ጎብረት ለምርጫ(CECOE)
የኢትዮጵያ የሲቪል ማህበራት ድርጅቶች ጎብረት ለምርጫ
Coalition of Ethiopian Civil Society Organizations for Elections

SPECIAL VOTING ARRANGEMENTS IN ETHIOPIA

Lessons to be learnt from International Standards and Other Jurisdictions

Reasearch Report

Consultant:
Getachew Assefa (PhD)
Email: gamariam@gmail.com
Tel.: +251-938596642

November 04, 2025
Addis Ababa, Ethiopia

Contents

Contents

Executive Summary 4
I. 10
Introduction 10
I.1. Background 10
I.2. Research Objectives 12
I.3. Scope of the Research 12
I.4. Research Methodology and Sources of Data 13
I.5. Organization of the Report 13
II. 14
Normative and Conceptual Framework 14
III. 16
Special Voting Arrangements and the Beneficiaries 16
3.1. Special Voting Arrangements (SVAs) 16
3.1.1. Postal voting 17
3.1.2. Early Voting 18
3.1.3. Mobile Voting 19
3.1.4. E-Voting/Internet Voting 20
3.1.5. Proxy voting 21
3.1.6. Assisted Voting 21
3.2. Beneficiaries of Special Voting Arrangements 23
3.2.1. Prisoners 23
3.2.2. Higher Education Institution Students 29
3.2.4. Members of Military in camps and bases 32
3.2.5. Out of country voters 33
3.2.6. Sick Persons 35
IV. 36
Conclusion and Recommendations 36
4.1. Conclusion 36

4.2. Recommendations 37
Annex 39
Interview Guiding Questions 39
1) The Ethiopian Federal Prison Commission 39
2) Federal Ministry of Education 39
3) National Election Board of Ethiopia 40
References 41
Laws/International Instruments 41
Other references 41
Interview Sources 44

Executive Summary

The ideal modern governments are based on the consent of the governed. Election of representatives to public office is the most direct expression of the consent of the governed. Elections have to be the true expressions of the consent of the governed. The most important denominators of genuine elections are freeness, fairness, universality, equality, secrecy of the ballot, and periodicity. Participation in the conduct of public affairs of one's country by, among others, voting and running for election is a human right. These rights are also part of the bill of rights of most modern constitutions. Article 25 of the International Covenant on Civil and Political rights (1966) and article 38 of the Ethiopian Constitution provide that the right to take part in the conduct of public affairs in general and to vote and to be elected in particular have to be respected and protected without any discrimination on grounds, such as colour, race, nation, nationality, sex, language, religion, political or other opinion or other status.

The right to elect and be elected, like most other rights, are subject to limitations or restrictions. International human rights standards allow States to put in place eligibility criteria for being a voter or a candidate but requires that these criteria be reasonable and should not make the exercise of the right difficult or hollow. Age and mental status (the ability to make a sound judgment) are some of the eligibility criteria accepted by international human rights law and constitutional systems.

For a long time in history, elections were conducted through conventional electoral system in which voters vote in person on election day. But beginning from the end of the 20th century, States around the world have started to relax the requirement to vote in person in order to allow citizens who could not be in their constituencies on election day to vote. The conventional electoral system is now supplemented by different kinds of special voting arrangements (SVAs) that cater for their citizens that cannot elect in the conventional electoral process. These include prisoners serving sentence or on remand; the military in camps; internally displaced persons; higher education students; and citizens living abroad either as labour migrants or working in government services. It is good to note that in many jurisdictions, SVAs are being put to use not only for voters who are away from their constituencies but also voters who can be at their constituencies on election day but prefer to vote by using SVAs for convenience purpose. Some jurisdictions attach criteria to be eligible for SVAs others allow all those who prefer SVAs to use them.

The main SVAs commonly in use are postal voting, early voting, mobile voting, assisted voting, proxy voting and e-voting. States have put in place different kinds of SVAs based on their preferences and practical considerations. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation No. 1162/2019 allows

the establishment of special polling stations at or near military camps, higher education institutions, prisons, and temporary location of internally displaced persons in order to enable these categories of voters who live away from their constituencies and cannot travel back during the election periods to exercise their fundamental political rights. Special polling station arrangement is an SVA that at times overlap with other SVAs such as early voting.

In jurisdictions where postal voting is allowed, voters receive and mark their ballots, without being under a supervision of election management bodies, and submit their marked ballots via post to the election administration body. The filled ballots are required to be sent to the election management bodies in return envelopes issued by them for that purpose. Voters can access the ballots either through postal mails sent to their addresses or electronically. Postal voters are required to make sure that their postal votes reach the election administration body before the election day. In some legal systems, any voter who lodges a prior request for postal voting is allowed to vote by post without preconditions. In States like the Netherlands, postal ballots are sent automatically to voters 70 years of age or older. Still, as in some US states (Colorado, Hawaii, Oregon, Utah and Washington), postal ballots are automatically mailed to all registered voters.

Concerned about the challenge of establishing voter identity and authenticity, some States such as Russia, Turkey, Ukraine, France, Romania, Italy and Greece do not allow postal voting. Others like Poland, Germany, UK, Spain, Switzerland, and Iceland allow it. The Ethiopian electoral law, Proclamation No. 1162/2019, although it does not directly speak about postal voting, excludes this voting option by requiring voters to vote in person at polling stations (articles 5(4) and 50(1)).

Early voting is an in-person submission of one's vote at a polling station before election day. Early voting can take place at the polling station where voters are registered or at a designated early polling station. In either case, all procedures that take place in conventional election process including the identification of voters are conducted during early voting as well. Early voting is utilized in Canada, Colombia, and most of the states of the US. As of 2020, 14 European countries allow early voting. Sweden, Norway, Finland, Portugal and Switzerland allow early voting for all voters while Russia, Iceland and Portugal allow it for some voters. France, Germany, Spain, Austria, Italy, Hungary, Poland, Ukraine, Romania and some others do not allow early voting. In Africa, 13 states, including Algeria, Botswana and Lesotho allow early voting for certain category of voters. In Ethiopia as well, early voting can be used at special polling stations. The Ethiopian electoral law, Proclamation No. 1162/2019 (as amended), gives the National Election Board of Ethiopia (NEBE) the discretion to allow voters who can vote at special polling stations to vote earlier than the election day (article 17(2)).

The other SVA is mobile voting. This is a process whereby members of the election administration take a mobile ballot box to voters such as sick and immobile persons either at home or at an institution where such persons are located. It may be used also for prisons, and temporary detention centers. According to the 2024 data of International IDEA, 31% of the nations of the world make mobile ballot boxes available to voters. Proclamation No. 1162/2019 of Ethiopia allows the Board to establish mobile polling stations for pastoral communities. Except for this category of voters, the law requires that voter registration shall be conducted only at the polling stations established to register voters and that it is prohibited to conduct registration outside the polling station, by going door-to-door or moving around (art 20(1)).

E-voting is a casting of vote by using a computer through different arrangements. Australia, Austria, Belgium, Brazil, Canada, Finland, France, Germany, Holland, India, Ireland, Netherlands, Norway, Portugal, Spain, Switzerland, UK, and USA are among the nations that use internet voting, some for wider voters while others for restricted category of voters such as the military and disabled persons. The Ethiopian electoral law provides that the Board may deploy technology to assist with the voting and the vote counting processes (art 51(8)). A recent amendment to the electoral law, provided in Proclamation No. 1394/2025, states that the Board may decide voter registration to be conducted through technological alternatives. Proclamation No. 1394/2025 further stipulates that "The Board may use technology in the registration of candidates … collection or verification of endorsement signature of candidates, voter registration, voting, counting, verification of results, and other activities that may enhance the efficiency of the Board's work" (art 161). So far technology has not been deployed in Ethiopia, except the online voter registration of higher education students during the 6th general elections in 2021.

Proxy voting is a delegation of someone by a registered voter to vote for him/her. It is most often used to enfranchise sick, including those in hospital or disabled persons, as in Belgium, Benin, Burundi, Chad, France, Ghana, Guinea, Japan, Niger and Poland. In States like Algeria, Benin, France, Ghana and India, People whose official duties prevent them from voting in person on election day, such as the military and police, are allowed to vote by proxy. Similarly, polling staff are also allowed to vote by proxy in States like Mali, Chad Guyana and Suriname. Persons in places of detention are allowed to use proxy voting in States such as Belgium, France, Gabon, Mali, Monaco and Sweden. The Ethiopian electoral law's requirement of in-person voting by the voter excludes proxy voting and makes it illegal in Ethiopia.

Assisted voting is a voting through an assistance given to sick persons who have mobility issue and are confined at home, or persons in hospitals and care facilities who, as a result, cannot travel to the polling station. Many legal systems, such as Bulgaria, Mexico and

Pakistan, Germany, the Philippines, the UK and South Africa recognize assisted voting. In Ethiopia, article 52(2) of Proclamation No. 1162/2019 provides that any voter who needs assistance to put a mark on his ballot paper and insert it into the ballot box has the right to select his own assistant.

Although SVAs can be utilized by any voter depending on the position of the legal systems, they are most relevant to voters who are away from their constituencies for various reasons. Thus, in Ethiopia (and elsewhere as well), prisoners who are serving sentence and those in custody on remand; military personnel encamped and their civil families living with them; military trainees in training camps during election periods; higher education students pursuing their education away from their places of residence; Ethiopians living abroad as emigrants or as government representatives in embassies, consulates and international organizations; and Sick persons who face mobility problem during election period are the ones that can be enfranchised through SVAs .

