



ETHIOPIA

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Common Law Civil Law Customary Law	Written	Yes	Federation	Republic

1. INTRODUCTION

1.1. Ethiopia and Modern Slavery (Human Trafficking)

Ethiopia is formally known as The Federal Democratic Republic of Ethiopia. The Republic consists of the Federal Government and nine states. A Constitution defines federal and state powers. The Federal Government has jurisdiction over human trafficking, though the states are also responsible for crime enforcement. The country's approach to human trafficking has evolved over time. The current Constitution of Ethiopia—known as the Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995 effective 21 August 1995—provides for the respect of fundamental, inviolable, democratic human rights and freedoms.¹ These rights include protection from inhuman or degrading treatment or punishment, slavery and servitude, trafficking in human beings, forced or compulsory labour, and respect for rights of family, women, children, and workers. All federal and state legislative, executive, and judicial organs at all levels are to respect and enforce those rights and freedoms.

These rights are enforced through the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020 (PSTP), other complementary laws in the criminal and employment areas, and the adoption of standard operating procedures.²

According to the 2020 U.S. State Department Trafficking In Persons Report, Ethiopia has a “Tier 2” ranking. “The Government of Ethiopia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.”³ The Government identified a large number of transnational and domestic potential victims, had a higher conviction of traffickers (both transnational and domestic), and entered into bilateral agreements with United Arab Emirates, Kuwait and Oman. Its Anti-Trafficking and Smuggling Task Force provided sensitization campaigns in rural communities. However, the Government has not met minimum standards to address non-transnational forms of trafficking given the scale of the issue, to coordinate between the regional and federal governments, and to disseminate and implement Ethiopia's standard operating procedures for identification and referral of trafficking victims services.⁴

Ethiopia is a source, transit, and destination country for trafficking victims: “Human traffickers exploit domestic and foreign victims in Ethiopia and traffickers exploit victims from Ethiopia abroad. Scarce economic opportunities and dire poverty, coupled with familial encouragement, compel thousands of

¹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Chapter 3, available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

² Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

³ U.S. Dep't of State, Trafficking in Persons Report 204 (2020), available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>. The U.S. Department of State rankings are based on the minimum standards specified in the U.S. Trafficking Victims Protection Act of 2000, “which are generally consistent with the [UN] Palermo Protocol.” *Id.* at 39.

⁴ *Id.* at 204.

Ethiopians, including a substantial percentage of unmarried individuals under age 30, to transit, primarily via Djibouti or Somalia, to Yemen and onward to Saudi Arabia and Europe.”⁵

“Saudi Arabia remains the primary destination for irregular migrants, representing 80–90 percent of Ethiopian labor migration.” Ethiopian women working in Middle Eastern countries tend to work in domestic service and are exploited in forced labour. Women and girls are also vulnerable to commercial sex exploitation and trafficking. Men and boys are exploited mainly in forced labour in traditional weaving, construction, agriculture as well as domestic workers, and boys are also exploited as shop assistants and street beggars.⁶

Ethiopian agencies monitoring and reporting on human trafficking include the Human Rights Commission. This Commission has the duty to ensure that all citizens, organs of state, political organizations, and other associations, as well as their officials, respect the human rights and freedoms provided by the Constitution, ensure that laws and government decisions do not contravene those rights, and investigate and resolve complaints concerning alleged violations of those rights, excluding cases before the courts, Federal Houses, or Regional Council.

A National Council and a National Partnership Coalition are established under the PSTP to promote the purposes of the PSTP, including formulating policies and directives to prevent and suppress people trafficking and people smuggling.⁷ Additionally, the Federal Police, the Federal Attorney General, and the Public Prosecutors Office investigate and enforce offences under the PSTP.⁸

An Anti-Trafficking and Smuggling Task Force and a Migration and Human Trafficking Crime team have been established to further the purposes of the PSTP. The Ministry of Labor and Social Affairs, the National Intelligence and Security Service, the Federal Urban Employment Creation and Food Security Agency, and the Rural Employment Creation and Food Security Agency are given various roles under the PSTP, including to disseminate information to the community and to assist trafficked victims in various ways.⁹

1.2. Ethiopia’s Policy and Legal Position

Ethiopia’s Constitution, as the supreme law of the country, sets out the fundamental rights and freedoms that all relevant government authorities and agencies must respect and enforce. Various statutes, including the PSTP, supplement the Constitutional rights and freedoms.

Ethiopia is a party to the United Nations and other conventions addressing fundamental human rights. It also is a party to several treaties that are relevant to the fight against human trafficking and smuggling. The treaties and conventions become part of the law of Ethiopia on ratification by the Federal House of Peoples’ Representatives.¹⁰

⁵ *Id.* at 206.

⁶ *Id.* at 206–207.

⁷ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, articles 33 and 35, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁸ *Id.*, articles 37(2), 38, and 41.

⁹ *Id.*, articles 40, 39(1), 24(4), and 24(5).

¹⁰ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 9(4), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

2. OVERVIEW OF ETHIOPIA’S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. Ethiopia’s Regional and International Law Obligations

2.1.1. Fundamental human rights

Ethiopia is a party to the United Nations conventions addressing fundamental human rights. It has ratified the International Covenant on Civil and Political Rights (1993),¹¹ the International Covenant on Economic, Social and Cultural Rights (1993),¹² the Convention on the Elimination of All Forms of Discrimination against Women (1981),¹³ and the Convention on the Rights of the Child (1991)¹⁴ and optional protocols related to that Convention (2014).¹⁵ It is also involved in human rights initiatives through a number of voluntary pledges and commitments, including its participation in the African Charter on Human and Peoples’ Rights¹⁶ and the African Charter on the Rights and Welfare of the Child.¹⁷

Ethiopia also ratified the ILO Minimum Age Convention (No. 138) in 1999,¹⁸ and the ILO Worst Forms of Child Labour Convention (No. 182) in 2003.¹⁹

2.1.2. Slavery and trafficking

Ethiopia is a party to several treaties that are relevant to the fight against human trafficking and smuggling. It has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2012)²⁰ (but with a reservation that it does not accept the jurisdiction of the International Court

¹¹ International Covenant on Civil and Political Rights: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=treaty&mtdsg_no=iv-4&chapter=4&clang=en.

¹² International Covenant on Economic, Social and Cultural Rights: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4.

