A PROCLAMATION TO PROVIDE FOR THE PREVENTION AND SUPPRESSION OF TRAFFICKING IN PERSON AND SMUGGLING OF MIGRANTS

WHEREAS, it has become necessary to introduce a preventive strategy by designing the legal system as a viable alternative besides to economic and social efforts undertaken to alleviate the problems related to human trafficking especially, women and children’s trafficking, and smuggling of migrants as it is becoming a very serious crime and increasing from time to time, resulting in grave violation of human rights, grief and suffering of citizens;

WHEREAS, realizing that an appropriate protection, support and rehabilitation to the victims are important and provision of special protection, care and assistance to the most vulnerable groups of society with due consideration to their age, gender and special needs is indispensable;

WHEREAS, the Criminal Code and the provisions stipulated in other laws are not adequately tuned with the depth of the problem, and it has become necessary to promulgate law containing grave punishment which enables to pass proportional sentence against criminals;
WHEREAS, trafficking in human being is prohibited as provided under Article 18 (2) of the Constitution of the Federal Democratic Republic of Ethiopia; as Ethiopia is one of the signatories to the United Nations Convention Against Transnational Organized Crimes; as it has also ratified the United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children; and it is found important to promulgate a law consistent with the Constitution and these international instruments;

NOW, THEREFORE, in accordance with Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE
GENERAL

1. Short Title
This Proclamation may be cited as the “Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015”.

2. Definitions
In this Proclamation unless the context otherwise requires:

1/ “human trafficker” or “migrant smuggler” means a person who:

a) by any means, either directly or indirectly, in violation of the law or by his personal initiation, commits or attempts to commit the crimes of Human Trafficking and Smuggling of Migrants;

b) participants as an accomplice in the crimes of Trafficking in Persons and Smuggling of Migrants;
c) organizes other people to participate in the crimes or who provides order for organized criminal group;
d) solicits people from their residence to migrate by providing a promise; or
e) in any way encourages, promotes or intentionally gives assistance for persons organized with common motive for the commission of the crime stipulated in this Proclamation;

living either in the territory of Ethiopia or outside.

2/ “organized criminal group” means a structured group of two or more person 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 stipulated under this Proclamation, in order to obtain, directly or indirectly a financial or other material benefit, and it includes association and groups organized for trafficking;

3/ “transnational crime” means when the commission of the crimes stated under this Proclamation:
a) involves more than one country;
b) is committed under the territory of Ethiopia with its preparation, planning, direction, supervision or funding in another country;
c) in committed in another country with its preparation, planning, direction, supervision or funding in Ethiopia or through another country;
is committed by an organized criminal group engaged in criminal activity in more than one country;

e) is committed under the territory of Ethiopia even another country with its effect in another country or in Ethiopia.

4/ “Exploitation” include the following:
a) benefiting from prostitution of others or other forms of sexual exploitation;

b) labor exploitation, forced labor or servitude;

c) slavery or practices similar to slavery;

d) sexual servitude and enslavement;

e) debt bondage or surrender as pledge for another;

f) removal or taking of organs of the human body;

g) forcefully engaging for begging;

h) engaging children for military service.

5/ “slavery” mean the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

6/ “servitude” means the conditions or the obligations to work or to render services from which the person cannot escape, prevent or alter;

7/ “debt bondage” means the pledging by the debtor of his personal service or labor or those of a person under his control as security or payment for a debt, when the length and nature of service is not clearly defined or when the value of the services as reasonably assessed is not applied towards the liquidation of the debt and resemble trafficking in human;
8/ “smuggling of migrants” means an act immigrating or emigrating individuals, in land, see and air, to country of which the person don’t have nationality, work or residence permit, with direct or indirect intention to procure financial or material benefit;

9/ “diplomatic mission” means as appropriate, the Embassy, permanent mission, consular office and honorary consul established by Ethiopian government in foreign countries or foreign embassies and consular offices hosting in Ethiopia;

10/ “Refugee” means any person who fulfills the criteria’s stipulated under Refugee Proclamation;

