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**Addis Ababa University College of Law and Governance Studies**

**Center for Human Rights**

**Children in Exile: Exploring the Situation of Eritrean Unaccompanied Refugee Children  
in Ethiopia: -The Case of *Mai-Ayni* Refugee Camp, Northern Ethiopia**

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**June, 2015**

**Addis Ababa, Ethiopia**

**Children in Exile: Exploring the Situation of Eritrean Unaccompanied Refugee Children  
in Ethiopia: -The Case of *Mai-Ayni* Refugee Camp, Northern Ethiopia**

**Submitted in Partial Fulfillment of the Requirements for the  
Masters of Art in Human Rights at Addis Ababa University  
Center for Human Rights**

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**June, 2015**

## DECLARATION

I, Shshay Yhdego, do hereby declare that this thesis entitled “Children in Exile: Exploring the situation of Eritrean Unaccompanied Refugee Children in Ethiopia: - the Case of *Mai-Ayni* refugee camp, Northern Ethiopia” is the result of my work and has not been presented in any other institution anywhere for the award of any academic degree, diploma, or certificate. Whenever sources are used they have been properly acknowledge.

Name of Author: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED BY BOARD OF EXAMINER

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INTERNAL EXAMINER SIGNATURE

## **CERTIFICATION**

This thesis entitled ‘Children in Exile: Exploring the Situation of Eritrean Unaccompanied Refugee Children:-the Case of *Mai-Ayni* Refugee Camp, Northern Ethiopia’ submitted in partial fulfillment of the requirements of the Master of Arts in Human Rights to the College of Law and Governance, Addis Ababa University, through the Center for Human Rights, written by Shshay Yhdego has been submitted for examination with my approval.

Name: \_\_\_\_\_

Signature:\_\_\_\_\_

**THIS THESIS IS DEDICATED FOR THOSE DEPRIVED OF THEIR FAMILY ENVIRONMENT, ERITREAN UNACCOMPANIED REFUGEE CHILDREN LIVING IN ETHIOPIAN REFUGEE CAMPS**

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## ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
ARRA	Administration for Refugee and Returnee Affairs
CRC	Convention on the Rights of the Child
ELF	Eritrean Liberation Front
EPLF	Eritrean People's Liberation Front
EU	European Union
IRC	International Rescue Committee
NRC	Norwegian Refugee Council
PFDJ	Popular Front for Democracy and Justice
UNHCR	United Nations High Commissioner for Refugees
WYDC	Warsai Yikaalo Development Campaign
FGD	Focus Group Discussion
USA	United States of America
FDRE	Federal Democratic Republic of Ethiopia

## **Abstract**

*It is estimated that unaccompanied children constitute 2-5 percent of the refugee population. Though every refugee is exposed to various human rights violations and risks, unaccompanied refugee children stand at greater risk of all. Recently, Eritrean unaccompanied children are fleeing into Ethiopia and live in different refugee camps found in the Northern part. Nonetheless, a study about this group of refugees is very limited. Thus, this study is aimed at exploring the situation of these children in Ethiopia through the case study of Mai-Ayni refugee camp from a human rights perspective. It particularly tries to look at the reasons for departure, the journey process with particular reference to decision to leave, journey arrangement and challenges/risks during journey, the situation of the children once they arrived in Mai-Ayni refugee camp and their futurity in terms of a durable solution. Qualitative methods were employed to explore the situations of the children. In doing so, the data were gathered through in-depth interview with unaccompanied refugee children, key informants interview, FGD, personal observation and document analysis. Results of this study reveal that the children have fled to Ethiopia because of fear of the ongoing forced military conscription, economic problem, educational problem, family reunification, peer pressure and hope of resettlement and transit into other state. The study also shows that most of unaccompanied refugee children decide to leave Eritrea by themselves without the knowledge of their parents and some by the decision of their parents using the service of brokers/smugglers. Further, results indicate that the children experience terrible challenges to escape from Eritrea principally caused by strong military surveillance on the Eritrean government side which operates on "shoot-to-kill policy" to those fleeing the state. Moreover, the results of this study show that children are afforded with basic facilities such as food, education, health and psycho-social support in Mai-Ayni refugee camp. In addition the children are assigned with social worker as guardians and enjoy the rights to participation in a child parliament. However, they are affected by depression, longing and nostalgia for their parents and anxiety about the future. Durable solutions that end the children stress and anxiety are rather scarce, with only one option-resettlement. This situation makes the futurity of the children invisible and problematic. Consequently, unaccompanied refugee children involve into secondary movement to Sudan and through this route to Libya and finally reach Europe. During this second journey, the children are exposed to a multitude of human rights violation including sexual abuse to female children, sometimes extending to males, forced labor and other psychical damage.*

**Key Words:** *Refugee, Children, Unaccompanied Children, Unaccompanied Refugee Children, Mai-Ayni Refugee Camp.*

## Chapter One

### 1.1. Introduction

The world remains extremely insecure for millions of individuals today. A huge number of people are forcibly displaced from their country of origin due to persecution, war, political upheaval, ethnic discrimination, religious strife and other wide range of systematic human rights abuse.<sup>1</sup> As a result, these people become refugees in other states by crossing international borders. Though, the size and frequency of refugees is significant today, the existence of refugee is as old as mankind itself. For instance, evidence of the right to seek refuge can be documented as far as back as around 600 A.D.<sup>2</sup> In particular the right to seek asylum in holy places was firstly codified by king Ethelbert of Kent.<sup>3</sup> This is a clear indication to the assertion that, seeking refuge is not a new phenomenon but part and parcel of human history. In contemporary history a huge number of people were displaced following World War I from Asia Minor, the Russian Empire, and the Balkans.<sup>4</sup> Likewise, during World War II, an estimated 7 million Jews and others endangered by the German Nazis fled their homelands.<sup>5</sup>

The perpetuation of old unsolved problems and the surfacing of new conflicts, violence and human rights abuse continue to create new displacement emergencies across the world to date. According to the United Nation High Commissioner for Refugee (hereinafter UNHCR) report, by the mid-year of 2014 the number of refugees under its mandate reached 13 million, the highest since 1996.<sup>6</sup>

This is almost 2.1 million more than in June 2013 where the number of refugees was 11.1 million.<sup>7</sup> The refugees are mainly from Syria (3 million), Afghanistan (2.7 million), Somalia (1.1 million), Sudan (670, 00), South Sudan (508,600), Democratic Republic of Congo

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<sup>1</sup> UNHCR, *War's Human cost Global Trends* (UNHCR, 2013), 1; Gils Loescher, Alexander Betts and Jams Milner, *UNHCR: the politics and practices of refugee protection in the twenty first century* (London and New York: Routledge, 2008), 1.

<sup>2</sup> Wolfgang Benedek, *Understanding Human Rights: Manual on Human Rights Education* (European Training and Research Center for Human Rights and Democracy, 2012), 466.

<sup>3</sup> *Ibid*

<sup>4</sup> Awoke Diress, "The Right to Asylum: A Case Study with Particular Reference to Somali and Eritrean Asylum-seekers and Refugees in Ethiopia" (Master's Thesis: Addis Ababa University, 2011), 1.

<sup>5</sup> *Ibid*

<sup>6</sup> UNHCR, *UNHCR Mid-Year Trends 2014* (UNHCR, 2014), 3.

<sup>7</sup> *Ibid*

(493,500), Myanmar (479,700) and Iraq (426,100).<sup>8</sup> Overall, the biggest refugee populations source by country are Syrians, Afghans and Somalis– together accounting for more than half (52%) of the global refugee total under UNHCR mandate.<sup>9</sup>

Together with their counter adult, children`s have been part of the international forced migration and today constitutes half of the refugee population.<sup>10</sup> The largest number of child refugee`s travel as members of families to flee persecution, while a smaller number are unaccompanied refugee children.<sup>11</sup>

Unaccompanied refugee children have always travelled alone across borders for good or bad reasons. They have fled war, turmoil and persecution at home; they have left behind destitution, hopelessness, unemployment, in search of opportunities; they have experienced violent death of parents, fled forced recruitment into armed force, rape and sexual assault among other things.<sup>12</sup> Moreover they have been transported away from their families by state officials, exploiters or trafficker, intent on realizing purpose unrelated to child protection.<sup>13</sup> Thus, caused by different factors unaccompanied refugee children have been part of the international forced migration.

Even though, unaccompanied refugee children have been part of the international forced migration like their counter adults, little was thought or heard about their migration as a phenomenon in its own right. Children were known to be part of the refugee pool, travelling with or to join adult heads of household, or as unaccompanied refugees within orderly international resettlement programmes.<sup>14</sup> It is in the recent time that has begun to attract the global community`s attention as a global phenomenon, since over two decades or so. It was in the mid-1990s onwards that appear shift in perspective and international organizations such as UNHCR started tracking child refugee and issuing guidelines about how to handle these

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<sup>8</sup> *Ibid*,4-5

<sup>9</sup> *Ibid*

<sup>10</sup> Jacqueline Bhabha, “Seeking Asylum Alone: Treatment of Separated and Trafficked Children in Need of Refugee Protection” (Harvard University, 2004), 143; UNHCR, *War Human cost*, 3.

<sup>11</sup> *Ibid*

<sup>12</sup> Jacqueline Bhabha, “Too much disappointing”: the quest for protection by unaccompanied migrant children outside Europe,” in *Migrating Alone: Unaccompanied and Separated Children`s Migration to Europe*, ed. Jyothi Kanics, Daniel Senovilla and Kristina Touzenis (France, UNESCO publishing, 2010), 91; Mehruunnisa A. Ali, Svitlana Taraban and Jagjeet Kaur, *unaccompanied/ separated children seeking refugee status Ontario: A review of documented policies and practice* (Toronto: joint center of excellence for research on immigration and settlement,20003), 2

<sup>13</sup> Bhabha, “Too much disappointing”, 91.

<sup>14</sup> *Ibid*

children.<sup>15</sup> Now a days, it has attracted the global community`s attention as a global phenomenon and is at the heart of contemporary human rights advocates and scholars of immigration.

As far as the scale of movement, it is difficult to get accurate and consistent statistics on the number of unaccompanied refugee children fleeing their country of origin. However, recent years have seen a remarkable rise in the number of these children seeking protection in foreign lands.<sup>16</sup> It is estimated that 2-5 percent of refugees are unaccompanied children.<sup>17</sup> According to UNHCR more than 25,300 unaccompanied children have lodged asylum applications in 77 countries in 2013 often falling into the hand of traffickers and smugglers while they were on their journey to the hosting state.<sup>18</sup>

## 1.2. Concept Definitions and Operational Terms

**Refugee:** the term refugee has precise meaning in international and regional refugee laws. According to the 1951 United Nations Refugee Convention (hereinafter, UN Refugee Convention) ‘*refugee*’ is a person outside of his/her country of nationality or habitual residence, has a well founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, and is unable or unwilling to avail himself/herself of the protection of that country or return there, owing to fear of persecution.<sup>19</sup> Confirming this definition, the 1969 Organization of African Unity Convention governing the specific aspects of refugee problems in Africa (hereinafter, OAU Refugee Convention) has broadened it and included persons who are compelled to leave their place of habitual residence or nationality owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of or the whole of his/her country of origin or nationality.<sup>20</sup> This, thesis will employ the broader understanding of refugee as adopted by the OAU Refugee Convention since Ethiopia has legislate it in its domestic law. Thus, *refugee* in this study refers to any person who has fled from his or her state of nationality because of political, nationality,

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<sup>15</sup> *Ibid*

<sup>16</sup> Mary Crock, *Seeking Asylum Alone: A Study of Australian Law, Policy and Practice regarding Unaccompanied and Separated Children* (Sydney: Themis press, ND), 9; Bhabha, “Too much disappointing”, 93.

<sup>17</sup> Bhabha, *Seeking asylum alone*, 141.

<sup>18</sup> UNHCR, *War`s human cost*, 3.

<sup>19</sup> See, UN Refugee Convention, Article 1

<sup>20</sup> See, OAU Refugee Convention, Article 1

religious, ethnic or other kinds of persecution or to avoid warfare or other violence and who has gained status accordingly.

**Asylum- seeker:** the term asylum-seeker refers to a person who has crossed an international border in search of safety and applied for international protection and is awaiting determination of his/her application.<sup>21</sup>

**Children:** the term children here refers to every human being below the age of 18 years as defined in the African Charter on the Rights and Welfare of the Child (hereinafter, ACRWC).<sup>22</sup>

**Unaccompanied children:** the Committee on the Rights of the Child defines “Unaccompanied children” as children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.<sup>23</sup> In addition to this, the Committee has identified other groups of children called “separated children” these are children, who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives and this may include children accompanied by other adult family members.<sup>24</sup> This study considers both categories of persons. However for the sake of consistency and simplicity and for the fact that most but not all of children coming from Eritrea arrive without the company of adult the term unaccompanied children will be used throughout this study. Hence, the term ‘*unaccompanied children*’ refers to persons below eighteen years who arrive/live in countries that are not their places of origin alone without both parents or any adult who is legally responsible for their care and children who arrive/live with an older sibling, relative or any adult.

**Unaccompanied refugee children:** are persons below eighteen years old separated from both parents and children separated from both parents but not necessarily from any other relatives and who have fled persecution or other human rights violation as stated in the relevant refugee law and has gained refugee status.

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<sup>21</sup> Susan Kneebone, “Introduction: Refugee and Asylum Seekers in the International Context-Rights and Realities Refugee,” in *Asylum Seekers and the rule of law: comparative perspectives*, ed. Susan Kneebone (United States of America: Cambridge University Press, 2009), 1.

<sup>22</sup> See, ACRWC, Article 1

<sup>23</sup> Committee on the Rights of the Child, Treatment of Unaccompanied and Separated children outside their country of origin, *General Comment No.6* (7 May-3 June 2005), 5.

<sup>24</sup> *Ibid*

### 1.3. Statement of the Problem

Ethiopia situated in the politically unstable area, a region characterized by protracted war, political reverberation and other human rights abuse, has been receiving unaccompanied refugee children from neighbor states. For instance, there were 840 unaccompanied refugee children in group care and over 2,400 children with foster families in different refugee camps found in the state in 2000.<sup>25</sup> Currently, it is a pressing phenomenon due to the arrival of unaccompanied children from Eritrea.

Eritreans have been fleeing to Ethiopia since the beginning of Ethio-Eritrea war.<sup>26</sup> Since then the number of Eritrean refugee entering into Ethiopia has been sharply increasing day by day with the presence of unaccompanied children.<sup>27</sup> More than 5,000 Eritreans crossed into Ethiopia during the month of October 2014 alone compared to the average of some 2000 arrivals per month since the beginning of the same year.<sup>28</sup> What makes the recent refugee flow from Eritrea more shocking is the presence of unaccompanied children.<sup>29</sup> Children as old as 9 years are crossing the hostile border by themselves despite the loaded risks along the escaping route. During their journey they are exposed to different challenges which are unbearable by their age.

*Mai-Ayni* is one of the refugee camps established in North Western part of Tigray Regional State to host refugees coming from Eritrea including unaccompanied children. Though the number of unaccompanied children fluctuates, there are about 1500 unaccompanied children living in *Mai-Ayni* refugee camp without family environment.<sup>30</sup>

Although unaccompanied refugee children are protected under human rights instruments as well as refugee and humanitarian law, the practice is flawed. They have a complicated life experience and are especially vulnerable to human rights violation right from start of the journey until their arrival in a hosting state, and even after their arrival.

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<sup>25</sup> UNHCR, *Global Report, Ethiopia* (UNHCR, 2000), 141.

<sup>26</sup> ARRA., *Climate Change Adoption Program* (Addis Ababa, Ethiopia, 2011), 15; UNHCR, *Global Report, Ethiopia* 2000, 139.

<sup>27</sup> Norwegian Refugee Council (NRC), Fact sheet Ethiopia, August 2014, p1: The Guardian news “Ethiopia hosts largest number of refugees in Africa” available <http://www.theguardian.com/globaldevelopment/2014/aug/20/ethiopia-largest-number-refugees-africa>. (accessed on 12/2/2014)

<sup>28</sup> Guardian news, “Ethiopia hosts the largest number of refugees in Africa.”

<sup>29</sup> *Ibid*

<sup>30</sup> Interview with Key Informant 2, Social Worker, January, 15, 2015.

Studies indicate that, unaccompanied refugee children face an increased risk of sexual exploitation and abuse, military recruitment, forced labor, denial of access to basic assistance, detention and particularly unaccompanied girls are at greater risk of gender-based violence.<sup>31</sup> Moreover, they face discrimination, long delay over decision making for their asylum request, and disregard for their own interest.<sup>32</sup> In short, unaccompanied child face human rights violation prior to flight, during flight process and in the refugee camps by different actors.

Nevertheless, in Ethiopia studies that explore the situation of unaccompanied children are very limited. To be specific, systematic studies that thoroughly investigate the experiences of the children prior to flight, during flight and once they arrive in Ethiopia vis-à-vis human rights perspective are scarce. Thus, considering the continued arrival of Eritrean unaccompanied children to Ethiopia, coupled with the issue being less investigated makes this study relevant. A better knowledge of these issues will allow not only understanding of the refugee fluxes and phenomenon on a more abstract or academic level, but will prove essential if effective protection and respect for these children to be secured.

Therefore, this study aspires to fill the academic gap in relation to situation of unaccompanied refugee children by looking at the triggering factors that forced the children to departure into Ethiopia, the journey process until they arrive to *Mai-Ayni* refugee camp, their situation once they arrive in the camp and their futurity vis-à-vis the right based approach to refugee children. To do so, it considers *Mai-Ayni* refugee camp as a case study where the number of unaccompanied refugee children is relatively higher than in any other of the camps established to host Eritrean refugees in the Northern part.

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<sup>31</sup> Lise Bruun and Jyothi Kanics, “Ensuring that every separated child is heard and protected: the role of independent professional guardian” in *Migrating Alone: Unaccompanied and Separated Children’s Migration to Europe*, ed. Jyothi Kanics, Daniel Senovilla and Kristina Touzenis (France, UNESCO publishing, 2010), 57; Crock, *Seeking Asylum alone*, 22: Committee on the Rights of the Child, *General Comment No.6*, 4.

<sup>32</sup> Bruun and Kanics, “Ensuring that every separated child is heard and protected,” 57.

## **1.4. Objective of the Study**

### **1.4.1. General Objective**

- ❖ The overall objective of this study is to examine the situation of Eritrean unaccompanied refugee children found in *May-Ayni* refugee camp from a human rights perspective

### **1.4.2. Specific Objectives**

The specific objectives of the study include;

- ❖ To identify the triggering factors that forced Eritrean unaccompanied refugee children to leave their countries of origin.
- ❖ To investigate the journey process of the unaccompanied refugee children to Ethiopia with special focus on the decision to leave, journey arrangement and challenges/risks during the flight.
- ❖ To explore the situation of unaccompanied refugee children after they arrive in *Mai-Ayni* refugee camp.
- ❖ To look at the futurity of unaccompanied refugee children through the lens of durable solution.

## **1.5. Significance of the Study**

The study will have some significance. To start with, the study would contribute its share to understand why children as old as 9 years are fleeing to Ethiopia unaccompanied leaving everything familiar in their country of origin. Likewise it would help to build a border understanding on the risks faced to the children during flight and take appropriate measure to ensure child protection mechanisms after their arrival in the camp by concerned organ. Pivotaly the same it would help to understand the situation of unaccompanied refugee children in the camp and the particular risks that hamper child protection. Thus, this study could serve as a source of insight for those working in the refugee camp and other organizations with relevant mandate on protection of refugee children to take specific measures that enhances child protection mechanism in the camp. Particularly, it can be an insight to UNHCR, Administration for Refugee and Return Affairs (hereinafter, ARRA), International Rescue Committee

(hereinafter, IRC)<sup>33</sup> and Norwegian Refugee Council (hereinafter, NRC)<sup>34</sup>. Furthermore, in Ethiopia studies at academic level focuses in outmigration and existing studies on refugee focused on other issue without particular reference to unaccompanied refugee children, thus this study will fill this academic gap. Finally, it can serve as bench mark for prospective researchers to conduct further study in the area and address issues that remain uncovered.

## **1.6. Scope and Limitation of the Study**

Even though, there are Eritrean unaccompanied refugee children in different camps in Northern Ethiopia and studying these children could have been significant to understand their situation in a more advanced level (particularly their situation in the camp), this study is geographically limited, it only consider unaccompanied refugee children in *Mai-Ayni* refugee camp due to time and capacity necessities as well as to make the study manageable. Even within this camp, children accompanied by their parents are not covered since the study is limited to those who arrive and live alone without their biological parents. While in the data collection process authorities working in the refugee camp were not voluntary to share case management of the unaccompanied refugee children.

## **1.7. Research Design and Methodology**

### **1.7.1. Design**

The study has employed qualitative methodology to obtain the required data for the issue under investigation. This is due to the reason that qualitative methodology is considered to be appropriate to deal with the scientific questions the research tries to address. Qualitative research is imperative to understand the in depth view point of research participants.<sup>35</sup> More over qualitative research is particularly important in human rights research as it brings out the voice of marginalized people.<sup>36</sup>

The researcher has employed phenomenology as one approach of qualitative research inquiry in this study. According to phenomenological perspective, a phenomenon under discussion is best

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<sup>33</sup> IRC is an international non- governmental organization that works on child protection in *Mai-Ayni* refugee camp.

<sup>34</sup> NRC is also non-governmental organization that works on child protection in the camp. N.B, the unaccompanied children are transferred to NRC from IRC while the field research was carried out.

<sup>35</sup> Yitayew Alemayehu and Wondemagegn Tadesse, *Human Right Research: A Practical Guide on Methodology and Methods* (Center for Human Rights, Addis Ababa University, 2013), 116.

<sup>36</sup> Yitayew and Wondemagegn, *Human Right Research*, 117.

perceived, thoroughly understood and narrated by the actors who have lived first person experience.<sup>37</sup> This approach allows the research to gather the experiences of unaccompanied refugee children pertinent to the objective of the study. In short, because of its special relevance to the research questions that are under investigation qualitative research methodology was applied during the data collection process. As a result it enables the researcher to obtain the perspectives and stories of the participants.

### **1.7.2. Choosing of Informants**

As noted above this study has employed qualitative methodology, hence it is not about generalization, rather to collect information on events and stories of unaccompanied refugee children on the reasons for flight, risks during flight, situation in the camp and their futurity. The central question in qualitative research is “on how the sample or small collection of cases, units or activities illuminates key features of social life”.<sup>38</sup> Thus, the goal of sampling in qualitative research is to get cases and events that clarify and deepen understanding the phenomenon under investigation.<sup>39</sup> In line with this assertion, the study has employed non-probability sampling method and the informants were selected purposively and based on convenience by the help of social workers. Prior to the interview process the objectives of the research was communicated with the social workers of the children in the camp.

With regard to the size of the sample in qualitative research the sample size is small because it does not strive to generalize but rather, provide an in depth view on the topic.<sup>40</sup> The sample size is determined based on “the criterion of redundancy, which is met when the inclusion or recruitment of an additional respondent does not significantly add new information and understanding”.<sup>41</sup> Accordingly the researcher has applied this approach to collect data from unaccompanied refugee children. The participants of the study were twenty unaccompanied refugee children classified by sex ten male and ten female in the in-depth interview, three female and three male for focus group discussion(hereinafter, FGD) and six social workers of the children in the camp with different position were interviewed. Moreover, one from ARRA, two child protection officers from UNHCR, and one child protection officer from IRC were

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<sup>37</sup> Yitayew and Wondemagegn, *Human Right Research*, 126.

<sup>38</sup> Yitayew and Wondemagegn, *Human Right Research*, 130.

<sup>39</sup> Yitayew and Wondemagegn, *Human Right Research*

<sup>40</sup> Yitayew and Wondemagegn, *Human Right Research*

<sup>41</sup> Yitayew and Wondemagegn, *Human Right Research*, 121.

interviewed. Participants of the study were selected based on a number of criteria including sex, age, duration of stay in the camp and respective authority in relation to children. Such classification of participants was done to gather variety of information on experiences that may differ with age and sex. The detail criteria used for selection will be discussed in each methods and tools of data collection below and the list of participants is attached in appendix.

## **1.8. Data Collection Methods and Instruments**

In order to conduct this research both primary and secondary data sources were employed. The data from primary sources were gathered from different categories of informants through in-depth interview, key informant interview, focus group discussion, personal observation and informal discussion. Secondary data were collected from books, journals, published and unpublished research papers, legal documents, newspapers and the internet. As the aim was to examine the situation of unaccompanied refugee children the researcher has paid more attention to in-depth interview which is imperative to get the experiences of the children. Equally important however, key informants interview and focus group discussion were used to gather data that were not elicited by the children individually. Employing multiple data collection instruments helped the researcher to combine, strengthen and triangulate the collected data from different methods.

### **1.8.1. In-depth Interview**

The study has extensively used in-depth interview as this method allow the researcher to gather first hand information on the thoughts, feelings and lived experiences of unaccompanied refugee children in *Mai-Ayni* refugee camp. The in-depth interview was conducted with twenty unaccompanied refugee children. This total number is classified by sex (10 female and 10 male), age (minimum 11 and maximum 17 years), and duration of stay in the camp (new arrivals and those staying in the camp more than year). Sex was used as criteria for selection of the children, as the experiences and challenges faced to male and female may be different. Age was also used as criteria to select those children in the interview since this could reflect different realities in the country of origin and in the hosting state. Even though there are unaccompanied refugee children as young as eight years they did not participated in the interview considering their ability to elicit their views and not to traumatize them by remembering home or the past. However, the researcher did spend times with them observing and sharing their ideas in the

playing field, café, and their rooms. Thus, the minimum age of the children who directly participated in the study was eleven and the maximum was seventeen. Duration of stay in the camp was also used as criterion to select participants this was mainly done for two purposes that is to understand the situation in the camp from those stayed more than a year and to understand country of origin situation from those stayed in the camp a year and less. Unaccompanied refugee children were approached through the help of social workers of the children.