In regards to prisoners, it is widely accepted that their incarceration should not lead to the deprivation of their electoral rights. However, there is a great deal of diversity among domestic legal systems in how they view the rights of prisoners to vote (and to be elected). Some States clearly recognize prisoners right to vote. Others grant or deny the right based on the seriousness of the crimes committed by the prisoner in question. There are also those that completely deny the right to vote to prisoners. In the case of the States that allow prisoners to elect, they also restrict the types of elections at which prisoners could vote, in most cases making prisoners ineligible for local elections. In India, Egypt, Brazil, New Zealand and Lebanon, prisoners serving sentence are automatically excluded from voting rights. In Iceland, the electoral law disenfranchises prisoners who are sentenced to more than 4 years while it is 3 years for Poland. In Belgium, Tunisia, and to some extent Ethiopia, the law empowers judges to determine whether a convicted person should also lose his/her right to vote. The jurisprudence of international and regional treaty bodies, and judicial and quasi-judicial bodies accept the power of States to restrict prisoners right to vote but require that the limitations imposed must be objective and reasonable, and proportional to the seriousness of the crimes committed by the prisoner in question. In Ethiopia, Proclamation No. 1162/2019 instructs the NEBE to establish special polling stations at or near, among others, places where incarcerated citizens whose voting rights have not been stripped off are found. However, both Proclamation No. 1162/2019 and the 2004 Criminal Code also allow the restriction of voting rights by the operation of the law which tantamount to a blanket deprivation of voting rights.

Higher education institution (HEI) students are another category of voters who constitute a substantial number of voters very likely to be disenfranchised if concerted efforts are not made by those concerned. In Ethiopia, according to the data obtained from the Ministry of Education, as of June 2025, the number of undergraduate university students

enrolled in the 47 public universities is 524, 911. HEI students have taken part in 2005, 2010 and 2015 general elections. In 2015 (5th) general elections, 304,143 students of HEIs. During the 6th general elections of 2021, although the Board undertook voter registration of HEI students online, they did not vote on their campuses.

Members of the army that are stationed in military camps, including at training facilities are the other category of voters for which SVA is needed. The members of the military may be stationed at their camps or major military bases. Many nations of the world, especially those whose military are stationed in different parts of the world have developed SVAs for the members of their military. In the case of Ethiopia, Proc. No. 1162/2019 recognizes the rights of the military in camps to vote. It provides that special polling stations shall be established by the Election Board in the camps or near the camps in order to enfranchise the military, their voting age family members living with them as well as civil personnel in camps. As noted earlier, the military in camps have been taking part in three consecutive general elections starting with the 2005 general elections. Directive No. 13/2021 provides that voters in military camps (and also students of HEIs) vote for candidates that are fielded in the constituencies where they resided before they came to the camps (or the HEIs).

Citizens living abroad, including the military on active duty outside their country of citizenship and employees of the government working in embassies, consulates and international organizations, who are generally referred to us out of country voters, are also beneficiaries of SVAs. According to International IDEA, as of 2020, 141 countries grant their citizens living abroad the right to vote through SVAs. In the case of Ethiopia, article 17(3) of Proc. No. 1162/2019, makes the right to vote of citizens living abroad contingent upon a further decision of the House of Peoples' Representatives (HoPR) which shall in turn be taken based on the study on appropriate special procedure to enfranchise these voters to be submitted to it by NEBE. NEBE has not yet undertaken the study mentioned in the law.

Finally, some legal systems allow persons who have illness or physical disability as well as caregivers confined at home to vote in various ways such as early voting, proxy voting and mobile ballot box. The Ethiopian electoral law allows assistance to be given to persons who could not mark their ballots and put them in the ballot box. It does not allow special voting arrangements such as proxy voting or mobile ballot box for persons who cannot come to the polling stations to vote due to illness or disability.

The study has made the following recommendations in order to widen voting rights through the use SVAs for voters who may otherwise be unable to vote in their constituencies for various reasons.

a) **Amendment of the electoral law and the Criminal Code.** As noted in the report, the enfranchisement of prisoners still hangs in the balance because both the criminal law and Proclamation No. 1162/2019 allow prisoners right to vote to be stripped off by the operation of the law. It is therefore necessary that both Proclamation No. 1162/2019 (as amended) and the Criminal Code of 2004 should be amended to the effect that restriction of prisoners right to vote should be left to the judiciary which should decide on the matter on a case by case basis.
b) Furthermore, other modalities of SVAs should be made available to voters who would be away from their constituencies during election periods. Proxy voting and mobile voting options is believed to be suitable methods that need to be incorporated. To this effect, Proclamation No. 1162/2919 (as amended) should be amended in order to incorporate these SVAs.
c) **Early Voting.** Proclamation No. 1162/2019 allows NEBE to employ early voting with regard to voters that are allowed to vote at special polling stations. However, NEBE has not started to deploy this voting modality so far. It is strongly believed that the proper planning and use of early voting in relation to HEI students, prisoners, the military and others who are allowed to vote at special polling stations can help to deal with the complex nature of the voting procedures with these voters.
d) It was found out that spouses and dependent family members of the military in camp as well the civilian personnel in military camps who are eligible to vote have not been enfranchised in the past elections. NEBE should undertake its planning to include these voters together with the members of the army in camps.
e) Online registration, voting and vote counting of students of HEIs could be very helpful to NEBE. It is strongly suggested that it should be pursued to realize it as soon as it is practicable.
f) The Federal Prison Commission needs to be proactive in enfranchising prisoners who have the right to vote. In this regard, it should work with NEBE to get the necessary insight about issues involved.
g) NEBE should enter into formal agreement with the Ministries of Defense, Education, Federal Prison Commission and other relevant institutions in order to collaboratively plan the enfranchisement of the voters that vote in special polling stations.
h) NEBE should undertake the study envisaged by article 17(3) and present it to the HoPR to cause the enfranchisement of Ethiopian citizens living abroad and others who can be recommended for special voting procedures.

I.

Introduction

I.1. Background

The ideal of modern governments is their aspiration to be representative governments. Governments are constituted as representatives of the societies they govern chiefly through elections. For a genuinely representative government to be put in place, the occupants of the elected offices should come to occupy their offices through genuine elections that meet basic normative standards. It is through the medium of genuine periodic elections that the governors obtain the mandate to act on behalf of the governed. Participation in elections is the most important way by which citizens take part in the public affairs of their countries.

The widely accepted basic normative standards for genuine elections are freeness, fairness, universality, equality, secrecy of the ballot, and periodicity. It is a fundamental human right to vote in an election and to be voted for. International human rights standards allow States to put in place eligibility criteria for being a voter or candidate but requires that these criteria be reasonable and should not make the exercise of the right difficult or exclude potential voters or candidates on unreasonable grounds. It is for example, explicitly stipulated under article 25 of the International Covenant on Civil and Political rights (1966) and article 38 of the Ethiopian Constitution that the right to take part in the conduct of public affairs in general and to vote and to be elected in particular have to be respected and protected without any discrimination on grounds, such as colour, race, nation, nationality, sex, language, religion, political or other opinion or other status.

Some of the eligibility criteria that legal systems impose on voters, such as age and mental status, show very little variation from one another. But there is a great deal of variation across jurisdictions when it comes to whether or not arrangements are made for such voters as prisoners, the military on duty or in camps, or citizens living abroad to exercise their rights to vote. Here again, although objectively justifiable restrictions on the voting rights of such categories of voters may comply with the international minimum standards, unreasonable limitations or nullification of voting rights of incarcerated citizens or others who happen to be away from their electoral constituencies does not live up to international human rights standards and most national constitutional frameworks.

In fact, there is a worldwide trend towards a more equal and universal election process especially since the last quarter of the 20th century. States have progressively adopted

different kinds of special voting arrangements to cater for their citizens that cannot elect in the conventional electoral process. It goes without saying that many practical realities have made special voting arrangements (SVAs) necessary in the present world. The movement of people across the globe and their establishment of residence in countries other than their place of origin is one of such realities. According to the International Organization for Migration (IOM), more than 300 million people live outside the country of their nationality, out of which more than 164 million are migrant workers. Ethiopia is one of the nations of the world where large number of its citizens live abroad, mainly in North America; Europe and the Middle East. In Africa, South Africa is the prime destination for Ethiopians. An estimated number of more than 3 million Ethiopians live outside Ethiopia. A 2021 joint survey report of IOM and the Ethiopian Statistical Agency show a recent spike in emigration of Ethiopians. The report states that more than 800,000 migrants have crossed the Ethiopian borders, in the five years preceding 2021, in search of job and economic opportunities.

The military personnel deployed to peace-keeping and other missions around the world; people who work in government services in embassies, consulates and international organizations; and students studying abroad are other examples of voters for which special arrangements for out-of-country voting will be necessary.

SVAs are also needed within the same country for voters who happen to be outside their voting constituencies during election periods. Military personnel and military trainees who are camped in military bases and training camps and adult members of their family living with them; higher education students who pursue their studies away from their place of residence; prisoners serving sentence or persons in custody on remand; and persons who are ill and not in a position to vote in person are other categories of voters for which special voting arrangements are needed.

States have put in place different kinds of SVAs based on their preferences and practical considerations. As will be discussed in this report, the adoption of SVAs is undergirded by the fundamental human rights of citizens to participate in the conduct of public affairs of their countries. This right is recognized and protected in all relevant international and regional human rights treaties and soft law instruments as well as most national constitutions of the world. The Ethiopian Constitution of 1995 guarantees a broad right to participation in the conduct of public affairs and states specifically that every Ethiopian national has the right to, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, vote—on the attainment of 18 years of age—in accordance with law, and to be elected at periodic elections that shall be by universal and equal suffrage and conducted by secret ballot, guaranteeing the free expression of the will of the electors.

As will be further elaborated later in this report, SVAs are designated by various names in different jurisdictions. For example, the terms "absentee ballot" or "absentee voting" can be narrowly understood as an aspect of SVAs or to refer to different kinds of SVAs. In this study, "SVAs" will be used, instead of "absentee ballot" or "absentee voting" to refer generically to the different types of SVAs.

The main special voting arrangements that are commonly in use—applicable in some countries to elections by those within their constituencies as well as those away from them—are: postal voting, early voting, mobile voting, assisted voting, proxy voting and e-voting. Postal voting and early voting are the most commonly used ones while e-voting has not yet been embraced by many states mainly because of the fear that its security may be compromised resulting in vote rigging or fraud. The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation No. 1162/2019 allows the establishment of special polling stations at or near military camps, higher education institutions; prisons, and temporary location of internally displaced persons in order to enable these categories of voters who live away from their constituencies and cannot travel back during the election periods to exercise their fundamental political rights. This report will further highlight the above-indicated modalities of special voting and the legal and practical dispensations in Ethiopia with regards to these arrangements.

