



FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

Pre-session/session & type or reporting procedure	98th Pre-Session (27 May 2024 - 31 May 2024). Standard reporting procedure
State Report	Combined sixth and seventh periodic reports (Ethiopia). 25 February 2021. CRC/C/ETH/6-7
Legal and practical analysis on the alternative care and adoption systems	Please see Annex on page 4 , which encompasses the factual examination of the legal and practical aspects of the alternative care and adoption system.
Challenges and gaps	<ul style="list-style-type: none"> • The absence of a comprehensive Children's Act or Code that incorporates the provisions of the CRC and the African Charter poses a significant challenge. Such legislation would establish a unified foundation for effective care reform, especially considering the diverse practices across regional State governments. Additionally, the lack of a comprehensive legal framework for alternative care and a systematic approach to determining the child's placement exacerbates the challenge. This gap not only hampers efforts to ensure the well-being and rights of children, leaving these children more vulnerable to emotional, sexual and physical abuse and exploitation, but also impedes the establishment of standardised procedures for determining suitable alternative care options (ACERWC, Concluding Observations, 2022, para. 22; ACPF 2023 Study on Children without parental care in Africa). • Despite the adoption of a national directive for foster care and domestic adoption (Directive No. 976/2023 enacted October 2023 by the Ministry of Women and Social Affairs (MoWSA); CRC/C/ETH/6-7, para. 120) there persists a deficiency in comprehensive implementation strategies and mechanisms to ensure the effective enforcement and monitoring of this directive at both national and regional levels. Furthermore, while the trend in alternative care indicates a decline in institutional care and an increase in community-based, kinship, and other family-based forms of care (CRC/C/ETH/6-7, para. 121), the absence of robust implementation frameworks poses significant practical challenges to the realisation of these care options. • At the institutional level, at the MoWSA, there are no specific structures that are entirely mandated for alternative childcare programs. However, existing child rights departments and officers are tasked with the responsibility of monitoring these programs across various administrative, at federal, regional, Zonal and Woreda levels (source: ISS/IRC local contact). • Despite constitutional provisions (Art. 36) banning corporal punishment in state/run institutions, the prevalence of such practices remains widespread (Country Report for Ethiopia 2023. End Corporal Punishment).

	<ul style="list-style-type: none"> • Currently, it is unclear whether there exists an independent, systematic and structured monitoring framework applicable across all regional states, which could be facilitated by entities such as the Ethiopian Human Rights Commission (EHRC) and the Ombudsman. • There is a notable absence of a centralised register for adoptable children, both at the federal/national and regional levels, as well as a corresponding register for prospective adoptive parents, leaving the adoption process susceptible to inefficiencies and inconsistencies and hence hampering the adequate application of the subsidiary principle (source: ISS/IRC contact). • Also, at the institutional level, no clear accreditation procedures of and monitoring mechanisms on all orphanages and residential facilities where adoptable children live. There are instances where these entities interfere in the outcomes of the adoption processes (source: ISS/IRC local contact). • It seems that despite the ban since 2018, some intercountry adoptions (ICA) have continued throughout the years, though in lower numbers compared to the past (HCCH Statistics). It is unclear what safeguards were in place for these adoptions given the ban as well as the allegations of widespread corruption and evidence of illegal practices that led the Ethiopian government to stop adoptions by foreigners (Revised Family Code; 2023 Corruption Index; ISS/IRC local contacts). • Despite the Ethiopian government's efforts to promote domestic adoption and the establishment of a national directive to facilitate such programs, recent statistics suggest stagnation in the number of domestic adoptions, indicating a lack of substantial improvement in this area (ACERWC, Concluding Observations, 2022, para. 22).
<p>Possible questions for the dialogue</p>	<ul style="list-style-type: none"> • In relation to the national directive for foster care and domestic adoption, could the State party provide details on the implementation status of the directive and any measures taken to ensure its effective enforcement? Additionally, could the State party provide information on the ongoing revision of the alternative care guideline (CRC/C/ETH/6-7, para. 120), particularly regarding efforts to expand existing care options to reach more children and to integrate non-institutional options for children deprived of a family environment? • How is the government promoting the protection of children in informal care arrangements, in accordance with the UN Guidelines (para. 18), and what specific measures or strategies are being implemented to encourage the formalisation of these care arrangements (Directive No. 97/2023, Art. 28.1.e)? • How does the government plan to foster and encourage child participation within the alternative care system across regions, ensuring that children's voices are actively sought, respected, and incorporated into decision-making processes? • How does the Ethiopian government ensure that the principle of subsidiarity is abided by before considering adoption as an option for a child? What efforts is the government taking to locate members of the biological families of children in need of care, especially for unaccompanied refugee children? • How does the government ensure transparency and accountability in adoption procedures to prevent future illicit or illegal practices? • What procedures are in place for declaring a child adoptable, conducting the matching process, and providing access to adoption records and information for adoptees seeking their biological origins? Is the Ethiopian government considering setting up specific programs to support adoptees in the search of their biological families? • Can the government clarify which type of intercountry adoptions are still taking place? • Considering that surrogacy is seemingly becoming an emerging option for couples struggling to conceive, what steps is the government undertaking to ensure that the rights of children born through surrogacy are upheld and respected?

