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The Protection of Children’s Rights in times of Internal Displacement in Ethiopia: The Case of Burayu

BY

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Displacement in Ethiopia: the case of Burayu Area**

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DECLARATION

I, the undersigned, declare that the thesis entitled “The Protection of Children’s Rights in times of Internal Displacement in Ethiopia: The case of Burayu Area” comprises my original work. In compliance with widely accepted practices, I have duly acknowledged and referenced all materials used in this work.

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List of Abbreviations

ACHPR	African Charter on Human and Peoples Rights
AU	African Union
FDRE	Federal Democratic Republic of Ethiopia
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDMC	Internal displacement monitoring Center
IDPs	Internal Displaced Persons
IDP	Internal Displaced person/people
MoLSA	Ministry of Labor and Social Affairs
NDRMC	National Disaster Risks Management Control
NGO	Non-Governmental Organizations
NRC	Norway Refugee Council
OAU	Organization of African Unity
SNNPRS	Southern Nations Nationalities and people's Regional State
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGP	United Nations Principle on Internal Displacement
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs

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Abstract

In Ethiopia, people are forcefully displaced from their habitual residence due to various causes. Children are also among those people forcefully displaced and makes them the most vulnerable persons to different displacement induced human rights violations such as their right to life, food, shelter, physical security, not to be sexually abused, not to be separated from their family and community which endanger a child's existence. To this effect for children need special protection, therefore, the international and regional laws protect IDPs children by imposing the primary obligation on a state to protect and provide humanitarian assistance to IDPs, and also refrain from violating the rights of IDPs children. In the case of the Burayu displaced that occurred on September 2018, children were among the displaced. The displacement induced rights of displaced children violated during and after displacement mainly include the right to not to be arbitrary displaced, the right to survival and development, the right to psychological support, the right to humanitarian assistance, physical integrity, the right to education, the right health, and the right to durable solution. With respect to Ethiopian state obligation to prevent from the violation of the rights of displaced children from Burayu, the government has failed its obligation in that it did not take any preventive measures to eliminate the cause for the displacement of displaced children of Burayu. Lastly, Ethiopian state by not also enacting legal frameworks for the protection of displaced children, and nonexistence of legal remedy both in case of civil and criminal matters for the prevention and protection of displaced children from Burayu and also by not providing immediate humanitarian assistance and durable solution has failed in its obligation to fulfill to the protection of displaced children from Burayu.

Keywords: Internal displaced children, Internal displaced persons, Burayu, Kampala convention, UNGP

CHAPTER ONE

INTRODUCTION

1.1. Background

Ethiopia is one of the countries of the world that has been affected by internal displacement. Especially, in 2018 showed a dramatic increase of displaced persons due to inter-communal conflict along the disputed borders between the different ethnics in the country¹. According to IDMC report of the first half of 2018 the number of displaced persons recorded was more than 1.7 million new displacements associated with conflict and violence in Ethiopia and the neighboring country of Somalia where the causes of displacement were devastating floods and drought in both countries². Moreover, from the 2019 Global report of IDMC, Ethiopia recorded in 2018 as the third highest number of new displacements worldwide, with 3,191,000 internally displaced persons (IDPs)³. The main causes of such displacement were conflict related displacement which caused 1,089,856 persons to be displaced, followed by displacement related to drought which displaced 424,845 people and seasonal flood which also displaced 35,995 IDPs persons in Ethiopia⁴. In the first half of 2019 also, Ethiopia recorded a total of 755,000 new displacements of which 522,000 are conflicts related and 233,000 were associated with disasters⁵.

Under the Ethiopian legal framework there is no law that specifically deals with IDPs. This does not mean however that there is no legal protection for IDPs as different international and regional instruments pertaining to human rights have been adopted and ratified by the government of Ethiopia and also various protection on different laws of Ethiopian exist such

¹International Organization for Migration, The UN Migration Agency (2019)- Ethiopian National Displacement Report Round 18: July — August 2019, I

² IDMC, Mid-year figures internally displaced Ethiopians, New displacements between January and June 2018, available at <<https://reliefweb.int/report/world/idmc-mid-year-figures-internal-displacement-2018>> accessed on March 15 2020.

³Internal Displacement Monitoring Centre (2019) Global Report on Internal Displacement (GRID) 2019 Report, Available at <<http://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>>accessed on Feb. 11 2020.

⁴International Organization for Migration, The UN Migration Agency (2019) (n 1) 2

⁵IDMC (2019) Internal Displaced Persons in Ethiopia Information, available at <<https://www.internal-displacement.org/countries/ethiopia>> accessed on Feb. 10 2020.

as the Constitution, the criminal laws and proclamation can be considered as an evidence to the existence of the protection of IDPs in Ethiopia. These laws of Ethiopia are not comprehensive as they are found scattered on different codified laws of the country and are therefore difficult to practicably apply the laws. Ethiopia has signed the Kampala convention but has not ratified it until 2020⁶.

Children are among the displaced around the world including in Ethiopia. Internal displaced children are not without rights in that in addition to the rights they confer as human being they also need special protection due their age. Their vulnerability has brought about the adoption of international as well regional international instruments particularly dealing with children rights and also national laws have included provisions in their different laws that solely protect the rights of children. As displacement has a destabilizing and traumatic experience on children their need for protection is required and attention should be given for displaced children⁷.

The Burayu massacre of September 2018 is said to have led to the displacement of more than 15000 people including children. The Ethiopian authorities announced the death of 23 people and injuries of more than 500 people with no indication to the number of internally displaced children displaced. W/ro Abaynesh who is one of the displaced from Burayu area stated to reporters that she left Burayu town with her three children fearing of the full attacks occurring in the areas where she lived to find safety⁸. The public is without any knowledge with regard to what is state obligation and the extent of protection provided for internally displaced children from Burayu apart from unjustified and non-researched information disseminated through national and international magazines.

⁶IGAD Regional Consultative Process (2019) A Regional Exchange on Experiences in Supporting Resilience and Durable Solutions to Internal Displacement in the IGAD Region 2

⁷Office of the Special Representative of the Secretary-General for Children and Armed Conflict (UN)(2010) ‘The Rights and guarantees of internally displaced children in Armed Conflict’, Working Paper no.2, 5

⁸ ‘More than twenty-three killed in a spate of mob attack in Burayu. Thousands displaced’, *Addis Standard* (September 17, 2018), available at <<http://addisstandard.com/news-more-than-twenty-three-killed-in-a-spate-of-mob-attack-in-burayu-thousands-displaced/>> accessed on March 15, 2020.

1.2.Statement of the problem

Children due to their age are the most vulnerable parts of the society and are economically, socially, physically as well as psychologically affected in time of internal displacement⁹. Most researches have not been given much attention to the gravity of risks related to internal displacement of children. IDPs including their children do not cross international borders. To this effect, IDPs are not protected under the 1951 refugee Convention due to state sovereignty principle and that the primary obligations to protect their rights of child IDPs is considered to rest upon the state itself¹⁰.

However, giving primary obligation to the state in which the IDPs live has its drawback of not being protected. Considering the international instruments for the protection of internally displaced children, there is no binding convention or international agreement solely dealing with internally displaced children protection. This however does not leave internally displaced children unprotected in a strict sense for there exist international human rights laws and international humanitarian laws that could be directly or indirectly applied to internal displaced children protection and assistance. The non-existence of compressive and binding international agreements has its own impact in the protection and assistance of internally displaced children. At the regional level, even though there is regional convention in Africa that particularly protect IDPs including internal displaced children, the convention has not been ratified by Ethiopia until 2020, which does not in a strict sense oblige Ethiopia to comply with the rules and obligations provided under the convention before 2020 with respect to IDPs and displaced children. Ethiopia vowing to applying the UN Guiding Principle and to be bounded by AU Convention on IDPs to include IDPs protection to their national policy frameworks is not clear whether Ethiopia has complied its obligation to enact a separate policy to protect IDP within its territory¹¹.

At the national level, even if there are dispersed provisions that deal with the protection of IDPs including internal displaced children in different domestic laws, such laws have not

⁹ Norwegian Refugee Council/Global IDP Project (2002), 'Profile of Internal displacement: Iraq', 7

¹⁰ David Turton, 'The politics of internal displacement and options for institutional reform', (DEP No. 17, 2011) 5, available at <https://www.unive.it/media/allegato/dep/n17-2011/3_Turton.pdf> accessed on Feb. 11, 2020.

¹¹UNHCR Submission on Ethiopia 19th UPR session, Ethiopia Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review, 2

been identified and their sufficiency for the full protections of IDPs especially in dealing with the protection of internal displaced children has not been researched on. The non -existence of a comprehensive laws for the protection of internal displaced children is followed by the absence of institutional structure and mechanisms at the national level that solely deal with the protection of internal displaced children. According to Erin Mooney, the areas of insufficient legal protection for the internally displaced fall into two main categories as the first one being gaps that arise out of lack of explicit norms addressing identifiable needs and the second category concerning those cases where a general norm exists but a corollary provision specifically addressing concerns of particular importance to IDPs has not been articulated.

Burayu displacement crisis was an outbreak on September 13/2018 following the conflict occurred at Addis Ababa on September 12/2018 which lasted until September 14/2018¹².The local people of Burayu city were killing, performing organized robbing and physically abusing the women of Gamo, Wolaitta, Gurage and Silte descendants who lived in the same city. The cause of the conflict has not been clearly identified and also the economic, social and cultural disaster caused by it is unclear. Washington post stated that the attack had led to the killing of 23 people and displacement of 15086 people from Burayu town to Addis Ababa Town¹³. The validity of Such information has not however been researched on especially not being clear to anyone as what was the cause of the displaced, who caused the displacement of the displaced how many were children and what was the obligation of the state or government in the protection of such displaced children and whether they have been protected accordingly are the question that have been left hanging and need research for the answers of the questions above.

In order to determine the quality and quantity of protection given to internal displaced children in the Burayu crisis, it is important to get the data of the number of children displaced, unfortunately, no accessible data can be obtained from the website or any other

¹² Mahlet Fasil ‘More Than Twenty-Three Killed in a Spate of Mob Attack in Burayu, Thousands Displaced’, *Addis Standard* (17 September 2018) available at <<http://addisstandard.com/news-more-than-twenty-three-killed-in-a-spate-of-mob-attack-in-burayu-thousands-displaced/>> accessed on February 11, 2020.

¹³ Paul Schemm, ‘Ethiopia’s Ethnic Divides Rock Capital as Reports of Killings Prompt Angry Protests’, *The Washington Post* (17 September 2018) <https://www.washingtonpost.com/world/ethiopias-ethnic-divides-rock-capital-as-reports-of-killings-prompt-angry-protests/2018/09/17/8701bd0a-ba74-11e8-bdc0-90f81cc58c5d_story.html> accessed on February 11 2020.

sources easily. This by itself shows that not much attention has been given to the protection and assistance of internal displaced children primarily by the government of Ethiopia. The lack of state obligation in the prevention of causes to the human rights violation of victims of the Burayu crisis has led to the displacement of thousands of people including children. Hence, this study could add some knowledge to the existing academic literature and fill in the course of inspecting internal displaced children protection in the context of those instruments to make way to halt problems with displaced children and sought durable solutions. The research also helps Ethiopian government to identify its draw backs with respect to the protection of internal displaced children in Ethiopia.

1.3.Statement of Research questions

The core or grand tour of the research question that this study undertaken to ask is; what was the displaced induced violated rights of internal displaced children of Burayu and whether Ethiopia has complied with its state obligation with respect to the protection of internal displaced children as provided under international, regional and national legal frame works?

The specific questions for the thesis are,

- What were the displaced induced rights of internal displaced children and the obligation of state in providing protection for the rights of internal displaced children both under the relevant international, regional and Ethiopian national legal frameworks?
- Do the existing Ethiopian national legal frameworks conform to international rules and are they sufficient to provide effective protections for the rights of internal displaced children in Ethiopia?
- What were the displacement induced rights of internal displaced children displaced from Burayu town violated and what was Ethiopian's government response in providing protection and assistance in fulfilling its state obligation provided under the relevant international, regional and national legal framework?
- What measures should have been taken by Ethiopian government to provide effective protection and assistance to the rights and needs of internal displaced children displaced from Burayu and other such future displacements.

1.4. Research objective

The general objective of this study is to identify the extent of displacement induced human rights violations on internal displaced children displaced from Burayu on September 2018 and also to identify whether or not Ethiopia fulfilled its State obligation by providing protections and assistance for the rights of internal displaced children displaced from the Burayu area.

The study had also the following specific objectives.

