**Ethiopia**

ECPAT International has developed [a legal checklist](https://ecpat.org/wp-content/uploads/2021/09/SECTT-Checklist_ENG-1.pdf) for governments providing guidance for legal interventions and measures to adopt in order to improve their national legal frameworks. This will help to effectively address the crime of sexual exploitation of children in travel and tourism, including its online elements.

The legal checklist was developed based on the recommendations of the first [Global Study](https://ecpat.org/wp-content/uploads/2021/08/Global-Report-Offenders-on-the-Move.pdf) on sexual exploitation of children in the context of travel and tourism. Following the development of this legal checklist, ECPAT International conducted country legal analysis for Ethiopia and other countries in Africa, as well as Southeast Asia, Asia and the Americas.

The country analysis serves as a baseline to indicate and track the implementation status of the legal interventions within and across the four regions. It provides governments with clear directions for improving their actions with respect to child protection against sexual exploitation in the context of travel and tourism, including its online elements.

The table below allows easy assessment of existing legislation against the 24 measures of the legal checklist. It will be updated as the laws and policies change. An [explanatory note](https://ecpat.org/wp-content/uploads/2021/08/SECTT-Checklist_ENG_Explanatory-note.pdf) and an [assessment matrix](https://ecpat.org/wp-content/uploads/2021/09/Assesment-Matrix_2021SEP_ENG_v2.pdf) can be consulted for further reference.