The study has used semi-structured interview method. The interview was conducted in places preferred by children dominantly in their rooms, child protection center and in the café. Before an interview began some general questions were raised to the children as a warm up and next the objectives of the research were explained. During the interview process the children were given enough time to disclose their personal feelings, thoughts and experiences without restriction so as to get the required information. In average one interview with one unaccompanied refugee children takes one hour. Follow-up questions were raised for further explanation and to elicit the informants' experiences. During the interview process the researcher collected the data carefully using voice recording instrument as well as taking note. Though, it was challenging in the first day to use voice recording because of feeling of discomfort of the children, in the second day and days that follow the researcher has able to communicate with the children successfully and use the voice recording. The children has expressed freely to the research questions raised by the researcher.

### **1.8.2. Focus Group Discussion**

Focus Group Discussion (FGD) is very important for its synergetic group effect in a situation where the interaction between group members stimulates discussions in relation to the subject of the study.<sup>42</sup> The researcher has also employed FGD mainly to obtain information that has remained untouched in the in-depth interviews. During the data collection process the researcher had planned to conduct FGD involving child protection officers in the camp. However, this was failed because the offices of the child protection officers are in different area (such as, in *Shire, Amba Madre* and in the camp) that creates a difficulty to bring them together in one place at the same time. However, the researcher did conduct FGD with unaccompanied refugee children. The FGD involved three males and three female. The criteria for selection were age (children aged above 15 participated) and children's role such as representatives of children club.

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<sup>42</sup> Yitayew and Wondemagegn, *Human Right Research*, 142.

### **1.8.3. Key Informants Interview**

The study undertook interviews with key informants having different positions and responsibilities in relation to refugee children in the camp. Social workers of the children were selected as key informants on the situation of unaccompanied refugee children due to their responsibility as advisors and guardians. The role of social workers as advisors and guardians, their familiarity with the children and work experience helped to gain a deeper understanding on the situation of the children. All together, six social workers were interviewed and provided valuable ideas to the issue under investigation. Moreover, two child protection officers from UNHCR, one from IRC and one authority from ARRA were interviewed.

### **1.8.4. Personal Observation**

In addition to the above mentioned data collection instruments the researcher has made direct observations in the camp during the field. The informants, mainly unaccompanied refugee children were observed during the interview process. The psychical maturity, their emotion during the interview process and their interaction with their fellow unaccompanied refugee children in the camp were observed. Observation was also extended to the rooms of the children and walls of the room because there were written messages in the wall that reflected the emotions of the children. Moreover, child protection center office and location of the children residence were carefully observed. Sharing the same language and culture enabled the researcher to easily communicate and spent times with the children, to the extent of having lunch with the children in their rooms.

Beyond this the researcher has made informal communication with adult refugee in the camp. It has gained an opportunity to communicate with the religious leaders (monks) in the church delivering religious education to the children found in the camp, had a coffee ceremony in the house of the refugee, walking in the camp and talking with children and adults there by collecting information in every movement that can serve as input for the research. During the course of activities all these things were written in the research diary by the researcher.

### **1.8.5. Document Analysis**

Document analysis was used to gather necessary information that helps strengthen data collected from the informants first hand information. Thus, official reports of UNHCR and

international human rights institution both governmental and non-governmental and legal documents and other secondary studies were used. However, during the data collection process the researcher request to documents in relation to case management of unaccompanied refugee children and other issue that may help the study was not successful because of the unwillingness of the officers to share the data.

### **1.9. Data Analysis and Interpretation**

This research is qualitative and the data obtained from the participants was qualitative and processed under the assumption of qualitative means of analysis. In analysis and interpretation the researcher has used the information's gathered from informants (unaccompanied refugee children, social workers and child protection officers) and available written reports from authorized institutions. Hence, the data collected from the different informants are triangulated and incorporated into meaning full manner to reflect a clear picture of the study.

### **1.10. Ethical Consideration**

Doing research with unaccompanied refugee children deserves particular attention as the children may be at highest risk because of the interplay between traumatic experiences and separation from significant emotional relationships.<sup>43</sup> The age of the children should be considered. Thus, utmost care must be taken to ensure that the children in question are participating of their own free will and the rights of the child are carefully respected in the research process and further the integrity, morals and safety must never be compromised for the sake of the research.<sup>44</sup> During the data collection process the researcher has applied and observed a number of ethical guide line intent in realizing the rights of the participants. To start with, the researcher first contacted the social workers of the children in the camp and communicated the objective of the study to them. Consequently, unaccompanied refugee children were approached through getting permission from social workers. After that, the researcher has explained the objectives and tasks to children and other participants in the research in a way that was understandable to them. The researcher made also clear that children have the right to withdraw at any time from the research process and reject to answer any

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<sup>43</sup> Peter Hopkins, "Ethical issues in research with unaccompanied asylum seeking children," *Children's Geographies*, (2008) 6:1, 37-48, DOI: [10.1080/14733280701791884](https://doi.org/10.1080/14733280701791884)

<sup>44</sup> Casper N. Edmonds, *Ethical Considerations When Conducting Research on Children in the Worst Forms of Child Labor* (Geneva: ILO, October, 2003), 2.

question that may create discomfort. Children were also told ask any questions in case remained unclear in the interview process.

The ability of the researcher to communicate with the children and the permission and follow up of the social workers enabled the researcher to build trust on the children thereby it creates good relationship. This in turn, builds an environment to the children express freely their feelings and experiences. Finally, the researcher protects the identity and privacy of each child and adult participants.

### **1.11. Organization of the Paper**

This study contains five chapters. Chapter one covers general introduction part, concept definitions and operational terms, statement of the problem, objective of the study, significance of the study, scope of the study, methodology and data collection ways, ethical consideration, and organization of the paper. Chapter two presents review of empirical related literature in the area that are imperative to understand the phenomenon and it includes, the nature and trend of unaccompanied child migration in general, refugee outflow in Eritrea, the flow of Eritreans into Ethiopia, the challenges/risks encountered at different stages to unaccompanied refugee children while in the migration process. Chapter three thoroughly discusses legal frameworks pertinent to unaccompanied refugee children at international, regional and national level. Chapter four presents' findings and analysis of the study collected from respondents. It particularly discusses the reasons for the departure of the children, journey process to Ethiopia, situation of the children in *Mai-Ayni* refugee camp and their futurity. The last chapter ends by providing conclusion and recommendations.

## Chapter Two

### Review of Related Literature

This chapter introduces available relevant literatures in order to get a broader insight and understanding about the issue under study. It first briefly highlights the nature and trend of unaccompanied child migration in general. Following that it discusses the refugee outflow from Eritrea all over the world, specifically to Ethiopia that helps to understand the country situation and provide context. The reasons for seeking refuge and the challenges that unaccompanied children encounter right from start of the journey until they arrive in hosting states (namely, pre- arrival, in the border of destination states and refugee status determination process) are discussed.

#### 2.1. An Overview on the Nature and Trend of Unaccompanied Child Migration

The migration of unaccompanied children is not a new phenomenon. For centuries children have travelled alone across borders. The existence of war, famine and other wide range of problems have almost always resulted in children being separated from their families.<sup>45</sup> They have been dominantly a feature of refugee flow of developing world that either experienced natural or human-made disasters.<sup>46</sup> Children who have been displaced by war or any other factor from developing states often lack the funds to travel long distances, instead many end up traveling to neighboring countries.<sup>47</sup>

The migration of unaccompanied children takes as many forms as adults migration, and the role that children themselves play in their migrations are as varied as those played by their adult counterparts.<sup>48</sup> Unaccompanied children may start their travels, they may resist, they may simply concur or obey parental wishes; they may accompany, they may lead, they may follow, they may diverge, they may run away.<sup>49</sup> In some communities from where large numbers of independent child migrants originate, it appears that it is normal for a child to decide to migrate,

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<sup>45</sup> Jacqueline Bhabha and Susan Schmidt, *Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection in the U.S* (Macarthur Foundation, June 2006), 13; Bhabha, "Too much disappointing," 93.

<sup>46</sup> Bhabha and Schmidt, *Seeking Asylum alone*, 13.

<sup>47</sup> Bhabha and Schmidt, *Seeking Asylum alone*, 13.

<sup>48</sup> Bhabha, "Too much disappointing," 92.

<sup>49</sup> *Ibid*

or to play a substantial role in that decision.<sup>50</sup> Where as in some situations migration is entirely initiated and executed by children.<sup>51</sup> A study on unaccompanied Afghan children reveals this variation. According to the study in areas where there is high flow, the decision to travel is shared by the heads of the family and the children, with families pooling resources, borrowing money or mortgaging property to cover the cost of journey.<sup>52</sup> Conversely in areas where there is less flow, children themselves commonly initiated the decision and sought the support of families for the unaccompanied journey.<sup>53</sup> Thus, unaccompanied child migration takes many forms and involves many actors in all phases of the movement cycle.

In relation to the scale of movement of unaccompanied children it is not clearly known as there is fragmented data collection system. A concerted international effort to collect data on this population only began in the late 1990s and early 2000s.<sup>54</sup> Consequently it is difficult to say how many more children are traveling to seek asylum on themselves now than in years past. What is clear is that, today, unaccompanied children constitute a small but significant percentage of all asylum-seeker flows.<sup>55</sup> Global figures give some idea of the scale of the different components of this child migration phenomenon. UNHCR data suggest that between 4 per cent and 5 per cent of all asylum applications received by industrialized countries come from unaccompanied children.<sup>56</sup>

## **2.2. Refugee Outflow from Eritrea**

Eritrea has obtained *de facto* independence in 1991 after a 30 years' war of independence with Ethiopia, and *de jure* statehood in 1993 following a referendum monitored by the United Nation (hereinafter, UN) in which Eritreans voted overwhelmingly for independence.<sup>57</sup> The state is one

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<sup>50</sup> Shahin Yaqub, "Assessing the risks in children's independent migration: back to the origins", in *Migrating Alone: Unaccompanied and Separated Children's Migration to Europe*, ed. Jyothi Kanics, Daniel Senovilla and Kristina Touzenis (France, UNESCO publishing, 2010), 160.

<sup>51</sup> *Ibid*

<sup>52</sup> Chona R. Echavez, et.al. Why do children undertake the unaccompanied journey? Motivations for departure to Europe and other industrialized countries from the perspective of children, families and residents of sending communities in Afghanistan (Afghanistan Research and Evaluation Unit and UNHCR, December, 2014), 1.

<sup>53</sup> Echavez, et al., why do children undertake the unaccompanied journey.

<sup>54</sup> Bhabha and Schmidt, *Seeking Asylum Alone*, 15

<sup>55</sup> Bhabha and Schmidt, *Seeking Asylum Alone*, 15

<sup>56</sup> Bhabha, "Too much disappointing." 93.

<sup>57</sup> Daniel R Mekonon and Selam Kidane, "The troubled relationship of state and religion in Eritrea," *African Human Rights Law Journal*, (2014) , 245; United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea* (Human Rights Council, twenty third session, Agenda item-4, 28 may 2013),I.

of the leading refugee producing states in the world today. The flow of refugees from Eritrea dates back to pre-independence time. The war that had begun in 1961 under the direction of Eritrean Liberation Front (hereinafter, ELF) and later the Eritrean People's Liberation Front (hereinafter, EPLF) against Ethiopian government with the aim to liberate Eritrea had generated massive refugee flight.<sup>58</sup> For instance, there were 50,000 Eritrean refugees in Sudan in 1967, as the conflict escalated the number of refugees elevated to more than 550,000 in 1985.<sup>59</sup> Refugee flow in pre-independence Eritrea was mainly attributed to the war of independence between Eritrean nationalist movements and the Ethiopian rule and the harsh measure taken by the Ethiopian rule in response.<sup>60</sup>

However, the expectation that the flow of refugees from Eritrea to neighboring and Western countries would stop after the end of the thirty-year war between Eritrean nationalist movements and the Ethiopian government has proven elusive following the flood of thousands of Eritrean refugees since independence era. Uniquely, from the pre-independence time in which conflict and war had prevailed and was the major cause for the refugee flight, the state has been relatively peaceful except the border war with Ethiopia since the independence era.<sup>61</sup> However, Eritrea remains one of the top refugee-generating countries in the world.<sup>62</sup> The number of refugee fleeing Eritrea is increasing in every year. The mass exodus of refugee flow from Eritrea is attributed to the prevalence of grave human rights. While there are numerous human rights violations that incite Eritreans to leave the state, the indefinite national service and arbitrary arrests and detention, or fear thereof are the top push factors for flight.<sup>63</sup> The fear and experience of a lengthy National Service incite many Eritreans, particularly young people, but also older people, to leave the state in large number.<sup>64</sup>

According to UNHCR, in 2008 Eritrea refugees were estimated at 186,400, yet in light of continuous human rights violations in the country this number grew by more than 121,000

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<sup>58</sup> Assefaw Bariagaber, *Conflict and the Refugee Experience: Flight, Exile and Repartition in the Horn of Africa* (USA: Ashgate Publishing limited 2006), 43.

<sup>59</sup> *Ibid*, 44-52

<sup>60</sup> *Ibid*

<sup>61</sup> Assefaw Bariagaber, "Globalization, Imitation Behavior, and Refugees from Eritrea," *Africa Today*, Vol.60, No.2,( 2013):3-18,p7-9 <http://www.jstor.org/stable/10.2979/africatoday.60.2.3> (accessed on 13/03/2015)

<sup>62</sup> *Ibid*

<sup>63</sup> United Nations general Assembly, *Report of the Special Rapporteur on the situation of human Rights in Eritrea*( Human Rights Council, Twenty-Sixth Session, Agenda item-4, 13 May 2014) ,6.

<sup>64</sup> *Ibid*

persons worldwide over the past five years.<sup>65</sup> Eritrean`s are fleeing their country into every corner of the world in an alarming rate. During the first ten months of 2014 for instance, the number of asylum-seekers in Europe from Eritrea has nearly tripled.<sup>66</sup> Only within the first ten months of 2014, 36,678 Eritreans sought refuge in 38 European countries, compared to 12,960 during the same period in 2013.<sup>67</sup> Most asylum requests were presented in Sweden (9,531), Germany (9,362), Switzerland (5,652), Netherlands (4,113) and Italy 342.<sup>68</sup> Likewise, the number of refugees has also increased sharply in neighboring Sudan and Ethiopia and currently there are more than 216,000 Eritrean refugees in Ethiopia and Sudan.<sup>69</sup>

Indivisible from this phenomenon of refugee surge is the incidence of many unaccompanied refugee children. Even though, there is no separate statistics that show the exact number of those children fleeing their country of origin sources indicate that children are part and parcel of the refugee surge pool and are fleeing like their counter adult, to neighboring Sudan, Ethiopia and Europe despite the heavy risk in the journey.<sup>70</sup> Thus, though we lack accurate figure of these children, it can be argued the flow of unaccompanied refugee children is a sizable phenomenon.

While they are in journey to the hosting states everywhere they are faced with life threatening challenges. For instance more than 300 Eritrean refugees were drowned when travelling by boat to Europe capsized near Lampedusa, Italy.<sup>71</sup> According to UNHCR, over 305,000 Eritreans (more than five percent of the population) have fled during the past decade.<sup>72</sup>

### **2.3. The Flow of Eritrean Refugees to Ethiopia**

The Ethiopian people have long been known for their hospitality and its governments have shown no less of this over the years. It is argued that refugee hospitality dates back to 615 AD

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<sup>65</sup> UNHCR, *War`s Human cost*, 16.

<sup>66</sup> UNHCR, briefing notes, 14 November 2014 by spokesperson Adrian Edwards at the *Palais de Nations* in Geneva “Sharp increase in number of Eritrean refugees and asylum seekers in Europe, Ethiopia and Sudan” available at <http://www.unhcr.org/5465feal381.html> (accessed on February,6, 2015)

<sup>67</sup> *Ibid*

<sup>68</sup> *Ibid*

<sup>69</sup> *Ibid*

<sup>70</sup> The Reporter News 4 October 2014 “*Unaccompanied Eritrean Minors` influx shocks UN officials*” available at <http://www.thereporterethiopia.com/index.php/news-headlines/item/2590-unaccompanied-eritrean-minors%E2%80%99-influx-shocks-un-official>(accessedon11march2015); UNHCR, “Sharp increase in the number of Eritrean refugee and asylum seekers in Europe”

<sup>71</sup> Human Rights Watch, *World Report 204 events of 2013* (USA, 2014), 113.

<sup>72</sup> *Ibid*

where the followers of the prophet Mohammed, up on his directive made their journey across the Red Sea and were granted refugee from persecution at the court of Axum.<sup>73</sup> Though, the state has been generating refugee like its neighbor in the late 1970 and all of the 1980s because of the fired war by the *Dreg* Regime against various groups to hold the country together,<sup>74</sup> this situation has changed over the recent past. Recently, the state is hosting many refugees coming from neighboring states and beyond. The relative stable political situation in Ethiopia and the prevailing unstable situation in neighbor state because of conflict, human rights abuse and other related problems situated Ethiopia a place of safety to those fleeing from these states. Now Ethiopia stands among the world's most important host countries for refugees. The 2013 UNHCR report reveals that Ethiopia as one of the top refugees hosting state in the world.<sup>75</sup> In 19 August 2014 UNHCR, announced that Ethiopia has overtaken Kenya to become the largest refugee-hosting country in Africa, sheltering 629,718 refugees as of the end of July 2014, Kenya in comparison, is host to 575,334 registered refugee and asylum-seekers.<sup>76</sup> According to the June 2014 UNHCR report, there are 247,000 South Sudanese refugee in Ethiopia, making them the largest refugee population in the country, followed by Somalis 245,000 and Eritreans 99,000.<sup>77</sup> Due to its location Ethiopia cannot escape the reverberations from the political uncertainty in the Horn of Africa in the near future and the flow of refugee will continue as pervasive phenomenon.

Eritrea a former part of Ethiopia through federation in 1952 and annexation 1962 become an independent sovereign state in 1993 after a 30- year war of independence. Right after five year of *de jure* independence the state had entered into a border conflict with Ethiopia on 6 May 1998 that was formally ended on 12 December 2000, when both countries signed a framework peace agreement in the Algerian capital, Algiers.<sup>78</sup> Since the border dispute, which subsequently escalated into full-scale conflict in 2000 Ethiopia has continued to host and receive Eritrean refugees.<sup>79</sup> For instance, at the height of the conflict in May 2000, about 3,800 Eritrean refugees

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<sup>73</sup> Diress, "The Right to Asylum," 115.

<sup>74</sup> Bariagaber, *Conflict and the Refugee Experience*, 21.

<sup>75</sup> UNHCR, *Wars human cost*, 13.

<sup>76</sup> UNHCR, news 19 August 2014 "*Ethiopia overtakes Kenya as Africa's biggest refugee hosting country*" available at <http://www.unhcr.org/53f31ebd9.html> (accessed on February, 2, 2015)

<sup>77</sup> The Reporter news, "Unaccompanied Eritrean minor's influx UN officials,"

<sup>78</sup> Martin Plant, "towards a cold peace? The outcome of the Ethiopia- Eritrea war of 1988-2000," *Review of African Political Economy* 28:87(2007);125-129

<sup>79</sup> IOM Ethiopia news posted Jan-20-2015 "IOM Ethiopia Moves Eritrean Refugees to Safety" available at <http://www.iom.int/cms/render/live/en/sites/iom/home/news-and-views/press-briefing/notes/pbn2015/pbnlisting/iom-ethiopia-moves-eritrean-refu.html> (accessed on March, 11, 2015)

of Kunama origin crossed the border into Northern Ethiopia.<sup>80</sup> Since then the flow of refugee continues persistently in increasing trend and number without interrupting even in a single year. The number elevated from 5,130 in 2002 to 101,950 in 2014.<sup>81</sup> The surge of Eritrean refugee crossing the Ethiopian border via Tigray and Afar regional state has shown a steady increase over the last seven years- from an average of as low as 250 to 300 a month in 2009 to an average of 2000 a month in 2014.<sup>82</sup> More than 5,000 Eritreans crossed to Ethiopia during month of October 2014 alone compared to the average of some 2000 arrivals per month since the beginning of the year.<sup>83</sup> About 90 percent of those who arrived in October are between 18-24 years old and seventy-eight children arrived on their own, without an adult family member.<sup>84</sup>

What is more shocking in the current refugee surge from Eritrea into Ethiopia is the presence of unaccompanied refugee children despite heavy security across the Northern Ethio- Eritrean border. The arrival of unaccompanied children is increasing day by day as the flow of adults and Children's, who are only five to eight years old, are coming to Ethiopia by themselves without the accompaniment of an adult.<sup>85</sup> Although available reports do not indicate the figure of unaccompanied children entering into Ethiopia, they all stated a rise of this group. The UNHCR has putted it as a serious protection concerns.

#### **2.4. Reasons for Seeking Refugee**

In Ethiopia studies are limited in relation to unaccompanied refugee children that investigate why such children leave their country of origin and seek asylum. Most studies focus on other issues of refugee. However, available documents and studies on unaccompanied refugee children in other states indicates that the reasons why such children are leaving their countries of origin are quite numerous and multifaceted. In this case a study conducted in South Africa indicates that unaccompanied children leave their country of origin for economic reason, to

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<sup>80</sup> UNHCR, *Global report Ethiopia 2000*,139.

<sup>81</sup> UNHCR, *Global report Ethiopia 2000*,139; UNHCR, *Global Appeal 2014-2015 Ethiopia* ( UNHCR, 2014)

<sup>82</sup>The Guardian news "Ethiopia hosts largest number of refugee in africa" available at <http://www.theguardian.com/global-development/2014/aug/20/ethiopia-largest-number-refugees-africa>. (accessed on December,2, 2014)

<sup>83</sup> The Reporter news, "Unaccompanied Eritrean minor's influx UN officials," ; IOM news Ethiopia "IOM launches together we can fight secondary migration Campaign" available at <http://iomethiopia.org/iom-launches-together-we-can-fight-secondary-migration-campaign>(accessed on February,6, 2015)

<sup>84</sup> The Reporter news, "Unaccompanied Eritrean minor's influx UN officials,"

<sup>85</sup> IOM Ethiopia news, "IOM Ethiopia Moves Eritrean Refugees to Safety"

escape war and conflict, political oppression, ethnic or tribal persecution, to be reunited with relatives, and for educational purposes.<sup>86</sup>

A longer list of reasons for why unaccompanied children are leaving their countries can be found in a study by Wendy Ayotte cited in Ali et al (2003). Based on an analysis of 218 cases of unaccompanied children who arrived in Western Europe, Ayotte identified the following factors that forced children to leave their country of origin and seek refugee:

*... violent death of parents, sometimes in front of child; detention and torture of child; armed conflicts that target child civilians; genocide; forced recruitment of children into armed forces, some under 10 years of age; trafficking of children for the purposes of prostitution under brutal conditions; persecution of child's ethnic group; denial of education due to the child's ethnic identity; political activities of the child or child's family members resulting in persecution; rape and sexual assault; abuse and/or abandonment by parents; poverty and complete lack of opportunity.*<sup>87</sup>

Likewise, the European Migration Network has identified varied and interconnected reasons as motivations and circumstances for entering the European Union (hereinafter, EU). These range from fleeing persecution and seeking protection, to reunification with family members already residing in the EU, for economic, aspirational reasons, to join the migrant/diaspora community, in order to transit to another state, as victims of trafficking or of smuggling, for medical reasons or abandonment, runaways or drifters.<sup>88</sup> Unaccompanied child could thus enter the EU for more than one of these reasons and/or move from one category to another. Despite the variation of places the reason that forced the children seems to appear the same in general. Worth mentioning most of unaccompanied children are migrating from developing countries such as Africa and Middle East.

To sum up, political crisis, civil wars, forced recruitment into armed force and religious or ethnic conflicts, economic motivation are still considered frequently as main reasons for unaccompanied refugee child to flee their home countries and seek asylum in other states.

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<sup>86</sup> Ingrid Palmay, *For Better Implementation of Children's Rights in South Africa* (United Nations Children's Fund, 2009), 33.

<sup>87</sup> Ali et al., *unaccompanied/separated children seeking refugee status Ontario*, 2.

<sup>88</sup> European Migration Network, *Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors –an EU comparative study* (EMN, 2009), 5.

## **2.5. The Challenges Encountered in the Journey Process**

While unaccompanied refugee children flee from their countries of origin to escape from internal insecurity the migration process will result in turn difficulty.<sup>89</sup> Many unaccompanied refugee children are faced with numerous violations of human rights while they made their journey into the destination states in a number of steps. Briefly the subsequent part will discuss the challenges that unaccompanied children encounter in the journey process.