- To identify displacement induced rights of internal displaced children and the obligation of state provided both under the relevant international, regional and national legal instruments pertaining to internal displaced children.
- To identify the extent of displacement induced violations of the rights of internal displaced children displaced from Burayu on September 2018 and assess Ethiopian Government response in providing protection and assistance the internal displaced children from Burayu with respect to its state obligation as provided under International, Regional and National legal frameworks.
- Lastly, provide recommendation on what kind of measures Ethiopia should have taken to provide an effective protection for the rights of internal displaced children to the displacement that occurred due to the Burayu crisis and in avoidance and protection for such future displacements of children occurring in Ethiopia.

1.5. Scope of the study

The scope of this study is limited to examining international and regional legal frameworks conferring to the rights of internal displaced children in particular emphasis to internal displaced children. Under the national legal frame work, the laws assessed are Oromia laws and Federal laws pertaining to IDPs in particular emphasis to internal displaced children. The research is also limited by assessing only displaced induced rights of internal displaced children violated and the assessi Ethiopia's government obligations in providing protections and assistance to the rights and needs of internal displaced children displaced from Burayu in September 2018.

1.6. Research Methodology

The research methodology used to analyze the data of this research is qualitative Method. The study employs both primary and secondary data collection sources to the legal as well as analysis of the case of Burayu displaced children in September 2018. To gather primary data, the researcher has employed observation and interviews as a primary data with regard to displaced children of Burayu.

The study population for this research assessment is those people who have already resettled and also those that have not yet resettled if any are found elsewhere in camps or Addis Ababa city or elsewhere. Research participants were purposively selected on the basis of those displaced persons who have children. Data collection is realized through in-depth Interview and Observation to internal displaced children parents and children's themselves. Interviews will also be conducted to concerned government officials, NGOs and other international agencies that participated on the protection, assistance or monitoring internal displaced children displaced from Burayu. Regarding the legal research it is to be a doctrinal research where the searcher uses secondary sources such as books, reports, articles, published and unpublished literatures, and also relevant international, regional and national laws pertaining to internal displaced children.

1.7. Limitation of the Study

Time and resource are some of the restraint. In addition, due to the high political sensitivity of the subject matter and since the country has been affected by covid-19 related problem, getting sufficient primary data from concerned government authority, office and the concerned authority was difficult and risky has also hindered the quality of this research. In addition, displaced women and men were unwilling to get interview due various personal reasons and fear of which only as few as 15 displaced persons were interviewed.

1.8. Significance of the Study

The significance of the study is in its contribution for the policy or law makers of Ethiopia in showing them the need for reforming of the existing Ethiopian laws for the better protection of internal displaced children. The other significance of the research is in that by revealing the gaps in the protection and assistance of the rights and needs of internal displaced children,

the government is to either correct to the further protection or provide assistance to those internal displaced children displaced from Burayu who still need protection and assistance if any exist. By showing the gaps in the protection and assistance by the government of internal displaced children displaced in Burayu, it will help the government tackle effectively such displacement for the better protection and assistance of internal displaced children to comply its obligation provided under international, regional and national legal framework. Students everywhere can refer to the thesis for further studies and researches related the internal displaced children in Ethiopia.

1.9.Literature Review

Tesfaye Tola in his LLM thesis has shown the legal gaps and the extent of fulfillment of the state obligation by the Ethiopian government in the protection and assistance of the Oromo people displaced from Somalia region of Ethiopia. Tesfaye Tola, in his thesis only referred to the FDRE Constitution and criminal law to determine the existence of legal laws that exist in Ethiopia pertaining to IDPs in general but has not deeply analyzed the legal problems and gaps pertaining to national laws of Ethiopia. His thesis is also short of identifying the legal protection the rights of internal displaced children in Ethiopia. No research exists anywhere in Ethiopia regarding the rights violated of displaced children from Burayu in September 2018 and also no analysis exists on the state obligation in the protection and assistance of such children displaced from Burayu region in Ethiopia.

1.10. The Structure of the Thesis

This study is organized into four chapters. The first chapter provides an introductory of the subject matter. The second chapter deals with definitions, concepts and rights of IDPs in particular emphasis to internal displaced children. The third chapter deals with the international, regional and national legal framework pertaining to internal displaced children. The fourth chapter analyzes the extent of violations of the rights of children displaced from Burayu city, and also examines the State response to such displacement based on the relevant international, regional and national legal frameworks. The thesis is finalized by the sixth chapter which deals with the conclusion and recommendation regarding the subject matter.

CHAPTER TWO

GENERAL CONCEPTS, INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF INTERNALLY DISPLACED CHILDREN'S RIGHTS

2.1. The concept of Children to Respect and Protection

Internal displacement appeared in humanitarian literature in the 1980s and Internal displacement got international recognition not before 1993 by the UN as those people who are forced to leave their origin or home country but have not crossed international borders. The main factor for the recognition of internal displacement at the UN was US and its ally's invasion of Iraq which as the consequence of the war brought about the displacement of the Kurds in millions in 1991 that forced the UN secretary council to pass resolution 688¹⁴.

The recognition of internally displaced persons by the UN in 1993 does not mean that there were no internal displacements before 1991. Displacement of people including children in different countries in time of the Second World War such as china and European countries¹⁵ can be an evidence for the existence of internally displaced persons before UN recognition of internal displaced Persons. It is worth noting that the 1951 Refugee convention does not protect internally displaced persons.

The recognition of internally displaced persons has not gone as far as promulgating internationally binding agreement but an existing soft law recognized by UN bodies which is the "Guiding Principles on Internal Displacement"¹⁶. The African continent unlike the UN has adopted the Kampala Convention and the 2006 Great lakes protocol that are legally binding on members counties who have adopted and ratified it. IDPs are vulnerable to social, political, economic and cultural rights such as lack of adequate food, water, cloth, health care, education, employment and also become victims of crime¹⁷.

Under the European legal system, there is no legally binding agreement solely pertaining to internally displaced persons, however, there exists a Plan of action for advancing prevention,

¹⁴Norwegian Refugee Council/Global IDP Project (2002)(n 9) 5

¹⁵Phil Orchard(2016), 'The Contested Origins of Internal Displacement', *International Journal of Refugee Law* (28:2) 8

¹⁶International Organization for Migration, The UN Migration Agency (2019) (n 1)

¹⁷International Organization for Migration, The UN Migration Agency (2019)(n 1) 9

protection and solutions for internally displaced people¹⁸. The European convention on human rights and its protocol as well as the jurisprudence of the European court of human rights play an important role in the protection and implementation of internal displaced persons in Europe¹⁹.

Under the OAS, there is no regional legal instrument that exclusively and solely deal with IDPs like that of the Kampala convention of Africa but there are however other conventions approved by the region that protect IDPS which are the inter-American Convention Against Racism, Racial discrimination and Related forms of Intolerance (the Anti-Racism Convention) and the Inter-American Convention against all Forms of Discrimination and Intolerance (the Anti-Discrimination Convention)²⁰.

The precise definition of the term “child” has been provided under the CRC to mean “a human being below the age of eighteen years, unless under the law applicable to child, majority is attained earlier”²¹. The most accepted standards on children’s rights in the world and full list of rights for children and young people under the age of 18 has also been set out in the United Nations Convention on the Rights of the Child. According to UNICEF’s definition of child protection, it states that child protection is the prevention and responds to violence, exploitation and abuse against children²².” It refers to measures and structures that prevent and respond to physical, sexual, emotional or psychological abuse, commercial and sexual exploitation, child trafficking, child labor; and abuse of children in their home, school, and community²³. The protection of children also includes protecting them from harmful and abusive traditional practices, such as female genital mutilation (FGM) and child

¹⁸International Organization for Migration, The UN Migration Agency (2019)(n 1) 41-42

¹⁹International Organization for Migration, The UN Migration Agency (2019) (n 1) 41

²⁰Maria Beatriz (2014), ‘New OAS Conventions Protecting IDPs Against Racism and Discrimination’, 81

²¹ United Nation Convention on the Rights of the Child, Article 1

²² Save the Children and Child Protection, ‘Child Protection Information Sheets’, 1 available at < https://www.unicef.org/publications/files/Child_Protection_Information_Sheets.pdf > accessed on April 26, 2020

²³Mónica Ruiz-Casares, Tara M. Collins, E. Kay M. Tisdall& Sonja Grover (2017) Children’s Rights to Participation and Protection in International Development and Humanitarian Interventions: Nurturing a Dialogue, The International Journal of Human Rights, 21:1, 1-13, DOI: 10.1080/13642987.2016.1262520, 4

marriage²⁴. Children need protection because they are physically, mentally and emotionally immature and unable to adequately protect themselves²⁵. The protection of children to be effective requires the coordination a wide range of formal and informal bodies, including governments, multilateral agencies, donors, communities, careers, and families in order the realize child protection. There is no universally accepted definition to what a child is but different definition has been given the term child depending on the economic, cultural, political and social circumstances. For the purpose of this thesis has favored the definition of a “child” under the UN Convention on the Rights of the Child defined as every human being below the age of eighteen years²⁶. In addition, “children protection “for this thesis to be defined as measures taken and structures created to prevent and respond to violence, abuse, neglect, and exploitation affecting children displaced due to conflict. Child protection cannot be effective without applying the four guiding principles which are the right to life, survival and development, the principle of non-discrimination, the best interest of the child and the right to express their views²⁷. In addition, for the purpose of this thesis, the meaning “Internal displacement Persons” is to be applicable Internal Displaced Persons have been defined similarly on both the UN guiding principles on internal displacement and the Kampala Convention as: -

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border²⁸”.

We can infer from the definition the two main elements that define IDPs are “coerced or involuntary departure” and “not crossing international state boarders.” The two elements

²⁴ Child Protection Basics, Child Protection Toolkit Manual 1: Child Protection Basics, FHI 360 Child Protection Toolkit © 2012 by FHI 360

²⁵Committee on the Rights of the Children (2013), General Comment No. 14 on the Right of the Child to Have his or her Best Interests taken as a Primary Consideration (art. 3, para. 1), CRC/C/GC/14, 3

²⁶Convention on the Rights of the Child (1989), Article 1

²⁷Noam Peleg, International Children’s Rights Law: General Principles (Springer Nature Singapore Pte Ltd, (2018) 1

²⁸UN Guiding principles on Internal displacement, introduction (2); and the Kampala convention, article 1(k)

element helps as to distinguish IDPs from other type of displaced persons such as refugees²⁹. The causes of displacement are not exhaustive meaning that other causes listed in the definitions of IDPs by the three instruments can be considered as a cause of displaced because under the definitions when listing down the causes of displacements, the three instruments use the phrase “in particular” which confers the non-exhaustive listing of the causes of displacement³⁰. Child protection cannot be realized without applying for basic principles to the protection of the rights of the child. These are: -

➤ **The Right to Life, Survival, and Development Principle**

The principle of the right to survival and development deals with ensuring access to basic services and to equality of opportunity for children to achieve their full development.³¹.The term ‘development’ should be interpreted in its broadest sense to include the Children’s mental, emotional and physical development as they are interlinked³².

➤ **The Best Interest of the Child**

According the UN human rights committee the best interest of the child is to refer to the full range of children rights without violation to such rights³³.The principle of best interests of the child deals with taking into consideration of the most preferred actions and decisions that at most protects the needs and wants of children displaced from their original hometown. The principle important in that it helps to focus and give priority the political, economic and

²⁹ International Organization for Migration (IOM), IOM Framework for Addressing Internal Displacement (IOM,2007) 6

³⁰Walter Kälin, *Guiding Principles on Internal Displacement Annotations* (The American Society of International Law and the Brookings Institution, 2008) 4.

³¹ Save the Children (2005), *Child Rights Programming, How to Apply the Rights-Based Approaches to Programming, A Handbook for International Save the Children Alliance Members* (Second Edition Child Rights Programming) 16

³²International Organization for Migration (IOM), IOM Framework for Addressing Internal Displacement (IOM,2007) (n 29)

³³Committee on the Rights of the Children (2013) (n 25)

social wants and needs of the child whenever policies, laws and decisions by a state that directly or indirectly affect children³⁴.

➤ **Non-Discrimination**

UN Human Rights Committee defines non-discrimination any distinction, difference, exclusion based on gender, age, ethnicity, race, religion, physical abilities or other factors³⁵. This definition is also applicable in defining the principle of non-discrimination with respect to child rights that all children are to be considered equal no differentiating them on basis of the status, activities, expressed opinions, or beliefs of their parents or guardians. To this effect, all the rights and needs of IDPs children are to be protected by the government without such discrimination. The principle of Non-discrimination is to mean that all children have the same right to develop their potential in all situations and at all times without any prioritization or difference regardless of the child's gender, race, ethnicity, nationality, religion, disability, parentage, sexual orientation or other status³⁶. All children are equal and that they are equally entitled to all of the rights provided under international, regional and national laws.

➤ **The right to express their views**

As Children are no longer considered property of their parents but active rights claimers, their views of the child must be heard and respected in all matters concerning his or her rights³⁷. Children are to express their views in decision making and have them given due weight is vital, both for their feeling of being involved in their own case and for the aim of determining his or her best interests³⁸.