¹³ Convention on the Elimination of All Forms of Discrimination against Women: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4.

¹⁴ United Nations Convention on the Rights of the Child: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4.

¹⁵ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: Signatories, United Nations Treaty Collection, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en.

¹⁶ African Charter on Human and Peoples’ Rights, available at: https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf.

¹⁷ African Charter on the Rights and Welfare of the Child, available at: https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf.

¹⁸ C138—Minimum Age Convention, 1973 (No. 138), available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ilo_code:C138.

¹⁹ C182—Worst Forms of Child Labour Convention, 1999 (No. 182), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

²⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18.

of Justice) and the Convention against Transnational Organized Crime (2007),²¹ including its related protocols (2012).²²

2.1.3. Effect under Ethiopia's law

Article 9 of the Constitution provides that all international agreements ratified by Ethiopia are an integral part of the law of the land.²³ The Federal House of Peoples' Representatives has the power, pursuant to Article 55 sub-Article 12 of the Constitution, to ratify international agreements concluded by the Executive.²⁴ Article 43 provides that international agreements shall protect and ensure Ethiopia's right to sustainable development.²⁵

2.2. Human Rights Protections Under Ethiopia's Law

Chapter Three of the Constitution provides for fundamental human rights and freedoms.²⁶ Those rights and freedoms include protection from cruel, inhuman, or degrading treatment or punishment, and protection from slavery, servitude, trafficking in human beings for whatever purpose, and forced or compulsory labour. Everyone has the right of respect for their human dignity, reputation, and honour; and the right to engage freely in economic activity and to pursue a livelihood, occupation, or profession of their choice anywhere within the national territory. The Constitution also provides rights and freedoms for women and children.²⁷

The Ethiopian legal framework with respect to human rights is thus derived from its Constitution in the first instance and supported by specific domestic legislation. Refer to Section 3. The Constitution overrides any law, customary practice, or decision of an organ of state or public official that contravenes the Constitution, and any such law, practice, and decision shall have no effect.²⁸

Article 13 of the Constitution provides that all federal and state legislative, executive, and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of Chapter Three of the Constitution.²⁹ Article 9 also provides that all citizens, organs of state, political organizations, and other associations as well as their officials have the duty to observe and obey the Constitution.³⁰

²¹ United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=en.

²² Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18.

²³ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 9(4), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

²⁴ *Id.*, article 55(12).

²⁵ *Id.*, article 43.

²⁶ *Id.*, Chapter 3.

²⁷ *Id.*, articles 35 and 36.

²⁸ *Id.*, article 9(1).

²⁹ *Id.*, article 13.

³⁰ *Id.*, article 9(2).

2.3. Criminalization of Modern Slavery

The PSTP makes unlawful and punishable trafficking in persons including children.³¹ The PSTP has repealed the trafficking provisions in the Criminal Code. The Labour Proclamation 1156/2019 also creates offences for breach of prescribed working conditions.³²

2.4. Supply Chain Reporting

Ethiopia does not have any laws or policies that require supply chain reporting regarding human trafficking.

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

The Federal Police and the Federal Attorney General are the main bodies responsible for the investigation and prosecution of offences under the PSTP. The Federal Police are required by Article 41 of the PSTP to work with the Federal Attorney General, National Security and Intelligence Service, Ministry of Labor and Social Affairs, and other stakeholders to prevent and control the crimes specified in the PSTP.³³

The Labour Inspectors appointed under the Labour Proclamation are responsible for enforcement of offences under that Proclamation.³⁴ The Federal Police and the Federal Attorney General are generally responsible for enforcement of other federal criminal laws.

Where the police reasonably suspect that a crime of trafficking in persons or smuggling of persons has been, is being, or is likely to be committed, they may in an urgent situation conduct a search without a court order.³⁵ Other situations require a court order. Where the search is conducted without court order, the results of the search must be presented to the court within 72 hours to obtain appropriate orders.³⁶ The search is to rescue victims and to apprehend the perpetrator.

Under the Criminal Procedure Code, which a new Code is intended to replace soon,³⁷ police officers may arrest without warrant any person whom they reasonably suspect to have committed or are about to commit an offence punishable with imprisonment for not less than one year.³⁸ Those officers also have search and seizure powers and the power to require persons to attend examinations and produce all

³¹ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

³² Labour Proclamation 1156/2019, Part 6, available at: <http://www.ilo.int/dyn/natlex/docs/ELECTRONIC/109825/136386/F-1056558301/ETH109825.pdf>.

³³ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 41, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

³⁴ Labour Proclamation 1156/2019, article 178, available at: <http://www.ilo.int/dyn/natlex/docs/ELECTRONIC/109825/136386/F-1056558301/ETH109825.pdf>.

³⁵ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, articles 19(1) and 19(2), available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

³⁶ *Id.*, article 19(2).

³⁷ *Draft Criminal Procedure Code (Ethiopia)*, Law Ethiopia, available at: <https://www.lawethiopia.com/index.php/volume-3/6604-draft-criminal-procedure-code-ethiopia>.

³⁸ Criminal Procedure Code Proclamation 185/1961, article 51(1)(a), available at: <https://www.refworld.org/pdfid/492163ac2.pdf>.

required documents.³⁹ Standard Operating Procedures have been adopted for this purpose with assistance from the United Nations Office of Drugs and Crime.

The National Crime Prevention Strategy and Action Plan was adopted in 2020 with assistance from the United Nations Office of Drugs and Crime.⁴⁰ The Plan includes police reform and building capacity for prosecutors and judiciary.

The Government also developed a national referral mechanism, which includes victim protection, in partnership with private donors and an international organization.

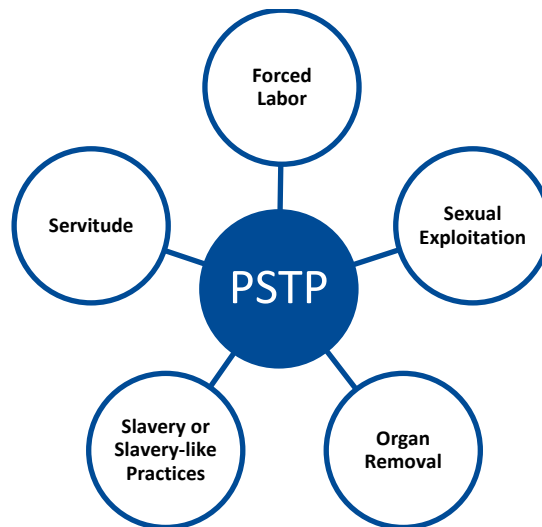
2.5.2. *Mutual assistance/international cooperation*

Refer to Section 2.1.