### **2.5.1. Pre-arrival in to the destination States**

Unaccompanied children face multitude challenges in the migration process to reach into destination states. Studies indicate that unaccompanied children are exposed to varying levels of danger, harassment and rights violation at the hands of smugglers and in the custody of police authorities when caught at the transit points or destinations. A study on the movement of unaccompanied children from Afghanistan affirms that they are faced with a range of physical and emotional risks during travel.<sup>90</sup> The physical risks includes dangerous means of transport, deprivation of food and water, and being beaten by different persons such as smugglers/traffickers or even by police officers at the borders of different countries when they are caught.<sup>91</sup> In cumulative the challenges that face to the children include among other things sexual exploitation, economic exploitation, kidnapping, forced marriage, military conscription and organ transplantation.<sup>92</sup>

### **2.5.2 Situation at the Border of Destination States**

Gaining access to the desired destination state is both a necessary precondition for asylum and any other immigration status. However, crossing the border is not an easy task but something loaded with serious obstacles. Unaccompanied children seeking refuge are not an exception from the obstacles. Charles Watters in his book entitled "*Refugee Children: towards the Next Horizon*" have examined the struggles many asylum seeking children from Africa, Middle East and South East Asia face to enter Europe via Southern Europe borders. Watters asserted that the external borders of the EU are heavily policed and would-be migrants, without access to the

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<sup>89</sup> Yaqub, "Assessing the risks in children's independent migration," 158.

<sup>90</sup> Echavez et al., why do children undertake the unaccompanied journey, 28.

<sup>91</sup> Echavez et al., why do children undertake the unaccompanied journey.

<sup>92</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member states of the European Union (FRONTEX). *Unaccompanied Minors in the Migration Process* (Poland: Warsaw, December 2110), 21-22.

necessary papers, often feel driven to take life-threatening measures to enter the EU.<sup>93</sup> His study in Italy for instance revealed that, asylum seekers are subject to expulsion or refusal of entry orders on the grounds of illegal, or attempted illegal entry to, or illegal residence in Italy.<sup>94</sup> Unaccompanied children reaching Italy coastline face numerous risks that includes: refoulement to countries of origin or transit countries where individuals could face persecution, collective expulsions, discriminatory access to asylum procedures, detention, unfair and inadequate identification procedures.<sup>95</sup> Though, the law directs that unaccompanied children should not be detained in the identification centers in practice the reception mechanism for asylum seekers has been subject to sustained criticism both from bureaucratic inefficiency, with asylum seekers waiting between 12 and 24 months for a decision from the Central Commission and on the ground that while waiting, they have little or no means of sustaining themselves and no access to health care.<sup>96</sup>

Similarly, a report from members of the EU states on the reception and care of unaccompanied children reflects the same realities. For instance in Spain, access to land is refused for foreign children at ports when they cannot present the necessary documents to enter.<sup>97</sup> Consequently Spanish authorities send them back to the country they came from applying a legal enactment intended for adults.<sup>98</sup> In France, the law allows for foreigners who are not permitted to enter the territory to be detained in the ‘waiting area’ a transition area between the international zone and French territory.<sup>99</sup> While waiting admission to the territory unaccompanied children are detained in an area in which they are deprived of their liberty, situated in buildings in the airport zone for duration of up to 20 days.<sup>100</sup>

Likewise Bhabha argued that, in response to their growing concerns about irregular migration, all immigration destinations countries have legal provisions that complicate access to territory.<sup>101</sup> The legal measures include visa requirements, carrier sanctions imposed on the

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<sup>93</sup> Charles Watters, *Refugee Children: Towards Next Horizon* (USA and Canada: Routledge, 2008), 29.

<sup>94</sup> *Ibid*, 32.

<sup>95</sup> *Ibid*

<sup>96</sup> *Ibid*, 33.

<sup>97</sup> European Union’s Fundamental Rights and Citizenship Programme, *The Reception and Care of Unaccompanied Minors in Eight Countries of the European Union: Comparative study and perspectives of harmonization* ( Project co-funded by the European Union’s Fundamental Rights and Citizenship Programme, synthesis-octobor,2010), 8.

<sup>98</sup> *Ibid*

<sup>99</sup> *Ibid*, 9.

<sup>100</sup> *Ibid*

<sup>101</sup> Bhabha, “Too much disappointing,” 94.

means of transport that carry undocumented or irregular passengers and increasingly, surveillance and intelligence systems operating at and near the borders, and further a field.<sup>102</sup> For instance USA, has established a highly militarized system of border control along the southern border with Mexico fully equipped with infrared light detection system, 24-hour armed patrols increasing policing the Mediterranean.<sup>103</sup> As a result of these effective measures unaccompanied child asylum seekers are increasingly compelled to use the service of smugglers who accompany them across the perilous Arizona desert-thousands of migrants find themselves lost and dehydrated in this process, and many lose their lives.<sup>104</sup> Similarly, Australia has adopted restrictive provisions, including visa controls, carrier sanctions and collaboration between sending and receiving country governments to track the migration movements of individuals.<sup>105</sup> In addition to these reactive measures, both the USA and Australia have adopted pre-emptive interdiction policies to interrupt the journey of would-be migrants at source and at strategic points during their voyage.<sup>106</sup> A relatively different picture can be observed in African states where there is no strict border control of the states. In most African states the borders are open.

In conclusion, analysis of the practice from the studies reveals that a gap exists between laws, conventions and protocols and routine practice on the ground. Host societies response to refugee children is characterized by two trajectories; one that is concerned with welfare of the child and is underpinned by a range of statutory instruments and codes of practice derived from international and national instruments and second that is concerned with the security of the territory.<sup>107</sup> The latter is concerned with the control of populations and includes physical and legal barriers to entry, in which non-nationals are monitored on the territory of another sovereign state.<sup>108</sup> Consequently unaccompanied children seeking asylum found it very difficult to access the territory of hosting states because of these restrictive measures. As noted by Bhabha, asylum the long-standing remedy created by the international community to address

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<sup>102</sup> *Ibid*

<sup>103</sup> *Ibid*

<sup>104</sup> *Ibid*

<sup>105</sup> *Ibid*, p95

<sup>106</sup> *Ibid*

<sup>107</sup> Watters, *Refugee Children*, 45.

<sup>108</sup> *Ibid*

the problems inflicted on citizens by their own states, is particularly inaccessible to unaccompanied children because the risks they face are often disregarded.<sup>109</sup>

### 2.5.3 Asylum Application and Status Determination Process

Once children enter into the territory of hosting state by managing the challenges faced along the journey process what comes next is application for asylum. Unaccompanied asylum seeking children can present their claim for asylum to the respective authorities of states mandated to handle the issue. Unaccompanied children require legal representation during the asylum application procedure that helps them in the interview process.<sup>110</sup> In this regard the practice varies from state to state while some of them assign guardian or representative others not. Many countries, such as Canada, Norway, Luxembourg and France, appoint a guardian-like advisor for children in asylum proceedings.<sup>111</sup> While the U.S. Immigration Court, however, makes no such provision.<sup>112</sup>

Other issue in the processing of asylum application to unaccompanied children is that, refugee status determination should take child-specific forms of persecution into account which include forced mirage, recruitment of child soldiers and sexual mutilation of young girls.<sup>113</sup> However, in many countries claims by unaccompanied children are processed according to the ordinary asylum determination procedure for adult asylum seekers. Criticizing models that do not differentiate between refugee adults and refugee children, Cited in Ali et al, Russell has argued:

*Unaccompanied refugee children are not treated differently from adult applicants either procedurally or substantively, and the welfare of the unaccompanied refugee child does not inform either the decision of the special adjudicator or the form of the hearing.*<sup>114</sup>

Similarly a study by Bhabha and Schmidt disclose that;

*Unaccompanied children are subject to the same proceedings and evidentiary standards as adults. Children are thrust into a system that was designed for adults, often without legal counsel or the emotional support of families to help them manage.*<sup>115</sup>

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<sup>109</sup> Bhabha, "Too much disappointing,"103.

<sup>110</sup> European Union's Fundamental Rights and Citizenship Programme, *the Reception and Care of Unaccompanied Minors*, 20.

<sup>111</sup> Bhabha and Schmidt, *seeking asylum alone*, 82.

<sup>112</sup> *Ibid*

<sup>113</sup> European Union's Fundamental Rights and Citizenship Programme, *the Reception and Care of Unaccompanied Minors*, 22.

<sup>114</sup> Ali et al., *unaccompanied/ separated children seeking refugee status Ontario*, 10.

<sup>115</sup> Bhabha and Schmidt, *seeking asylum alone*, 7.

Due to the above challenges unaccompanied children have lower success rate in asylum claims than accompanied children or adults.

## **Chapter Three**

### **International, Regional and National Legal and Guideline Framework**

Human rights are inherent entitlements which come to every person as a consequence of being human. They are universal, meaning that they are applied equally and without discrimination. Unaccompanied refugee children share these protected universal human rights as every person. In general they are entitled to international protection under international human rights law, international refugee law and international humanitarian law. Even though these children are covered broadly in various human rights instruments, it is not the purpose of this section to analysis the rights of the children in various human rights instrument rather to briefly discuss the most relevant legal instrument that deals with the protection of unaccompanied refugee children at all levels-international, regional and national. In short, the purpose of this analysis is to pinpoint the obligations of states in respect of unaccompanied refugee children and set out the rights of those children.

#### **3.1. International legal Frameworks**

As noted in the preceding part unaccompanied refugee children are covered in the international human rights and refugee laws like any other person. However, as it is difficult to discuss the whole spectrum of rights of these children here, this section limits itself only to the most relevant instruments. Hence, the UN Refugee Convention with its attendant protocol which is the principal international legal instrument to protect refugee will be briefly discussed. In addition to this, the Convention on the Rights of the Child (hereinafter, CRC) due to its relevance to refugee children will be thoroughly discussed.

##### **3.1.1. The 1951 UN Convention Relating to the Status of Refugees**

The UN Refugee Convention relating to the Status of Refugees was adopted on 28 July, 1951 and it entered into force on 22 April 1954.<sup>116</sup> The Convention was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. However, this was amended by the 1967 protocol that removed the geographic and temporal limits of the 1951

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<sup>116</sup> UNHCR, *Convention and Protocol Relating to the Status of Refugees* (Geneva: UNHCR, December, 2010), 2.

convention.<sup>117</sup> By removing the geographical and time limitations the protocol gave universal coverage to the convention. Thus, the Convention and its attendant Protocol are the principal international instruments established for the protection of refugees.

The UN Refugee Convention makes no specific mention to unaccompanied refugee children. However, this does not mean that unaccompanied refugee children are at all excluded from the protection of the Convention. The Convention with its attendant protocol sets standards that apply to children in the same way as to adults. For instance, children are covered in the overall definition of refugee, as stated:

*'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'.<sup>118</sup>*

According to this provision a person who has a "well-founded fear of being persecuted" for one of the stated reasons is a refugee regardless of his/her age. Children whether unaccompanied or accompanied if they qualify the criteria set, then they are refugee. Other provision that also applies to unaccompanied refugee children in the same way as to adult is the principle of non refoulement; children cannot be forced to return to the country of origin.<sup>119</sup> Importantly, the Convention states refugees should not be penalized for their illegal entry or presence in hosting state coming directly from a territory where their life or freedom was threatened.<sup>120</sup> Impliedly unaccompanied children cannot be put in punishment in the account of breaking immigration law or illegal entry into hosting state. A more special importance standard to refugee children in the convention is that, refugee children must receive the same treatment as nationals in primary education and treatment at least as favorable as that given to non-refugee aliens in secondary education.<sup>121</sup>

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<sup>117</sup> *Ibid*

<sup>118</sup> See, UN Refugee Convention Article 1

<sup>119</sup> See, UN Refugee Convention Article 33

<sup>120</sup> See, UN Refugee Convention Article 31

<sup>121</sup> See, UN Refugee Convention Article 22

In general, whilst the Convention does not contain any special regulations relating to unaccompanied refugee children, since it does not recognize any age limits the general legal protection proceeding from it also extends to unaccompanied refugee children.

### **3.1.2. Convention on the Rights of the Child**

As stated above, children share protected universal human rights with all other persons but, in addition, because of their dependence, vulnerability and developmental needs, they also have certain additional rights. This is evident by looking at the preamble of CRC which states, “[...] the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.<sup>122</sup> This part will examine provisions relevant to unaccompanied refugee children including the core principles of the CRC. However, it is important to remember that, the CRC applies to all children in the territory of member state jurisdiction without discrimination of any kind.<sup>123</sup> Thus, although not examined in detail every right in the Convention here their importance remains vital.

The CRC was adopted and opened for signature in 1989 and came to force in 1990.<sup>124</sup> All but two countries (the USA and Somalia are the exceptions) are parties to the CRC.<sup>125</sup> Thus, the CRC is the most widely ratified international convention. Although it is not specifically a refugee treaty, its provisions directly affect and apply to refugee children. This is clearly stipulated in article 22 which reads as follows:

*State parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present convention and in other international human rights or humanitarian to which the said states are party.*<sup>126</sup>

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<sup>122</sup> See, CRC Preamble, paragraph 9

<sup>123</sup> See, CRC Article 2

<sup>124</sup> Ursula Kilkelly, “Using the Convention on the Rights of the Child in Law and Policy: Two Ways to Improve Compliance,” in *the Human Rights of Children: From Visions to implementation*, ed. Antonella Invernizzi and Jane Williams(Ashgate,2011) ,179

<sup>125</sup> *Ibid*, 180.

<sup>126</sup> See, CRC Article 22(1)

This provision obliges member states to provide appropriate protection and humanitarian assistance to unaccompanied refugee children not only stipulated in the CRC but also other international human rights instrument to which the state is party.

Moreover, CRC ensure that unaccompanied children are entitled to special protection and assistance provided by the state-or rather, they are entitled to the same protection as other children entitled to this assistance.<sup>127</sup> The provision must be read in conjunction with; separation with parents only when necessary in the best interest of the child;<sup>128</sup> rights to family reunification, to be dealt with in positive, humane and expeditious manner;<sup>129</sup> protection of child without families;<sup>130</sup> prohibition of torture and ill-treatment, and deprivation of liberty only as a measure of last resort;<sup>131</sup> and recovery and rehabilitation after experience of armed conflict, torture and other forms of abuse.<sup>132</sup>

Though, the rights in the CRC cover almost every aspect of a child's life, there are three rights that are so fundamental that they can be thought of underlying the entire CRC: these principles are non-discrimination, best interest of the child and the right to participation.<sup>133</sup> These three fundamental rights in turn reinforce each other to reach the objective of survival and development.<sup>134</sup> State parties to the CRC are bound to respect and ensure the rights set in the Convention without discrimination of any kind to each child within its jurisdiction and to take all appropriate measures to ensure child is protected against all forms of discrimination or punishment.<sup>135</sup> This provision emphasizes that all the rights in the Convention must apply to all children in the state, thus unaccompanied refugee children are protected in addition to article 22 of the convention.

The other core principle of the CRC is best interest of the child; *in all actions concerning children whether undertaken by public or private social welfare institutions, court of law, administrative authorities or legislative bodies, the best interest of the child be a primary*

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<sup>127</sup> See, CRC Article 22(2)

<sup>128</sup> See, CRC Article 9

<sup>129</sup> See, CRC Article 10

<sup>130</sup> See, CRC Article 20

<sup>131</sup> See, CRC Article 37

<sup>132</sup> See, CRC Article 39

<sup>133</sup> UNHCR, *Refugee Children: Guidelines on Protection and Care*, 21.

<sup>134</sup> *Ibid*

<sup>135</sup> See, CRC Article 2(1, and 2)

consideration.<sup>136</sup> This statement emphasizes that governments, public and private bodies must ascertain the impact on children of their actions, in order to ensure that the best interests of the child are a primary consideration, giving proper priority to children and building child-friendly societies.<sup>137</sup> Interpretations of the best interests of children cannot trump or override any of the other rights guaranteed by other articles in the Convention.<sup>138</sup> Other principle is, child`s right to life and states obligation to ensure to the maximum extent possible the survival and development of the child.<sup>139</sup> In addition, a child enjoys participating in decisions in the CRC. To this end, state parties are bound to guarantee the child who is capable of forming his or her own views the rights to express those views freely in all matters affecting the child and the views of the child being given due weight in accordance with age and maturity of the child.<sup>140</sup> Participation is a theme that runs through the CRC, in one way or another every provision needs some aspect of children`s participation.<sup>141</sup> The recommended holistic approach to the Convention entails that what is best for the child depends on the child`s view. Thus, articles 3 and 12 are considered together, it is clear that what is in the child`s best interests also depends on the child`s opinion, although the two may not always coincide.<sup>142</sup>

Further, the Committee on the Rights of the Child (hereinafter, the Committee) adopted a General Comment on unaccompanied and separated children with an objective of providing guidance in the protection, care and proper treatment of these children based on the entire legal framework provided in CRC. The Committee stressed in the core principles of the CRC, accordingly states` are urged to apply CRC to each child within its territory without discrimination of any kind, apply the best interest rule as a primary consideration in all actions concerning children, and ensure children rights to elicit their views and take in to account.<sup>143</sup>

In affording proper treatment to unaccompanied children, the committee urges states to fully respect non-refoulement obligations.<sup>144</sup> While unaccompanied children arrive in another state,

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<sup>136</sup> See, CRC Article 3(1)

<sup>137</sup> Ruth Farrugia and Kristina Touzenis, "The international protection of unaccompanied and separated migrant and asylum-seeking children in Europe", in *Migrating Alone: Unaccompanied and Separated Children`s Migration to Europe*, ed. Jyothi Kanics, Daniel Senovilla and Kristina Touzenis (France, UNESCO publishing, 2010), 24.

<sup>138</sup> *Ibid*

<sup>139</sup> See, CRC, Article 6(1 and 2)

<sup>140</sup> See, CRC, Article 12(1)

<sup>141</sup> IOM, *International migration law: human rights of migrant children* (IOM,2008), 24.

<sup>142</sup> Farrugia and Touzenis, "the international protection of unaccompanied," 23.

<sup>143</sup> The Committee on the Rights of the Child, *General Comment No. 6*, 6-9.

<sup>144</sup> *Ibid*, 9.

the concerned state should provide general and specific protection to those children.<sup>145</sup> Such measure starts with identification at the ports of entry immediately whether the child is unaccompanied or not, registration that collects the bio data of the children and appointment of guardian that represents best interest of the child.<sup>146</sup>

Importantly in line with article 22 of the CRC Unaccompanied asylum seeking children should enjoy access to asylum procedures and other complementary mechanisms providing international protection regardless of their age.<sup>147</sup> In case of individual refugee status determination: the procedure should take into account the vulnerabilities of these children; application should be determined by a competent authority fully qualified in asylum and refugee matters; the guardian and the legal representative should be present during all interviews.<sup>148</sup> In doing this, status determination procedures should take child specific persecution that includes under-age recruitment; trafficking of children for prostitution; and sexual exploitation and subjection to female genital mutilation.<sup>149</sup> In cases of large-scale refugee movements where individual refugee status determination is not possible, states may grant refugee status to all members of a group.<sup>150</sup> In such circumstances, all unaccompanied or separated children are entitled to be granted the same status as other members of the particular group.

The ultimate aim in addressing the fate of unaccompanied children refugee is to identify a durable solution that address all their protection needs, takes into account the child's view and where ever possible, leads to overcoming the situation of a child being unaccompanied. In respect to this the Committee lists alternative durable solution to be applied according to the existing and available situation at hand. These includes, family reunification, return to the country of origin, local integration, inter country adoption and resettlement in third country all to be performed considering the best interest of the child and making the necessary arrangement that does not harm the child, if not none of them should not be applicable.<sup>151</sup> If one fails another option should be searched.

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<sup>145</sup> *Ibid*, 11.

<sup>146</sup> *Ibid*.

<sup>147</sup> *Ibid*, 18.

<sup>148</sup> *Ibid*.

<sup>149</sup> *Ibid*, 19.

<sup>150</sup> *Ibid*.

<sup>151</sup> *Ibid*, 20-24.

To conclude with assertion of the Committee on the Right of the Child, the enjoyment of the rights stipulated in the CRC is not limited to children who are citizens of a State Party and must therefore, if not explicitly stated otherwise in the Convention, also be available to all children – including asylum-seeking, refugee and migrant children–irrespective of their nationality, immigration status or statelessness.<sup>152</sup>

### **3.2. Regional Legal Frameworks**

As has been discussed in the preceding part unaccompanied refugee children are protected by the UN Refugee Convention and CRC. However, the realities and problems in relation to human rights issues are different from one corner of the world to other part. Thus, it demands specific human rights instrument that consider the unique future of the region. At the regional level, unaccompanied refugee children are protected in the OAU Refugee Convention and the ACRWC in Africa human rights system. Therefore, considering their most relevance this section discusses these two instruments.

#### **3.2.1. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa**

The OAU Refugee Convention was adopted on 10 September 1969 and entered into force on 20 June 1974.<sup>153</sup> The driving force to have such regional instrument was the argument that the 1951 UN Refugee Convention was European in focus and not suitable for the African situation, particularly as many refugees were seen at that stage as being the result of the fight for independence.<sup>154</sup> Thus, as Murray asserted, the African attitude was not so much to broaden the scope of the convention but rather to draft a document that would “cover all aspects of the problems” in Africa.<sup>155</sup> Asserting to the UN Refugee Convention definition the OAU Refugee Convention broaden the meaning of refuge to include;

*.....every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public orders in either part or the whole of his country of*

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<sup>152</sup> Committee on the Right of the Child, *General Comment No. 6*, Para12.

<sup>153</sup> Christof Heyns and Magnus Killander, *Compendium of key human rights instrument in africa*, 5<sup>th</sup> ed.( Pretoria University Press,2013)

<sup>154</sup> Rachel Murray, *Human Rights in Africa: from the OAU to the African Union* (United States of America, Cambridge University press, New York, 2004), 187.

<sup>155</sup> *Ibid*

*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.*<sup>156</sup>

It is therefore clear that individuals and large number of peoples fleeing public disorder are afforded protection under the OAU Refugee Convention instrument that may not be the case under the UN Refugee Convention.<sup>157</sup> However, likewise the UN Refugee Convention it does not make any distinction between children and adults. Nevertheless, children are beneficiaries in the same way as adults and can get protection from the general provision of the Convention. For instance unaccompanied children who are compelled to leave their country of origin because of the stated reasons can ask asylum and granted refugee status regardless of their age. In addition, the principle of non-refoulement appears to be absolute in the convention which states “*No person shall be subjected by a member state to measure such a rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in article I, paragraph 1 and 2.*”<sup>158</sup> By implication unaccompanied asylum seeking children cannot be subjected to measure such as rejection at the frontier, return or expulsion, to states where their liberty and life will be endangered. Moreover, unaccompanied refugee children can return (repatriate) to their country of origin when they are willing and if conditions permit.<sup>159</sup>

### **3.2.2. African Charter on the Right and Welfare of the Child**

The ACRWC was adopted on 11 July 1990 and entered into force on November 1999.<sup>160</sup> The adoption of the Charter is imperative in Africa where conflict impacts the survival and development of children and remains as the cause of refugee flows.<sup>161</sup> Continentally, the entry into force of ACRWC brought fundamental and profound legal changes in the protection of children in general and refugee children in particular.<sup>162</sup> The ACRWC provisions relating to the protection of refugee children that are unaccompanied or not are substantially similar to the CRC, uniquely however the Charter extends the protection to internally displaced children,

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<sup>156</sup> See, OAU Refugee Convention Article 1(2)

<sup>157</sup> Murray, *Human rights in Africa*, 163.

<sup>158</sup> See, OAU Refugee Convention Article 2

<sup>159</sup> See, OAU Refugee Convention Article 5

<sup>160</sup> African Charter on the Rights and Welfare of the Child(1990/199)

<sup>161</sup> Murray, *Human Rights in Africa*, 180.

<sup>162</sup> Thoko Kaime, “The Protection of Refugee Children Under the African Human Rights System: Finding Durable Solutions in International Law,” In *Children`s Rights in Africa: A legal perspective*, ed. Julia Sloth-Nielsen (Ashgate Publishing Limited, 2008), 184.

something which the CRC does not provide.<sup>163</sup> Like the CRC, the ACRWC has four principles that they may be thought of as underpinning the entire Charter these includes, rule against non-discrimination,<sup>164</sup> the best interest rule,<sup>165</sup> the right to survival and development<sup>166</sup> and the rule requiring child participation.<sup>167</sup>

In the ACRWC every child within the jurisdiction of the state is protected without discrimination of any kind.<sup>168</sup> Specifically, unaccompanied refugee children are covered by virtue of article 3 and 23 which specifically deals with child refugee whether unaccompanied or accompanied. In this regard article 23(1) reads as follows:

*State Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties.*<sup>169</sup>

Derived from this statement, state parties are not only obliged to ensure and protect the rights set forth in the ACRWC only but also other international human rights and humanitarian instruments which they pledge. In addition unaccompanied refugee children who are in even more desperate situation are provided with special provision. In this regard, the Charter identifies two key responses with respect to unaccompanied children, namely tracing of the parents or other close relatives with a purpose to obtain information necessary for reunification with the family<sup>170</sup> and where this cannot be viable option, the placement of the children in alternative care.<sup>171</sup>

All in all the ACRWC has accorded a wide range of rights to unaccompanied refugee children and obliges member state to ensure and protect the rights set forth in the convention and beyond to which the states are parties without discrimination of any kind.