³⁴ Aron Degol and ShimelisDinku(2011), 'Notes on the Principle "Best Interest of the Child": Meaning, History and Its Place Under Ethiopian Law, *Mizan Law Review*, Vol. 5 No.2, 1

³⁵ Human Rights Committee, General Comment 18, Non-discrimination (Thirty-seventh session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994)

³⁶ Dagmar Kutsar and Hanne Warming (2014), 'Children and Non-Discrimination' (University Press of Estonia) (2004)

³⁷ United Nations Children's Fund International Child Development Centre Innocent Digest Florence – Italy, No. 2, 2, available at <<https://www.unicef-irc.org/publications/pdf/digest2e.pdf>> accessed on May 23,2020

³⁸ Peleg (n 28) and United Nations Children's Fund (n 35) 19

Under the international legal framework, State has the main responsibility for the fulfillment of children's protection rights and when performing its responsibility, it is to be guided by the four basic principles provided above. The state obligation or responsibility to the protection of children's right is to be performed through the obligation of the state to prevent, protect and respect.

2.2. The Concept of State Obligations

State obligation in terms of human rights protection refers duty and responsibility of a to enforce human rights recognized under international, regional and national laws to enable the right holders to exercise his/her rights protected under the law. International human right law has recognized state obligation to into three as be obligation to protect, obligation to respect, and obligation to fulfill³⁹.The guiding principles considered state responsibility as a positive principle to make the soft law to be accepted as far as adopting them to their own national laws by many states of the world to protect and assist their own people who were displaced⁴⁰.States have a responsibility to prevent⁴⁰, protect and assist those persons who have been displaced from their territories and to support and facilitate voluntary, safe and dignified solutions to displacement⁴¹. State obligation to respect refers to state duty and responsibility to refrain from intervening in the exercise rights by persons within its territory of the rights that provided under international laws⁴².

State obligation to protect refers to state duty to protect persons against abuse by third parties, non-state actors and governmental officials through enacting of laws and policies or adopting other necessary measures to prevent human right violations⁴³. Lastly, State obligation to fulfill refers to state duty and responsibilities to take any possible measures to ensures and enable every individual person to exercise their human rights by enacting or fulfilling gaps

³⁹Inter-Parliamentary Union and the United Nations (Office of the High Commissioner for Human Rights) Handbook for Parliamentarians N° 26, Human Rights, Inter-Parliamentary Union 2016, 31

⁴⁰Yung-huaKuo(2017), 'Implementing International Laws for Internally Displaced Persons in Situation of Natural Disasters'(University of Washington School of Law) 5 & 6

⁴¹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict (2010), 'The Rights and Guarantees of Internally Displaced Children in Armed Conflict', WORKING PAPER N° 2, 1

⁴²International Organization for Migration, The UN Migration Agency (2019) (n 1), 122

⁴³Yung-huaKuo(2017), 'Implementing International Laws for Internally Displaced Persons in Situation of Natural Disasters' (n 40)

existing on the legislative and administrative make sure that the human rights are fully and effectively respected. The state obligation to fulfill comprise of three types of obligation.

The first is the obligation to provide to mean that to provide goods and service such as food, water, and housing to enable the right holders to enjoy their rights when people are not able to access on their own as a result of disasters and situations in order means. The other type of state obligation to fulfill is the Obligation to promote which refers to state obligation to adopt measures to inform rights holders as they have the right to claim their rights granted under the law. lastly but not least is Obligation to facilitate referring to states obligation to adopt all legislative, administrative, and other types of measures that enable right holders to exercise their rights. The main obligation of the state to fulfill in relation to IDPS is the obligation to provide humanitarian assistance to displaced persons within its territory⁴⁴. One of the obligations of the state to fulfill is the concept of durable solution.

2.3. International and Regional Legal framework for the protection of Internal Displaced Children

Introduction

The challenges of internal displaced persons are numerous such as being evicted from home which brings about the need for food, shelter, livelihood, and also their personal documents or other may have lost or destroy during displacement which by causes the violation of other rights such as the right to be employed and receive ID cards, their family or social networks may have been cut off due to displacement, and in displaced persons may lack sanitation and access to medication which affects their health needs⁴⁵.The purpose of identifying IDPs as a distinct category of concern is not to give them special rights and privileges but to guarantee all the rights provided under international human rights and humanitarian laws and also fulfill their basic needs and human rights protected as a result of displacement⁴⁶.

⁴⁴ UN Guiding Principles on Internal Displacement, Article 25

⁴⁵Mónica Ruiz-Casares, Tara M. Collins, E. Kay M. Tisdall& Sonja Grover (2017) Children's Rights to Participation and Protection in International Development and Humanitarian Interventions: Nurturing a Dialogue, *The International Journal of Human Rights* (n 23)

⁴⁶International Organization for Migration, *The UN Migration Agency* (2019) (n 1) 9

Institutionally, there is no specific legally mandated institutional organ which will act on behalf of IDPs⁴⁷. However, this does not mean that the international as well as regional community has no institutional mechanism responding to the problems of internal displacement. The devastating effect of internal displacement on people has led to the need for specific international, regional as well as national legal instruments pertaining to IDPs. Among the people displaced are children and Children have the right to enjoy all human rights provided under the international human rights law, international humanitarian law and international criminal laws without any discrimination and limitation relating to their displacement⁴⁸. Although it is factual that no convention exists dealing with the protection and assistance of internal displaced children, there are however international instruments that confer to IDPs and children rights that confer rights and protection taking into consideration of the special needs.

children's protection under the international legal frame work that relates to children rights including internal displaced children protection re-convention on the Rights of the Child 1989 (CRC), Optional Protocol on the sale of children, child prostitution and child pornography 2000 and Optional Protocol on the involvement of children in armed conflict 2000 and the United Nation's Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (2000). With regard to IDPs the basic international instruments pertaining to displaced persons are the UN Guiding Principles on Internal displacement. With respect to regional legal framework, under the AU system, the instruments that deal with IDPs protection are the 2006 Pact on Security, Stability and Development in the Great Lakes Region (the Great Lakes Pact) and its protocol on IDPs' protections well as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). The AU has also regional legal framework that specifically protects the rights of children which is The African Charter on the rights and welfare of the Child. This does not mean that the previous instruments listed are the only instruments that exist to protect internal displaced children but are also other instruments that protect internal displaced children including other human beings who are not children and also who have not been displaced such as the international bill of Human rights, international humanitarian law, criminal law with respect to international legal frame work⁴⁹. Under the regional legal frame

⁴⁷Ibid

⁴⁸Office of the special Representative of the secretary general for children in Armed Conflict (2010) (n 39) 7

⁴⁹ Ruiz-Casares and others (2017) (n 23) 14

framework one can mention The African charter on Human and Peoples Rights. When domestic laws do not sufficiently protect the rights of IDPs, international laws may facilitate national legislation and policy to better address the protection of internal displacement persons. From the above-mentioned international and regional instruments, the thesis focuses only on the instruments stated below that basically relate to the protection and assistance of internal displaced children especially in Ethiopia.

2.3.1. The UN Guiding Principles for the Protection Internal Displacement Children

Before the guiding principles existed, there were no rules specific for internal displacement in the international arena. The international community did not give much attention to apply international laws and properly approach internal displacement issues⁵⁰. The staggering increase of internal displacement perceived the attention of international organizations and countries on problems relating to internal displacement and sought a new legal framework⁵¹. To this effect, in 1998, the United Nations issued the Guiding Principles on Internal Displacement⁵². The guiding principles fill the legal gaps by providing guidelines to clarify the rules of internal displacement. The main objective of the guiding principles is to protect people including children who have been forced to flee or leave their homes because of armed conflict, generalized violence, violations of human rights, natural or man-made disasters and who have not crossed an internationally recognized state border.

The UN guiding Principles is international legal document that is not binding that provides minimum international standards emanating from international humanitarian law and international human rights law that consist of principles that protect the rights of IDPs by identifying specific rights of IDP on one hand, and specific obligations of state, on the other⁵³. The UN Guiding Principles bring together in one document of 30 Principles. In 2005 World Summit, states considered the UN Guiding principle on internal displacement as a

⁵⁰Yung-huaKuo (2017), 'Implementing International Laws for Internally Displaced Persons in Situation of Natural Disasters' (University of Washington School of Law) 4

⁵¹ Ibid

⁵² Mónica Ruiz-Casares, Tara M. Collins, E. Kay M. Tisdall & Sonja Grover (2017) Children's Rights to Participation and Protection in International Development and Humanitarian Interventions: Nurturing a Dialogue, *The International Journal of Human Rights* (23)

⁵³ ICRC Advisory Service on International Humanitarian Service, Internally Displaced Persons and International Humanitarian Law 26 (ICRC, 2017) 2, available at <<https://www.icrc.org/en/document/internally-displaced-persons-and-international-humanitarian-law-factsheet>> accessed on Feb 20 2020.

tool, standard and also an important international framework for the protection of internally displaced persons that guides governments, international organizations and all other relevant actors in situations of internal displacement⁵⁴. The UN guiding principles covers to deal with all the conditions of displacement starting from “prevention of displacement”, “protection and provision of assistance to IDPs during displacement”, and “durable solution to IDPs in the form of return, relocation or resettlement”.

The UN Guiding Principles consolidates rights provided under international legal instruments necessary for IDPs protection and assistance such as the right to life, to the food, potable water, shelter, health and sanitation, physical security and integrity. It also incorporates economic, social and cultural protection concerns such as access to education and also civil and political protection rights such as right to personal documentation and to participate in community affairs⁵⁵.Special attention is paid in the Guiding Principles to the situation of internally displaced children. Those provisions dealing with internal displaced children which takes into account their special needs significantly affected during displacement are entitlement to protection and assistance required by their condition and to the treatment of Un-accompanied minors as well as expectant mothers and mothers with young children⁵⁶,The right of families to remain together and to be rapidly reunified of internal displaced children⁵⁷ Protection of children from sale into marriage, exploitation and forced labor⁵⁸,Protection of children from recruitment or from taking part in hostilities⁵⁹,The right to documentation in their own names, including birth certificates⁶⁰, the right to education, including the equal participation of girls⁶¹. The inclusion of specific rights provisions in the UN Guiding principles on internal displacement with respect to internal displaced children is important in determining on what to focus when protecting and assisting internal displaced children. Durable solution is the other basic rights of IDPs identified under UN Guiding Principles on

⁵⁴The UN General Assembly, 2005 World Summit Outcome, Sixtieth session (Items 48 and 121 of The Provisional Agenda, 2005) 30

⁵⁵ See the UN Guiding Principles on Displaced Persons.

⁵⁶ UN Guiding Principles on Internal displacement(n 44), Principle 4(2)

⁵⁷ Ibid, Principles 7 and 17

⁵⁸ Ibid, Principle 11

⁵⁹ Ibid, Principle 12

⁶⁰Ibid, Principle 22

⁶¹Ibid, Principle 23

Displaced persons that operated to permanently resolve problems of IDPs⁶². The durable solutions consist of IDPs right to voluntary returns to their homes or place of their habitual residence, the right to re-integrate if they have taken refuge, and the right to be resettled voluntarily in another part of the country⁶³.

The primary obligation to protect and assist internal displaced children lies on the state in taking effective measures to reduce disaster risk and for initiating, organizing, coordinating, and implementing humanitarian assistance to the victims within its territory⁶⁴. The UN guiding principle also obliges states to establish conditions and provide the means for internal displaced children to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to be resettled voluntarily in another part of the country. The UN guiding principle imposes on states concerned that when pursuing any of the durable solutions the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration must be taken into consideration.

2.3.2. The Kampala Convention on the Protection of Internal Displaced Children

In October 2009, African states adopted the world's first binding regional treaty to protect IDPs called The African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) which entered into force on 6 December 2012⁶⁵. The reason the AU adopted the Kampala convention was the need to fill the legal gap with regard to the protection of IDPs in Africa and also to curb the devastating impact of internal displacement on peace, security, environment and development of African states⁶⁶. The Kampala Convention is a legally binding instrument. The Kampala Convention like the UN Guiding Principles on Internal Displacement does not create new rights and obligations but rephrases rights and obligations provided under international human rights, humanitarian and refugee law that are vital for the protection and assistance of

⁶²Ibid, Principle 28(1)

⁶³Ibid, Principle 28(1)

⁶⁴Ibid, Principle 28(1)

⁶⁵ African Union, available at <<https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>> accessed on Feb 24, 2020.

⁶⁶UNGA (2009) Climate change and its possible security implications: report of the Secretary-General, 11 September 2009, A/64/350 <<http://www.unhcr.org/refworld/docid/4ad5e6380.html>> accessed March 08 2020.