11/ “victim” means a person against whom the offence stipulated under this Proclamation has been committed or any person who has sustained harm, including mental and physical injury, emotional suffering, economic loss or substantial violation of basic human rights due to the commission of the crime;

12/ “Region” means any state referred to under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia, and for the purpose of this proclamation, it includes Addis Ababa and Dire Dawa City Administration;

13/ “child” mean any person under the age of 18 years;

14/ “Ministry or Minister” mean, accordingly, the Federal Democratic Republic of Ethiopia Ministry of Justice or Minister of Ministry of Justice;
“police” mean Federal Police or Regional State Police to whom the power of Federal Police is delegated with respect to this Proclamation;

“person” mean any natural or juridical person;

any expression in the masculine gender includes the feminine.

PART TWO

CRIMES OF TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

3. Trafficking in Persons

1/ Any person, for the purpose of exploitation, within the territory or outside of Ethiopia:

   a) at the pretext of domestic or oversees employment or sending to aboard for work or apprenticeship;

   b) by concluding adoption agreement or at the pretext of adoption; or

   c) for any other purpose;

using threat or force or other means of coercion, abduction, fraud, deception, promise, abuse of power or by using the vulnerability of a person or recruits, transports, transfer harbors or receives any person by giving or receiving of payments or benefits to achieve the consent of a person having control over another person shall be punishable with rigorous imprisonment from 15 years to 25 years and with fine from 150,000 to 300,000 Birr.

2/ Where the crime stipulated under sub-article (1) of this Article:

   a) is committed against child, women or anyone with mental or physical impairment;
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<td>a)</td>
<td>resulted in physical or psychological harm on the victim;</td>
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<td>b)</td>
<td>is committed by using drugs, medicine or weapons as a means;</td>
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<td>c)</td>
<td>is committed by public official or civil servant in abusing of power; or</td>
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<td>d)</td>
<td>is committed by a person who is parents, brother, sister, a guardian or a person having a power on the victim;</td>
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<td>e)</td>
<td>the punishment shall be rigorous imprisonment not less than 25 years or life imprisonment and with fine from 200,000 to 500,000 Birr.</td>
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3/ The recruitment, transportation, transfer, harboring 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 stipulated under sub article (1) of this article.

4. Assisting and Facilitating Trafficking in Persons
For the purpose of promoting human trafficking, any person who:
1/ permits his house building or other permits in his own name or in his control to be used for human trafficking knowingly or ought to have known;
2/ publishes, stores, disseminates, imports or exports any publication;
3/ manages, runs or finances by organizing any job recruitment agency;
4/ knowingly arrange transportation, transport or facilitate the transportation of victim by land, sea or air;
5/ assist, produce, provide, holds and falsifies any fraudulent or false identity card or travel document or assist to get these documents through illegal means for the benefit of other person; or
6. holds as debt bondage, forcefully snatches, conceals, destroys or causes to destroy the victim’s identity card or travel documents to restrain his right to movement or access to public service;

shall be punished with rigorous imprisonment from 15 years to 25 years and with fine from 150,000 to 300,000 Birr.

5. Crime of Smuggling Migrant

1/ Any person, either directly or indirectly with the intention to procure financial or other material benefit, who causes migrants to cross border, attempts to cross or prepare to cross into or out from the territory of Ethiopia illegally shall be punishable with rigorous imprisonment of 15 years to 20 years and with fine from 150,000 to 300,000 Birr.

2/ If the crime stipulated under sub-article (1) of this Article:

a) is committed against child or women, or any person with mental or physical impairment;

b) causes the victim to suffer a physical or psychological harm;

c) is committed by using drugs, medicine or weapons;

d) is committed by a person who has a similar criminal record; or

e) is committed by public official or civil servant in abusing of power;

the punishment shall be rigorous imprisonment not less than 20 years and with fine from 300,000 to 500,000 Birr.
6. **Aggravated Circumstance**
Where the offence stipulated under Articles 3 and 5 of this Proclamation results in severe bodily injury or death to the victim, where the offender commits the offence as being a member, a leader or coordinator of an organized criminal group or where the crime is committed in large scale, the punishment shall be a life imprisonment or death penalty, depending on the case.