I.2. Research Objectives

The objective of the study is to conduct an assessment of the existing Ethiopian laws regarding special voting rights of categories of voters who cannot vote in the constituencies of their residences. Accordingly, the study will assess the existing legal framework and the praxis pertaining to the implementation of the right to vote of:

1) Higher education students pursuing their education away from their places of residence;
2) Prisoners who are serving sentence and those in detention on remand;
3) Military personnel encamped and their civil families living with them, and military trainees in training camps during election periods;
4) Sick persons who face mobility problem during election period; and
5) Ethiopians living abroad as emigrants or as government representatives in embassies, consulates and international organizations.

I.3. Scope of the Research

As per the ToR, the study does not include the special procedure pertaining to the voting of internally displaced persons (IDP). The assessment will focus on how the categories of voters listed above can be given the opportunity to exercise their voting rights. The study will also identify and analyze the challenges encountered in implementing these special

measures. The review of Ethiopian laws will be undertaken with insights from other jurisdictions in Africa and elsewhere as well as international and regional human rights instruments and the jurisprudence that have developed by the treaty bodies and associated tribunals on the matter under consideration.

I.4. Research Methodology and Sources of Data

The study employs a combination of doctrinal and qualitative research methods. It uses a doctrinal method in order to comprehensively analyze and synthesize the relevant literature, legal texts and jurisprudence. The empirical data that has been obtained from primary sources through key informant interview and from secondary sources have been qualitatively analyzed together with the data and analysis generated through doctrinal study.

The empirical data needed to show the number of citizens that could benefit from the special voting arrangements to be operationalized by NEBE has been obtained from the relevant institutions through interviews or from the documents obtained from them. Accordingly, the consultant interviewed officials and experts at the Ethiopian Federal Prison Commission (as regards prisoners); Federal Ministry of Education (on students of higher education institutions); and National Election Board of Ethiopia (on all matters pertaining to the beneficiaries of special voting arrangements in Ethiopia). As noted in the inception report, direct access to the Ministry of Defence could not be possible. However, the data necessary for this study on the military has been provided by NEBE.

I.5. Organization of the Report

Part I (this part) of the report provides the general background, objectives, scope and research methodology and sources of empirical data utilized to prepare the report. Part II will provide the normative and conceptual overview of electoral rights in general and the requirements of a genuine and inclusive election as provided in international human rights instruments and the Ethiopia Constitution. It also highlights the importance of enfranchising citizens that may not be able to vote in the conventional election modality on the election day. Part III furthers the discussion under part II by unpacking special voting arrangements, i.e., the modalities of election used to enfranchise citizens that may not be able to vote on election day for various reasons. It also discusses the beneficiaries of special voting arrangements. In this part, the position of the Ethiopian legal system and the praxis in relation to the special voting arrangements and their beneficiaries will be presented and examined. Finally, part IV concludes the report and offers some recommendations.

II.

Normative and Conceptual Framework

The right to take part in the conduct of public affairs of one's country is recognized in the international bill of rights, the regional human rights instruments and constitutional systems of most nations of the world. The right of citizens to take part in the conduct of public affairs, including the right to vote and to be elected is recognized in the International Bill of Rights and other human rights treaties and soft law instruments which Ethiopia has adopted. These include the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of Persons with Disability; the African Charter Human and Peoples Rights; the African Charter on Democracy, Elections and Governance; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women.

The right to political participation as a fundamental human right is realizable through direct democratic participation or indirectly through representatives elected by the people [1]. The latter mode of participation is called representative democracy. One of the most important vehicles for the operationalization of a genuine representative democracy is election. A meaningful or genuine election has to fulfil certain criteria. These generally are periodicity, universality and equality of suffrage; its conduct by secret ballot, and being free and fair.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990 is the only human rights treaty that makes direct reference to electoral rights of citizens living abroad. This Convention guarantees migrant workers and members of their families the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation, and further that the states concerned "shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights".[2]

The International Covenant on Civil and Political Rights (ICCPR) provides that every citizen of a State party shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and without unreasonable restrictions, to

---

[1] *International covenant on Civil and Political Rights (ICCPR)* (1966), art 25; *African Charter on Human and Peoples Rights (ACHPR)* (1981), art 13; *African Charter on Democracy, Elections and Good Governance* (ACDEG) (2007), art 17; the 1995 Constitution of Ethiopia, art 38 (1). See also *Declaration on the Principles Governing Democratic Elections in Africa*, AHG/Decl.1 (XXXVIII), 2002.

[2] See, art 41 of the Convention. Ethiopia is not yet a party to the Convention.

"vote … at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors".[3] The Covenant underscores that the State must not only respect a citizen's right to vote but also that it must create the opportunity for exercising the right. A State is also obliged not to encumber the right to vote with **unreasonable restrictions**. The notion of "universal and equal suffrage" connotes that all citizens of the State must be allowed and enabled to take part in the elections based on equally applicable requirements.

The 1995 Ethiopian Constitution, in a wording that is almost identical with the International Covenant on Civil and Political Rights, guarantees every citizen the right to take part in the conduct of public affairs and the right, on the attainment of 18 years of age, to vote in elections in accordance with law.[4] The electoral law of Ethiopia, Proclamation No. 1162/2019, provides that any Ethiopian citizen who is 18 years old and above on the day of registration[5]; and has been residing within the constituency for at least 6 months can register and vote.

Admittedly, the right of political participation in general and the right to vote in particular of, for example, citizens residing abroad are not provided in the International Bill of Rights and most other international or regional treaties that specifically bind States. However, what is clearly embedded in the above principles, such as the universality and equality of suffrage, is that physical removal of voters from their countries or constituencies should not stand in the way of their right to vote, and hence States have to enable their nationals living abroad or those who happen to be away from their constituencies during election period for various reasons, such as imprisonment, to play a part in the public life of the state concerned by, among others, voting in vital elections.

[3] Art 2 and 25, ICCPR.
[4] Art 38(1).
[5] Proclamation No. 1394/2025 has amended the reckoning of attainment of 18 years of age to be on election day, and not on the day of registration.

III.

Special Voting Arrangements and the Beneficiaries

3.1. Special Voting Arrangements (SVAs)

SVAs are more clearly understood when they are compared with conventional voting procedures. The latter is a kind of voting where voting takes place at a constituency and polling station assigned for the voter; independently and directly by the voter, on a designated election day, and most importantly, where no further ballot validation measures are required after the vote has been cast and before it is counted. Although, conventional voting can be characterized as the epitome of the notion of elections, it has become increasingly clear that conventional voting alone cannot enfranchise all voters of a nation because of the various circumstances in which voters find themselves during the election period. In fact from the point of view of accessibility and universality of elections or voter participation, conventional election system is far from being effective. Thus, national legal systems must take into account the nature of their voters and devise, in addition to the conventional system of voting, special voting arrangements that cater for the voters that could be left out if conventional process alone is utilized for their elections.

Canada provided an excellent example of how the introduction of SVAs makes electoral processes universal and inclusive. Introducing postal voting in 1915, and polling stations abroad for overseas military voters in 1917, Canada used its special voting system to transform its electoral system into a fully inclusive process in about 100 years. As of 2018, any Canadian voter can vote early, and any overseas voter can vote by post. Similarly, any voter in Canada unable to vote in person on election day or early can vote by post. Special polling is arranged in electoral offices for any voter in Canada unable to vote in person on election day or early. Special polling stations are also arranged for the military, prisoners and temporary hospital patients. Proxy voting arrangement that had been in use for a long time for voters such as full-time students, sailors and prospectors, has been abolished since 2018.

The importance of SVAs is widely accepted at the present time and are put in place in order to create voting opportunities to individuals who would otherwise be unable to vote in elections. SVAs were found very useful during the peak of the COVID-19 pandemic and its popularity has grown ever since. For example, during the 2020 election of South Korea, the voter turnout was 66%, out of which 41% voted through SVAs. In the USA, absentee ballots in 2020 presidential elections were 99 million of the total voters of

160 million. Most of the absentee ballots were cast through postal voting while a third were cast through in-person early voting. As noted earlier the major SVAs are postal voting, early voting, mobile voting, proxy voting and e-voting. Below, each major SVA will be elaborated together with the elucidation of the place of each arrangement in the Ethiopian electoral legal framework

3.1.1. Postal voting

Postal voting is a modality of voting by which voters receive and mark their ballots, without being under a supervision of election management bodies, and submit their marked ballots via post physically to the election administration body. The filled ballots are required to be sent to the election management bodies in return envelopes issued by them for that purpose. The reference to the term "postal" is to acknowledge the early days when the delivery of blank ballots and the return of filled ballots were undertaken through postal services. However, at the present time, voters can access the ballots electronically, print them, fill them and submit them in person at a polling station or drop them in a secure dropbox on or before election day.

Postal voting is an early voting arrangement with a target that the votes reach the election administration body before or not long after the Election Day. The main variations among States that allow postal voting are whether it is offered to all voters or only to selected ones; and whether voters need to apply for being eligible or whether it is automatically mailed to all registered voters. In States where postal voting is available only to selected categories of voters, eligibility criteria are applicable, and also that those meeting the criteria usually have to apply to receive a ballot ahead of the election. The eligibility criteria may be very restrictive, such as only to overseas voters or travellers abroad who would be unable to cast their vote in person on election day (e.g. Spain). In some legal systems, any voter who lodges a prior request for postal voting is allowed to vote by post without preconditions. In States like the Netherlands, postal ballots are sent automatically to voters 70 years of age or older. Still, as in some US states (Colorado, Hawaii, Oregon, Utah and Washington), postal ballots are automatically mailed to all registered voters.

In postal voting, one of the challenges is establishing voter identity and authenticity. The secrecy of the vote, and the safe and secure and timely transfer and count of the ballot are also matters of concern in postal voting. In this regard, the possibility of violation of the principle of secrecy and freedom of choice of the voter; identity theft and impersonation; vote selling; multiple voting by one person, and family voting are risks most often associated with postal voting. Possibility of delay of transporting ballots to and from the voters may also occur. In Europe, postal voting is allowed in Poland, Germany, UK,

Spain, Switzerland, and Iceland. It is not allowed in Russia, Turkey, Ukraine, France, Romania, Italy and Greece.

