scheme to be women friendly?

AAEB

1. What criteria should be met by Eritreans to enroll to school in Addis Ababa?
2. Do they can access education for free? What supports do you offer them?
3. Is there any challenge and complains presented to you by Eritreans living in Addis?
4. Is there any interventions made to support women OCP beneficiary students?
5. Are there documentations that sound to help and support women OCP beneficiaries regarding to their access to education?

FGD discussion questions

1. What challenges do refugees face while they are encamped?
2. What are the engulfing factors for refugees to be out of camp?
3. What are the differences between being urban refugees and out of camp (OCP) beneficiary?
4. How does the committee accommodate the challenges of urban refugees over the OCPs?
5. What are the major issues (problems) came to the committee in need of solution? And what sort of supports could you provide?
6. What social services are easily accessible for refugees in the urban center? Do you face any accessibility challenges?
7. What recommendations do you have to improve the lives of refugees at the urban centers especially the OCPs?

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