IDPs⁶⁷. Although the Kampala convention can be said to be a copy of the Guiding Principles, it also extends some protections and assistance for IDPs and provides also obligations to non-state actors and armed groups.

The Kampala convention like the UN guiding principles on displaced persons incorporates durable solutions⁶⁸. The Kampala Convention obliges states to seeking lasting solutions to the problem of displacement through durable solution to voluntarily choose to return home, integrate locally in areas of displacement or relocate to another part of the country. In applying durable solutions, States are responsible for promoting and creating satisfactory conditions for each of these options on a sustainable basis and in circumstances of safety and dignity and also in addition shall consult internally displaced persons and allow them to participate in the deciding the durable solution conducive to them and on other decisions regarding protection and assistance⁶⁹. With respect to specific provisions dealing with internal displaced children, the Kampala convention obliges member state to refrain and prevent acts of sexual and gender-based violence in all of its forms in particular rape, enforced prostitution, sexual exploitation and harmful practices, slavery, recruitment of children and also using children in hostilities, forced labor and human trafficking and smuggling⁷⁰. In addition, states are obliged to provide special protection for the assistance of IDPs persons with special needs such as separated and unaccompanied children⁷¹. Not only does the Kampala convention lay obligations to states but also to armed groups that prohibits them from forcible recruitment of persons, kidnapping, abducting or hostage taking, engaging in sexual slavery and trafficking of children.

2.4. Durable Solutions for Internally Displaced Children

Durable solution is vital and necessary for IDPs in ending displacement⁷². To this effect, durable solutions exist for IDPs to permanently resolve their problems that have continued to

⁶⁷ Ramola Adeola, (2018), The Kampala Convention and The Rights not to be arbitrarily displacement (Twenty Years of the Guiding Principles on Internal Displacement)

<<https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/adeola.pdf>> accessed on Feb 24, 2020.

⁶⁸ The Kampala Convention, Article 11.

⁶⁹ Ibid.

⁷⁰ The Kampala Convention (n 68), article 9(2)(d).

⁷¹ Ibid, article 9(2) (c).

⁷² IASC (2010), IASC Framework on Durable Solutions for Internally Displaced Persons (The Brookings Institution -University of Bern Project on Internal Displacement) A1

exist even after they have been safely returned to their home or resettled in another place⁷³. Durable solutions are implemented gradually and take long process to be realized. Durable solutions are reflected taking into consideration of human rights, humanitarian assistance need, development, reconstruction and peace building challenges existing⁷⁴. To this effect, the possible durable solutions that could be alternatively realized to curb the crisis of displaced persons are “return to the area of origin”, “local integration of IDPs at the place they took refuge” and lastly “resettlement in another part of the country”⁷⁵. The durable solution should be applied voluntarily on IDPs and that the safety and dignity of the displaced persons should be protected⁷⁶.

In addition, timely and coordinated participation of different international and national actors such as governmental organs, NGOs, humanitarian and developmental actors is necessary for durable solution bring about a positive outcome in permanently eradicating the problems created by displacement⁷⁷. As there is no hierarchy between the three types of durable solutions, choosing which type of durable solution is to be realized taking into consideration of the needs, rights and legitimate interest of the IDPs themselves through their participation in the decision-making process to the choosing of the type durable solution to be perused⁷⁸. Durable solution is fully realized when IDPs no longer are in need of assistance and protection in relation to their displacement and when they are able to exercise their human rights without any discrimination for priority is given to the survival and protection of the dignity of IDPs by curbing eminent danger arising due to displacement⁷⁹.

⁷³ IASC (2010) (n43)

⁷⁴ Save the Children and Child Protection (n 23) A2

⁷⁵ UNDG Guidance Note on Durable Solutions for Displaced Persons, ‘Refugees, Internally Displaced Persons and Returnees’, 4, available at <<https://www.refworld.org/pdfid/4a54bbf4d.pdf>> accessed on Feb 21 2020.

⁷⁶ The Guiding principles on internal displacement (n 44) Principle 28

⁷⁷ J Egeland (2005), ‘Towards a Stronger Humanitarian Response System’, Forced Migration Review 4.

⁷⁸ International Organization for Migration, The UN Migration Agency (2019) (n 47)

⁷⁹ Inter-Parliamentary Union and the United Nations (Office of the High Commissioner for Human Rights) Handbook for Parliamentarians N° 26 (n 39) 451

CHAPTER THREE

National legal and Institutional Framework on the protection of the rights of IDPs children and State Obligation to the protection of Internal Displaced Children

Introduction

As citizens or habitual residents of the country in which they are displaced, internally displaced people (IDPs) will often turn for help to national authorities, which bear the primary responsibility for protecting and assisting them. The impact of internal displacement does not only physically, socially, economically affect displaced persons but also states severely lack of capacity and institutional structure to protect and assist IDPS which may pose security and humanitarian challenges⁸⁰. Performing of state responsibility to protect IDPs is challenging due to limited institutional capacities and funding. Many Sates do however adopt national laws, policies or strategies on internal displacement. Such an instrument can provide important guidance to national authorities and other relevant parties involved in responding. The existence of comprehensive national policies, strategies or plans regarding internal displacement is a fundamental step for a country to effectively protect IDPs.

Under the national legal framework of Ethiopia, there is no a specific law that is pertaining to the protection of internally displaced children except the ratification of the Kampala convention under proclamation no. 1187/2020⁸¹. Under the proclamation, Ethiopian government has made a couple of reservations. One of the reservations is in connection to compensation where compensation is limited only to displacement as a result to expropriation⁸². The reservation with regard to compensation limits the rights of IDPs to be compensated from other causes of displacement other than development induced that has damaged the property of IDPs when the government has failed its duty to prevent and protect the causes that resulted the damages. The other reservation refers related to the limitation of

⁸⁰Mónica Ruiz-Casares, Tara M. Collins, E. Kay M. Tisdall & Sonja Grover (2017) Children's Rights to Participation and Protection in International Development and Humanitarian Interventions: Nurturing a Dialogue, *The International Journal of Human Rights*, (23)17 & 18

⁸¹The African union convention for the protection and Assistance of internally displaced persons in Africa Ratification Proclamation was ratified on 13th February 2020.

⁸² The African union convention for the protection and Assistance of internally displaced persons in Africa Ratification Proclamation No. 1187/2020, article 3/1//a/

the jurisdiction of the African court of justice and human rights which it has been clearly stated that the Ethiopian government is not bound to the jurisdiction of the court⁸³. Although the ratification of the Kampala convention can be considered as a promising step for the protection and assistance of IDPs, the proclamation is not capable of realizing of the protection and assistance of IDPs as it requires enacting policies, strategies, and laws (regulation and directives, procedural that comply with the Kampala convention rules and principles. Nonexistence of specific laws dealing with IDPs law does not mean that there are no laws protection internally displaced children. We can find various provisions dispersed in different laws of Ethiopia that protect the rights of internal displaced children. The laws that protect IDPs have been provided as follows: -

3.1. National legal frame work

3.1.1. The 1995 FDRE Constitution

The constitution was adopted on December 8 1994 Containing 106 articles. The constitution is the supreme law of the land meaning that any law that contradicts with the constitution is null and void. The FDRE constitution states that all international agreements ratified by Ethiopia are the integral part of the law of the land⁸⁴. Ethiopia has also recently become the 31st state to ratify the Kampala convention on February 13 2020⁸⁵. To this effect, the government of Ethiopia has the duty and responsibility to adhere and respect all international agreements ratified by Ethiopia. The constitution also stipulates different human rights provisions classifying them into two as human and democratic rights⁸⁶. The human rights as well as democratic rights listed under the FDRE constitution are all the rights of internal displaced children and that the state has the duty to respect, protect and fulfill in their realization⁸⁷. All the human right and democratic rights provided under the constitution such as the right to life, the right to security of persons, the right to liberty, the right to protection against cruel, inhuman and degrading treatment, the right to equality, the right to movement, the right to thought, opinion and expression, protected against being arbitrarily displaced from his/her home or his residence and other rights listed are rights of internal displaced

⁸³ Ibid, article 3/1//c/

⁸⁴ The 1995 FDRE Constitution, Article 9(4).

⁸⁵ Xinhuanet News available at < http://www.xinhuanet.com/english/2020-02/15/c_138787142.htm > accessed on Feb27 2020.

⁸⁶ The 1995 FDRE Constitution, Article 10(1).

⁸⁷ Ibid, Article 9(2).

children that need to be protected during and after displacement of internal displaced children⁸⁸. In addition, the FDRE Constitution has a specific provision dealing the rights of the child. The provision also states that in all actions concerning children the best interest of the child is to be primary taken into consideration by governmental bodies on decisions carried pertaining to children⁸⁹. With respect to obligation of the Ethiopian provided in the FDRE constitution in the protection and assistance of internal displaced children, the government of Ethiopia has the obligation to enforce the rule of the constitution which refers to protection and assistance of the rights of internal displaced children whose rights are guaranteed by the FDRE constitution. The Ethiopia government has also an obligation to fulfill which is provide social services such as providing clean water, housing, foods, and social security⁹⁰ as well as public health, education and other social services⁹¹ for IDPs including internal displaced children to the extent possible. In addition, the government of Ethiopia has the duty to take measures to avert natural and man-made disasters and also when disaster occurs to provide timely assistance to the victims⁹².

3.1.2. The Criminal Code

One of the ways the Ethiopian government can protect IDPs including internal displaced children is through enacting laws that protect them the violations of theory rights during and after displacement or for the sake of prevention displacement. Firstly, it is undeniable that any criminal act committed on internal displaced children is considered as a crime and entails criminal punishment. Crimes that could be committed during and after displacement are killing, torture, inhuman treatment, starvation, intimidation, or terror, collective punishment, bodily harm, or injury to mental and physical health committed during time of displacement are considered as crimes under the Ethiopian criminal code⁹³. International crimes of genocide⁹⁴, crimes against humanity and war crimes⁹⁵ are considered as crimes under the criminal code of Ethiopia. All the crimes considered as crimes under the criminal code of

⁸⁸Ibid, Article 14-44

⁸⁹Ibid, Article 36(2)

⁹⁰Ibid, Article 90(1)

⁹¹Ibid, Article 41

⁹²Ibid, Article 89(3)

⁹³Ethiopian Criminal code, 1960, Articles 538-612 &620

⁹⁴Ibid, 1960, Articles 269

⁹⁵Ibid, 1960, Articles 270

Ethiopia when committed on internal displaced children entails criminal liability. The Ethiopian criminal law also aggravates the punishment of crimes committed on children because of the need for special protection of children in relation to their age⁹⁶.

3.1.3. The Lack of National Policy on Internal Displacement in Ethiopia

One of the ways in which a state could realize the protection of internal displaced children within its boundaries is by developing policies pertaining to the protection and assistance of IDPs including internal displaced children. There is no Policy in Ethiopia that specifically pertains to the protection and assistance of IDPs or internal displaced children, however, there have been policies regarding disaster risk management which to some extent could be referred for the protection of IDPs including internal displaced children which are the National Policy on Disaster Prevention and Management (NPDPM) of 1993 and 2013. The policies address all the phases of disaster which are prevention, mitigation, preparedness, response, and rehabilitation and recovery. The priorities of the policies were to prevent the loss of human lives and livelihood that occur due to the disaster and also to tackle and eliminate the root cause of the disaster.

3.1.4. The Legal Framework in Oromia National Regional State

The Oromia regional state Constitution⁹⁷ is a verbatim copy of the 1994 FDRE constitution. The constitution does not have a specific provision or any provisions dealing with IDPs including IDPs children. The non-existence of IDPs rights of children in the Oromia constitution does not mean that IDPs children do not have rights but all human rights and democratic rights (not all of them) provided under the Oromia constitution are also rights bestowed upon internal displaced children. However, there is a specific provision under the Oromia state constitution dealing with rights of the child⁹⁸ which is also a direct copy of the 1995 FDRE Constitution. With regard to Oromia government obligation, Oromia government has the duty to take measures to avert natural and man-made disasters and also when disaster occurs to provide timely assistance to the victims of Burayu displacement⁹⁹. Laws, strategies

⁹⁶Ibid, 1960, Articles 84(1) (e), 620(2), 626, 627, 631

⁹⁷The Oromia National Regional State Constitution of 2001, which has been amended with proc. No.94/2005 and 108/2006.

⁹⁸ Ibid, Article 36.

⁹⁹The Oromia National Regional State Constitution of 2001, article 104(4).

and policies regarding IDPs children are to be formulated depending on their special vulnerability and in relation to their displacement.

3.2. Institutional Frame work

Most countries assessed have an institutional focal point as well as mechanisms in charge of internal displacement within the government organs for the protection and assistance of IDPs¹⁰⁰. Under this section, the roles of some of main national institutions having the mandate of protecting and assisting the rights and interests of IDPs such as the Ministry of Peace, the National Disaster Risk Management Commission (NDRMC), the Institute of Ombudsman, the Ethiopian Human Rights Commission and the Role of Courts, National defense force and National Police Commission would be in detail discussed.