3. ETHIOPIA’S FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

The PSTP is the main law in Ethiopia addressing offences and penalties relating to slavery, slavery-like conditions, and human trafficking.



3.2. Slavery Offenses Under the Criminal Code

3.2.1. *General*

Article 18 sub-Article 2 of the Constitution provides that no one shall be held in slavery or servitude.⁴¹

³⁹ *Id.*, articles 30 and 32.

⁴⁰ *Ethiopia to Introduce New National Crime-Prevention Strategy*, Ezega News, available at: <https://www.ezega.com/News/NewsDetails/7388/Ethiopia-to-Introduce-New-National-Crime-Prevention-Strategy>.

⁴¹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 18(2), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

Ethiopia has adopted specific legislation targeting human trafficking. The PSTP, adopted in 2020, is the latest law. The PSTP provides for numerous criminal offences and punishment.

Article 3, sub-Article 1, provides that any person who holds another person in slavery or practices similar to slavery, servitude, or debt bondage; exploits another person by removing organs or through prostitution or other forms of sexual activities; “engages another person in forced labor or service, begging or criminal act, forced marriage, surrogacy, exploited children in labor, or commit[s] exploitation similar to these acts shall be punish[ed] with Seven to Fifteen years of rigorous imprisonment and a fine from Twenty Thousand to One Hundred Thousand Birr [ETB 20,000 to ETB 100,000].”⁴²

Sub-Article 2 provides that the perpetrator as well as all collaborators who take part in a crime specified under sub-Article (1) of this Article, whether the exploitation is started or completed, shall be subject to rigorous imprisonment from seven to 12 years and a fine from ETB 40,000 to ETB 100,000.⁴³

Sub-Article 3 provides that the recruitment, transportation, transferring, harboring, hiding, or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons,” even if this does not involve any of the means mentioned in sub-Article (2) of this Article.⁴⁴

Sub-Article 4 provides that the victim’s consent or knowledge to the exploitation shall not relieve the perpetrator from criminal liability if the “means mentioned” under sub-Article (2) of this Article have been used.⁴⁵

Sub-Article 5 defines “means mentioned” as threat or use of force or other means of coercion, abduction, fraud, deception, abuse of power, or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over the person.⁴⁶

Article 4 deals with Aggravating Circumstances:

(1) Where the crime specified under Article 3(1) or (2) is committed:

- (a) against a child or a person who is mentally ill or physically disabled;
- (b) by using drugs, medicine, or weapons;
- (c) by a public official or civil servant abusing their powers; or
- (d) by an organization licensed to conduct domestic or foreign employment services by abusing its license;

the punishment shall be rigorous imprisonment from 10 to 20 years and a fine from ETB 30,000 to ETB 100,000.

(2) Where the crime specified under Article 3 (1) or (2):

- (a) was committed by a member, leader, or coordinator of an organized criminal group;

⁴² Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3(1), available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁴³ *Id.*, article 3(2).

⁴⁴ *Id.*, article 3(3).

⁴⁵ *Id.*, article 3(4).

⁴⁶ *Id.*, article 3(5).

(b) caused the victim to have a chronic disease; or

(c) endangered the victim’s life or safety, caused grave bodily injury to the victim, or subjected the victim to inhuman treatment;

the punishment shall be rigorous imprisonment of 15 to 25 years and a fine from ETB 50,000 to ETB 200,000.

(d) Where the offence causes the victim’s death, depending on the circumstances, the punishment shall be rigorous imprisonment from 15 to 25 years or life imprisonment or death and a fine from ETB 50,000 to ETB 200,000.

(3) In the case of child labor exploitation, the aggravating circumstance of being against child stated under sub-Article (1) letter (a) of this Article shall not apply.⁴⁷

Article 5 provides that without prejudice to the criminal code’s provision regarding an accomplice, any person who knowing that it is to be used for the purpose of human trafficking:

(1) Permits the use of or rents a house, building, or premises, or who provides transport service or transports the victims shall be punished with rigorous imprisonment from three to seven years and a fine from ETB 10,000 to ETB 50,000.

(2) Produces, gives, provides, or holds a fraudulent, falsified, or illegal identity card or travel document shall be punished with rigorous imprisonment from five to 15 years and a fine from ETB 10,000 to ETB 50,000.⁴⁸

Article 6 deals with Presuming the Purpose of Exploitation:

Where it is proved that a person recruited, transported, transferred, harbored, hid, or received another person using the means mentioned under Article 3(2); or without using those means committed such an act against a child, it may be presumed based on circumstantial evidence that the person committed the act for the purpose of exploitation.⁴⁹

Article 7 deals with Exploitation of the Prostitution of Others:

Apart from the circumstances specified under Articles 3 and 4, any person who, for the purpose of benefiting from the prostitution or immorality of another or to gratify the sexual passions of another, causes another person to engage in prostitution; acts as a go between, procures, keeps in a brothel, uses, or rents out their residence or place of business for this purpose in whole or in part; or uses the prostitution or immorality of another in any other manner shall be punished with rigorous imprisonment from one to five years and a fine from ETB 10,000 to ETB 50,000.⁵⁰

Article 2 of the PSTP defines a number of terms, unless the context requires a different meaning:

(1) “Organized criminal group” means a structured group of three or more persons living and operating in Ethiopia or elsewhere, existing for a limited or unlimited period of time, and acting in concert with the aim of committing one or more offences specified under this Proclamation, in order to obtain, directly or indirectly, a financial or other material benefit;

⁴⁷ *Id.*, article 4.

⁴⁸ *Id.*, article 5.

⁴⁹ *Id.*, article 6.

⁵⁰ *Id.*, article 7.