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<sup>163</sup> *Ibid*

<sup>164</sup> See, ACRWC Article 3

<sup>165</sup> See, ACRWC Article 4

<sup>166</sup> See, ACRWC Article 5

<sup>167</sup> See, ACRWC Article 7

<sup>168</sup> See, ACRWC Article 3

<sup>169</sup> See, ACRWC Article 23(1)

<sup>170</sup> See, ACRWC Article 23(2)

<sup>171</sup> See, ACRWC Article 23(3); 25(2)(b)

### 3.3. UNHCR Guidelines and Policies

The UNHCR has issued numerous policies and guidelines concerning refugees which focus in a number of issues that includes treatment and protection of refugees. These policies constitute a broad body of substantive rules for decisions on the issue of care and placement of the unaccompanied children falling within the agency's jurisdiction. Hence, this part assesses these guidelines and policies briefly.

#### 3.3.1. The 1994 UNHCR Guideline on Protection and Care of Refugee Children

The Guideline covers various issues in relation to protection and care of refugee children in general and unaccompanied refugee children in particular mainly derived from CRC. It states that unaccompanied children require special consideration in the refugee status determination process. While conducting status determination of these children; they should be assigned by representative that fills their interest; the interview should be conducted in a way that does not harm or traumatize the children and children should be informed about the status determination process.<sup>172</sup> In a case where there is no individual status determination each child in the group would automatically receive refugee status.<sup>173</sup> Following this, appropriate care arrangement should be prepared considering the specific realities and interests of the children.<sup>174</sup>

Further, in seeking durable solution (repatriation, local integration in a country of asylum and resettlement into other third state) a careful attention should be paid to the principles of family unity and the best interest of the child.<sup>175</sup> Voluntary repatriation is the most desirable as ideally it allows the refugee to resume a normal life in the home country, and restores cultural and ethnic bonds within that country.<sup>176</sup> However, if voluntary repatriation is not possible, refugees may benefit from assistance towards self-sufficiency and integration into the local community.<sup>177</sup> Lastly resettlement is sought when repatriation and local integration are considered impossible within an acceptable time frame.<sup>178</sup>

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<sup>172</sup> UNHCR, *Refugee Children: Guideline on protection and care*, 98-102.

<sup>173</sup> *Ibid*, 98.

<sup>174</sup> *Ibid*.

<sup>175</sup> *Ibid*, 137.

<sup>176</sup> *Ibid*, 138.

<sup>177</sup> *Ibid*, 144.

<sup>178</sup> *Ibid*, 145.

### **3.3.2. The 1997 UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum**

In 1997 the UNHCR has adopted guideline on policies and procedures in dealing with unaccompanied children seeking asylum. According to the guideline unaccompanied children should not be refused access to territory and authorities at ports of entry should take necessary measure to ensure that the children are identified promptly and on a priority basis.<sup>179</sup> In relation to article 22 of the CRC the guide line state that children should have access to asylum procedures, regardless of their age and they should not be detained.<sup>180</sup> Furthermore, states are advised to prioritize the asylum applications of refugee children due to their vulnerable status and handle those cases prompt and fair and in all cases, the views and wishes of the child should be elicited and considered.<sup>181</sup> Refugee children, due to not being legally independent, should be represented by an adult who would protect his or her interests and who also is familiar with the child's background.<sup>182</sup> Following the refugee status determination process, if the applicants are sought refugee status then an effort to ensure durable solution should be taken in accordance the available option and interest of the child.<sup>183</sup>

### **3.4. National Legal Framework**

As discussed in chapter two Ethiopia has been receiving refugee for a centuries and continues to receive an increased number of refugee up until today. Interestingly, Ethiopia has expressed its desire to be part of the effort of the international community to protect refugees by signing both the UN and OAU Refuge Convention.<sup>184</sup> Domestically the state has adopted a refugee proclamation in 2004 in line with these two instruments to govern refugee related issue. Thus, this part is devoted to discuss the importance of the international instruments (namely UN

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<sup>179</sup> UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children seeking Asylum*(Geneva, UNHCR,1997),1.

<sup>180</sup> *Ibid*, 2.

<sup>181</sup> *Ibid*

<sup>182</sup> *Ibid*

<sup>183</sup> *Ibid*, 3.

<sup>184</sup> Ethiopia has signed to UN Refugee Convention in 10 November 1969 and the state has made reservation to article 8(that obliges states to exempt refugees from measures which may be taken against the person, property or interests of nationals of a foreign state), article 9(that allows states, in time of war or other grave and exceptional circumstances, to take provisional measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the contracting state that the person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security) article,17(2)( that prohibits states to impose restrictive measures that may be imposed on aliens or the employment of aliens for the protection of the national labor market, to refugees) and to article 22(1)( that obliges states to accord to refugee the same treatment as is accorded to nationals with respect to elementary education).

refugee Convention, OAU Refugee Convention, CRC and ACRWC) at domestic level and the refugee proclamation.

### **3.4.1. The Importance of International and Regional Refugee and Human Rights Law in Ethiopia**

As pointed above Ethiopia is a party to the 1951 UN Refugee Convention with its 1967 protocol internationally and 1969 OAU refugee convention at regional level. Moreover the state is a party to other international and regional human rights instrument. Of particular significance in relation to unaccompanied refugee children, the state is a member party to CRC and ACRWC.<sup>185</sup> The fact that Ethiopia has committed itself to these refugee and human rights instrument both at international and regional level demonstrates the wish of the state to assume the shared responsibility of protecting those who are in a risk of persecution on the one hand and to be bound by these instrument on the other. Now the question is what is the relevance of these instruments in domestic level? And are unaccompanied refugee children beneficiaries from the provisions of these instruments?

Unequivocally, the fact that Ethiopia is a member to those international and regional instruments imposes an obligation to respect and protect them. This in turn demands for the state to undertake various measures at national level including domesticating these instruments so that they can be enforced in Ethiopia. In this regard, the 1995 Federal Democratic Republic of Ethiopia (hereinafter, FDRE) constitution provides a legal foundation for the inclusion of international instrument in to domestic law. Article 9(4) of the constitution provides that: “*All international agreements ratified by Ethiopia are an integral part of the law of the land.*”<sup>186</sup> Consequently, this provision adds in all internationally ratified agreements by Ethiopia as part of national law. Thus, as discussed thoroughly in the previous part the UN Refugee Convention, OAU Refugee Convention, ACRWC, and CRC which Ethiopia has ratified contains a provision that applies to unaccompanied refugee children in the same way as to adults( in the refugee law) and more special protection( ACRWC and CRC). Thus, the ratification of these international and regional Conventions by Ethiopia can be invoked as a legal protection to unaccompanied refugee children in Ethiopia (except for those Ethiopia has made reservation).

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<sup>185</sup> Ethiopia ratified, CRC on 14 May 1999, ACRWC on 2 October 2002

<sup>186</sup> See, FDRE Constitution Article 9

Beyond these instruments, as part of its duty to co-operate with UNHCR and to accept its supervisory role, Ethiopia has to take into account UNHCR Executive Committee Conclusions in relation to unaccompanied refugee children dealing over various concerns.<sup>187</sup> The fact that they are soft laws (not legally binding) must not dismiss them as irrelevant but should be regarded as authoritative statements relevant to the protection of the children.

In conclusion, all international human rights instrument ratified by Ethiopia are part of integral law of the land and applicable in Ethiopia. Thus, unaccompanied refugee children are beneficiary from these instruments. Particularly they are beneficiary from the CRC and ACRWC which covers the long list of children rights.

#### **3.4.2. Ethiopia Refugee Proclamation No.409/2004**

Ethiopia has adopted a Refugee Proclamation on July 2004 that specifically deals with refugee issues. As stated in the preamble of the Proclamation the purpose to have such national law is vital for the effective implementation of the UN Refugee Convention and OAU Refugee Convention to which the state is party and establish a legislative and management framework for the reception of refugees, ensure protection and promote durable solutions whenever conditions permit.<sup>188</sup> The Refugee Proclamation incorporated refugee definition from both refugee conventions in verbatim (OAU and UN Refugee convention).<sup>189</sup> Thus, unaccompanied children who seek refuge in Ethiopia can be granted refugee status as their counter adult if they fulfill the broader criteria set under the Refugee Proclamation. In addition, the Refugee Proclamation states a group of persons can be granted refugee status if they met the criteria under article 4(3) of the proclamation without individual status determination.<sup>190</sup> Similarly in this case unaccompanied children can be granted refugee status without individual assessment if they are presumed to qualify the criteria set in the Proclamation.

Like the UN Refugee Convention and OAU Refugee Convention the Refugee Proclamation has included protection against refoulement. According to the provision of the Proclamation;

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<sup>187</sup> See, UN Refugee Convention Article 35; OAU Refugee Convent Article 8

<sup>188</sup> Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia, proclamation No.409/2004, refugee proclamation, page 2660 (Addis Ababa-19<sup>th</sup> July,2004)paragraph,3

<sup>189</sup> See, Refugee Proclamation Article 4

<sup>190</sup> See, Refugee Proclamation Article 19

*No person shall be refused entry into Ethiopia or expelled or returned from Ethiopia to any other country or be subject to any similar measure if as a result of such refusal, expulsion or return or any other measure, such person is compelled to return to or remain in a country where;- he may be subjected to persecution or torture on account of his race, religion, nationality, membership of a particular social group or political opinion: or his life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination of events seriously disturbing public order in part or in whole of the country.*<sup>191</sup>

From this provision it is clear that unaccompanied children who seek refuge in Ethiopia cannot be refused entry into Ethiopia at the territory and expelled or returned to any other country that results persecution once they are in Ethiopia. Instead, the Refugee Proclamation gives a right to refugees to voluntarily repatriate from Ethiopia to their country of nationality or habitual residence in safety and dignity.<sup>192</sup>

A major departure and a step forward of the Refugee Proclamation from the UN Refugee Convention and OAU Refugee Convention is however it made a mention on the protection of refugee children which is non-existence in both instruments. The Refugee Proclamation gives emphasis to protection of vulnerable groups which states; *“The authority shall take measures to ensure the protection of women refugees, refugee children, elderly refugees and handicap who needs special protection”*<sup>193</sup> Therefore, it is clear from this statement refugee children (including unaccompanied children) are given special protection in the Refugee Proclamation than their counter adult refugee because of their vulnerability. It can be argued that refugee children should receive special treatment in every aspects starting from the refugee status determination process, allocation into care arrangements places and until the arrangement of durable solution. This would be more obvious to unaccompanied refugee children who are separated from their parents and primary care giver which are easily exposed to multitude human rights violation than any other children living with their parents. Furthermore, the Refugee Proclamation includes provision to family unity, the family members of both asylum seekers and refugee have the right to enter Ethiopia with a view to reunite with the asylum seekers and refugee.<sup>194</sup>

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<sup>191</sup> See, Refugee Proclamation Article 9

<sup>192</sup> See, Refugee Proclamation Article 23

<sup>193</sup> See, Refugee Proclamation Article 22

<sup>194</sup> See, Refugee Proclamation Article 12

To conclude, the Refugee Proclamation gives same protection to unaccompanied refugee children as to adult refugees. Peculiar from the two refugee convention however it includes provision that gives a special protection to unaccompanied refugee children. Beside this unaccompanied refugee children are recipient from the two refugee conventions and the ACRWC and the CRC and other international human rights instrument which are meant to protect every individual including refugee.

## Chapter Four

### Findings and Analysis

In this chapter data collected from informants through in-depth interview, key informants interview, personal observation and FGD are analyzed and presented pertinent to the objective of the study. The chapter comprehensively discusses issues starting from the reasons of flight of the children in their country of origin until their futurity after they arrive in Ethiopia through the lens of durable solution. To be specific, the chapter discusses the reasons for the departure of unaccompanied refugee children to Ethiopia. The whole journey process until they arrive in Ethiopia with particular focus on the decision to flee, journey arrangement and risks in the journey process before they arrive in Ethiopia. It also discusses the reception situation at the border of Ethiopia and situation of the children in the main reception center *Endabaguna* where every screening is facilitated. Further, it discusses the situation of the children after they are transferred to *Mai-Ayni* refugee camp in general and with particular reference to their living arrangement, guardianship and participation. Finally, the futurity of the children through the lens of durable solution is analyzed.

As it has been discussed in the methodology part, this study is principally a qualitative and is not aimed at generalization rather in providing understanding about the situation of the children. Thus, the data are analyzed qualitatively by presenting stories and life experiences of the children and key informants information.

#### 4.1. Description of the Study Area

*Mai-Ayni* is one of the four refugee camps (namely, *Shimelba*, *Adi-harush* and *Hitsatse*) established in Tigray Regional state to host refugees coming from Eritrea. It was opened in 2008 following the increment of refugees from Eritrea next to *Shimelba* as second refugee camp. The Tigray Regional State covers some 50,086 km across North Western and North Eastern Ethiopia.<sup>195</sup> The camp is located approximately 82 km from Shire town the district administrative of North-Western Tigray, on the way to Western Tigray and around 1382km

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<sup>195</sup> Yonas Bayruau, "Gender-Based Violence Against Female Refugees in Refugee Camps: The case of *Mai-Ayni* Refugee Camp, Northern Ethiopia" (MA Thesis: Addis Ababa University, 2013),31.

from the capital city of Ethiopia, Addis Ababa.<sup>196</sup> It is situated at 1,000m above sea level in patchwork of cleared land and low density dry land forest.<sup>197</sup>

## 4.2. Reasons for leaving Eritrea

Data collected from the children and key informants reveals that unaccompanied refugee children leave their country of origin due to diverse factors. The factors are highly intertwined in which it is complicated to set out a single attribute rather a cumulative of factors. To better understand how the driving forces are highly entwined, here is typical life story of interviewee seventeen years old unaccompanied refugee children in *Mai-Ayni* refugee camp that shows a combined factor for his departure to Ethiopia:

*The reason that forced me to come here is that there is no good situation in Eritrea. No matter whether you are old or young they take you to “Agelgalot”<sup>198</sup> or [national service]. Because of this there was little hope about bright future. It was difficult to continue education because my parents were poor to afford to send me to school. If I missed one day from school to help my parents then I had to pay twenty “Nakfa”<sup>199</sup> and subject to punishment. All of my brother and sisters had already left Eritrea. One of my brothers left before five year escaping national service, next to him my sister and brother before three year. I came before two year and two of my brothers followed. With regard to our situation one of my brothers is in Sudan, the other in Israel, my sister had died in Libya while she attempts to reach Europe. Two of my brothers are here. Our parents are living alone in Eritrea.<sup>200</sup>*

As indicated in the story, the reasons that forced the children to leave Eritrea are attributed to combined factors such as fear of the national service and educational problems. The subsequent part presents the driving force for the departure of the children to leave Eritrea. However, since the factors are interacting and overlapping they should have to be considered together than separately.

### 4.2.1. Fear of the Ongoing Forced Military Conscription

According to the National Service Proclamation No.82/1995 all Eritreans between the age of 18 and 40 have the compulsory duty to perform active national service consisting of six months of military training and 12 months of active military service and development tasks in the military

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<sup>196</sup> *Ibid*

<sup>197</sup> *Ibid*

<sup>198</sup> *Agelglot* is a Tigrinya word which literary means service in the military (national service)

<sup>199</sup> Nakfa, means Eritrean paper Money and 20 ERN is about 1.31 US \$ Dollar

<sup>200</sup> Interview with Unaccompanied Refugee Children (Informant 9, Male, 17), January, 14, 2015.

force for a total of 18 months.<sup>201</sup> Though, the government strictly complied with the requirement of the law at the initial period, this has changed after the border war with Ethiopia.<sup>202</sup> Following the border war with Ethiopia in 1998-2000 conscription for indefinite period was institutionalized in 2002 with the introduction of Warsai-Yikealo Development Campaign (hereinafter, WYDC).<sup>203</sup> The justification for rendering the national service open-ended is the government allegation to the fear of war against Ethiopia is imminent.<sup>204</sup> This has enabled the government to keep tens of thousands of Eritreans in perpetual control and exploitation.<sup>205</sup> Hundreds of thousands of Eritrean youth have been trapped in the national service for several years, some of them for more than fifteen years, and they still do not see any end to this abusive practice.<sup>206</sup> The military discipline is harsh and in many instances army commanders employ excessively abhorrent punishments such as torture and extra-judicial killings.<sup>207</sup> As a result many young people left the state to escape the national service and find sanctuary everywhere else.

Most of interviewee unaccompanied refugee children in *Mai-Ayni* refugee camp have explained that, they flee to Ethiopia because of fear of the national service in the short and long term period or its negative impact on their wellbeing. A social worker of the children explained that the universal and indefinite nature of the national service and the fact that they are observing their older brothers and sisters going to *Sawa* Military Training Camp has triggered the children to leave the country.<sup>208</sup> Virtually they are aware of the forthcoming conscription. The following are the expression of the children in relation to the national service and their reasons for departure:

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<sup>201</sup> United Nations General Assembly, “*Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*,” 6; Gaim Kibreab, “The National Service/Warsai-Yikealo Development Campaign and forced migration in post-independence Eritrea” *Journal of Eastern African Studies* 7:4, 630-649,(2013)p635

<sup>202</sup> Kibreab, “The National Service,” 635.

<sup>203</sup> United Nations General Assembly, “*Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*,” 6.

<sup>204</sup> Kibreab, “The National Service,” 636.

<sup>205</sup> *Ibid*

<sup>206</sup> Daniel R Mekonnen, “Pre-and post-migration patterns of victimization among Eritrean refugees in the Netherlands” in *the Horn of Africa at the Brink of the 21<sup>st</sup> century: coping with fragmentation, isolation and marginalization in a globalizing environment*, ed. Daniel R.Mokonnen and Mussie Tesfagiorgis (2013), 144.

<sup>207</sup> *Ibid*

<sup>208</sup> Interview with Key Informant 3, Social Worker, January, 15, 2015.

*I left Eritrea because when I become eighteen they would take me to the national service.*<sup>209</sup>

*In Eritrea there is little hope about bright future. Everyone is taken to the national service and spent a long time there. There is no opportunity to work and help families. This creates you bleak future, that`s why I decided to come here.*<sup>210</sup>

*I do not want to go to Sawa Military Training Camp because my brother told me that, the condition is so harsh. That`s why I came here to escape from it.*<sup>211</sup>

*My cousin was living with my parents because his parents are dead. He has attempted to cross the border to Ethiopia to escape from the national service. Unfortunately he was unable because he was failed in the hands of Eritrean military personnel and was taken to the national service. After this incident I felt frustrated and uncertain about my future. Then, I had decided to come here to escape from same fate tomorrow that will happen to me.*<sup>212</sup>

Further, an unaccompanied refugee child has expressed that children who are less than eighteen years old are subjected to the national service if they drop out of the school or found psychically fit during round up called “*giffa*”<sup>213</sup> in Tigrigna.<sup>214</sup> He pointed out that “No matter whether you are old or young they take you to “*Agelglot*”. Because of this, there was little hope about bright future then I decided come here”.<sup>215</sup>

On the top of this, the Special Rapporteur Report on situation of human rights in Eritrea reveals that children below the age of 18 are forced into conscription.<sup>216</sup> The report noted that, students of both sex who drop out of school before reaching Grade 12 are likely to receive “an invitation” to sign up for military training through local administration.<sup>217</sup> In addition, Children as young as 15 years old are often picked up during ‘*giffa*’ and sent for military training to *Wi`a*<sup>218</sup> and other places, with no prospect of release because of their young age, even if parents provide documents, such as a birth certificate as a proof that the

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<sup>209</sup> Interview with Unaccompanied Refugee Children (Informant 5, Male, 16), January, 13, 2015.

<sup>210</sup> Interview with Unaccompanied Refugee Children (Informant17, Male, 16), January, 16, 2015.

<sup>211</sup> Interview with Unaccompanied Refugee Children (Informant 13, Female, 17), January, 15, 2015.

<sup>212</sup> Interview with Unaccompanied Refugee Children (Informant 3, Female, 15), 13 January 2015.

<sup>213</sup> *Giffa* is a Tigrigna word which literary refers to rounding up by the local administrators and military personnel to recruit persons considered fit to serve in the national service or caught those escaped from the national service.

<sup>214</sup> Interview with Unaccompanied Refugee Children (Informant10, Male, 16), January, 14, 2015.

<sup>215</sup> *Ibid*

<sup>216</sup> United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*, 8.

<sup>217</sup> *Ibid*, p9

<sup>218</sup> *Wi`a* is a name of other Military Training Center

child is underage.<sup>219</sup> This practice is evidently against the National Service Proclamation article 8 which states the minimum age for national service is 18 years<sup>220</sup> and the Optional Protocol to the CRC on the involvement of children in armed conflict in which Eritrea has acceded and declared the minimum age for the requirement of persons into the armed is eighteen.<sup>221</sup> It is also against ACRWC which obliges member states to ensure that no child is recruited in to armed force.<sup>222</sup>

Unaccompanied refugee children have also fled because of the negative impact of the national service on their wellbeing. Information gathered from key informants and the children reveals that the national service has a negative impact on the educational opportunity and economic situation of the children. The following sub-section considers the negative impact of national service on education and economy that in turn triggers for the departure of the children.

#### **A. Impact of National Service on Education**

The national service has negative effect on educational opportunities of the children. The conscription of children to the military service from being a violation of the rights of the child by itself, it hinders the enjoyment of other rights, such as the right to education. Interviewed key informants and children participated in this study both individually and in the FGD have explained that national service has closed the opportunity to continue education.<sup>223</sup> The hope to continue education in the state is curtailed following the militarization of education in the state. Since 2003 secondary school students spend Grade 12 at the *Sawa* Military Training Camp and upon completion Grade 12 most of the children attend compulsory national service than continuing further education, while a portion of them get admitted into vocational colleges that were created following the closure of Asmera University.<sup>224</sup> And those who do not reach Grade 12 are sent to other training sites, to *Wi`a* and other places, with no prospect of release because

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<sup>219</sup> *Ibid*

<sup>220</sup> Kibreab, "The National Service," 636.

<sup>221</sup> United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*, 9.

<sup>222</sup> See, ACRWC Article 22(2)

<sup>223</sup> Interviewee with Key Informants ; Unaccompanied Refugee Children, January,13-25, 2015

<sup>224</sup> University of Pretoria, "A Plea for the children of Eritrea: Unaccompanied, Separated and Fleeing from militarized society" ( statement by the Center for Human Rights, Faculty of Law, University of Pretoria on the day of the African Child, 16 June 2014)

of their young age.<sup>225</sup> Thus, the children prospect to continue education is hampered. As a result this becomes other triggering factor for the children to leave the state.

In the abusive conscription practice to the national service that directs children and the militarization of secondary school the rights of the child to education is violated. The right of the child to education is recognized both in the CRC<sup>226</sup> and ACRWC<sup>227</sup> in which Eritrea is a party to both human rights instrument.<sup>228</sup> However, Eritrea has failed to implement its promise in the instruments and children are deprived of their rights to education because of the national service. The opportunity to continue education in higher education is disregarded following the closure of the only Asmera University, though member states of the CRC and ACRWC are expected to ‘make higher education accessible to all on the basis of capacity by every appropriate means’.<sup>229</sup>

### **B. Impact of National Service on the Children Economy**

The national service has also negative impact on the children economic situation. The family members of the children cannot engage in gainful work that can help their family members because they serve in the national service for a long period of time or flee the state to escape from it.<sup>230</sup> The productive force of the family members that could generate income for the livelihood of the household are trapped in to the national service that in turn made the children remain without care taker.<sup>231</sup> On the same vein Kibreab has noted that, the national service has deprived many families’ invaluable contributions of their able-bodied members and this has subsequently damaged or diminishes their subsistence base.<sup>232</sup> This in turn, creates dysfunctional society making the children face serious economic problem and flee the state.

To bring to a close, what is visible from the above points is that the national service has a devastating circulating impact. First, it is in the fear of the national service that the children

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<sup>225</sup> United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*,” 9.

<sup>226</sup> See, CRC Article 28

<sup>227</sup> See, ACRWC Article 11

<sup>228</sup> Eritrea has ratified CRC in 1994 and ACRWC in 2000

<sup>229</sup> See, ACRWC Article 11(3); CRC Article 28 (1)

<sup>230</sup> Interview with Key Informant 2, Social Worker, January, 14, 2015.

<sup>231</sup> Interview with Key Informants, January, 14-25, 2015.

<sup>232</sup> Kibreab, “The National Service,” 643.

departure from their country of origin. On the other side, it has a spillover effect on the situation of the children by creating educational and economic problem that escalates the departure of the children. Worth mentioning the conscription of the children in to the national service from being specific violation of the rights of the child, it has an adverse impact on the enjoyment of the whole spectrum of the rights of the child recognized in the ACRWC and CRC. It is against the best interest principle, survival and development, right to education and right to grow up in family environment just to mention a few. Thus, it can be argued that the national service having a multifaceted face is one of the major reasons for the departure of the children.

#### **4.2.2. Economic Problems**

The data collected from both unaccompanied refugee children and key informants in *Mai-Ayni* refugee camp indicates economic problem one of the reasons for the departure of the children. Key informants has explained that the children are crossing alone the border to Ethiopia because of economic problem resulted principally by the political situation in the state.<sup>233</sup> Interviewed Eritrean social worker of the children have pointed out that the children are affected by dire economic situation in their country of origin and are mostly from poor families who lost either of their parents or both.<sup>234</sup> Correspondingly, unaccompanied refugee children express that they departure to Ethiopia because of economic hardship in their country of origin. The following verbatim are examples of unaccompanied refugee children who departed to Ethiopia because of different economic reasons:

*My father had died during the war with Ethiopia. I was living with my mother. She was selling local drink “Siwa” to treat four children, but she was not able to fulfill our interest. I was sometimes going to school without eating bread fast. I did not want see my mother with more burden. Thus, I had left here with my friend next to our door.*<sup>235</sup>

*My parents were divorced, and then my mother takes the responsibility of caring me with my older sister and brother. Until some time it was not hard to survive, but the situation had changed after my mother got sick. Following my mother sickness, my sister takes the responsibility of the house. She was working in cafeteria with less payment that could not afford our interest. We had no enough food to eat, cloth and shoe to wear.*

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<sup>233</sup> Interview with Key Informant's, January, 13-25, 2014.