7. **Offences Related to Identity Card or Travel Documents**
Any person who produces, possesses, provides or transfers fraudulent or false identity card or travel documents to smuggle migrants to enter into and escape from the territory of Ethiopia by land, sea or air, shall be punishable with a rigorous imprisonment not less than 10 years and not exceeding 20 years and with a fine from 100,000 to 200,000 Birr.

8. **Assisting Smuggled Migrant to Enter or Stay in the Territory of Ethiopia**
Notwithstanding the provisions of other laws, any person who, knowingly or where he should have known the importance of residence permit, identity card and other travel documents to foreigner to stay or to live in Ethiopia, assists smuggling of migrants to enter in to Ethiopia or assists the smuggled migrants to stay or to live in the territory of Ethiopia, shall be punishable with rigorous imprisonment from 3 to 5 years.

9. **Assistance to Illegal Stay in any Country**
Any person who, in order to obtain directly or indirectly a financial or material benefit, intentionally:

1/ assist, to stay in the territory of Ethiopia, a foreigner who is not a national or have no residence permit by violating the law and without complying with the necessary requirements to live legally or to stay an Ethiopian national elsewhere in other country;
facilitates the smuggling of another person into Ethiopia or to cross the border or to enter into another country by violating law;

agrees to provide, provides or transfers false identity card or travel document, whereby he knows or should have reasonably known or there is a means to know that the document is to be used for the purpose of smuggling of migrants;

shall be punishable with a rigorous imprisonment from 10 years to 15 years and with a fine from 100,000 to 500,000 Birr.

10. Destroying of Evidence and Blocking Testimony

Any person who, intimidates by any means or bribes directly or indirectly, an informant, witness or a potential witness not to testify, to provide false testimony or to conceal an evidence in the process of criminal investigation, prosecution or court proceeding of the crime of trafficking in persons or smuggling of migrants or destroys or conceals an evidence by his own, shall be punishable with rigorous imprisonment from 10 years to 15 years.

11. Concealing Crime and the Suspected Criminal

Any person who conceals the suspected criminal, who is accused of committing the crimes stipulated under this Proclamation, hides a property used or planed for the commission of the crime or conceals the proceed of the crime or the source of the money used for the commission of crime or disguises or fails to report the source or the money, that he should have known the fact that either the source or money is a proceed of crime, shall be punishable with a rigorous imprisonment from 5 years to 10 years, depending on the cases.
12. Failure to Disclose Criminal Acts

Whosoever, with regards to the crimes of Trafficking in Persons and Smuggling of Migrants stated on this Proclamation:

1/ having information about the preparation or evidence that may assist to prevent any harm before its commission, fails to immediately inform or give information or evidence to the police or any other competent authority, unless he adduces force majeure or adequate reason prohibiting disclosure, or gives false evidence shall be punishable with simple imprisonment; or if the possible harm of the criminal act is serious, the punishment shall extend to 5 years of rigorous imprisonment;

2/ having an information or evidence capable to arrest, prosecute or punish a suspect or person ready to commit the crime, fails to immediately inform or give information or evidence to the police or any other competent authority, unless he adduces force majeure or adequate reason prohibiting disclosure, or gives false evidence shall be punishable with a rigorous imprisonment not less than 5 years and not exceeding 10 years and a fine of 10,000 to 50,000 Birr.

13. Criminal Liability of Legal Persons

1/ Notwithstanding Article 90 (1), (3) and (4) of the Criminal Code of the Federal Democratic Republic of Ethiopia, where any offence stipulated under this Part is committed by a direct or indirect participation of juridical person, or the crime is committed in cooperation with organized criminal group or through an illegal association or juridical person established for trafficking or smuggling:
α) the penalty shall be fine from 1,000,000
Birr to 5,000,000 Birr, where the crime is
punishable with fine;

β) when the penalty provided for is
imprisonment, the penalty shall be:

1) a fine not exceeding 500,000 Birr
for a crime punishable with not
exceeding 5 years rigorous
imprisonment;