- (2) “Slavery” means exercising the right of ownership over a person;
- (3) “Servitude” means a person cannot escape, prevent, or alter the conditions or obligations of work or to provide services;
- (4) “Sexual or other forms of sexual activities” means pimping out, using, or deploying a person for prostitution, or causing a person to engage in immoral acts, especially by exhibiting one’s nakedness or sexual parts for the view of others, including the recording of these acts through the use of a photograph, video, audio, or any other means for the purpose of distribution;
- (5) “Labor exploitation of children” means causing a child to work or provide a service in a manner other than those permitted by law or contrary to the age or physical strength of the child;
- (6) “Grave physical injury” has the same meaning described under Article 555 of the Criminal Code, which is to intentionally (a) wound a person so as to endanger their life or to permanently jeopardize their physical or mental health; (b) maim or disable a person’s body or essential limbs or organs, or gravely and conspicuously disfigure a person; or (c) in any other way inflict upon another a serious injury or disease;
- (7) “Victim” means a person who has been subjected to one or more of the criminal offences specified under this Proclamation and who has suffered physical, psychological, or economic harm, or a violation of rights. “Victim” also means a person vulnerable or exposed to such a crime who needs the protection and support provided under the Proclamation;
- (8) “Property associated with the crime” means property used in the commission of a crime specified under Article 3, 4, 8, 9, 10, or 11 of this Proclamation, the direct or indirect proceeds of the crime, property produced from proceeds of the crime, and, when the property obtained through these circumstances is not found, the offender’s equivalent property;

* * *

- (10) “Child” means any person under the age of 18 years;

* * *

- (13) “Person” means any natural or juridical (nonhuman entity) person.⁵¹

Article 18 provides that the penalty for a juridical person that commits an offence shall be a fine:

- (a) not exceeding ETB 500,000 for a crime punishable with simple imprisonment or rigorous imprisonment of up to five years;
- (b) from ETB 500,000 to ETB 1 million for a crime punishable with rigorous imprisonment of five to 15 years;
- (c) from ETB 1 million to ETB 2 million for a crime punishable with rigorous imprisonment of 15 to 20 years; and
- (d) from ETB 2 million to ETB 3 million for a crime punishable with rigorous imprisonment exceeding 20 years or with death.⁵²

⁵¹ *Id.*, article 2.

⁵² *Id.*, article 18(1).

In addition, a court may dissolve the organization or confiscate its properties.⁵³ This punishment also does not preclude criminal liability for the owner, manager, employee, or other person participating in the commission of the crime on behalf of and for the benefit of the organization.⁵⁴

Article 20 provides that a court may, on its own initiative or upon application by the prosecution or the police, issue a freezing or seizure of properties associated with a crime under the PSTP.⁵⁵ In urgent situations, the head prosecutor may issue a temporary freezing order valid for 72 hours.⁵⁶ The prosecutor shall then submit reasons for freezing to the court before the 72-hour lapse; if satisfied, the court shall issue the appropriate orders.⁵⁷

3.2.2. Extraterritorial application

The Criminal Code applies its extraterritorial provisions to the PSTP. That law applies to any person, whether a national or a foreigner, who has committed a crime in the territory of Ethiopia or any person who has committed a crime under the PSTP outside Ethiopia and extradited to Ethiopia and not prosecuted in the foreign country.⁵⁸

3.3. Slavery-Like Offenses in Ethiopia’s Legal Order

3.3.1. Servitude

Servitude is prohibited under the Constitution, is included in Article 3 of the PSTP, and is a crime, punishable as set out in Section 3.2.1.⁵⁹

3.3.2. Forced labor

Article 18 sub-Article 3 of the Constitution provides that no one shall be required to perform forced or compulsory labour.⁶⁰ Sub-Article 4 provides that, for the purposes of sub-Article 3, “forced or compulsory labour” shall not include:

- Any work or service normally required of a person who is under detention because of a lawful order, or a person during conditional release from such detention;
- Any service exacted in lieu of compulsory military service, in the case of conscientious objectors;

⁵³ *Id.*, article 18(2).

⁵⁴ *Id.*, article 18(3).

⁵⁵ *Id.*, article 20(1).

⁵⁶ *Id.*, article 20(5).

⁵⁷ *Id.*

⁵⁸ Criminal Code of the Federal Democratic Republic of Ethiopia Proclamation No. 414/2004, articles 11 and 17, available at: <https://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

⁵⁹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 18(2), available at: <http://www.derechos.org/intlaw/doc/eth2.html>; Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁶⁰ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 18(3), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

- Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- Any economic and social development activity voluntarily performed by a community within its locality.⁶¹

Forced labor or service and labor exploitation of children are crimes included in Article 3 of the PSTP, punishable as set out in Section 3.2.1.⁶²

Article 36 sub-Article 1 (d) of the Constitution provides that every child has the right not to be subject to exploitative practices or to work that may be hazardous or harmful to their education, health, or well-being.⁶³

Part Six, Chapter Two of the Labour Proclamation No 1156/2019 addresses working conditions of young workers:

- It is prohibited to employ a person less than 15 years of age.⁶⁴
- It is prohibited to assign young workers (aged between 15 and 18 years) to work that endangers their lives or health.⁶⁵ Prohibited activities include work in transport of passengers and goods; electric power generation plants, including with transformers or transmission lines, underground mines, and quarries; sewers and digging tunnels; street cleaning; alcoholic beverages and cigarette production; hotels, motels, and night clubs; felling logs or mixing dangerous chemicals; and other work that entails moral as well as physical hazards.⁶⁶
- It is prohibited to assign young workers on night work between 10 pm and 6 am, overtime work, work done on weekly rest days, or work done on public holidays.⁶⁷
- Any person who does not accord these special protections to young workers shall be fined ETB 5,000 up to ETB 20,000 for a first violation, ETB 20,000 up to ETB 40,000 for a second violation, and up to ETB 70,000 for a third violation. After more than three violations, the business may be closed.⁶⁸

⁶¹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 18(4), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

⁶² Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁶³ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 36(1)(d), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

⁶⁴ Labour Proclamation 1156/2019, article 89(2), available at: <http://www.ilo.int/dyn/natlex/docs/ELECTRONIC/109825/136386/F-1056558301/ETH109825.pdf>.

⁶⁵ *Id.*, article 89(3).

⁶⁶ *Id.*, article 89(4).

⁶⁷ *Id.*, article 91.

⁶⁸ *Id.*, article 186.