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|  | Recommendations | Implemented | Legislation |
| 1. | Establish by law **extra-territorial jurisdiction**, within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment. | Partially | Article 18 of the Criminal Code establishes that the law shall apply to any person who has committed a  crime outside Ethiopia against an Ethiopian national (passive extraterritorial jurisdiction) or to any Ethiopian national who has committed outside Ethiopia a crime (active extraterritorial jurisdiction) under two requirements: “*(a) the act to be tried is prohibited by the law of the State where it was committed and by Ethiopian law; and (b) it is of sufficient gravity under the latter law to justify extradition”*.  The law specifies that in the case the crime is committed outside Ethiopia by a foreign national, the criminal shall, save as otherwise expressly provided and failing extradition, be prosecuted and tried only if the crime is punishable under Ethiopian law with death or with rigorous imprisonment for not less than ten years.  However, regarding SEC-related offences, this provision only applies for the trafficking for sexual exploitation of children as it is punished with rigorous imprisonment from ten years to twenty years (Article 3 and 4 of the Proclamation No.1178/2020).  Additionally, article 17 of the Criminal Code criminalises any person who has committed outside Ethiopia a crime against international law or an international crime specified in the Ethiopian legislation, or an international treaty or a convention to which Ethiopia has adhered and a crime against public health or, morals including: trafficking for prostitution (articles 635 and 636), acts that involve “obscene or grossly indecent” material (article 640) and the organisation of pornographic performances (article 641).  It is not specified whether these provisions apply to crimes committed online. |
| 2. | Include in extradition treaties the sexual exploitation of children as **extraditable offences** and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender. | Partially | Article 21 of the Criminal Code stipulates that foreigners can be extradited in accordance with the law, the treaties or international custom and if the offence is not committed against the Ethiopian State (article 13). Additionally, the Criminal Code prohibits the extradition of Ethiopian nationals who commit a crime, as they shall be tried by Ethiopian courts under Ethiopian law.  This last provision is a limitation as for example Ethiopian laws fail to criminalise SECTT. |
| 3. | Do NOT require the principle of **double criminality** for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children. | No | The principle of double criminality applies in cases of extra-territorial jurisdiction for sexual offences against children, as indicated by articles 17 and 18 of the Criminal Code (mentioned in point no.1).  The national law doesn’t provide detailed information about the application of the double criminality requirement in case of extradition for sexual offences against children. It is therefore necessary to refer to each international treaty to which Ethiopia is a party. |
| 4. | Abolish **statutory limitations** for the prosecution of ALL offences of sexual exploitation of children. | No | Article 217 of the Criminal Code establishes the statutory limitations as follow:   * Twenty years for crimes punishable with rigorous imprisonment exceeding ten years but not exceeding twenty-five years; * Fifteen years for crimes punishable with rigorous imprisonment exceeding five years but not exceeding ten years; * Ten years for crimes punishable with rigorous imprisonment not exceeding five years; and * Five years for crimes punishable with simple imprisonment exceeding one year.   Regarding SEC-related crimes punishment goes from twenty years to not less than 1 year of imprisonment. |
| 5. | Set up **conditions for any travel** by persons convicted of sexual exploitation of children. | No | Article 5 of the Immigration Proclamation prohibits the entry of foreigners on the national territory if the person is found to be a notorious criminal.  Article 7 states that any person may only be prohibited not to depart from Ethiopia by an order of a court given in accordance with the law.  Those two provisions are not explicit enough to determine if foreigners convicted of sexual exploitation of children would be denied entry or leave of the territory. |
| 6. | Ensure **consistency in the definition of a ‘child’** as anyone under the age of 18 for all crimes of sexual exploitation, regardless of the age of sexual consent. | Yes | Article 198 of the Civil Code uses the term ‘minors’ to define “*a person of either sex who has not attained the full age of eighteen years*”.  The Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation (Proclamation No.1178/2020) defines a child as any person under eighteen years old.  Article 640 of the Criminal Code criminalises whoever makes, imports or exports, transports, receives, possesses, displays in public, offers for sale or hires, distributes or circulates writings, images, posters, films or other objects which are obscene or grossly indecent, and knowingly exhibits, hands over or delivers such objects to a minor or for this purpose displays a simulation of sexual intercourse by minors or exhibits their genitals.  Article 635 of the Criminal Code criminalises whoever for gain, or to gratify the passions of another, traffics in minors by procuring them to engage in prostitution.  Article 636 of the Criminal Code punishes cases of professional procuring or trafficking minors.  Article 12 of the Computer Crime Proclamation criminalises whoever: “*intentionally produces, transmits, sales, distributes, makes available or possesses without authorization any picture, poster, video or image through a computer system that depicts: a) a minor engaged in sexually explicit conduct; or b) a person appearing to be a minor engaged in sexually explicit conduct*”.  Articles 3 and 4 of the Proclamation No.1178/2020 criminalise trafficking for the purposes of sexual exploitation of children. |
| 7. | Ensure that the **age of sexual consent** for both males and females is 18 and a close in age exemption (up to 3 years) is provided for consensual sexual relationships between adolescents in order to allow voluntary, well-informed and mutual sexual contact between close in age peers and to prevent criminalization of young people in willing sexual relationships. | Partially | The Ethiopian Criminal Code (Articles 626 and 627) establishes the age of sexual consent at 18 years by declaring that the performance of sexual intercourse with children under 13 years and children between the ages of 13 to 18 constitutes the offences of sexual outrage on infants and minors respectively, irrespective of consent on the part of the victim. Higher penalties are provided if the victim is under the age of 13, if the offender is a man and the victim is a girl, or if the offender is in a position of power. The Criminal Code does not provide a close-in-age exemption, |