2) a fine from 500,000 Birr to
1,000,000 Birr for a crime
punishable with not exceeding 10
years rigorous imprisonment;

3) a fine from 1,000,000 Birr to
1,500,000 Birr for a crime
punishable with not exceeding 15
years rigorous imprisonment;

4) a fine not less than 2,500,000 Birr
up to the maximum penalty
stipulated under sub-article (1) of
this Article when the crime is
punishable up to 25 years of
rigorous imprisonment and above.

c) in addition to the penalty stipulated under
paragraph (a) and (b) of this Article, the
juridical person or association shall be
dissolved and its property or asset shall be
confiscated.

2/ The penalty stipulated under sub-article (1) of
this Article shall not relieve the criminal
liability of the owner or manager of the
juridical person or association or the employee
participated in the offence on behalf or for the
benefit of the juridical person or association.

3/ When a private employment agency engages
in employment exchange service send any
Ethiopian national abroad for work, while its
license is suspended, cancelled or having a
licenses but commits or directly or indirectly
aids to commit the crimes, in any manner, stipulated in this Proclamation, the punishments specified under sub-articles (1) and (2) of this Article shall apply.

14. Consent of the Victim
1/ Notwithstanding to the consent of the victim, for the aim of exploitation, if the consent is secured through a means of threat, coercion, other form of coercion, abduction, fraud, deception, abuse of power or by using the vulnerability or by giving or receiving bribe or benefits to achieve the consent of a person having control over another person, the criminal liability of the human trafficker or migrant smuggler shall not be relieved.

2/ In cases of trafficking of child or smuggling of child from and into Ethiopia, the consent given by any child or his guardian shall be unacceptable.

PART THREE
PREVENTION, INVESTIGATION AND OTHER PROCEDURAL PROVISIONS

15. General
1/ Prevention, investigation, prosecution, adjudication and evidence collection process of the crime of human trafficking and smuggling of migrants shall be conducted in accordance with the provisions of this Part.

2/ Without prejudice the provisions of this Part, the provisions of the General Part of the Criminal Code, the provisions of Criminal Procedure Code and other relevant laws shall be applicable with respect to the matters not covered in this Proclamation.
16. Duty to Report

1/ Any person who knows the commission or the preparation for the commission of any of the crime stipulated under this Proclamation shall have the duty to notify the police, any other relevant authority or local administrative organ; and shall have duty to take appropriate measure allowed by law.

2/ Any person, who knows that any member of his family is absent due to causes related to the crimes stipulated in this Proclamation or at any other pretext related to crimes stipulated in this Proclamation, shall have a duty to notify same immediately.

17. Protection of Exposed Persons

1/ Where there are reasonable suspicions to believe that a crime of human trafficking and smuggling of migrant has been, is being or likely to be committed and with the view to protect victims, the police may:

   a) take an appropriate measure by searching any house, vehicle, ship or air planes;

   b) conduct proper search in any areas or borders of the country to rescue victims, who are being trafficked or crossing border, and transporting them to care centers;

   c) order any governmental and non-governmental medical facility so as to avail proper medical treatment to victims who suffer serious injury.

2/ Any concerned person has the duty to respect and observe order given or any measure taken by the police under sub-article (1) of this Article.
Applying Special Investigation Techniques

1/ Where there are reasonable suspicions to believe that a crime of human trafficking and smuggling of migrants has been, is being or is likely to be committed, the police may:

a) infiltrate the suspected criminals, criminal groups or organizations;

b) conduct surveillance against the suspects;

c) intercept private communication of the suspects by court order;

d) create simulated legal relationship;

e) respecting human rights, use appropriate special investigative technique;

...to collect evidence proving the crime.

2/ Notwithstanding the provision of paragraph (c) sub-article (1) of this Article, where there is a compelling condition and otherwise than intercepting the communication of the suspects, the police may intercept the communication of the suspect by the order of the Minister; provided, however, that the condition and other evidences opt or initial grounds for interception of communication without court order, shall, in writing within 72 hours, be submitted to and approved by the president of the Federal High Court.