3.3.3. Deceptive recruiting for labor or services

Deceptive recruitment is a crime included in Article 3 of the PSTP, punishable as set out in Section 3.2.1.⁶⁹

3.3.4. Early and forced marriage

Article 34 of the Constitution provides that men and women of marriageable age have the right to marry and found a family.⁷⁰ Marriage shall be entered into only with the free and full consent of the intending spouses.⁷¹

Article 6 of the Revised Family Code Proclamation No 213/2000 provides that a valid marriage shall take place when spouses have given their free and full consent.⁷² Article 7 provides that neither a man nor a woman who has not attained the full age of 18 years may marry, except that the Minister of Justice may, on the application of the future spouses or the parents or guardian of one of them, grant dispensation of not more than two years.⁷³

Forced marriage is a crime included in Article 3 of the PSTP, punishable as set out in Section 3.2.1.⁷⁴

Article 31 of the Revised Family Code provides that, except where permitted by law, a marriage concluded by a man or a woman under the age of 18 years shall dissolve on the application of any interested person or the public prosecutor.⁷⁵ An application to dissolve a marriage may not be sought after reaching the age required by law for marriage.⁷⁶

Article 648 of the Criminal Code 2004 deals with early marriage. It provides that whoever concludes marriage with a minor apart from circumstances permitted by the relevant Family Code is punished with (a) rigorous imprisonment not exceeding three years, where the age of the victim is 13 years or above; or (b) rigorous imprisonment not exceeding seven years, where the age of the victim is below 13 years of age.⁷⁷

3.3.5. Debt bondage

Debt bondage is a crime included in Article 3 of the PSTP, punishable as set out in Section 3.2.1.⁷⁸

⁶⁹ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁷⁰ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, article 34(1), available at: <http://www.derechos.org/intlaw/doc/eth2.html>.

⁷¹ *Id.*, article 34(2).

⁷² Revised Family Code Proclamation No 213/2000, article 6, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70033/95194/F820614461/ETH70033.pdf>.

⁷³ *Id.*, article 7.

⁷⁴ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁷⁵ Revised Family Code Proclamation No 213/2000, article 31, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70033/95194/F820614461/ETH70033.pdf>.

⁷⁶ *Id.*

⁷⁷ Criminal Code of the Federal Democratic Republic of Ethiopia Proclamation No. 414/2004, article 648, available at: <https://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

⁷⁸ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

3.3.6. Any other relevant offenses.

Refer to Section 3.2.1.

3.3.7. Extraterritorial application of the offenses

Refer to Section 3.2.2.

3.4. Human Trafficking/Smuggling-Related Criminal Offenses**3.4.1. International and domestic trafficking/smuggling of people**

Article 8 of the PSTP defines the crime of people smuggling:

(1) Any person who, for the person's or another person's direct or indirect financial or material gain, enables a person to illegally enter into the territory of Ethiopia, exit the territory of Ethiopia, or travel through the territory of Ethiopia, or who assists in the preparation, process, transport, or receipt of a person illegally leaving Ethiopian territory, shall be punished with rigorous imprisonment from five to 10 years and a fine from ETB 10,000 to ETB 100,000.

(2) Where the offence specified under sub-Article (1) of this Article is committed:

- (a) against a child, or a person who is mentally ill or physically disabled;
- (b) by using drugs, medicine, or weapons;
- (c) by a public official or civil servant by abusing their powers; or
- (d) by an organization licensed to engage in foreign employment services by abusing its license;

the punishment shall be rigorous imprisonment of seven to 15 years and a fine from ETB 20,000 to ETB 100,000.

(3) Where the offence specified under sub-Article 1 of this Article:

- (a) caused the victim grave bodily injury, chronic disease, or permanent mental disorder;
- (b) was committed by a member, leader, or coordinator of an organized criminal group; or
- (c) endangered the victim's life or safety or subjected the victim to inhuman treatment; the punishment shall be rigorous imprisonment of 10 to 20 years and a fine from ETB 30,000 to ETB 150,000;
- (d) has resulted in the victim's death, depending on the circumstances, the punishment shall be rigorous imprisonment from 15 to 25 years, life imprisonment, or death and a fine from ETB 50,000 to ETB 200,000.⁷⁹

Article 9 addresses Assisting Illegal Stay

(1) Whosoever, for the person's or another person's direct or indirect financial or material gain, assists a foreigner to stay or live in Ethiopia, knowing that the foreigner does not have a valid

⁷⁹ *Id.*, article 8.

residence permit, by producing or procuring forged documents, or in any other illegal manner, is punished with rigorous imprisonment of five to 10 years and a fine from ETB 10,000 to ETB 50,000.

(2) Where the offence specified under sub-Article (1) of this Article was not committed for gain, the appropriate provisions of criminal law shall apply.⁸⁰

3.4.2. *International and domestic trafficking in children*

The Article 8 smuggling offence includes smuggling of children.⁸¹

3.4.3. *Victim harboring*

The harbouring of trafficked persons is a crime included in Article 3 PSTP, punishable as set out in Section 3.2.1.⁸²

3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

Refer to Section 3.2.2.

3.4.5. *International and domestic organ trafficking*

Exploitation of persons by removing organs is a crime included in Article 3 of the PSTP, punishable as set out in to Section 3.2.1.⁸³

3.5. Online Exploitation of Children Offenses

Online exploitation of children is a crime included in Article 3 of the PSTP under labor exploitation of children and other forms of sexual activities.⁸⁴ It also is an aggravated circumstance under Article 4 as it involves a child, punishable as set out in Section 3.2.1.⁸⁵

3.6. Child Sex Tourism Offenses

Child sex tourism is a form of labor exploitation of children and other forms of sexual activities.⁸⁶ It also is an aggravated circumstance under Article 4 of the PSTP as it involves a child, punishable as set out in Section 3.2.1.⁸⁷

4. ETHIOPIA'S SUPPLY CHAIN REPORTING LEGISLATION

Ethiopia has no supply chain reporting legislation regarding human trafficking.

⁸⁰ *Id.*, article 9.

⁸¹ *Id.*, article 8(2)(a).

⁸² *Id.*, article 3.

⁸³ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 3, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

⁸⁴ *Id.*

⁸⁵ *Id.*, article 4.

⁸⁶ *Id.*, article 3.

⁸⁷ *Id.*, article 4.