| 8. | Have a law or regulation establishing a **mechanism for centrally registering sex offenders** that has been implemented/setup. | No |  |
| 9. | Establish **bail conditions** that prohibit individual accused of sexual offences against children from traveling outside of the country. | Partially | Article 63 of the Criminal Procedure Code defines the application of a bail. A person arrested may be released on bail when the sentence is less than fifteen years of imprisonment.  Article 67 establishes that bail is not allowed when:   * *“the applicant is of such nature that it is unlikely, that he will comply with the conditions laid down in the bail bond;* * *the applicant, if set at liberty, is likely to commit other offences;* * *the applicant is likely to interfere with witnesses or tamper with the evidence”*.   Regarding SEC-related offences, only the trafficking for sexual exploitation of children criminalised by articles 3 and 4 of the Proclamation No.1178/2020 with rigorous imprisonment from ten years to twenty years could be a non-bailable offence as the sentence could be more than fifteen years of imprisonment. |
| 10. | Provide in law that the **mere attempt** to commit a crime of sexual exploitation of children is criminalised. | Yes | The attempt of committing any of SEC crimes mentioned below is criminalised according to the article 27 of the Criminal Code with the same punishment attached to the crime offenders intended to commit.  Article 635 of the Criminal Code criminalises with rigorous imprisonment not exceeding five years, and a fine not exceeding ten thousand Birr, whoever for gain, or to gratify the passions of another, traffics in women or minors, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent.  Article 636 of the Criminal Code punishes with rigorous imprisonment from three years to ten years and a fine of maximum twenty thousand Birr, cases of professional procuring or traffic in minors.  Article 637 of the Criminal Code criminalises whoever makes arrangements or provisions of any kind for the procurement of or traffic in women or minors, with rigorous imprisonment not exceeding three years, and a fine which shall be not less than five hundred Birr in grave cases.  Article 640 of the Criminal Code criminalises with simple imprisonment for not less than one year whoever makes, imports or exports, transports, receives, possesses, displays in public, offers for sale or hires, distributes or circulates writings, images, posters, films or other objects which are obscene or grossly indecent, and knowingly exhibits, hands over or delivers such objects to a minor or for this purpose displays a simulation of sexual intercourse by minors or exhibits their genitals.  Article 12 of the Computer Crime Proclamation criminalises with rigorous imprisonment from three years to ten years whoever: “*intentionally produces, transmits, sales, distributes, makes available or possesses without authorization any picture, poster, video or image through a computer system that depicts: a) a minor engaged in sexually explicit conduct; or b) a person appearing to be a minor engaged in sexually explicit conduct*”.  Article 16 of the Computer Crime Proclamation establishes the liability of the service providers (as defined by article 2) for any illegal computer content data disseminated through its computer systems by third parties, if it has:  *“1/ directly involved in the dissemination or edition of the content data;  2/ upon obtaining actual knowledge that the content data is illegal, failed to take any measure to remove or to disable access to the content data; or  3/ failed to take appropriate measure to remove or to disable access to the content data upon obtaining notice from competent administrative authoritie*s”.  Articles 3 and 4 of the Proclamation No.1178/2020 criminalise trafficking for the purposes of sexual exploitation of children with rigorous imprisonment from ten years to twenty years and a fine from thirty thousand to one hundred thousand Birr. |
| 11. | Impose more severe sentences for **reoffending** in case of sexual exploitation against children, e.g. by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country. | Partially | Recidivism is defined as an aggravating circumstance, (Article 67 of the Criminal Code) when an intentional crime the minimum penalty of which is six months of simple imprisonment, has been committed within  five years of serving a sentence of imprisonment.  Although more severe sentences are applied for recidivists, the inclusion of a five-years limitation period is a barrier. Furthermore, the national legislation doesn’t specify if the provisions also apply for crimes committed abroad. |
| 12. | Provide for **mandatory reporting** for particular professions that have likelihood to have contact with kids who might disclose. | No | Article 11 of the Criminal Procedure Code establishes that any person has the right to report any offence, whether or not they have witnessed its commission. Article 12 stipulates that an anonymous complaint is sufficient to open an investigation.  No SEC-related offences are associated with mandatory reporting under the Criminal Code or the Criminal Procedure Code.  Article 13 of the Proclamation No.1178/2020 punishes with not less than three months simple imprisonment whosoever without justifiable cause fails to report immediately to the police or appropriate law enforcement organ any act criminalised under this proclamation. Where the act is grave the punishment shall be rigorous imprisonment from one year to five years.  Article 27 of the Computer Crime Proclamation establishes an obligation to report for a service provider or government organ who has knowledge of the commission of the crimes. |
| 13. | Establish obligatory government-regulated child protection standards for the tourism industry for example, attach responsibility to an appropriate regulatory authority and/or implement industry specific **national codes for child protection** as a legal requirement for the travel and tourism industry to operate. | No |  |
| 14. | Ensure the liability of travel and tourism businesses (in operations and supply chains) for criminal conduct including:   * Organising travel arrangements or transportation that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities; * Procuring, aiding or abetting the exploitative sexual conduct with a child; * Advertising or promoting sexual exploitation of children; * Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business. | No | Although there are no specific laws ensuring the liability of the private travel and tourism sector for SECTT, some provisions exist within the national legislation to ensure the liability of legal entities and the withdrawal of licences.  Article 142 of the Criminal Code establishes that in case of a grave or repeated crime the Court can order the withdrawal of an official license entitling to carry out any profession or activity for a period of from one month to one year and in case of recidivism of juridical persons of a particularly grave danger, the license that authorises the activity or profession that they carry out may be revoked for good.  The Criminal Code also regulates the criminal liability of juridical persons who take part in the offences regulated in it (article 645), as does the Computer Crime Proclamation in its article 20. |