The Ethiopian electoral law does not state anything specific regarding the possibility or otherwise of postal voting. On the other hand, Proclamation No. 1162/2019 (art 5(4)) stipulates that "each person shall only be allowed to vote by appearing in person". This is further emphasized by article 50(1) which says that "any voter shall appear in person and cast his vote with full freedom". These can be understood to disallow postal voting as well as proxy voting.

3.1.2. Early Voting

Early voting is an in-person submission of one's vote at a polling station before election day. It is not to be confused with postal or e-voting. Early voting has benefits in providing longer voting time, less congestion of voters on election day and increases ballot security. Early voting can take place at the polling station where voters are registered or at a designated early polling station. In either case, voters are identified by election officers before they vote. The supervision by the election management body and other procedures such as observers by representatives of contending parties should be in place. There are some arrangements and plans that have to be in place for a successful early voting procedure. For example, decision must be made as to when an early voting must start. In Slovenia, for example, early voting should start between 5 days and 2 days before the election day. It is held at special polling stations established at the headquarters of the district electoral commission, supervised by a board appointed by the district electoral commission. In Finland, early voting accounts for about half of the total votes. It is used both for the in-country and out of country voters. It takes place between 11th and 5th day before the election day. In Finland, early voting stations are set up in locations where there are large number of people, such as shopping malls, city centers, and the Helsinki Airport. In Portugal, early voting is used for voters in penitentiary institutions and hospitals.

Early voting is also commonly used for voters who may not be able to cast their ballot on election day due to duties that cannot be interrupted. Thus, election officials, poll workers, journalists, election observers, medical personnel on election duty, police and security personnel on duty, and candidates and their election agents are allowed to vote prior to the election day in many countries. In Ethiopia, although Proclamation No. 1162/2019 (as amended by Proclamation No. 1394/2025) does not explicitly regulate how the above category of voters should vote, a Directive enacted by NEBE on voting, vote counting and announcement of results states that election officers, observers, agents of candidates, and journalists, who are present and have been registered as a voter at the polling station shall vote first before other voters of the polling station. In cases where

these voters are assigned at polling station other than the ones at which they are registered as voters, early voting or postal voting will be the approach to enable them exercise their voting rights. But as noted above, Ethiopian electoral law has not made room for the application of these arrangements for this category of voters.

Overall, early voting is becoming one of the most commonly practised SVAs. In addition to Canada, and Colombia, most of the states of the US allow early voting for all voters. As of 2020, 14 European countries allow early voting. Sweden, Norway, Finland, Portugal and Switzerland allow early voting for all voters while Russia, Iceland and Portugal allow it for some voters. France, Germany, Spain, Austria, Italy, Hungary, Poland, Ukraine, Romania and some others do not allow early voting. In Africa, 13 states, including Algeria, Botswana and Lesotho allow early voting for certain category of voters.

In Ethiopia as well, early voting can be used at special polling stations. The Ethiopian electoral law, Proclamation No. 1162/2019 (as amended), provides for a legal framework in which categories of voters such as prisoners, the military in camps and internally displaced persons shall be allowed to vote in special polling stations established at or near the places where these voters are found. The electoral law gives NEBE the discretion to allow these voters to vote earlier than the election day (article 17(2)). This is an instance in which early voting overlaps with special polling station arrangements.

3.1.3. Mobile Voting

Mobile voting is a process whereby members of the election administration take a mobile ballot box to a voter either at home or at an institution where the person is located. It may be used also for prisons, and temporary detention centers. In most cases, mobile voting are arranged for persons who cannot come to the polling stations due to illness or some other valid reason. Thus, it involves the transportation of a ballot box at the request of a single voter. According to the 2024 data of International IDEA, 31% of the nations of the world make mobile ballot boxes available to voters.

Proclamation No. 1162/2019 of Ethiopia (art 15(1)) requires the Board to establish fixed polling stations at locations that take into consideration the special conditions of the disabled and other factors. It also allows the Board to establish mobile polling stations based on the lifestyle of pastoral communities. Further, in article 20(1), the Proclamation states that voter registration shall be conducted only at the polling stations established to register voters and that it is prohibited to conduct registration outside the polling station, by going door-to-door or moving around. As it allows mobile polling stations in pastoralist areas, it also allows voter registration to be undertaken in mobile polling stations in these areas and the conduct of door-to-door voter registration when found

necessary. Although the law does not specifically state it, the exception for pastoralist voters in relation to registration could hold for voting as well. As the law stands now, therefore, mobile voting is allowed in Ethiopia only in the case of pastoralist voters.

3.1.4. E-Voting/Internet Voting

E-voting is a casting of vote by using a computer. There are different arrangements accepted by those jurisdictions that have allowed internet voting. Kiosk internet voting is one such a modality and it is a voting via a computer at a specific location, authorized as internet polling station, controlled by election officials. In France, malls and supermarkets are used as locations as internet kiosks for internet voting. Polling place internet voting is another arrangement by which voting is conducted through the use of a computer at any polling station under the supervision of the station's election officials. Australia, Belgium, Brazil, Canada, Finland, France, Germany, India, Ireland, Netherlands, Norway, Portugal, Spain, Switzerland, UK, and USA are among the nations using this type of internet voting. Precinct internet voting is another arrangement operating similarly with polling place internet voting, except that it must occur at the polling station where the voter is registered. Remote internet voting is an e-voting modality by which ballots are cast by voters from their homes or any terminal with internet connection. Australia uses this modality for military and disabled persons voting; Austria, Canada, Estonia, Holland, Switzerland, and USA use it for the military.

From a policy perspective, the Ethiopian legislature seems to enthusiastically embrace the use of technology in relation to the election processes. Proclamation No. 1162/2019 stipulates that the Board may prepare permanent electoral roll which shall be updated from time to time with the deployment of technology (art 29(3)). Furthermore, in its provisions dealing with the voting process, the Proclamation states that the Board may deploy technology to assist with the voting and the vote counting processes. It requires the Board to do so in consultation with political parties (art 51(8)). While the above provisions are already in the existing electoral law, Proclamation No. 1394/2025, which amends the former law, has come up with additional provisions on the use of technology. A new sub-article added to article 20 (place of registration) of Proclamation No. 1162/2019, states that the Board may decide voter registration to be conducted through technological alternatives. Proclamation No. 1394/2025 introduced another full article titled "the use of technology and national identity card" which states, among others: "The Board may use technology in the registration of candidates … collection or verification of endorsement signature of candidates, voter registration, voting, counting, verification of results, and other activities that may enhance the efficiency of the Board's work" (art 161).

So far the Board has not fully utilized technology in relation to the electoral process. However, a mention should be made that during the 6th general elections, the Board

undertook the registration of HEI students online. According to the information obtained from NEBE, the plan was to execute voting and counting of votes of this category of special voters by use of technology as well. But since the election day fell on summer break time of universities, the students were no longer on campus on the election day. The Board then printed out the online registration list of all the registered student voters and sent the printed copies to their respective home constituencies and polling stations. The NEBE official I spoke with stated that the Board did not have information about how many of the students might have actually voted at their home polling stations.

3.1.5. Proxy voting

Proxy voting is a delegation of someone by a registered voter to vote for him/her. This is the least expensive of the SVAs. All the election management body needs to do is to prepare forms for the delegation of the voting rights. It is most often used to enfranchise sick, including those in hospital or disabled persons as in Belgium, Benin, Burundi, Chad, France, Ghana, Guinea, Japan, Niger and Poland. In States like Algeria, Benin, France, Ghana and India, People whose official duties prevent them from voting in person on election day, such as the military and police, are allowed to vote by proxy. Similarly, polling staff are also allowed to vote by proxy in States like Mali, Chad Guyana and Suriname. Persons in places of detention are allowed to use proxy voting in States such as Belgium, France, Gabon, Mali, Monaco and Sweden.

In some legal systems, the requirements for the delegation to be acceptable is stringent. For example, in Spain, only sick persons can appoint through a notary public a delegate who could perform acts such as making an application for postal voting. In Africa, as can be seen from the African States named above, most former French colonies allow proxy voting, which seems an inherited approach from the French legal system, which allows the voting modality.

As noted earlier in relation to postal voting, the Ethiopian electoral law's requirement of in-person voting by the voter excludes proxy voting and makes it illegal to do so.

3.1.6. Assisted Voting

Assisted voting involves a procedure in which a voter who cannot cast his/her vote independently due to disability or sickness obtains assistance from another person. Assistances given to a voter short of helping the needy voter mark the ballot paper and cast the vote on their behalf cannot be considered as assisted voting. In this case, the voter autonomously marks the ballot paper without communicating his/her choice to a third party.

We can say that assisted voting for persons with disability who require the assistance of other persons who help them vote may be characterized as either a SVA or a variant of conventional voting type depending on the kind of assistance the voter needs and the way in which the assistance is given. Thus, a voter who could come to the polling station but requires an assistant to cast his/her vote can surely be considered as voting in a conventional manner. This is consistent with the principles of secrecy and free election. But, those sick persons who have mobility issue and are confined at home, or persons in hospitals, care facilities who, as a result, cannot travel to the polling station, SVAs, such as mobile ballot box will be the way to go.

The earliest recorded history of assisted voting was in France in 1831when illiterate voters were allowed to ask other voters to write the ballot on their behalf. Since then it has been adopted by many States of the world. It is noteworthy that electoral laws deal with issues such as who can assist voters that need assistance to vote. In some legal systems like Bulgaria, Mexico and Pakistan, assistance to a voter who cannot independently vote can only be given by a person the voter chooses while Germany, the Philippines and the UK allow the voter to be assisted by a polling official. In South Africa, a polling official can assist an illiterate person, but a person with a disability may nominate a trusted person of his/her own.

Ethiopia also falls in the first group of States mentioned above. With regards to registration, article 21 of Proclamation No. 1162/2019, provides that eligible voters who are frail or blind can register in person with the assistance of their aide. Article 52 is titled "voters who need assistance", and under sub-article (2), it states that any voter who needs assistance to put a mark on his ballot paper and insert it into the ballot box has the right to select his own assistant. The broadly stated right to obtain assistance enshrined in the law is applicable to all those who may need assistance, such as, illiterate persons, in addition to sick or blind persons and persons with other kinds of disability.