5. FORCED LABOR: OVERVIEW OF ETHIOPIA’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

The Labour Proclamation No 1156/2019 (LP) applies to employment relations based on a contract of employment, excluding employees in a managerial position, contracts of personal service, contracts with members of Armed Forces, and contracts relating to a person’s own business or professional responsibility.⁸⁸

The LP has established Labour Relations Boards to deal with employment disputes.⁸⁹ A worker can make a wages claim to those Boards. A worker’s claim for payment of wages is barred if not commenced within six months from the date it becomes due.⁹⁰ A worker’s claim for any payment arising from termination of an employment contract is barred if not commenced within six months from the date of termination,⁹¹ unless force majeure applies, which extends the period to 10 days after the force majeure ceases to exist.⁹² Force majeure includes illness, call of worker to national service, and the worker’s transfer to a place away from the worker’s residence in fulfillment of job tasks.⁹³

A worker is defined as a person who has an employment relationship with an employer in accordance with Article 4 of the LP.⁹⁴ Article 4 provides that a contract of employment is formed when a natural person agrees directly or indirectly to perform work for and under the authority of an employer for a definite or indefinite period or piece work in consideration for a wage.⁹⁵ The contract is to specify the wages, and the contract must not set less favorable conditions than those provided for by law, collective agreement, or work rules.⁹⁶ Wages is defined in Article 53 as the regular payment to which a worker is entitled in return for the performance of work under the contract of employment.⁹⁷ It excludes overtime pay, allowances (such as per diem, hardship, travel, and relocation allowances), bonus, commission, other incentives, and any service charge received from customers.⁹⁸

The LP provides for a Wages Board to set minimum wages.⁹⁹ This is a work in progress.

The LP’s protections apply to workers as defined. If no wages are payable to a person, then that person does not appear to fall within the definition of worker. Victims of forced labour could be in this category and not protected by employment laws. Civil remedies under those laws may not be available. But the PSTP would apply.

⁸⁸ Labour Proclamation 1156/2019, article 3(1), available at:

<http://www.ilo.int/dyn/natlex/docs/ELECTRONIC/109825/136386/F-1056558301/ETH109825.pdf>.

⁸⁹ *Id.*, article 145.

⁹⁰ *Id.*, article 162(3).

⁹¹ *Id.*, article 162(4).

⁹² *Id.*, article 167(1).

⁹³ *Id.*, article 167(2).

⁹⁴ *Id.*, articles 2(3) and 4.

⁹⁵ *Id.*, article 4(1).

⁹⁶ *Id.*, article 4(2).

⁹⁷ *Id.*, article 53(1).

⁹⁸ *Id.*, article 53(2).

⁹⁹ *Id.*, article 55.

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

As explained in Section 5.1, victims of forced labour must receive wages to enable employment laws to apply. Employment law does not provide any civil remedies to victims who do not fall within the definition of a worker.

5.3. Statutory Rights

5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

Where the Wages Board sets a minimum wage for specific industries, then minimum wages apply to workers in those industries.¹⁰⁰ Some government agencies have set minimum wages, but no minimum wage determinations have been identified.

Other entitlements under the LP for workers include:

- (a) annual leave of at least 16 working days for the first year of service plus one working day for every additional two years of service;¹⁰¹
- (b) sick leave of no more than six months in a 12-month period, with pay for (i) the first month, 100% of wages; (ii) the next two months, 50% of wages; and (iii) the next three months, without pay;¹⁰²
- (c) maternity leave of 30 days pre-natal leave and 90 days post-natal leave with pay;¹⁰³
- (d) paternity leave of three days with full pay;¹⁰⁴
- (e) marriage leave for three days with pay;¹⁰⁵
- (f) family death leave for three days with pay;¹⁰⁶
- (g) union leave for trade union leaders with pay to present cases in labour disputes, attend union meetings, and negotiate collective agreements;¹⁰⁷ and
- (h) worker leave with pay for workers appearing in hearings on labour disputes.¹⁰⁸

5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

Ethiopia has no applicable laws.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*, article 77.

¹⁰² *Id.*, articles 85 and 86.

¹⁰³ *Id.*, article 88.

¹⁰⁴ *Id.*, article 81(2).

¹⁰⁵ *Id.*, article 81(1)(a).

¹⁰⁶ *Id.*, article 81(1)(b).

¹⁰⁷ *Id.*, article 82.

¹⁰⁸ *Id.*, article 83.

5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

Article 59 of the LP provides that the employer shall not deduct from, attach, or set off the wages of the worker, except where it is provided by law, collective agreement, work rules, a court order, or a written agreement with the worker concerned.¹⁰⁹ Unless the worker consents in writing, the amount that may be deducted at any one time from the worker's wage shall in no case exceed one-third of their monthly wage.¹¹⁰

5.3.4. *Remedies*

If a victim of trafficking is not classified as a worker under employment laws, then those laws do not provide any remedies. In that event, the PSTP can apply. The PSTP provides that a court may award compensation to a trafficked victim for the victim's past or future lost income due to the offence committed.¹¹¹

5.3.5. *The well-being of workers: Rest time*

Refer to Section 3.3.2 for young workers' rest times and working conditions.

Normal hours of work shall not exceed eight hours per day or 48 hours per week.¹¹² A worker may not be compelled to work overtime (work in excess of the normal daily hours of work).¹¹³ However, overtime may be worked whenever the employer cannot be expected to resort to other measures and there is (a) an actual or imminent accident, (b) force majeure, (c) urgent work, or (d) substitution of absent workers assigned on work that runs continuously without interruption.¹¹⁴ But overtime work shall not exceed four hours in a day and 12 hours in a week.¹¹⁵

No pregnant woman shall be assigned to night work between 10 pm and 6 am or to overtime work.¹¹⁶

Penalties apply to employers who breach these provisions.¹¹⁷

5.3.6. *The well-being of workers: Freedom to change jobs and right to leave*

A worker may terminate their contract of employment by giving the employer 30 days prior notice.¹¹⁸

The worker may also terminate their contract of employment without prior notice for good cause, which includes where the employer commits any act contrary to human dignity and morals or other crimes against the worker; the worker has been the victim of sexual harassment or sexual violence by an employee or manager; where imminent danger threatens the worker's safety or health; or where the employer has

¹⁰⁹ *Id.*, article 59(1).

¹¹⁰ *Id.*, article 59(2).

¹¹¹ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 26, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

¹¹² Labour Proclamation 1156/2019, article 61, available at: <http://www.ilo.int/dyn/natlex/docs/ELECTRONIC/109825/136386/F-1056558301/ETH109825.pdf>.

¹¹³ *Id.*, articles 66 and 67.

¹¹⁴ *Id.*, article 67.