| 15. | Criminalise the **grooming of children for sexual purposes** (often called ‘solicitation’ in law) including through Internet and other communication technologies to facilitate either online or offline sexual exploitation. | Partially | The Computer Crime Proclamation, article 12(2), punishes whosoever entices or solicits a minor for sexual explicit conduct by transmitting or sending erotic speeches, pictures, text messages or videos through computer system (as defined in Article 2) shall be punishable with rigorous imprisonment from five years to ten years. |
| 16. | Establish legislation requiring for a **criminal background check** for every person (national or non-national) applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children. | No | Article 123 of the Criminal Code establishes the possibility of depriving convicted persons of their right to exercise a profession when the nature of the crime and the circumstances under which the crime was committed justify such an order.  The national law doesn’t provide enough detailed information on the application of this provision.  In addition, this provision is not enough to ensure that every national or non-national applying for work with or for children or who is currently working with or for children will have their criminal background checked. |
| 17. | Regulate and monitor the use of volunteers (including in **‘voluntourism’**) in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care. | No |  |
| 18. | Ratify and implement relevant **regional and international instruments** related to child’s rights and sexual exploitation of children. | Partially | * Convention on the Rights of the Child - Ratified in 1991 * Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - Ratified in 2014 * Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure - Not Ratified * ILO Convention on the Worst Forms of Child Labour (No. 182) - Ratified in 2003 * UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children - Ratified in 2012 * The United Nations’ World Tourism Organisation’s (UNWTO) Framework Convention on Tourism Ethics - Not ratified * Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) - Not Ratified * Council of Europe Convention on Cybercrime (Budapest Convention) - Not Ratified * African Union Charter on the Rights and Welfare of the Child - Ratified in 2002 * African Union Convention on Cyber Security and Personal Data Protection - Not Ratified |
| 19. | Establish **protection measures** for child victims at any stage of the legal process against the suspected offender. | No | The Criminal Code and the Criminal Procedure Code don’t include any specific provisions.  Article 24 of the Proclamation No.1178/2020 establishes the right to the child victim to have the right to information on the nature of protection and support to be accorded, and the status of the case during investigation and prosecution.  The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals. |
| 20. | Establish **child-friendly interviewing practices by professionally trained police.** | No |  |
| 21. | Ensure that national legislation provides the **right for child victims to receive support in their recovery and rehabilitation**, including accessing re-integration services. | Partially | The Criminal Code and the Criminal Procedure Code do not include any specific provisions.  Article 24 of the Proclamation No.1178/2020 establishes the right to the child victim to be treated in a manner protective of their privacy and dignity and provided appropriate health, social services, legal and psychological counseling and support, temporary shelter, rehabilitation support and other similar services.  The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals. |
| 22. | Establish a **national reporting mechanism (e.g. hotline)** that coordinates access to services, and helps to overcome reluctance to report sexual exploitation of children. | Partially | Hotlines accessible by phone using the short code 919 are being operated in six out of the 12 regions in Ethiopia, based within regional police offices. These hotlines, which are supported by the Ethiopian government in partnership with United Nations agencies such as UNFPA and UN Women, are not specific for reporting sexual exploitation of children. |
| 23. | Create **data retention and** preservation laws, regulations and procedures, to ensure the retention and preservation of digital evidence and enable cooperation with law enforcement which applies to ISPs, mobile phone companies, digital social media and communication companies, cloud storage companies, based in/operating in national jurisdiction. | Yes | Article 24 of the Computer Crime Proclamation establishes that all service providers shall retain the computer traffic data disseminated through its computer systems or traffic data relating to data processing or communication service for one year. The data shall be kept in secret unless the court orders for disclosure. |
| 24. | Ensure that national legislation provides the **right for all child victims of sexual exploitation to seek compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds. | Yes | The Criminal Procedure Code (article 154) and the Criminal Code (article 101) establish the legal possibility for victims to seek compensation.  Article 26 of the Proclamation No.1178/2020 establishes the possibility for the victim to ask for compensation. A fund for the rehabilitation of victims of crime of trafficking in persons, the smuggling of persons and unlawful sending of persons abroad for work has been established to ensure payment of compensation (article 27).  The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals.  However, it does not seem to be a specific procedure for child victims to apply for compensation. |

**Ethiopia - Legislation**

[Criminal Code](https://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf)

[Civil Code](https://www.wipo.int/edocs/lexdocs/laws/en/et/et020en.pdf)

[Computer Crime Proclamation](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103967/126636/F1922468791/ETH103967.pdf)

[Proclamation No.1178/2020 : Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation](https://hopr.gov.et/documents/20181/94381/A+PROCLAMATION+TO+PROVIDE+FOR+THE+PREVENTION+AND+SUPPRESSION+OF+TRAFFICKING+IN+PERSONS+AND+THE+SMUGGLING+OF+PERSONS/4274c51e-bff7-4f23-b53f-564e73094dba?version=1.0)

[Criminal Procedure Code](https://sherloc.unodc.org/res/cld/document/eth/1961/criminal_procedure_code_of_ethiopia_html/Ethiopia_Criminal-procedure-code.pdf)

[Immigration Proclamation](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/85154/95177/F1585329107/ETH85154.pdf)