3.2.1. The Role of Federal and Oromia National Disaster Risk Management Commission (NDRMC) in the protection of Internal Displaced Children

The National Disaster Risk Management Commission (NDRMC) is the leading body for hazards, related disasters, and for reducing the impact on victims of damage caused by disaster. Among other duties, the mandate of the NDRMC is to save lives, protect livelihoods, and ensure all disaster-affected people are provided with recovery and rehabilitation assistance. The Commission provides assistance for people affected by disasters, including IDPs¹⁰¹. According to the proclamation that defines the powers and duties of the executive Organs of the federal democratic republic of Ethiopia has given the mandate to make appropriate preparation for the natural and man-made disaster and also to lead and follow up natural disaster and risk management has been conferred to the minister of peace but not to the ministry of Agriculture¹⁰². The National Disaster Risk Management Commission (NDRMC) is an institution legally established to particularly have mandate to deal with hazards and related disasters for reducing the impact on victims of damage caused

¹⁰⁰Christelle Cazabat, Bina Desai and Pauline Wesolek, Internal Displacement Index 2020 Report, internal displacement monitoring center, 11, available at <
https://reliefweb.int/sites/reliefweb.int/files/resources/Internal%20Displacement%20Index%20report_2020.pdf
> accessed on September 18,2020.

¹⁰¹Disaster Prevention and Preparedness Commission Establishment Proclamation no. 10/1995 and National Disaster Risk Management Commission Establishment Council of minister's regulations 363/2015

¹⁰²Federal Proclamation no. 1097/2018, Article 13(1) (m).

by a disaster¹⁰³. The National Disaster Risk Management Commission is established as part of Federal Government office having its own legal personality¹⁰⁴. NDRMC has the powers and duties to save lives, protect livelihoods, and ensure all disaster-affected people are provided with recovery and rehabilitation assistance. Often, the Commission provides assistance for people affected by disasters, including IDPs¹⁰⁵. It can be inferred from the powers of NDRMC that it is the leading institution works on the protection and assistance of displaced persons at the federal level. The Oromia region has also established a commission named “Oromia Disaster Prevention and preparedness commission” which has the responsibility to deal with disasters arising within the region¹⁰⁶.

The commission is given the power and duties to Co-ordinate follow-up; and evaluate the programs of disaster threat minimization, responding for the damage caused and rehabilitation of the victims and it works in co-ordination with non-governmental organization engaged in aid and food security in the region¹⁰⁷. Practically, considering that IDPs causes for displacement as disasters, the commission is the body that is currently working on the protection and assistance of IDPS including internal displaced children in Oromia region. However, without specific laws, policies and tragedies dealing with the prevention, protection and rehabilitations of internal displaced children will not effectively realized internal displaced children protection because concentrated responsibility on one commission to deal with all types of disasters will not make the institution effective in the prevention, follow up and rehabilitation of internal displaced children. However, it is

¹⁰³ National Disaster Risk Management Commission Establishment Council of Ministers Regulation No. 363/2015.

¹⁰⁴ Ibid, article 3/1/

¹⁰⁵ Ibid, article 6

¹⁰⁶ A proclamation to Provide the Reorganization and Redefinition of the Power and Duties of the Executive Organs of the Oromia National Regional State proclamation no.199/2016, art.47.

¹⁰⁷ Ibid.

important to recognize recent works of NDRMC in drafting of guidelines¹⁰⁸ and terms of reference¹⁰⁹.

3.2.2. The Role of Ethiopian Human Rights Commission in the protection of Internal Displaced Children

Federal Democratic Republic of Ethiopia constitution has imposed a legal obligation on the part of the government concerning the setup of a Human Rights Commission Generally a human right commission established investigates human right violations, collects information with regard to such violation and ensure that government's policies and law do not contravene the human rights of citizen guaranteed by the constitution or other laws¹¹⁰. To this effect the Ethiopian human rights commission has been established by law¹¹¹.The human rights commission as an autonomous organ of the Federal Government having its own juridical personality and is accountable the House of people's representatives¹¹².The objective of the Commission shall be to educating the public with regard to human rights be aware of human rights and assures that human rights are protected, respected and fully enforced as well as when violations occur, makes sure that the necessary measure taken by the concerned body¹¹³.

The mandates of the Ethiopian human rights commission is to investigate a violation, issues series of report with recommendation based on the findings of its investigations to be submitted to any concerned organs of the government and at first hand try the solve the problem to amicable settlement and when not effective give recommendations by stating that shall expressly state that the act having caused the grievance be discontinued, that the directive having caused the grievance be rendered inapplicable and that the injustice committed be redressed or that any other appropriate measure be taken.¹¹⁴. The concerned

¹⁰⁸On July 2011 NDRMC in collaboration with Ministry of agriculture have together enacted a second draft on National Guideline on Targeting relief food assistance guidelines and terms of reference for durable solution.

¹⁰⁹On December 2019 in collaboration with IOM and UNHCR have on a Draft Terms of Reference for the Durable Solutions Working Group for Internally Displaced Persons in the Oromia Regional State of Ethiopia. In addition to recently on

¹¹⁰The 1995 FDRE Constitution, Art 55 (14)

¹¹¹Ethiopian Human Rights Commission Establishment Proclamation no. 210/2000

¹¹²Ibid, article 3

¹¹³Ibid, article 5

¹¹⁴ Ibid, article 6/4/ and 26/3/

government or organ upon receiving the recommendation takes appropriate measures or passes regulations to curb the underlining problems of human rights violations. When we say that the commission protects human rights, we mean that it examines and take actions on petitions or on its own initiation where there is allege human rights violation¹¹⁵. To this effect, internal displaced children during their displacement or after their displacement from their habitual residence, their human rights may be violated by organs of state, political organizations and other associations as well as by their respective officials. Therefore, the Ethiopian human rights commission has the obligation to investigate the violation upon complaint or on its own initiation, and take actions in order for the violation to cease and also make recommendations for the revision of existing laws, enactment of new laws and formulation of Policies concerning internal displaced children.

3.2.3. The Role of Justice Sector in the Protection of Internal Displaced Children

Ethiopian justice sector primarily comprises the police, general attorney (attorney general) and court. Both Federal Police and Oromia police has been bestowed the powers in relation to IDP protection to Prevent and investigate crimes that fall under their jurisdiction¹¹⁶. The Oromia police duty are different from the federal police in that the law clearly stipulates the need for the commission to perform its duties giving special attention to children and also that when disasters of any kind occurs, it has the obligation to provide necessary support and co-operate with concerned bodies the protection of disaster affected areas within the region of Oromia. Both of Federal and Oromia General Attorneys have been given various powers and duties of which none of them have specific powers and duties relating to internal displaced children protection. However, investigated crimes including those crimes committed on internal displaced children are to be handed to the general attorney to give appropriate and legal decisions to either frame a charge or temporary close the file when no sufficient evidence has been gathered or no criminal elements exists¹¹⁷. The criminal charge framed by

¹¹⁵ Ibid

¹¹⁶ Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011, article 3 & A proclamation to provide for the reorganization and redefinition of the executive organs of the executive organs of Oromia national regional state proclamation no. 163/2011, article 34

¹¹⁷ Federal Attorney General Establishment Proclamation No. 943/2016, article 6/3/, Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No.1097/2018, article 17 & A proclamation to provide for the reorganization and redefinition of the executive organs of the executive organs of Oromia national regional state proclamation no. 163/2011, article 34

the federal or Oromia public prosecutors is to be referred to federal and Oromia courts respectively for legal decisions¹¹⁸.

3.2.4. The Role of Ministry of Women and Children affairs in the Protection of Internal Displaced Children

The Ministry of Women, Children and Youth is one of the executive organs of the federal government responsible the Prime minister and Council of ministers. With respect to children, the Ministry of Women, Children and Youth coordinate child rights and child protection nationally¹¹⁹. From the powers and duties given to the ministry, the ones that relate to internal displaced children protection are coordinating actions of all stakeholders to protect the rights and well-being of children, designing strategies to follow up and regulate that the preparation of policies, legislations, development programs and projects by Federal Government organs give due considerations to the issues of women, children and the youth, concluding international treaties relating to women and children in accordance with law and, follow up the implementation of same and submit reports to the concerned bodies; and collect, compile and disseminate to relevant stakeholders' information on the objective realities of women, children and the youth¹²⁰. From the powers given to the ministry, it can be inferred that the ministry has to follow up and coordinate with other concerned governmental bodies in the protection and assistance of IDPs children.

3.2.5. The Role of the Ministry of Peace in the protection of Internal Displaced Children

The Ministry of Peace being on the executive organ of the federal government was established under proclamation number 1097/2011 on October 16, 2018. The main powers and duties of the ministry that could be considered to deal with the protection of internal displaced children are Ensuring that the policies, laws, development programs and projects it formulates benefit women, children and youth; leading and follow up citizenship, national identification card, immigration, passport and vital events registration or issuance functions and lastly making appropriate preparations for natural and man-made disasters; lead and

¹¹⁸Federal Courts Proclamation No. 25/1996, article 4 & A Proclamation to Redefine the Structure, Powers and Functions of the Oromia Regional State Courts Proclamation No. 216/2018, article 6

¹¹⁹Chris Cuninghame, AzebAdefrsew, Monica Martinez and Chris Rayment, UNICEF Eastern and Southern Africa Regional Office, Child Notice Ethiopia 2018, p. 12

¹²⁰Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia ProclamationNo.1097/2018, article 16

follow up national disaster risk management¹²¹. The Ministry of Peace together with the Ministries of Health, Water, Energy & Irrigation, Education, Agriculture, Transport, the Attorney General and the Disaster Risk Management Commission has been leading a ministerial task force¹²². The Ministerial task force has been working with regional authorities to address the displacement challenge faced and respond in a sustainable manner. In addition, the Ministerial task force has also branching itself to different regions of the country where cases of displacement have occurred to direct and monitor progress to combat the negative effects of displacement¹²³.

¹²¹ Registration of Vital Events and National Identity Card Proclamation No.760/2012, article 18

¹²²Addis Standard Magazine, *Features: How Ethiopia Is Dealing with Unprecedented IDP*, Addis Ababa, July 15, 2019, available at < [https:// addisstandard.com/feature-how-ethiopia-is-dealing-with-unprecedented-idp-crisis/](https://addisstandard.com/feature-how-ethiopia-is-dealing-with-unprecedented-idp-crisis/) > accessed on September 23,2020

¹²³Ibid

CHAPTER FOUR

Displacement Induced violations and state response to Internal Displaced Children displaced from Burayu

4.1. Overview of Internal displacement in Ethiopia

Ethiopia is one of the countries that is suffering from internal displacement within its territory¹²⁴. From the total population of Ethiopia, 49.82 percent are women and girls and 50.18 percent men and boys and that 42 percent of Ethiopians are less than 15 years of age¹²⁵. Ethiopia has an annual population growth of 2.6 percent¹²⁶. The situation of internal displacement in Ethiopia has been increasing from time to time. People in Ethiopia have been displaced as a result of different reasons such ethnic conflict, natural disaster and other threats that took place in different parts of the country¹²⁷. Displaced population data by IOM's Displacement Tracking Matrix (DTM) which was published on June 05/2019 reported that as of April this year the number of displaced people in Ethiopia stood at 2,194,946. In 2020, 1.8 million Ethiopians (50.1 percent of whom are women and girls and 49.9 percent men and boys) have been internally displaced as a result of conflict, drought and flooding, and 1 million return to their home town require humanitarian assistance¹²⁸. Internal displacements can be caused by different reasons including natural disasters such as famine, flood, and drought or human conflict related displacements such as, ethnic violence, violation of human rights as well as widespread shortage of resources as such food insecurity. The causes of displacement can be categorized into four as natural disaster induced displacement, Man-made disaster-induced displacement, Conflict induced displacement (CID) and

¹²⁴Yigzaw, GedifewSewenet and Abitew, Endalsasa Belay, CAUSES AND IMPACTS OF INTERNAL DISPLACEMENT IN ETHIOPIA, AJSW, Volume 9 Number 2 2019, National Association of Social Workers, P37

¹²⁵ Ibid

¹²⁶Central Statistical Agency. 2013. Population projections for Ethiopia, 2007–2037.
<http://www.csa.gov.et/census-report/population-projections>

¹²⁷ Ibid

¹²⁸ National Disaster and Risk Management Commission, Humanitarian Country Team and partners (2019) <
https://reliefweb.int/sites/reliefweb.int/files/resources/2019_myf.pdf > accessed on September 29, 2020.