¹¹⁵ *Id.*

¹¹⁶ *Id.*, article 87.

¹¹⁷ *Id.*, article 185.

¹¹⁸ *Id.*, article 31.

repeatedly failed to fulfill basic obligations towards the worker.¹¹⁹ The worker's right to terminate expires after 15 working days from the date on which the act occurred or ceased to exist.¹²⁰

5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness

Article 12(5) of the LP obliges the employer to take all necessary occupational safety and health measures and to abide by the standards and directives given by the appropriate authorities.¹²¹ It is unlawful to compel any worker to execute any task that is hazardous to the worker's life.¹²²

Article 96 of the LP provides that the employer shall be liable, irrespective of fault, for a worker's employment injuries, but not for any injury intentionally caused by the worker, including where the worker has not observed express safety instructions or accident prevention rules or was intoxicated by consuming an alcoholic beverages or drugs.¹²³

A worker can terminate employment without prior notice in the case of imminent danger threatening their safety or health.¹²⁴

The LP provides that a worker who has sustained an employment injury shall be entitled to (a) periodic payment while temporarily disabled; (b) a disablement pension, gratuity, or compensation when permanently disabled; or (c) a pension, gratuity, or compensation to the worker's dependents in the event of death, quantified as the LP prescribes.¹²⁵

Article 185(2)(a) of the LP provides that any employer who fails to fulfill the obligation in Article 12(5) of the LP shall be fined, taking into account its economic and organizational standing and the manner of fault, from ETB 10,000 up to ETB 20,000 for the first violation, from ETB 20,000 to ETB 40,000 for the second violation, and from ETB 40,000 to ETB 60,000 for the third violation.¹²⁶ The business may be closed after more than three violations.¹²⁷

Article 186(1)(a) of the LP provides that any employer, employers' association, representative of an employer, a trade union, or trade union leader who violates regulations and directives pertaining to the safety of workers and exposes the life and health of a worker to serious danger shall be fined from ETB 5,000 up to ETB 20,000 for the first violation, from ETB 20,000 to ETB 40,000 for the second violation, and up to ETB 70,000 for the third violation.¹²⁸ The business may be closed for more than three violations.¹²⁹

¹¹⁹ *Id.*, article 32.

¹²⁰ *Id.*, article 33.

¹²¹ *Id.*, article 12(5).

¹²² *Id.*, article 14(e).

¹²³ *Id.*, article 96.

¹²⁴ *Id.*, article 32(1)(c).

¹²⁵ *Id.*, article 107(1).

¹²⁶ *Id.*, article 185(2)(a).

¹²⁷ *Id.*, article 185(2)(d).

¹²⁸ *Id.*, article 186(1)(a).

¹²⁹ *Id.*, article 186(1)(e).

5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

Victims face barriers to access justice. Enforcing legislation through prosecutions has progressed slowly, although the Government has focused on training programs for police and other actors in consultation with NGOs.

The barriers arise from the victims' lack of awareness of their rights and the available remedies, and protection, and, where they are aware, the lack of assistance available for the victims to make claims and seek protection.

There have been few prosecutions. Prosecution currently is not seen as a major deterrence.

Government agencies are responsible to assist victims under the PSTP, and various NGOs also assist.¹³⁰ Refer to Section 8.

5.6. Interaction Between Employment Law and Migration

5.6.1. *Employment rights affected where employment is unlawful under migration law*

If the victims can be classified as workers, claims under employment law are available. Victims who are foreign nationals and who do not have a permanent residence permit may be provided with a temporary residence permit, as appropriate.¹³¹ The Witness and Whistleblowers of Criminal Offences Protection Proclamation No. 699/2010 enables protection from prosecution for crimes committed as a result of being subjected to trafficking where a protection agreement is entered into.¹³²

5.6.2. *Rights/remedies available under applicable migration law and regulations*

Rights and remedies for victims are mainly derived from the PSTP. The migration laws do not provide assistance.

5.7. Employment Laws and Child Labor

Refer to Section 3.3.2.

6. GOVERNMENT PROCUREMENT RULES

Ethiopian federal government procurement is governed by the Ethiopian Federal Government Procurement and Property Administration Proclamation No 649/2009 (PPA)¹³³ and the Federal Government Public

¹³⁰ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, Section 4, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

¹³¹ *Id.*, article 24(6).

¹³² Witness and Whistleblowers of Criminal Offences Protection Proclamation No. 699/2010, Part 2, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89590/135560/F-738643980/ETH89590.pdf>.

¹³³ Ethiopian Federal Government Procurement and Property Administration Proclamation No 649/2009, available at: <http://www.marches-publics-afrique.com/reglementations-nationales-des-marches/comesa---marches-publics/comesa---ethiopie---marches-publics/proclamation-no-649-2009-the-ethiopian-federal-government-procurement-and-property-administration-proclamation---2009>.

Procurement Directive.¹³⁴ The PPA sets out qualifying criteria for potential suppliers, including that they must have the necessary professional and technical qualifications and financial resources, their business activities have not been suspended, they are not the subject of legal proceedings for insolvency, receivership, bankruptcy, or winding up, they have a renewed trade license, and they have fulfilled their obligations to pay Ethiopian taxes.¹³⁵ No specific provisions require them to covenant that their business does not use trafficked workers or that they are not in violation of human trafficking laws.

The PPA establishes a public procurement framework and principles for public procurement and property administration based on value for money, non-discrimination among candidates, transparency, fairness, and accountability.

The PPA also established the Public Procurement and Property Administration Agency as an autonomous federal government organ accountable to the Minister.¹³⁶ This Agency is responsible for the adoption of principles by public bodies, policy, regulation, oversight, professional development, and information management and dissemination in the field of public procurement.

