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*Federal Democratic Republic of Ethiopia
Permanent Mission to the United Nations
Geneva*

119/2012-A

6 December 2012

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the latter's Note, dated 24 October 2012, concerning the report on discrimination against women in nationality related matters, including the impact on children - Human Rights Council Resolution 20/4, has the honour to attach herewith the reply to the questions.

The Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations Office at Geneva and other International Organisations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Enclosures

The Office of the United Nations High
Commissioner for Human Rights
Geneva

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ACQUISITION, RETENTION AND CHANGE OF ETHIOPIAN NATIONALITY

ACQUISITION OF ETHIOPIAN NATIONALITY

According to article 6 of the constitution of FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA (FDRE), Ethiopian nationality can be acquired when;

1. Any person of either sex shall be an Ethiopian national where both or either parent is Ethiopian.
2. Foreign nationals may acquire Ethiopian nationality and sub 3 of the above mentioned article indicates that particulars relating to nationality shall be determined by law. These are the fundamental FDRE constitutional principles.

The specific legislation concerning nationality as indicated in the above constitutional provision was enacted as **ETHIOPIAN NATIONALITY PROCLAMATION NO.378/2003**. As per this proclamation, nationality can be acquired through the following ways:

I. Acquisition By Descent

1. Any person shall be an Ethiopian national by descent where both or either of his/her parents is Ethiopian.
2. An infant who is found abandoned in Ethiopia shall, unless proved to have a foreign nationality, be deemed to have been born to an Ethiopian parent and shall acquire Ethiopian nationality.

II. Acquisition By law

Any foreigner may acquire Ethiopian nationality by law in accordance with the provisions of articles 5-12 of this proclamation. However, there are conditions to be fulfilled by a foreigner who applies to acquire Ethiopian nationality by the law.

1. Have attained the age of majority and legally be capable under the Ethiopian law,
2. Have established his/her domicile in Ethiopia and have lived in Ethiopia for a total of at least 4 years preceding the submission of his/her application.
3. Be able to communicate in any one of the languages of the nations and nationalities of the country.
4. Have sufficient and lawful source of income to maintain himself/herself and his/her family

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5. Be a person of good character
6. Have no record of criminal conviction
7. Be able to show he has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he/she is a stateless person and lastly,
8. Be required to take the oath of allegiance as the following " I..... solemnly affirm that I will be a loyal national of the Federal Democratic Republic of Ethiopia and be faithful to its constitution".

III. Acquisition by Marriage

Pursuant to article 6 of the **Ethiopian Nationality Proclamation**, a foreigner of either sexes who is married to an Ethiopian national may acquire Ethiopian nationality by law if

1. The marriage is concluded in accordance with the Ethiopian laws or in accordance with the laws of any other country where the marriage is contracted
2. There is a lapse of at least two years since the conclusion of the marriage,
3. He has lived in Ethiopia for at least one year preceding the submission of his/her application, and
4. He/she fulfilled the other conditions mentioned in the above article 5 of the proclamation mainly sub article 1, 7 and 8.

IV. Acquisition by Adoption

According to article 7 of the **Nationality Proclamation**, any child adopted by Ethiopian national may acquire Ethiopian nationality by law if,

1. He/she has attained the age of majority,
2. He/she lives in Ethiopia together with his/her adopting parent,
3. Where one of his/her adopting parents is foreigner, such parent has expressed his/her consent in writing and
4. Be able to show that he/she has been released from his/her previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he is a stateless person.

V. Acquisition by a Special case

Regardless of gender discrimination the Nationality proclamation provides that any foreigner who has made an outstanding contribution in the interest of the country may be conferred with Ethiopian Nationality by law without the conditions prescribed in sub article 2 and 3 of 5 of the Nationality Proclamation.

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CHANGE OF ETHIOPIAN NATIONALITY

According to article 33 of the FDRE constitution, (1) no Ethiopian national shall be deprived of his/her Ethiopian nationality against his/her will. Marriage of an Ethiopian national of either sex shall not annul his/her Ethiopian nationality.

More importantly, Article 33 (3) of the FDRE constitution stated as "any Ethiopian national has the right to change his/her Ethiopian". Next to this the specific law nationality provided the right to change nationality in a detail. Article 16 of the Nationality proclamation provided that any Ethiopian national shall have the right to change his/her nationality.

This is referring that no Ethiopian national is prohibited from changing his/her nationality. However, there are some exceptions provided in article 19 of the Ethiopian nationality proclamation. The exceptions are provided below.

1. If he/she renounces his/her nationality
2. An Ethiopian who intends to renounce his nationality shall in advance inform the authority in the form prescribed by the Authority.
3. The renunciation of the nationality of a minor shall be effected by the joint decision of his/her parents or when either of the parents is a foreigner, the decision of Ethiopian parent is acceptable.
4. An Ethiopian who has declared his/her intention to renounce his/her nationality may not be released until he/she has discharged his/her outstanding national obligations ,or where he/she has been accused or convicted for a crime , he has been acquitted or served the penalty.
5. However, any Ethiopian who is not issued with a certificate of release shall have the right to appeal to the competent court.

The Rights of Ethiopian Nationality

- A. **The protection given by the state:** According to article 14 of the Nationality Proclamation, the state shall protect the rights and lawful interests of its nationals and the state shall take such measures as may be necessary to ensure the protection of the rights and lawful interests of its nationals residing abroad.
- B. **Non-Extradition:** No Ethiopian national may be extradited to another state.
- C. **Change of Nationality:** any Ethiopian national shall have the right to change his/her nationality.
- D. **Non-Deprivation of Nationality:** No Ethiopian may be deprived of his/her nationality by the decision of government authority unless he/she lost his/her nationality by renunciation of Ethiopian nationality or upon acquisition of other countries nationality.
- E. **Equality of Nationals:** All Ethiopians nationals shall have equal rights and obligations of citizenship regardless of the manner in which nationality is obtained. This is the golden principles unlike other countries. There is equal treatment for all nationals without having any discrimination based on source of nationality.

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In general there is no gender based discriminatory nationality law in relation with conferral of nationality on children by men and women. Children of female nationals acquire the nationality of their mothers in equal circumstances with men as per to the Nationality Proclamation of Ethiopia.