Development induced displacement¹²⁹. Developmental projects can be a cause for displacement of people in Ethiopia¹³⁰. As a result of infrastructure projects, including dams, industries and industrial parks, railways, roads, and urban renewal programs has caused the displacement of close to 220,000 IDPs people in Ethiopia where most of them were resettled in other locations by regional states and Woreda (district) authorities¹³¹. The overwhelming number of displacements was caused by recurrent inter-communal conflicts often caused by political motives that end up human rights violation and death of citizens¹³². In 2018, 2,895,000 new displacements associated with conflict were recorded¹³³. At the ends of 2018, 2,137,000 IDPs as a result of conflict alone were estimated to be living in the country¹³⁴.

In 2015/2016 mainly due to violence that occurred in Oromia Somali regional states has brought about the displacement of around 1.5 million were displaced within their source regions while around 800,000 were displaced across neighboring regions¹³⁵. However the most shocking displacement that occurred in Ethiopia was that of the Gedeo-West Guji displacement in 2018. The cause of the Gedeo-west Guji displacement was inter-communal violence instigated by criminal armed groups who were the cause for the civilians who leaved their homes and settled in IDP shelters¹³⁶. Particularly with respect to Oromia region, it is the worst affected region with 3.2 million people who were internally displaced as a consequence of inter-communal violence that has occurred along the border between Oromia and Somali, Gedeo and West Guji as well as recent clashes that existed in Benishangul-Gumuz¹³⁷.

¹²⁹Mehari Taddele Maru, Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia, Working Paper Division Global Issues Stiftung Wissenschaft und Politik German Institute for International and Security, Affairs, Working Paper FG 8 May 2017 SWP Berlin, pp 10

¹³⁰ Ibid

¹³¹ Mehari Taddele Maru, Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia, Working Paper Division Global Issues Stiftung Wissenschaft und Politik German Institute for International and Security Affairs, Working Paper FG 8 May 2017 SWP Berlin, Pp 6

¹³² Ibid

¹³³ Ibid

¹³⁴ Christelle Cazabat, Bina Desai and Pauline Wesolek, Internal Displacement index 2020, (n 100)

¹³⁵ Ibid

¹³⁶ IOM, < <https://www.iom.int/news/un-migration-agency-releases-detailed-assessments-displacement-sites-ethiopia-gedeo-west-guji> > accessed, September 26, 2020

¹³⁷ Ibid

4.2. Causes of Displacement in Burayu area

According to most anonymous displaced men and woman from Burayu areas, they believe that the conflict started on September 13, 2018 and that the cause of Burayu displacement stated by them was that they were preparing to welcome rally for OLF party arriving to Ethiopia from abroad¹³⁸. While proceeding with the welcoming rally in Addis Ababa, first organized youths attacked us around Ethio-Shekela in Addis Ababa city¹³⁹. We tried to defend ourselves but we couldn't which resulted in the injuries of many of my friends. To that effect, some angry youth from us returned back to Burayu and attacked the house of some people from different ethnic groups¹⁴⁰. Two of the displaced from Burayu have differently stated that the cause for Burayu displacement was the doing of the organized anti-Oromo group, such as Patriotic Ginbot 7 party which was some Addis Ababa youth were organized and mobilized people by hooding the party's flag and symbol. According to most of the key informants the cause of the displacement was the display of OLF flags by Youth from different parts of Oromia for welcoming rally to the Oromo Liberation Front (OLF), an Oromo armed group in Addis Ababa's central Meskel Square¹⁴¹. Some youth of Addis Ababa were not happy about the display of the OLF flags and the painting of such flags on different areas of Addis Ababa such as on wall fences of car roads and as well as other public places rail road, which caused clashes between them¹⁴². The clashes of OLF supporters of Oromia youth (Qerros) and some Addis Ababa youth occurred on different areas of Addis round Winget, Paulous, and Medinalem. Those injured Qerros that they returned to Burayu and attacked other ethnic groups those living in Burayu City and that the attacked group by this conflict were from Wolaitta, Gurage Silte and higher number from Gamo. The conflict lasted from September 13 until 17 2018. According to the key informants the attack that was carried on by the Qerros were putting stone on houses, damaging properties, injuring people from specific ethnic group including killing of persons which create the fear for forced displacement¹⁴³. From the fifteen key informants twelve of the displaced from Burayu stated that even though the cause

¹³⁸ Interview held with Anonymous, five displaced women and men from Burayu but who have now return to home town Burayu on 10/09/2020

¹³⁹ Ibid

¹⁴⁰ Ibid

¹⁴¹ Interview held with Anonymous, two displaced women and men from Burayu but who have now return to home town Burayu on 13/09/2020

¹⁴² Ibid

¹⁴³ Ibid

for the Burayu displacement was not ethnic conflict but political instigated conflict, later on does not represent two ethnic groups or other ethnic groups. In addition, most of the displaced men and women stated that among the number of people displaced from Burayu were children of which the number is unknown to them. In addition, most of the key informants stated that among the number of people displaced from Burayu were children of which the number is unknown to them.

According to the investigation report of the human rights commission, 36 persons were killed and all were men. In addition, due to Burayu conflict, 120 persons incurred serious physical injury and 195 persons incurred light injury¹⁴⁴. The number of persons displaced was 5489 persons of which the number of children is not known¹⁴⁵. Based on the data gained from men and women displaced from Burayu and concerned governmental bodies in Ethiopia, the researcher has here after analyzed what were displacement induced rights of internal displaced children violated and the extent of response of the Ethiopian government to such violations based on the obligation of states provided under the UN guiding principles on internal displacement and the Kampala convention

4.3. The Violations and State response to the Protection of the right from being arbitrarily displaced for internal displaced children of Burayu

From the populations forcefully displaced from Burayu area, children were displaced. Some of the people arbitrarily displaced from Burayu area were not settled at one place but distributed in different area of the country of which most resettled in Addis Ababa. Some of the woman and men displaced said that some of the displaced persons from Burayu fearing for their lives left for their hometown that were mostly originated from southern nations and nationality region. Most of the displaced woman and men interviewed stated that no action was taken by the Oromia as well as the Federal government to prevent the conflict in fact they said that some of the Burayu police force including officials took part in coordinating the hostility that occurred in Burayu and also gave information in the determination of those people who were not of Oromo background to be attacked by the Oromo speaking

¹⁴⁴ The human rights commission report document procured from the human rights commission on September 30 2020.

¹⁴⁵ Ibid

attackers¹⁴⁶. Even though both the Oromia and Federal government have the duty to protect internal displaced children from arbitrary displacement, both governments according to the interviews did not take actions to the prevention of the cause for arbitrary displacement of the people from Burayu area including their children. All of the governmental institutions interviewed¹⁴⁷ have unequivocally affirmed that there was no data with regard to the number of internal displaced children.

4.4. The violation and state response of the right to Prevention of family separation and protection of Separated and unaccompanied children for Internal Displaced Children displaced from Burayu

The FDRE Constitution clearly stipulates have the right to know and be cared by his or her parents¹⁴⁸. To this effect, children are protection under the constitution from not being separated from their family. Some of the displaced woman and men from Burayu states that some children were separated from their parent during arbitrary displacement from Burayu area. One displaced man interviewed explains that he knows two children those who were separated from their parents¹⁴⁹. Based on the interview made to displaced women and men, some displaced children separated from one of their parents were mostly separated from the father which mostly attacked were men who have been brutally beaten by the attackers and very few killed¹⁵⁰. One of the women interviewed said that she has four kids of which one of them is a six years old son¹⁵¹. She lost her husband as result of the brutal attack caused in Burayu area and fearing for her life and that of her children left Burayu and settled at a youth center located in Addis Ababa for a month. Other interviews made to displaced women also

¹⁴⁶Interview held with Anonymous, fifteen displaced women and men from Burayu out of which eleven have now returned to their home town Burayu and four who have not returned to Burayu but living in different parts of Ethiopia.

¹⁴⁷ Oromia Disaster and Risk Management bureau, Oromia women and children bureau, National disaster and risk management commission, federal women, children and youth minister, Ethiopian human rights commission and ministry of labor and social affairs.

¹⁴⁸ The 1995 FDRE Constitution, Article 34(3) and 36

¹⁴⁹Interview held with Anonymous, one of Displaced Person from Burayu on 12/09/2020 currently residing in Burayu town.

¹⁵⁰Interview held with Anonymous, fifteen displaced women and men from Burayu out of which eleven have now returned to their home town Burayu and four who have not returned to Burayu but living in different parts of Ethiopia.

¹⁵¹ Interview held with Anonymous, one of Displaced Person from Burayu on 12/09/2020 currently residing in Burayu town.

showed that children were separated for a long time from one of their parents or both of their parents as a result of the attack in the Burayu area. This shows that the government has failed from its obligation to prevent of arbitrary displacement of IDPs children that occurred in Burayu area.

4.5. The violations and state response to the right of the protection of right to Life and survival and development during IDP and border conflict

The UNGP convention generally stipulates the obligations of the state to refrain and protect IDPs from arbitrary killing, summary execution of IDPs¹⁵². It has been reaffirmed Under FDRE constitution that children whether displaced or not have the right to life¹⁵³. The right to life is the basis of all other rights for we cannot think of the protection of other civil rights of children when the right to life has been violated. From the interviews held on displaced women and men from Burayu, no internal displaced child's life was arbitrarily taken as a result of the attack that occurred in Burayu area. According to the UN Declaration on the right to development¹⁵⁴, the right to development is to mean "is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized¹⁵⁵. Based on the definition provided above, the right to economic, social, cultural and political development as internal displaced children was cut off as a result of forced displacement of the children from their home town of Burayu.

When internal displaced children of Burayu left their home town their right to participate in, contribute to, and enjoy economic, social, cultural and political development are infringed which are all components of the right to development. The federal and Oromia government have failed to protect the right to development of internal displaced children displaced from Burayu. At the time and after displacement of internal displaced children, state has an obligation to respect and protect the rights to life as well as physical injury. A State protects such rights to life and physical injury of internal displaced children using different

¹⁵²UN Guiding principles on Internal displacement (n 44), article 6

¹⁵³ Interview held with Anonymous, one of Displaced Person from Burayu on 12/09/2020 currently residing in Burayu town

¹⁵⁴ The General Assembly Resolution 41/128

¹⁵⁵ UN Declaration on the Right to Development, Article 1

mechanisms such as bringing to justice of the perpetrator that committed crimes of Genocide, Murder, Summary or arbitrary execution and enforced disappearance.

Those men and woman displaced from Burayu stated that some internal displaced children displaced from Burayu were subject to the crimes such as crime of grave physical injury, torture and cruel or in human and degrading treatments during displacement¹⁵⁶. On the contrary, interview made to key informants from the federal police and general attorney office (public prosecutors) have all affirmed that no criminal charged were formulates as a result of crimes committed on internal displaced children displaced from Burayu¹⁵⁷. According to the interview from displaced women and children, Small physical injuries incurred by internal displaced children as well as police and other officials who have participated in the attack of the Burayu crisis have not been criminally put to justice, which can be concluded that the government has not fully complied with its state obligation to protect internal displaced children's rights.

4.6. The violations and state response to the right to education of Internal Displaced Children displaced from Burayu

UNGP clearly states the right to education of IDPs children¹⁵⁸. Internally displaced persons are disproportionately denied their right to education, this may be due to a one or combination of reasons such as fear of attack, lack of physical access to education providers, lack of political will in governments to allow education providers to offer such people real opportunities and reluctance of the government in providing favorable conditions for education. Attacks on learners, education and education facilities is one of the prime areas monitored. Displaced women and men interviewed stated that most of internal displaced children education has been disrupted as a result of displacement. In fact, some of the internal displaced children were not able to continue their education either due to not being able to

¹⁵⁶Interview held with Anonymous, fifteen displaced women and men from Burayu out of which eleven have now returned to their home town Burayu and four who have not returned to Burayu but living in different parts of Ethiopia.

¹⁵⁷ Interview held with Anonymous, two of the public prosecutors from the federal General Attorney who took part in the investigation and framing of charges in connection with Burayu displacement on 15/009/2020

¹⁵⁸UN Guiding Principles on Internal displacement (n 44), article 23

return back to Burayu or even for who have returned to their home due to financial reasons were not able to pay school and other related fees¹⁵⁹.

Those internal displaced children who were able to resume their education having returned to their hometown of Burayu were in full of fear of being attacked at schools¹⁶⁰. With respect to state obligation, the obligation to refrain from violating the right to education has been violated when government officials such as the police and other government officials were participating in the attacks of Burayu displacement. The state has also failed in its obligation to the protection of right to education of internal displaced children for the internal displaced children were not protected to avoid their displacement from Burayu area and also IDPs children having returned their home town or those who have resided else were, their right to education has not been facilitated by the government.