Possible recommendations for the State party

- Efforts should be made to establish a comprehensive legal framework for alternative care, guided by the principles outlined in international conventions such as the CRC and the African Charter as well as the UN Alternative Care Guidelines.
- While various alternative care options have been delineated, urgent action is required to scale up efforts and ensure the sufficient provision of care for children in need of diverse care alternatives. This entails developing robust implementation plans, bolstering monitoring mechanisms, and fostering collaboration among relevant stakeholders to ensure the effective realisation of the national directive's objectives.
- Implement a robust system for data collection and sharing on all forms of alternative care. This system should aim to gather comprehensive and accurate information on the number of children in alternative care, disaggregated by age, gender, ethnicity, disability status, and other relevant factors.
- Legislation should be enacted to prohibit corporal punishment in all forms of alternative care, both institutional and non-institutional, to ensure the protection of, among others, the right of children to be free from violence. Additionally, comprehensive measures should be implemented to monitor and enforce compliance with these regulations across all care settings (see also recommendations by the Committee against Torture, [CAT/C/ETH/CO/2](#), paras. 52 and 53b) and ensure children in care have access to complaint mechanisms and effective remedies. As the [ACERWC](#) recommended, the State party should also undertake extensive and continuous training of, among others, professionals working in care institutions on the negative impact of corporal punishment and about alternative correctional/disciplining methods.
- Increase its investment for the supervision and monitoring of all forms of alternative care, ensuring adequate oversight and accountability ([ACERWC, Concluding Observations, 2022](#), para. 23). Specifically, there should be a focus on the role and regulation of orphanages and residential facilities to ensure clarity in their oversight mechanisms. Additionally, efforts should be made to enhance training programs and capacity-building initiatives for social workers and other professionals to improve their skills and effectiveness in providing support to vulnerable families and children.
- Allocate sufficient budgetary resources to the EHRC and the Ombudsman, while ensuring their independence and institutional capacity to effectively monitor human rights issues, including the protection of children's rights. Moreover, it is imperative to prioritise the consideration of their findings, decisions, and recommendations, as well as raise awareness about their mandates and complaint mechanisms to enhance accountability and transparency in safeguarding children's rights.
- Ratify the 1993 Hague Adoption Convention. By doing so, the State would not be obliged to reopen ICA, but it would benefit from it by providing a clear framework of basic procedures and minimum standards for intercountry adoption. The ratification of the 1993 Hague Adoption Convention would also serve as a crucial tool in preventing future illicit practices and ensuring the holistic care and protection of children.
- Enact comprehensive legislation and policy measures that facilitate the search for origins and access to birth and adoption records for both domestic and intercountry adoptees. This initiative should entail the establishment of a supportive, structured, and easily accessible system, accompanied by specialised training for professionals to effectively assist adoptees in their journey. Additionally, it is crucial to ensure the publicity of this system to promote awareness and accessibility among adoptees.
- Initiate a formal review and inquiry into allegations of historical irregularities in adoption practices, potential rights violations, and the State's role therein. This inquiry should also address issues concerning access to justice, including the possibility of prosecutions, and ensure adequate remedies for victims.