What is more, the same sub-article (2) of article 52 stipulates that the election officer is required to explain to the voter his/her rights so that he/she can properly understand and use it. This is consistent with the recommended standard procedure in assisted voting that such voters need sufficient and accurate information regarding their rights, the role of the assistant and the overall voting process that awaits them at the polls. This makes it necessary that election officers get proper training about how to deal with cases of voters who need assistance in order to cast their votes.

Article 52(3) of Proclamation No. 1162/2019 further stipulates that the person selected by the voter for assistance shall be 18 years of age or above and that a candidate or an agent of a candidate cannot serve as an assistant for any voter that needs assistance. By outlawing partisan persons from serving as assistants to persons that require assistance, the law helps do away with possibilities of vote buying and manipulation by those who

pose as assistants in order to engage in deceitful activities. However, there can always be a possibility that certain assistants engage in fraudulent activities. This trade-off is believed to be a risk worth-taking in order to make voting more accessible and increase the legitimacy of the election process. It is at the same time necessary to exercise vigilance by election officers to make sure that those getting assistance are those that absolutely need it. By the same token, party agents and election observers can also play a significant role by extending their watchful eyes on the goings on regarding assisted voting if they see suspicious acts or breaches of the law by the assistant or the election officers.

3.2. Beneficiaries of Special Voting Arrangements

The most well-known group of citizens often disenfranchised are: 1) prisoners who are serving sentence and those in custody on remand; 2) military personnel encamped and their civil families living with them; military trainees in training camps during election periods; 3) higher education students pursuing their education away from their places of residence; 4) Ethiopians living abroad as emigrants or as government representatives in embassies, consulates and international organizations; and 5) Sick persons who face mobility problem during election period.

Beyond the above well-known cases for the utilization of SVAs, it is also possible that legal systems may use SVAs for voters that live in remote areas. Short term travelers who would be away from their constituencies during election period can benefit from the arrangement. In more traditional communities, such as nomadic communities or rural communities, conventional voting methods may be insufficient to ensure participation, requiring more proactive SVAs to reach voters. Each need is different, and each can thus be separately assessed. Also, SVAs could be useful to allow people who may fear to go to the polls in their residence due to security, natural calamity or public health issues for a long or short time during election period.

In what follows, the major beneficiaries of SVAs will be discussed. The position of the Ethiopian election-related laws on the availability of the arrangements for Ethiopian voters that may need to use them will also be assessed.

3.2.1. Prisoners

When a person is incarcerated, that person loses his/her right to liberty and freedom of movement, which constitutes the punishment. However, prisoners retain all their other constitutional rights, including voting rights while serving their prison terms. But the law and the reality regarding the right of prisoners to vote vary extremely from jurisdiction to jurisdiction.

When we see the international human rights norms regarding prisoners' right to vote (and also to be elected), we come to learn that the treaty-based international law does not make a specific reference to it. It is also noteworthy that the jurisprudence of treaty bodies and international judicial and quasi-judicial tribunals leaves a lot of margin of appreciation to domestic jurisdictions. There is a great deal of diversity among domestic legal systems as well. In this regard, legal systems can be divided into different categories, such as those States that clearly recognize prisoners right to vote; those that do not clearly empower prisoners to vote but vaguely do so in the relevant laws; those that grant or deny the right based on the seriousness of the crimes committed by the prisoner in question; and those that completely deny the right to vote to prisoners. In the case of the States that allow prisoners to elect, they also restrict the types of elections at which prisoners could vote, in most cases making prisoners ineligible for local elections.

Most of the States in the Southern African sub-region while explicitly guarantying the right to universal suffrage, they limit the right to vote of individuals convicted of electoral-related offences. Some of the States in the sub-region impose additional restrictions, such as depriving voting rights of individuals sentenced to death, have a history of criminality, those in "lawful custody," or those serving life sentences. In a few countries of the sub-region, all imprisoned individuals, including those who have not been convicted of any offence, are denied of voting rights.

India, Egypt, Brazil, New Zealand and Lebanon are good examples of the States that automatically exclude prisoners serving sentence from voting rights. In India not only those that are serving prison terms but also those who are in custody awaiting trial (not out on bail) are excluded from voting. In Iceland, the electoral law disenfranchises prisoners who are sentenced to more than 4 years. Poland deprives voting rights of persons sentenced to more than 3 years in prison.

In Belgium, Ethiopia and Tunisia, the law empowers judges to determine whether a convicted person should also lose his/her right to vote. The law thus empowers the courts to weigh the benefits of allowing a convicted person to vote and the side-effects of depriving him/her the right to vote.

The States that allow prisoners to vote in law do not necessarily follow through in reality. Most of the problems inhibiting the prisoners right to vote relate to unavailability of voting facilities in prisons. In the case of large prison population or high security prisons, security issues seem to discourage a proactive move to enfranchise prisoners. It is interesting also to note that even in jurisdictions where the law allows prisoners to vote, the turnout often is very low. This was what happened in the South African national and provincial elections of 2014 where, out of 157,394 prisoners, only 14,283 took part in the elections. The reasons could be lack of information in prison or failure by the prison administration to facilitate the conditions for prisoners voting.

Domestic courts in Africa and elsewhere played a major role in realizing prisoners right to vote. In 2012, a prisoner in Kenya lodged a complaint to court saying that the Kenyan Electoral and Boundaries Commission failed to facilitate the condition for prisoners to vote. The court said that the setting up of registration and polling centers for prisoners didn't constitute sufficient facilitation and promotion of the right to vote. The court further stated that the Commission should positively work towards ensuring the constitutional right of citizens to vote. In *Sauve' v. Canada*, the Supreme Court of Canada held that denying penitentiary inmates the right to vote sends a message that undermines respect for law and democracy.

The jurisprudence of international and regional treaty bodies, and judicial and quasi-judicial bodies concur in the power of States to restrict prisoners right to vote. But these bodies have drawn a line in the sand that the limitations imposed must be objective and reasonable, and proportional to, for example, taking into account the length of deprivation of liberty in order to determine the suspension of the right to vote. In 2001, based on a complaint by an imprisoned Russian, the Human Rights Committee recommended that Russia amends its Constitution to change the blanket ban on prisoners' voting, stating that the ban violates article 25 of the ICCPR. Similarly, in 2005, in *Hirst v. the UK*, the European Court of Human Rights ruled that a blanket ban on voting rights for British prisoners was against the fundamental rights and freedoms guaranteed under the Convention which they should continue to enjoy, except the right to liberty which is restricted owing to the criminal sentence. The Court said that any restrictions on the right must be justified. In a similar vein, in 2015, the European Court of Justice decided that EU member States can ban prisoners' voting rights as long as it takes into account the nature and gravity of the criminal offense committed and the duration of the penalty. By this, the Court affirmed that a blanket ban on voting rights is likely to be against the international human rights standards.

In Africa as well, the right of prisoners to vote has been argued before courts in Botswana, Ghana, Kenya, Nigeria and South Africa. The South African Constitution allows every adult citizen the right to vote. During the first post-apartheid election in 1994, prisoners were allowed to vote owing to the special significance of that election. However, the 1996 Constitution and the 1998 Electoral Act do not specifically provide about the prisoners right to vote. Because of this ambiguity, in 1999, in *August and Another v. Electoral Commission and Others*, the applicants asked the constitutional court to declare a confirmation that prisoners did indeed have the right to vote in the election. The Court ruled in favor of the applicants.

In Ghana, although the constitution does not specifically empower prisoners to vote, the electoral law states that persons who are detained in legal custody shall not be treated as residents for purposes of voter registration and voting. Based on a complaint lodged with it, the Ghanaian court concluded that the Constitution guarantees the right to vote for all citizens and even if they are deprived of liberty, prisoners do not lose other fundamental

and constitutional rights. In Nigeria, in 2014, the Federal High Court ruled that Nigerian prisoners have the right to vote.

Viewed in the light of the international human rights legal regime and the legal dispensations of other jurisdictions, the current Ethiopian legal position on prisoners' right to vote falls by and large in the category of well-protective legal systems. In fact it should be noted here that the previous election laws, Proclamation No. 111/1995 and the one that replaced it: Proclamation No. 532/2007, were directly violative of prisoners' right to vote. Article 33(3)(b) of the latter and article 14 of the former stipulated that a person serving a term of imprisonment passed by a court of law is ineligible to register as a voter. Proclamation No. 1162/2019 has done away with this requirement as a ground of ineligibility and, in article 17(1) in fact instructs the NEBE to establish special polling stations at or near, among others, places where incarcerated citizens whose voting rights have not been stripped off are found.

Nevertheless, one problem that is still lingering however is that both Proclamation No. 1162/2019 and the 2004 Criminal Code of the country maintain the possibility of deprivation of the right to vote and to be elected by the operation of the law. Articles 5(2) and 31(1)(e) of the Proclamation state that being a voter or a candidate may be stripped off by law as well as by court decision. Proc. No. 1162/2019 under its article 17(1), however, does not seem to allow a blanket deprivation of the right to vote of all prisoners by law, but instead allows courts to make such a decision based on the nature of the criminal offense and the disposition of the criminal. The 2004 Criminal Code however maintains that persons sentenced to death or rigorous imprisonment for life would be deprived of all civil rights permanently. In the case of other criminal sentences, Art 123 of the Criminal Code empowers the court to determine the deprivation of civil rights of sentenced prisoners, either temporarily or permanently. It states that where the nature of the crime and the circumstances under which the crime was committed justify such an order, and the criminal has, by his unlawful act or omission, shown himself unworthy of the exercise of, among others, civil rights, particularly the right to vote, to take part in any election or to be elected to a public office, the Court may make an order depriving the criminal of this rights. Art 124 of the Criminal Code further stipulates that the deprivation may be permanent or temporary.

Thus, we can see that, as the electoral law and the criminal law of the country stand now, it seems that, to the extent they allow blanket disenfranchisement of prisoners based on the sentences the concerned prisoners serve, they are inconsistent with broad constitutional guarantee of the right as well as with the international jurisprudence that dissuades blanket prohibitions of prisoners right to vote. While the constitutionality of the electoral and the criminal laws can be challenged, for now, incarcerated persons other than those legally or judicially deprived of the right to vote can indeed vote at special

polling stations that NEBE is required to establish according to article 17 of Proclamation No. 1162/2019.