4.7. The violations and state response to the right to psychosocial support and Protection from emotional distress of Internal Displaced Children displaced from Burayu

Do not clearly stipulate the right to psychological support and protection but UNCRC provides that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim. The UNGP and Kampala convention does however oblige state to respect and ensure the resection of international human rights law of which the right to psychological support of internal displaced children is one of the rights states have to protect¹⁶¹. Forced displacement poses psychosocial distress and trauma on internal displaced children. Internal displaced children in the midst of an attack such as killing, physical injury, destruction of school and health center, leaving home town, separating from family creates emotional and psychological distress on them. Six women displaced form Burayu in their interviews sadly stated that their children are still in psychological distress and trauma having seen the brutal beating of the father, burning of their houses and being forced to leave from Burayu area¹⁶². The government according to their interview has failed from its obligation to provide the distressed and traumatized internal displaced children to the concerned psychological institutions.

¹⁵⁹ *ibid*

¹⁶⁰ Interview held with Anonymous, five of Displaced women from Burayu area on 19/09/2020 currently residing in Burayu town

¹⁶¹ The UN guiding principle of internal displacement, article 5 & the Kampala convention, article 4/1/

¹⁶² *Ibid*

4.8. The violation and state response to the right to documentation in their own names, including birth certificates of Internal Displaced Children displaced from Burayu

One of the rights violations during and after displacement is the right to documentation in their own names, including birth certificates of internal displaced children. This right has been clearly stipulated under the UNGP and the Kampala convention¹⁶³. Internal displaced children displaced from Burayu are citizens that all have the rights as other citizens not displaced. Internal displaced children are required to present adequate documentation which demonstrates their legal identity in order to exercise their rights and fulfill civic obligations to reestablish normal life or even to on their search to durable solution, however, many IDPs lack the basic documents due to many reasons such as leaving it behind at home, lost, destroyed, or confiscated during fleeing their home.

Children displaced who don't have birth certificates are also more exposed to diseases due to not being able to claim health services that are especially free and funded by the government such as vaccinations¹⁶⁴. Under Ethiopian legal system, Civil Code enacts the existence vital events that registered birth, death, and marriage but practically it was not realized due to official order not being subsequently issued¹⁶⁵. However, on 2012, Registration of Vital Events and National Identity Card Proclamation No. 760/2012 was enacted which was a comprehensive law dealing with registration of vital events in Ethiopia. The purpose of this law is to establish a system of registration of vital events namely birth, death, marriage, divorce which is significant to economic, social, political development of citizens in Ethiopia¹⁶⁶.

Internal displaced children displaced from Burayu having returned to Burayu had problems of getting their lost birth and other related certificates or cards as a reason of being discriminated because of their identity by government officials told to live Burayu¹⁶⁷.

¹⁶³ UN guiding principles on internal displacement, article 20 /2/

¹⁶⁴ Kerina Tull, University of Leeds Nuffield Centre for International Health and Development 5 July 2019, Civil documentation for Internally Displaced Persons (IDPs) in protracted displacement, Helpdesk Report P6

¹⁶⁵ The 1960 Ethiopian civil code, article 47

¹⁶⁶ Registration of Vital Events and National Identity Card Proclamation No. 760/2012, article 2 & 17

¹⁶⁷ Interview held with Anonymous, two displaced women displaced from Burayu on 2/10/2020 currently residing in Burayu town

4.9. The violation and State response of the right of Internal Displaced Children displaced from Burayu area to be provided humanitarian assistance

Internal displaced children have the right to request and to receive protection and humanitarian assistance such as food, water, medical service, and shelters. The state has primary obligation to provide immediate humanitarian assistance to IDPs. Under the Ethiopian legal framework, there is no explicit provision dealing with the rights and state obligation to provide humanitarian assistance to internal displaced children. In relation to humanitarian assistance, the current FDRE constitution of 1995 obliges the government to take measures to avert any natural and man-made disasters and in the event of disasters, to provide timely assistance to the victim of natural disasters¹⁶⁸. This provision obliges the Ethiopian government to provide humanitarian assistance to internal displaced children displaced from Burayu.

From the total number of displaced men and women interviewed thirteen of them stated that the Ethiopian government both the federal as well as Oromia regional government did not provide them with humanitarian assistance during and after displacement but the people of Addis Ababa had given them food and clothes while they sheltered at a school compound of “kale” and “Medhaniale” primary schools and shelter camp prepared around kale primary school¹⁶⁹. They also stated on their interview that on their stay at the youth center and school compound, the places of shelter had no enough space to accommodate all the displaced including children and those they were not provided with blankets and other necessary goods need for sleep. The non-existence of enough space for shelter increased risk of illness and ill related death to IDPs especially to internal displaced children¹⁷⁰. The Addis Ababa city governments has alleged that it had provided humanitarian services to those displaced from Burayu but evidence could not be found to support such statement. but Under the state structure, Oromia regional state disaster risks reduction and early warning authority is obliged to provide humanitarian assistance to internal displaced children and their parents as they were displaced from Burayu region but according to the interviews the institution replied

¹⁶⁸ The 1995 FDRE constitution, Article 89(3)

¹⁶⁹ Interview held with Anonymous, fifteen displaced women and men from Burayu out of which eleven have now returned to their home town Burayu and four who have not returned to Burayu but living in different parts of Ethiopia.

¹⁷⁰ Ibid

of providing humanitarian assistance but is without any data with regard to how it had provided humanitarian assistance.

Three of the displaced men and women from Burayu interviewed have acknowledged that the government has provided with food and non-food items after two or three days of settlement in Addis Ababa. The institution mandated by law to provide humanitarian assistance has failed to provide of the government under the international and national law in complying with its obligation to provide humanitarian assistance especially not providing timely assistance of humanitarian assistance as per the obligation provided by the 1995 FDRE constitution to internal displaced children displaced from Burayu.

4.10. The violations and State response for the protection of the right of Internal Displaced Children displaced from Burayu to be provided with Durable Solution

Durable solution is not an end but a process of ending the problem of IDPs that occurred in relation to their forced displacement¹⁷¹. Durable solution provides a long-term solution through facilitating the voluntary return to place of origin, re-settlement in another location and local integration with local community of IDPs¹⁷². The UNGP recognizes IDPs' right to a durable solution¹⁷³. The same is true also under Kampala convention which obliges state parties to seek lasting solutions to displacement by promoting and creating the conditions for voluntary and sustainable return, local integration or settlement elsewhere in the country to take place in safety and dignity¹⁷⁴. In Ethiopia, there is no specific law that imposes obligation on states to provide durable Solution for IDPs.

Indirectly applicable is the FDRE constitution Article 41 which stipulates that the Ethiopian government is with the obligation to allocate ever increasing resource to provide to public health, education and other social services to its citizens. The key informant who is an official from Oromia disaster and risk management bureau has clearly affirmed that Ethiopian does not currently have guidelines or procedures dealing with the realization of durable solutions

¹⁷¹ Inter-Agency Standing Committee (2010), 'IASC Framework on Durable Solutions for Internally Displaced Persons' (The Brookings Institution – University of Bern Project on Internal Displacement) A2

¹⁷² Ibid

¹⁷³ Un guiding principles on internal displacement (n 44) Principle 28.2 and 29

¹⁷⁴ The Kampala convention, Article 11 of the

on IDPs including internal displaced children.¹⁷⁵ In relation to the internal displaced children displaced, he also noted that sustainable follow up was not conducted with regard to protection and assistance of these displaced children after they were returned home and that their view and decisions of this children had not been taken into consideration at the time of decision making process in choosing the appropriate durable solution for them¹⁷⁶. This clearly indicate as Ethiopian federal and Oromia regional state governments did not fully fulfill its state obligation under international and regional law dealing specifically with IDPs protecting enacting laws and formulating strategies with respect to the right to get durable solution for the protection and assistance of Ethiopian IDPs including children.

¹⁷⁵Interview held with Anonymous with the senior official at Disaster and Risk Reduction and Early Warning Management Commission on 16/10/2020.

¹⁷⁶Ibid

CHAPTER

Conclusions and Recommendations

5.1. Conclusion

Internal displaced children are the most vulnerable persons in time of peace and conflict one is because of their displacement and two is that they need special protection as a child. Ethiopia is one of the countries that have been facing a significant number of internal displacements. The situation of internal displacement has not been decreasing but increasing due to various causes. The causes for internal displacement could be man-made or natural disaster, internal conflict or developmental projects. is one of the countries of the world that has been affected by internal displacement. Each of the causes of internal displacement has had its share in bringing about displacement in Ethiopia.

Under the Ethiopian legal framework there is no law that specifically deals with IDPs protection and assistance. This does not mean however that there is no legal protection for IDPs displacement anywhere within the country for different international and regional instruments pertaining to human rights; humanitarian law and international criminal law exist to protect IDPs in Ethiopia. Ethiopia has also given protection to internal displaced children under its national laws of FDRE constitution, the revised Family Law, Criminal Code and Labor Proclamation and Under Oromia regional state constitution and proclamations as they guaranty to protect everyone including internal displaced children. The incorporation of internal displaced children protection in general to apply to all persons has its draw backs in the implementation to protection of IDPs children in Ethiopia. Especially recently Ethiopia having ratifies the Kampala convention is a vital step for the protection and assistance of IDPs including displaced children. Without under estimating the ratification of the Kampala conventions, further steps are to be taken by the government as Ethiopia is far behind in enacting laws, policies, strategies, action plans and guiding toolkit that comply with the Kampala and UN guiding principles for the state to discharge its obligation under the conventions in the protection and assistance of IDPs and their displaced children.

Despite the Kampala convention was ratified after the internal displacement of children from Burayu area in September 2018, this convention and the UN guiding principles are to be used as a bench mark to determine whether Ethiopia has fulfilled its state obligation or

responsibility in the protection and assistance of internal displaced children as both have gained significant international acceptance.

According to the study conducted, with respect to the availability of legal frame works that protect internal displaced children is below the threshold of state obligation or responsibility provided by the UN guiding principles and the Kampala convention. Ethiopian legal frame works scattered laws is not enough to sufficiently protect and provide humanitarian needs of internal displaced children displaced from Burayu. As to the Institutional frame work Ethiopia although various governmental institutions have been given the mandate in the protection and assistance of internal displaced children, their mandates is unclear and overlap with one another which brings about clashes as to who is to discharge its obligation having the effect of not effectively and effectively protecting internal displaced children. For instance, when the researcher was requesting for data with respect to displaced children, the governmental institutions were pointing at one another of where the data was found but none had any data with respect to internal displaced children. In addition, the governmental institutions mandated to deal with the protection and assistance of internal displaced children do not have guiding principles and procedures within their institution as how to efficiently and effectively discharge their respective obligation or mandate in responding to the protection and assistance of internal displaced children.

With respect to the Burayu displacement of children, the Ethiopian government had done nothing to prevent the cause of the displacement at early stage as it was after they were displaced that the government has taken control of the situation. During their displacement and after their displacement the required humanitarian needs such as food, cloth, adequate medical assistance, and the like were not sufficiently and timely provided by the government. Moreover, the rights of IDPs children to education, not to be separated from their parents, the right to documentation, and the right not to be physically injured have been violated and that the government has failed in the prevention and protection of such rights of internal displaced children that were violated.

Concerning durable solution, the government does not have any principles, strategies, procedures or plan of action that conforms with the AISC framework principles of durable solution which is a toolkit enacted to provide clarity on the concept of a durable solution and provides general guidance on how to achieve it. Even though the government tried to settle about most of the IDPs displaced from Burayu including their children, how and in what way

they were returned back is not clear due to the unwillingness from concerned governmental bodies to provide with such information. As durable solution is a long process to achieve, it is not known whether there was that full and free participation as well as informed and voluntary decision were made by displaced persons of Burayu including internal displaced children in the process of act of returning them to their home town. Lastly the government has also failed in its obligation to follow up the conditions of the internal displaced children after they were returned home to make sure that they are in no longer in need of protection and humanitarian assistance.

5.2. Recommendation

The researcher has identified the gaps that exist in relation to the insufficiency of national legal frameworks for the protection and assistance of the rights of internal displaced children. The researcher also examines whether or not Ethiopian government has fulfilled its international and national state obligation by providing protection and assistances to internal displaced children displaced from Burayu. To this effect the researcher provides the following recommendations concerning legal and practical of internal displaced children protection.

1. The possible suggestions and recommendations in relation to the national legal framework of Ethiopia, the Ethiopian government should be committed to enact a comprehensive law that deals with the protection of internal displaced children that clearly protects and safeguards the rights of children displaced. Prevention mechanisms for the protection of internal displaced children from arbitrary displacement have to be clearly incorporated under the national legal frame work to avoid irreversible damage caused by displacement on children. The law enacted in the protection of IDPs should be precise and clear for easy practicability and should include rights and procedures of durable solution that would be applicable uniformly throughout the country.
2. In respect to the institutional legal framework in the protection internal displaced children, to laws of Ethiopia should provide with a clear-cut mandate that is not overlapping with respect to the responsibilities of each governmental institutions given the responsibilities to the protection and providing assistance to internal displaced children. The mandates of each governmental institutions with respect to internal displaced children protect should also enact within their institution polices,

principles, guide lines, procedures to properly discharge in the protection and providing of assistance for internal displaced children based on them mandates given to them by law.