<sup>234</sup> Interview with Key Informant 4, Social Worker, January, 15, 2015.

<sup>235</sup> Interview with Unaccompanied Refugee Children (Informant 6, Male, 11), January, 13, 2015.

*This creates me stress and anxiety. I had heard there is good situation in Ethiopia. Then, I decided to come here with my four friends.*<sup>236</sup>

As can be seen from the story of the children and key informants economic problem is one of the reasons for the departure of the children. Importantly, as illustrated in the story, the children had lost one of their parents because of death in war and the other because of divorce that may have spillover effect on their economic situation.

Moreover, rooted in the economic problem, unaccompanied refugee children have expressed that they arrive in Ethiopia for educational reasons. Key informants has asserted, unaccompanied refugee children arrive in Ethiopia in search of free education because their parents are poor to help the children continue education and the education system in the state is not suitable because of the political situation in the state.<sup>237</sup> The children expressed that because their parents were poor to afford their yearly school materials they left to Ethiopia. The following are typical examples of unaccompanied refugee children who have left Eritrea because of educational problem:

*I was living with my grandmother. I do not know my father as well as mother they died while I was child. It was my grandmother that cared me while I was there. In the meantime her husband has died. I was asked in the school frequently to pay fee for sport, exercise book and registration. When I asked my grandmother to give me money to school, she did not feel good and sometimes anger at me. Then I decided to come here with my friends.*<sup>238</sup>

*I was living with my grandmother while I was in Eritrea. She was working in grain house to care three children's that were her son and daughter. I was facing serious challenge to pay for education and buy school materials. If I asked her to give me money for school she shocked and feels discomfort. Then this creates to me great stress to ask my grandmother. Then, I had decided to come here with my friends.*<sup>239</sup>

Therefore, it can be asserted from the above points that economic problem is one of the major driving force for the departure of the children. Linked in the economic situation, educational problem is a triggering/immediate factor for the departure of the children to Ethiopia.

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<sup>236</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15), January, 13, 2015.

<sup>237</sup> Interview with Key Informant 8, 9, UNHCR, Child Protection Officer, January, 21, 2015: Key Informant 10, ARRA, Head of *Shire* sub-branch office, January, 25, 2015.

<sup>238</sup> Interview with Unaccompanied Refugee Children (Informant 14, Male, 17), January, 15, 2015.

<sup>239</sup> Interview with Unaccompanied Refugee Children (Informant 11, Male, 14), January, 14, 2015.

### 4.2.3. Family Reunification Abroad

The family is the fundamental group of society and natural environment for the growth and well-being of all its members and particularly children.<sup>240</sup> And children should grow up in a family environment for their full and harmonious development.<sup>241</sup> This is particularly decisive because children by reason of their physical and mental immaturity need special safeguards before as well as after birth.<sup>242</sup> Consequently, protecting and assisting the family is must in order the family to take its responsibility within the community and the children grow up within a family environment. However the basic foundation of society (family) is not protected in Eritrea because of the national service and other human rights violation. As discussed in the foregoing parts, the parents and siblings of the children are forced to serve in the national service for indefinite period of time or fled the state to escape from the national service that consequently deprived the children a family environment-a setting where children can grow up in happiness and love. In the same vein, Kibreab interviewee and his analysis has affirmed that the national service has destroyed the foundation of the family and its open-ended nature with harmful effect has resulted in the migration of many peoples,<sup>243</sup> thereby making children remain without parents.

Both interviewed unaccompanied refugee children and key informants in *Mai-Ayni* refugee camp have set out as there are children who fled Eritrea for the purpose of family reunification. As key informants described, the parents of the children are draft-evaders from the national service or who have fled to escape national service, after they arrive in a safe place then they want to take their children and relatives living in Eritrea to escape from the national service and continue education abroad or the children start the journey by themselves to reach their parents and relatives.<sup>244</sup> From the expression of unaccompanied refugee children and key informants in *Mai-Ayni* refugee camp children coming for the sake of family reunification can be categorized in to two groups. The first groups of children are those who start the journey by the order/decision of parents and relatives who live in Europe or other states. The other categories of children are those who simply start the journey without the knowledge of their relatives in

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<sup>240</sup> See, CRC preamble paragraph 5; ACRWC, Article 18, 19

<sup>241</sup> See, CRC preamble Paragraph 6

<sup>242</sup> See, CRC preamble paragraph 9

<sup>243</sup> Kibreab, "The National Service,"637.

<sup>244</sup> Interview with Key Informant 2, Social Worker, January,14, 2015; Interview with Key Informant 8,9, UNHCR, Child Protection Officer, January , 21,2015 ; Interview with Key Informant 2, Social Worker, January, 14, 2015.

Eritrea or outside of the state but made the journey to reach their parents, sibling and relatives that has fled the state.<sup>245</sup> The life story of female unaccompanied refugee children who has left Eritrea with her little brother for the purpose of family reunification in the order/decision of parents is presented as follow:

*I was living with my uncle in Eritrea because my parents are outside of Eritrea. My father is living in Sudan and my mother in German. I came here because my parents (mother) told me to pass to Ethiopia. Then, I came here with my little brother with a broker to accompany us until the Ethiopian border.*<sup>246</sup>

The story of the children and data collected from the informants signifies family reunification as one factor to leave Eritrea. However, this by itself does not stand alone. This reason should have to be considered along with the other stated factors.

Thus, from the above assertion the deprivation of family environment of the children can be seen from at least two, but not exclusive dimensions. One while children are expected to grow up in family environment as stated in both CRC and ACRWC they are deprived of their family environment because the parents of the children either serve in the national service or have fled the state to escape from. Second, as the national service directs to children, the children becomes part of the refugee flow to escape from it, though their parents may be living in Eritrea. This signifies that, how much the national service has a devastating impact on the wellbeing of the children and to what extent the factors are interlinked each other, national service as a cause to separation of the family and separation of the family as a factor for departure in turn.

#### **4.2.4. Hope of Resettlement**

Hope of resettlement into other states or to use Ethiopia as a path to move into other third state is also another factor that pulls unaccompanied refugee children to leave Eritrea. Interviewed unaccompanied refugee children in *Mai-Ayni* refugee camp, both in the individual interview and FGD have raised hope of resettlement as a driving force to Ethiopia. Their ambition to resettle into other states is escalated due to the economic hardship they faced in their country of origin. The children speak of the dire economic situation in their country of origin and as way out to escape from the economic hardship they decided to leave into Ethiopia in the hope they will be

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<sup>245</sup> Interview with Key Informant 6, Social Worker, January, 17, 2015.

<sup>246</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female, 15), January, 15, 2015.

resettled to other states by UNHCR.<sup>247</sup> They expressed that, they arrive in Ethiopia to help themselves and their destitute families in Eritrea by going to other states such as Europe and United States of America (hereinafter, USA).<sup>248</sup> However, this assertion is not only limited to those who have faced economic problem, but also extends to those who did not face with such problem but arrived in of search of better life.<sup>249</sup> From this it can be easily understood hope of resettlement is not an independent factor, rather a factor allied with the economic aspirations of the children. Economic reason is a root cause and hope of resettlement as triggering/immediate factor.

Apart from the hope of resettlement by UNHCR, there are children who arrived in the camp to use Ethiopia a way out to other states. Particularly, unaccompanied refugee children who have arrived in Ethiopia by the decision of their parents, who finance the journey to Ethiopia and beyond are coming to use Ethiopia as transit.<sup>250</sup> Similarly, there are unaccompanied refugee children without the support of their relatives arriving into Ethiopia with the same aim by communicating with their friends.<sup>251</sup> Therefore, this study reveals unaccompanied refugee children are arriving into Ethiopia in the hope of resettlement or to use Ethiopia as a transit to other states.

#### **4.2.5. Peer Pressure**

Unaccompanied refugee children have also fled to Ethiopia because of peer pressure. Key informants of this study have noted that as there are children who move to Ethiopia because they see their friends fleeing.<sup>252</sup> In line with this, during the interview process unaccompanied refugee children have elucidated that, they come to Ethiopia because they see their friend, sibling and other relatives coming to Ethiopia.<sup>253</sup> Particularly the peer pressure is more prevalent in areas where many unaccompanied children flow around Ethiopian border such as *Tserona*, *Mendefera*, and *Senafe* and this is more apparent to children who are less than 13 years.<sup>254</sup> Unaccompanied refugee children often speak as they made the decision with their

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<sup>247</sup> Interview with Unaccompanied Refugee Children, January, 13-17, 2015; Interviewee with Key Informant`s, January, 13-25, 2015.

<sup>248</sup> FGD, with Unaccompanied Refugee Children, January, 17, 2015.

<sup>249</sup> Interview with Key Informant`s, January, 13-25, 2015.

<sup>250</sup> *Ibid*

<sup>251</sup> *Ibid*

<sup>252</sup> Interview with Key Informant`s, January, 14-25, 2015.

<sup>253</sup> Interview with Unaccompanied Refugee Children`s, January, 13-17, 2015.

<sup>254</sup> Interview with Key Informant 3, Social Worker, January, 17, 2015.

friends to leave to Ethiopia in school and while they were in animal keeping. The researcher has got information that, some children who turned back to Eritrea after they stay in Ethiopia and return back to Ethiopia again with other new children from their surroundings.<sup>255</sup> The following are some verbatim of the children who have left Eritrea because of peer pressure:

*Many of our friends from our village had left to Ethiopia. We speak together in the village about this. Then we decided to come together here.*<sup>256</sup>

*I came to Ethiopia because I see my friends were coming.*<sup>257</sup>

*I simply come with my friends to Ethiopia, while I was returning to home from school.*<sup>258</sup>

However, it should not be understood in the sense that all unaccompanied refugee children who arrived in Ethiopia on the reason of peer pressure did not face any problem at all while they were in Eritrea. Unaccompanied refugee children has explained that, they face a serious problems including educational and economical problems, but after they see their friends moving to Ethiopia or has persuaded by their friends then they decide to leave Eritrea.<sup>259</sup> Thus, this study signifies unaccompanied refugee children have also arrived in Ethiopia because of peer pressure.

In sum, the preceding stated reasons for the departure of children to Ethiopia is overtly discussed both by the children and key informants, but the social workers of the children goes on to include other factors. A female social worker of the children explained that, female children leave Eritrea because of forced child marriage.<sup>260</sup> In addition one social worker of the children states unaccompanied refugee children leave Eritrea to flee direct attack or persecution. He shared one case as “there is a case of one child that I know, his father was colonel and killed a person in the army. As a result the family of the person attempts to revenge his family (colonel, family) in Asmera. The children were attempted many times and to escape from the attack he left Eritrea.”<sup>261</sup> Thus, from the preceding discussions it is safe to conclude that unaccompanied refugee children have left Eritrea because of multiple and inter-acting factors.

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<sup>255</sup> Interview with Unaccompanied Refugee Children`s, January, 13-17, 2015.

<sup>256</sup> Interview with Unaccompanied Refugee Children (Informant 20, Female, 14), January, 16, 2015.

<sup>257</sup> Interview with Unaccompanied Refugee Children (Informant 18, Female, 14), January, 16, 2015.

<sup>258</sup> Interview with Unaccompanied Refugee Children (Informant 15, Male 17), January, 15, 2015.

<sup>259</sup> Interview with Unaccompanied Refugee Children`s, January, 13-17, 2015.

<sup>260</sup> Interview with Key Informant 5, Social Worker, January, 16, 2015.

<sup>261</sup> Interview with Key Informant 1, Social Worker, January, 14, 2015.

### 4.3. The Journey Process to Ethiopia

Within this section the journey process to Ethiopia is discussed. It considers journey process starting from the flight until the children are transferred to *Mai-Ayni* refugee camp. It discusses the decision to leave Eritrea, journey arrangement, challenges along the escaping routes from Eritrea and the situation after they cross the border to Ethiopia until they are transferred to the main reception center *Endabaguna*. Further, it discusses the registration, refugee status determination process and situation of the children in *Endabaguna*.

#### 4.3.1. Decision Making to Leave Eritrea

As noted in the literature part the migration of unaccompanied children takes many forms as adult migration, and the role that children play themselves in their migrations are as varied as those played by their counter adults. Children may play different roles in their decision to migrate.

The result of this study shows this variation, there are unaccompanied refugee children in *Mai-Ayni* refugee camp that made the decision by themselves and others by parents. As key informants has noted most of the unaccompanied refugee children found in the camp came from areas around the Ethiopian border such as *Tserona*, *Mendefera* and *Senafe*.<sup>262</sup> The decision is solely made by the children themselves without the knowledge of their parents, though they may communicate with their friends.<sup>263</sup> At the same time there are children that arrived in Ethiopia by the decision of their parents, with parents arranging the journey to Ethiopia by paying substantial money.<sup>264</sup> This is validated by the same expression of the unaccompanied refugee children. While asked to respond to the question, who made the decision to leave Eritrea into Ethiopia most of the interviewee replied by themselves. The following are few examples of unaccompanied refugee children who made the decision to leave Eritrea by themselves, in consultation with their friends:

*I had decided it with my two neighbor friends without the knowledge of my parents.*<sup>265</sup>

*I made the decision myself with my friends who were my neighbors.*<sup>266</sup>

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<sup>262</sup> Interview with Key Informant's, January, 13-25, 2015.

<sup>263</sup> *Ibid*

<sup>264</sup> *Ibid*

<sup>265</sup> Interview with Unaccompanied Refugee Children (Informant 2, Female, 16), January, 13, 2015.

*As I told you it was with my friends that I decided to come here without informing my parents.*<sup>267</sup>

Although the majority of interviewees have made the decision to migrate to Ethiopia by communicating with their friends, there are unaccompanied refugee children who made the decision by themselves without having discussion with any one and started the journey alone. The words of the children in this regard:

*I had decided to come here by myself when I see many people coming. I do not know my father. I was living with my mother if I told here as I had planned to leave to Ethiopia she would not allow me, since she needs my support.*<sup>268</sup>

*I had made the decision myself without informing any person since I was shocked and frustrated to what happened to my cousin son. My cousin son has attempted to cross the border to Ethiopia to escape from the national service but failed in the hands of Eritrean military personnel and taken to national service. After there all happened, I feel frustrated and uncertain about my future. Then, I have decided to come here to escape from same fate tomorrow that will happen to me.*<sup>269</sup>

*I had decide to come here myself without communicating with my mother. My mother did not know about all this things, I know if I told her she would not allow me to come here.*<sup>270</sup>

Moreover, this study has found unaccompanied refugee children in *Mai-Ayni* refugee camp who leaved to Ethiopia by the decision of their parents. In most situations these children arrive to Ethiopia for the sake of family reunification who resides in Europe and other states. The parents/relatives in Eritrea and outside the state made the decision together, with the former role to facilitate the means and ways of transportation by finding a person that accompany the children to Ethiopia and the later to cover the cost of the journey. The migration of these categories of children does not end in Ethiopia since its desire is to reach their relatives in Europe or other state. The decision to leave Eritrea also varies by the place from which parts of Eritrea did the children came. While unaccompanied refugee children around the Ethiopian border in most situations arrive on their own sole decision. But, those coming from the center of Eritrea do arrive by the decision of their parents. However, this assertion is not absolute since there are unaccompanied refugee children that arrived by the decision of their parents from

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<sup>266</sup> Interview with Unaccompanied Refugee Children (Informant 10, Male, 16), January, 14, 2015.

<sup>267</sup> Interview with Unaccompanied Refugee Children (Informant 11, Male, 14), January, 14, 2015.

<sup>268</sup> Interview with Unaccompanied Refugee Children (Informant 5, Female, 16), January, 13, 2015.

<sup>269</sup> Interview with Informant 3 Female, 13 January, 2015

<sup>270</sup> Interview with Unaccompanied Refugee Children (Informant 1, Female, 15), January, 13, 2015.

areas around the border and other by their decision from the center. Here, are typical examples of female unaccompanied refugee children story that arrived in Ethiopia on the decision of their parents:

*It was not we, that decided to come here but our uncle in Eritrea with our mother in Germany and father in Sudan. They had made the decision and told us to travel here with a person that accompanies us until the border. Thus, I and my little brother have come here.*<sup>271</sup>

*The decision to leave Eritrea was made by my parents since we all were coming here. Unfortunately my parents were not able to cross the border because they were caught by Eritrean military force at the border.*<sup>272</sup>

To conclude, the findings of this study reveal that the decision to leave Eritrea takes various forms. While the majority of the interviewee unaccompanied refugee children arrived in Ethiopia solely by their decision. Others arrived by the decision of their parents/ relatives. Worth discussing here, the decision to leave Eritrea to Ethiopia vis-à-vis the driving forces reflects different realities. Those coming for the sake of family reunification in most situations arrive on the decision of their parents. However, this should not be misunderstood in the sense that they are not affected by other factors such as the national service. The parents/relatives living abroad facilitate the departure of the children from Eritrea for educational opportunities and escape from national service. Those coming by their decision are affected by fear of national service and its negative effect, economic problem and other stated factors. Importantly, the decision to migrate to Ethiopia is also influenced by the geographical areas from where parts of Eritrea the children come from. Those coming from areas around the Ethiopian border are mostly coming by their decision and peer pressure appears more visible. Migration to Ethiopia is also more pervasive in areas around the border. However, children that come from the center of Eritrea arrive in the decision of their parents, though this assertion is not without exception.

#### **4.3.2. Journey Arrangement**

The journey arrangement here addresses issues mainly how unaccompanied refugee children in *Mai-Ayni* refugee camp have arrived in Ethiopia. In general the journey arrangement to reach destination state is organized in different ways and includes land, air and sea. In our case unaccompanied refugee children made their journey by land. However, there are variations

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<sup>271</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female15), January, 15, 2015.

<sup>272</sup> Interview with Unaccompanied Refugee Children (Informant 8, Female, 16), January, 14, 2015.

within this category. The variation is mainly resulted because of the geographical area from which parts of Eritrea the children come from.

Unaccompanied refugee children around the Ethiopian border had made the journey to Ethiopia on foot. While most of the children arranged their journey with their friends, others travelled alone without the accompaniment of adult and even children. The following are few examples of unaccompanied refugee children in *Mai-Ayni* refugee camp who arranged the journey to Ethiopia with their friends:

*I came with two my friends aged eleven. They were my neighbors and we had traveled on foot.*<sup>273</sup>

*I came here with two friends from the same places. The journey was on foot and it took us the whole day.*<sup>274</sup>

*I came here with two of my friends on foot. Since our home is near to Ethiopia we able to cross the border close to evening 5:30 PM after two hour of journey.*<sup>275</sup>

On the other side, children that arrive from the center of Eritrea used bus transportation until towns around the Ethiopian border. In most circumstances unaccompanied refugee children that came from these areas pay substantial money to brokers/smugglers that accompany the children to Ethiopia.<sup>276</sup> The brokers/smugglers arrange the means and ways of transportation and have the experience of transporting children.<sup>277</sup> Similarly, the children have noted that, as there are unaccompanied refugee children that arrived with such journey arrangement.<sup>278</sup> The researcher has got female unaccompanied refugee children who have arrived in Ethiopia with the accompaniment of a broker by paying substantial money. The following is the story of the children that reflects the journey arrangement:

*My mother in German has told my uncle to send us to Ethiopia and she sends money for the transportation. Then, my uncle contacted with a person that transports Eritreans to Ethiopia she has paid 200,000 Eritrean Nakfa (100,000 each)<sup>279</sup> to go together with us until the border. Then, we had started the journey it was by bus until we reach in town around the border. Then, we continued the journey in foot since it was day we meet Eritrean militia and he asked us to where we going. Then the person with us told him as*

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<sup>273</sup> Interview with Unaccompanied Refugee Children (Informant 1, Female, 15), January, 13, 2015.

<sup>274</sup> Interview with Unaccompanied Refugee Children (Informant 2, Female, 16), January, 13, 2015.

<sup>275</sup> Interview with Unaccompanied Refugee Children (Informant 5 Male, 16), January, 13, 2015.

<sup>276</sup> Interview with Key Informant's 1, 2, 3, Social Workers, January, 14, 14, 15, 2015.

<sup>277</sup> *Ibid*

<sup>278</sup> FGD, With Unaccompanied Refugee Children, January, 17, 2015

<sup>279</sup> 100,000 Eritrean Nakfa is about 6545 USA \$(dollar)

*we were going to harvest to the farm. Consequently we had stopped the journey and hide the day ourselves in forests until it gets dark. Then, after it gets dark we had started the journey, it was not totally dark since there was moon. We reached at the end of Eritrean border and we slept there until morning. Then, the broker showed us the direction how to reach Ethiopia and he turn back to Eritrea. Then I and my brother continued the journey.*<sup>280</sup>

As it is reflected in the story of the children and pointed above unaccompanied refugee children arrives in Ethiopia by the help of brokers/smugglers.

Regarding the time arrangement the stories above and data collected from informants reflects that it is made during day and night time. The children made their journey during night time to escape from the Eritrean military force. But, those who made in the day time have to hide themselves from the military personnel as well as communities since this may be reported to the militias or military personnel that consequently result imprisonment and punishment.<sup>281</sup>

To conclude, the journey to Ethiopia by unaccompanied refugee children is arranged in different ways. While most of the children arrived in Ethiopia on foot and made the journey with their friends others fled alone without the accompaniment of adult and even friends. Moreover, others have used the service of brokers/ smugglers by paying substantial money and parents/relatives play a greater role in the decision of the children to migrate by arranging the journey and paying the required money for transportation. With regard to time of transportation it is made during day and night time despite the loaded risks in both time arrangements.

#### **4.3.3. Challenges/ Risks in the Journey Process**

The migration process to hosting states evokes serious risks. This is worst to children because of their inabilities to resist hardships. As discussed in the preceding parts, most of unaccompanied refugee children came from areas around the Ethiopian border so the journey takes hours, to the maximum whole day. However, crossing the border to Ethiopia was not simple, the children have expressed about the tricky of the journey. Their journey to Ethiopia is more complicated because the Eritrean borders are heavily guarded by the border surveillance unit which operates on a strict “shoot-to-kill” policy on those who flee the state.<sup>282</sup> Since, children are not exempted

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<sup>280</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female, 15), January, 15, 2015.

<sup>281</sup> Interview with Unaccompanied Refugee Children`s, January13-17, 2015.

<sup>282</sup> Kibreab, “The National Service,” 636. United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*, 9.

from such measures, to escape from the military personnel the children made a challenging journey to reach Ethiopia during day and night time.<sup>283</sup> The children travel a long journey either to escape from the location of the Eritrean military personnel or have little knowledge about the shortest way to Ethiopia.<sup>284</sup>

The challenge experienced by unaccompanied refugee children in crossing the border varies with their knowledge about the passageway. While some did face with a lot of challenges, others had managed to cross the border easily because of their proximity to the border and prior knowledge of the passageway. However, both those who had the knowledge of the passageway and those who did not have, had faced with terrible challenges, though it can be lessen to those who had the knowledge about the passageway. The following is the experiences of the unaccompanied refugee children who had a prior knowledge about the passageway and from around the Ethio-Eritrean border who had able to cross the border easily:

*Since we had information about the place where the Eritrean military personnel were, we easily managed to escape. However, we were full of fear, starvation and tiredness while in the journey.*<sup>285</sup>

*It took short time to enter in to Ethiopia because our home is near to Ethiopia border a place called "Tserona". However, it was challenging because of fear of the Eritrean military personnel. We were hiding in the bushes, trees, hills and rivers from the soldiers and any person around.*<sup>286</sup>

*We know the place where the Eritrean military personal were. Then we managed to cross the border by hiding ourselves in stones and rivers.*<sup>287</sup>

Though, the children have a prior knowledge about the passageway as illustrated in the story they are not exempted from challenges because of the strict border control of the Eritrean government. They have made the journey by hiding themselves in trees, hills and rivers to escape from the military personnel and had faced with tiredness and starvation while they were in journey.

On the other side, children without knowledge about the passageways had travelled a long journey that exposed them to a multitude of challenges. The children have expressed they fear

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<sup>283</sup> Interview with Key Informants1, Social Worker, January, 14, 2015; Unaccompanied Refugee Children`s, 13-17 January13-17, 2015.

<sup>284</sup> Interview with Key Informant 10, ARRA, Head of *Shire* Sub-branch office, January 25, 2015

<sup>285</sup> Interview with Unaccompanied Refugee Children (Informant1, Female, 15), January, 13, 2015.

<sup>286</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15), January, 13, 2015.