Annex – Legal and practical analysis of the alternative care and adoption systems

<p>Legal framework</p>	<ul style="list-style-type: none"> • The 1993, 1980 and 1996 Hague Conventions were not signed nor ratified. • CRPD -Ratification/Accession: 2010; CEDAW- Ratification/Accession: 1981. • African Charter on the Rights and Welfare of the Child, Ratified: October 2002. • The Revised Family Code (the RFC Amendment Proclamation No. 1070/2018). • Directive No. 976/2023 on Alternative Childcare and Support (available upon request at ISS/IRC) which repealed the previous Directive No 48/2020 on Foster care and Domestic Adoption Services and the June 2009 Alternative Childcare Guidelines and Community Based Child Care Reunification and Reintegration Program, Foster Care, Adoption and Institutional Care Service'.
<p>General situation of children deprived of family care</p>	<ul style="list-style-type: none"> • Children under 15 make up 39% of the population (CRC/C/ETH/6-7, para. 1). Forecasted to reach 58 million by 2050, (6% of Africa). (UNICEF 2018). Ethiopia reported 1.82 million internally displaced persons (IDPs) in July 2020 (CRC/C/ETH/6-7, para. 2), increasing to 3.45 million by the end of 2023, with over 1.2. million children displaced by the northern conflict (UNICEF, 2023). Moreover, Ethiopia hosts over 916,000 refugees and asylum seekers, including a significant number of children displaced from South Sudan, Somalia, and Eritrea (UNCHR, 2023 and UNICEE, 2023). 1 in 10 children in Ethiopia do not live with their biological parents of which 7% are orphans with one or both parents dead (CRC/C/ETH/6-7, para. 119). The main reasons for children coming into alternative care include poverty, disability, family separation due to conflict or natural disasters, death of parents. Of particular vulnerability are girls, children with disabilities, children in street situations, migrant children and children imprisoned with their parents (Combined 4th and 5th State Reports to the ACERWC; UNHCR, 2024; Family Health International, 2010). • Prevention by the local community: The Directive No. 976/2023 establishes that communities should be actively involved in supporting vulnerable children and families in their midst. Case workers should follow a structured process guided by the child's individual care plan and assessments, considering the child's age, needs, and circumstances. • Family reunification requires meeting specific preconditions (Art. 25). Immediate household needs should be addressed, including access to services, counselling, and training on topics such as positive parenting and trauma-related behaviours.
<p>Alternative care options</p>	<p>The new Directive No. 976/2023 outlines the following alternative care options:</p> <ul style="list-style-type: none"> • Kinship care (Arts. 27 and 28): Kinship care in Ethiopia is an extended and embedded alternative childcare option within the socio-cultural and economic context of the family system (Save the Children, 2015). Registration of private kinship care arrangements is optional, not mandatory. The relevant authority should encourage and enable informal caregivers, with the consent of the child and parents to formalise the care arrangement after a suitable lapse of time and promote the child's welfare and protection, including financial and other support. • Foster care (Arts. 29-43): Prior to placement of children to stay in an institutional care, it must be confirmed that there is no option for foster care family. The MoWSA oversees and supports foster care services, while the Child Protection Expert is responsible for managing foster care provision and oversight. A contract should be entered prior to the placement of the child with the foster family specifying the rights and responsibilities of the child, foster family, of the biological parent/s (if alive) and of the foster family care service provider organisation.