3/ An investigator or police who infiltrates the suspects pursuant to paragraph (a) of sub-article (1) of this Article shall have an immunity from prosecution, unless the police or the investigator causes death on the victim or commits rape. He shall need to sign an agreement, prior to the commencement of his duty, with the Ministry on the list of crimes from which he is immune.
19. **Prohibition of Using a Special Privilege**

1/ Any person can not avail a special privilege regarding the duty to inform, provide information and evidence regarding the crimes stipulated under this Proclamation; failure to comply with his duty shall entail criminal liability pursuant to this Proclamation or any other appropriate law.

2/ Notwithstanding to sub article (1) of this article, any person having immunity shall not be sued before the immunity is lifted in accordance with appropriate law.

20. **Arrest and Detention**

Without prejudice the provisions stipulated in other laws:

1/ police may arrest the suspects in accordance with the provisions of the Criminal Procedure Code, if he has reasonable suspicion that the crimes of trafficking in persons, and smuggling of migrants has been, is being or likely to be committed;

2/ where the investigation on the person arrested pursuant to sub-article (1) of this Article is not completed, court may grant remand in accordance with the provisions of the Criminal Procedure Code; provided, however, that the overall remand period may not exceed four months.

21. **Burden of Proof**

1/ Public prosecutor shall have the burden of proof of criminal cases brought to the attention of court upon violation of the Criminal Provisions of this Proclamation.
2/ Notwithstanding the provisions of sub-article (1) of this Article, upon proof of fundamental facts of the cases, for crimes stipulated under Article 3, 4, 5, 6, 10 and 11 by the public prosecutor, the court, when necessary, may shift the burden of proofing to the defendant.

22. **Relationship in Good faith**

1/ Any property, money or anything transferred to third parties on the basis contract or any other legal relationship with good faith, if used for the commission of crimes stipulated in this Proclamation, it shall not be confiscated.

2/ A leaser who creates contractual relationship in good faith shall have duty to perform appropriate acts so as to have knowledge for any liabilities arising from the contact.

23. **Suspects Immunity from Prosecution**

1/ Any person who involves in the crimes of trafficking in persons or smuggling of migrants and who, before the case is taken to the court, provides substantial evidence as to the offence and other suspects, may be fully or partially set free from prosecution upon the decision given by the Minister.

2/ Notwithstanding the provisions of sub-article (1) of this Article, when the victim dies, his organ is removed or if he is exposed to incurable disease, the suspect shall not be set free from prosecution; provided however, that depending on his participation and the usefulness of the evidence provided, his punishment shall be reduced.
3/ For the implementation of this Article
“Substantial Evidence” means the evidence:
a) is sufficient to bring conviction otherwise than other evidences;
b) Serves as a basis to find out other suspects or to lead to other evidences; or
c) Corroborating other evidences, sufficient to bring conviction and in its absence, conviction is unlikely.

24. Jurisdiction
1/ The Federal First Instance Court shall have first instance jurisdiction over offences stipulated under this Proclamation.

2/ The judicial jurisdictions stipulated under Article 13 and Article 17 (1) (b) of the Criminal Code of the Federal Democratic Republic of Ethiopia shall include crimes of trafficking in persons and smuggling of migrants.

25. Inapplicability of Statute of Limitation
The prosecution or execution of sentence of a person who commits crimes stipulated under Article 3 and 5 of this Proclamation shall not be barred by statute of limitation.

PART FOUR
PROTECTION, REHABILITATION AND COMPENSATION FOR VICTIMS

26. Identification and Rescue of Victims
1/ The Government shall put in place necessary working procedures to identify, rescue, repatriate and rehabilitate victims in partnership with other foreign diplomatic missions, concerned government and non-government organizations and other supportive mass organization, the details of which shall be specified by law.
2/ Without prejudice to the provisions of other laws:
   a) victims shall be provided with information on the nature of protection, assistance and support as well as information on any legal proceedings related to them;
   b) victims shall be accorded the available health and social services, medical care, counselling and psychological assistance, with care, on a confidential basis and with full respect of privacy.