<sup>287</sup> Interview with Unaccompanied Refugee Children (Informant 14, Male, 17), January, 15, 2015.

the Eritrean military personnel and made a long journey to hide themselves from the soldiers. In this regard the children have shared their story as follows:

*I have traveled the whole day in foot, and then I was so tired, starved and in total fear of the Eritrean soldiers. When I see Eritrean soldiers I was hiding myself in trees, stones, and rivers. That`s why the journey took a long hour.*<sup>288</sup>

*It was difficult to cross the border because of the Eritrean military force. If they caught us they will take us to the prison and our parents will be punished.*<sup>289</sup>

*Though we had carried food to eat, we did not eat it, because of high fear and threats of the Eritrean soldiers. While we were in the journey we were starved and tired with a long journey on foot to escape the location of the military personnel.*<sup>290</sup>

Making the situation even worst, some unaccompanied refugee children had made their journey to Ethiopia during night time to escape the Eritrean military personnel. These children were exposed to different challenges that includes long journey without knowing the passageway because of the darkness. A social worker of the children have pointed that, children arriving with such journey arrangement are affected with psychological disorder and trauma after they arrive in the camp.<sup>291</sup> Unaccompanied refugee children have shared their journey story during night time and its risks as follows:

*The journey was challenging since we had travelled at night. We did not know the way that took us to Ethiopia and it was hard because of the darkness.*<sup>292</sup>

*Since the journey was during night it was difficult to identify the shortest way to reach Ethiopia. We had travelled the whole night. And we had arrived close to morning.*<sup>293</sup>

*I had traveled with two my friends during night. One of our friends turns back to Eritrea because he feared. The journey was tricky because there was rainfall and it was dark at the same time. As a result of the rainfall there was flood in Mereb River and our attempt to cross the river was thorny and the flood has moved us for a while and takes our clothes but we swim and able to escape from death. It was challenging, we feared the Eritrean soldiers and it was hard also to identify the shortest way to Ethiopia since it was dark.*<sup>294</sup>

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<sup>288</sup> Interview with Unaccompanied Refugee Children (Informant 3, Female, 15), January, 13, 2015.

<sup>289</sup> Interview with Unaccompanied Refugee Children (Informant 5, Male, 16), January, 13, 2015.

<sup>290</sup> Interview with Unaccompanied Refugee Children (Informant 1, Female, 15), January, 13, 2015.

<sup>291</sup> Interview with Key Informant 2, Social Worker, January, 14, 2015.

<sup>292</sup> Interview with Unaccompanied Refugee Children (Informant 9, Female, 17), January, 14, 2015.

<sup>293</sup> Interview with Unaccompanied Refugee Children (Informant 10, Male, 16), January, 14, 2015.

<sup>294</sup> Interview with Unaccompanied Refugee Children (Informant 11, Male, 14), January, 14, 2015.

*The journey was problematic since we made it during night and if we failed in the hands of Eritrean military personnel, think what would happen....imprisonment and punishment.*<sup>295</sup>

Furthermore, another social worker points that children that came during night time facing with wild animals such as hyena are affected by bedwetting and nightmare after they arrive in the refugee camp.<sup>296</sup>

In most of the experiences of unaccompanied refugee children as illustrated above, the children are faced with starvation, tiredness, long journey and frustration, despite the proximity of Eritrea to Ethiopia and the fact that most of the children are fled from places around the border. This is principally resulted by the strict border control of the Eritrean soldiers and the subsequent cruel measures such as imprisonment and punishment to the extent of shooting to those failed to surrender.<sup>297</sup> To escape from this measure the children have to find a safe and long journey that in turn exposes them to various challenges as stated above. As one key informant has noted most of the children arrived in Ethiopia starved, tired, without cloth and shoe.<sup>298</sup> One would shock when observes the psychical maturity and age of the children and the challenges they experienced. There are children as old as nine years (this in average, but there are less than nine) that has passed all this trajectories. Therefore, it is safe to conclude unaccompanied refugee children have experienced a horrifying challenge in escaping Eritrea because of the strict control of the border by the military force.

#### **4.3.4. Attempt to Enter to Ethiopia and Situation After Crossing the Border**

Gaining access to the territory of hosting state is a necessary precondition to claim refugee status. From the perspective of refugee law as discussed in the foregoing legal analysis part a person who seeks refuge must not be rejected at the frontiers of the state, or penalized for illegal entry and be subjected to return or expulsion to a territory where his/her freedom would be threatened after entered in the state.<sup>299</sup> Unaccompanied refugee children in *Mai-Ayni* refugee camp has expressed that, they did not face any problem while entering into Ethiopia after they safely crossed the Eritrean land. Rather on reverse, they have expressed about the difficulty in

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<sup>295</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female, 15), January, 15, 2015.

<sup>296</sup> Interview with Key informant 4, Social Worker, 15 January 2015

<sup>297</sup> Interview with Key Informant 1, Social Worker, January, 14, 2015.

<sup>298</sup> Interview with Key Informant 10, ARRA, Head of *Shire* sub-branch office, January, 25, 2015

<sup>299</sup> See, UN Refugee Convention, Article 33,31; OAU Refugee Convention, Article 2; Ethiopian Refugee Proclamation, Article 9

crossing the Eritrean land because of the strong military surveillance on Eritrean part. As a key informant has noted “thanks to the Ethiopian government, there is no strict border control and the border is open to refugee”.<sup>300</sup> Similarly other key informant has noted the border is open to refugee coming from Eritrea and there are multiple entry points where unaccompanied refugee children arrive to Ethiopia according to their place of residence in Eritrea.<sup>301</sup> Corresponding to this, the consecutive reports of UNHCR has praised the Ethiopian government for its open door policy to receive refugee in every corner of the country. Thus, it can be safely concluded that Ethiopia is acting according to the legal requirement to which it has pledged both at the international, regional and national level.

Unaccompanied refugee children articulated that, after they crossed the border safely to Ethiopia land despite the heavy risks along the escaping routs they both meet with communities around the border or the Ethiopian soldiers and then transferred to the sub-reception centers found around the border.<sup>302</sup> Likewise key informant said “at initial stages the children’s are collected to the sub-reception center in cooperation with the communities and police from every district where they arrive”.<sup>303</sup> They stay in the sub-reception for at least one to three days, while there they are provided with food, water and shelter.<sup>304</sup> After they are collected in the sub-reception centers found around the border they are transferred to the main reception center *Endabaguna*.<sup>305</sup>

All of the interviewee unaccompanied refugee children has expressed about good reception and hospitable situation while they meet the communities and soldiers after they arrive in Ethiopia. They explained that, they get basic assistance after they meet the communities and the soldiers such as food, water and those arriving during night spent their first night with either of them.<sup>306</sup> The children have expressed passionately about the hospitality of the Ethiopian communities while they arrive in Ethiopia. The following verbatim of the children shows the reception situation of the children after they met the communities around the border and their journey process to the main reception center *Endabaguna*:

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<sup>300</sup> Interview with Key Informant 9, UNHCR, Child Protection Officer, January 21, 2015.

<sup>301</sup> Interview with Key Informant 10, ARRA, Head of *Shire* Sub-branch office, January 25, 2015

<sup>302</sup> Interview with Unaccompanied Refugee Children’s, January, 13-17, 2015.

<sup>303</sup> Interview with Key Informant 10, ARRA, Head of *Shire*-Sub Branch Office, 25 January 2015

<sup>304</sup> *Ibid*

<sup>305</sup> *Ibid*

<sup>306</sup> Interview with Unaccompanied Refugee Children’s, January, 13-17, 2015.

*After we had managed crossing the border safely we found a shepherd child and he took us to his mother. Since we were starved she provides us food and water and waited there until her husband came. Then, the husband of the women came close to evening and took us to soldiers. After we had spent the first night with the soldiers they told us whether we want back home or not. Three of my friends had cried and turn to Eritrea but I decided not turn back. Then the soldiers transferred me to Gerhu Sirnay (name of place). I have spent the second night in Gerhu Sirnay and in the third day I came to Endabaguna.<sup>307</sup>*

*While I arrived in Ethiopia I first meet the community. The farmer I meet foremost provides me food, water and treated me very well. Then, the man took me to Rama (name of town) police station and after one day I had transferred to Endabaguna.<sup>308</sup>*

*While we arrived in Ethiopia we had meet Ethiopian farmer harvesting in the farm. We told him as we were Eritreans. Then, he told us he would take us to the town and gave us food (Enjera), local drink (Siwa) and had rest with him. Then, the man transferred us to Chila (name of town) then traveled by bus to Endabaguna.<sup>309</sup>*

As illustrated in the experiences, all of the children have expressed about the hospitality made by the communities around the border starting from providing basic assistance such as food and water to transferring to the police station. Importantly, the fact that the children shares same language, culture and off course blood tie play a great role to easily communicate with the communities.

Likewise, unaccompanied refugee children who first contact with the Ethiopian soldiers have expressed similar hospitality. The following is the verbatim of the unaccompanied refugee children that shows the hospitalities made by the soldiers starting from providing basic assistance to transferring to the sub-reception center:

*After we cross the border we meet the Ethiopian soldiers. Then they took us to their sleeping rooms. They had provided us bread and water. We had spent the first night with the soldiers. In the morning, they took us to Rama (name of town) and then we had stayed in Rama for three days. Finally we traveled to Endabaguna.<sup>310</sup>*

*While we arrived in Ethiopia in the morning, we had first contacted the Ethiopian soldiers. Then the soldiers transferred us to Adigrat (name of town), after that they took us to Dibdbo (name of town) and then to Endabaguna.<sup>311</sup>*

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<sup>307</sup> Interview with Unaccompanied Refugee Children`s (Informant 4, Female, 15) January, 13, 2015.

<sup>308</sup> Interview with Unaccompanied Refugee Children (Informant 8, Female, 16), January, 14, 2015.

<sup>309</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female, 15), January, 15, 2015.

<sup>310</sup> Interview with Unaccompanied Refugee Children (Informant 11, Male, 14), January, 14, 2015.

<sup>311</sup> Interview with Unaccompanied Refugee Children (Informant 10, Male, 16), January, 14, 2015.

*I had met Ethiopian militia, after I crossed the border. Then he transferred me to the soldier and the soldiers to Adigrat town. From Adigrat they brought me to Endabaguna. While I was in all this movement they had provided me with food and water.*<sup>312</sup>

In conclusion, from the above points it can be argued that the initial reception situation to unaccompanied refugee children is good that should be emulated in other similar settings. On the one part the government has adopted an open door policy towards refugee which allows unaccompanied children to easily enter to Ethiopia without any rejection and refusal on the territory. The government has also arranged sub-reception center at the border to accommodate these children. On the other side the hospitality of the communities and soldiers around the border to assist the children by providing basic assistance as well as their collaboration to transfer the children to the sub-reception centers is appreciated and a practice that should be upgraded.

#### **4.3.5. Refugee Status Determination, Registration and Situation at *Endabaguna* Main Reception Center**

Every refugee including unaccompanied children arriving in Ethiopia via different direction of Tigray regional state are transferred to the main reception center a place called *Endabaguna* after they are collected in the sub-reception centers. In this main reception center verification, registration and refugee status determination process are facilitated to unaccompanied refugee children and other adult refugees.<sup>313</sup> Refugee status determination process can take two forms at individual and group levels. In this regard the Ethiopian refugee proclamation states a group of persons can be granted refugee status if they qualify the criteria under article 4(3) of the proclamation without individual status determination process.<sup>314</sup> In line with this provision, every Eritrean refugee including unaccompanied children is given the status in group or at *prima facie* level but they are registered individually.<sup>315</sup> Since every refugee is recognized at *prima facie* level, unaccompanied refugee children have expressed any difficulty with regard to the status determination process. They have received automatically the status as every refugee without individual status determination process. Corresponding to this, the UNHCR has continuously appreciated the Ethiopian government for hosting large number of refugees, for

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<sup>312</sup> Interview with Unaccompanied Refugee Children (Informant 3, Female, 15), January, 13, 2015.

<sup>313</sup> Interview with Key Informant 10, ARRA, Head of *Shire* Sub-branch Office, January, 25, 2015.

<sup>314</sup> See, Ethiopian Refugee proclamation, Article 19

<sup>315</sup> Interview with Key Informant 10, ARRA, Head of *Shire* Sub-branch office, January 25, 2015; Interview with Key Informant 8, 9, UNHCR, Child Protection Officers, January, 21, 2015.

keeping its borders open for those in need of international protection and for respecting the principle of *non-refoulement*.<sup>316</sup>

In *Endabaguna* main reception centers verification and registration of biography of unaccompanied refugee children is conducted. There is one day assigned to underage children, where every registration and cases of the children is heard. As a measure of short term solution unaccompanied children who have relatives in any of the Ethiopian refugee camps are placed with their relatives only if the child has interest and the care taker express here/his willingness.<sup>317</sup>

In most situations unaccompanied refugee children stay in *Endabaguna* main reception center for about two to three month in average. As key informants has expressed unaccompanied refugee children are placed in appropriate place and they are delivered with basic assistance such as food, water, soap, cloth and psycho-social support in the reception center.<sup>318</sup> Then, after they are registered and an arrangement is made the children will be transferred to refugee camps.<sup>319</sup> During their stay in the reception center interviewee unaccompanied refugee children in *Mai-Ayni* refugee camp have expressed diverse views. While some have expressed about the good care and reception system in *Endabaguna* reception center most of them have openly expressed about the low qualities of the services and long stay in the reception center, though they did not denied the existence of services. To start with the children that has expressed about the good situation in the reception center. The children articulated they get basic assistance of services like food, cloth, soap, and psycho-social support. The following are the verbatim of the children that shows their time of stay and situation in the reception center:

*I had stayed at Endabaguna reception center for about three months and three weeks. There was good treatment beyond my expectation; there was food, water, soap, cloth, as well as psycho-social support.*<sup>320</sup>

*During my stay in Endabaguna reception center they gave me food, water, shoe, cloth, soap and psychological treatment.*<sup>321</sup>

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<sup>316</sup> See, consecutive reports of UNHCR about Ethiopia

<sup>317</sup> Interview with Key Informants, January, 14-25, 2015.

<sup>318</sup> Interview with Key Informant 10, ARRA, Head of Shire Sub-branch office, January 25, 2015

<sup>319</sup> Ibid

<sup>320</sup> Interview with Unaccompanied Refugee Children (Informant1, Female, 15), January, 13, 2015.

<sup>321</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15), January, 13, 2015.

*I had stayed for about three months in the camp. Then everything was good. They have provided us with services like food, cloth and soap.*<sup>322</sup>

*I had stayed in the reception center for about two weeks and life was good there.*<sup>323</sup>

Divergent to above view however, most of the interviewee unaccompanied refugee children have expressed about the inadequacies and low qualities of services in the reception center. Like the above children they have affirmed the existence of services but on the adequacies and qualities of service they provide different idea. The following verbatim are the expressions of the children in relation to their time of stay in the reception center and inadequacies of facilities:

*While I was in the reception center there was shortage of food, cloth, soap and blanket. They offered us a single soap to two male children and one to one female for a month. Even, the blanket and sleeping room was not good. It was small compound area that you could not move to anywhere.*<sup>324</sup>

*The situation in Endabaguna was a little bit difficult. In fact there was food, water, and soap but the quality was very low. We were spending the whole day in houses without movement. They had provided us single soap to two persons and the stew was very difficult to eat it since it was not testy.*<sup>325</sup>

*There was not entertainment, the sleeping and the blankets were not clean, the food and any other facilities was not enough good.*<sup>326</sup>

*The food we get in the reception center was not enough and one soap for two male for a month.*<sup>327</sup>

Thus, from the above expression of the children it can be said that despite the existence of basic facilities there were some problems associated with the qualities and adequacies.

Moreover, unaccompanied refugee children have asserted that, following their long stay in the reception center in small compound, shortage of facilities and longing of parents has lead them to hate the situation in the main reception center.<sup>328</sup> Similar to this key informant has noted these as a major problem to the children in the reception center.<sup>329</sup> Following this the children disappears from the reception center to turn back Eritrea and sometimes to the refugee camps.<sup>330</sup>

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<sup>322</sup> Interview with Unaccompanied Refugee Children (Informant 3, Female, 15), January, 13, 2015.

<sup>323</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female, 15), January 15, 2015.

<sup>324</sup> Interview with Unaccompanied Refugee Children (Informant 5, Male, 16), January 13, 2015.

<sup>325</sup> Interview with Unaccompanied Refugee Children (Informant 11, Male, 14), January, 14, 2015.

<sup>326</sup> Interview with Unaccompanied Refugee Children (Informant 14, Male, 17), January, 15, 2015.

<sup>327</sup> Interview with Unaccompanied Refugee Children (Informant 10, Male, 16), January, 14, 2015.

<sup>328</sup> Interview with Unaccompanied Refugee Children's, January, 13-17, 2015.

<sup>329</sup> Interview with Key Informant 1, 2, Social Worker, January, 14, 2015.

<sup>330</sup> *Ibid*

The following elongated story of female unaccompanied refugee children describes the situation in the reception center and her attempt to turn back to Eritrea and the challenges encountered:

*[.....] I have stayed in the reception center for some weeks they provide me food, cloth and soap, but it was not good. I was spending the whole day in a small compound. It seems to me as everything is like that situation. Because of this, I hate the situation and had decided to turn back Eritrea. I started the journey with my friend. We had any knowledge about the direction that took us to Eritrea. But we were simply moving to the northern part. Sometimes we climb to big mountains to see Eritrea but we could not able to see. We traveled the whole day. During this entire situation we had nothing to eat and drink and we were so tired. It becomes dark without identifying Eritrean border. I had decided to spend the night by climbing in big tree called "Mekia". But my friend has advised me spend in framers house around the village. We spend the night in farmer's house and they gave us food (Enjera), water, local drink (Siwa) and blanket. In the morning the women showed us direction to reach Eritrea. We travelled the whole day but we could not able to reach. Then, we become so tired, starved, hapless, cried and stopped our journey. Then, we had moved to the farmer's house and meet women. Since we were starved she gave us food, water to drink and wash our body and we spent in the house for two day. During our stay with them they were treated us just like their daughters. After that, her husband informed to all the neighbors and he collected money (10 Ethiopian Birr) from each individuals and he took us to police station in town. Then the police brought us to Endabaguna. After we arrived in Endabaguna they had punished us for two months and after three months and two weeks they transferred us here, the refugee camp.<sup>331</sup>*

From this elongated story and others illustrated above, it can be argued that unaccompanied refugee children are facing challenges in the reception center because of their long stay in small compound area, shortage of facilities and longing of parents in Eritrea. Their situation gets worsened when they attempt to move out of the reception center to turn back Eritrea that in turn exposes them to numerous challenges including long journey, starvation, tiredness and psychological problems as reflected in the story of the children.

#### **4.4. The Situation in *Mai-Ayni* Refugee Camp**

Once unaccompanied children have successfully granted refugee status, the state should have to place them in appropriate care arrangement. Ethiopia applies encampment refugee protection system. Unaccompanied children after they are registered and granted the status in the main reception center *Endabaguna*, they are transferred to refugee camps.<sup>332</sup>

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<sup>331</sup> Interview with Unaccompanied Refugee Children`s (Informant 4, Female,) January, 13, 2015.

<sup>332</sup> Interview with Key Informant 7, IRC, Child Protection Officer, January, 15, 2015; Interview with Key Informant 10, ARRA, Head of *Shire* Sub-branch Office, January, 25, 2015.

Interviewee unaccompanied refugee children are almost happy with the situation in the refugee camp. The children compare it with the situation in the reception center where they could not move out to any other place rather spent the whole day in a small compound. However, relatively in the camp the children can move and play with their friends since it is large. Children interviewed in this study are happy with the provision of basic facilities such as education, health, food, psycho-social support and other services in the camp.<sup>333</sup> Key informants have noted that, the children are provided with basic facilities at priority and their specific concerns are addressed as per their request as much as possible.<sup>334</sup> Nevertheless of this, the children are affected by a range of factors including depression, longing and nostalgia of their parents, anxiety and uncertainty about futurity.<sup>335</sup> The following are some of the expression of the children in relation to their situation in the camp in general and their specific concerns:

*I have been here for about four year and am attending school. Life is almost good I play with my friends and get services in a good manner but am affected by yearning and uncertainty about my futurity.*<sup>336</sup>

*Life in the camp is good; they offer us enough food, water, education, health service and psycho-social support. However, am affected by loss of my parents and sometimes I feel frightened when my friends want to Sudan. It crates you stress and anxiety when you think of the future.*<sup>337</sup>

*The situation here is good comparing to the reception center. There is school, health center and other facilities. And you can move in the camp since it is large. However, I miss my parents and this creates me depression and helpless about future.*<sup>338</sup>

*They are providing us food, education, health and psycho-social support. But what is it? I feel as am wasting my time here either without supporting my families or doing something for myself for the future. This all things create you depression and stress. I had tried to go back to Eritrea one day by selling new cloth provided to me to use it for transportation. However, my attempt was not successful they had trapped me in Gerhu Sirnay and brought me here.*<sup>339</sup>

*The situation is good in the camp they provide us enough food, water, education, health service and soap. But, when I think of home I feel depressed.*<sup>340</sup>

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<sup>333</sup> *Ibid*

<sup>334</sup> Interview with Key Informant`s, January, 14-25, 2015.

<sup>335</sup> Interview with Unaccompanied Refugee Children`s, January, 13-17, 2015.

<sup>336</sup> Interview with Unaccompanied Refugee Children (Informant 1, Female, 15), January, 13, 2015.

<sup>337</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15 ), January 13, 2015

<sup>338</sup> Interview with Unaccompanied Refugee Children (Informant 5, Female, 16), January, 13, 2015.

<sup>339</sup> Interview with Unaccompanied Refugee Children (Informant 6, Male, 11), January, 13, 2015.

<sup>340</sup> Interview with Unaccompanied Refugee Children (Informant 10, Male, 16), January, 14, 2015.

Social workers and child protection officers have noted they work to ensure the rights and interest of the children by giving prior focus due to their vulnerabilities.<sup>341</sup> Moreover one key informant has expressed about the child rights protection in the camp as something which is appreciated, he said that the children are getting education, health service, food, and psycho-social supports.<sup>342</sup> He further expressed that:

*I have been in many refugee camps outside of Ethiopia in Sudan, Egypt, Yemen and Saudi but I have never seen such child treatment and protection system, am not appreciating because am here in Ethiopia but it is my real feeling. Nevertheless, the children are affected by a number of factors such as depression, longing of parents and anxiety about futurity.*<sup>343</sup>

From the expression of the children and key informants during the field work, the provision of basic facilities such as food, water, health, education, psycho-social support and other facilities is good. However, the researcher has observed that unaccompanied refugee children in the camp are too much worried about their futurity and their parents in Eritrea. Consequently as will be discussed later on, the children involves in to secondary movement to Sudan and some of them turn back to Eritrea and again return to Ethiopia because the reason that forced them to flee the state is not yet solved.

Thus, from the above points it can be asserted that the child protection system in the camp is good that should be upgraded. The children are afforded with basic facilities that are important for their survival and development such as food, water, health facilities and education. In other words their rights to education, health, and foods are respected. However, anxiety about future, depression and nostalgia of home and parents remains a great problem that affects the wellbeing of the children.

#### **4.4.1. Accommodation and living arrangement system**

In *Mai-Ayni* refugee camp unaccompanied refugee children are placed in to different living arrangements. The living arrangement includes group care (community care), kinship care, foster care and independent living. However, the dominant accommodation and living arrangement in the camp are group care (community care) and kinship care. Thus, this study only discusses the two types of living arrangement-group care and kinship care.

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<sup>341</sup> Interview with Key Informant's, January, 14-25, 2015.

<sup>342</sup> Interview with Key Informant 3, Social Worker, January, 17, 2015.

<sup>343</sup> *Ibid.*

## A. Group Care (Community Care)

Initially the placement of children with family member or any other adult is preferable. Where such placement is not possible a small group care can be arranged only as an interim measure because it has devastating impact on the children mental development.<sup>344</sup>

In *Mai-Ayni* refugee camp, the group care (the now community care) is an accommodation and living arrangement to unaccompanied refugee children who have not any relatives in any of the refugee camps.<sup>345</sup> In the group care accommodation 7-8 children are placed together in a single house and basic facilities are afforded to the children such as food, light, water and other materials that are important for the preparation of food.<sup>346</sup> Unaccompanied refugee children above 12 are grouped together in single house and those from 7-12 years of old are organized separately in other accommodation system called “house mother” and they are assigned with workers that prepares food.<sup>347</sup>

The group care arrangement is now replaced by a community care because of its negative impact on the wellbeing of the children. While living in the group care arrangement the residence of the unaccompanied refugee children were together in one area. This accommodation system according to the key informants has produced a number of negative effects. While in this living arrangement the children behavior has changed, they become aggressive, deviants that adopt unique wearing style and hair style, spent their time in film house and bars.<sup>348</sup> Because of this the children were considered by the refugee community as drunker, theft, deviants and children without moral.<sup>349</sup> One children has pointed in this regard, “when there is any problem in the camp or if some properties are lost, then the people says it is the underage children do it”.<sup>350</sup> As a result they were discriminated and alienated by the refugee communities in the camp.

Due to this effect the group care is now changed into community care. Likewise in the group care the children are living in group in the community care as well, but what is changed is the

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<sup>344</sup> UNHCR, *Refugee Children: Guideline on protection and care*,128.

<sup>345</sup> Interview with Key Informant 7, IRC, Child Protection Officer, 15 January 2015; Key Informant 2, Social Worker, 14 January 2015

<sup>346</sup> Interview with Key Informants 13-25, January 2015

<sup>347</sup> Interview with Key Informant`s, January, 14-25, 2015.