3. To avoid conflict in relation to identity of persons that could be a cause for inter displacement, Ethiopian government should enact laws, national principle and policies that imposes obligation and accountability on each regional state to protect the rights of different ethnic people that live within that region from arbitrary displacement and other forms of human rights violations incurred as a result of forced displacement.
4. The Ethiopian government has followed up the conditions of internal displaced children who were displaced and have returned to Burayu town with respect to their need of protection and humanitarian assistance and must also provide medical support to those internal displaced children who have been psychologically affected by internal displacement from Burayu. The follow up should include to those internal displaced children whose education has been interrupted due to fear or other reasons connected to the internal displacement and find ways to solve such problems so that they can return back to school.
5. The arbitrarily displaced parents of internal displaced children who have left their home and property but upon return home their property has been damaged and where one of the parents who was supporting the family economically dies as a result of the cause for internal displacement, the Oromia regional and Federal government should have mechanism and procedures to which recovery or compensation to such property and ways to which the family becomes self-reliant for establishment of the status quo before displacement.
6. The national legal framework should also have a strong laws and procedures that criminalize the perpetrators who cause children to be displaced from their hometown as the Ethiopian criminal code and other criminal laws do not explicitly criminalize such acts of causing internal displacement. The federal and Oromia government should work in the strengthening the justice system to bring those government officials like police officers who have participated in the resulting of internal displacement to justice.

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3. Interview held with the anonymous at Burayu city administration expert warning and response on 15/11/2020.
4. Interview held with the anonymous at Federal and Oromia General Attorney office for four Public prosecutors who directly participated in the investigation and court litigation of the Burayu displacement on 15/11/2020.
5. Interview held with the anonymous at Federal High Courts for Judges who had direct relation to court cases of the Burayu displacement on 16/11/2020
6. Interview held with Anonymous on 16/11/20120 at Oromia regional state disaster prevention and preparedness commission directorate of risk reduction and early warning.
7. Interview held on 19/11/2020 to experts who participated on, at the Federal and Oromia Women's and Children's affairs Bureau.
8. Interview held with 15 anonymous displaced women and men displaced from Burayu town at different times

Annex I

A. Interview Guidelines for victims or victims' parents of IDPs displaced from Burayu

Region

1. What is your Name, Age, marriage status and your permanent residence?
2. How many kids do you have and what were their names and ages?
3. How long did you in Burayu?
4. When were you displaced for your permanent residence?
5. What was the cause of your displacement from Burayu?
6. What do you remember about the situations of displacement in Burayu?
7. Where were you displaced with yours kids?
8. Do you have a disable child? And what special protection was provided to your disabled child displaced form Burayu?
9. Where pre-natal and post-natal given to you by the government in time and after displacement?
10. Where did you settle immediately after your displacement?
11. What kind of support did you receive and by whom?
12. Where there any measures taken by the federal government to avoid in advance the source of your displacement?
13. Did you ask Oromia State government or federal government to protect you from displacement and attacks?
14. What are the measures taken by Oromia state or Federal government in time of your displacement?
15. What are the measures taken by Federal government after your displacement?
16. What where the economic and social challenges you faced after being displaced from your permanent resident?
17. Did you lose your children during and in time of Displacement?
18. What were the challenges faced by your children during and after displacement?
19. How are your children psychologically affected by the displacement?
20. What are the special measures taken by Federal government in time of your displacement for your children?
21. Were you provided with humanitarian assistance such as transport, food, water, medical treatment, and temporary shelter during you displaced from Burayu? Who provide it for you?

22. Where any crimes committed on your kids before, during and in time of Displacement?
23. Who committed the crimes on your children before, during and in time of Displacement?
24. What kind of measures regional and federal government takes to stop such criminal attacks?
25. Where your children injured before, during and in time of Displacement?
26. What were the physical injuries incurred by your children in relation to the displacement before, during and in time of Displacement?
27. If your children are injured, who provides medical treatment for those IDPs injured and need medical treatment?
28. How many families including you lost their children because of displacement?
29. How many of them including your self were united with their children after displacement?
30. How many parents including you were unable to unite with their kids?
31. Where did you settle after being displaced?
32. How and why did you settle here?
33. What do you think about IDPs settlement program?
34. Did you participate on the discussion of settlement and settled according to your desire?
35. Where there any discussion concerning the protection of displaced children and who participated in the discussion?
36. How many international and national organizations participated in settling and assisting you and your children? Who are they?
37. How did you survive in the placed you settled?
38. Who provided you humanitarian assistance in the place you settled?
39. What type of food where provided to the children and was it nutritious and enough for the children to survive during and after displacement?
40. What about the water and cloth provided for the children during and after resettlement?
41. Where the children provided with education service in the camp and after resettlement? Who supported the education service?
42. Where the educational services provided for children free and who provided the children with educational equipment's in the camp and after resettlement?

43. What problems were faced during educational services?
44. What types of medical service were provided to your children during and after displacement? And also, the type of medical care provided after resettlement?
45. Where the children given free medical treatment during and after displacement and also after resettlement?
46. What kinds of measures government have taken in order to recover properties you have lost after being displacement?
47. What are the measures taken by governments in order to provide you legal remedy in terms of civil matters for the adverse effect caused to IDPs because of displacement?
48. What kinds of measures was taken by government in order to provide legal remedy for IDPs interims of criminal matter for acts of arbitrary displacement and crime committed against IDPs?
49. How are you supporting your IDPs children now?
50. Any advice and recommendation regarding children protection and assistance made by the Oromia or federal government?
51. Do you know persons with children who have been displaced from Burayu on September 2008?

B. Interview Guidelines for directorate of Federal and Oromia Regional State Disaster Risks Reduction and Early Warning Commission, Burayu city Administration and other concerned Governmental Offices found at the Regional as well as Federal levels.

1. What is your name?
2. Where do you work?
3. What is your position and how does it relate to IDPs children?
4. What is the role of your office with regard to protections of the rights of IDPs children? Please mention the legal as well as intuitional framework of your institution that deal with IDPs children protection?
5. What were the main causes of displacement of people located at Burayu in 2018?
6. Do you know legal and intentional frameworks that exist that protect IDPs children? If yes what are they?
7. Do you have data on the number of people displaced in Burayu? How many children were displaced? If you don't have data regarding children what was your reason for not having the data?
8. How many people were displaced from Burayu?

9. How many children were separated from their parents and how many we reunified?
What type of alternative care was providing of those IDPs children who were not reunited with their parents?
10. How many children were separated from their parents due to displacement?
11. In what condition were the children in?
12. What special protection was provided to disabled IDP children displaced from Burayu.
13. Did you have children during and after displacement? How were children registered after birth?
14. Where the children physically and mentally injured and what was the number of children injured?
15. What was the type of injury incurred by IDPS children?
16. Where the injured children given medical care?
17. What were the challenges faced by your office in the protection and providing basic needs to the displaced children of the Burayu region?
18. What are the measures taken by government to prevent the displacement in Burayu region?
19. Where there any action plan with regard to the protection and assistance of IDPs children displaced from Burayu?
20. Why was Ethiopian government (both the federal and regional) unable to prevent when the displacement in Burayu region?
21. Who provides protection for these IDPs especially children?
22. Who primarily provided humanitarian assistance to the IDPS of Burayu region during and after displacement especially to the children?
23. What are the basic needs and social service you provide to IDPs since their displacement especially displaced children?
24. What were the main problems displaced children were facing in the place they have settled?
25. What are the measures taken by your office or other governmental bodies in order to protect IDPs children from acts of crime and social problems at the time of displacement and after displacement?
26. What were the challenges faced by the office in the protection and providing basic needs to the displaced children of the Burayu region?

27. Which international and national Organizational as well as civil association in the protection and assistance of the IDPs children?
28. What type of durable solution measures was taken by the government?
29. Was the consent and participation of the victims and IDPs children included in deciding the type of durable solution that was realized? Why were IDPs children's consent and participation considered? not included made
30. How did such durable solution measure protect and fulfill the needs of the displaced children for their resettlement?
31. How many of child IDPs remain in temporary camps currently? If there are, what is the reason for their stay?
32. What are the guidelines or rules used in providing durable Solution?
33. Do you believe that the basic needs and social services provided to the children displaced adequate for proper living during their stay at temporary camp and during their resettlement?
34. What special measures were taken for the children displaced in Burayu region during their resettlement?
35. What is their condition of the IDPs children after their resettlement? Who is responsible for their follow-up regarding the physical, social and mental conditions of the IDSPs children after resettlement?
36. How where the IDPs children resettled? What were the special measures taken to resettle IDPs children?

C) Interview Guidelines for the Federal and Oromia Public Prosecutors as well as Federal and Oromia Police Officials

- 1 What is your name?
- 2 Where do you work?
- 3 What your education back ground?
- 4 What is your job position?
- 5 For how long have you been working in the institution?
- 6 How is the institutions objective and work related to IDPs?
- 7 What is the role of your office with regard to protections and assistance of the rights of IDPs and does it include IDPs children?
- 8 Do you have cases concerning crimes against children who were displaced from Burayu town?

- 9 What were the crimes committed (e.g. sexual abuse, rape and other crimes) against children displaced from Burayu town during and after their displacement?
- 10 10. How many of the IDPs children were victims of crime?
- 11 How many offenders did your office prosecute responsible for the arbitrary displacement and Crime committed against IDPs with regard to IDPs children?
- 12 What type of protections and remedies Ethiopian laws provide with regard of the rights of IDPs children?
- 13 Do you think that the existing national laws are sufficient for protection of the rights of child IDPs by providing legal remedy with regard to criminal and civil matter?
- 14 Do have any suggestion for the prevention of Internal Displacement and the protection of IDPs especially children in Ethiopia?

D. Interview Guidelines for NGOs and other International Bodies

1. What is your name?
2. Where do you work?
3. What your education back ground?
4. What is your job position?
5. For how long have you been working in the institution?
6. How is the institutions objective and work related to IDPs?
7. What is the role of your office with regard to protections and assistance of the rights of IDPs and does it include IDPs children?
8. What were the main causes of displacement of people located at Burayu?
9. How many people were displaced from Burayu area in September 2018?
10. What was the number of children displaced?
11. How many children were separated from their parents due to displacement?
12. In what condition were the children in?
13. What special protection was provided to disabled IDP children displaced form Burayu?
14. What are the measures taken by government to prevent the displacement in Burayu region? Where there any action plan with regard to the protection and assistance of IDPs children displaced from Burayu?
15. How many children were separated from their parents and how many we reunified? What type of alternative care was providing of those IDPs children who were not reunited with their parents?

16. Where the children physically and mentally injured and what was the number of children injured?
17. Where the injured children given medical care?
18. Who primarily provided humanitarian assistance to the IDPS of Burayu region during and after displacement especially to the children?
19. Who provides protection and humanitarian for these IDPs especially children? What was the role of your institution in such services?
20. What type of protection and humanitarian service was given by your institution to the IDPs especially to displaced children?
21. Was the government's protection and humanitarian assistance given to child IDPs adequate in respect to quality and quantity?
22. What was the durable solution provided by the government for the IDPs children? Did the decision consider the "best interest of the child"? How was considered and if not considered what was the reason?
23. Was the durable solution effective and participatory of IDPs children?
24. What comment do you have in the overall protection and assistance of IDPs children displaces in Burayu?

INTERVIEW CONSENT FORM

This in-depth key informant interview is part of the research conducted on “The Protection of Children’s Rights in times of Internal Displacement in Ethiopia; The case of Burayu area”. The research is conducted to assess the legal protection of IDP’s children and analyze the gap, to identify the types of human rights violations IDPs children face in times of displacement and during their resettlement, and to minimize the effects of the Human Rights violations of IDPs children.

With your consent, the interview will start. The data will be kept confidential and will be used for research purpose only by the researcher.

CONSENT

I _____, agree to take part in this research as a key informant for the interview to be conducted on the above study as stated in the confidentiality statement.

I understand that even if I agree to participate now, I can withdraw at any time or refuse to answer any questions provided to be in a questionnaire form or through interview without any consequences of any kind.

I have had the purpose and nature of the study explained to me and I have had the opportunity to ask questions about the study.

I also agree to my interview being audio -recorded or and I understand the recordings will only be used for this research purpose

Signature of research participant

Signature of participant _____ Date _____

Signature of researcher

I believe the participant is giving informed consent to participate in this study

Signature of researcher _____ Date _____