	<ul style="list-style-type: none"> • Community-based care (14y/o or older): range of care options that can be identified for children and youth in need by different actors, e.g. Community members or Community Care Coalitions, foster care service providers. • Residential care (Arts. 57-68): the law requires that a child should not stay in residential care for more than 2 months unless circumstances force the child to stay longer. Residential care shall in no way, irrespective of size, be viewed as a way to fulfil a child’s right to live in a family environment. Residential care facilities shall facilitate the family reunification and reintegration or the provision of alternative care services for children in their care, including tracing and reintegrating children with their own parent(s) or placement in a kinship care arrangement. The trend in alternative care indicates a decline in institutional care (CRC/C/ETH/6-7, para. 121). • Alternative care in emergencies (Art. 73). The following interim care arrangements should be provided during an emergency while tracing is being carried out to find the child’s immediate family: a. Kinship care; b. Foster care; c. Supported Independent Living for groups of older children. Adoption should not be considered during an emergency.
Adoption	<ul style="list-style-type: none"> • Vision: The Constitution encourages adoption as a solution for orphans (Art. 36.5). The Directive No. 976/2023 recognises adoption as a permanent childcare measure (Art. 44.2). • Principle of subsidiarity (Art. 44): adoption should be pursued only after exhausting all feasible options to maintain a child within their biological or extended family. Factors such as continuity in upbringing and preservation of the child's ethnic, religious, cultural, and linguistic heritage must be carefully weighed when making adoption placements. The paramount consideration in placing a child into an adoptive family is ensuring their best interests are prioritised. • Intercountry adoption (ICA) suspension: following the uncovering of existing systematic unethical practices and procedural irregularities (see for instance the high profile case of Hana Williams) from 2015 onwards several Receiving States (Denmark, Spain, France; Italy; Ireland; Sweden, Switzerland and francophone Belgium) had initially decided to suspend intercountry adoption with Ethiopia. As a consequence, Ethiopia on its turn imposed a general suspension of intercountry adoption in April 2017. In January 2018, the Ethiopian parliament passed an amendment to its Revised Family Code (USCIS.gov; RFC Amendment Proclamation No. 1070/2018), which removed all references to adoption of Ethiopian children by foreigners effective 14 February 2018. • Despite the official ICA ban, the RFC Amendment Proclamation No.1070/2018 is silent on its application in respect to Foreigners of Ethiopian Origin as it does not clarify who foreigners are and to whom the ban applies. Hence this might explain why ICA kept on occurring (even in recent times). • Record keeping and access to origins: Adoption service providers must keep records of all adoptions concluded, and the identifying details related to the child’s origins, their biological parent or parents, and their adoptive parent(s). Only the child of 16 years or the adoptive parent/s of the child may access the child’s file (Art. 47(8), Directive No. 97/2023).
Vulnerable groups of children	<p>As of 31 August 2020, there were about 471,378 refugee children, among whom 41,159 are unaccompanied and separated refugee children (Administration for Refugees and Returned Affairs (ARRA), September 2020). ARRA together with other partners is also facilitating domestic adoption for unaccompanied refugee children (CRC/C/ETH/6-7, para. 116).</p>
Surrogacy	<ul style="list-style-type: none"> • Under the Ethiopian Criminal Code surrogacy is not prohibited. Also, at birth, the surrogate mother is considered by law the legal parent of the child, and her husband is considered the legal father.

	<ul style="list-style-type: none">• Surrogacy is becoming an emerging option in Ethiopia. Among the services offered, surrogacy centres in Ethiopia offer the matching between intending parents and surrogate mothers.
Statistics	<ul style="list-style-type: none">• The number of domestic adoptions have significantly increased in the last decade: whereas in 2014/15, 1,314 children were adopted domestically, the number of children increased to 1551 in 2018/19 (CRC/C/ETH/6-7, para. 121 & Annex to State party report, INT CRC ADR ETH 44758 E). Domestic adoptions concerned almost 2000 children in 2016/17 and 2017/18.• From 2014 to 2018/2019, a total of 1590 ICAs took place (Annex to State party report, INT CRC ADR ETH 44758 E). 52 ICA took place between 2019-2022 (HCCH Statistics).