<sup>348</sup> *Ibid*

<sup>349</sup> Interview with Key Informant7, IRC, Child Protection Officer, January,15, 2015

<sup>350</sup> Interview with Unaccompanied Refugee Children( Informant 9, Male,17) 14 January 2015

place of the house. The houses of the unaccompanied refugee children are distributed into different zones of the refugee camp and placed in between the families or adults house.<sup>351</sup> The purpose of relocation of the houses of the children into different zones of the refugee camp is to allow the children learn the values, norms and way of life from their neighbor adults.<sup>352</sup> Apart from this, the adults or families who are neighbor to the children under the new arrangement are assigned responsibility to help the children in addition to the social workers.<sup>353</sup> Both social workers and child protection officers have asserted that, the change from group care to community care arrangement has produced positive achievement in the behaviors of the children and at the same time changes and normalizes the perception of the refugee communities towards the children.<sup>354</sup> It has reduced the long lasting discrimination to the children because they were assumed as naughty, rude, robbers and drunker and enables the children to learn the norms, values and culture from the refugee community.<sup>355</sup> Worth mentioning, the children are happy with the living arrangement in group, the fact that they are almost from same ethnic group “Tigrigna” makes communication easy among them.

## **B. Kinship Care**

This is an accommodation and living arrangement to unaccompanied refugee children coming alone from Eritrea with their relatives in the camp after securing both the interest of the children and the care taker.<sup>356</sup> As a measure of short term solution to end the children being unaccompanied and considering the devastating impact of the group care (community care), verification is facilitated to place the children with their relatives in the refugee camp as well as in *Endabaguna*.<sup>357</sup> This accommodation and living arrangement is better than the group care as it allows the children to grow up with adult relatives by learning the values and norms of the society under the supervision of their relatives. However, there are some challenges with this arrangement that faces to unaccompanied refugee children. Observed challenges according to key informants are discrimination between the relative’s children and unaccompanied refugee

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<sup>351</sup> Interview with key Informant’s, Social Workers, January, 13-17, 2015.

<sup>352</sup> Interview with Key Informant7, IRC, Child Protection Officer, January, 15, 2015.

<sup>353</sup> *Ibid*

<sup>354</sup> Interviewee with Key Informants, January,14-25, 2015

<sup>355</sup> Interview with Key Informant 7, IRC, Child Protection Officer, January, 15, 2015.

<sup>356</sup> Interview with Key Informant’s, January, 14-25, 2015.

<sup>357</sup> Interview with Key Informant 2, Social Worker, January, 14, 2015.

children, disagreement with the care taker and work load.<sup>358</sup> Exceptionally female unaccompanied refugee children are affected by sexual abuse by relatives of the care takers that results unwanted pregnancy.<sup>359</sup> However a major problem within this arrangement is the involvement of the care taker into secondary movement that results the children to remain without care taker and return into group care which is the last option of child care system.<sup>360</sup>



**Picture 1: Residence House in Mai Ayni refugee camp**



**Picture 2: Houses of Unaccompanied Refugee Children from Inside**

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<sup>358</sup> Interview with Key Informant 7, IRC, Child Protection Officer, January, 15, 2015; Interview with Key Informant 2, Social Worker, January,14, 2015.

<sup>359</sup> *Ibid*

<sup>360</sup> Interview with Key Informant7, IRC, Child Protection Officer, January,15, 2015; Interview with Key Informant 2, Social Worker, January,14, 2015

#### **4.4.2. Guardianship**

The CRC states that separated children are entitled to special protection and assistance provided by the state as they are temporarily or permanently deprived of their family environment.<sup>361</sup> In line with this the General Comment No.6 provides that, states should appoint a guardian or advisor as soon as the unaccompanied children is identified and maintain such guardianship arrangements until the child has either reached the age of majority or has permanently left the territory of the state.<sup>362</sup> The appointment of guardian is one of the mechanisms to ensure the best interest of the children and address specific protection needs.

In *Mai-Ayni* refugee camp unaccompanied refugee children are assigned with social workers that help them in every affair. The role of the social worker is to follow up the daily activity of the children and help to ensure the psychical, emotional and psychological well being of the children.<sup>363</sup> Children in both living arrangement-kinship care and group care are assigned with social workers and one social worker has responsibilities to 14 unaccompanied refugee children living in group care (community care) and to 24 in the kinship care.<sup>364</sup> The children expressed that as they get assistance from the social workers such as counseling, and follow up in their daily activities. They said that, “they [social workers] treat us, as their sons and daughters, they listen to our problem and if we missed class they ask us the reason and if we feel depression and discomfort they give us comfort”.<sup>365</sup> Apart from the social workers the communities are assigned a responsibility to provide guidance and support to children organized in the group (community) care. Thus, the social workers are acting as guardians of the children. This is a best practice that should be upgraded to ensure the rights of the children in the camp and replicated into other similar settings.

#### **4.4.3. Participation**

Participation is one of the underlying principles of the CRC and ACRWC and is a means to ensure the best interest of the child.k2 Participation of children in decision making helps adults make better choice because they are better informed of the thoughts, feelings and needs of the

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<sup>361</sup> See, CRC, Article 20

<sup>362</sup> The Committee on the Rights of the Child, *General Comment No. 6*, 11.

<sup>363</sup> Interview with Key Informant 7, IRC, Child Protection Officer, January, 15, 2015.

<sup>364</sup> Ibid

<sup>365</sup> Interview with Unaccompanied Refugee Children`s, January, 13-17, 2015.

children and at the same time it is through this that children learn decision making skills and gain confidence to use those skills wisely.<sup>366</sup>

In *Mai-Ayni* refugee camp there is a forum where unaccompanied refugee children can express their views and concerns in every affair either in the provision of facilities or any other issues that affects them. A typical structure established to ensure the participation of children and take into consideration their views and concerns in the camp is child parliament. The child parliament composes of children from both living arrangement-kinship care and community care. There are representatives from single house in the parliament that presents the ideas of the children in the parliament and in turn forwards to the children they represent. The child parliament principally consists of members of the parliament, chairperson, vice chairperson, secretary and facilitator.<sup>367</sup> In addition to this, the parliament has six standing committees that work in various issues with different responsibilities to ensure the wellbeing of the children.<sup>368</sup> The standing committees are; committee on education, health, security, food, gender and hygiene.<sup>369</sup> The committee on education has a responsibility to follow up whether the children are attending school and studying, consult with respective authority to ensure children continue their education, identify the reasons for the drop out from school and facilitate a room to support those who perform less in school.<sup>370</sup> The committee on health has responsibilities to take measure to prevent communicable disease in the residence of the children and ensure the cleanness of the children.<sup>371</sup> The committee on food has responsibilities to observe the distribution of food, check the quality of food and report any problem in distribution to concerned body.<sup>372</sup> The committee on gender has responsibility to prevent gender based violence to female unaccompanied refugee children and report cases of gender based violence to the concerned body.<sup>373</sup> The committee on hygiene has responsibility to ensure cleanness of the environment of the children and solve problems that arise with regard to this.<sup>374</sup> Lastly the committee on security has the responsibility to protect grievances and conflicts in the residence

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<sup>366</sup> UNHCR, *Refugee Children: Guidelines on Protection and Care*, 23.

<sup>367</sup> Interview with Informant 2, 4 Social Workers, 14,15 January 2015

<sup>368</sup> *Ibid*

<sup>369</sup> *Ibid*

<sup>370</sup> *Ibid*

<sup>371</sup> *Ibid*

<sup>372</sup> *Ibid*

<sup>373</sup> *Ibid*

<sup>374</sup> *Ibid*

of the unaccompanied refugee children and consults those who continuously creates problem.<sup>375</sup> In sum, the standing committee reports the success and failures in their respective filed to the child parliament and via the parliament to the organization that take care of unaccompanied refugee children.

The social workers of the children utterly express about the functionality of the child parliament. They have explained that based on the established structure unaccompanied refugee children takes various roles and openly presents their views in the parliament. One social worker has expressed child participation in the camp as:

*The children are participating in the parliament, they openly and confidently speak their problems and request for solution. They are learning their rights and developing skills at the same time. They are enjoying their rights that are deprived in their country of origin here in the camp.*<sup>376</sup>

In addition to this social workers of the children have explained about the importance of child participation to their daily activities to identify problems that face to the children and best understand their interest. The different standing committee of the parliament identifies the problems and failures in their respective fields then this in turn helps to provide a timely solution to the observed gap. As explained by the social workers and child protection officers in some circumstances there are invisible unaccompanied refugee children affected by depression and trauma which they do not speak their problem to social workers.<sup>377</sup> In such circumstance they follow child-to-child policy where the specific problem of the children is best understood through their friends and participation plays a pivotal role in this case.<sup>378</sup> Then each representative of the children from each house presents the specific problems of the children. After identifying the problem of the children through this method unaccompanied refugee children will be sent to different referral centers according to their specific problems, for instance if affected by trauma to the Center for Victims of Trauma (hereinafter, CVT) and if a victim by gender based violence to Gender Based Violence center (hereinafter, GBV) and others.<sup>379</sup> Likewise, all interviewee unaccompanied refugee children have affirmed that they do participate in various issues and get positive feedback in response to their request. However,

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<sup>375</sup> *Ibid*

<sup>376</sup> Interview with Key Informant 2, Social Worker, January, 14, 2015.

<sup>377</sup> Interview with Key Informant's, January, 14- 25, 2015.

<sup>378</sup> *Ibid*

<sup>379</sup> Interview with Key Informant 1, 2, Social Workers, January, 14, 2015.

they made clear that as there are delays in some circumstances in getting timely feedback to their request. While asked to respond to the question, do you participate and get positive response in the camp? The children have replied as follows:

*In the parliament we express our ideas and concerns freely. We talk a lot about service provisions and some other issues in response we get positive achievement. But, sometimes there is delay in responding to our request timely.*<sup>380</sup>

*There is a child parliament in which we express our interests freely. Considering our request in the parliament they give us response.*<sup>381</sup>

*There is meeting held between underage children in which we express our ideas and concerns. We discuss the problems in relation to food, cloth and our futurity. Then, they fill the gaps that we have.*<sup>382</sup>

*There is child parliament and in the meeting we express our interest in the provision of services and our futurity in response we get positive achievement.*<sup>383</sup>

It is clear from the above assertion that unaccompanied refugee children in *Mai-Ayni* refugee camp participates in a number of issues. Looking at the practice through the rights of the child to participation, it is impressive. The children express their view and opinions in the parliament in various issues that affects them as discussed above. Not only is the rights of the children to participation respected but also it helps to identify the best interest of the children thereby respecting the best interest of the children. However, it does not mean that the best interest of the children in the refugee camp is at all respected rather it is to argue that at least it contributes to fulfill their basic needs that can be provided within the available option. When for instance the different sub-committee of the parliament identifies any gap in the provision of basic facilities in the camp and express in the parliament and gets response as per their request then the children best interest is considered. This in turn promotes the survival and development of the children which is recognized in both CRC and ACRWC. In short it can be said that it is a best practice that should be upgraded and emulated in other similar settings to respect and promote the rights of the children.

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<sup>380</sup> Interview with Unaccompanied Refugee Children (Informant1, Female, 15), January, 13, 2015.

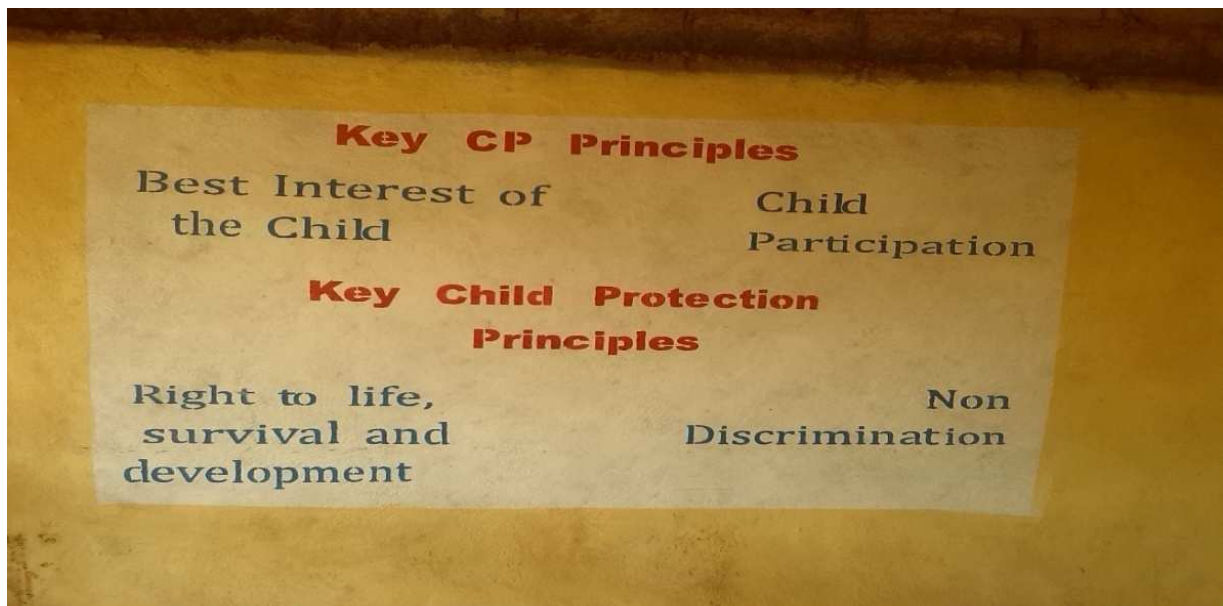
<sup>381</sup> Interview with Unaccompanied Refugee Children (Informant2, Female, 16), January, 13, 2015.

<sup>382</sup> Interview with Unaccompanied Refugee Children (Informant 8, Female, 16), January, 14, 2015.

<sup>383</sup> Interview with Unaccompanied Refugee Children (Informant 14, Male, 17), January, 15, 2015.



**Picture 3: Child Protection Center in *Mai-Ayni* refugee camp**



**Picture 4: Key Child Protection Principles in the Walls of the Child Protection Center**

#### **4.5. Identifying and Securing a Durable Solution**

The ultimate aim in addressing the fate of unaccompanied refugee children is to identify a durable solution that addresses all the protection needs of the children and once to end the

children being alone without family environment. The UNHCR has identified three durable solution options that are repatriation, local integration and resettlement respectively. In this section the possibilities of these durable solutions in the context of Eritrean unaccompanied refugee children will be analyzed.

#### **4.5.1. Voluntary Repatriation**

As most of the unaccompanied refugee children families are in Eritrea under normal circumstance repatriation is the most desirable durable solution as ideally it allows the children to reunite with their families and everything familiar in their country of origin. To facilitate repatriation however certain conditions must be met such as the best interest of the children should be given due weight and return to a country of origin should not cause any harm to the children and should be voluntary.<sup>384</sup> In our case these circumstances are void, neither the condition in Eritrea nor the interest of the unaccompanied refugee children allows repatriation.

The 2014 report on situation of human rights in Eritrea reveals that human rights violation which is the sole cause for the mass exodus of Eritreans including children continues unabated.<sup>385</sup> In addition, individuals who turn to their country because of failed refugee or asylum application faced forced disappearance and this is applied to intimidate people.<sup>386</sup> Likewise social workers and child protection officers express that repatriation is an elusive option in the current state of human rights situation in Eritrea because those returned to their countries face intimidation, killing, imprisonment and national service up on arrival.<sup>387</sup> Unaccompanied refugee children in the same way has expressed that they do not want return Eritrea because of fear of the national service and other punishments up on arrival. The children have a strong desire to return to their countries of origin and meet their parents, relatives and environment. They are affected by depression, longing of parents and relatives in Eritrea and anxiety about their futurity.<sup>388</sup> A written message in the walls of houses of the children truly reflects the current problems that face the children and anxiety about their futurity, they are

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<sup>384</sup> See, CRC Article 3; ACRWC Article 4; UN Refugee Convention Article 33; OAU Refugee Convention Article 3,5

<sup>385</sup> United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2014*, 1.

<sup>386</sup> United Nations General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in Eritrea 2013*, 10.

<sup>387</sup> Interview with Key Informant`s, January, 14-25, 2015.

<sup>388</sup> Interview with Unaccompanied Refugee Children`s, January, 13-17, 2015.

written in Tigrinya which reads as “God help me”, “love”, “bear it”, “there is no any problem that does not end but a time cannot return once it pass”.<sup>389</sup> However, their desire to return to Eritrea is curtailed because of the political situation in the state. All interviewee unaccompanied refugee children expressed that they do not want to return Eritrea. While asked to express their views in relation to repatriation the children have responded as:

*I never thought good things will happen if I return back to Eritrea. As a result I do not have any interest to turn back home.*<sup>390</sup>

*I wish if I could be able return home, however if I want to Eritrea what will happen to me is either imprisonment for my departure to Ethiopia or national service as may age is approaching eighteen. Thus, I do not want return back home.*<sup>391</sup>

*I do not have any wish to turn back to Eritrea. Because the situation is hard, if you return back to Eritrea then you will be subject to the national service. As far as these problem exists I do not dreamed to go Eritrea than other state. However, if there is peace and stability I want back to my homeland.*<sup>392</sup>

*You know I want go home because I miss my mother. However, am afraid of the national service. In Eritrea if you become youth then you will be taken to Sawa.*<sup>393</sup>

*If I return back to Eritrea they will take me to the national service to which I had fled for, then I do not want return to Eritrea.*<sup>394</sup>

As can be seen from the expression of the children, though the children have the wish to return to Eritrea and meet parents, their interest is blocked because of fear of the national service and other punishments up on arrival. National service is one of the reasons that forced the children to leave their country of origin and it also remains a barrier to apply repatriation. In short, the children do not want return home because same problem and violence that caused them to flee in the first place continue to exist. Therefore, repatriation as the primary solution to end the children being alone by allowing the children to meet parents is not applicable in the context of Eritrean unaccompanied refugee children because the existing situation in the state is not conducive and it is not in the interest of the children due to this reason.

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<sup>389</sup> Personal observation in the House of the Children in *Mai-Ayni* refugee camp, January 13-17, 2015

<sup>390</sup> Interview with Unaccompanied Refugee Children (Informant1, Female, 15), January, 13, 2015.

<sup>391</sup> Interview with Unaccompanied Refugee Children (Informant 2, Female, 16), January, 13, 2015.

<sup>392</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15), January, 13, 2015.

<sup>393</sup> Interview with Unaccompanied Refugee Children (Informant 5, Male, 16), January, 13, 2015.

<sup>394</sup> Interview with Unaccompanied Refugee Children (Informant 9, Male, 17), January, 14, 2015.

#### **4.5.2. Local integration**

If repatriation is failed the other durable solution to unaccompanied refugee children is local integration. This too has to be implemented considering the best interest of the children. Likewise repatriation however local integration is not a feasible option to unaccompanied refugee children because neither the Ethiopian law allows nor there exists any interest on the side of the children.

As it has been discussed in the foregoing parts the Ethiopian government opens its doors to those who are in need of protection and allows them to stay in various refugee camps. However, the futurity of the children to be locally integrated is limited because the Ethiopian government made reservation to the 1951 Refugee Convention that prohibits states to impose restrictive measure that may be imposed on aliens for the protection of the national labor market.<sup>395</sup> This provision limited the opportunity of the children in the future to be integrated locally even after they reach the age of 18. Apart from this legal restriction however, all of the interviewee unaccompanied refugee children in the camp does not have any interest to live in Ethiopia.<sup>396</sup> They have expressed that as they wish to go to other states and help their parents by working there.<sup>397</sup> Even they are unaware of the legal restriction and do not mention the impossibilities to live in Ethiopia like that of repatriation. As the reason for departure is various as discussed in the preceding part their decision to stay in Ethiopia is highly affected through those factors. For instance, children that arrived in Ethiopia for economic reasons, family reunification and hope of resettlement in to other third states would naturally prefer going to other states since the reasons that forced them to flee the state are no more realizable in Ethiopia. Thus, local integration is not a feasible option because of the Ethiopian law and the interests of the children.

#### **4.5.3. Resettlement**

Resettlement is sought when repatriation and local integration are considered impossible within an acceptable time frame.<sup>398</sup> In our case where the two durable solution options- repatriation and local integration- are inapplicable, resettlement remains one of the feasible durable solution option and in the interest of the children. All of the interviewee unaccompanied refugee children

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<sup>395</sup> See, UN Refugee Convention, Article 17

<sup>396</sup> Interview with unaccompanied refugee children`s, January, 13-17, 2015.

<sup>397</sup> *Ibid*

<sup>398</sup> UNHCR, *Refugee Children: Guidelines on Protection and Care*, 23.

expressed that they want to go European states and USA. Despite of their age the children expressed that they want help themselves and their parents by working in other states. The following are some of the verbatim of the children:

*I want to go other states that allow me learn and help my parents.*<sup>399</sup>

*I wish if there are opportunities to go into other states such as European states. Then, become stable about future by avoiding the stress that I have right now.*<sup>400</sup>

*I prefer to go to European states in order to help myself and my parents.*<sup>401</sup>

*Since the conditions in my homeland does not allow me back there. I want to go other states and help myself and my families.*<sup>402</sup>

*I wish if there is an opportunity to go other states that I can work and support myself and my parents. But, I do not think of going home because I will be imprisoned or taken to the national service.*<sup>403</sup>

*Since my mother is in Germen I want to go there.*<sup>404</sup>

As can be seen from the verbatim, the children are in favor of resettlement. It is both in the interest of the children and the only feasible option. However, within this option too there are limited opportunities as it depends in a certain conditions. First it depends on the cases of the children, if there are children who have specific problem in the camp that they cannot live with or difficult to tolerate because of medical and other reasons they are given priority.<sup>405</sup> The second is that it depends on the quota of recipient states, when recipient states accept great number of children then the rate of resettlement to the children grows, but this is limited.<sup>406</sup> Though, some children have gate an opportunity of resettlement and filling forms most of them are hopeless of this option.<sup>407</sup> Therefore, with the inexistence of the two durable solution options-repatriation and local integration- and limited opportunity of the feasible option that is resettlement, unaccompanied refugee children are bound with many problems the makes their futurity invisible and problematic.

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<sup>399</sup> Interview with Unaccompanied Refugee Children (Informant 1, Female, 15), January, 13, 2015.

<sup>400</sup> Interview with Unaccompanied Refugee Children (Informant 2, Female, 16), January, 13, 2015.

<sup>401</sup> Interview with Unaccompanied Refugee Children (Informant 3, Female, 15), January, 13, 2015.

<sup>402</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15), January, 13, 2015.

<sup>403</sup> Interview with Unaccompanied Refugee Children (Informant 11, Male, 14), January, 14, 2015.

<sup>404</sup> Interview with Unaccompanied Refugee Children (Informant 12, Female, 15), January, 15, 2015.

<sup>405</sup> Interview with Key Informant 8, 9, UNHCR, Child Protection Officers, January, 21, 2015.

<sup>406</sup> *Ibid*

<sup>407</sup> Interview with, Unaccompanied Refugee Children`s. January, 13-17, 2015.

#### 4.6.1. Involvement into Secondary Movement

A major problem in *Mai-Ayni* refugee camp and a direct response to the limited options of durable solution is the involvement of children in illegal secondary movement first to Sudan and then to Libya and finally to reach Europe. Eritrean unaccompanied refugee children like their counter adult refugee in the camp involves into secondary movement once they are granted refugee status in Ethiopia. A great number of children disappear from the camp, particularly this was more acute during 2012 and 2013, but has relatively decreased in 2014.<sup>408</sup> The children have expressed about the prevalence of secondary movement in the refugee camp as something which is acute. Many of the interviewee children spoke as their friends and some of them have attempted themselves to move to Sudan. Here is the witness of unaccompanied refugee children in relation to the situation:

*There are unaccompanied refugee children trying to go to Sudan illegally. Even I had my self attempted to go. However, they have caught me in Shire and turn me back here.*<sup>409</sup>

*There are persons outside and inside of the camp who told us they can take us to Sudan and pay them money after we arrive in Sudan.*<sup>410</sup>

*Our friends had gone to Sudan by the help of brokers. If you want to go to Sudan you can contact them through cell phone.*<sup>411</sup>

A number of interacting factors are responsible for the occurrence of this phenomenon. As discussed in the futurity of the children through the eyes of durable solution, the two options- repatriation and local integration are inapplicable and the third option which is resettlement, though feasible is limited. This in turn creates great stress and anxiety in the children. Consequently, the children involve in secondary movement to Sudan and via Sudan to other states. Other factor that triggers the children to involve in secondary movement is peer pressure. Children who have stayed for a long period of time in the camp decides to migrate to other states as a result of hopelessness about future and influences their friends to go together and persuades new comers by saying as there is nothing opportunity in the camp about future, rather migrating to a third state is the best option.<sup>412</sup> The children have expressed that they feel

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<sup>408</sup> Interview with Key Informant 2, Social Worker, January,14, 2015

<sup>409</sup> Interview with Unaccompanied Refugee Children (Informant 2, Female, 16), January, 13, 2015.

<sup>410</sup> Interview with Unaccompanied Refugee Children (Informant 7, Male, 12), January, 14, 2015.

<sup>411</sup> Interview with Unaccompanied Refugee Children (Informant 4, Female, 15), January, 13, 2015.

<sup>412</sup> Interview with Unaccompanied Refugee Children, 13-17 January 2015

frightened when their friends moves to Sudan and feels as wasting their time. Their interest to involve in secondary movement is more triggered when the children hears the stories of successful children that arrived in other third states.<sup>413</sup> In this case the advancement in communication technology makes sharing of information possible. Children who successfully managed in entering other third state shares their success to those in the camp through telephone and internet and the children decides to migrate in to a third state in a same arrangement. Likewise, the prevalence of adult movement to a third state in the camp has also influence on the children decision to involve in secondary movement. The children follow the footsteps of their counter adult and go out of the camp to other states.