3/ Organs responsible to investigate, prosecute, adjudicate criminal cases stipulated under this Proclamation shall, taking into account the condition, refer the victim to appropriate organizations and institutions for assistance and support.

4/ The victims while staying at temporary shelter shall, in no case, be kept in police stations, detention centres or prisons; and unless victims are required for testimony in the judicial process, they shall not stay in temporary shelter for a period exceeding three months.

5/ Any person who is not a national shall not stay, either in the temporary shelter or in Ethiopia for more than one month, unless he is required for testimony in the judicial process, or his cases treated in accordance with other relevant laws.

27. Repatriation of Victims
Any Ethiopian, found outside of Ethiopia, who is a victim of trafficking in persons and smuggling of migrants:
   1/ the Ministry of Foreign Affairs shall, in cooperation with the concerned Ethiopian
Embassy, the Ministry of Labour and Social Affairs, international organizations and, if necessary, with other appropriate domestic organizations initiate the process to return the person in to Ethiopia;

2/ If Ethiopian embassy hosting there or working nearby victim of human trafficking or a smuggled migrant of Ethiopian citizen arrested or detained in a foreign country have knowledge of this occurrence he shall in collaboration with appropriate organs initiate the process to rescue, release and return of the victim to Ethiopian.

3/ if any victim of human trafficking or a smuggled migrant is compelled to stay in a foreign country for any case, the Ethiopian diplomatic mission shall take measures to provide him with legal counselling or assistance; and the Embassy hosting there or working nearby shall follow up handling of the victim and status of the case and periodically report to the Ministry of Foreign Affairs.

28. Repatriation of Foreign Nationals to their Country

1/ Any foreign national who is victim and found in Ethiopia shall be fully entitled to the protections mentioned under Article 26 (2), (3) and (4) of this Proclamation, and he shall be provided temporary resident permit, as the case may be.

2/ Any foreign national who is victim of trafficking in persons and smuggling of migrants shall not be criminally liable on his illegal entry into Ethiopian territory.

3/ When a foreign national has been identified as an important witness and if he is willing to testify, in accordance with a relevant law, he
shall be accorded temporary resident permit, until such time as the proceeding of the court is completed, and his human rights shall be respected adequately.

4/ Without prejudice to the provisions of other laws regarding visa, travel documents and other conditions, when any victim, who is foreign national, is identified in Ethiopian territory, the Ministry of Foreign Affairs in collaboration with relevant authorities and concerned diplomatic mission, shall take appropriate measures to repatriate the victim to the country of origin.

29. Protection of Witness and Victim
Without prejudice to different rights stipulated in other laws with respect to victims, any witness, who is a victim of crime of trafficking in persons and smuggling of migrants, shall be entitled with the protections stipulated under Witness and Whistleblowers Protection Proclamation no. 699/2010.

30. Immunity from Criminal Liability
Any person victim of trafficking in persons or smuggling of migrants shall not be legally prosecuted on the facts of being a victim of the crime.

31. Compensation
1/ The court may decide against the convicted person, in addition to imprisonment and fine, to pay compensation for the victim or to persons or organization who incurred cost in the name of the victim.

2/ The amount of compensation to be paid under sub-article (1) of this Article shall, enable to set off medical, transport, moral damage, any other costs or losses incurred as a direct result of the crime and other appropriate expenses; provided, however, in any case, the compensation shall not be less than the
amount paid, or to be paid to the human trafficker or migrant smuggler, loss incurred by the victim because of the crime or the benefit obtained by the human trafficker or migrant smuggler.

3/ When the victim cannot get compensation under sub-articles (1) and (2) of this Article, an Ethiopian national can claim a reimbursement payment and shall be paid from the Fund.

**PART FIVE**

**ESTABLISHMENT OF FUND**

32. **Establishment**

A fund to prevent, control and rehabilitate victims of crime of trafficking in human and smuggling of migrants (hereinafter called the “Fund”) is hereby established by this Proclamation.