Ethiopia has a somewhat large prison population. According to the data obtained from the Federal Prison Commission, as of September 2025, the total prison population of Ethiopia, including pre-trial detainees/remand prisoners, stood at 100,857. Of these, 11,722 (10,964 male and 758 female) prisoners are found in federal prisons while 89,135 (85644 male and 3491 female) are found in the regional states prisons. There are 6 federal prisons and more than 120 prisons run by regional states. Thus, when it comes to the actual implementation of the prisoners right to vote, as the law stands now, those who can vote will be those who are not precluded either by the operation of the law or court decisions. The sorting of the eligible prisoners will precede their registration for voting.

As mentioned above, Proclamation No. 1162/2019 allowed prisoners to be enfranchised through special polling stations. In the past, as noted earlier, sentenced prisoners were excluded from voting by law. So, Proclamation No. 1162/2019 is the first law that allowed prisoners to vote. But in reality, they did not take part in the first general elections that came after the legal reform: the 6th general elections held in 2021. For the 6th general elections, the Board planned special polling station elections only for HEI students and the military in camps. It thus enacted a Directive on Special Polling Stations (No. 13/2021) to apply only to the above two categories of voters and not to apply to incarcerated persons. NEBE's senior official intimated that the decision was engendered by the complexity of the arrangement and the lack of sufficient preparation by NEBE to take on the complex task in 2021. Logistical and funding issues were also mentioned by another NEBE official. At the time of writing this report, it was unclear whether the exclusion might continue during the upcoming 7th general elections or not.[6] Also, during the fieldwork for this research, it was found out that the question of the participation of prisoners in elections has never been discussed by the Federal Prison Commission. A Commissioner in charge of prisoners' civil matters said that if NEBE comes up with the idea, the Commission is ready to work with it on the matter.

Before concluding this sub-section, it is necessary to mention the right of prisoners to run for election. Article 31 of Proclamation No 1162/2019 provides that any person who is an Ethiopian; is 21 years of age on the day of registration[7]; has resided in the constituency of

[6] NEBE's officer with who the researcher spoke during the fieldwork said that the Board has written letters to the Ministry of Education and Ministry of Defense regarding the enfranchisement of higher education students and the military in camp and the families living with them. This was not yet the case in regards to incarcerated persons.

[7] According to Proclamation No. 1394/2025, the date for reckoning the age for eligibility is made the election day.

his/her intended candidature continuously for one year[8] before the election day or was born in that constituency or has been on a regular work duty in the city or town where the constituency of his/her intended candidature is located; whose electoral rights have not been stripped off by law or the decision of a court; who is not declared as incapable of making effective decisions due to insanity verified by an authorized body or by sufficient evidence; and who has accepted and signed (if independent candidate) or is a candidate of a party that has accepted and signed the code of conduct the Board issues in accordance with Proclamation No. 1162/2019, is eligible to contest as a candidate. Thus, an incarcerated person whose electoral rights have not been stripped off by law or the decision of a court can be a candidate in an election. This is consistent with the broad rights recognized in article 39=8 of the Ethiopian Constitution as well as article 25 of the ICCPR. The requirements of residency should be interpreted in a manner that accommodates the situation of his/her incarceration. In this regard, article 17 of Proclamation No. 1162/2019 should be interpreted to enfranchise not only prisoner voters but also persons who wish to be candidates.

In connection with this issue of prisoners' right to stand for election, the decision of the Cassation Bench of the Federal Supreme Court of Ethiopia, in the *Balderas Party v. National Election Board of Ethiopia* is instructive and affirms what is stated in the election law.[9] Balderas party petitioned the Cassation Bench to have the decisions handed down from polling station grievance hearing committee all the way to the Federal High Court that decided against the registration of three candidates of the party (including its leader Eskinder Nega) who were in prison at the time. The party argued in its petition that the law does not deny incarcerated persons the right to be candidates in elections, and that the Board as well as the Federal High Court erred in interpreting the law. It asked the Cassation bench to quash the High Court's decision and direct the Board to allow it to register its candidates that were under detention, having been denied bail.

The Bench examined the respondent's argument presented for denying the registration of the candidates of the Party and found them unacceptable. The Bench said that Proclamation No. 1162/2019 has exhaustively provided for the criteria for candidacy. It recited the provisions of article 31 of Proclamation No. 1162/2019 mentioned above. The Bench then said that in the instant case, the party's candidates were accused persons awaiting trial and have not been convicted. The law has not enlisted such a situation as a ground for disqualifying someone who wants to run for an election. The Bench further noted that electoral matters should be viewed from the point of view of the rights of the people to take part in the affairs of their country through genuine, universal, equal and periodic elections conducted in a non-discriminatory manner. These rights are protected

[8] The requirement of duration of residence does not apply to persons who has been away from the constituency for work or study, or who has been in office as an elected person (article 31(2)).
[9] Cassation File No. 20700; May 21., 2021.

both in the human rights instruments Ethiopia has adopted and the 1995 Constitution. The Bench concluded that the refusal to register the three candidates by the polling station and the affirmation of that decision by the Board's Addis Ababa Branch office and by the Federal High Court was violative of the law and the rights of the applicants and that it had to be vacated.

This decision of the Cassation Bench settles the issue so far as intending candidates of election who are incarcerated and not yet convicted are concerned. But the question remains whether the Bench would view the case of prisoners serving prison sentence in the same manner as remand prisoners or not because the Bench did not address that issue in the *Balderas* decision. As far as the law is concerned it does not make any distinction between prisoners serving sentence and those on remand awaiting decision.

3.2.2. Higher Education Institution Students

Higher education students are another category of voters who constitute a substantial number of voters very likely to be disenfranchised if concerted efforts are not made by those concerned. In pursuit of their higher education, student voters can travel far away from their constituencies or even could travel abroad for attending overseas universities. Higher education students that cannot vote in their constituencies around the world could be in millions. In Ethiopia, according to the data obtained from the Ministry of Education as of June 2025, the number of undergraduate HEI students enrolled in the 47 public universities is 524, 911 (see table 1 below).

Compared to a 2018 data of 686,668 undergraduate students, the number of students has shown a decrease. This no do doubt has to do with the decline of annual freshman intake over the last three years. In any case, the above figure does not include trainees in 38 teacher education colleges throughout Ethiopia and other privately owned colleges. The total number of public universities is 47 while there are 5 privately run universities. The above figure demonstrates that enfranchisement of higher education institutions should be taken seriously and that serious efforts should be made by NEBE, the Ministry of Education and the respective HEIs.

Table.1: Undergraduate Higher Education Students

No.	University	Total number of Students	No.	University	Total number of Students	No.	University	Total number of Students
1	AAST U.	6953	17	Debre Tabor U.	13,356	33	Mekelle U.	12227
2	AAU	22593	18	Dembi Dollo U.	10342	34	Mekdla Amba U.	5071
3	Adigrat U.	4319	19	Dilla U.	7,422	35	Metu U.	11687
4	Aksum U.	9372	20	Dire Dewa U.	14768	36	Mizan Tepi U.	8255
5	Ambo U.	16631	21	Ethiopia CSU	399	37	Oda Bultum U.	7817
6	Arba Minch U.	21237	22	Gambella U.	3685	38	Raya U.	1233
7	Arsi U.	8658	23	Gondar U.	20680	39	Selale U.	6496
8	Assosa U.	8169	24	Haramaya U.	19002	40	Semera U.	3814
9	Adama STU	6290	25	Hawassa U.	22852	41	Wachemo U.	9552
10	Bahir Dar U.	19310	26	Injibara U.	15194	42	Werabe U.	7321
11	Bonga U.	9328	27	Jigjiga U.	16119	43	Wolayita Sodo U.	35472
12	Borena U.	1791	28	Jimma U.	21986	44	Woldiya U.	5303
13	Bule Hora U.	1724	29	Jinka U.	8359	45	Wolkitie U.	7910
14	Debark U.	4869	30	Kebri Dehar U.	4693	46	Wollaga U.	18812
15	Debre Markos U.	20,721	31	Kotebe E.U.	9124	47	Wollo U.	7737
16	Debre Berhan U,	6,728	32	Madda Walabu U.	19530		**Total**	**524,911**

Source: Ministry of Education

In 2015 (5th) general elections, 304,143 students of HEIs around the country voted at a total of 589 special polling stations on their campuses[10]. NEBE's data of HEIs at which special polling stations were established shows that students of various colleges, in

[10] NEBE also enfranchised 7471 GERD employees during the 5th general elections by establishing 14 special polling stations.

addition to those of universities, were also enfranchised. It is to be noted that election officials and poll workers are to be drawn from the students. The Board gives training to the student election administrators and awareness creation sessions for student voters as well as the leaders of the institutions regarding special voting stations.

The senior expert of the Board intimated that the special polling stations established at HEIs and military camps were normally organized by taking a regional state as a basis for forming polling stations. One special polling station has a maximum voters of 700 (as opposed to regular polling stations that are capped at 1500 voters). If there are a large number of voters in one region, they then consider sub-dividing the region into zones based on the number of registered voters in a given zone(s) of that region. At the same time, if the number of voters in some regions are small and do not warrant separate polling stations, they merge a number of regions into one polling station (this is provided in Art 16 of Directive No. 13/2021). He also explained that due to the unique nature of voter mix, a total of 15 election officials and poll workers need to be assigned for one special polling station. Thus, it goes without saying that the administration of elections in special polling stations is complicated and time consuming. One of the problems is the fact that in a given polling station, it is likely that voters belonging to tens of constituencies could be found. In the most extreme kind of special polling station, thus, you may find voters (students or the military as the case may be) coming from all over a given region. For example, in a special polling station for Oromia region, in an extreme possibility, of the 700 students registered in one polling station at HEIs, the student voters could come from all 178 constituencies into which the region is divided up for election purposes. This requires preparing 178 (plus extra) ballot papers (multiplied by the number of voters in each constituency) for just one special polling station of the region. The same can be the case for other populous regions like the Amhara. This means that during voting, the right amount of ballot papers should be included for such special polling stations.

During the 6th general elections of 2021, the Board undertook voter registration of HEI students online. But the institutions were closed for the summer break before the election day. The Board then printed the details of the registration of all students of all the institutions and sent them to their respective constituencies so that the students could vote in the polling stations at the place of their residence. The Board however does not have the data as to how many of the registered students actually voted. According to the discussion made with senior expert of the NEBE, the Board may follow the same approach as the last election in regards to online registration of HEI students. In fact, the Board has developed an application for voter registration and a system for candidate registration. If it goes according to plan, the Board will implement these registration by using these technologies. However, e-voting and e-counting of results with regard to general voters or any category of voters is not yet clear.

The Board currently has established a committee on voters of special polling stations to advise the Board on a workable approach to enfranchise these voters in the most effective way during the 7th general elections.

3.2.4. Members of Military in camps and bases

In the US, the history of absentee voting by the military goes back to President Lincoln's re-election time in 1864 which had to happen midst the American civil war. This profoundly changed the approaches by the US states to absentee voting which used to restrict voting rights outside the place of residence. Members of the army that are stationed in military camps, including at training facilities are the other category of voters for which SVA is needed. The members of the military may be stationed at their camps or major military bases. Many nations of the world, especially those whose military are stationed in different parts of the world have developed SVAs for the members of their military. The US in this case is quite noteworthy. The US Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in 1986, which was amended by the Military and Overseas Voter Empowerment (MOVE) Act in 2009. This law remains the primary legislation affecting military and also overseas citizens, as well as the legal basis for their voting rights. The law is applicable to the following voters:

1) all uniformed services members voters who, by reason of active duty, are absent from the place of residence where the member is otherwise qualified to vote;
2) members of the US Merchant Marine absent from their voting jurisdiction;
3) the spouses and dependents of uniformed services members and Merchant Marine; and
4) persons who reside outside the United States and qualified to vote in the last place in which they were domiciled before leaving the United States.

This law and some changes made to it later in the 2000s govern US military and overseas citizens votes. Many Western nations have also made legal arrangements for enfranchising their uniformed citizens not within their borders during election period.

In the case of Ethiopia, Proc. No. 1162/2019 recognizes the rights of the military in camps to vote. It provides that special polling stations shall be established by the Election Board in the camps or near the camps in order to enfranchise the military, their voting age family members living with them as well as civil personnel in camps. As noted earlier, the military in camps have been taking part in general elections since the 2005 general elections. Directive No. 13/2021 provides that voters in military camps (and also students of HEIs) vote for candidates that are fielded in the constituencies where they resided before they came to the camps (or the HEIs).

The data obtained from NEBE regarding the 2005 elections show that the military in camps as well as those undergoing military training around the country were able to take part in elections as voters. It is to be noted that the civil personnel and the civilian spouses

and dependents of the military personnel were not enfranchised. These latter categories of voters are left out from the operational scope of Directive No. 13/2021 as well.[11]

The military in camp did not take part in the 6th general elections in 2021. There was no arrangement made for the military in camps to vote in special polling stations. According to the information received from the Board, the main reason for the non-participation of the military in camps in the 2021 elections was the operational challenge from NEBE's side to which other factors like the COVID-19 pandemic were added. As noted earlier NEBE is now in talks with the Ministry of Defense on how to go about enfranchising the military in the camps during the upcoming 7th general elections.

3.2.5. Out of country voters

Out of country voting (OCV) by which citizens living abroad, (also the military on active duty outside their country of citizenship), and employees of the government working in embassies, consulates and international organizations are given the opportunity to vote is practiced by many countries around the world. Available data show that OCV started to be explored during WWI and WWII due to a huge movement of soldiers outside their countries of origin. However, its actual implementation happened much later. Some States like Spain and USA enacted legislation to deal with OCV in the 1980s. Many more countries followed suit only during the early 21st century. According to International IDEA, as of 2020, 141 countries grant their citizens living abroad the right to vote.

There are significant variations among States in relation to the criteria for eligibility and the modalities of voting they use to enfranchise their citizens living abroad. The United States, for example, uses what is called Federal Post Card Application, a form which is specifically designed for military and overseas voters. Thus these categories of voters do not use domestic absentee ballot forms that are prepared for voters within the US who either vote early in-person or by post. As earlier noted, the US uses separate set of election and voting laws for the military and overseas voters.

As far as the voting modalities in OCV is concerned, in-person voting (at embassies and consulates and other designated physical locations); postal voting; and on-line voting are the ones commonly used. Another area in which the legal systems of States of the world diverge relates to the types of elections in which non-resident citizens are allowed to vote. In this regard, France respects identical voting rights for its citizens living abroad. It allows overseas residents to vote in European parliamentary elections, presidential elections, lower and upper houses of parliament and referendum. Interesting to note that France established what is called the members of parliament of "Assembly of French Citizens living abroad", who in turn elect 12 senators of the French Senate. In New

[11] Art 13(1) of Directive No. 13/2021.

Zealand, overseas voters can vote for national and local elections. In Colombia, non-resident voters may vote in presidential and legislative elections, but not in regional and local elections. In fact the exclusion of overseas voters from voting in local elections is the practice of most of the States of the world. The same is the case with Belgium, Denmark, El Salvador, Finland, and Chile where overseas citizens cannot vote in local elections. The main justification is that since they do not live in the country, they are hardly affected by what happens at the local level. Ireland might be the most restrictive of voting rights of overseas citizens by allowing only Irish diplomats and their spouses, and members of the defense force.

In Germany, a citizen living abroad for more than 25 years is not allowed to take part in the German elections unless he/she is able to show that they continue to be affected by what takes place in the country. In Australia, citizens living abroad may vote if they ask to do so within three years of leaving the country and intend to return within six years of leaving. Those who left before they turn 18 can take part in the election if they intend to return to Australia within six years of attaining majority. In Brazil, citizens living abroad can vote only in presidential elections. In Canada, overseas citizens can vote in the federal elections and there is no limit on how long they have lived outside Canada.

Interesting divergence also exists among States regarding the conversion of votes into seats. As noted earlier, in France there is a dedicated Assembly of French citizens abroad (chaired by the French foreign minister). Furthermore, there are 11 constituencies for French residents abroad in the National Assembly, each represented by a deputy in the French lower House. These deputies in turn elect 12 Senators to the French Upper House. In Italy, special seats are established in the senate and chamber of deputies to represent non-resident citizens. In the Dominican Republic, overseas residents can vote for presidential and parliamentary elections. Seven seats (3 for USA and Canada; 2 for Latin America; and 2 for Europe) are reserved for them in the chamber of deputies.

Another noteworthy aspect of OCV is how States determine where overseas votes are cast and where they are counted. In the United States, overseas residents vote in states where they have established their voting residence and thus their votes are counted there. We have noted the case of France and Italy above. Most countries organize polling stations at their embassies, consulates or high commissions in the States where their overseas citizens reside. For example, in the 2023 Australian indigenous voice referendum, Australia established overseas voting centres in 80 countries and territories.

It is necessary to make one thing clear in relation to the relevant legal provisions on the enfranchisement of Ethiopians living abroad. In this regard, we can say that the law designs SVAs in two categories: The first type of SVAs procedure is the one that is applicable to specifically designated voters under article 17(1) of Proc. No. 1162/2019 that

has been discussed earlier in this report[12]. The Second type of SVA is applicable to, as stated in article 17(3) of Proc. No. 1162/2019, "citizens residing abroad" and to "those who cannot vote in their residence for other reasons". The implementation of the voting rights of the second category of voters just mentioned need to be preceded by a decision of the House of Peoples' Representatives (HoPR) which shall in turn be taken based on the study on appropriate special procedure to enfranchise these voters to be submitted to it by NEBE. Thus, the voting rights of Ethiopian citizens living abroad and of those who cannot vote in their residence for other reasons[13] do not directly obtain from provisions of the electoral law but will depend on the decision of the HoPR, which may be passed either as a resolution or a law. As of now, NEBE has not taken any steps to undertake the required study.

3.2.6. Sick Persons

Persons who have illness or physical disability that prevents them from attending the polling stations are allowed to vote in various ways. Persons who are caregivers of a family member confined at home can use absentee ballot arrangements. In the US, although such persons can vote through absentee ballot system, there is a substantial variation across the US states. In the US, absentee ballots are automatically sent to all registered voters. In states like Florida, Georgia, Illinois, Iowa, and Kansas, any registered voter may apply for absentee ballot and vote by mail. In Indiana and Kentucky, a voter who is 65 years of age or older, or confined in one's home/care center due to illness or injury or caring for someone confined or other persons can be allowed to vote by absentee ballot. As earlier noted, proxy voting is often used to enfranchise sick, including those in hospital or disabled persons in Belgium, Benin, Burundi, Chad, France, Ghana, Guinea, Japan, Niger and Poland.

As earlier discussed, the Ethiopian electoral law allows assistance to be given to persons who could not mark their ballots and put them in the ballot box. It therefore does not seem to allow special voting arrangements such as proxy voting or mobile ballot box for persons who cannot come to the polling stations to vote due to illness or disability.

[12] See, sub-section 3.2.1, above.

[13] The voters referred to by this phrase are not clearly known. It certainly must refer to those voters already mentioned in article 17(1) of the Proclamation. But the phrase can be a useful catch-all- basket of possible voters not covered under article 17(1) and who also are not citizens living abroad.

IV.

Conclusion and Recommendations

4.1. Conclusion

Governments of well-functioning modern societies are representative governments of one or the other type. In some, both of the political branches—the executive and the legislative branches—are elected branches. In some others, only the legislative branch is constituted through elected representatives. In the latter case, the legislature is the body that has a preeminent constitutional power compared to the executive branch which is legally answerable to it. Political branches get the mandate to act on behalf of the members of the society through elections. In addition to being free, fair and periodic, elections are required to be based on universal and equal suffrage allowing all voting-age citizens to take part in them with only reasonable eligibility criteria such as attainment of majority and membership in the community.

As shown in this report, requirement of residency which can be considered as a reasonable requirement for being a voter has become challenging to people who travel away from their constituencies for various reason but who want to take part in elections. States have now appreciated these difficulties to political participation and devised or adopted different special arrangements to enfranchise their citizens who cannot vote in their constituencies for various reasons. These special arrangements, such as postal voting, early voting, mobile voting, e-voting and proxy voting are being used by States at varying degrees depending on their circumstances and policies. As discussed in the report some of these SVAs have the potential to be dominant modes of election as time passes by.

The report has shown that the electoral law of Ethiopia currently in force has made some strides in enfranchising citizens that cannot vote in their residential constituencies. In this regard, the law instructs NEBE to establish special polling stations at or near the places where military in camps, prisoners whose electoral rights have not been revoked, and internally displaced persons are found. Although it is made dependent on the HoPR's future decision, the law also envisages the enfranchisement of citizens living abroad and possible others who are implicated under article 17(3) of Proclamation No. 1162/2019. However, there are still some more improvements that need to be made in order to make many SVAs modalities available to voters who would otherwise be disenfranchised. It is also necessary to fully implement the special voting arrangements provided by law.

4.2. Recommendations

The following are some recommended measures that, if implemented, can widen SVAs and thereby enfranchise citizens on the basis of universal and equal suffrage as far as possible.

i) **Amendment of the electoral law and the Criminal Code.** As noted in the report, the enfranchisement of prisoners still hangs in the balance because both the criminal law and Proclamation No. 1162/2019 allow prisoners right to vote to be stripped off by the operation of the law. It is therefore necessary that both Proclamation No. 1162/2019 (as amended) and the Criminal Code of 2004 should be amended to the effect that restriction of prisoners right to vote should be left to the judiciary which should decide on the matter on a case by case basis.

j) Furthermore, other modalities of SVAs should be made available to voters who would be away from their constituencies during election periods. Proxy voting and mobile voting options is believed to be suitable methods that need to be incorporated. To this effect, Proclamation No. 1162/2919 (as amended) should be amended in order to incorporate these SVAs.

k) **Early Voting.** Proclamation No. 1162/2019 allows NEBE to employ early voting with regard to voters that are allowed to vote at special polling stations. However, NEBE has not started to deploy this voting modality so far. It is strongly believed that the proper planning and use of early voting in relation to HEI students, prisoners, the military and others who are allowed to vote at special polling stations can help to deal with the complex nature of the voting procedures with these voters.

l) It was found out that spouses and dependent family members of the military in camp as well the civilian personnel in military camps who are eligible to vote have not been enfranchised in the past elections. NEBE should undertake its planning to include these voters together with the members of the army in camps.

m) Online registration, voting and vote counting of students of HEIs could be very helpful to NEBE. It is strongly suggested that it should be pursued to realize it as soon as it is practicable.

n) The Federal Prison Commission needs to be proactive in enfranchising prisoners who have the right to vote. In this regard, it should work with NEBE to get the necessary insight about issues involved.

o) NEBE should enter into formal agreement with the Ministries of Defense, Education, Federal Prison Commission and other relevant institutions in order to collaboratively plan the enfranchisement of the voters that vote in special polling stations.

p) NEBE should undertake the study envisaged by article 17(3) and present it to the HoPR to cause the enfranchisement of Ethiopian citizens living abroad and others who can be recommended for special voting procedures.

Annex

Interview Guiding Questions

The qualitative empirical data for the study will be collected through interviews. The interview sources will be **leaders and/or relevant experts** in the below institutions that are identified as sources of data. The following will be the general questions that will guide the interviewing process. These questions will be probing other follow-up questions during the interview sessions.

1) The Ethiopian Federal Prison Commission

a) how many prisons does the federal government run?

b) where are these prisons located?

c) how many prisoners are serving prison sentences in federal prisons? (male? Female?)

d) estimate of persons in federal prisons on remand.

e) data on regional states' prisons and prison population.

f) question on whether prisoners have been enfranchised in the past or not.

g) exploring the position of the federal prison commission on the legal right of prisoners to vote.

h) what would be the challenges of implementing prisoners right to vote?

i) what assistance will be needed from whom in order to realize prisoners right to vote?

2) Federal Ministry of Education

a) how many public universities (including post-secondary training centers) exist in Ethiopia at present? How many of these are federal? How many regional?

b) how many private universities and colleges exist in the country?

c) How many students are enrolled in higher education institutions this academic year (2025/26)? (federal public? Regional public? Private?) (Male? Female?)

d) What is the Ministry's opinion regarding the implementation of voting rights of university students in the past elections?

e) what were the important challenges that universities faced in the past to enfranchise the student voters?

f) what is the position of the Ministry regarding election campaign by political parties on campus? Should it or should it not be allowed?

3) National Election Board of Ethiopia

a) NEBE's overall experience with the establishment and operationalization of special polling stations in the past:

-with regard to the military?

- with regard to University students?

-With regard to prisoners?

b) in particular how and where were the polling stations established?

c) How was the vote transported?

d) Where were the votes counted?

f) NEBE's data on the past enfranchisement of the above category of voters.

g) its present data of the above category of voters.

h) what were the most important challenges in the enfranchisement of the above category of voters in the past elections?

i) are those challenges still there? What solutions does it propose to deal with the challenges?

j) Will all the above three categories of voters be able to vote in the upcoming 7th general elections? What preparations have been made/underway to enable them to vote?

k) has the Board conducted the study regarding the enfranchisement of citizens living abroad envisaged by article 17(3) of Proc. No. 1162/2019? If not, what is the Board's timeline for this study?

References

Laws/International Instruments

The Constitution of Ethiopia, 1995.

The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct (Amendment) Proclamation No. 1394/2025.

The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation No. 1162/2019.

The Criminal Code of Ethiopia, 2004.

Federal Prison Proclamation No.1174/2019, Ethiopia.

Defense Forces Proclamation No. 1286/2023, Ethiopia.

NEBE Directive on Special Polling Stations No. 13/2021

Electoral Law of Ethiopia Amendment Proclamation No.532/2007.

Proclamation to make the Electoral Law of Ethiopia Conform with the Constitution of the Federal Democratic Republic of Ethiopia No. 11/1995.

The international Covenant on Civil and Political Rights, 1966

International Convention on the Elimination of All Forms of Racial Discrimination, 1961

Universal Declaration of Human Rights, 1948

Convention on the Elimination of All Forms of Discrimination against Women, 1979;

Convention on the Rights of Persons with Disability, 2006.

The African Charter Human and Peoples Rights, 1981.

The African Charter on Democracy, Elections and Governance, 2007;

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, 2003.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990

Other references

Adem K. Abebe, 'In pursuit of universal suffrage: the right of prisoners in Africa to vote', XLVI CILSA (2013) 410.

Aman, Adhy and Mette Bakken *Out-of-Country Voting: Learning from Practice* (International IDEA, 2021).

Barrat, Jordi et al., *Special Voting Arrangements* (International IDEA Handbook, 2023).

Brown, Mitchell, et al., *The Future of Election Administration: Cases and Conversations* (Palgrave McMillan, 2019).

Busiai, Abrefa Kwaku 'Pathways of Electoral Clientelism in University Student Elections in Ghana: An Exploratory Study', *Journal of Student Affairs in Africa* 9(2) (2021) 153-171.

Cox, Adam & Thomas J. Miles, 'Judging the Voting Rights Act' (2008) 108 Colum L Rev 1.

Dereje Feyissa Dori et al., 'Migration as a Collective Project in the Global South: A Case Study from the Ethiopia–South Africa Corridor', in H. Crawley and J. K. Teye (eds.), T*he Palgrave Handbook of South–South Migration and Inequality* (Palgrave, 2024)

Dereje Feyissa Dori. The Transnational Politics of the Ethiopian Muslim diaspora. Ethnic and Racial Studies (2011) 1.

Heinmaa, Anika and Nana Kalandadze Special Voting Arrangements in Europe: Postal, Early and Mobile Voting: Webinar series report, November 2020 (International IDEA, 2021).

Mercurio, Bryan & George Williams, 'The Australian Diaspora and the Right to Vote'

(2004) *32 UW Austl L Rev 1*

Myers, Thomas E., 'Voting-Equal Protection-Prisoners' Rights to Vote by Absentee Ballot or Special Procedures ' *(1973-1974) 59 Cornell L Rev* 1139.

Mukumbiri, Paidamwoyo and Chiedza Mlambo, Towards a Just and Inclusive Penal System: A Comparative Analysis of Prisoners'Right to Vote in Zimbabwe, South Africa and Sweden, file:///C:/Users/user/Downloads/Towards%20a%20Just%20and%20Inclusive%20Penal%20System%20A%20Comparative%20Analysis%20of%20Prisoners%20Right%20to%20Vote%20in%20Zimbabwe%20South%20Africa%20and%20Sweden%20(1).pdf.

Sambo, Paul, The Applicability of Internet Voting in Africa, available at: https://www.intechopen.com/chapters/77251

Smith, Claire M., *Convenience Voting and Technology: The Case of Military and Overseas Voters* (Palgrave McMillan, 2014)

Szentgali-Toth, Boldizsar & Bettina Bor, 'Special Vote Arrangements during the Public Health Emergency: A Cursory Glance at the Main Models and Lessons to be Learned' (2023) 19 *Iustum Aequum Salutare* 267.

Elections Canada, *A History of the Vote in Canada*, 3rd edn (Gatineau: Elections Canada, 2020), <https:// www .elections .ca/ content .aspx ?section = res & dir = his & document = index & lang = e>.

The Right of Prisoners to vote in Africa (2019) https://uwcscholar.uwc.ac.za:8443/server/api/core/bitstreams/690cc727-02cc-4b54-9c74-6ce58421045e/content.

Hailemariam Tesfaye , Criminal Proceeding before Conviction and their Impacts on the Right to Elect and to be Elected in Ethiopia (LLM Thesis, School of Law, AAU; 2025)

_____, *Guidelines for Reviewing a Legal Framework for Elections* (OSCE/ODIHR, 2013).

_____, 'Student Voting Rights' (1971) 6 Val U L Rev 49.

_____, 'The right of prisoners to vote: a global overview' (Penal Reform International, 2016.

Interview Sources

1) Dr Eba Mijena, CEO, Higher Education Division, MoE
2) Ato Beyene Tezera, Head, Higher Education Teachers and Students Development Desk, MoE
3) Dr Abdi Jibril, Commissioner, Ethiopian Human Rights Commission (informal conversation)
4) Comander Gashaw, Federal Prison Commission (informal conversation).
5) Commissioner Sisay Haileyesus, Prisoners' Civil Rights Directorate, Federal Prison Commission.
6) Ato Fikre Gebrehiwot, NEBE Management Board member.
7) Biruk Wondwossen, Head, Election Operation Department, NEBE.