The prevalence of brokers/smuggler inside and outside of the refugee camp and their false promise is also other factor that forces the children to involve into secondary movement. According to the key informants the prevalence of brokers/ smugglers has decreased because of the protection mechanisms.<sup>414</sup> Due the protection mechanism the brokers/ smugglers are limited to the towns around the refugee camp and unaccompanied refugee children communicate through mobile and makes arrangement of the journey.<sup>415</sup> Thus, caused by a range of factors unaccompanied refugee children in *Mai-Ayni* refugee camp are victims of secondary movement like their counter adult.

While the children involve in a secondary movement they are subject to multitude human rights violation in the hands of smugglers and other risks in the passageway. At the initial stage when the children decides to go to other states they contact with the brokers/smugglers and made agreement, with the broker/smugglers to cover the cost of the journey until Sudan and the children to pay considerable money after they arrive in Sudan.<sup>416</sup> As the children does not have the money they get it from their families and relatives either in Eritrea or outside in other states. Though, the children start the journey based on consensus, with the brokers to facilitate the journey in safe, the situation changes in to force once it is started.<sup>417</sup> The children face with a lot of challenges in the journey such as shortage of food, water, tiredness and dangerous means of

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<sup>413</sup> interviewee with Unaccompanied Refugee Children`s, January, 13-17, 2015

<sup>414</sup> Interviewee with Key Informant`s, January, 13-27, 2015.

<sup>415</sup> Interview with Unaccompanied Refugee Children`s ;Key Informant`s, January, 13-25, 2015.

<sup>416</sup> *Ibid*

<sup>417</sup> Interview with Key Informant`s 1, 2, 3, Social Workers, January, 14, 14, 15, 2015.

transportation.<sup>418</sup> A returnee unaccompanied refugee child from the borders of Sudan in the camp shares here experience of journey to Sudan as:

*I had attempted to go to Sudan once and I returned back from Sudan border. While we were in the journey it was dangerous. We were transported by small truck that contains 45 persons. While in the journey, a police had approached to us and the driver runs away fearing the police without stopping the car and the car had entered in to river. After that many has injured, unfortunately I had not faced psychical damage. Then, most of them want to Sudan but I have returned here with one my friend.*<sup>419</sup>

According to the key informant the situation gets worst after the children arrive in the borders of Sudan, if the children fail to pay the required money to smugglers, then they are subjected to various challenges that basically includes sexual exploitation to female children and sometimes this extends to male children, forced labor and psychical damage.<sup>420</sup>

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<sup>418</sup> Interviewee with Key Informants 8, 9, UNHCR, Child Protection Officers, January, 21, 2015.

<sup>419</sup> Interview with Unaccompanied Refugee Children (Informant18, Female, 14), January, 16, 2015.

<sup>420</sup> Interview with Key Informant's 2, 4, Social Workers, January 14, 17, 2015.

## Chapter Five

### Conclusion and Recommendation

#### 5.1. Conclusion

For more than a decade, Eritreans have sought protection in Ethiopia and the number of refugees coming from the state is increasing year by year from the start until to date. However, the recent flow of refugee from the state is accompanied with the presence of children. As findings of this study shows, the children arrived in Ethiopia largely with their friends or alone and in some circumstances by the help of brokers/smugglers. This research is conducted to study the situation of unaccompanied children coming from Eritrea to Ethiopia through the case of *Mai-Ayni* refugee camp. It is principally aimed at answering/understanding four basic themes; the cause/triggering factors for the departure of the children to Ethiopia, the journey process until they arrive in to *Mai-Ayni* refugee camp, their situation once they arrive in the refugee camp and their futurity through the lens of durable solutions.

To start with, the finding of this study reveals that Eritrean unaccompanied refugee children arrive into Ethiopia because of various and overlapping factors. The reasons that forced the children to leave Eritrea are fear of the ongoing forced military conscription, economic problem, educational problem, family reunification, peer pressure and hope of resettlement and to transit into other state. As it has been argued in the analysis part it would be a great mistake to understand the factors independently, they are highly interlinked and intertwined in which it is complex to set-out a single factor. Thus, one unaccompanied refugee children can arrive in to Ethiopia for more than one reason. However, the national service has a paramount and circulating impact, sometimes it becomes an independent factor for the departure of the children and sometimes as an escalating factor for other reasons.

With regard to decision to leave Eritrea into Ethiopia, results of this study shows variations. While most of the children decide themselves by communicating with their friends, others alone without the knowledge of their parents and others arrived on the sole decision of their parents/relatives living in and outside of Eritrea. The geographical areas of the children have also influence on the decision to leave the state, though this assertion is not absolute at all. The finding of this study affirm that children coming from areas around the Ethiopian border made

the decision on themselves without the knowledge of their parents and those coming from the center by the influence of their relatives and parents. In addition to this, this study reveals that most of unaccompanied refugee children had made the journey to Ethiopia with their friends since they made the decision together, while some of them alone, but both without the accompaniment of adult. There are also children arrived in Ethiopia by the help of brokers/smugglers by paying substantial money reaching 100,000 Eritrean Nakfa for a single individual.

More over the results of this study disclose that, despite the proximity of Eritrea to Ethiopia and the fact that, the children came in most situations from areas around the border of Ethiopia have experienced a tricky challenge in the journey process. The main challenges are experienced along the escaping routes in the Eritrean territory. This is because the Eritrean borders are guarded by the border surveillance unit which operates on strict “shoot-to-kill” policy to those who attempts to flee the state. To escape from such measures the children made a tricky journey during day and night time. While in the journey though it may differ in accordance to the knowledge of the passageway of the children as has discussed in the analysis they all are faced with challenges that is unbearable by their age. The difficulty faced to the children includes a long journey without knowledge about the shortest way to Ethiopia or to escape from the military personnel, starvation, tiredness, water shortage and fear of military personnel. The challenge is even worst to children travelling during night time that exposes them to extra psychological problems in addition to the stated challenges, such as nightmare and bedwetting.

Once unaccompanied refugee children had crossed the Eritrean territory into Ethiopia safely the difficulty is lessened. This is due to the absence of strict border control on the Ethiopian government side and the open-door policy of the state to receive refugees coming in through every conceivable direction. As the findings of this study show, after children enter into Ethiopian land they are initially hosted either by the Ethiopian communities around the border or soldiers. While they meet either of them they were afforded with basic assistance such as food, water and those arrived during night time spent their first night with either of them. At this point it is worth mentioning the hospitability made both by the communities and soldiers to the children. The children have passionately expressed about the good reception situation at the initial point after they meet the soldiers’ and the communities.

After unaccompanied refugee children are collected from the sub-reception centers around the border they are transferred to the main reception center *Endabaguna*. As results of this study reveal every unaccompanied child is granted refugee status at *prima facie* level without individual status determination process, hence they experience any challenge in this regard. However, this study disclose that unaccompanied refugee children have experienced unpleasant situation in the main reception center *Endabaguna* with inadequate provision of basic facilities, spending the whole day in small compound for about two to three months in average and at the same time feeling of longing to their parents in Eritrea. As a result the children move out of the reception center to turn back to Eritrea and refugee camps that in turn exposes them to various challenges.

While the children are transferred into *Mai-Ayni* refugee camp from the main reception center the children are happy with the situation in the camp. They are afforded with basic facilities such as food, water, education, health service, and psycho-social supports. Moreover they are assigned with social workers that follow their daily activities and enjoy the right to participation through established structure, child parliament in the refugee camp. Nevertheless of this however the children are affected by a range of factors including depression, longing of parents, anxiety and uncertainty about future.

Durable solutions that end the children stress and anxiety are almost rare, with only one option-resettlement. Repatriation the first desired option as it allows the children to reunite with their families and grow up with family environment is a closed window of opportunity because the situation in the state is not conducive and it is not in the interest of the children. The reasons that forced the children to departure into Ethiopia such as the ongoing forced conscription into military is not yet resolved, thus the wish of the children to turn back Eritrea is closed. Likewise, local integration as the second option is not also a feasible because of the interest of the children and the Ethiopian law. Resettlement as a third durable solution, though it remains the only viable option and in the interest of the children is also limited because it depends on the quota of recipient states and the cases of children.

As a response to the limited opportunity of durable solution, the children become the supply of smugglers and traffickers by involving into secondary movement. Unaccompanied refugee children in *Mai-Ayni* refugee camp involve into secondary movement like their counter adult

refugee first to Sudan and next to Libya and finally reach Europe. While in the journey the children are faced with multitude human rights violation. The journey process to Sudan inflicts different challenges starting from dangerous means of transportation to long journey, starvation and tiredness. While they arrived in Sudan border the children are expected to pay high amount of money to smugglers by communicating with relatives living outside or in Eritrea, failing to do so results psychical punishment such as beating. Female unaccompanied refugee children are exposed to sexual exploitation and sometimes this also extends to males, forced labor, and psychical damages are the principal human rights violation that faces the children when involved into for the prevention secondary movement.

## **5.2. Recommendation**

The foregoing discussions and findings reveal that Eritrean unaccompanied refugee children experience a multitude challenge which is unbearable by their age. Thus, addressing all the problems and concerns of the children is crucial to respect and promote their rights. Following are possible solutions suggested in this study.

In general, the first step in addressing the problems of the children and major way to ensure their rights is to alleviate the root causes that forced them to leave Eritrea. Addressing the factors for flight in countries of origin is critical both for the prevention and durable solution of refugee problems. Thus, the Eritrean government should have to take measure to address the factors for the departure of the children set-out in this study. To be specific the Eritrean government should have to take the following measures:

- Since fear of the indefinite ongoing forced recruitment into the national service and its resultant negative impact on the children wellbeing in terms of educational opportunities and economic situation is a major driving force for the departure of the children, the government should discontinue the indefinite national service and be abided by the National Service Proclamation which states 18 months of stay in the national service.
- Ensure that children are not being conscripted in to the national service
- The government should dissociate military training from secondary education and provide for comprehensive and quality of education.

- The Eritrean government should respect to the international human rights norms to which the state is party in general and the government should implement the CRC and ACRWC that gives highest protection to children.

In addition, the international community with their established institution should have to play their respective responsibilities to end the flow of unaccompanied refugee children from Eritrea by influencing the government to tackle the causes for flow. Concerned international and regional institutions should influence the Eritrean government stop the indefinite national service that directs sometimes children and deprived of hope in their countries of origin. To this end;

- The African Committee of Experts on the rights and welfare of the child is entrusted to promote and protect the rights enshrined in the ACRWC. Eritrea is a party to the charter, thus the committee of experts as it is given the mandate to promote and protect the rights of African children should give more emphasis and stress to the situation of human rights of Eritrean children. Thus, the committee should have to conduct investigation about the situation of children rights in Eritrea.
- Likewise the Committee on CRC has to take same measures to alleviate the causes of flow of the children and work with the government of the state and other UN bodies to end the flow of the children.

Apart from this as a second measure that should be taken is that, the international community, comprising of states and UN bodies should co-operate in responding to refugee situations. There should have to be positive response to those in need of protection. Ethiopia has to take its share of international responsibilities in providing protection to unaccompanied children coming under this concern. In general, the Ethiopian government with its refugee agency ARRA has to take the following measures:

- Though, appreciated the implementation of open-door policy to those in need of protection, the Ethiopian government should adopt specific guideline dealing with unaccompanied refugee children in addition to the refugee proclamation. A more comprehensive and consistent policies are needed, which take into account the competing imperatives of providing refuge and gate keeping, the international treaties signed by Ethiopia. Issues such as the legal definition of unaccompanied children; the

nature of the evidence and procedures used to present this status in making their refugee claims; their rights to public services and allocation of responsibilities and resources for these services, need to be addressed.

- The Ethiopian government should consider and allow local integration and uplift the reservation in relation to this.

Furthermore, a specific and practical recommendation aimed at enhancing the protection of children rights in *Mai-Ayni* refugee camp and reception center are stated as follows;

- Unaccompanied refugee children should have to be provided with enough basic facilities in the main reception center *Endabaguna*. To make the situation better the Ethiopian government and UNHCR should work together. In addition the duration of stay in *Endabaguna* reception center should not be too long since this creates stress and anxiety, as much as possible children should be located within a reasonable time to refugee camps at priority. Further, protection should have to be strengthened since the children move out of the reception center to turn back to Eritrea that exposes them to various challenges.
- The placement of the children with their relatives should have to continue since it allows the children grow up under the supervision of adult through learning norms and culture.
- The appointment of social workers to the children and the child participation in the *Mai-Ayni* refugee camp should strengthen though it is promising now. To this end, ARRA, UNHCR and NGO, such as IRC and NRC should work together. Training to the social workers of the children should be provided intent on achieving their knowledge about child protection. Further, a day to day follow up should continue to children living in both kinship care and group (community care) living arrangement to listen the problems of the children and halt timely.

- ARRA should strengthen the protection in *Mai-Ayni* refugee camp since the children are becoming victims of secondary movement through the deception of brokers/smugglers that found in towns around the refugee camp and sometimes in the refugee camp. Simultaneously an awareness raising programs should have to be delivered to the children and refugee communities in the camp in general about the dangers of secondary movement.
- Finally, this study recommends that the area is still open for further study in other issues or in the same issue for advanced understanding. However, I suggest that in studying such issues the voices and experiences of the children should be at the heart of the study.

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## **Appendix I: Interview Guide line**

### **1. Interview Guideline for Unaccompanied Refugee Children**

#### **Introducing the subject**

I am Shshay Yhdego MA student in Addis Ababa University at the Center for Human Rights. I am conducting research for the Partial fulfillment of MA Degree Award in Human Rights on the title of “Children in Exile: Exploring the situation of Eritrean Unaccompanied Refugee Children in Ethiopia:-the Case of *Mai-Ayni* refugee camp.” Hence, I kindly request you to assist me to answer the questions that I raise.

#### **Explanation of procedures**

Participation in the study involves conducting a face-to-face interview, which will last for approximately one hour. The interviews will be conducted by the researcher. Tape recording (this is only if you are willing) and note taking will be used. The interview will be held elsewhere based on your convenience.

#### **Risks and Discomforts**

There are no risks or discomforts that are anticipated from your participation in the study because the anonymity of informants will be kept.

#### **Confidentiality**

The information gathered during this study will remain confidential. Only the researcher will have access to the study data and information. There will not be any identifying names on the interview transcripts. Your names and any other identifying details will never be revealed in any publication of the results of this study. The tapes will be destroyed at the completion of the study. The results of the research will be published in the form of a research paper and is for academic purpose.

#### **Withdrawal from the interview process**

Participation in this study is voluntary. You are free to withdraw and discontinue participation in this project at any time. You are also free to refuse to answer any question the researcher

might ask you and respond to the questions you are interested with. You are welcome to ask the researcher any questions that occur to you during the interview.

Lastly your genuine ideas and participation, will contribute a lot to the success of the study without which it would be fruitless. I assured that, any information you provide will be kept with greatest secrecy. I thank you very much for your cooperation.

Yours sincerely, *Shshay Yhdego*

**A. Background Information**

1. What are your gender and age?
2. With whom were you living in Eretria and who took care of you?
3. Are your parents alive?
4. Where are they at present?
5. Pleas describe the living condition before you left into Ethiopia?

**B. Questions relating to reasons for leaving**

1. What was the reason for your departure to Ethiopia? When did you leave?
2. Who made the decision for you to leave to Ethiopia?
3. If it was not you, how did you feel about the decision?
4. Either people from your surrounding coming to Ethiopia?
5. Did you know anything about Ethiopia before leaving?

**C. Questions relating to flight**

1. Did you leave alone or with other children/adults?
2. If you left with others, were they from your village/town/district?
3. How did you travel?
4. How long the journey took you to reach into Ethiopia?
5. Did you eat food during the journey?
6. Was the journey dangerous? What were the dangers?
7. Can you describe your journey to Ethiopia in detail?

#### **D. Entrance and Reception in Ethiopia**

1. Access to territory, was it difficult to cross the border and enter to Ethiopia?
2. When/how did you first make contact with government officials in this country?
3. Did they provide you with any assistance?
4. Where did you spend your first night after arriving?
5. What happened after you cross the border to Ethiopia?
6. When do you transferred to *Endabaguna* main reception center?
7. How do you explain your stay in *Endabaguna* main reception center?
8. What seems the registration and status determination process in *Endabaguna*?
9. How long do you stay in *Endabaguna*?
10. What seems the life situation in the main reception center *Endabaguna*
11. Please describe in detail the whole process of reception and entrance until you enter in to *Mai-Ayni* refugee camp?

#### **E. Situation in the Refugee Camp**

1. How long have you been in the camp?
2. How do you describe life in refugee camp?
3. Did you get basic facilities like education, food, water, health facilities and others?
4. Do the officials consider your interest?
5. Do you participate in matters that affect you?
6. Is there discrimination to you being unaccompanied?
7. Do you have any particular problems in your daily life here?

#### **F. Questions relating to the futurity of the children**

1. What do you think would happen if you returned to Eritrea?
2. How do you imagine your futurity?
3. What do you want to be done for you?
4. Do you have a plan to go anywhere else from here?

## **2. Focus Group Discussion Guideline**

I am Shshay Yhdego MA student in Addis Ababa University at the Center for Human Rights. I am conducting research for the Partial fulfillment of MA Degree Award in Human Rights on the title of “Children in Exile: Exploring the situation of Eritrean Unaccompanied Refugee Children in Ethiopia:-the Case of *Mai-Ayni* refugee camp.” Hence, I kindly request you to assist me to answer the questions that I raise. Your genuine ideas and participation, will contribute a lot to the success of the study without which it would be fruitless. I assured that, any information you provide will be kept with greatest secrecy. I thank you very much for your cooperation

Yours sincerely, *Shshay Yhdego*

1. What do you think are the reasons forcing the children leave Eritrea?
2. How was your life condition before you leave in to Ethiopia?
3. Have you faced with dangers while you were in journey?
4. What seems the refugee status determination process in Ethiopia?
5. How do you see the reception and registration process?
6. How was the situation in the main reception center *Endabaguna*?
7. How do you explain life in the camp?
8. What are the specific problems that you face with in your day to day life?
9. How do you see the provision of basic service such as education, food and health care service?
10. What are the problems in the provision of services?
11. What do you think is the best way in ensuring durable solution? And how do you imagine your futurity?
12. If you have anything that you want to say, you are welcome?

## **3. Guideline for Personal Observation**

- Emotion during interview process
- The psychical of the children
- Interaction of the children with their fellow friends
- The residence of the children and the walls
- Child protection center and other basic facility center such as school, health center, church.

#### **4. Interview Guideline for Key Informants**

For about a decade Eritreans have sought protection in Ethiopia and the percent flow of refugee is increasing with the accompaniment of children as old as 9 years of old. Therefore, the researcher wants to study the situation of Eritrean unaccompanied refugee children in Ethiopia. The study is to be conducted for the partial fulfillment of MA Degree in human rights. Thus, information collected in the study is solely for academic purpose nothing else and will be kept confidential.

I thank you very much, *Shshay Yhdego*

##### **4.1. Interviewee Guideline to ARRA**

1. How do you define unaccompanied refugee children?
2. What seems the flow of Eritrean unaccompanied children to Ethiopia?
3. What do you think are the major reasons forcing unaccompanied children to flee in to Ethiopia?
4. How unaccompanied children access government organs after they cross the border?
5. What seems the reception and identification mechanisms to those children?
6. How do you handle the application of unaccompanied children for refugee status?
8. Are children assigned with an advisor or guardian?
9. Do you have a guideline in dealing with unaccompanied refugee children?
10. Is there any case where the application for refugee status is rejected for unaccompanied children? Are these children deported to Eritrea or any other else?
11. Is there a detention of unaccompanied children?
12. How do unaccompanied refugee children live in camp?
13. Do you consider the interest of the children in handling your activities?
14. Do children involve in decision making process in matters that affects them?
15. What is doing your institution to bring short term and long term solutions to address the specific needs of these vulnerable groups?

#### **4.2 Interview Guidelines to UNHCR Officers**

1. What do you think are the reasons forcing Eritrean unaccompanied children to flee in to Ethiopia?
2. What are the specific challenges/ human rights violation facing the children while they are in journey in to Ethiopia?
3. What seems the refugee status determination process in relation to unaccompanied refugee children?
4. What seems the situation of unaccompanied refugee children in *Endabaguna* screening center?
5. What seems the life situation of unaccompanied refugee children in the camp?
6. What are the challenges facing to unaccompanied refugee children in the camp?
7. Are children involved in decision making process in matters that affects them?
8. How do you see the basic facilities provision in relation to food, water, health, and education in the camp?
9. What seems child rights protection system in the camp?
10. What are you doing in your part to bring a short term and durable solution to the unaccompanied refugee children? What seems the futurity of the children?

#### **4.3. Interview Questions to NGO/IRC working with children issue in the camp**

1. How do unaccompanied refugee children accommodated in the camp?
2. What seems the child rights protection system in the camp?
3. What seems the provision of basic facilities such as food, water, health and education?
4. How do you describe in detail the life situation of unaccompanied children in the camp?
5. Do children involve in decision making process in matters that affect them? And does their best interest taken in to account in matters that affects them?
6. What are the challenges faced to unaccompanied refugee children in their day to day life?
7. What are you doing in your part to ensure the rights of the child?

#### **4.3 Interview Guide line questions to Social Workers of the Children**

1. What seems the life situation of unaccompanied refugee children in the camp?
2. Why are Eritrean unaccompanied refugee children arrived in to Ethiopia?
3. What are the challenges faced to children in the journey process starting from the border until they reach in to *Mai-Ayni* refugee camp?

4. How are unaccompanied refugee children organized in the refugee camp in living arrangement?
5. Do you consider the interest of the children in your day to day activity?
6. Do children involve in decision making process in matters that affects them?
7. Do you consider the vulnerability of those children in every activity?
8. What are the challenges to unaccompanied refugee children in the camp?
9. How do you respond to the challenges that face to unaccompanied refugee children facing?

## Appendix II List of Informants

### 1. List of Unaccompanied Refugee Children

No	Name	Age	Sex	Ethnicity	Duration in Camp	Family Back Ground	Date of interview
1	Informant 1	15	F	Tigrigna	4 years	Both parents in Eritrea	13 January 2015
2	Informant 2	16	F	Tigrigna	2 year	Both parents in Eritrea	13 January 2015
3	Informant 3	15	F	Tigrigna	5 month	Only mother in Eritrea , father dead	13 January 2015
4	Informant 4	15	F	Tigrigna	2 year	Both parents in Eritrea (divorced, lives only with mother)	13 January 2015
5	Informant 5	16	M	Tigrigna	1 year	Only mother in Eritrea, father dead	13 January 2015
6	Informant 6	11	M	Tigrigna	6 month	Only mother in Eritrea, father dead	13 January 2015
7	Informant 7	12	M	Tigrigna	1 year	Only mother in Eritrea, father dead	14 January 2015
8	Informant 8	16	F	Tigrinya	2 year	Bothe parents in Eritrea	14 January 2015
9	Informant 9	17	M	Tigrinya	2 year	Both parents in Eritrea	14, January 2015
10	Informant 10	16	M	Tigrinya	2 year	Only mother in Eritrea, father dead	14, January 2015
11	Informant 11	14	M	Tigrinya	1 year	Only grandmother, both parents dead	14 January 2015
12	Informant 12	15	F	Tigrinya	2 year	Both parents outside of Eritrea	15 January 2015
13	Informant 13	17	F	Tigrinya	2 year	Both in Eritrea	15 January 2015
14	Informant 14	17	M	Tigrinya	2 year	Only Grandmother in Eritrea, both parents dead	15 January 2015
15	Informant 15	17	M	Tigrigna	3 year	Only mother in Eritrea, father outside	15 January 2015
16	Informant 16	14	M	Tigrigna	1 year	Both parent in Eritrea	16 January 2015
17	Informant 17	16	M	Tigrinya	1 year	Both parents in Eritrea	16 January 2015
18	Informant 18	14	F	Tigrinya	1 year	Both parents in Eritrea	16January 2015
19	Informant 19	16	F	Tigrinya	3 year	Both parents in Eritrea	16 January 2015
20	Informant 20	14	F	Tigrinya	1 year	Both parents in Eritrea	16 January 2015

## 2. List of Focus Group Discussion Participant

No	Name	Sex	Age	Date
1	FGD participant 1	Female	16	17 January 2015
2	FGD participant 2	Female	17	
3	FGD participant 3	Female	15	
4	FGD participant 4	Male	16	
5	FGD participant 5	Male	16	
6	FGD participant 6	Male	15	

## 3. List of Key Informants

No	Name	Responsibility	Date of interview	Place of Interview
1	Key informant 1	Social worker	14, January, 2015	Mai-Ayni camp
2	Key informant 2	Social worker	14, January, 2015	May –Ayni camp
3	Key informant 3	Social worker	15, January, 2015	Mai-Ayni camp
4	Key informant 4	Social worker	15 January, 2015	Mai-Ayni camp
5	Key informant 5	Social worker	16 January, 2015	Mai-Ayni camp
6	Key informant 6	Social worker	16 January, 2015	Mai-Ayni camp
7	Key informant 7	Child protection Officer (IRC)	15 January, 2015	<i>Ambamadre town</i>
8	Key informant 8	Child protection Officer (UNHCR)	21 January 2015	<i>Shire town</i>
9	Key informant 9	Child protection officer(UNHCR)	21 January 2015	<i>Shire town</i>
10	Key informant 10	Head of Sub-branch office in Shire(ARRA)	25 January 2015	<i>Shire town</i>