33. **Sources of Income**

The source of income of the Fund shall be budget allocated by Government, proceeds of sale of properties confiscated or fines imposed as per this Proclamation, voluntary contribution from individuals, governmental organisations, the private sector and charities and societies, grants from different international organization and donors and other financial sources approved by Ministry of Finance and Economy Development.

34. **Objective**

The main objective of establishment of the Fund includes the following:

1/ to assist the provision of material support for victims;

2/ to support provision of professional training to victims;

3/ to cover the expense of relief, rehabilitation, reintegration of victims with their families and community; and
4/ to support the construction of temporary shelters and other needs.

35. Management of the Fund
The management and procedure of the fund and the accountability of the organ which administers it shall be determined by council of ministers regulation.

36. Beneficiaries of the Fund
Victims of Ethiopian nationals shall benefit from the Fund established in accordance with this Proclamation; provided; however, the Government shall determine the conditions under which foreign nationals may benefit from the Fund.

37. Books of Accounts and Audit
1/ The books of account and other financial records of the Fund shall be audited annually by the Auditor General or by the auditor assigned by him.

2/ The organ which administers the fund shall have the duty to submit the audit report, to the body to whom it is accountable for, within four months following the end of the budget year.

38. Budget Year
The budget year of the Fund shall be the fiscal year of the Government.

PART SIX
STAKEHOLDERS COOPERATION

39. Establishment of National Committee
1/ A national committee, for better coordination of activities designed for victims protection, assistance and rehabilitation, for advising in policy, plans and implementation framework formulations process, to accommodate the interest of victims and for combating the crime of human trafficking and smuggling of migrants; provide with, its basic role to introduce the social impact of the crime and its adverse effect on country’s image into the educational curriculum and to maintain the
interest of various social segments and structures shall be established.

2/ The national committee will be lead by the Deputy Prime Minister, and incorporates Ministry of Justice, Ministry of Foreign Affairs, Ministry of Federal Affairs, Ministry of Labor and Social Affairs, Ministry of Women, Children and Youth Affairs, Ministry of Education, Regional States, other governmental organizations, religious institutions, charities and societies, various structures and other respective organizations.

3/ The national committee shall be accountable to the Prime Minister and shall be responsible to lead and coordinate all efforts designed to prevent, counter and rehabilitate the victims at the national level.

4/ Without prejudice to sub-article (2) of this Article, the structure, assignment, power and duties of the national committee and the responsibilities of other institutions shall be determined by a Regulation to be issued by the Council of Ministers.

40. Establishment of Task Force

1/ Anti Human trafficking and Smuggling of migrants Task Force (hereinafter called “task force”), which is accountable to the national committee aimed at supporting efforts intended to rehabilitation of victims, prevention and control of crimes of human trafficking and migrant smuggling is established.
2/ The task force will be led by the Minister of Ministry of Justice and it consists of:
   a/ Ministry of Foreign Affairs, Ministry of Labor and Social Affairs, Ministry of Women, Children and Youth Affairs, Ministry of Education and National security and intelligence service;
   b/ Ethiopian Federal police commission, Charities and societies agency;
   c/ a representative assigned by the Minister; and
   d/ Other individuals assigned by the Chair person of the national committee.

3/ The task force shall:
   a/ Design policies, strategies, action plans and measures that enables the protection and assistance of victims in collaboration with appropriate government organs, aid partners, and when necessary, with international organizations and implement them upon approval by the national committee;

   b/ Design the National plan of action for the prevention and control of the crime and obtain approval of it from the national committee, supervise its implementation and submit reports periodically;

   c/ In collaboration with pertinent stakeholders, take appropriate actions for the rehabilitation, assistance and reintegration of victims with the society; and

   d/ perform other activities assigned by the national committee.