7. RESTITUTION AND VICTIM COMPENSATION

Article 26 of the PSTP provides compensation for victims:

- (1) In addition to the criminal fines and penalties imposed on a guilty offender, the court may award compensation to the victim for harm suffered, including medical, transport, and other relevant costs incurred by the victim as well as by other parties to rescue and care for the victim.
- (2) The court may award compensation for moral damages from ETB 1,000 to ETB 50,000.
- (3) The compensation may not be less than the amount paid by the victim to the perpetrator, the income gained by the act, or the past and future income lost by the victim due to the offence committed.
- (4) The court may entertain the issue of compensation together with or separately from the criminal file by its own initiation or application of public prosecutor.
- (5) Where the court has awarded compensation to the victim in accordance with this Article and ascertained that the accused cannot pay it, the court may, in accordance with the amount and conditions set by the Regulations that the Council of Ministers will issue, order that the fund for victims pay the compensation and expenses.
- (6) Where the fund does not pay the full amount of compensation awarded, the victim may demand that the offender pay the difference when the offender is able to pay. The state also may demand that the offender reimburse the fund for its payments to the victim.¹³⁷

¹³⁴ Federal Government Public Procurement Directive, available at:

https://ethiopianlaw.weebly.com/uploads/5/5/7/6/5576668/procurement_directive_english.pdf.

¹³⁵ Ethiopian Federal Government Procurement and Property Administration Proclamation No 649/2009, article 28, available at:

<http://www.marches-publics-afrique.com/reglementations-nationales-des-marches/comesa---marches-publics/comesa---ethiopie---marches-publics/proclamation-no-649-2009-the-ethiopian-federal-government-procurement-and-property-administration-proclamation---2009>.

¹³⁶ *Id.*, article 12.

¹³⁷ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, article 26, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

Article 27 of the PSTP establishes a fund to rehabilitate persons who are victims of trafficking in persons, smuggling of persons, and unlawful sending of persons abroad for work.¹³⁸ The fund is to pay for medical and other costs, material support, and training for victims, construct temporary shelters, and pay court-ordered compensation.¹³⁹ The fund’s revenue will come from government-allocated funds, properties confiscated, fines collected, and grants from NGOs and others.¹⁴⁰ Regulations issued by the Council of Ministers will govern the fund’s administration.¹⁴¹

Article 34(2) of the PSTP requires the National Council to issue a Directive creating a national referral mechanism for the rescue, rehabilitation, support, and reintegration of victims, among other related matters.¹⁴² Article 36(2) requires the National Partnership Coalition to develop directives for a national referral system and implementation procedures and to co-ordinate the implementation of that system and procedures, as approved by the National Council.¹⁴³

The national referral mechanism is called the National Referral Mechanism of Ethiopia — Joining Efforts to Protect the Rights of Victims of Trafficking and Victimized Migrants in Ethiopia. It seeks to ensure coordination among different actors in contact with victims of trafficking, potential victims, and migrants in vulnerable situations. The lead coordinator is the Federal Anti-Human Trafficking Task Force, which works with NGOs and government entities.

NGOs have established a number of shelters for victims of trafficking, and the police have adopted the practice of referring suspected victims to these shelters.

8. ETHIOPIA’S MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

8.1. Overview

Various government agencies within Ethiopia deal with people trafficking, but they have little funding.

8.2. Responsible Federal Agencies

The Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000 formed the Human Rights Commission.¹⁴⁴ Its powers and duties include to ensure that all citizens, organs of state, political organizations, and other associations, as well as their officials, respect the human rights and freedoms provided by the Constitution, to ensure that laws and government decisions do not contravene those rights, and to investigate and resolve complaints concerning alleged violations of those rights, except for cases before the courts, Federal Houses, or Regional Council.

¹³⁸ *Id.*, article 27.

¹³⁹ *Id.*, article 29.

¹⁴⁰ *Id.*, article 28.

¹⁴¹ *Id.*, article 30.

¹⁴² *Id.*, article 34(2).

¹⁴³ *Id.*, article 36(2).

¹⁴⁴ Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000, available at: <https://www.eisa.org/pdf/eth2000hrc2.pdf>.

The PSTP establishes a National Council and a National Partnership Coalition to promote the purposes of the PSTP, including to formulate policies and directives to prevent and suppress people trafficking and people smuggling.¹⁴⁵

The Federal Police and the Federal Attorney General investigate and enforce offences under the PSTP.¹⁴⁶

An Anti-Trafficking and Smuggling Task Force and a Migration and Human Trafficking Crime team have been established to further the purposes of the PSTP. The Task Force is also the lead coordinator for the national referral mechanism.

The Ministry of Labor and Social Affairs, the National Intelligence and Security Service, the Federal Urban Employment Creation and Food Security Agency, and the Rural Employment Creation and Food Security Agency are given various roles under the PSTP, including to disseminate information to the community and to assist trafficked victims in various ways.¹⁴⁷

8.3. State Level Cooperation

In addition to the federal government, the states are also responsible for crime enforcement, including trafficking in persons. In furtherance of the national referral mechanism and with the support of Expertise France under the Better Migration Management Program, Horn of Africa funded by the European Union, and the German Co-operation, a memorandum of understanding was signed in March 2019. That memorandum is known as the Memorandum of Understanding for the Referral of Victims of Human Trafficking and Vulnerable Migrants in the Amhara Regional State (**MOU**).¹⁴⁸

The purpose of the MOU is to establish a multi-stakeholder, victim-centred system for the identification, protection, rehabilitation, and social inclusion of former victims of trafficking and abuse in migration in the Amhara region. The parties to the MOU are the Amhara Bureau of Labour and Social Affairs; Amhara Attorney General; Amhara Police Commission; Bureau of Technical Vocational Training and Enterprise Development; Bureau of Woman, Children and Youth Affairs; Bureau of Health; Immigration Department (Metema Branch); Agar Ethiopia; Organization for Prevention, Rehabilitation and Integration of Female Street Children; Good Samaritan Association; Timret Le Hiwot; Mahibere Hiwot for Social Development; and International Organization for Migrants, Ethiopia.

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¹⁴⁵ Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No 1178/2020, articles 33 and 35, available at: <https://chilot.me/wp-content/uploads/2020/04/Proclamation-No.-1178-2020-A-PROCLAMATION-TO-PROVIDE-FOR-THE-PREVENTION-AND-SUPPRESSION-OF-TRAFFICKING-IN-PERSONS-AND-THE-SMUGGLING-OF-PERSONS.pdf>.

¹⁴⁶ *Id.*, articles 38 and 41.

¹⁴⁷ *Id.*, articles 40, 39(1), 24(4), and 24(5).

¹⁴⁸ *Ethiopia: Memorandum of Understanding for assistance and protection of victims of human trafficking and vulnerable migrants signed in Amhara*, European Commission, available at: https://ec.europa.eu/trustfundforafrica/all-news-and-stories/ethiopia-memorandum-understanding-assistance-and-protection-victims-human_en.

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