41. Responsibility of the Ministry of Justice
Ministry of Justice shall:
1/ in collaboration with relevant governmental and nongovernmental organizations, shall design an action plan and cause to develop
broachers, modules, dramatic scenes, and other educational methodologies containing:

a) the recruitment mechanisms of human traffickers and migrant smugglers, means and types of exploitations and other staying mechanisms, the role of law enforcement institutions and other information and support providing institutions;

b) the rights of victims, laws regarding the protection, care and repatriation of Ethiopian nationals who are victims, the role of different organizations, law enforcements and others;

c) the means of minimizing driving forces of victims for such crimes especially about women and children; and

d) best practices used for combating the crime;

and broadcast to public at large through mass medias and other communication means with the costs to be covered from the Fund.

2/ The action plans and measures referred in sub article (1) of this article should include means to access the rural population, provided that, the task force will supervise the implementation.
42. **Responsibility of the Ministry of Foreign Affairs**

Without prejudice to the powers and duties stipulated for different organizations in other laws, the Ministry of Foreign Affairs:

1/ in cooperation with National Intelligence and Security Service and other relevant organs, shall collect and disseminate data’s of the list of victims of the crime, the country and the conditions under which they are found and other necessary information’s;

2/ shall conduct assessment on trafficking of human and smuggling of migrants and the level of risks of different countries and communicate in different mechanisms to victims and migrants of Ethiopian nationals who reside in other counties;

3/ shall support the establishment of Ethiopian community in the destination countries where crime of trafficking of human and smuggling of migrants found and support the community members to maintain their rights and benefits.

43. **Responsibility of the Police**

1/ Police shall collaborate with Ministry of Justice, National Security and Intelligence Service, Ministry of Labor and Social Affairs and other relevant stakeholders on the areas of investigation, information exchange and capacity building for prevention and suppression of crime stipulated in this Proclamation;

2/ Police may cooperate with internal and similar institutions of other countries, for the identification of victims, the properties used for, the documents and other necessary
information’s network and techniques of organized criminal groups.

PART SEVEN
Miscellaneous Provisions

44. International Cooperation

1/ The Ministry of Justice, when necessary in collaboration with Ministry of Foreign Affairs, shall cooperate with the competent authority of another country in matters concerning trafficking in person and smuggling of migrants, including the exchange of information, joint investigations, extradition and other legal cooperation in accordance with this Proclamation, agreements to which Ethiopia is a party and within the limits of the country’s legal system; and serves as a central authority.

2/ The Ministry of Justice, as appropriate, may sign different international legal cooperation framework agreements with other countries to prevent the crime and to bring suspected offenders before law.

3/ For the implementation of this Proclamation, Police may exchange information based on principle of reciprocity with institutions of another country having similar mission, perform joint cooperation in other forms or sign memorandum of agreement with institutions of another country, when necessary.

4/ The non-conclusion of agreements specified in this Article, shall not preclude the Government from taking administrative measures in relation to the making and receiving requests of joint legal cooperation and assistance.

5/ Any information or evidence obtained pursuant to this Article shall only apply for the
45. **Confiscation of Property**

1/ Without prejudice to Article 13 and 22 of this Proclamation, the court, in addition to the sentence imposed, may pass additional order for the confiscation of any property which is a proceeds of crime.

2/ Without prejudice to the provision of sub article (1) of this Article, the crime of trafficking in human and smuggling of migrants shall be a predicate offense and Article 35 of the Anti-Money Laundering and Countering Financing of Terrorism Proclamation No. 780/2013 shall be applicable with respect to the confiscation of proceeds of crime.

46. **Other Crimes**

Where any person or public official or civil servants commit crime other than those provided for under this Proclamation, the concurrent criminal liability shall be maintained.

47. **Delegation**

For the implementation of this Proclamation Without prejudice to the delegation given to regional courts according to the constitution, the powers of Ministry or Federal Police on the crime may be delegated to the regional justice bureau or to the regional police.
48. **Inapplicable Laws**

1/ under this Proclamation, Article 243, 596, 597, 598, 599 and 635 of the Criminal Code of the Federal Democratic Republic of Ethiopia are inapplicable.

2/ No law, regulation, directive or practice shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

49. **Power to issue Regulation**

The Council of Ministers may issue regulations to implement this Proclamation.

50. **Effective Date**

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa this 17th day of August 2015.

MULATU TESHOME (Dr.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA