



UNODC

United Nations Office on Drugs and Crime

Country Review Report of Ethiopia

Review by Egypt and Greek of Ethiopia implementation of articles 5-14 Chapter II “Preventive Measures” and articles 51-59 of Chapter V “Asset Recovery” of the United Nations Convention against Corruption for the review cycle 2016-2021

I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption was established pursuant to article 63 of the Convention to, inter alia, promote and review the implementation of the Convention.
2. In accordance with article 63, paragraph 7, of the Convention, the Conference established at its third session, held in Doha from 9 to 13 November 2009, the Mechanism for the Review of Implementation of the Convention. The Mechanism was established also pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. The Review Mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention.
4. The review process is based on the terms of reference of the Review Mechanism.

II. Process

5. The following review of the implementation by Federal Democratic Republic of Ethiopia (here in after , Ethiopia) of the Convention is based on the completed response to the comprehensive self-assessment checklist received from Ethiopia , and any supplementary information provided in accordance with paragraph 27 of the terms of reference of the Review Mechanism and the outcome of the constructive dialogue between the governmental experts from Egypt , Greek and Ethiopia , by means of telephone conferences, e-mail exchanges or any further means of direct dialogue in accordance with the terms of reference and involving Mr. Haregot Abreha , Mr Yalemtarik Shimelis , Mr Gezahegn Gashaw , Mr Girma Worku , Mr Aklilu Mulugeta , Mr. Adane Melese , Mr.Yibelu Alemayehu , Mr.Reta Gera (FEAC-UNDP) , Mr. Negash Bonke , Ms. Bethелеhem Taddesse , Commander Tadesse Alemayehu , Mr Nigusse Tefera , Mr Kebede Demisse (Ethiopia) , Mr (Greek) , Mr ----- (Egypt) and The staff member of the secretariat were Ms. Jenifer Sarvary Bradford and Mr .Badr El Banna (UNODC).

IV. Implementation of the Convention

A. Ratification of the Convention

The UN Convention against Corruption has signed at Merida, Mexico on December 9, 2003. Ethiopia has also one of the member states of UN, and signed the Convention on 10 December, 2003. Subsequently ratified it on 26 November 2007. The Convention entered into force in Ethiopia on 26 December 2007. Ethiopia participated in the development of the Convention starting from the drafting stage. When the Commission's establishment and procedural proclamations (Proclamation No. 235/2001 and 236/2001) were drafted, the provisions of the Convention and its overall purpose were taken into consideration. More serious consideration was given to the Convention's provisions during the amendment of the above mentioned proclamations (Proclamation No.433/2005, Proclamation No.434/2005 and Recently the Amended Commission establishment Proclamation No.1236)

Ethiopia made the following reservation upon ratification of the Convention: "ratification by Ethiopia of the said Convention with a reservation on Article 44 of the Convention." Article 9(4) of the Constitution of Ethiopia 1994 provides that "All international agreements ratified by Ethiopia are an integral part of the law of the land." However, on 6 may, 2021, The Ethiopia government has officially notified to all pertinent UN organs that it has withdrawn of its reservation on article 44.

Ethiopia taken the following measures of legislation and related policies to implement the convention:

- Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995.
- Corruption Crimes Proclamation No. 881/2015.
- Revised Federal Ethics and Anti-Corruption Commission Establishment (Amendment) Proclamation No.883/2015
- Revised Federal and Anti-Corruption Commission Establishment (Amendment) Proclamation No.1236/2021
- Revised Anti-Corruption Special Procedure and Rules of Evidence (Amendment) Proclamation No. 882/2015

- Disclosure and Registration of Assets Proclamation No.668 /2010
- Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010
- The Criminal Code of the Federal Democratic Republic of Ethiopia 2004, Proclamation No. 414/2004, Effective date ,9 May 2005
- Federal Civil Servants Proclamation No.1064/ 2017.
- Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013
- Civil Code of Ethiopia, Proclamation No. 165 of 1960
- The Civil Procedure Code Decree, Decree No. 52 of 1965
- Criminal Procedure Code of Ethiopia, Proclamation No.185 of 1961
- Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1263 / 2021
- Federal Courts Proclamation No.1234/ 2021
- Criminal Justice Policy of Ethiopia March 4,2011
- Establishment Proclamations of Regional Ethics and Anti-Corruption Commissions
- Regional Assets Disclosure and Registration Proclamations
- Government and Enterprises Ethics Liaison Units Directive No.20/2021
- Private Sector Ethics liaison Units Directive No.23/2021

B. Legal and Institutional Framework of Ethiopia

Ethiopia has a codified legal system with a primary source of codified law. The sources of law are mainly the Constitution, proclamations, regulations, directives, case laws (federal Supreme Court decisions at a cassation level) and customary laws. One can, therefore, see that the Ethiopian legal system shows features from both the civil law and common law legal systems. For example, codification of laws (main feature of civil law legal systems) and case law (major feature of the common law legal systems) are both characteristics of the Ethiopian legal system.

The Ethiopian Constitution is the supreme law of the land. Article 9 (4) of the Constitution stipulates that all international agreements ratified by Ethiopia are an integral part of the law of the land. According to Articles 51 and 55 of the Constitution, the following matters are reserved for the exclusive competence of the federal government: religion, nationality, money (or currency), foreign affairs, external security, determining the criminal and

financial legislations and national symbols. The House of Federation interprets the Constitution, and other subsidiary laws are interpreted by the judiciary. The Ethiopian judicial system consists of federal and regional branches.

The Prime Minister selects and submits for approval to the House of Peoples' Representatives nominations for posts of the President and Vice-President of the Federal Supreme Court and the Auditor General. The Federal Judicial Administration Commission has the power to select and nominate competent candidates who qualify for judgeship in accordance with Article 8 (Sub article 1) of Proclamation No. 1233/2021. The nominated and eligible candidate's will be approved for appointment by the House of People's Representatives. Regions also follow the same trend within their own sphere.

The current hierarchy of the Ethiopian Courts is as follows: at the federal level, the Federal First Instance Court, High Court and Supreme Court; at a regional level, Wereda (District) Court, Zonal Court and Regional Supreme Court. In addition, the two chartered city administrations have their own City First Instance and Appellate Courts. Regional supreme courts may also serve as Federal High Courts if delegated. Furthermore, customary law cases, mainly in rural areas, are heard by Shimigilina (hearings which have different designations in different places) associated with villages, the traditional chiefs acting as presidents.

One third of the 1995 Constitution provides or incorporates human and democratic rights and freedoms of the individual.

Ethiopia follows federal arrangements of government. In this context, at the federal level, Federal Ethics and Anti-Corruption Commission ("FEACC") is established and all ten regional states have their own and independent Ethics and Anti-corruption Commissions (REACS) which are fully functional. All federal and Regional Ethics and Anti-corruption Commissions have a power of Corruption prevention mandate. Federal and Regional police and Attorney office have a mandate of on Investigation and Prosecution of Corruption respectively. Concerning relevant draft bills, policies and other measures taken by Ethiopia in relation to this convention has stated on each article of the detailed assessment Report of both Prevention and Asset recovery chapters of this Convention.

Please provide a hyperlink to or copy of any available assessments of measures to combat corruption and mechanisms to review the implementation of such measures taken by your country that you wish to share as good practices.

- <https://feaccdars.gov.et>

Please provide the relevant information regarding the preparation of your responses to the self-assessment checklist.

- The management committee of FEACC has decided to establish National technical and stream committee June , 2018 for the second review assessment on chapter 2 and chapter 5 of the commission
- 14 national technical committee comprise of 9 institutions has assigned officially by FEACC on October 9/2019
- National Technical committee members list has officially notified to UNODC on 8 / 3/2019
- National technical committee conducted first draft report meeting on at kereyu hotel , Adama City from February 15-21/2020
- National technical committee conducted 2nd and 3rd discussion sessions on draft report in FEACC hall on march 23 and April 8, 2021
- National technical committee Conducted 4th discussion session on draft report in hillside hotel, Adama city from June 2- 6/ 2021
- National Technical committee conducted 5th discussion session on draft report in FEACC hall from July 29-August 3/2021
- National technical committee conducted civil society workshop forum in FEACC hall to collect input on first draft report on August 12,2021
- National technical committee conducted 6th discussion session on incorporating inputs gathered from civil society workshop and finalising and editing first draft assessment report from August 20-22/2021
- National technical committee Conducted 7th discussion session on finalising first draft report in FEACC hall August 24-27/2021
- National Technical Committee Conducted 8th Discussion session on Reviewing the final draft Report vis-à-vis new government direction or initiatives lunched after the formulation of new government , Capital hotel March 8-12/ 2022
- National Stream Committee Discussion on reviewing The final draft assessment Report , Capital hotel March 14, 2022

Please describe three practices that you consider to be good practices in the implementation of the chapters of the Convention that are under review.

- Establishment of Ethics liaison units both at federal and Regional Government and

private sector institutions including at the lowest local administrative level. The primary objective of the ethics liaison units are preventing corruption and reporting corruption acts to competent authorities and their line of accountability are directly to Ethics and Anti-Corruption Commissions

- Registration of Assets of Federal and Regional public officials (Appointees , Elected Officials and Civil servants)
- Ethiopia has participated civil societies in the UNCAC assessment process. Based on this , it has conducted a civil society workshop for more than 30 Civil Society to discuss , review and provide input on the first draft report before sent to Reviewing states and Secretariat of the convention (UNODC)
- Ethiopia has launched an online Disclosure of Asset Registration system for all public officials and staffs.
- United Nation anti-corruption Convention and other conventions standards are available for public on national languages

Please describe (cite and summarize) the measures/steps, if any, your country needs to take, together with the related time frame, to ensure full compliance with the chapters of the Convention that are under review, and specifically indicate to which articles of the Convention such measures would relate.

C. Implementation of Selected Articles

II. Preventive Measures

Article 5. Preventive anti-corruption policies and practices

Paragraph 1 of article 5

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes in part

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The 1995 FDRE Constitution

To ensure accountability and transparency at the government level, the federal democratic republic of Ethiopia Constitution article 12 under the theme of “Conduct and accountability of Government” stressed that the conduct of the affairs of government shall be transparent, any public official or an elected representative is accountable for any failure in official duties. In case of any loss of confidence the people may recall elected representatives.

In the area of anti-corruption efforts, the revised establishment Proclamation of the Federal Ethics and Anti-Corruption Commission Proclamation No.1236/2021 clearly vested in corruption prevention powers including ensuring transparency and accountability systems in all government institutions.

National Anti-corruption policy and strategy

Based on the above proclamation, Federal Ethics and Anti-Corruption Commission, with the support of UNDP- GDDP program, a National Anti-Corruption policy and strategy has prepared and ready for approval. This document will be used as a binding and comprehensive document used as a reference to National anti-corruption efforts. The policy is expected to be implemented in the next Ethiopian fiscal year of 2014 (2021/2022). Before the preparation of National anti-corruption policy, Ethiopia has taken the following measures in relation to this provision of the convention.

National Anti-Money Laundering and Combating the

Financing of terrorism policy

Based on the national risk assessment conducted in 2016, Ethiopia has launched national anti-money laundering and combating the financing of terrorism policy to address Ethiopia high risks and institutional weakness. The document is comprehensive that covers all key frame works of money laundering starting from supervision and intelligence gathering to investigation, to prosecution and confiscation.

Other Guiding Documents

Beside the national Anti-corruption policy and strategy Ethiopia has also developed and adopted different policies and documents used directly or indirectly that support anti-corruption efforts. These documents or policies are implemented by different government institutions; branches and anti-corruptions bodies. The following documents can be taken as further guiding documents to anti-corruption efforts.

Criminal Justice policy (4 March, 2011)

In the Ethiopian context, as corruption is one of the crimes undermine Constitutional order, the Federal Attorney General establishment proclamation 943 /2016 article 5, has given a mandate of respecting and enforcing the constitution and the constitutional order, ensuring rule of law, enforcing criminal law and civil interest of the Federal Government and the public .To enforce those mandates, the attorney general has prepared Comprehensive criminal justice policy that governs all crimes committed in the land . Specifically, the policy defines the following strategies to fight crimes including corruption.

1.4. Underlying Principles and Strategies of the Policy

This policy shall be based on the following principles and strategies:

- a) Functions undertaken in the criminal justice system shall be enforced in a manner where the principles, provisions and values of the Constitution shall be implemented.
- b) Functions undertaken in the criminal justice system shall be enforced in comply with international laws, conventions and documents and international cooperation objectives which are parts of Ethiopian laws pursuant to the Constitution.
- c) Services rendered by the criminal justice system shall be delivered efficiently, justifiably, fairly, accessibly, effectively, predictably, consistently, transparently, accountably, and credibly.
- d) Crime prevention strategies shall be designed on study findings which enable to understand the causes and threats of crimes and based on best practices and experiences in crime prevention and reduction.
- e) A clear and detailed legal frame work shall be prepared and implemented so as to efficiently seize, ban, confiscate and administer properties or finance.
- f) The decision making process in criminal matters shall make appropriate distinctions between the innocent and the guilty, ensure that the latter is appropriately punished and is liable to his offences, and shall enhance sustainable peace.

- g) Decisions made in the criminal justice system shall ensure prevention of crime, cause to respect the rights of all the concerned people and shall ascertain peace and security of the country and the people.
- h) The criminal justice system shall be applicable ensuring thorough participation of the public and through integrated and collaborated practices of the various organs.
- i) The criminal justice system shall be built taking in to account the respect of the rights of victims of crime and the special situations they are in.

National Integrated Crime Prevention Strategy

To implement the Crime policy at the ground level, on January 23/ 2020 the Council of Ministers has approved a new national integrated crime prevention strategy that will be implemented at all government levels. As corruption is one of the prime crimes identified under the criminal justice policy, the strategy had clearly given much emphasis and ways of implementation under section 3.7 “Corruption crime prevention strategy”. Under this section, the following crimes are considered to be corruption and needs to be priority area for the prevention strategy.

- Abuse of power or responsibility
- Bribery
- Mal administration of government or public enterprises work
- Appropriation and misappropriation in the discharge of duties
- Material forgery of official or public organizations document or using forged document
- Aggravated breach of trust
- Reprisal measures and etc.

Integrated Institutional level Corruption Prevention Strategy

To mainstream anti-corruption effort at the institutional level, the Federal Ethics and Anti-Corruption Commission developed and launched integrated institutional level corruption prevention strategy. The strategy is implemented at all Federal and Regional government Agencies and private sector institutions. The aim of this institutional level strategy is to implement corruption risk management, Corruption prevention tools, and corruption prevention action plans. By implementing those tools, it will ensure transparency and accountability at each institution. To review its implementation, stream committee which is

comprised of relevant department has established at each institution. Currently, the stream committee mandate is given for Ethics liaison units of each institution.

1st Growth and Transformation plan (2010/11-2014/15)

Chapter 7 Capacity Building and Good Governance

7.1 Capacity building

7.1.1. Strategic Directions

Under the capacity building sub sector, a consorted and integrated efforts will be made to enhance the capacity of the civil service to implement government policies and strategies effectively and efficiently. Another major task during the planning period is scaling of best practices. Hence, activities in the civil service reform program will be surveyed and best practices will be identified, packaged and scaled up.

b) Ensuring transparency and combating corruption

from its source Measures to be taken under this section include:- fully implement the system to disclose and register asset owned by every citizen thereby to recognize and protect their rights; establish a system to register urban land; set up a system to identify and recognize ownership of land; create awareness through ethical education to encourage citizens for zero tolerance for corruption and rent seeking, disclose and register assets under the ownership of political leaders/public officials in a transparent manner; deterring and detecting any asset gained through illegal and improper way, educating the public at large to challenge corrupt practices and officials and bring them to justice those who are engaged in improper way of gaining asset, tax evasion, illegal activity with aim of gaining any benefit from it.

7.3.2 Good Governance

7.3.2.1 Strategic Directions

To realize the government's effort in eradicating poverty through implementing growth and transformation plan, good governance plays a key role to increase public trust and efficient public resource allocation for development. Hence during the planning period the strategic directions are:

- Enhance the awareness of the citizens about the consequence of corruption through ethics and anti-corruption campaign and education.

- Take strategic measures and create mechanisms for zero tolerance to corruption in government organizations and public enterprises through improving their working system that increases accountability and transparency.
- Take legal measures/action on those committing corruption and save public resources,
- Use mass media to enhance cooperation of the citizens in fighting against corruption including expose those criminals
- Develop and implement legal systems to register the wealth of government authorities and civil servants.
- Eradicate corruption through developing and implementing information technology and enhancing transparency,
- Enhance zero tolerance of the citizens through ethics education and awareness creation,
- Improve the service delivery through implementing transparency, modern information technology, accountable to the public,
- Take legal measures on those committing corruption and use the legal measure as an input to increase the awareness of the public.

In this regards, in collaboration with stakeholders, there are a number of activities to be carried out in the planning period. For instance, conduct civic education and enhance the public attitude towards zero tolerance for corruption, to strengthen the system to track corruption in the society and take the right measure to protect the public resource, to implement ownership, land, urban plan and citizens' identification information system. Increase the awareness of the public about the need to pay tax ethically at the right time to mobilize resources for implementing the plan.

7.3.2.2 Objective

- Develop modern information technology and infrastructure to register the wealth of government authorities, and civil servant wealth
- Track and take legal measure when there is information that accumulation of wealth from unidentifiable resource
- Enhance the awareness of the public and increase zero tolerance of the public for corruption and rent seeking through ethics education and increase collaboration to fight against corruption.
- Develop and implement institutions' anti-corruption strategy, and put in place enabling mechanisms to fight corruption.

- Increase the knowledge and understanding of the tax payers about any information they need to know through developing and implementing information communication technology,
- To implement customers' service delivery charter,
- To develop modern urban land management system and improve the urban plan to improve investment in economical manner, improve rural urban linkage.
- To develop and implement citizens basic information using modern information technology,
- Strengthen government financial management systems through implementing financial and legitimate audit.

7.3.2.3 Implementing Strategy

- To give priority to fight against corruption and take legal measures through law enforcement on those bribers in collaboration with institutions particularly working on tax administrations, and land management and services,
- Implement transparent working system of the tax and land services systems,
- Build the capacity of government implementing capacity through trained human power with information technology
- Implement Balanced Score Card and Business Process Re-Engineering for better implementation capacity
- Work in collaboration with stakeholders to avoid working systems that can aggravate corruption,
- To strengthen the Federal and Regional Anti-Corruption Commission and Organize forums to enhance fighting against corruption.

In the 2nd growth and transformation plan (2015/16-2019/20) chapter seven under the section of “Developmental Good Governance and Building Democratic System” capacity building and good governance” it clearly analysed the efforts conducted in capacity building to create zero tolerance society against corruption. It given focus on strengthens the capacity of the Ethics and Anti-Corruption Commission and create conducive environment for the participation of the public in the fight against corruption.

2nd Growth and Transformation plan (GTP) (2015/16-2019/20)

VII. Developmental Good Governance and Building Democratic System

7.1. Ensuring Good Governance and Building Developmental Political Economy

7.1.3 Ensuring Good Governance

The prevention, control and fight against corruption and rent seeking also require stronger institutions that directly deal with the problem. Cognisant of this, Ethiopia has long established Ethics and Anti-Corruption Commissions at various levels to prevent and control corruption. In GTP II, the government would continue to strengthen these institutions. The organizational structures of the institutions will be staffed with well trained and committed manpower and 201 furnished with effective working systems that help prevent and control corruption. A series of public awareness creation programs will be implemented to ensure zero-tolerance for corruption among the citizens.

To curb corruption and maladministration practices in government organizations and enterprises, investigative research on working systems and implementation monitoring tools will be conducted. In particular, more rigorous series of corruption investigation studies and monitoring will be conducted on those institutions that are more vulnerable to corruption such as government procurement and contract administrations, land management, tax and customs administration, and justice system administrations. With regard to asset registration of government officials, the information collected will be organized and be used for investigations and prosecution of officials suspected of any corruptions and malpractices. The investigation and prosecution of officials and other individuals suspected of corruption will be further strengthened and efforts to reclaim public assets will be intensified.

The fight against corruption and rent-seeking and the objective of replacing the rent-seeking political economy with a developmental political economy first and foremost requires the unwavering commitment of the political leadership, although it clearly entails the mobilization of all actors for the cause. Thus, to intensify the momentum of the struggle against rent-seeking and corruption, it requires strong political commitment, ensuring ownership, participation and mobilization of the public in combating malpractices and mobilizing the federal and regional institutions in an organized and coordinated manner. To ensure transparency and accountability, all Federal and Regional institutions are expected to prepare and disclose their Citizens' Charters to the public and accordingly deliver on their expected public missions during the plan period. The full implementation of the working system of the Citizens' Charter will contribute to building transparent and accountable government institutions.

Based on the national growth and transformation plan, the federal and regional ethics anti-corruption commissions have prepared and implemented a ten year plan (2011- 2019) to address the corruption impact in the political, economic and social aspects. Under the strategic plan, three core strategic themes were identified. These are:

- Focus on Sector which has more vulnerability to grand corruption
- Creating strong Partnership and collaboration with anti-corruption actors and stakeholders
- Build Children and youth Ethics

To achieve these strategic themes, each anti-corruption commission has cascaded the plan and implemented its fair share in the plan. The main goal of the strategic plan is:

- To strengthen the awareness and ethics sensitization across federal and government level through different methods
- Conducting Comprehensive system studies and consultancy services on key sectors and institutions vulnerable to corruption
- Strengthen the effort of asset registration and disclosure system in the federal and regional anti-corruption commissions.
- Strengthen the participation of public and key civil societies in the fight against corruption

After the growth and transformation plan is finalized, the change in government leads to new reform and prepared new strategic plan started to implement alongside the anti-corruption policy and strategy

National strategic plan (2021- 2033)

Chapter five

Public Service Delivery, Justice and Democratization

One of the new strategic plan content is the process of ensuring democratization, creating fast and smooth public service by ensuring justice and accountability. To achieve this strategic plan, it has taken in to account the assessment of past 1st and 2nd Growth and transformation report. In this chapter, corruption is taken as one of the challenges face in implementing the strategic plan. The strategic plan considers strengthening Ethics and corruption prevention mechanisms, implementing Ethics development and anti-corruption policy and strategy and other measures.

Ethiopia Education Development Road map (2017- 2030)

Ethiopia has also adopted new education development road map which gives emphasis for ethics and Moral development for generations to create zero tolerance towards corruption. Previously, the former educational policy gave much emphasis on generation gave priority for citizenship building curriculum activities. Whereas, the new road map, moral and ethics development are incorporated in the education curriculum of primary and high schools.

Public Service Delivery Sector Road Map (2020- 2030)

The Federal Civil Service Commission has also prepared a national road map to transform overall civil service delivery system. Based on this, it gives priority for effective human resource development and service delivery transformation. The aim of the rod map is to deliver public demand and uproot all mal administrations including corruption and other inefficiencies. In the road map, Ethical principles and development, working culture, corruption free human Resource management and effective service delivery system are the priorities issues given under the strategic plan.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

In relation to anti-corruption policies and strategies, the following documents have provided

- Criminal Justice Policy , 4 march , 2011
- 1st Growth and Transformation Plan (2010/11-2014/15)
- 2nd Growth and Transformation Plan (2015/16-2019/20)
- National Anti-Money Laundering and Combating Financing Terrorism Policy
- Revised Federal Ethics and Anti-corruption Commission Establishment Proclamation 1236/2021

Paragraph 2 of article 5

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Federal Ethics and Anti-corruption Commission Establishment proclamation No.433/2005

Under the Federal Ethics and Anti-Corruption Commission Establishment Proclamation 433/2005 article 7, in cooperation with relevant bodies , the institution has given a mandate to combat corruption and other impropriety by creating awareness through educating the public about the effects of corruption and the promotion of ethics in public service and in the society. In relevant to this article, the Federal and Regional Anti-Corruption Commissions conduct awareness creation through Face to face training, Electronics media, Printing Medias and through different public actors. Beside the mandate stated in the proclamation No.433/2005, building morality and promoting ethics across all government institutions, focusing on strengthening institutional Capacity of the commission are added as extra mandate of the commission under the revised establishment proclamation No.1236/2021.

Federal Ethics and Anti-Corruption Commission Establishment

Proclamation N0. 1236/2021

Article 6 Objective of the commission

1. Effectively enhance ethics and moral values of generation
2. Prevent corruption offences and other improprieties
3. Make the public became owner of the anti-corruption struggle by creating a popular movement helpful in the fight against corruption
4. Create institutional capacity that would enable to carry out powers and duties given to it by law
5. Ensuring transparency and accountability in public offices , public enterprises and public organizations by having the asset and financial interests of their officials and employees declared , registered and made accessible and verified as to its accuracy.

Federal Auditor General Re-establishment Proclamation No.982/ 2016

Objective of the Office

The office has the following objectives:-

1. strengthen an audit system required for a reliable information necessary for the proper management and administration of the plans and budget of the Federal Government;
2. ascertain that all receivable money and property of the Federal Government are collected, preserved and used properly, in accordance with the laws and regulations of the Federal Government and report same to the council;
3. Undertake a financial, performance, environment, and information technology, and control, special and other audits of the offices and organizations of the Federal Government.

National Money Laundering and Terrorism Financing Risk Assessment

The National Money Laundering (ML) and Terrorism Financing (TF) Risk Assessment (NRA) was undertaken in 2016 locally by groups of representing various government and private institutions. The NRA assessed the major predicate offenses that generate larger amounts of criminal proceeds and the level of the TF threat the country faces. It also examined the country's ML/TF combating ability and the vulnerabilities of the financial sector as well as designated non-financial business and professions to ML and TF abuse. The study assessed the methods perpetrators employ to hide and/or legitimize criminal proceeds. The assessment identified both positive developments as well as gaps that need to be addressed in order to further strength the AML/CFT regime of Ethiopia. Currently Ethiopia is undertaking 2nd National Money laundering and terrorism financing risk assessment (NRA).

Ethiopia 3rd National Corruption Perception Survey

With the aim of fighting the rampant trends of corruption, the Ethiopian government had established the Federal Ethics and Anti-Corruption Commission (FEACC) in 2001 and regional Ethics and anti-corruption commissions at the regional level. The aim of establishing anti-corruptions institutions is the government believes that “corruption and impropriety are capable of hindering the social, economic and political development” of the country and needs strong institutional response. To strengthen anticorruption institutions and systems, as well as to combat corruption intensely throughout the nation, since 2007 all Regional states have been enacted laws and established their own anticorruption institution. Currently all the regional administrations

have their own Regional Ethics and Anti-corruption commission. To determine the Perceived levels of corruption at the national, the federal Ethics and anti-corruption commission has conducted different assessments on Corruption survey perception and effectiveness of anti-corruption efforts in Ethiopia. For instance, Ethiopia has conducted 1st national corruption perception survey in 2001 by Addis Ababa University, 2nd corruption survey in 2012 by Kilimanjaro international and In 2021, it has conducted 3rd national corruption perception survey by frontier international. The finding of 3rd perception shows that corruption is considered as the third national problem next to poverty and inflation.

Different Ethics liaison unit Laws

Council of Minister Regulation No.144/2008 for Ethic liaison offices

Under the Council of Ministers Regulation No.144/2008 (Repealed by Ethics liaison directive No. 20/2013) and directive 23/2013) have a duty to conduct continuous awareness raising for their staffs. To promote integrity across government institution, the Federal Ethics and Anti-corruption commission establishment proclamation No.433/2005 article 7 (2) states that in cooperation with relevant bodies, the commission has a mandate to prevent corruption and promote Ethics by studying or causing to be studied the practices and procedures in Public Office and Public Enterprises to secure the revision of methods of work which may be conducive to corrupt practices as well as follow up their implementation and inform or remind the relevant body, when deemed essential, to take the proper measures or give decision, and advise or assist on same, upon request, any other persons. To ensure this, the federal and Regional anti-corruption commissions has established and support more than 4,667 Government institutions, public enterprises and private sector institutions Ethics officers. The following provisions are relevant to the functions of Ethics liaison unit offices under this regulation

7. Functions

An Ethics Liaison Unit shall:

1. Raise the awareness of officers and staff of a public office or public enterprise on anticorruption policies, anti-corruption laws, regulations and directives, good conduct and harmful effects of corruption;
2. Follow up the observance of anti-corruption policies, anti-corruption laws and rules and procedures of the public. office or public enterprise; and advise the head of the public office or the public enterprise on their implementation;

3. In cooperation with the appropriate departments prepare and cause the adoption of the code of conduct of officers and employees of the public office or public enterprise and follow-up its implementation;
4. initiate and submit research proposals to the Commission and make the head of the public office or public enterprise know the same immediately, conduct research on ways of correcting working methods vulnerable to corruption and impropriety on its own or with the cooperation of others and submit recommendations to the head of the public office or public enterprise and, upon approval, follow-up its implementation;
15. Coordinate activities regarding the promotion of ethics and combating corruption and impropriety in the office or enterprise.

Public office and Enterprises Ethics Liaison Unit Directive No. 20/2021

The Revised Federal Ethics and Anti-corruption Commission Establishment Proclamation No. 1236/2021 is it clearly indicated that Government and Enterprises offices/ institutions have a responsibility to establish Ethics liaison offices including their branch offices. The following provisions are relevant to the duties and responsibilities of Ethics liaison office defined in the directive

1. providing training on ethics and anti-corruption issues for institutions employees and officials
2. Conducting system studies and urgent corruption prevention mechanisms across the institutions
3. Registering public officials assets across Government and enterprises offices
4. Providing training on Ethics and anti-corruption issues upon holding new position/assignment
5. Preparing institutional ethics guideline /code of Ethics

Other Measures

In addition to the above legislations, Ethiopia has conducted national anti-corruption survey, impact assessment studies focused on grand projects and sector based diagnostic studies. For example, with the support of UNDP, the World Bank has conducted corruption diagnosis studies on Education, rural water, justice sector, land sector, telecommunication and mining sector. At FEACC level, assessment of corruption vulnerability conducted on various national projects such as on sugar, mining, and small and large dam projects.

Please provide examples of the implementation of those measures, including related

court or other cases, available statistics etc.

- In relation to provision of this convention, the Federal Ethics and Anti-Corruption Commission has conducted so many anti-corruption prevention measures. For general understanding, anti-corruption commissions have Conducted different ethics and anti-corruption sensitization programs for more than 8,041,360 citizens. Over 30,446, 666 printed out messages were distributed to government institutions and citizens. Over 963 TV and Radio programs aired through government and private media channels. The commission also conducted 959 system studies and 687 urgent anti-corruption interventions (instant studies) which are vulnerable to corruption. Through urgent anti-corruption intervention mechanisms, more than 1,106, 578, 611.83 Ethiopian birr public resource has saved from corruption and other improprieties. It also provided more than 2,098 advices to government institutions on ethics and corruption prevention mechanisms. To clearly understand the recent anti-corruption efforts in line with this timetable of convention assessment cycle, the following figures will be taken as sample performance report of the last five years.
- Awareness creation programs Conducted on Ethics and corruption areas by Federal and Regional Anti-Corruption Commissions (2015-2019)

N o	Type of media used for dissemination of anti-corruption messages	Number of awareness / publications or programs conducted					Total Number of peoples getting access to anti-corruption programs
		2015	2016	2017	2018	2019	
1	Through Training on anti-corruption issues						
	Training of trainers (TOT)	1163	2011	1314	1652	455	6595
	Awareness creation training	51990	12089	38462	25944	3277	131757
2	Through Printing Media						
	Printed Brochures	60,00	110,0	120,	48,0	60,000	398,000

		0	00	000	00		
	Newspaper articles published	-	30,000	100,000	50,000	50,000	230,000
	Published Magazines	24,000	24,000	24,000	8000	24,000	104,000
3	Through Electronic Media						
	Radio	23	35	47	62	29	196
	TV	24	20	23	28	38	133

- Awareness creation programs on ethics and corruption areas conducted by Ethics liaison units (2015-2019)

No	Targeted audience	Number of peoples get training by Ethic officers /Every year/					Total number of staffs trained
		2015	2016	2017	2018	2019	
1	Public office and Enterprise staffs	41,417	44,277	16,249	23,104	-----	125,047

- Awareness Creation programs on ethics and corruption areas conducted by Ethics infrastructures (Civil societies and Religious institutions) 2015- 2019

No	Targeted audience	No. of peoples getting awareness by Civil societies and religious institutions					Total number of peoples getting
		2015	2016	2017	2018	2019	

							awaren ess
1	Citizens and community members	274,5 99	331,14 0	56,0 44,	2,394, 809	...	3,056,5 92

- Anti-corruption measures taken by Federal and Regional Anti-Corruption Commissions (2015-2019)

No	Targeted institutions	Type of anti-corruption measures taken			Total measures taken
		System studies	Instant studies	Advisory service	
1	Public and Enterprise offices	1,245	150	338	1,733

- Federal Auditor General financial and legal report government institutions (2016-2020)

No	Audit institution	Number of institutions/ including their branch) audited each year				Total Audit	
		2016	2017	2018	2019	2020	
1	Federal Auditor General	206	222	174	--	152	754

Paragraph 3 of article 5

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Partially yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia doesn't clearly indicate in its laws on how periodic review of legal framework was conducted. Rather it's based on the need of the government decision or up on request of appropriate government organs /institutions. When institutions identify gaps uncovered in the statutory law, they recommend for the parliament or executive organ to revise the current law.

When the appropriate institutions head or management committee approve the proposal of revising the current law, institutions develop technical committee to draft the revised law and send for Attorney General for Comment and legal framework. After reviewed by Attorney General, it will send either to Council of Ministers or Parliaments. After the proposed /revised law is discussed and approved in the Council of Ministers, then it will be sent automatically for House People's Representative's appropriate standing committee for technical reviewing. Finally, it will be approved by the members of parliament through vote.

Despite the Attorney General has a mandate to review on legal effectiveness of laws , the law doesn't explicitly state when and how the anti-corruption legal instruments and administrative measures review and periodically evaluate with a view to determine their adequacy to prevent corruption and other corruption related offences. For example, the revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation No. 883/2015 has reviewed within 15 years for 3rd time. For the 4th time after the mandate of investigation and prosecution was transferred to Federal Police and Attorney General. The Revised Proclamation No. 883/2015 was currently repealed by Proclamation No.1236/2021.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The following are some of the examples of revisions conducted in anti-corruption related laws:-

- the Establishment Proclamation of Federal Ethics and Anti-Corruption Commission Proclamation No. 235 / 2001;

- the Revised Establishment Proclamation of the Federal Ethics and Anti-corruption Commission Proclamation No. 433/2005;
- The Revised Establishment Proclamation for Federal Ethics and Anti-corruption commission Proclamation No. 881/2015;
- Attorney General Establishment Proclamation No.943/ 2016;
- The Prevention and Suppression of Money Laundering and Financing of terrorism Proclamation No. 780 /2013;
- Protection of Witnesses and Whistle-blowers of Criminal Offences Proclamation No. 699/2010;
- The Amended Establishment Proclamation of the Federal Ethics and Anti-Corruption Commission Proc.No.1236/2021

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Paragraph 4 of article 5

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia signed both United Nations Convention Against Corruption (UNCAC) and the African Union Convention on Preventing and Combating of Corruption. Both conventions were ratified by the House of the People's Representative of Ethiopia through a Proclamation No. 544/ 2007 to provide for the ratification of the United Nations Convention Against Corruption (UNCAC) and a Proclamation No.545/2007 to provide for the African Union Convention on Preventing and Combating of Corruption. The law makes gave effect to these

legal instruments as part and parcel of the Ethiopian law. As per the spirit of article 9(4) of the Constitution of Ethiopia 1995, which is the supreme law of the land, “all international agreements ratified by Ethiopia are an integral part of the law of the land”.

Ethiopia has been actively participating in the Conference of State Parties (COSP), Implementation Review Group periodic sessions (IRG) and Conference of International Anti-Corruption Authorities.

Moreover, Ethiopia is a member of different regional and international organizations such as, The African Union Advisory Board on Corruption, which is an autonomous organ, established within the African Union (AU).

Through the Financial Intelligence Units (FIUs), Ethiopia joined to the “Egmont Group”, which is the global financial network that formulates coordinated policies and responses to financial crimes such as money laundering and terrorist financing. Joining to Egmont group helps member’s states financial institutions ability to exchange financial intelligence with other FIUs through a secured communication platform.

Furthermore, Ethiopia works also with International Police Institution (Interpol) on various cooperation’s including extradition issues. So far Ethiopia has exchanged few information on extradition issues. Specifically, on the corruption case, with help of Interpol, Ethiopia has brought to justice three nationals through extradition of the Interpol.

The Extractive Industries Transparency Initiative (EITI) was first announced at the World Summit for Sustainable Development in Johannesburg in 2002 (the ‘Earth Summit 2002’), and officially launched in London in 2003. The Ministry of Mines, Petroleum and Natural Gas, when it was formerly the Ethiopian Ministry of Mines & Energy committed to EITI and launched Ethiopian EEITI in July 2009. The aim of the initiative to form a coalition of governments, companies and civil society working together to improve openness and accountable management of revenues from natural resources including reduce mismanagement risk of diversion or misappropriation of funds generated by the development of a country’s extractive industries. Ethiopia has member of the extractive industries transparency Initiative (EITI) and has launched its own Ethiopian Extractive Industries Transparency Initiative (EEITI). Through the Ethiopian extractive industries transparency initiatives, 5 reconciliation reports are disclosed and distributed to different mining companies.

The Construction Sector Transparency Initiative (CoST) is a country centered initiative and its main purpose to be established as an initiative is to improve the value for money spent on public infrastructures by increasing transparency in the delivery of Government financed construction projects and improving management through enhancing transparency in the entire procurement cycle from project initiation up to completion stage. It has also a purpose of ensuring multi stake holders' engagement and social accountability.

So far, CoST-Ethiopia has disclosed 52 construction projects from three sectors, namely building, road, and water. All these projects covered by the disclosure have their own specific reports and to get better and more complete picture of the sectors and the industry at large; a study on aggregation, analyzing and synthesizing of the findings of the reports is essential. The results of such a study could be used as input by the Procuring Entities, the Government and other interested group.

The contents of key variables selected for the purpose of the Aggregation Study include tender process, construction cost, construction time, causes for concern, and other issues with other sub categories and the results of extraction, aggregation, and synthesis , 94 material projects are studied and disclosed to the public.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Furthermore, Ethiopia is a member of the Asset Recovery Inter-Agency Network for Eastern Africa (ARINEA) which is organized under the umbrella of (EAAACA). Ethiopia is also one of the founding members and active participant of Inter-Governmental Authorities for Development (IGAD).

Other important bodies to which Ethiopia belongs and has been closely working with include:

- East and Southern Africa Anti Money Laundering Group (ESAAMALG),
- African Association of Anti-corruption Authorities (AAACA),
- Eastern Africa Association of Anti-corruption Authorities (EAAACA) and
- The Star Initiative of the World Bank,
- Egmont Group
- Interpol
- CoST initiative
- Ethiopia Extractive Industries Transparency Initiative (EEIIE)

Ethiopia has also been closely working with important development partners like the World Bank, the United Nations Development Program (UNDP), United Nation Office of Drug and Crime (UNODC) and Department for International development (DFID)

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

- Training is provided for Technical committee members on self-assessment process

Article 6. Preventive anti-corruption body or bodies

Paragraph 1 of article 6

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate that prevent corruption by such means as:

- (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;*
- (b) Increasing and disseminating knowledge about the prevention of corruption.*

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Though Ethiopia has FEACC with the central role of coordinating anticorruption efforts in the country, the under listed national and regional bodies have also a part and play different role in the fighting and prevention of corruption.

Federal Ethics and Anti-Corruption Commission of Ethiopia

Ethiopia has established the Federal Ethics and Anti-Corruption Commission/FEACC/ under Proc. No.235/2001. Accordingly, all Eleven Regional States have also their own Ethics and Anticorruption Commission/REACC’/ that coordinate and oversee the implementation of corruption prevention activities.

The mandate of the Commissions is focused on the coordination and oversight of the implementation of preventive measures and the dissemination of knowledge on the prevention of corruption through different approaches/instruments. So far, regarding awareness creation and ethics promotion activities, the commission implements the following methods and mechanisms to reach the public at large

- Short term Trainings and Training of Trainers,
- Seminars,
- Public meetings,
- Talk shows,
- Providing awareness creation through civil and civic organizations,
- Mobilizing society by providing a special focus to Children, Youth and women in the fight against corruption through Anti-Corruption Clubs and associations,
- Disseminating information through News articles and different publications and electronics Medias etc.

Previously, FEACC had enforcement/ investigation and prosecution/ mandates. However, the enactment of proclamation No.943/2016, led the investigation and prosecution powers to transfer to Federal Police Commission and Attorney general respectively. Currently the mandate of anti-corruption commissions has focused on awareness creation on Ethics and corruption, Asset registration, Research and system study on corruption prevention gaps and public mobilization activities.

In accordance with article 7 of the Proclamation No.433/2005, in cooperation with other relevant bodies the commission has the responsibility to ensure the enforcement of anticorruption laws and regulations and gives advice its implementation.

Moreover, on the revised proclamation No.1236/2021, the commission has also the responsibility to coordinate different civil societies and provides necessary support to Ethics liaison units of Public Offices, Public and Private Enterprise institutions which are

the focal units in the combating and prevention of corruption. So far, more than 4667 ethics liaison units are established and functionally operated.

Regional Ethics and Anti-Corruption Commissions

Like the federal one, the Regional Ethics and anti-Corruption Commissions have also similar mandates /activities on awareness creation on Ethics and corruption, Asset registration, Research and system study on corruption prevention gaps and public mobilization activities.

Attorney General and Federal Police Commission

Since 2016, under the establishment proclamation No.943/2016, the Federal Attorney General (Currently Ministry of justice) the investigation and prosecution mandate has been transferred to the Federal attorney general and Federal police Commission respectively.

According to the Article 6 of the Federal Attorney General Establishment Proclamation No. 943/2016, regarding criminal matters including Corruption and malpractices, the Federal attorney General has the following major duties and responsibilities:-

- have the powers given to the police by other laws, causes criminal investigation to be started on cases falling under the jurisdiction of federal courts, follow up report to be submitted on an ongoing criminal investigation, the investigation to be completed appropriately, orders discontinuation or restart of discontinued investigation on the basis of public interest or when it is clearly known that there could be no criminal liability, ensures that investigation is conducted in accordance with the law, gives the necessary instruction;
- criminal investigation which has been started by the police needs to be notified to it; makes the necessary follow up in the course of investigation; may seek support from the police in the process of giving decision on an investigation file; informs the relevant police about decisions given on criminal case files by the public prosecutor and court; receives and gives decision on appeals presented by the police against decisions given at different level of the public prosecution;

- reviews completed investigation files based on evidence and law and gives no case or closing decision where condition provided under the criminal procedure law are met;
- determines guilty plea, conducts plea bargaining, decides alternative actions to be taken, follows the implementation;
- Institutes criminal case charges by representing the federal government, litigates, and withdraws charge when found necessary in the interest of the public, resumes withdrew charge. However issues directive concerning the withdrawal of cases having national interest with consultation of the Prime Minister;
- follows the implementation and enforcement of judgments and orders given by courts under criminal case, applies to the court that gave judgments and orders and makes corrective action to be taken where they have not been implemented or their implementation is contrary to law;
- organizes or ensures the establishment of systems for the proper execution of criminal punishments imposed by the court of law;

According to this provision, the Attorney General shall have the powers and duties to exercise the criminal investigation and prosecution powers and duties formerly given to the Commissioner of the Federal Ethics and Anti-corruption Commission under its establishment Proclamation No 433/2005 (as amended by Proclamation No. 883/2015) and the Revised Anti-corruption Special Procedure and Evidence Proclamation No. 434/2005 (as amended by Proclamation No. 882/2015).

The Federal Police Commission based on its establishment Proclamations No. 313/2003 (repealed by Proc. No. 720/2011) has the responsibility to prevent and investigate crimes that fall under the jurisdiction of Federal Courts and prevent crimes against the interests and institutions of the Federal Government. Under the Proclamation No. 943/2016, the Federal Police Commission shall have an investigation power on corruption crime cases under its jurisdiction. All the nine regional police commissions including the two city administration have similar role but under their scope of jurisdiction.

Financial Intelligence Service (FIS)

According to the FIS establishment regulation No.171/2009 (amended by Regulation 490/2022) Currently amended the center has the mandate to coordinate various bodies that involve in fighting money laundering and terrorist financing, to organize and synthesis the information it received and to perform other related activities which enable the implementation of the proclamation no.780/2013 i.e. Suppression of Money Laundering and Financing of Terrorism.

Based on the above regulation, the service shall have the power and duties to exercise the power and responsibilities under article 22/1and2 of the proclamation. It has to cooperate and share information with other competent authorities with respect to investigations and prosecutions relating to money laundering, predicate offences and financing of terrorism; ensure that foreign branches and majority owned subsidiaries of financial institutions adopt and enforce measures consistent with this Proclamation to the extent that local laws and regulations so permit; report promptly to the Center any information concerning suspicious transactions or facts that could be related to money laundering or financing of terrorism; maintain statistics concerning measures adopted and sanctions imposed in the context of enforcing this article.

FIS is the central office for obtaining and analyzing information necessary to identify money laundering, predicate offences for money laundering, and terrorist financing. It is responsible for receiving suspicious activity reports submitted by financial institutes and, where appropriate, it forwards these to the Attorney general ,Federal Police Commission and other competent authorities.

Office of Federal Auditor General

The Office of Auditor General (OFAG) is the central institution responsible for the audit of Public offices. Based on its establishment Proclamation No.68/1997 (repealed by proclamation No.982 /2016). The responsibilities of OFAG include: audit or cause to be audited the national accounts, the financial conduct and accounting of the offices of the national administration, the Secretariat of Parliament, the courts and public enterprises, the accounts of the Federal Government offices and organizations, accounts involving budgetary subsidies and any special grants extended by the Federal Government to Regional Governments; programmed and efficiency audit or performance audit in order to ensure that the performance of Federal Government offices and organizations is in accordance with the law, economically sound and has attained the desired objectives.

Audits carried out by the OFAG take into account both compliance/legality checks and Performance/cost-effectiveness assessments. In addition, the budget, finance and revenue standing Committee of the Parliament may mandate the OFAG to carry out special audits and inquiries. The Ministry of finance has also undertaken controlling of the financial aspect of every Federal and Regional public institutions by the Institution of Internal Auditors Standard/IIA.

Ethics liaison Units of Institutions

The Federal Ethics and Anti-Corruption Commission amended establishment proclamation No.1235/2021, Ethics liaison units considered as one body as they are established to function all powers and activities given for the commission with exception of few mandates. Under the directive No.20/2021 and Directive 23/2021, Ethics liaison units has given a mandate of Ethics development, asset registration, system studies etc. Currently in Federal and Regions, more than 4,667 government institutions, public enterprise and partially in private sector has established and started operationally.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- The Federal and Regional anti-corruption commissions has conducted training and awareness raising programs (trainings) for almost 8,041,360 citizens across federal and regions on the area of Ethics, Corruption preventions mechanisms and other anti-corruption agendas.
- From 2017 – 2021, The Ethiopian financial intelligence centre (has conducted for more than 2,692 training and awareness creation on anti-money laundering including National Risk assessment findings.
- During the convention assessment era, more than 190 procurement experts provided training on basic procurement skills and standards.
- Training has given on Ethics and anti-corruption agenda for more than 236 public prosecutors, experts and staffs.

(b) Observations on the implementation of the article

[Observations of the governmental experts regarding the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 6

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

FEACC Establishment Proclamations No.433/2013

In order to ensure the independency of the anticorruption institutions, different measures have been taken by the government of Ethiopia. The Federal Ethics and Anti-corruption Commission (FEACC) is an independent body while exercise its power by law. According to the previous proclamation article 4 of 433/2013, the Commission is free from any

interference or direction by any person with regard to cases under investigation or prosecution or to be investigated or prosecuted. According to the Commission establishment proclamation No.433/2013, article 10 &11, the head of the commission shall appointed through the nomination of the prime minister and up on approval by the parliament. The appointed commissioner shall takes oath in front of parliament members during endorsing or appointed while the deputy commissioners of the commission shall appointed directly by the prime minister without the need of approval from the parliament. In order to protect unnecessary influence upon the Commission, the term of office and removal of the commissioner and deputy commissioner is free from any external intervention as clearly stated in under article 14 of the proclamation.

According to the provision, the term of appointment of the Commissioner or the Deputy Commissioner shall be for six years; he may, however, be reappointed where necessary. Once appointed, the Commissioner or the Deputy Commissioner may not be removed, except on his own will, from office unless; he has violated the provisions of the relevant code of conduct; he has shown manifest incompetence and inefficiency he can no longer carry out his responsibilities on account of mental or physical illness.

Recently, the commission establishment proclamation is revised and it strengthens the overall independency of the commission from the previous one. One of the initiatives taken to ensure its independency is changes it accountability line from prime minister to the parliament.

The Revised Federal Ethics and anti-Corruption Commission

Establishment proclamation No 1236/ 2021

Currently the mandate of Investigation and prosecution of corruption under the mandate of federal police Commission and Attorney general respectively as clearly indicated under the attorney general establishment proclamation No 943/2016 article 8 sub articles 2 (b). The commission has now only a mandate of corruption prevention. Under the revised proclamation, the commission doesn't not have a mandate to provide advice for the prime minister on selection of public officials to government provisions on ground of ethical standards.

The Following provisions are included in the revised Federal Ethics and anti-corruption commission that ensure its independency:-

4. Independence of the commission

The commission shall be free from any interference from any person or organ with regard to

activities of undertaken to prevent corruption

11. Terms of office and removal from office of the Commissioner and the Deputy Commissioner

1. the term of office of the commissioner and the deputy commissioner shall be for six years ; he may , however be reappointed for one term where necessary
2. once appointed , the commissioner or the deputy commissioner may not be removed , except on his own will, from his office unless
 - a) he has violated the provision of the relevant code of conduct
 - b) he has shown manifest incompetence and inefficiency
 - c) he can no longer carry out his responsibilities on account of illness
 - d) on attaining retirement age
3. the provisions in sub Article (2) (a) and (b) of this article shall apply where it has been verified by the house and voted on by majority vote

18. Budget

Regarding the material and financial resource independency, under the revised proclamation No.1236/2021, the commission has an obligation to prepare program budget and sent for approval to parliament. But recently under Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 1263 / 2021, the commission line of accountability is changed to the prime minister office and the prime minister have say on the proposed program budget. Budget allocation is applied to all budgetary institutions based on the initial budget approved by the parliament and executive body.

22. Duty to cooperate

Any person is duty bound to cooperate whenever cooperation and assistance is required by the commission in connection with its powers and duties. Failure to cooperate on the mandates and duties of the commission are subject to administrative and criminal liability.

The proclamation has also gives power the commission an independent way of management and recruitment of staff. it has also two separate financial accounts which will be used to administer both government and donors' budget and have a finance directorate that administers this function daily.

Federal Attorney General Establishment Proclamation 943/ 2016

Part Three

Independence and Accountability

16. Public Prosecutors Professional Independence

1. The Federal Attorney General shall discharge its powers and duties based on law independently free from any person or body's interference.
2. Without prejudice to directive issued by the Federal Attorney General, public prosecutors shall perform their work based on the law.
3. Without prejudice to accountability of public prosecutors provided for in the provisions of this Proclamation or other law, the Federal Attorney General and public prosecutors shall not be held legally accountable for damages caused as a result of performing their power and duty in accordance with law.

THE 1995 FDRE CONSTITUTION

Chapter Nine

Structure and Powers of the courts

Article 78

Independence of the Judiciary

1. An independent judiciary is established by this Constitution.
2. Supreme Federal judicial authority is vested in the Federal Supreme Court. The House of Peoples' Representatives may, by two-thirds majority vote, establish nationwide, or in some parts of the country only, the Federal High Court and First-Instance Courts it deems necessary. Unless decided in this manner, the jurisdictions of the Federal High Court and of the First-Instance Courts are hereby delegated to the State courts.
3. States shall establish State Supreme, High and First-Instance Courts. Particulars shall be determined by law.
4. 4. Special or ad hoc courts which take judicial powers away from the regular courts or institutions legally empowered to exercise judicial functions and which do not follow legally prescribed procedures shall not be established.
5. Pursuant to sub-Article 5 of Article 34 the House of Peoples' Representatives and State Councils can establish or give official recognition to religious and customary courts. Religious and customary courts that had state recognition and functioned prior to the

adoption of the Constitution shall be organized based on recognition accorded to them by this Constitution.

Federal Courts Proclamation No.1234/2021

The overall independency of courts is clearly indicated in the FDRE constitution. Some Independency provisions are also indicated in the preamble of the establishment proclamation as indicated here in below.

Preamble of the proclamation

WHEREAS, it is necessary to ensure that Federal Courts do provide effective, efficient, accountable and predictable service in accordance with judicial independence mentioned in the provision of the Constitution;

WHEREAS, establishing a legislative framework under which courts would have full autonomy to manage their own budget, recruit and assign their non-judicial personnel, and administer themselves is essential for a strong judiciary’.

The Amendment of Proclamation to the Federal Auditor General Re-establishment Proclamation No. 982/2016

Preamble of the proclamation

WHERE AS, it is necessary that the Ethiopian Federal Democratic Republic economic policy be supported by a modern and reliable audit system in order to ascertain proper implementation through effective monitoring of administrative, developmental and service rendering institutions in the Federal Public Sector,

WHERE AS, in order to realize these objectives⁷ the need for further improving and enhancing the independence of the Federal Auditor and his office;

8. Criteria for Appointment

The following are criteria for appointment (auditor)

- 1) Shall be an Ethiopian Citizen.
- 2) Committed to abide by the provisions of the Constitution of the Federal Democratic Republic of Ethiopia.

- 3) qualified in auditing or related field with extensive experience in and knowledge of public auditing and finance
- 4) A person of proven integrity, hardworking and good ethical behaviour.
- 5) No previous court ruling against for criminal proceedings.
- 6) Is in good condition of health to carry out his duties.
- 7) Political neutrality.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Based on the mandate and independence given the law, the federal Ethics and anti-corruption Commission has fined more than 3,601 Federal officials for failing to register their assets and disclose assets. The Commission has collected more than 3.6 Million birr from administrative penalty.
- According to article 2 (1) of the Protection of Witness and Whistle-blowers Proclamation No. 699/2010 and article 2(7) of The Revised Anti- Corruption Special Procedure and Rules of Evidence Proclamation No.434/2005 (as Amended by Proc No.882/2015) legal protection is given for whistle blowers and witnesses of corruption offence. For example, in the last 20 years 517 whistle blowers and witnesses had given legal protection for exposing of corruption or testifying against accused persons.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

Under the revised establishment proclamation of the Federal Ethics and Anti –Corruption Commission, ethics Liaison offices shall be accountable to the Commission. Besides,

deployment, recruitment, promotion transfer and other administrative as well as disciplinary issues will be entertained by the Commission. This helps ethics offices exercise their duties independently and fully on prevention of corruption without fear or any reprisal.

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 3 of article 6

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes in part

Has your country provided the information as prescribed above? If so, please also provide the appropriate reference.

The Federal Ethics and Anti-Corruption Commission have not officially informed the secretary General of the United Nations About the competent anti-corruption authorities Name and address. Despite the Commission not official inform regarding the name and address of the authority that will assist state parties, The Ethiopian government has established anti-corruption commissions at the federal and regional level and gives a power to follow up the implementation of the Convention. (Proclamation No.544/2007).

The Government of Ethiopia is under process to officially notify the name and address of the designated anti-corruption body.

Revised Federal Ethics and Anti-corruption commission

Establishment proclamation No.1236/2021

Article 6 Objective of the commission

1. Effectively enhance ethics and moral values of generation
2. Prevent corruption offences and other improper ties

3. Make the public became owner of the anti-corruption struggle by creating a popular movement helpful in the fight against corruption
4. Create institutional capacity that would enable to carry out powers and duties given to it by law Ensuring transparency and accountability in public offices, public enterprises and public organizations by having the asset and financial interests of their officials and employees declared, registered and made accessible and verified as to its accuracy.

Article 7 Powers and duties of the Commission

17. Represent the country with regards to the Implementation of international and Continental anti-corruption Conventions:

United Nations Convention against Corruption Ratification

Proclamation No.544 / 2007

3. Power of the Federal Ethics and Anti-Corruption Commission

The Federal Ethics and Anti-Corruption Commission is hereby empowered to undertake all acts necessary for the implementation of this Convention.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 7. Public sector

Paragraph 1 of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

(a) that is based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;

(b) That includes adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;

(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;

(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Public Service Delivery Sector Road Map (2020- 2030)

The Federal Civil Service Commission has prepared a national road map to transform overall civil service delivery system by enacting and amending current laws, policies and strategies. It has also in the process to take measures reform the whole civil service system. Based on this, it gives priority for effective human resource development and service delivery transformation to deliver public demand and to uproot all mal administrations including corruption and other inefficiencies. In the road map, Ethical principles and development, working culture, corruption free human Resource management, effective service delivery system and administration of human resource has given high priorities under the strategic plan.

Ethiopia has implemented this provision (article 7.1 (a-d)) under the current civil services laws and the following laws are more relevant to this article of this convention

Federal Civil Servants Proclamation No.1064/2017

The establishment proclamation first defines the term who is civil servant and not. Based on this proclamation, political Appointee, Elected officials (parliament members), federal judges, armed forces, member of the federal police and persons excluded from this proclamation by other laws are not considered as civil servant. i.e. they are governed under different laws. See the following sections and provision of the proclamation which defines the term civil servant:

Section one

General

1. Definition

In this Proclamation, unless the context otherwise requires:

1. “ Civil servant ” a person employed by federal government institution provided however that it may not include the following :
 - a) Government officials with rank of state minister, deputy director general and their equivalent and above
 - b) members of the house of people’s representatives and the house of the federation
 - c) federal judges and prosecutors
 - d) members of the armed forces and the federal police including other employees governed by the regulations of the armed forces and the federal police
 - e) Employees exclude from the coverage of this proclamation by other appropriate laws.

Furthermore, the proclamation also indicated the way how the civil Service position is recruited and filled. Under the Federal civil servant proclamation No.1064/2017 on section three article 11 (1) indicate that any public offices will fill through Human resource planning and follow the staffing requirement. Under the same section article 12 (1) also clearly put that any civil vacant position shall be recruited and promoted on the bases of competition. Any type of recruitment of a civil servant shall be effected on the result of examination conducted on the bases nationally set criteria or on the bases any other type of objective certification of professional and occupational competency (article 13 (1). Additionally, on the selection process, Article 13 (2) clearly indicated that process shall be no discrimination among job seekers or civil servants in filling vacancies because of their ethnic origin, sex, religion, political outlook, HIV AIDS or any other ground. These provisions show that any civil servant defined under this proclamation are based on the competency and merit based and it prohibited any system that leads to discrimination among individuals. See the following relevant provision of the proclamation:

Section Three

Human Resource Development and Performance Evaluation

Sub Section One

Recruitment and Selection

11. Human Resource Planning

1. The purpose of human resource planning shall be to forecast the staffing requirement for achieving the strategic objectives of a government institution, to take actions necessary for availing the required human resource, in type and number, for developing and properly utilizing same and for reviewing the results, from time to time, to make improvements thereof.
2. Any government institution shall, based on its strategic plans, study and implement short, medium and long-term human resource plans.
3. Vacant positions shall be filled through promotion or recruitment or transfer or redeployment in accordance with human resource plans.
4. The Ministry shall issue directives on human resource planning.

12. Eligibility to Join Government Institution and Competence Certification System

1. The Ministry shall prepare national criteria and parameters to establish eligibility and competency certification system whereby candidates for vacant positions shall be recruited and promoted based on competition.
2. The criteria and parameters shall be implemented in accordance with regulations to be issued by the Council of Ministers.
3. An institution may be established for the implementation of the eligibility and competency certification system referred to in sub-article (1) of this Article.

13. Recruitment and Selection

1. Any type of recruitment of a civil servant shall be affected only on the result of examination conducted on the basis of nationally set criteria or on the basis of any other type of objective certification of professional and occupational competence.

2. There shall be no discrimination among job seekers or civil servants in filling vacancies because of their ethnic origin, sex, religion, political outlook, disability, HIV/AIDS or any other ground.
3. Without prejudice to the provisions of Article 48 to 51 of this Proclamation, vacant position shall be filled only by a person who meets the qualification required for the position and scores higher than other candidates.

Federal Civil Servant Recruitment and Selection Directives Oct 13/2018

The Federal Civil Servant Recruitment and Selection Directives Oct 13/2018 have clearly indicated that detail provision of how to implement the recruitment and selection system. According to the directive article 6 sub article 1(a -d) under the section of inviting applicants for vacant positions procedure indicates that positions grade seven and below , applicants will invited through the institution or other notice board . While Grade seven and above positions applicants are should invited through print or electronics media. For positions grade seven and below are required to be stay air any time while above grade seven positions are not required to be stay on air more than three times. Institutions may have separate rating system, but in all institutions, candidates will be rated based on knowledge to the subject, skills and competency, oral or written or practice-based examination or combinations of this standards. Under article 8 of the directive, each institution human resource department and the department which seeks applicant has given authority to conduct joint recruitment process on annual plan bases.

Similarly on the directive of Oct 13/2018 article 13 (sub article 1-5) has detailed the overall process of how positions are fill on the bases of their Entrance exam preparation, Conducting and disclosing result system.

According to the directive article 13 sub article 1(a-J) , Positions from grade seven and above, the questions prepared for entrance exam can be prepared by the hiring office or higher education institutions. While positions below grade seven interview or test questions can be prepared by hiring institution or other institutions specialized on the subject matter. The test or interview questions prepared for each position shall be prepared by specialized hiring committee or individuals' familiar to the vacant position and a weight should be given for each question before the exam is taking place. The result of written exam should be evaluated or rated by the institution which prepared the exam. If the answer for question is

evaluated by third party, the result should be given to the hiring institution in sealed and properly handled.

The directive also indicates that the questions prepared for interview should evaluate the interviewee ethics and integrity level and to make sure that his profile is correctly matched the applicant letter. Regarding rotation of civil servant, there is no clearly clause or any statement neither in the civil service commission establishment nor in any directives. Rather some institutions have special working procedure in their laws to transfer employee from one branch to other branches or departments periodically. The Ethiopian Ministry of Revenue (staff of the ministry) and The Ministry of Finance (Audit Department experts) has a given a special working procedure in their laws.

As the directive is wide and comprehensive, the following key provisions of the directives are indicated as follows.

Section two
Chapter one
Federal civil servant hiring system

The following provisions are directly related to the article reviewed.

6 . Inviting applicants for position (articles 1, 2 and 3)

- 1. Airing on media (sub article A- D)**
- 2. Content of airing letter (sub article A- J)**
- 3. Staying of advertisement on air (sub article A-D)**

1. Recruitment system (sub article 1- 4)

12. Selection method (sub article 1-5)

13. Entrance exam preparation, Conducting and disclosing result system

Article 13 (1) Entrance exam preparation and conducting, Sub Articles (A-J)

Article 13 (2) Evaluation of entrance exam results, Sub articles (A- C)

Article 13 (3) Entrance through practical test, Sub articles (A-D)

Article 13 (4) Implementation of practical test, Sub article (A-B)

Article 13 (5) Conducting Interview, sub articles (A- I)

The civil service system of the country has also given a right for individuals to bring any grievance or allegation of improper conduct during the recruitment and selection system across the federal institutions. According to the Federal Civil Servants Proclamation No.1064/2017 sub section two, Grievance handling procedure article 74 has given civil servants a right to ask through formal procedure for remedial action for any grievance they have on the overall hiring system which could not be solved by immediate supervisor or with concerned officer. The law also gave direction for institutions to establish grievance handling committee within their institution to address any issue of grievance. In addition to this, the federal government has adopted a Federal Civil Servants Disciplinary and Grievance Procedure Council of Ministers No.77/2002 to address the issue of grievance in detail. The following provisions are directly related to grievance handling system or mechanisms.

Civil Servant Proclamation No.1064/2017

Sub Section Two

Promotion

24. Objectives

Promotion shall be given for the purpose of executing works by competent employees, enhancing the performance of government institutions and for motivating employees.

25. Selection for Promotion

- 1 Any civil servant shall present certificate of competence issued pursuant to Article 12(1) of this Proclamation to compete for promotion.
- 2 Any civil servant who has completed his probation period may compete for promotion unless he is disqualified in accordance with the detailed provisions of relevant directives on promotion.
- 3 The Ministry shall issue detailed directives on other conditions applicable to the promotion of civil servants.

Federal Civil servant proclamation No. 1064/2017

89. Retirement

- 1 The service of a civil servant whose service is not extended beyond retirement age pursuant to Article 93 of this Proclamation shall be terminated on the last day of the last month in which he attained the retirement age determined by law.
- 2 A civil servant who retires in accordance with sub-article (1) of this Article shall be notified of his retirement in writing three months prior to his retirement

Federal Civil Servants Proclamation No.1064/2017

Sub section Two

Grievance Handling Procedure

74. Grievance

For the purpose of application of this Sub-Section, “grievance” means a complaint of a civil servant that could not be resolved through discussion conducted with the civil servant’s immediate supervisor or with the concerned officer and should be addressed through a formal review procedure.

75. Objectives of Grievance Handling Procedure

Civil servants’ grievance handling procedure of shall have the following objectives:

1. To provide expeditious remedy for grievances;
2. To rectify mistakes and weaknesses that are causes for grievances;
3. To provide equitable and fair treatment to all civil servants and thereby promote smooth work relationship.

76. Establishment of Grievance Handling Committee

Any government institution shall establish a grievance handling committee that conducts grievance inquiry, and submits recommendation to the head of the government institution.

77. Duties of Grievance Handling Committee

A grievance handling committee shall have the duty to investigate complaints lodged by civil servants and submit recommendations relating to:

1. interpretation and implementation of laws and directives;
2. protection of rights and benefits;
3. Occupational safety and health
4. placement and promotion;
5. performance appraisal;
6. Undue influence exerted by supervisors;
7. disciplinary measures taken pursuant to sub-article (1)(a) and (b) of Article 69 of this Proclamation;
8. Other issues related to conditions of work.

78. Administrative Decision

1. “Administrative decision” means a decision given in writing by the head of a government institution in the case of matters referred to in this Section on the recommendation of disciplinary or grievance committee or on other matters directly falling under his authority in accordance with the law.
2. Notwithstanding sub-article (1) of this Article, to guarantee the right to justice for civil servant a decision given by the head of a government institution either without following the formal procedure or verbally shall be construed as an administrative decision when it is ascertain by affidavit.

Section Ten

Civil Servants Administrative Tribunal

79. Establishment

1. The Civil Servants Administrative Tribunal which entertain civil service disputes and render decision as per Article 81 of this proclamation (hereinafter the “Administrative Tribunal”) is hereby established.
2. The Administrative Tribunal shall have chambers which examine and decide on

appeal cases.

3. Each chamber shall have a chairperson and two members designated by the Minister.
4. The Ministry shall issue directives relating to the manner of execution of function of judges of the Administrative Tribunal, the code of ethics they should observe, and other related matters.

Federal Civil Servants Disciplinary and Grievance Procedure

Council of Ministers No77/ 2002

Part Three

Grievance Procedure

28. Objectives

The objectives of the civil servants grievance procedure shall be to promote the maintenance of smooth employment relations by providing:

- 1) Speedy redress to complaints;
- 2) Corrective measures to mistakes and weaknesses causing grievances; and
- 3) Fair and equal treatment to all civil servants

29. The Right to Petition

- 1) Any civil servant shall have the right to petition to the government office for redress if he has been aggrieved of being denied a right or unfairly treated.
- 2) Without limiting the generality of Sub-Article (1) of this Article, any civil servant may lodge a complaint where he feels unfairly treated in connection with:
 - (a) The interpretation or enforcement of laws and directives;
 - (b) The enjoyment of rights and privileges;
 - (c) Occupational health and safety conditions;

- (d) The classification and grading of his job;
- (e) Performance evaluation;
- (t) An assignment to a duty not falling under his job descriptions;
- (g) Undue influences resulting from arbitrary acts of supervisors;
- (h) Disciplinary measures; or
- (i) Other conditions of service

30. Petitions

- 1) A civil servant seeking a redress to his grievance may Lodge a petition to the grievance review committee of the government office.
- 2) Any petition shall contain the following:
 - (a) The name and address of the petitioner;
 - (b) His job title;
 - (c) The name of his immediate supervisor;
 - (d) Causes of his grievance;
 - (e) Supporting evidences (if any);
 - (f) The redress sought;
 - (g) Date and signature.
- 3) Civil servants having the same cause of action for their grievances may petition in group through their representative.

31. Period of Limitation

- 1) An aggrieved civil servant may lodge his petition to the grievance review committee of the government office within ten working days from the date he has discussed his complaint with his immediate supervisor or with the concerned official.

2) A civil servant who is unable to lodge his petition within the period specified under Sub-Article (1) of this Article due to force majeure may lodge his petition within ten working days after the lapse of the force majeure.

32. Review of Grievances

1) The grievance review committee of any government office shall receive and register a petition after ascertaining its compliance with the provisions of Article 30 of these Regulations.

2) The committee shall review a grievance by:

(a) Examining petition and relevant evidence;

(b) Holding discussions with the applicant and with his immediate supervisor or the official

who has decided the case; and

(c) Referring to the relevant laws, regulations, directives and practices.

3) The committee shall submit a report containing its Findings and recommendations to the head of the Government office not later than 15 working days from the date of receipt of the petition

33. Decisions

1) The head of the government office or the official delegated by him may, within ten working days from the date of receipt of the committee's report, approve the recommendation of the committee or, if he has good reasons:

(a) Give a decision different from the recommendation of the committee; or

(b) Instruct the committee to further review the case.

2) The decision given in accordance with Sub-Article (1) of this Article shall be communicated to the petitioner in writing.

34. Establishment of Grievance Committee

- 2) Any government office shall establish a committee that reviews the grievances of civil servants in accordance with Article 32 of these Regulations.
- 3) A grievance review committee shall have five members and a secretary.
- 4) The chairperson, two of the members and the secretary of the committee shall be assigned by the head of the government office.
- 5) Two members of the committee shall be elected by the civil servants of the government office.
- 6) The provisions of Articles 24-27 of these Regulations shall *mutatis mutandis* be applicable to Grievance review committees.

The federal civil servant proclamation doesn't have clear procedural system to indicate which civil service positions are vulnerable to corruption. But some institutions like the Federal Ethics and Anti-corruption Commissions and Ministry of Revenue have some Ethical vetting process and procedural system for identifying ethical problems. They have also zero tolerance policy for any kind of institutional ethical violations or corruption and gives continuous training for all staffs. In the past two phases of growth and transformation strategic plan, the Government of Ethiopia has identified the Following sectors are vulnerable to corruption and stressed the need for anti-corruption institutions focus.

- Tax and Revenue sector
- Public Procurement sector
- Land administration sector
- Construction sector
- Justice sector

In the case of rotational system, the ministry of revenue staffs and ministry of finance especially internal auditors has an internal Rules and procedures for rotational system to avoid any long stay which may vulnerable to corruption .Despite many institutions has venerability to corruption, they don't have sufficient institutional means to cop up with this

issue. The public procurement agency has prepared a separate Public Procurement based training manual for Government institutions experts and officials to address key ethical and corruption issues in the sector. Beside that, the commission has prepared other sector-based training manuals such as:

- Land administration,
- asset registration and tax sector anti-corruption training manual
- Public procurement sector anti-corruption training manual
- Justice sector anti-corruption training manual

In consultation with Prime Minister Office, the Federal Civil Service Commission has a mandate of deciding the pay scale of civil servants. The pay scale for public officials (political appointees) decided by the prime minister office and supervised by the ministry of finance even though there is no official, clear and accessible to public the directive public official's payment scale. The payment scale is announced based on the circular letter or proceedings of the council of ministers. Payment scale for judges is decided by judicial administration council and parliament member's pay scale is decided by the office of the house speaker.

The following provisions are related to increase or adjustment remuneration and pay scale of civil servants:

Federal Civil Servant Proclamation No.1064/2017

7. Salary Scale

1. The salary scale applicable to civil servants shall be determined from time to time by considering the Government's financial capability, the general living conditions of the society, price levels and other relevant factors.
2. The Ministry shall, in collaboration with the concerned government institutions, upon undertaking studies prepare salary scale and submit same to the Council of Ministers, and supervise its proper implementation upon approval.
3. The salary scale shall contain the base pay, the ceiling and step increments of each

grade.

8. Equal Pay for Equal Work

All positions of equal value shall have equal base salary

9. Payment of Salary

1. Any Government office shall, at the end of every month, make payments of salary to civil servants or their legal representatives.
2. The Salary of a civil servant shall not be attached or deducted except in accordance with:
 - A written consent of the civil servant;
 - A court order; or
 - The provisions of the law.
3. Monthly deductions from the salary of a civil servant to be made pursuant to sub-article 2(b) or(c) Of this Article shall not exceed one third of his salary.

10. Allowance

1. Any allowance shall be paid only for the purpose of carrying out the functions of the civil service.
2. The Ministry shall undertake studies on the types and payment of allowances and submit same to the Council of Ministers and, upon approval, supervise their implementation.

32. Salary Increment and Incentives

1. A civil servant shall be entitled to salary step increment every two years based on his Performance evaluation result.
2. Without prejudice to sub-article (1) of this Article, a civil servant shall be provided with incentive based on performance result.

3. The Ministry shall issue detailed directives on performance evaluation system, salary step increment and provision of incentive.

The federal civil servant establishment proclamation also puts ways for continuous performance evaluation system to identify gaps of civil servant capacities. It also used as a base for rewarding individuals. The proclamation clearly indicates on how civil servants get Continuous short and long-term training as a package.

The following provisions are directly related to this article of this convention.

Sub Section Four

Performance Evaluation

1. The purpose of performance evaluation shall, based on work plans, be to:
 - a) Enable a civil servant to effectively discharge his duties in accordance with the expected volume, quality, and time and cost
 - b) evaluate a civil servant on continuous basis and identify his strength and weakness with a view to improving his future performance;
 - c) identify the training and improvement needs of a civil servant;
 - d) provide incentives based on results;
 - e) Enable the government institution to make its personnel administration decisions based on facts.

But in December 2015, the current civil service commission (under the ministry of public service) has established a separate directive education and training directive for its own employees. The same to that, the federal institutions has established their own directive or manual a way of providing and training for their employees. According to the directive of Civil service commission, its main goal is to strengthen the capacity, attitude, skill and integrity of the employee so that it can achieve maximum performance in the place he assigned. Here are some of the provisions stated in the directives:

Education and Training Implementation Directive /December 2015

Part One

General

1.2 Definition

6. “Education” means “it is a standard based knowledge given on or off the duty from inside or outside of the country which enhance the capacity of the ministry of public service

Year	Male	Female	Total
2015	904529	490,334	1,394,863
2016	965,272	544,219	1,509,491

members to the higher level”

7. “Training “means “it is a short or long term conceptual and skill level capacity building given inside or outside the country training centres to enhance the performance of the employee”.

1.3.2 Objective of Providing education and training

1. To perform his/ her duty in full manner through enhancing his/her attitude, knowledge, skills and professional ethics of the employee.
2. To familiar himself with new ideas and technologies and enhance his/her capacity through these new technologies and ideas.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc

- Total Number of civil servants across the country (2015-2019)

2017	1,040,765	599,245	1,640,010
2018	1,097,341	645,063	1,742,404
2019	1,190,653	708,775	1,899,428

- Number and status of Civil servants adjudicated by civil service administrative tribunal

No	Types	YEAR	
		2019/20	2020/21
1	Cases ready for decision	113	64
2	Closed cases	69	47
3	Cases refer to Federal first Instant court	49	24
4	Rejected cases	1	-
5	Suspended Cases	-	2
6	Decision Rendered	191	130
7	Cases on the process	140	308
	Total	563	575

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 7

2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the

fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia is in compliance with this article through enacting different laws. The following provisions are more relevant to this article.

Constitution of the Federal Democratic Republic of Ethiopia, 1995

Article 9

3. It is prohibited to assume state power in any manner other than that provided under the Constitution.

Article 38, the right to Vote and to be elected

Art. 38 of the constitution of the Federal Democratic Republic of Ethiopia provides for the right to vote and be elected in the following manner.

1. Every Ethiopian national, without any discrimination based on color, race, nationality, sex, language, religion, political or other opinion or other status, has the following rights.
 - a. To take part in the conduct of public affairs, directly and through freely chosen representatives,
 - b. On the attainment of 18 years of age, to vote in accordance with law,
 - c. To vote and to be elected at periodic election to any office at any level of government, election shall be by universal and equal suffrage and shall be held by secret ballot, guarantying the free expression of the will of the electors.

2. Elections to positions of responsibility with any of the organizations referred to under sub Article of this Article shall be conducted in a free and democratic manner,
3. The provision of sub Articles 2 and 3 of this shall apply to civic organizations which significantly affect the public interest.

Article 54. Members of the House of Peoples' Representatives

4. Members of the House are representatives; of the Ethiopian People as a whole. They are governed by:

- (a) The Constitution;
- (b) The will of the people; and
- (c) Their Conscience.

Using this constitutional provision as a basis, Ethiopia has established a National Electoral Board which has legal personality as an autonomous organ independent from any influence for the purpose of conducting free and fair election both in Federal and state constituencies.

National Electoral Board of Ethiopia Establishment Proclamation No. 1133/2019

As it can be seen from sub Art. (1) Of Art. 7 of proclamation No. 1133/2019, one of the powers and duties of the board is to impartially execute any election and referendum conducted in accordance with the constitution and electoral law.

7. Powers and Duties of the Board

From the mandates of the board listed under this article, the following sub articles of the provision are identified as more related to reviewing this article:

- Execute impartially any election and referendum conducted in accordance with the Constitution and with Election Law (sub Article 1)
- Issue licenses to election observers and follow up and supervise their activities (sub article 7)
- Facilitate and ascertain that elections held periodically and at every level are conducted in a free and fair manner (sub article 9)
- Certify neutrality and freedom of electoral officers and also protect them from any influence that they may come under in relation to their work (Sub article 12)
- ensure that competent and non-partisan electoral officers who enjoy public trust are recruited and trained (sub article 15)

- Provide administrative relief for complaints raised in the course of election (sub article 19).
- Cancel election results and order re-election where it has been convinced that violation of law has occurred which would undermine the outcome of the election. In addition, hold individuals accountable for violations of law, fraudulent acts or disturbance of peace in relation to an election (Sub article 20)

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

The Ethiopian Electoral, Political Parties Registration and Elections Code of Conduct Proclamation No.1162/2019 also indicates how election should be conducted and what principles should follow. The following provisions of this proclamation are also related to the article under reviewing.

Part Two

Elections and Election administration bodies

Chapter one

Electoral systems, Principles and Types

5. Election Principles

1. Any election shall be conducted based on universal suffrage and by direct and secret ballot through which the voters express their will freely without any discrimination and with popular participation.
2. Any Ethiopian whose electoral rights have not been restricted by law or the decision of a court shall be eligible to vote or to be elected; however, he shall not be forced to vote or to be elected,
3. Each vote shall carry equal weight,
4. Each person shall only be allowed to vote by appearing in person.

Under the same Proclamation chapter two, Art.31, the law sets criteria for candidature. The following provisions cover the required criteria to be eligible to contest as a candidate

Chapter Two

Registration of Candidates

31. Criteria for candidature

1. Any person shall be eligible to contest as a candidate who:
 - a. An Ethiopian national who has registered to be elected,
 - b. 21 years of age or above at the date of registration,
 - c. Has resided in the constituency of his intended candidature continuously for one year before the election day or his place of birth is in the constituency of his intended candidature,
 - d. Has been on a regular work duty for two years,
 - e. Electoral rights have not been stripped either by law or the decision of the court.
 - f. Not declared as in cable of making effective decisions due to insanity verified by an authorized body or by sufficient evidence,
 - g. has accepted and signed, if an independent candidate himself or if put forward by political party that has put him forward as candidate – the party, the election code of conduct to be issued by the Board in accordance with this Proclamation.
2. The criteria in Sub-Article (1) (g) of this Article shall not apply to a person:
 - a. who has been outside of the constituency on a duty or study;
 - b. who, having been previously elected in the constituency, is already in office
3. In addition to the criteria set out in Sub-Article (1) of this Article, an independent candidate shall secure endorsement signature of not less than 5,000 from the constituency's residents whose age is 18 years of age or above as verified by a local administrator; whose voting rights have not been restricted by law or a court decision or due to insanity. However, the endorsement signature for an independent candidate with physical disability shall not be less than 3,000.

Nevertheless, where the candidate fails to live according to the stated criteria, the law regulates the issue under the provision of sub Art 5

5. If an independent candidate has been found submitting fraudulent endorsement signatures from persons who did not express their support, uses fictitious name and signature or does any other act of fraud ascertained based a person's report or the Board's investigation, without prejudicing to the punishment based on the criminal law, the candidate's application shall be rejected or his registration revoked and the person shall be barred for

three years from participating as an independent candidate or as a political party leader or member.

As per Art. 32 (2) of the same proclamation, the number of endorsement signatures required for a political party candidate is only 3000. Although registering in person may be taken as general rule in Ethiopia, as an exception to this, sub article 6 of Art. 33 of Pro.No.1162/2019, allows political party candidate to be registered through party nominating him/her in the event he/she is not able to register in person.

Regarding asset registration before holding public, Ethiopia does have a special unit established in every public office and enterprise to coordinate and advise on issues related to ethics and integrity and they involve in Asset registration and disclosure. As part of corruption prevention strategy, Ethiopia has put in place a system of Disclosure and Registration of Assets. According to Art. 4 (1) of Pro. No. 668/2010 any political appointee, elected person or public servant shall have the obligation to disclose and register:

- a. The assets under the ownership or possession of himself and his family, and
- b. Sources of his income and that of his family members.

Under article 33 of this proclamation, any civil servants have a right to contest in an election as an independent candidate or as a member of a political party. Contesting in an election may be granted leave without pay during the campaign period and election time. But the law also prohibits using Government office property for this purpose.

Asset Registration and Disclosure Proclamation No.668/2010

Regarding time of registration of assets, Art. 7 (2) of Pro. No. 668/2010 provides any newly appointed, elected or employed person shall disclose and register his assets within 45 days of his appointment, election or employment later amended by proclamation 1236/2021 to register his/her asset before holding position. Sub Art. 3 of the same provision govern registration cycle. A registrant who has declared and registered his assets is required to renew the registered information every two years. Any appointee, an elected person or a public servant who has retired or terminated his service on any ground shall disclose his assets to the commission or the concerned ethics liaison unit within 30 days from the date of his retirement or termination of service and finally to the commission after two years. Once any appointee, an elected person or a public servant makes the final registration after two years, only the registered data may be used for some verification and investigation purposes. Except

for this, he/she will no more be considered as existing in the registration system. This shows that any political appointee, an elected person or public servant who is under obligation to declare his assets has an obligation to declare his asset /income when he/she comes to power. He has also an obligation to declare his asset after two years of the date of coming to power while either leaving office upon completion of tenure or because of some other reason.

As part of ensuring transparency, the law requires the registered asset information of any appointee, elected person or public servant to be open to public. What is required to get the registered asset information is only to make the request in writing.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 3 of article 7

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia complies with the requirement of the provision under the following laws

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

According to article 66 of the this proclamation, any political party can operate as a Political Party in Ethiopia only upon registration by the Board and receipt of a certificate of legal Personality in accordance of Proclamation No 1162/2019. Under this proclamation chapter eight sources of income and property affairs sub section one stated that political parties can grant fund from the government to enable political parties to conduct legal operations and carry out their obligations without any discrimination and on the principle of equity. To execute this function, the laws granted a power to the board to propose government support fund on the approval of parliament for political parties registered under this law. The parties that seek government support should fulfill some criteria set by the law. The following provisions of the proclamation are related principles of granting the fund, Government support for poetical parties and its eligible criteria to access this fund:

Chapter Eight

Source of Income and Property Affairs of Political Parties

Sub Section One

Support Granted from Government

100. Government Funding Amount and Eligibility Criteria

1. To enable political parties to conduct legal operations and carry out their obligations, the Board shall seek approval of the FDRE House of Peoples' Representatives; government's support to parties, based on the criteria established under sub-article2 this Article.
2. the amount of financial support that a political party receives, in accordance with Sub-Article (1) of this Article, shall be determined by a directive to be issued by the Board

based on the following criteria:

- a) The number of votes it wins at Federal and State Council elections;
- b) The income it receives from members and supporters;
- c) the number of female candidates it nominates;
- d) The number of female members of the party and the number of females in leadership positions;
- e) the number of people with disability candidates that it nominates;
- f) the number of people with disability members of the party and the number of People with disability in leadership positions.

102. Principle

3. The government support for political parties shall be rendered equitably and without discrimination in accordance with this Proclamation.
4. Political parties shall, to demonstrate that the support granted by the government has been utilized properly and for the intended purpose, follow principle of transparency and accountability.

103. The Management and Distribution of Government Support

1. The financial support provided by the government in accordance with Article 100 (2) shall be managed and distributed by the Board. The Board shall keep information necessary for this purpose.
2. The government's annual financial support shall be made in two instalment payment.
3. Political parties shall submit their request for financial support before Meskerem 30, so that the amount they will receive for the financial year can be calculated and allocated in accordance with Article 100 (2). The Board shall determine the amount to be allocated to political parties up to August 30.
4. The Board shall allocate the appropriate amount to a party that has submitted a request in accordance with Sub-Article (3) based on the timetable submitted by the party. The Board shall however, before granting the party the financial support for the coming financial year, request and examine the financial statements for government funding for the previous year and ascertain that there are no anomalies. The Board may extend by one month the timeframe for the party to submit the financial record investigation report

Beside the government support, every political party have a duty to keep properly its income,

expenditure, assets and liabilities records, bank statements and documents. Once the political party has formally registered, they are required to submit annually or with in time line determined by board on the party's assets and liabilities certified as appropriate by an auditor or accountant .(Article 78 sub 1 (d). This idea supported by article 78 sub article 2 that, the report provided under this article Sub-Article (1) (d) of this Article shall disclose the income or asset sources of the political party.

Regarding of handling financial documents, according to sub Articles (1), (3) and (6) of Art. 82 any political party must keep properly its income, expenditure, assets and liabilities records, bank statements and documents. Where its financial positions for the budget year preceding the one to be audited is less than Birr 300,000.00. The political party can assign an accountant who has taken a professional oath to conduct the annual financial audit and submit the report to the board. The board may request the Auditor General to investigate financial documents of any political party as appropriate. While carrying out an audit, the law (Art. 82) gives the auditors and accountants the right to request for, and examine any document related to assets and properties of a political party.

Art. 105 obliges every political party to deposit the government grant support in a locally opened, separate bank account, keep the granted support in specific books of account by listing under every expenditure heading. In fact, this is open to scrutiny as the Federal Auditor General may at any time inspect political parties concerning the utilization of the government support grants.

Political parties are under obligation to use the government grant support properly and in accordance with the established procedures because they are required to submit a report certified by an auditor or an accountant, with details of government grant support utilized listed under expenditure headings.

To ensure proper and uniform implementation of the government grant support, the board shall issue a directive on the use and refund of unused government grants to political parties.

Failure to meet the requirements mentioned under Art. 104 entails penalty stipulated in Art 106. Accordingly, where any political party utilizes the government grant outside the purpose of the support, fails to submit report on time, submits a false financial document, or is in default on its grants obligation:

- (a) the support for the party may be reduced or terminated;
- (b) Any political party or person found guilty may be penalized in accordance with the

appropriate criminal law.

In addition to the criminal penalty envisaged, the law permits the Board to request a political party to return the amount of expenditure not utilized properly through a court suit or set-off. In general the board is mandated to issue a directive to determine the titles and details that these documents must contain.

For further information see the following major provisions of the proclamation in relation to political party's asset and financial handling, auditing and sanctions failure to do so.

- The Political party Annual Audit Report Art. 82,
- The Rights of Auditors or Accountants Art. 83,
- The Political Party Books of Account Art. 105,
- The rule applicable to the support granted to political parties Art. 104,
- The Political Parties Responsibility and Penalty Art. 106,

The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation No. 1162 /2019 does not clearly define the term donation or Contribution to a political party. Rather it defines in terms of what constitute source of income.

Sub Section Two

Source of Income

108. Political Party's Source of Income

1. the income source of a political party may be:
 - a) membership dues collected from members;
 - b) donations or grants by Ethiopian Nationals or Companies controlled by Ethiopians in accordance with the limit to be set by the Board based on a study the Board conducts;
 - c) Government grant and support to be provided in accordance of Article 100 of this Proclamation.
2. Without prejudice to the provision of this Article, a political party, to enhance its financial position, may organize fundraising conferences and events, as well as sell its paraphernalia, research findings, booklets and magazines.

3. Notwithstanding the provision of Article 66 (2) of this Proclamation, a political party which has attained legal personality shall not directly or indirectly engage in commercial and industrial activities.

4. The Board shall issue a directive to determine the particulars of this Article.

109. Prohibited Donation or Grant

1. Any political party is prohibited from accepting gift or donation from the following persons or bodies:

- a. Foreign national institutions or corporations;
- b. Foreign governments or foreign political party;
- c. Welfare organizations or non-governmental organizations;
- d. Religious organizations;
- e. Prisoners servicing sentence;
- f. an organized group or person planning to assume state power outside the provisions under the Constitution;
- g. Organization designated as a terrorist;
- h. Without prejudice to the provision of Article 111(2), gifts or donations from unknown sources;
- i. full- or semi-government developmental organizations; and
- j. Gifts or donations from anybody or person hoping to execute future objective or envisages
to execute future object.

2. Where a political party in any way receives a gift or donation prohibited under Sub-Article (1) of this Article, the party shall return the donation or grant to the Board together with related information within 21 days from the date it received the donation or grant.

110. Unlawfully Acquired Asset and Property

Where a political party is found to have received money or any property in the form of donation, gratuity, inheritance or proceeds from commercial and industrial activities, or in

any other way, the Board shall issue a fine. The party may also be held liable under the appropriate criminal law.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Financial support given by government to political parties for daily activities expenses and national election activities (4 years)

No	Budget year	Amount of money allocated to political parties (Ethiopian Birr)	Purpose of support / Grant
1	2016	10,000, 000	for daily activities expense
2	2018	10,000 ,000	for daily activities expense
3	2019	10,000,000	for daily activities expense
4	2021	98,864,200	For National Election competition

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where

applicable.]

Paragraph 4 of article 7

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia adopts the following laws to comply with this provision of this convention

The 1995 FDRE Constitution

Article 12. Conduct and Accountability of Government

1. The conduct of affairs of government shall be transparent.
2. Any public official or an elected representative is accountable for any failure in official duties.
3. In case of loss of confidence, the people may recall an elected representative. The particulars of recall shall be determined by law

Corruption Crimes Proclamation No. 881/ 2015

13. Maladministration of Government or Public Enterprise work

- 4) Where a public servant or employee of a public organization. Without having intent to Obtain an advantage for him or to procure the same for another:

- a) has caused a contract to be concluded, relating to a business or other undertaking, a purchase or sale, or any transaction related to his function between his office and an organization in which he himself Or his close relative is an interested party or a shareholder, or with a charitable organization of which is a founder or a member; or
- b) Has purchased certain property or taken part in an auction while prohibited by law or regulations or directives from so doing, in his own name or in the name of other or together with, another person; he shall be punishable with simple imprisonment and fine or rigorous imprisonment not exceeding five years and fine not exceeding birr fifty thousand.

Disclosure and Registration of Assets Proclamation No. 668 /2010

The Disclosure and Registration of Assets Proclamation No. 668 /2010 Part three of (Disclosure and Avoidance of Conflict of Interest) describes ethical standards that any public officer has to comply with. As Principle under art 15 of the Proclamation it is provided that any appointee, elected person or a public servant shall use the public office to which he is entrusted to protecting the public interest alone.

The ethical standard regulates the outside activities of public officials by prohibiting any Appointee, elected person or a public servant

- Not to accept any gift, hospitality or sponsored travel that may put his authority to decide under question or ensure conflict of interest.
- If encounters conflict of interest, shall refrain from giving decision or opinion on the case as well as from taking any action that may be inconsistent with his official duty or may compromise his loyalty; and
- Disclose the situation to the concerned higher official so that the higher official will take measures to prevent conflict of interest.
- to take up any benefit ensuing work from persons whom he used to control, until two years after leaving office.

Failure to Disclose Conflict of Interest will result application of appropriate administrative sanction in accordance with the relevant code of ethics, and also it is punishable in accordance with the relevant provisions of the Criminal Code. Therefore, any Public

Officer is required to comply with these standards and the public can access this standard easily from the FEACC's website.

Public Procurement Proclamation No.649/2009

Besides this Proclamation, Conflict of interest is also regulated in the sectors related with corruption prevention such as the Public Procurement Proclamation No. 649/2009 and the relevant directives. The Public Procurement and Property administration proclamation provides the following provisions deals with conflict of Interest under article 33/1 of the Agency Proclamation

" Subject to the details to be specified in the directive to be issued by the Minister, personnel engaged in public procurement or property administration shall have to observe the obligations to notify any actual or possible conflict of interest and isolate oneself from any processes involving such conflict;"

Also under the Proclamation 72/4 obliges the members of the procurement and asset disposal complaints review Board to report any potential or actual conflict of interest they may come across in the exercise of their functions and to exclude themselves from any proceeding involving such conflict.

Federal Public Procurement Directive

The Public Procurement Directive PART IX I(Ethics in public procurement) article 34 under the title of Professional ethics expected of persons engaged in public procurement, states that any employee or person in a position of responsibility involved in public procurement shall observe the following and other rules of ethics

- Where an employee or a person in a position of responsibility involved directly in public procurement realizes that the decision he makes in respect of any procurement proceedings conflicts with the interest of himself or his family, he shall notify this in writing to the appropriate authority of the Public Body and withdraw from that particular procurement process.
- Where a Public Body receives information from any source that an employee or a person in a position of responsibility engaged in public procurement is involved in a conflict of interest in the exercise of his duty, it shall require the person concerned to respond to the allegation in writing

- The Public Body then shall determine whether the allegation of conflict of interest is true on the basis of the response given by the person whom the allegation concerns pursuant to article 34/1 above and other evidence gathered by any means it considers appropriate.

According to article 34.2.3 of the Procurement Directive, where the Public Body ascertains that the person whom the allegation concerns is in fact involved in a conflict of interest in connection with his duty:-

- a) It shall remove the person from that procurement process,
- b) It shall cause decisions given in participation of that person in connection with that procurement process to be reviewed.
- c) it shall take disciplinary measures on that person unless it is convinced that the failure on the part of that person to notify the Public Body of the fact of his involvement in a conflict of interest is due to lack of awareness.

Federal Civil Servants Code of Ethics

The Civil Service Commission has also developed a code of conduct for a civil servant enacted in 2017. This code of conduct provides the definition for conflict of interest and activities to prevent and avoid possible conflict of interest in discharge of public duty. The code of conduct provides the following main objective

- To build ethical standards and to strengthen accountability if there is breach of the ethical rules
- To create public officers who are free from Corruption and mal practices, endeavor for serving the public, respect and implement ethical rules.
- To describe situations where conflict of interest may arise and the possible means of prevention
- To enable Public officers fight against rent seeking etc.

The Amendment of Proclamation to the Federal Auditor General

Re-establishment Proclamation No.980/ 2016

19. Code of conduct and protection from liability of Auditor General and Staff of the office of

The Federal Auditor General

1. all auditors of the office shall discharge their duties, adhering to professional code of conduct issued by the Federal Auditor General
2. Auditor General Deputy Auditors General and other auditors of the office shall not be liable for the Audit activities they have conducted in good faith.
3. All report of the Auditor General published for the benefit of parliament shall be treated as parliamentary report and shall enjoy all privilege accorded to parliamentary report No civil or criminal proceedings shall be instituted on the basis of this reports against the Auditor General or its staff.

21. Offences and Penalty

2/ any Auditor who:

- a. In consideration for the performance or for the omission of an act in violation of the duties proper to his office solicits, exacts a promise of or receives a gift, money or any other advantage; or
- b. accepts any auditable document as genuine where he knows that it is not or unduly rejects any valuable document submitted to him by the one to be audited; or
- c. defrauds or cooperates with others by creating conducive conditions so that they can defraud or conspires in defrauding money of the Federal Government; or
- d. with intent to obtain or procure undue advantage for himself or to a third person or to cause a harm on any other person, causes to disappear or falsify or cause to be falsified or forges any books, documents, ledgers, vouchers or any other evidence submitted to him by the one to be audited

Shall be punished with imprisonment from 5 to 7 years or with a fine or Birr 10,000 to 40,000 (ten thousand Birr to forty thousand Birr) or with both such fine and imprisonment.

Auditors Code of Ethics

Chapter Three

Independence, Objectivity and Impartiality

14. Independent from the audit entity and others outside interest groups is indispensable for auditors

This implies that auditors should behave in a way increases or in no way diminishes their independency

15. Auditors should strive not only to be independent of audited entities and other interested groups, but also to be objective in dealing with issues and topics under review.

16. It is essential that auditors are independent and impartial not only in fact but also in appearance

17. In all matters relating to audit work, the independence of auditors should not be impaired by personal or external interests, independence may be impaired, for example by external pressure or influence on auditors, prejudices held by auditors about individuals, audited entities, projects or programmes, recent previous employment with audited entity or personal or financial dealings which might cause conflict of loyalties or of interests. Auditors have an obligation to refrain from becoming involved in all matters in which they have a vested interest.

Federal Courts Proclamation No.1234/2021

32. Open Hearing

1. Federal Courts shall conduct court proceeding in open court.
2. Notwithstanding the provisions of Sub-Article (1) of this Article, cases may be heard in camera where it is found necessary to protect:
 - a. the right to privacy of the parties concerned;
 - b. National Security; and
 - c. Public morality and public decency.

33. Withdrawal from proceedings or Removal of Judges

4. A judge of a Federal Court shall be removed from his bench where:
 - a. he is related to one of the parties or the advocate thereof by consanguinity or by affinity;
 - b. the dispute relates to a case for whom he acts or acted as tutor, legal representative or advocate to one of the disputing parties;
 - c. the has previously acted as judge or mediator or an arbitrator in connection with the case or the subject matter of the dispute. This may, however, not applicable where a judge has previously acted as a judge of lower courts or appellate court in the process of remand;
 - d. he has a case pending in court with one of the parties or the advocate thereof;

- e. There are sufficient reasons, other than those specified under Sub-Article (1)(a) to (1)(d) of this Article, to conclude that injustice may be done
- 5. The judge concerned shall withdraw as soon as he is aware that he should not sit, as provided in Sub-Article (1) of this Article and shall be replaced by another judge.

Federal Public Prosecutors' Administration Council of

Minister's Regulation No.443/ 2018

75. Borrowing Money

- 1. Persistent borrowing is prohibited.
- 2. A public prosecutor is strictly prohibited from borrowing or attempting to borrow money from a member of the public with whom the public prosecutor has a contact in discharge of his official duties.

76. Gifts

Any public prosecutor shall not solicit or take remuneration or consideration in whatever form from any person in respect of services rendered or expected to be rendered.

77. Conflict of Duty and Private Interest

- 4. Any public prosecutor shall forthwith report to his immediate official a case in which his interest or his relative's or friend's interests conflict with his duties and shall request that the case be handled by another public prosecutor
- 5. The immediate official shall make decision to handle the case by another public prosecutor after investigating the request.

80. Working for Others

- 1. Any public prosecutor:
 - a. Shall undertake to work for other governmental offices or public enterprises or international organizations upon receiving appropriate order for not more than three years.
 - b. Shall not undertake any outside activity which would in any way impair his service or which in any way conflicts with his duties or is inconsistent with his position and profession as a public prosecutor.
- 2. Without prejudice to sub Article (1) of this Article, any public prosecutor shall obtain prior permission of the Attorney General to undertake any outside activity

except for art, creativity, studies and researches, drafting laws, and scientific and educational activities.

3. A public prosecutor shall have right to get better salary and other benefits when he is working upon receiving the appropriate order in accordance with Sub-article (1) (a) of this Article.
4. Details activities inconsistent with professions of public prosecutor shall be determined by a directive.

Ethiopian Federal Government Procurement and Property

Administration Proclamation 649/2009

32. Rules of Ethics in Public Procurement and Property Administration

1. Subject to the details to be specified in the directive to be issued by the Minister, Personnel engaged in public procurement or property administration shall have to observe the following rules of ethics in the discharge of their duties:
 - a) the obligations to notify any actual or possible conflict of interest and isolate oneself from any processes involving such conflict;
 - b) to give candidates and suppliers equal opportunity of competition and performance;
 - c) keep in secret any confidential information concerning the public body, candidate or supplier which he/she came to know on account of his/her duty;
 - d) to reject any gift or offer of an employment opportunity or anything of monetary value or service;
 - e) to report to the law enforcement agencies any intended or completed action of corruption and contribute to the effort to fight corruption and malpractice;
 - f) Demonstrate concern to public resource and property.
2. Any candidate or supplier shall have to refrain from any act contravening the process of

Public procurement and property disposal. Without prejudice the provisions of Chapter Fifteen of this Proclamation, any candidate or supplier shall have the responsibility:

- a) with an intention to influence the decision or action of the head or staff member of the public body or persuade the public body to change its established practice of procurement and property disposal, not to give directly or indirectly

- a) gifts of any kind in the form of inducement, not to promise to give gifts, not to offer employment opportunity or anything of monetary value or service;
- b) with an intention to mislead a procurement proceeding not to present a falsified document or not to withhold information he/she should have disclosed;
- c) not to connive with another candidate in an act of false competition in order to get unfair advantages;
- d) to report to the law enforcement agencies any intended or completed action of corruption which he came to know during the procurement proceedings and contribute to the effort to fight corruption and malpractice.

House of People's Regulation No.6/ 2015

140. Conflicts of Interest

- 1. Where a member elected or delegated by the House to perform a certain task, finds that the case at hand is related to his interest or that of a close relative, he shall withdraw from handling the case after notifying the House, the Speaker or the committee of which he is a member.
- 2. No member may be employed or engage himself in an occupation which is incompatible with the responsibilities vested on him or is in breach of the trust given to him or is damaging to the prestige and dignity of the House.
- 3. Without prejudice to relation of the House with other bodies based on cooperation and support, no committee or member may request, search or accept from any governmental or non-governmental body or official or person any resource, sponsorship or other benefit.

Federal Administrative Procedure Proclamation No.1183/2020

Principles of Administrative Making

25. Balancing of Public and Individual Interest

A person rendering an administrative decision shall balance the individual interest of the person regarding whom an administrative decision is being considered with that of the public interest identified in the objectives of the agency.

26. Avoiding Irrelevant Matters and Interests

A person rendering an administrative decision should avoid influence from irrelevant facts or Interests

27. Rendering of Professionalism

A decision, shall abide by the ethical standards, show due diligence and care that is required by the relevant task or profession.

31. Avoiding Conflict of Interest

Where a person rendering administrative decisions has blood, affinity or any other kind of relation that may cause a conflict of interest, he shall recuse himself from case.

35. Transparency

A person rendering administrative decisions shall ensure the transparency of the decision making

Process

Other Measures

The FEACC, Public Procurement and Property Administration Agency, Civil Service Commission and other institutions has provided training and other capacity buildings based on their relevant legal frameworks as part of their overall training scheme.

Transparency International Ethiopia and the Construction Sector Transparency Initiative (CoST) are working to strengthen transparency of government rules and practices in areas which are prone to corruption. The public institutions described above (The FEACC, FPPA, and The CSC) are institutionally structured and provided detail procedures to oversee the compliance with conflict of interest rules of their respective legal framework and apply respective sanctions whenever there is breach of the rules.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Disclosure and Registration of Assets Proclamation No. 668 /2010,
- The Federal civil Servants Code of conduct issued on Dec, 2017,
- The Public procurement proclamation No.649/2009

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 8. Codes of conduct for public officials

Paragraph 1 of article 8

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has taken the following measures in relation to this provision of the convention

The FDRE Constitution

Article 12. Conduct and Accountability of Government

1. The conduct of affairs of government shall be transparent.
2. Any public official or an elected representative is accountable for any failure in official duties.
3. In case of loss of confidence, the people may recall an elected representative. The particulars of recall shall be determined by law.

Part One – The House of Peoples Representatives

Article 54. Members of the House of Peoples' Representatives

4. Members of the House are representatives; of the Ethiopian People as a whole. They are Governed by:
 - (a) The Constitution;
 - (b) The will of the people; and
 - (c) Their Conscience

Corruption Crime Proclamation No. 881/ 2015

According to corruption crime proclamation 881/2015, the term "public servant" means any person who is employed, appointed or elected to work either temporarily or permanently in a public office or public enterprise and includes member of a management board. In this context public servant is includes elected, appointed and civil servants.

The following provisions are related with promoting public official's integrity.

Federal Civil Servant Proclamation No.1064/2017

17. Oath Fidelity

The selected candidate shall take the following Oath of Fidelity before Commencement of work

"I being a civil servant solemnly swear to sincerely, faithfully and ethically serve the people and execute government policy, and to respect at all times the Constitution and the laws of the Country and not to disclose to any party information that is revealed to me by reason of my duties and is classified as confidential by law or decision of the appropriate body ".

Section Eight

Rights and Obligation

65. Responsibilities of Government Institutions

Without prejudice to other provisions of this Proclamation, any government institution shall have responsibilities to:

1. make civil servants fully aware of government policies, strategies and laws;
2. ensure that its working environment is free from any form of religious practices or activities;
3. provide job description to each civil servant and evaluate his performance based on work plans;
4. proved necessary work appliances to civil servants and orient them about their usages;
5. Create conducive working environment to the health and safety of civil servants.

66. Obligations of Civil Servants

Any civil servant shall have the following obligations:

1. be loyal to the public and the Constitution and respect the law;
2. effectively execute the laws and policies issued by the Government;
3. serve the public and the country without having any form of bias;
4. devote his whole energy and ability to the service of the public;
5. discharge the functions specified in his job description and the lawful orders of his immediate supervisor;
6. be reserved from exercising any activity or practice reflecting his own faith or religion at the place of work;
7. not disclose confidential matters of the government institution classified as such;
8. avoid discriminatory treatment of clients on the basis of gender, language, ethnicity, religion, political stand, physical disability or other forms of differentiation not engage in any other activity that compromise his service to the government institution or otherwise conflict with his duties or is incompatible with his status as a civil servant;
9. not use his position to advance his political interest and thereby exercise discriminatory practice;
10. not solicit or accept any gift or a present having a value in consideration of the service he renders or expected to render as a civil servant;
11. properly use and handle equipment and implements supplied to him for the purpose of doing his job;
12. submit for medical examination, other than examination for HIV/AIDS, when required by the government institution on sufficient grounds related to his service;
13. Observe occupational safety and health rules.

Federal Civil Servant Disciplinary and Grievance Procedure

Council of Ministers Regulation No. 77/2002

One aspect of ensuring integrity in government operation is strong accountability when there is failure to adhere to standard procedures or code of Ethics. The federal government enacted a Federal Civil Servant Disciplinary and Grievance Procedure Council of Ministers Regulation No.77/2002 that guide on how Government officials and civil servants are accountable when they commit disciplinary offenses. The regulation provides comprehensive

disciplinary procedures and the level of accountability for both gross and minor disciplinary offences.

Council of Minister Regulation No.144/2008

To Improve Government integrity and standard of behaviour in government operations, the federal democratic republic of Ethiopia issues a regulation that establish Ethics liaison units to promote ethics and prevent possible corruption offences. Under the amended Federal Ethics and Anti-Corruption Commission establishment proclamation No.1236/2021 and Directive of Ethics liaison units for Government offices and private sectors (Directive No.20/2021 and Directive No.23/2021). Those units are directly accountable to the commission. This helps to ensure that the units operate without any interference or external intervention.

Recognising Exemplary Officials or Civil Servants

In demonstrating Integrity

The federal Ethics and anti-corruption Commission uses different techniques to promote Ethics and ethical values in government institutions. One aspect of promoting ethical values across officials and civil servants is to recognize individuals who are outstanding in their ethical demonstration and setting example to other civil servants. Based on this idea, the Federal Ethics and anti-corruption commission has started this year by officially recognizing more than 286 civil servants /officials selected from all over the country based on approved of selection criteria. Promoting and awarding exemplary persons help encourage others to stick to the required standard Ethical behaviours.

Oath of Ethics for University Students

The Federal Ethics and Anti-Corruption Commission has initiated an oath for all graduating universities students. The major objective of the oath is to inculcate the concept of Ethics and the need to fight corruption while starting job. To this effect circular was distributed via Ministry of Science and higher education to all universities. The content of the oath provided here in below.

“When in this date commence, I pledge to have zero tolerance for corruption, unethical manners and other mal practices that will affect my community. I will pledge to respect human right and dignity of peoples. I pledge to oppose any partiality in any manner”

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Council of Ministers Regulation No.144/2008
- Federal Civil Servant Disciplinary and Grievance Procedure Council of Ministers Regulation No.77/2002
- Federal Civil Servant Proclamation No. 1064/2017

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

*(c) Successes and good practices (**there is No space in the application**)*

[Identification of successes and good practices in implementing the article, where applicable.]

- **Recognizing individuals who are demonstrating high ethical standard and example for others as new way of promoting ethics and fighting corruption. So far, from all over the country, the following are entities are recognized for demonstrating integrity and fighting corruption.**

No.	Category	Number of recognized in each category
1	Persons	286
2	Government institutions	8
3	Students (universities and higher school)	229
4	Civil Societies	2
Totally Recognized		525

Paragraph 2 and 3 of article 8

In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.

3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with these provisions?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

House Peoples Representatives Regulation No.6/2015

Chapter Seventeen

Members Code of Conduct

129. General Principle

Every member shall be required to apply the principles of the code of conduct that are clearly recognized at international and national level in a manner compatible with his work.

130. Promoting National Values

1. Every member shall be a loyal and honest servant as well as a good example to the Ethiopian people.

2. Every member shall observe and ensure the observance of the Constitution and other laws of the country.
3. Every member shall, in the performance of his functions, give precedence to protecting and respecting national and public interests.

131. Honesty and Transparency

1. Without prejudice to the provision of Article 135 of this Regulation, every member shall display honesty and transparency at any time.
2. No member may give false information or unsubstantiated matter, pretending that it is true.

132. Using Power Properly

1. No member may misuse the power given to him by law.
2. Subject to the general provision of sub-article (1) of this Article, no member may use his powers and duties for his own advantage or for committing acts of partiality, but for the protection of the interests of the public and citizens in a just manner.

133. Discharging Responsibilities

6. Except due to obligatory conditions, every member who has been assigned or delegated to perform any function of the House shall be expected to carry out such function with full willingness.
7. Every member shall discharge the responsibilities entrusted to him by the public and the tasks assigned to him by the House, by applying his full knowledge and experience efficiently.

134 Keeping the Prestige and Dignity of the House

1. Every member shall, at any place, keep the prestige and dignity of the House.
2. Every member shall refrain from undesirable acts.
3. Every member may not insult, abuse or harass other persons within the compound of the House, or cause disturbance to the activities of the House.

135. Confidentiality

Subject to the principle of transparency in the performance of their duties, members shall keep matters confidential under the following conditions:

1. every member shall keep confidential, matters that have Come to his knowledge by virtue of his work or any other Reason, and must be kept secret if they are likely to jeopardize government or public interest, peace and security;
2. no member may reveal what has been discussed in a closed Meeting before it is made public through the relevant procedure;
3. Every committee member shall keep confidential any matter being considered by a committee, and required by it to be kept secret until it is reported to the House.

136. Being Free from Corruption

1. Every member shall be expected to fight corruption effectively by being free from corrupt practices and opposing corruption and to set an example in an anticorruption struggle.
2. Every member may not cast his vote or give an opinion on being influenced by bribery or any other undue benefit.
3. Every member shall be expected to be free from wasting public money, fraudulent mis-representation, breach of trust and the like.
4. Every member shall have the obligation of having his property and wealth registered in accordance with the relevant law.

137. Refraining from Acts Likely to Cause Conflicts among People

1. Every member shall refrain from engaging in acts which may in Anyway cause civil conflict, rebellion, conspiracy, disturbance or other similar criminal acts.
2. No member may, by supporting one side and denouncing the other or by making any suggestions, instigate or cause conflict between nations, nationalities, ethnic groups and religions as well as among citizens.

138. Accountability

In accordance with Article 12 of the Constitution, every member shall be accountable for every activity that he carries out.

139. Setting an Example

- c. Every member shall be expected to set an example by enhancing his self-confidence, performing his duties with a sense of responsibility and by showing abstinence and accomplishment.

- d. Every member shall be expected to have a sense of responsibility, to support change for the better, to boost the culture for work and self-confidence and to set an example for his colleagues and the public in his leadership quality.

140. Conflicts of Interest

1. Where a member elected or delegated by the House to perform a certain task, finds that the case at hand is related to his interest or that of a close relative, he shall withdraw from handling the case after notifying the House, the Speaker or the committee of which he is a member.
2. No member may be employed or engage himself in an occupation which is incompatible with the responsibilities vested on him or is in breach of the trust given to him or is damaging to the prestige and dignity of the House.
3. Without prejudice to relation of the House with other bodies based on cooperation and support, no committee or member may request, search or accept from any governmental or non-governmental body or official or person any resource sponsorship or other benefit.

Federal Judges Procedure for Discipline and Code of Conduct No. 1/2013

The aim of enacting this code is to indicate how rule of law is ensured and judges functions are strengthened. The enactment of this law is also used as guideline for judges on how to ensure transparency, honesty and loyalty across judicial system. The code also clearly indicates on how judges are accountable. The following ethical principles are indicated in the procedure code.

Chapter Two

Ethical Principles and Duties of Judges

Article 6: Freedom

Article 7: Independency

Article 8: Honesty

Article 9: Confidentiality

Article 10: Competence

Article 11: Litigation skill

Article 12: Freedom of Expression out of Court

Federal Civil Servants Code of Ethics/ 2017

This code of Ethics was enacted in 2017 by Ministry of Public Service (currently known as Civil Service Commission) designed to be implement in all public office. The code is prepared based on the 12 ethical guiding principles approved by House of Peoples Representatives. Since the code is to general and not specific based on the context of the institution, the amended Federal Ethics and Anti-corruption Establishment Proclamation 1236/ 2021 allows institution to adopt their own codes according to their individual specificity.

The federal democratic republic of Ethiopia also takes into consideration different international measures such as International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996. The following principles of the resolution are included in the draft code of federal Government officials code of conduct, Asset registration law, Procurement law and other code of ethics implemented

- Conflict of interest and disqualification
- Disclosure of Assets
- Acceptance of gifts or other favours
- Confidential information
- Political activity

Like the international code of Ethics initiatives, Ethiopia has taken different measures/ that strengthen corruption prevention efforts in relation to this article.

Procurement and Sale of Disposal Property Directive No.814/2021

The purpose of this Directive is to provide for the electronic system by which Federal public procurement and sale of disposable property is executed through electronic system. Electronic Government procurement is a sale of disposable property by which procurement of goods, services or works and sale of disposable property of public bodies is executed using electronic method. As e-procurement is an international experience which good is taken as way to minimize corruption, Ethiopia has launched E-Government procurement system and enacted Implementing directives.

IFMIS and E-payment system

The Federal government of Ethiopia has implemented a new initiative called Integrated Financial Management Information System (IFMIS) and E-payment system which will be implemented across all government institutions. The aim of IFMIS project is to Standardizing the processes across all Ministries on the financial accounting and reporting, enables all Federal Public Bodies and Regions to use a single system with extensive reporting facility from the same physical source, Facilitate fast and quality reporting procedures within and across the ministries, Enable quick consolidation mechanism, Pave a platform to prepare the current budgeting system to output based budgeting methods , Provides interfaces with other systems in Banks, Customs and Revenue, Debt and Aid Management, or other available systems . The E –payment is a system used to authenticate and authorized any budget disposal or payment request from any government or private entities.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- The House of Peoples Representatives Regulation No.6/2015
- Federal Judges
- E- Payment
- Federal Judges Procedure for Discipline and Code of Conduct No.1/2013
- Federal Civil Servants Code of Ethics/2017
- E-procurement Guideline
- Integrated Financial Management Information System (IFMIS)

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 4 of article 8

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has enacted different laws and put in place systems and procedures that allow citizens or civil servants to report corruption offences to the commission. Based on this, Ethiopia has taken the following measures in relation to this provision of the convention.

Protection of Witnesses and Whistle-blowers of Criminal Offences

Proclamation No.699/2010

Providing protection for witnesses and whistle-blowers of criminal offences play a significant role for the prevention that may cause serious threat to the public. To ensure the safety and security of the public by having criminal offenders brought to justice and sustain the right penalty, Ethiopia has enacted the witness protection and whistle blowers of criminal offences.

The law covers all types of crimes including Corruption. In addition, the law provides different range of protection according to the gravity of the offence.

Revised Federal Ethics and Anti-Corruption Commission

Proclamation No.433/2005

26. Duty to Inform and Cooperate

1. Public offices and Public Enterprises shall, without prejudice to administrative or Disciplinary measures they take, report to the Commission serious ethical violations and corruption offences forthwith.
2. Any public official or public employee in a Public Office or Public Enterprise shall report to the Commission where he has reasonable suspicion that corruption offences are or are about to be committed.

Revised Procedure for Corruption Offence Proclamation No.434/2005

Section Seven

Protection of Whistle-blowers

48. Objectives

The objectives of the protection are:

5. To encourage the disclosure of corruption offences;
6. To give appropriate consideration to the rights and interests of the person who made the disclosure.

49. Making of Disclosure

1. a disclosure of corruption offence may be made with or without the name of the person who makes the disclosure.
2. If a disclosure is properly made to the appropriate organ, the disclosure shall be deemed to have been received by such organ,

50. Exemption. From Liability

Any person who has an obligation to maintain confidentiality under a law, oath or an agreement, the disclosure of such evidence to the appropriate organ shall not be considered as a violation of law, oath or agreement.

51. Organ Receiving Information

7. The appropriate organ has an obligation to receive any disclosure made by any person about corruption offence
8. the appropriate organ to which the disclosure is made shall keep record About it
9. The appropriate organ shall, with respect to the disclosure, have the responsibility
 - a) To submit report to the organ to which it is accountable;
 - b) To give the necessary. Information to the person who made the disclosure.
10. No information may be given in accordance with Sub-Article 3(b) of this Article, if the Information would be likely to adversely affect any body's safety or the investigation of an offence.

Revised Federal Ethics and Anti-Corruption Commission

Proclamation No.1236/2021

Article 9 powers and duties of the commission

2. Without prejudice to the provisions of sub article (1) of this article, the commissioner

Shall have powers and duties to:-

- J) Reports for organs which has given by law to safeguard informants if there is
Threat on persons who give information to the commission with regard to asset
Registration verification, immediate corruption prevention and others
corruption
Prevention activities.

Council of Ministers Regulation No. 144/2008

The Council of Ministers Regulation No.144/2008 functioning of Ethics Liaisons Units article 9 Sub Article 7 gives mandate to ethics liaison to provide protection of whistle blowers in relation to corruption and other improprieties.

7. Functions

An Ethics Liaison Unit shall:

6. Record and report to the Commission and make the head. of the public office or public enterprise know the same immediately, any. incident of corruption it has observed or brought to its attention through whistle blowing, and follow up the status of the case;
7. Advise the head of the office or enterprise on ways of promoting ethics, strengthening sense of duty and the protection of employees from reprisal measures so as to encourage disclosure of corruption, and follow-up the implementation of same;

9. Responsibilities of Heads of Public Offices of Enterprises

The head of a public office or enterprise shall have the responsibilities to: -

7. Ensure that a system for the protection of whistle blowers is established and notices explaining, in particular, the following rights and duties of whistle blowers are clearly posted at a conspicuous place.
 - a. that every officer or employee shall expose corruption, and failure to do so entails liability;
 - b. that disclosure of corruption may be made orally by appearing in person or by telephone, mail, email, fax and such other electronic media with or without disclosing the name of the person who makes the disclosure;
 - c. that reprisal action on person who disclose unethical behaviour or corruption entails administrative and criminal liability;
 - d. that unfounded disclosure intended or designed to harm another person entails administrative and criminal liability;
 - e. that the Ethics Liaison Unit shall conduct investigation on reprisal measures and submit recommendations thereon, with a copy to the Commission;
 - f. that an employee against whom reprisal measure is taken may appeal to the Commission if not satisfied with the decision of the office or enterprise;

Other Measures

The Federal Police Commission has established a hot line that allows citizen to report any type of corruption including Acts of corruption performed by public officials. The federal police commission has a separate directorate in charge of receiving report of the commission of all crimes. The Attorney general also established a separate department that will receive

protection request from whistle blowers and witnesses and facilitate to do so. The Attorney General also receives the reports of the commission of crime.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- More than 67,729 acts of corruption are reported to both the Federal and regional anti-corruption commissions since the establishment of Federal Ethics and Anti-corruption commission (FEACC) in 2001. More than 1,894 protection requests were brought to the anti-corruption commissions and among which 517 of them were given legal protection.
- Statistical data on acts of corruption of public officials and legal protection given for whistle blowers and witnesses (from 2016-2020).

Reporting Period	2016	2017	2018	2019	2020	Total
No. of acts of corruption	323	146	148	158	112	887

- Statistical data on number and status of whistle blowers and whiteness protection for the last Five years (from 2016- 2020)

No.	protection Request Granted	Protection request rejected	Protection request under process	Total Request
1	517	164	12	693

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

Paragraph 5 of article 8

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Disclosure and Registration of Assets Proclamation No.668/2010

2. Definitions

1. “Asset” means any movable or immovable or tangible or intangible property and includes landholdings and debts;

According to the disclosure and asset registration law, officials subject to registration are specified under article 2 (4), 2 (5) , 2 (6) , 2 (7) and 2 (8) of the proclamation. Under the revised establishment proclamation No.1236/2021, it has amended and extended some of the article of the asset law especially in relation to politically appointed officials.

Part Three

Disclosure and Avoidance of Conflict of Interest

14. Principle

Any appointee, elected person or a public servant shall use the public office to which he is entrusted to protecting the public interest alone. On no account shall he secure personal gain from the information brought to his knowledge as a result of his assumption of public office and not made public.

15. Gift, Hospitality and Sponsored Travel

1. Any appointee, elected person or a public servant may not accept any gift, hospitality or sponsored travel that may put his authority to decide under question or ensue conflict of interest.
2. Notwithstanding sub-article (1) of this Article, if refusal to accept a gift, hospitality or sponsored travel may jeopardize working relation, an appointee, an elected person or a public servant may accept the gift, hospitality or sponsored travel; provided, however, that he shall deposit the gift with the relevant public office or public enterprise or disclose the hospitality or sponsored travel to the Commission or the relevant ethics liaison unit.

16. Measures to be taken to Avoid Conflict of Interest

1. where an appointee, an elected person or a public servant encounters a case that may lead to a conflict between his official duty and his own or his close relative's private interest, he shall:
 - a) refrain from giving decision or opinion on the case as well as from taking any action that may be inconsistent with his official duty or may compromise his loyalty; and
 - b) Disclose the situation to the concerned higher official.
2. A higher official who has received a disclosure under sub-article (1) of this Article may instruct the appointee, elected person or public servant to continue handling the case or may delegate another person instead, as the case may be.

17. Measures to be Taken Following the Event of Conflict of Interest

Any appointee, elected person or public servant shall, following any event of conflict between his official duty and his own or his close relative's private interest, publicly admit his fault and ask for apology or resign from office, on his own initiative or when required by his superior to do so.

18. Post-Employment Limitation

Any appointee, elected person or public servant may not take up any benefit ensuing work from persons whom he used to control, until two years after leaving office. The details shall be provided in regulations and/or directives.

19. Failure to Disclose Conflict of Interest

An appropriate administrative sanction shall, in accordance with the relevant code of ethics, be taken against any appointee, elected person or public servant who fails to disclose any conflict of interest in accordance with this Proclamation.

Federal Public Prosecutors' Administration Council of Ministers

Regulation No.443/ 2018

76. Gifts

Any public prosecutor shall not solicit or take remuneration or consideration in whatever form from any person in respect of services rendered or expected to be rendered.

77. Conflict of Duty and Private Interest

1. Any public prosecutor shall forthwith report to his immediate official a case in which his interest or his relative's or friend's interests conflict with his duties and shall request that the case be handled by another public prosecutor.
2. The immediate official shall make decision to handle the case by another public prosecutor after investigating the request.

Revised Federal Ethics and Anti-Corruption Commission Proclamation

No.1236/2021

14 Rights of Employees

5. Any employee of the commission shall

F) After informing the commission engages in any other activity which may not have a conflict of interest with his duty, during his leisure time. details shall be specified in directives to be issued by the commission.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Revised Federal Ethics and Anti-corruption Commission Proclamation No. 1236/2021
- Disclosure and Registration of Assets Proclamation No.668/2010

- Nationally, in 2021 more than 419 officials' assets are verified.
- Statistical data of Number of civil servants disclose and register their assets

No	Type of registration	Total Civil Servants	
1	First Registration	1,444,661	1,554,314
2	Renewal Registration	109,060	

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

- Federal and Regional anti-corruption Ethics and Anti-Corruption Commissions have successful in registering of all federal and public officials (appointed, elected and civil servants) assets and income specified in the proclamation No.668/2010 and proclamation No. 1236/2021 and other similar regional laws. The asset registration experience is implaced as one system in every organization. Currently, Asset registration carried out in all public offices and enterprises by ethics liaison units. Besides, the asset registration process is on the way to be implemented in selected private sector organizations.

Paragraph 6 of article 8

6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

- More than 3,601 public officials were held accountable and fined more than 3,601,000 Ethiopian birr for failure to timely disclose and register their assets.
- In 2020 and 2021 alone, more than 4041 Government officials and employees were under litigation in civil service administrative tribunal for violation public servants of code of Ethics.

No	Types	YEAR	
		2019/20	2020/21
1	Pending (Cases on the process)	253	372
2	Closed cases	69	47
3	Cases refer to Federal first Instant court	49	24
4	Rejected cases	1	-
5	Withdraw Cases	-	2
6	Rendered Cases	191	130
	Total	563	575

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a

general description of the nature of the assistance, including donor information.

Article 9. Public procurement and management of public finances

Paragraph 1 of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any,

(or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Public Procurement and property Administration Functions in Ethiopian federal Government are regulated under the Proclamation No.649/2001 (currently Public procurement and property authority) issued by the highest legislative organ which is the House of people representatives. In compliance with the provision of the Convention the proclamation has put the following procedures

The public distribution of information relating to procurement procedures and contracts,

Most of public Procurement information is on the regulatory agency's website address (<http://www.ppa.gov.et>). The web Address contains all the legal framework documents of proclamation, Directives, manuals, templates, standard bidding documents, bid invitations and Contract Awards...etc.

Moreover, the current undergoing Amendment of the Proclamation has required mandatory disclosure on the central official website of the regulatory agency of important information such invitations, evaluation results, awards, Complaints along with decisions taken...etc.

The regulatory Agency currently has launched the Implementation of Electronic Government Procurement (e-GP) platform which brings a good prospect to the distribution of tender Documents form Procurement plan, invitation to Bid, tender Notices, and some important contract performance information of Suppliers. Please visit WWW.egp.ppa.gov.et portal for the details of procurement information that will be disclosed to the public in the near future.

Invitation to Bid

The procurement proclamation under *art 36 provides* that the invitation to bid shall be prepared in accordance with the standard bidding document and include mainly a brief description of what is to be procured, the place and deadline for the submission of bids; and the place and time for opening of bids. Further *article 16.2.1 of the procurement Directive* describes that the invitation to bid has to be published, at least once, in a newspaper that has nationwide circulation to ensure participation of as many bidders as possible, and Without prejudice to article 16.2/1 above, the law allows Public Bodies to advertise bids at any time, as many times and by any means of its choice.

More importantly, the current draft proclamation (2020) obliges invitation to bid to be posted centrally on the web site of the Procurement regulatory Authority in addition to the procuring entity's website.

Time provided for bidders to submit their bid proposals

Article 35/3 of the Proclamation states that the time allowed for bidders to prepare bids shall not be less than the minimum number of days stated in the procurement directives. The Directive under Article 16.9 further set time for floating period taking into consideration of

- The time it takes for bidders to obtain the bidding document, to prepare responsive bids, to gather information, to analyze the information, to establish joint venture as necessary, to obtain certificate of manufacturer's authorization including the power of attorney to sign and to fulfill other pre-conditions to participate in the bid.
- In case of international competitive bidding, the time necessary for the submission of bid document to the designated place.
- In case of procurement of works in particular, the time necessary to visit the construction site and for pre-bid meeting.

Information on the award of contracts

Article 6/6 of the procurement directive further provides that the information on the award of bidders in respect of procurements the value of which corresponds to or is greater than that threshold specified thereof shall be disclosed to the public by filling it in the form provided for this purpose and posting it on the Agency's website within 5 days of signing the contract after award.

Conditions for participation

The governing Legal framework proclamation No.649/2001 under article 28 puts conditions for participation in a tender. These conditions are put fairly giving equal chance both for national and foreign bidders.

Regarding selection and Award Criteria

The Public Procurement Proclamation provides, under Art 5, that any type of selection and award criteria that would be used for evaluation of bidders shall be clear and transparent. More importantly the directive, under article 16.8.3 obliges the Procuring entities, while setting criteria for evaluation in the bid document, to indicate clearly the bid evaluation

criteria in the evaluation and qualification criteria section of the standard bidding document. It also states that the criteria selected for conducting evaluation shall be objective.

Further according to article 16.19.2.1 of the Directive the Public Body may not evaluate bids against other criteria than those stated in the bidding document.

Regarding Tendering rules

the proclamation, the Directive and different kind of Standard Bidding documents clearly provide for details of the tendering rules starting from Tender Floating up until Contract Award, complaint review procedures.

Publication of the aforementioned information

The information discussed above is clearly stated in the legal frameworks governing public procurement, and that these documents are open to the Public on the official website of the procurement regulatory Agency. i.e. www.ppa.gov.et . Moreover, after the procurement evaluation is conducted based on the Criteria objectively put in the Bidding document, as described above, both Proclamation and the directive require the notification of the award to be in writing in an official means. (Article 46 of the proclamation).

The use of objective and predetermined criteria for public procurement decisions:

The Procurement directive under article 16.8.3 obliges the Procuring entities to clearly indicate predetermined criteria in the evaluation and qualification criteria section of the standard bidding document. It also states that the criteria selected for conducting evaluation shall be objective. Further according to article 16.19.2.1 of the Directive the Public Body may not evaluate bids against other criteria than those stated in the bidding document. This will then facilitate the subsequent verification of the correct application of the rules or procedures

Effective system of domestic review and Appeal

Regarding the Review and appeal system the procurement Proclamation under article 70 established an independent Procurement and asset disposal complaints review and decision setting board whose mandate is to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed. The Board receives Complaints from Bidders, review and gives a binding decision. The Appeal system

was efficient in a way that almost 95% of the complaints are resolved without backlog. (Data of the Report I attached below). Moreover, the new Draft amendment proclamation is expected to improve issues related with the transparency and independency of the Performances of the appeal Board.

Measures to regulate matters regarding personnel responsible for procurement

Regarding declarations of interest and potential conflicts in Procurement activities of personnel the procurement directive under Art 34 provides rules of Disclosing and screen of Conflict of management. It obliges personnel to report cases of Conflict of interest and the head of Procuring entities to screen investigate and take measure accordingly.

Moreover, according to article 5 of the Procurement Directive, it is the duty of the head of the procuring entity to ensure that the procurement personnel's and head of the procurement unit have the required educational qualification and experience in the fields relevant to public procurement, and that they meet high ethical standards.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Example 1: To show the effective domestic review and Appeal system, the following some statistical data presented on the Procurement Complaints submitted and resolved.

no	Fiscal Year	Complaints submitted	Complaints Accepted	Complaints dismissed		Complaints which fall beyond Jurisdiction	Complaints Transferred to next Fiscal year
				The PE was right	Procedural Problems		
1.	2011/2012	35	07	10	11	6	1
2.	2012/2013	48	11	7	20	3	7
3.	2013/2014	101	46	20	23	11	1
4.	2014/2015	109	27	19	43	18	2
5.	2015/2016	117	31	26	37	15	8
6.	2016/2017	206	37	38	86	31	14

7.	2017/2018	233	46	45	104	24	4
8.	2018/2019	250	60	60	87	26	20

Example 2: The following Table shows the data on trainings provided to procurement and Property administration Experts in a Professionalization Training provided by the Public Procurement Agency

	Training Categories	Total	Male	%	Female	%	Remarks
1	Basic Level	74	39	52.7	35	47.3	
2	Essential Property	27	12	44.5	15	55.5	
	Essential Procurement	39	28	71.8	11	28.2	
3	Advanced Property	21	13	61.9	8	38.9	
	Advanced Procurement	29	24	83.3	5	16.7	
	Total	190	117	61.6	54	38.4	

Examples 3: To show example of the bid invitation Process in Ethiopia, below we have attached a sample invitation To Bid Notice that is published by the Ethiopian Road Authority. You can also get more of the invitation to bid documents, Information on tender Awards, procurement plan ...etc on the following website. <http://www.era.gov.et/web/guest/tenders>.

SAMPLE INVITATION TO BID

Addis Zemen- Ebnat- Belesla, Lot 8: Ebnat- Belesla Periodic Maintenance Road Project under Gondar Road Network Management Directorate	
Bid No.	W/125/NCB/OC/GOE/2013.EFY
Procurement Type	Works
Mode of Procurement	NCB
Bid Closing Date and Time	05/08/2021 2:30 PM
Public Body	Ethiopian Roads Authority
Status: Open Time Left: 20 days More Information	

Invitation to construction works bid	
Bid No.	AAT/Pro/007/2013
Procurement Type	Works
Mode of Procurement	NCB
Bid Closing Date and Time	28/06/2021 2:00 pm
Public Body	Addis Ababa Institute Of Technology
Status: Under Evaluation More Information	

Example 4: Information on Award of Contract. For the details please visit the website (www.ppa.gov.et)

Disclosure of project and contract information	
Project Name Bule Hora University	
Project Status OPENED	
Identification Preparation Contracts Completion	
Supplier 1	
Contract Title	Administration Building
Contract Type	Unit Price
Procurement Type	Works
Procurement Mode	ICB
Contract Status	2
Number of firms tendering	4
Contracting firm tin no	0003489897
Contract Price	1,454,647,932
Description	this contract is given for supplier by his good performance
Contract start date	20/05/2015
Contract end date	15/05/2017
Contract Duration	755 Days
Contract Extend Information	View

- 168 staff of the Public procurement agency has registered their assets. 157 staffs are trained on ethics and Establishments proclamation of the agency. Through the agency Ethics liaison, property administration, human and procurement system were studied to check whether it is venerable to corruption or no.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the

implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

Success

- The federal Public procurement Agency has also started the pilot implementation of the electronic government Procurement which is also expected to improve the transparency and disclosure of important Procurement information in alignment with the requirements of this Provision.

Paragraph 2 of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

(a) Procedures for the adoption of the national budget;

(b) Timely reporting on revenue and expenditure;

(c) A system of accounting and auditing standards and related oversight;

(d) Effective and efficient systems of risk management and internal control; and

(e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has taken measures to improve the transparency and Accountability in the management of public finance. The Federal Government of Ethiopia Financial Administration Proclamation No.649/2009, which is the mother law of most of finance related laws, provides for the procedure for preparation, Approval and relevant steps in the management of National Budget.

Procedures for the adoption of the national budget

Part 5 of the Proclamation N0.649/2009 provides the detail of the management of the national budget. The Government under proclamation No.648/2009 and proclamation No.970/2016 as amended stated how the national Budget has to be prepared, submitted to the council of ministers, reported to and approved by the house of People representatives (the Legislature), and finally published to the Public for the sake of improving Transparency.

As per Article 18-20 of the proclamation ministry of Finance is mandated to prepare annual Budget including the details of financing of the budget, estimating expenditure, and budget projection for the coming fiscal year and submit to the Council of Ministers. After it is endorsed by Council of Ministers, Ministry of Finance reports to the House of People representatives. The House is also mandated to approve by the end of the last date of the fiscal year (Sene 30th) and all public bodies shall be notified within 7 days of the new fiscal year (by Hamle 7) of the Ethiopian calendar.

According to Article 22/3 of the proclamation the budget approved by the House of People's Representatives shall be published in the Negarit Gazette. (A national Gazette whereby any legal Framework document is published)

Timely reporting on revenue and expenditure

The Council of Minsters has also took further measures so as ensure the transparency and accountability of the financial reporting including revenue generated and expenditures. Part nine of the Regulation prescribes that the reports shall be made quarterly and shall include details of receipts and disbursements by revenue and expenditure, source codes and cash balance, and levels of outstanding balance.

The same token, state governments are also required to submit this report so that it will feed the Preparation of the national budget by the ministry. The ministry consolidates and reports the same to the council of Ministry.

A system of accounting and auditing standards and related oversight

Regarding the Accounting and Auditing standards, the government of Ethiopia has issued a proclamation for financial reporting. The proclamation under Article 5 mandatorily provides

that the financial reporting/auditing shall be international financial reporting standard. Further article 12 states the applicable Auditing standard and mandates the Accounting and Auditing Board of Ethiopia to set minimum standards that every public Auditor shall comply with. Based on the proclamation the Board has established standards for the Accounting and Auditing Services, accordingly.

The Government of Ethiopia, under article 4 of the Proclamation, has established an oversighting body mandates to monitor, investigate, provide license, follow up and enforce etc of any accounting and Auditing Services in Ethiopia.

Effective and efficient systems of risk management and internal control

The Proclamation No.649/2009 and a proclamation No. 970/2016 as amended places an internal Control system that is an integral process effected by a public body's management and personnel, designed to address risks and to provide reasonable assurance that is the pursuit of the public body's mission. The Ministry of Finance based on the mandate bestowed on by the Proclamation, installed directive and related working documents so as to oversee the internal audit functions of public bodies and develop appropriate standards of work and conduct for application throughout all public bodies internal audit functions; develop internal control standards, assist in building the capacities of the internal audit. Article 6 of the proclamation also provides the responsibilities of heads of Public bodies to ensure that the internal audit system is appropriately staffed with trained and qualified manpower and that the internal audits are carried out efficiently, effectively and economically.

The Ministry of Finance has now developed internal Audit departments in all Public bodies across the board. The departments Conducts internal audit at specific intervals to evaluate the performance of the public body and to ascertain that public money and public property are used for intended purposes, and submitting audit reports to the head of the public body and to the Minister, follow-up measures taken based on audit findings.

Accordingly the Ministry of Finance monitors measures taken in accordance with internal audit reports, submit annual reports on the findings of internal audit to the Council of Ministers and monitor the implementation of decisions of the Council;

Corrective action in the case of failure to comply with the requirements

The Ministry of Finance has practiced a penalty of Administrative measure on one of the federal budgetary institution for failure to discharge duty as per the requirement of the Proclamation and the regulations and directives issued there under.

House People's Representative's Regulation No.6/ 2015

Chapter Ten

The Process of Budget Approval

66. Presentation of Budget

- 1) In accordance with Article 77 (3) of the Constitution, the Council of Ministers shall prepare a draft budget of the federal government and present it to the House.
- 2) Except where there is force majeure, the draft budget shall be prepared and presented to the House in general and in detailed form one month prior to the commencement of the fiscal year.

69. Rules for Examining Draft Budget

A draft budget presented to the House shall be examined on the basis of the following:

1. principle of public benefit;
2. principle of fair distribution of wealth;
3. principle of priority to poverty reduction activities;
4. principle of budget efficiency and effectiveness;
5. principle of consistency with self-reliance direction;
6. principle of consistency with government priorities;
7. the principle that subsidy to states is based on the House of Federation formula;
8. principle of enabling to accelerate socio-economic development;
9. Other relevant examination tools.

76. Approval of a Draft Budget

As soon as the deliberation on the details of the draft budget and cut motions moved is concluded and deliberation is conducted on the basis of the report and recommendation submitted by the Budget and Finance Affairs Standing Committee, voting shall take place.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

The success to this regard is that so far the budget Adoption practiced is strictly aligned to the relevant provisions of the financial Proclamations. Accordingly the Budget proclamation is issued and published at the beginning of each fiscal year.

Paragraph 3 of article 9

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Proclamation mandates the Ministry of Finance to take Administrative measures and penalty for any failure to comply with the provisions of the laws discussed above. Article 72 of the proclamation No.970/2016 mandates the Ministry to hold liable any person to administrative penalty of Birr 5,000 to 10,000, to the extent of Dismissal Where he/she failed to submit or ensure the submission of plans or financial report to the Ministry or external auditor, failed to take corrective measures based on audit findings of internal or external audit or ensure that such measures are taken, in accordance with the Proclamation, the Regulation and Directives issued hereunder, as the case maybe.

In Addition, the Accounting and Auditing Board of Ethiopia is also mandated to take any Appropriate Administrative measures and penalty where a person fails to discharge its duty as laid down in the appropriate law or breaches its duty.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

The practice in implementing the article is that the prevalence of administrative measures in different proclamation has its deterrence effect on most of employees and officials of Public Bodies. The enactment and revising the existing laws in alignment with the requirements of this article is to be appreciated despite the fact that more is to be done for full compliance of requirements of the article.

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 10. Public reporting

Subparagraph (a) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

FDRE Constitution 1995

Article 12 sub article 1 and 2 of the Federal Democratic Republic of Ethiopia Constitution clearly indicate that the conduct of affairs of government shall be transparent. Any public

official or an elected representative is accountable for any failure in official duties. Within this Constitutional legal framework, the public will have clear and access to information about the functions and powers as well as the general procedures of government activities.

The same Constitution under Article 55 provides Powers and Functions of the House of Peoples' Representatives. Among such power

17 It has the power to call and to question the Prime Minister and other Federal officials and to investigate the Executive's conduct and discharge of its responsibilities.

18 It shall, at the request of one-third of its members, discuss any matter pertaining to the Powers of the executive. It has, in such cases, the power to take decisions or measures it

Deems Necessary.

Article 74. Powers and Functions of the Prime Minister

11. He shall submit to the House of Peoples' Representative Periodic reports on work Accomplished by the Executive as well as on its plans and proposals.

House Peoples Representatives Regulation No. 6/2015

Article 100 of the House of People's Representatives Rules of Procedure and Members Code of Conduct Regulation No.6/2015 clearly indicate that the House may cause the participation of citizens and various bodies on matters it deems necessary. In this regard, article 101 sub article sub article (1) and (3) the general public will participate in the legislative and budget approval process as well as other related issues.

Freedom of the Mass Media and Access to Information Proclamation No. 590/2008

Freedom of the Mass Media and Access to Information Proclamation No. 590/2008 under art.12 guaranteed the right of access to information. All persons have the right to seek, obtain and communicate any information held by public bodies, except as expressly provided for by this Proclamation. The right include the right to be informed whether or not the public body holds a record containing the requested information and to obtain information from any public body by means of; inspection, taking extracts and notes; certified copies of any records of such public authority; by any other electronic mode or through print-outs where such information is stored in a computer or in any other device.

With regards to publishing public information, art.13 of the proclamation states that public bodies shall publish its organizational structure, main duties and responsibilities; the power and responsibilities of the officials as well as decision-making procedures ;description of the services it provides for the public; brief descriptions of the complaint hearing mechanism available to the public and the public body's response to frequently asked questions by the public; a description of the type of the records under its possession, a brief description of the contents of its records and the detailed explanation of the procedures to be followed by persons who wish to access this information; a description of its regulations, directives, policies, guidelines and manuals, which govern the operation and activities of its various organs, along with a description of any amendment or repeal of such provisions; its directives, regulations, guidelines and other documents which governs the activities of the employees of the organization; the name and address of the public relation officer; and other particulars. Whenever essential changes pertaining to information provided in the above provision occur, public bodies shall update at least once a year.

The Federal Ombudsman Office is the responsible organ for the coordination and effective implementation of the proclamation. Besides, the Ministry of Information/Currently, The Prime Minister Press Secretariat and the Communication units of each government Offices have a mandate/responsibility to publicize basic public information.

The Revised Federal Ethics and anti-Corruption Commission

Establishment Proclamation No.1236/ 2021

Under the preamble part of the Revised Federal Ethics and Anti-corruption Commission Establishment Proclamation No.1236/2013, is clearly provided that one of the objective of amended the Commission's Proclamation was the commission to have independence and impartiality in its operation in line with the principles of transparency and accountability. The rationale behind from this proclamation is that the working rules, procedures and decision-making process is to be transparent to the public as well as the public also have a right to lodge a complaint on its implementation. The Commission is also publicize its activities to the public through different means like annual reports, using different Medias channels (Electronic, printing and social media).

Federal Attorney General Establishment Proclamation No. 943/ 2016

13. Public Accountability

- 1/ The Federal Attorney General shall ensure public accountability and public participation when conducting its powers and duties.
- 2/ The Federal Attorney General shall prepare a public forum quarterly whereby the following sections of the society participate:
 - a) community organizations selected by the Attorney General;
 - b) Business organizations and charitable organizations and associations selected by the Attorney General;
 - c) law schools of higher education institutions selected by the Attorney General;
 - d) Stakeholders;
 - e) Other individuals or individuals to be delegated from legal persons which are believed to be important by the Attorney General;
- 3/ the public forum shall discuss problems and gaps observed on the performance of the Federal Attorney General, ethical defects, strategic and annual plans and reports on performance of plan.
- 4/ The Federal Attorney General shall conduct investigation based on the opinion and inputs, takes corrective actions or rectify and informs the public forum about the status.

Federal Administrative Proclamation No. 1183/2020

According to article 45 of the Federal Administrative Proclamation No.1183/2020 provides that all administrative agencies shall establish a complaint handling division and notify such establishment to client. The same Proclamation under 43 any person against whom and administrative decision is made has the right to lodge a complaint to the Agency.

Financial Administration Proclamation No.648/2009

Article 12(1) of the FDRE Constitution and article 6 sub article 2(a) of the Federal government financial administration Proclamation No.648/2009 every institutions shall notify and transparent procedures to the public about the total amount of annual budget allocated, the detail break down as well as the areas to which the budget to be allocated. In this regard, the Ministry of Finance collects the budget proposal from government institution and there is a budget defense and finally send to the Councils of Ministers. The Council of Ministers discusses in detail and submits to the House of Peoples of Representatives for further discussion and approval.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

❖ Sample: Federal Ethics and Anti-Corruption Commission Information disseminating Media platforms

- Website: www.feac.gov.et
- Telegram : <https://t.me/feacc>
- You: https://www.youtube.com/channel/UCO_WiCAiDIkMMwqsZGK47nw/?guided_help_flow=5/
- Twitter : <https://twitter.com/EthiopiaFeacc>

- *Observations on the implementation of the article*

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph (b) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has taken the following measures in relation to this provision of the Commission

Freedom of the Mass Media and Access to Information Proclamation No.590/2008

Part Three

Access to Information

11. Objectives

The objectives of this part of the Proclamation are:

1. to give effect to the right of citizens to access, receive and import information held by public bodies, subject to justifiable limits based on overriding public and private interests;
2. to establish mechanisms and procedures to give effect to that right in a manner which enables persons to obtain information as quickly, inexpensively and effortlessly as is reasonably possible; and
3. To encourage and promote public participation, public empowerment, to foster a culture of transparency, accountability and efficiency in the functions of public bodies and to encourage and promote good governance.

12. Right of Access to Information

1. All persons have the right to seek, obtain and communicate any information held by public bodies, except as expressly provided for by this Proclamation.
2. The right referred to under sub-article (1) of this Article shall include the right to be Informed whether or not the public body holds a record containing the

requested information and to obtain information from any public body by means of;

- a) Inspection, taking extracts and notes;
 - b) certified copies of any records of such public authority;
 - c) By different means like electronic mode or through print-outs where such information is stored in a computer or in any other device.
3. Nothing in this Proclamation shall be understood as limiting the power of public bodies to provide access to information on an informal basis.

Citizen Charter

In order to facilitate the services given by government institution to be transparent and accountable, there is a standard the so called "Citizen Charter". This service standard is prepared based on time and the necessary requirement fulfilled by both the service delivery institution and the customers. The goal of this service standard is to help customers to report the complaint to the concerned government authorities when they believe that service is not rendered by the required standard. Each government organization has an obligation to follow up the implementation of this charter.

Federal Administrative Proclamation No.1183/2020

There is also a Federal Administrative Proclamation No.1183/2020 Provide under article 16 sub articles 1 to 4 stated that upon adoption, an Agency shall before put on the directives it has sending the copies and accompanying explanatory statement to the Attorney General. The Attorney General is also immediately notify the Agency about the status of registration and publicize to the public. All Agencies shall file directives they have adopted prior to the coming in to force of this Proclamation within 90(ninety) days after the coming into force of this Proclamation by sending Copies to the Federal Attorney General.

Disclosure and Administration of Asset Registration System (DARS)

In order to facilitate information about disclosure and registration of Assets and Accessibility of Registered Information regarding the registration of assets of an appointee, elected person or a public servant, Based on the Revised proclamation No.1236/2021 article 7 (6) the commission has a mandate to register and disclose asset and income of public officials and

civil servants. Based on this the Commission has launched a project of Electronic Disclosure and Administration of Asset Registration System/DARS which is now under pilot test. This project simplifies the accessibility of asset registered information about appointee, elected person or public servants. This helps citizens to report acts of corruption or other malpractice and to prevent conflict of interest.

Media Proclamation No.1238/2021

Objectives

The Authority (Ethiopian Media Authority) shall have the following objectives:

1. creating enabling environment to fully enforce the rights of freedom of expression and of the media which is guaranteed under the Constitution of the Federal Democratic Republic of Ethiopia, as well as International Human Rights Instruments which are binding on Ethiopia;
2. regulate broadcasting media to ensure they are operating in accordance with the law; provide proper support to strengthen media self-regulation;
3. issue broadcasting license; ensure diversity and plurality in the utilization, ownership, production or distribution of broadcasting services; and,

Besides, under article 7 sub articles 10 of the Ethiopian Ombudsman Institution establishment Proclamation No.1142/2019 clearly stated that, the institution has the power to supervise and follow up implementation of part three of Proclamation No.590/2008 of Freedom of Mass Media and Access to Information Law. It has also Facilitate a regular discussion forum for stakeholder consultation; establish and strengthen a good working relationship between the media and the government.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Statistical data of periodic report given by different institution to the Ethiopian Ombudsman (in light Freedom of Mass Media and Access to Information Proclamation No. 590/2019)-2016 to 2020.

No	Year of Report	Number of institutions	
		Federal	Regions
1	2016	58	338

2	2017	56	909
3	2018	55	60
4	2019	---	---
5.	2020	---	---
Total		169	1,307

- According to article 5 sub article 1 of the establishment proclamation of the institution shall have its Head Office in Addis Ababa, and when the Ombudsman council needs to open branch offices at any place with in the country, it shall submit its proposal to the House for approval. So far, the institution has opened 9(nine) branches to facilitate its powers and functions.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

There is the practice that every government Institutions has notify their activates, laws and procedures to the public through different menses like web sites, YouTube, face book, Twitter etc.

Subparagraph (c) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its

organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Disclosure and Administration of Asset Registration System (DARS)

FEACC publish its report through different publications and its website. Moreover, in order to facilitate the implementation of Proclamation No. 668 /2010 , Disclosure and Registration of Assets and Accessibility of Registered Information regarding the registration of assets of an appointee, elected person or a public servant , the Commission has on pilot test to implement Electronic Disclosure and Administration of Asset Registration System/DARS/. This DARS project expected to simplify access of information to the public about the registered asset of appointee, elected person or public servants.

National Risk Assessment on Money laundering

As corruption is one of the predicate crimes of money laundering, Ethiopia has enacted various laws related to money laundering, terrorism financing and other predicate crimes. It has also implemented anti-money laundering policy. Ethiopia has Conducted its first national risk assessment on money laundering in 2016. Based on the first cycle of national risk assessment report, Ethiopia has taken various policies and initiatives to address gaps that implicated in the assessment report. Ethiopia has also conducted and finalized 2nd national risk assessment (NRA).

Corruption Perception Survey and Assessment Report

So far, the commission has conducted different perception surveys on corruption and transparency and accountability assessment reports on different sectors such as construction and other key areas. The corruption surveys conducted by various institutions under the supervision of Federal Ethics and anti-corruption commissions are listed under the statistics category. For further and detail information about 1st, 2nd and 3rd corruption perception surveys as well as anti-corruption policy and strategy has stated under the statistical part.

Grand Corruption Prevention study on Grand Project

The Federal Ethics and Anti-corruption Commission has conducted study on selected and key areas of projects which are vulnerable to corruption. The aim conducting study on grand project is to minimize or prevent grand corruption that have serious national implication on economy, Good governance or other priority areas of government. So far, The following selected areas of study projects

- Implementation of Compensation Payment and Challenges
- Causes and Solutions of Justice Sector Corruption and malpractices
- Preventing and Dealing with abnormal tender prices in the construction sector of Ethiopia
- Vulnerability of Bid Price for corruption and impropriety
- Transfer of Foreign currency Devaluation
- Vulnerability of Coffee import Export supervision
- Development of Justices Performance Indicators
- Vulnerability of corruption on drinking water and supply
- Vulnerability for corruption and impropriety of the Implementation and property administration of Government framework procurement
- Government grand Projects implementation and Contribution of Consultant in the construction sector in preventing corruption.
- Study on design and specification changes in construction contracts
- Vulnerability of corruption and prevention strategy on Mining sector

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- 1st corruption perception survey of 2001
- 2nd Corruption perception Survey of 2012
- 3rd Corruption perception survey of 2021

- Draft National anti-corruption policy and strategy 2021

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a

general description of the nature of the assistance, including donor information.

Article 11. Measures relating to the judiciary and prosecution services

Paragraph 1 of article 11

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Regarding to the independence of the judiciary, Ethiopia has been enacted different laws for the implementation of judiciary function. The following legal frame work guaranteed the independence of the judiciary.

FDRE Constitution 1995

The independency of the judiciary is clearly stated under the article 78 of the constitution of the country. Based on article 78(2) of this constitution, it prohibits establishing special or ad hoc courts which take judicial powers away from the regular courts or institutions legally empowered to exercise judicial functions and which don't follow legally prescribed procedures. Moreover, judicial powers both at the federal and regional levels are vested only to the courts. Courts of any level shall be free from any interference or influence of any governmental body, government officials or from any other sources (see article 78(3&4)). So, the law clearly provides in Ethiopia judges shall exercise their functions in full independence and shall be directed solely by the law and have a constitutional guarantee for their independency.

Federal Court Proclamation N0.25/96 (Repealed by proc. No. 1234/2021)

Both proclamations under article 27 (proc.No.25/96) and article 33 (Proc.No.1234) has guaranteed the independency of the judiciary.

Article 27 Withdrawal of Judges

1) No judge of a Federal Court shall sit in any case where

- a) he is related to one of the parties or the advocate thereof by consanguinity or by affinity;
- b) the dispute relates to a case in which one of the parties is a person for whom he acted as tutor, legal representative or advocate;
- c) he' has previously acted in some capacity in connection with the case or the subject matter of the dispute;
- d) The has a case pending in court with one of the parties or the advocate thereof;
- e) There are sufficient reasons, other than those specified under sub-Article (1) (a) to (d) hereof, to conclude that injustice may be done.
- f) The judge concerned shall withdraw as soon as he is aware that he should not sit, in accordance with sub-Article (1) hereof, and shall be replaced by another judge.

Judicial Administration Commission Proclamation No.1233/2021

The internal affairs of the judiciary Administered by the Judicial Administration Council. The Council was established by Proclamation No. 24/ 1996 and repealed by proclamation 1233/2021. Accordingly, selection, appointment, promotion, transfer, disciplinary and removal from their office shall be administered only by the judicial administration council.

Judges Code of Conduct and Disciplinary Measure

The Federal and State courts were enacted regulations codes of conducts independently to govern the conducts of the judges. The codes of conducts were based the Bangalore principles. The code of conduct of the judges describes prohibited acts, integrity, honesty and ethical principles. The existing code of conduct identifies core values and main principles of the judiciary. Among these Independence, Impartiality, Integrity, patency, Equality, Competence and Diligence. They are intended to establish standards of ethical conduct for judges. Disciplinary measures taken against a judge may be only breach of disciplinary or

serious violation of the code of conduct of the judiciary. Article 2(13) of the establishment of the Federal Judicial Administration Council Proclamation No.1233/2021 defines breach of judicial misconduct means that any act that is recognized as misconduct by the regulation on the judicial code of conduct and disciplinary rules of procedures. A judge who alleges in violation of the code of conduct should have the right to hear his charges, response and examine the evidence brought to the council. A judge may be removed from his office only for proved incapacity, conviction of a serious crime, gross incompetence, or conduct that is contrary to the independence, impartiality and integrity of the judge and should be approved by majority vote of the House of peoples Representatives.

With regards of training there is induction training on the topics of codes of conduct and a summary of basic domestic laws for the new appointed judges. The training was conduct through judicial training institution every year. Furthermore, ongoing training for the members of the judiciary at least once in year.

Conflict of interest also governed in judicial code of conduct. Any judge or member of the judiciary in violation of the code of conduct and committing conflict of interest are liable to disciplinary measures.

As judges are one of the appointees of the government, they have an obligation to disclose and register their assets. If the judges are not willing to declare and registered their assets to the Federal Ethics and Anti-corruption Commission, the commission shall have the power to report to the parliament to take the necessary measures.

In Ethiopia the judiciary or judges are bound to held open trial. The aim of open trail is to ensure transparency on the works of the judiciary. So, everybody including media can attained the benches to observe the proceedings except in some exceptional cases. Court judgments and rulings are open to record and especially cassation court judgments and rulings are printed in hard copy and everybody can access to see the decisions of the judiciary.

Court case management and case distribution has been done in clear and defined manner. In this case the judges cannot select case, only the court manger, the registrar and the president distributed the cases without the participation of the bench judges. There is specialized bench in the High and Supreme Court to see the serious crime and corruption cases. The reason is that the difficulty to manage the corruption case due to the nature of the crime. Based on this, in 2019, there are 7 anti-corruption benches, 1016 cases and 22 judges to adjudicating corruption cases.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- 45 judge's got induction training during the period of January 1/2019 to December 30/2019
- During the period of 1, January 2019, to December 30, 2019, 57 judges are accountable for failure to respect and violation of judicial code of conduct.
- Statistical data of judges disclose and register their assets

No	Category of judges	Number of judges disclose and registered their Assets
1	Supreme court judges	43
2	Higher court judges	141
3	First instance court	206
4	Social court judges	348
5	Addis Ababa district judges	74
6	Sharia court judges	19
7	Addis Ababa appeal court	15

(b) Observations on the implementation of the article

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 11

2.Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Regarding to the independence of the Prosecutors, Ethiopia has been enacted different laws for the implementation of the prosecutors. The following legal frame work guaranteed the independence of the prosecutors’.

Attorney General Establishment Proclamation No. 943/201

Part Three

Independence and Accountability

16. Public Prosecutors Professional Independence

- 1/ The Federal Attorney General shall discharge its powers and duties based on law independently free from any person or body’s interference.
- 2/ without prejudice to directive issued by the Federal Attorney General, public prosecutors shall perform their work based on the law.
- 3/ Without prejudice to accountability of public prosecutors provided for in the provisions of this Proclamation or other law, the Federal Attorney General and public prosecutors shall not be held legally accountable for damages caused as a result of performing their power and duty in accordance with law.

Federal Attorney Prosecutor’s Council of Ministers Regulation No.443/2018

Part Three / Condition of Work/

Section one

Independence of Public Prosecutor

15. Independence of Public Prosecutor

Public prosecutors:

1. shall perform their duty independently and being free in accordance with law without any other interference;
2. shall not transfer from their duties except relevant law and established system;

72. Impartiality

Public prosecutors:

1. to be a member of political parties or make participation or reflecting political outlook in their duties or reflecting in any other means are prohibited;
2. Shall not reflect personal belief or religion in their duties under no circumstances.

73. Public prosecutor's Relations with the Public

A public prosecutor:

1. shall always perform his duties without fear, fever, or any disgust especially from private and unfair interest or impacts public and mass media impact bear in mind that his actions concern the interest of the public;
2. Shall respect, support and keep human rights and human dignity.

77. Conflict of Duty and Private Interest

Any public prosecutor shall forthwith report to his immediate official a case in which his interest or his relative's or friend's interests' conflict with his duties and shall request that the case be handled by another public prosecutor.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Training on Ethics and anti-corruption issues were conducted for more than 236 public prosecutors, experts and staffs
- Statistical data of Prosecutors disclose and register their assets

No	Category of Prosecutors	Number of Prosecutors disclose and registered their Assets
1.	Federal Prosecutors	744
2.	Addis Ababa Public Prosecutors Bureau	31
3.	Addis Ababa Public Prosecutors at Sub-city level	258
	Total	1,033

- Statistical data of discipline measure taken against prosecutors

No	Sex	No of prosecutors subject to disciplinary measure
1	Male	18
2	Female	4

(b) Observations on the implementation of the articles'

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 12. Private sector

Paragraphs 1 and 2 of article 12

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

2. Measures to achieve these ends may include, inter alia:

(a) Promoting cooperation between law enforcement agencies and relevant private entities;

(b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;

(c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;

(d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;

(e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;

(f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption

and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with these provisions?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

Revised Federal Ethics and Anti-Corruption Commission Proclamation No. 883/2015
Ethiopia has put in place various legal provisions that promote cooperation between law enforcement agencies and relevant private entities so as to prevent the private sector corruption. In accordance with Revised Federal Ethics and Anti-Corruption Commission establishment amendment Proclamation No. 883/2015, the commission has a mandate to perform its corruption prevention activities on the private sector. Based on this provision, the scope of the Commission under Proclamation no. 433/2013, which was limited only on public offices, is amended as follows:

Sub article (9) of Article 2 of 433 replaced as corruption offences involving huge amount of money committed in highly strategic public offices, public enterprises, public organizations and public organization operating in more than one States. In the proclamation, 'public organization' has the meanings assigned to it under Article 2 of the Corruption Crimes Proclamation No 881/2015.i.e. "public organization" means any organ in the private sector which in whatever way administers money, property or any other resource collected from members or from the public or any money collected for the benefit of the public which includes appropriate company, but does not include:

- a) Religious organization;
- b) Political party;
- c) International organization; and

d) Edir/ "is an Amharic word and it define as a social institution of strengthening the interaction of the society among themselves on different social affairs."/ Or other similar traditional or religious associations.

According to article 7/1&2 of 433/2013 and the revised proclamation No.883/2015, the Commission has the following duties:

- in cooperation with relevant bodies, to combat corruption and other impropriety by creating awareness through educating the public about the effects of corruption and the promotion of ethics in public service and in the society;
- in cooperation with relevant bodies, to prevent corruption by studying or causing to be studied the practices and procedures in Public Offices ,Public Enterprises and public organizations to secure the revision of methods of work which may be conducive to corrupt practices as well as follow up their implementation; and inform or remind the relevant body, when deemed essential, to take the proper measures or give decision, and advise or assist on same, upon request, any other persons;
- to coordinate other components of the ethical infrastructures and help establish anticorruption groups.

Accordingly FEACC/REACCs are cooperating with different privet entities and associations in performing their corruption prevention activities. FEACC has Ethics Infrastructure Coordinating Unit in its structure which is duty bond on facilitating the relation and coordinating the activities of the commission with various parties including the privet sector and CSOs. In addition, the commission organizes a continuous training programs for the privet sector so as to build ethical business conduct and to mobilize the business community to the forefront in the fight against corruption.

Recently, Institutional Integrated Corruption Prevention Strategy has been initiated and started to be implemented in the privet sector so as to inculcate/mainstream corruption prevention activities in each and every private organizations with the assistance of the Commission.

In the amended proclamation 883/2015 any public office, public enterprise or public organization (private sector) shall, without prejudice to administrative or disciplinary measures it takes, report to the Commission or other authorized investigating organ serious ethical violations and corruption offences. Any official or employee of public office, public

enterprise or public organization shall report where he has reasonable suspicion that corruption offence is committed or is about to be committed in his office or organization. Knowingly not doing this or fails to inform shall be punishable with simple imprisonment not exceeding five years and with fine not exceeding ten 10,000 (Ten thousand Birr).

Commercial Code of Ethiopia 2021

Different mechanisms and working procedures have been provided to establish transparency and accountability in the private sector. Regarding financial disclosure, requirements are indicated under articles 394(1), 426, 427 and 428 of under the commercial code. Similarly, non-financial disclosures are indicated on articles 367(1), 371 of the commercial code.

The Commercial Registration and Business Licensing Proclamation No. 980/2010 article 5 (Registration in the commercial register) and The Commercial Code of Ethiopia indicate the registration process of business entities. According to the commercial code Chapter1/ Art. 71 implies the commercial register shall consist the local registers kept in each regional states, and a central register kept at the Ministry of Commerce and Industry. The publicity of the necessary information are indicated on article 73 of the code. Art. 74. - Officials in charge of commercial registers shall be personally liable for any damage caused by them or by employees appointed by them.

In the commercial code under the Commercial Register Section 1. General Provisions Art. 78. - Entries in the commercial register shall consist of all principal, subsidiary or complementary registrations, and of all alterations and 'deletions. According to Art. 79. Entries shall be made upon a written statement made by the person seeking registration and cancelled as of right as provided in Art. 96. The official in charge of the register shall verify the accuracy of the statement made by the person applying for registration.

In order to create Ethical business environment, the government has established Trade Practice and Consumers' Protection Proclamation No. 685/2010.(as amended by 813/2013) which has the objective of preventing and eliminating trade practices that damage the interests and goodwill of business persons and the society as a whole.

Establishment and Determination of the Procedure of the Accounting and

Auditing Board of Ethiopia Council of Ministers Regulation No.332/2014

4. Objectives of the Board

The Board shall have the following objectives:

1. promote high quality reporting of financial and related information by reporting entities;
2. promote the highest professional standards among auditors and accountants;
3. Promote the quality of accounting and auditing services;
4. Ensure that the accounting profession is used in the public interest
5. Protect the professional independence of accountants and auditors.

6. Powers and Duties of the Board

- 13) implement a sound quality assurance mechanisms to ensure high quality audit practice;
- 14) Conduct or arrange for the conduct of practice review of the auditors of small and medium Enterprises;
- 15) Engage in the continuous review and dissemination of international and domestic information's to professionals and others concerning to professions of accounting and auditing;

National Bank of Ethiopia

Requirement for Persons with Significant Influence in a Bank

Directive No. SSB /79/ 2021

5.2 Integrity

Persons with significant influence shall have honest, reputable and diligent. In determining integrity of persons with significant influence, all relevant factors shall be considered including but not limited to:-

- 5.2.1 whether the person has a record or evidence of previous conducted and activities where he/she/it has been convicted for criminal offense under any law designed to protect members of the public from dishonesty or fraud whether in Ethiopia or elsewhere
- 5.2.2 whether the person has a record of withholding information from public authorities , submission of incorrect financial or other statements prior refusal of regulatory /supervisory approval and failure to comply with requirement of regulatory /supervisory body , other corrective actions or interventions by public authority , and

- 5.2.3 in case of chief executive officer and senior executive officers whether the person has a record of disciplinary measures or any dispute with previous employers , or compliance with a code of conduct which has led to the imposition of a penalty under law or any other disciplinary measures imposed by trade or professional associations.

Licensing and Supervision of Banking Business Fraud Monitoring
Directives No. SSB/59/2014

3. Scope of the directives

The provisions of these directives shall be applicable to all banks operating in Ethiopia

4. Requirements

- 4.1 a bank shall have well defined fraud monitoring and control policies approved by the board , and procedures for fraud detection , mitigation and reporting
- 4.2 policies and procedures stated under sub article 4.1 of this article shall be submitted to the national bank and be appropriately communicated to employees
- 4.3 a bank shall ensure that the organizational structures and systems are designed to facilitate communication on actual or attempted fraud to the board of directors , management members and other concerned staffs
- 4.4 a bank shall provide anti-fraud training to all employees and members of the board of directors whenever necessary
- 4.5 a bank shall maintain fraud register that shall at a minimum contain detailed records of the fraud including :-
- a) name and complete of the suspected fraudster
 - b) description or type of fraud (Embezzlement , cheating , forgery using fake instruments or others
 - c) Causes of the fraud
 - d) Positions or profession of the suspected fraudster (director, employee , customer or other party)
 - e) Amount of actual or estimated fraud
 - f) Date of occurrence of fraud
 - g) Date of detection of fraud and reason of the delay (if any)
 - h) Place and area of operation where the fraud has occurred

- i) Technique and / or technology used to commit the fraud
- j) Action taken or proposed to be taken to avoid such incidents
- k) Amount recovered, if any
- l) In case of attempted fraud , state reason for the failure of the fraud action
- m) Any other relevant information

Corruption Crime Proclamation N0.881/2015

Under this proclamation, Private sector entities are accountable if they are involved in corruption activities.

5. Criminal liability of Juridical Persons for Crimes of Corruption

Notwithstanding the provisions of Article 90 (3) of the Criminal Code, without prejudice to individual responsibility of the officials or employees, a juridical person other than administrative authorities involved in crimes of corruption shall be punishable with:

1. A fine of Birr twenty thousand for each year of penalty for crimes punishable with simple imprisonment;
2. a fine of Birr thirty thousand for each year of penalty for crimes punishable with rigorous imprisonment not exceeding five years ;
3. a fine of Birr fifty thousand for each year of penalty for crimes punishable with rigorous Imprisonment from five years to 10 years;
4. a fine of Birr eighty thousand for each year of penalty for crimes punishable with rigorous imprisonment exceeding ten years.

Banking Business Proclamation No. 592/ 2008

Under article 5 sub article 1 of the Banking Business Proclamation No.592/2008 (as amended by 1159/2019) clearly provides that the national bank shall decide on a banking business licenses application within 90 days from the last date of receipt of all information to be submitted in accordance with article 4 of the proclamation. The National Bank has issued a directive of Licensing and Supervision of Business Fraud Monitoring Directive No.SSB/59/2014. Under article 4 sub article 1 of this directive, a bank shall a well-defined fraud monitoring and control policies, approved by the Board and procedures for fraud detection, mitigation and reporting mechanisms.

Federal Ethics and Anti-Corruption Commission Establishment

Proclamation No.123/2021

Under article 7 of this proclamation, the Commission has a mandate to provide ethical and moral building training, supporting Corruption prevention activities and Asset disclosure of heads and employees of Public Organizations. In this regard, there are different directives enacted for Public Organizations (private sector) such as ethics liaison office are organized under the following directives:-

- Public Organizations Ethics liaison unit Directive No.23/2021
- Public organizations Asset disclosure and registration Directive No.25/2021
- Public organizations urgent corruption Prevention Directive No.24/2021

Code of Ethics for Private Sector

(Trading and Service Types of Service and Manufacturing Types of Businesses), 2014

To ensure transparency and accountability in the private sector, The Ethiopian Chamber of Commerce and Sectorial Associations (ECCSA) has enacted two Codes of ethics for business sector. The rationale behind enacting of these code of ethics are to prevent unethical business practices which have costs both at the individual company and at the sectorial level. Business have many reasons for operating ethically, including avoiding fines and litigation, reducing damage to the firm's reputation, protecting or increasing capital and shareholder value, direct and indirect cost control, creating a competitive advantage, and avoiding internal corruption. It is practically to note that while it takes years single to build a reputation for integrity, a company can lose it overnight-in some cases permanently-even if it makes a single unethical decision. The codes has also the following objectives:

- The law and market forces are necessary but insufficient guides for business conduct;
- The mobility of employment, capital, products and technology is making business increasingly global in its transactions and its effects;
- Meaningful and sustained participation of local business in international trade requires respect for ethical standards;
- Responsibility for the policies and actions of business and respect for the dignity and interests of its stakeholders are fundamental.

Under article 2 sub article 6 of the codes clearly provide that a business organization should avoid corrupt practices. Such as, should not directly or indirectly offer, promise, give, or demand a bribe or other inducements to obtain or retain business or achieve any improper, prohibit money laundering activities and report suspicious transactions to the relevant authorities. Therefore, the codes of business ethics provide a frame work for promoting ethical business behavior within the Ethiopian business community and members of chambers and sectorial associations.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Statistical data on training provided to heads of Public organizations and Ethics liaison officers.

No	Training given for public Organization (shareholders, associations etc.)	Number of trainees	Total numbers of heads and ethics liaison units
1	Heads of the organizations	124	52
2.	Ethics liaison officers	68	
	Total	192	

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 3 of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

- (a) The establishment of off-the-books accounts;*
- (b) The making of off-the-books or inadequately identified transactions;*
- (c) The recording of non-existent expenditure;*
- (d) The entry of liabilities with incorrect identification of their objects;*
- (e) The use of false documents;*
- (f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.*

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The New Commercial Code of Ethiopia 2021(Proclamation No.1243/2021)

In order to promote and ensure transparency among private entities in Ethiopia different mechanisms have been established. In accordance to article 61 of the Commercial Code 2021, any person or business organization carrying on trade /with the exception of petty traders art.62/shall keep such books and accounts as are required in accordance with business practice and regulations, having regard to the nature and importance of the trade carried on.

- Every trader shall keep a journal where he shall make daily entries of all his dealings regardless of the nature of such dealings or of the manner in which they were carried out.
- He may at least once a month balance the proceeds of such dealings and shall in such a case preserve all documents necessary for- checking these dealings day by day.
- When beginning to carry on his trade, every trader shall prepare an inventory and balance sheet. Trader shall also, at the end of each financial year, prepare an inventory of his assets and liabilities and balance his accounts for the purpose of preparing the final balance sheet and the "profit and loss account."

With regards to the Accounts of companies, Art. 425 implies that the provisions of the Commercial Code 2021 relating to commercial books and book-keeping shall also apply to the accounts of share companies. Financial disclosure requirements are indicated under articles 394(1), 426, 427 and 428 of the new commercial code. Art. 394. Indicates, the balance sheet, the profit and loss account and the directors' auditors' reports shall be read out at the ordinary general meeting for discussion and approval/rejection.

In accordance with art. 426. i.e. annual reporting, at the end of each financial year, the directors shall prepare a detailed inventory and valuation of assets and liabilities. They shall draw up a balance sheet and a profit and loss account and prepare a report on the state of the company's activities and affairs during the last financial year. Based on Art. 427 the inventory, balance sheet, profit and loss account and the directors' report shall be submitted to the auditors and the Ministry of Commerce and Industry not less than forty days before the notices calling the annual general meeting are dispatched. Art. 428 is also deals on drawing-up of the balance sheet and profit and loss account.

Ethiopia has established an institution to manage the accounting and audit standards in the private sector. The Accounting and Auditing Board of Ethiopia is established under Regulation No. 332/2014 as an autonomous government organ having its own legal personality.

The Board is accountable to the Ministry and it has mandate to regulate the accounting of the country. Major duties and responsibilities of the AABE comprises:-

- establish, publish and review a Code of Professional Conduct and Ethics for certified public accountants and certified auditors, which shall be consistent with that of the International Federation of Accountants or its successors;

- issue directives related to professionals including for the acceptance or rejection of application, suspension, cancellation or renewal of certificate and registration;
- inquire into any breach of the Code of Professional Conduct and Ethics of the Board, the provisions of this regulation or regulations or directives issued under the proclamation, any certified auditor or certified public accountant, either on its own initiative or at the request or grievance of any person and take disciplinary action where appropriate;
- Implement a sound quality assurance mechanisms to ensure high quality audit practice.

Publication Requirements

The Director of the reporting entity shall ensure that copies of financial statements and consolidated financial statements, together with a copy of the auditor's report on those statements, are delivered to the Board for registration within 20 working days from the date financial statements and any consolidated financial statements of the reporting entity, as the case may be, are required to be signed. The auditing standards to be used by auditors in Ethiopia shall be the International Standards for Auditing issued by the International Federation of Accountants.

The director of a reporting entity shall ensure that the financial statements of this entity, as well as its consolidated financial statements, if requested, are audited. This should be done according to the international standards for auditing. The financial statements and any consolidated financial statement should be audited by an auditor, in line with the Commercial Code of Ethiopia or other relevant laws.

According to article 21 sub article 2 of the establishment of Accounting and Audit Board of Ethiopia Regulation No.332/2014 provides that, the Board shall register person as certified auditor and issue to him a practicing Certificate. Within this legal frame work, the certified auditor exercise his or her functions. In the failure of this regulation, the Board has the power to make any one or more of the following orders against the defendant regard to the nature and Seriousness of the violation. These reads as:

- a) that the defendant be reprimanded or cautioned;
- b) that the defendant' practicing certificate or certificate of registration be withdrawn
- c) That the defendant be suspended from practicing the profession for a specified period.
- d) That the name of the defendant pay fine not exceeding Birr 25,000 (Twenty five thousand Ethiopian Birr).

Corruption Crime Proclamation No.881/ 2015

Tax, Anticorruption and Financial law provisions of the country consider any falsification of documents and reports by these business entities as criminal acts. Under article 23/of proclamation No.881/2015 falsely executes or prepares an instrument, document or any writing of a public office or public organization; or counterfeits a document, a file or any other written instrument of a public office or public organization, especially by changing his handwriting, by affixing to the instrument a false signature, mark or stamp, or by signing it in a false capacity purposing to certify its authorship; or falsifies an instrument of a public office or public organizations especially by altering, modifying, adding or removing, or deleting, in whole or in part, the name or signature of its author or the terms , figure, facts or material details it contains; shall be punishable with rigorous imprisonment not less than three years and not exceeding ten years and fine not less than 3000 (Birr three thousand) and not exceeding 30,000 (Birr thirty thousand).

Federal Tax Proclamation No. 983/ 2016

Part Four

Documents

17. Record-keeping Obligations

1. A taxpayer shall, for the purposes of a tax law, maintain such documents (including in electronic format) as may be required under the tax law and the documents shall be maintained:
 - a) In Amharic or English;
 - b) In Ethiopia; and
 - c) In a manner so as to enable the taxpayer's tax liability under the tax law to be readily ascertained.
2. Subject to sub-article (3) of this Article or a tax law providing otherwise, a taxpayer shall retain the documents referred to in sub-article (1) of this Article for the longer of:
 - a) the record-keeping period specified in the Commercial Code; or
 - b) 5 (Five) years from the date that the tax declaration for the tax period to which they relate was filed with the Authority.
3. When, at the end of the period referred to in sub-article (2) of this Article, a document is necessary for a proceeding under the Proclamation or any other law commenced

before the end of the period, the tax payer shall retain the document until the proceeding and any related proceedings have been completed.

4. When a document referred to sub-article (1) of this Article is not in Amharic or English, the Authority may, by notice in writing, require the taxpayer to provide, at the taxpayer's expense, a translation into Amharic or English by a translator approved by the Authority by the date specified in the notice.

Definition of Powers, Duties and Organization of the Customs

Commission Regulation No.437/ 2018

5. Powers and duties of The commission

12. To prepare forms and brochures necessary for customs activities

13. To apply and implement modern systems and methods for valuation, assessment and collection of taxes and duties and financial accounting and other related activities.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

- Statistical data about total number of licenced auditors and disciplinary measures taken by Accounting and Auditing Board of Ethiopia (AABE).

S.N	Auditors Licensed by Audit Board and Types of disciplinary measures	Numbers of Auditors and types of disciplinary measures
1	Total Number of licensed Auditors	1,376
2.	Notice given in failure of renewing license.	175
3.	Notice given in failure of business registration certificate.	16
4.	Notice given because of authenticated the other auditor work.	11
5.	Notice given because of doing other work in addition to auditor's licensee.	3
6.	Cancellation of audit license because of doing audit task by delegating another auditor in the absence in the country.	3

7.	Notice given in failure of notifying office address change to the Board	2
8.	Doing audit task without audit license and the case transfer to police.	19

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 4 of article 12

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to

ensure full compliance with this provision of the Convention.

Corruption Crimes Proclamation No.881/2015

Bribery is one of the corruption crimes in Ethiopia. According to Art.10 of Proclamation 881/2015 any public servant or employee of a public organization directly or indirectly, seeks, receives or exacts a promise of an advantage for himself or another, in order to act or refrain from acting, in violation of the duties proper to his office, shall be punishable with simple imprisonment for not less than one year and fine not less than Birr three thousand or rigorous imprisonment not exceeding ten years and fine not exceeding Birr forty thousand. In addition to this Art.25/881, 2015 giving bribe or undue advantage to a public servant or employee of a public organization to perform or omit an act in violation of the duty proper to his office shall be punishable, according to the circumstances of the case, with simple imprisonment and fine, or with rigorous imprisonment not exceeding seven years and time not less than Birr seven thousand and not exceeding Birr thirty thousand. Therefore, there is no any legal ground to consider bribery as a deductible expense in the tax law of Ethiopia.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 13. Participation of society

Paragraph 1 of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;

(b) Ensuring that the public has effective access to information

(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

(i) For respect of the rights or reputations of others;

(ii) For the protection of national security or ordered public or of public health or morals.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The 1995 FDRE Constitution

Article 26. Right to Privacy

In principle, any person has the right to access all government conduct of affairs including accessing basic public information. This is guaranteed under the constitution and subsidiary laws. However, in certain circumstances this rights subject to restrictions and clearly stipulated under sub article three of the constitution:-

3. Public officials shall respect and protect these rights. No restrictions may be placed on the enjoyment of such rights except in compelling circumstances and in accordance with specific laws whose purposes shall be the safeguarding of national security or public peace, the prevention of crimes or the protection of health, public morality or the rights and freedoms of others.

Freedom of the Mass Media and Access to Information Proclamation No.590/2008

Part Three

Access to Information

11. Objectives

The objectives of this part of the Proclamation are:

4. to give effect to the right of citizens to access, receive and import information held by public bodies, subject to justifiable limits based on overriding public and private interests;
5. to establish mechanisms and procedures to give effect to that right in a manner which enables persons to obtain information as quickly, inexpensively and effortlessly as is reasonably possible; and
6. To encourage and promote public participation, public empowerment, to foster a culture of transparency, accountability and efficiency in the functions of public bodies and to encourage and promote good governance.

12. Right of Access to Information

4. All persons have the right to seek, obtain and communicate any information held by public bodies, except as expressly provided for by this Proclamation.
5. The right referred to under sub-article (1) of this Article shall include the right to be Informed whether or not the public body holds a record containing the requested information and to obtain information from any public body by means of;
 - d) Inspection, taking extracts and notes;
 - e) certified copies of any records of such public authority;
 - f) By different means like electronic mode or through print-outs where such information is stored in a computer or in any other device.
6. Nothing in this Proclamation shall be understood as limiting the power of public bodies to provide access to information on an informal basis.

Federal Ethics and Anti-corruption Commission establishment

(Proc. No. 433/ 2005 and Proc. No.1236/2021)

The engagement of different public groups (NGO, civil societies, professional associations etc.) in the fight against corruption is essential and very important. Taking this in to consideration, the Federal Ethics and anti-corruption Commission under its establishment proclamation No. 433/ 2005 article 7 (11) has given a mandate of to mobilize and cooperate with relevant bodies. Currently, the Federal and Regional anti-corruption commissions has three ways of engaging the public in the fight against corruption. The 1st platform is designed to engage different category of society's i.e. civil societies, non-governmental organizations, Professional associations and mass-based organizations.

Under this category, till 2020 there was one national anti-corruption coalition with its executive committee and 14 sub anti-corruption coalition forums. Public and professional associations and coalitions has organized and work closely with the commission through created direct engagement platform under the umbrella of national anti-corruption coalition forum until 2021. After 2021, the federal ethics and anti-corruption commission has working closely with selected civil societies that has directly connected or similar with the commission mandate. Similarly, the federal and regional ethics and anti-corruption commissions have established different anti-corruption actors such as ethics clubs and Ethics liaison units. Currently the federal Ethics and anti-corruption commission has also in a process to launch National anti-corruption forum.

Both the federal and regional anti-corruption commissions have conducted continuous and comprehensive induction, awareness creation and training of trainers (TOT) trainings. So far, the federal and regional anti-corruption commissions have put substantial resource for mobilizing and supporting public participation. Specially, at the federal level, the commission was established a separate directorate that deals with CSO and public mobilization.

The House of Peoples Representatives Regulation No.6/2015

To allow public participation in budget allocation and administration, the government of Ethiopia in collaboration with development programs, has adopted different interventions to improve and strengthen transparency and accountability at the financial sector and Improve over all service delivery at the federal and regional level. The three interventions are Financial Transparency and Accountability (FTA), Social Accountability (SA), and Grievance Redress Mechanisms (GRM) .To make sure that the Financial Transparency and

Accountability (FTA) implemented at over all government sector, the ministry of finance has enacted Financial and Transparency Accountability directive and distributed for implementation to all government institutions. The main objective of this directive is:-

- To provide sufficient and timely information for public on how and when the ministry of finance operate its budget and other financial activities so that it will ensure accountability and transparent system in the financial sector.
- To use public resource efficiently and effectively through ensuring continuous public participation.

At the parliament level, when the annual budget of government is discussed, citizens are invited to comment on the various government agendas especially on institutions plan and performance report. Each standing committee of parliament always conducted public hearing on each institutions performance report and it allows and invites public to participate in the hearing through different Medias. Especially , when budget allocation hearing is conducted, the parliament budget and finance standing committee has used different means to invite public to participate in the hearing process through informing the date and discussion issues a head of the hearing time so that key civil societies and other stakeholders to participate in the hearing process .In general ,the House peoples representative's establishment proclamation has the following provision on the participation of societies in every activity of the parliament :-

Chapter Twelve

Public Participation

100. General

The House may cause the participation of citizens and various bodies on matters it deems necessary.

101. Matters of Participation

Without prejudice to the provision of Article 100 of this Regulation, the House may utilize the participation of citizens and various bodies in undertaking the following responsibilities:

- 1) in the legislation process;
- 2) concerning implementation of laws and the resulted impact;
- 3) in the budget approval process;
- 4) concerning the implementation and appropriate use of budget, and whether its intended result is achieved;

- 5) audit finding;
- 6) concerning the issuance of sectorial level government policies and plans;
- 7) relating to the implementation of policies and plans, and whether their intended result is achieved;
- 8) on the finding and report of onsite supervision;
- 9) on questions and opinions gathered from constituencies;
- 10) concerning current issues;
- 11) On other matters concerning public and government interest.

102. Participant Bodies

Participants shall be determined on the basis of their appropriateness to the issue, provided

That the following bodies may participate in the activities of the House:

- 1) state governments and city administrations;
- 2) government bodies;
- 3) education institutions;
- 4) civic societies;
- 5) professional associations;
- 6) business communities;
- 7) political parties;
- 8) small and micro enterprises' associations;
- 9) mass media;
- 10) Other stakeholders.

103. Manner of Participation

For the purpose of ensuring the participation of citizens and other bodies the House may employ the following methods:

- 1) by arranging public forums;
- 2) by receiving opinion, question and complaint in written form;
- 3) by way of free phone call;
- 4) by means of information communication technology
- 5) fax and post services;
- 6) by using mass media;

- 7) by making announcement for the observation of the meetings of the House and standing Committees;
- 8) By using other appropriate methods.

104. Input and Report of Participation

- 1) A report shall be prepared for any issue subject to participation after the completion of the process.
- 2) The report shall include the full information of the participation and particularly it shall contain the questions and opinions raised as well as acceptable inputs and unacceptable items.
- 3) In mentioning acceptable and unacceptable items under the report, the reason and explanation for each item shall be stated thereof and the concerned bodies shall be informed.

The federal government also designed legal and institutional arrangement for public to access any information they seek from the government. It has established public relation units in each government institution to provide information for the public. To some extent the prime minister office has also established a press secretariat that will provide information for public on key government issues.

Disclosure and Registration of Assets Proclamation No. 668/2010

12. Accessibility of Registered Information

1. All information regarding the registration of assets of an appointee, elected person or a public servant shall be open to the public.
2. Any person who wishes to access information regarding the registration of assets may apply in writing to the Commission or to the concerned ethics liaison unit.
3. The Commission or the concerned ethics liaison unit shall accept and grant the information requested to the requesting person.
4. Notwithstanding the provisions of this Article the information regarding the registration of family assets shall be confidential unless disclosure is required in the interest of justice or for other purposes to be determined by the Commission as necessary.
5. The Commission shall provide the public with general information regarding the registration of assets under this Proclamation every two years by way of reports.

The federal Ethics and Anti-corruption Commission has required by the law to provide information of registered political appointees, elected officials and selected employees. The main aim of disclosing information to the public is to enhance transparency and accountability of government affairs as well as encourage citizens to report corruption acts.

Freedom of the Mass Media and Access to Information Proclamation

No.590/2008

Part Three

Access to Information

11. Objectives

The objectives of this part of the Proclamation are:

- 1) To give effect to the right of citizens to access, receive and import information held by Public bodies, subject to justifiable limits based on overriding public and private Interests;
- 2) To establish mechanisms and procedures to give effect to that right in a manner which enable persons to obtain information as quickly, inexpensively and effortlessly as is reasonable possible; and
- 3) To encourage and promote public participation, public empowerment, to foster a culture of transparency, accountability and efficiency in the functions of public bodies and to Encourage and promote good governance.

15. Exempted Information

- 3) The right of access provided in Article 12 of this Proclamation applies to the exclusion of any provision of other legislation that prohibits or restricts the disclosure of information, provided that this right takes effect subject to the exceptions provided in this Part.
- 4) The mere fact that a record has been administratively classified as confidential does not, of itself, override the right of access established by this Proclamation unless it falls within the scope of an exception set out in this Part.

The Ethiopian Press Agency Establishment Proclamation No.1151/2019

Article 8 sub articles 2 of the Proclamation provides that the members of the Board, shall be appointed by the House of Peoples' Representatives, upon recommendation by the

government recommendation, drawn from the relevant Institutions and different section of the society. Sub article 3 of this article stipulates that the Board shall be accountable to the House of Peoples’ Representatives. This article clearly indicates that participating different section of the society will help enhance transparency on the operational activity of the agency.

Ethiopian Broadcasting Corporation Establishment Proclamation No.858 /2014

Article 8 sub articles 2 of the Proclamation provides that the members of the Board, shall be appointed by the House of Peoples’ Representatives, upon recommendation by the prime minister, drawn from the relevant Institutions and different section of the society. Sub article 3 of this article stipulates that the Board shall be accountable to the House of Peoples’ Representatives. This article clearly indicates that the different section of the society can participate in the media role and activities. This enables the board to exercise its responsibilities in an independent and impartially manner.

Participation of Religious Institutions

Since 2008, when anti-corruption coalition is established religious institutions has one of member of the national anti-corruption coalition and participated on various issues. So far, through different means of mechanisms they were disseminated ethics and moral based messages for their followers. They preach basic religious principles in line with ethics and moral bases.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

List of selected civil societies working with Federal Ethics and anti-corruption commission -
2021

No	Name of civil societies	Year of establishment	Areas of engagement (democracy, corruption, good governance, development etc.)
1	Vision Ethiopia Congress For Democracy (VECOD)	1995	democracy, corruption, good governance, ethics development
2	Initiative for Social Accountability Promotion	2000	Internal accountability corruption, good governance,

3	Transparency Ethiopia	1994	anti-corruption, and accountability
4	Promotional Service for Development Progress	2004	democracy, corruption, good governance,
6	Mahbere Hiweot for Socials Development Organization	1999	corruption, good governance,
7	Africa Excellence Development center	2012	democracy, good governance,
8	Good Governance for Eastern Africa	2012	democracy, corruption, good governance, accountability
9	AA chamber of Commerce	1940	Accountability, ethics
10	Forum for Democracy and Good Governance	2009	democracy, good governance,

- Number of anti-corruption agents working at the National Level -2021

No	Type of Coalition member	Federal	Regions	Total
1	CSO and Non-Governmental organizations	10 CSO	21 forums	31
2	Primary and secondary ethics and civics clubs	1018	29,162	30,180
3	Higher education ethics and anti-corruption clubs	55	---	55
4	Ethics liaison offices	539	4128	4667
Total		1623	33311	34,933

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of

the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 13

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Under article 55 sub article 17 of the 1995 FDRE Constitution, the House of Peoples Representatives has the power to call and to question the Prime Minister and other Federal officials and to investigate the Executive's conduct and discharge of its responsibilities. Within this and by other legal frame works, Attorney General, Auditor General, Federal Police, Financial intelligence service and Federal Public Procurement and Property authority, Federal Ethics and anti-corruption commission directly or indirectly through its head offices

report the discharge of their responsibility to the House of respective standing Committees and the public know about the activities of the concerned government institutions.

It is known that citizens should be participating in the fight against Corruption. In order to prevent corruption, there should be organized structure of whistleblowers to give disclosure of corruption activities. In this regard, different institutions has organized and structured corruption and compliant handling sections which help the public to report corrupt practices.

The Federal Ethics And anti-corruption Commission and other anti-corruption institutions are visible to the public through different means at all levels. The Commission has always communicating itself regularly through electronics, printing and other social media platforms. Corruption prevention and law enforcement agencies has their own Facebook address, website and YouTube. Besides, the Attorney General and the Federal police Commission has established their branches and sections at all level and there is a means which public to report corruption practices.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

❖ Example, Federal Ethics and Anti-corruption Commission Information disseminating channels

- Website: www.feac.gov.et
- Telegram : <https://t.me/feacc>
- Twitter : <https://twitter.com/EthiopiaFeacc>
- You:https: _
[//www.youtube.com/channel/UCO_WiCAiDikMMwqsZGK47nw/?guided_help_flow=5/](https://www.youtube.com/channel/UCO_WiCAiDikMMwqsZGK47nw/?guided_help_flow=5/)

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 14. Measures to Prevent Money-laundering

Subparagraph 1 (a) of article 14

1. Each State Party shall:

(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money Laundering and Financing of
Terrorism proclamation No.780/2013**

Ethiopia has done every single act that is required to be complied under this sub-paragraph. Consequently, articles (5), (6), (7), (10) and (17) of the AML/CFT Proclamation No. 780/2013 exhaustively discussed these points as follows:

Art. 5. Transparency of Legal Persons

- 1) Legal persons established in Ethiopia shall maintain adequate, accurate and current information on their beneficial owners and control structure.
- 2) The competent authority shall, upon request, have access to the information referred to in sub-article (1) of this Article in a timely fashion.

Art. 6. Identification of Customers

- 1) Financial institutions and designated non-financial businesses and professions shall take appropriate steps to identify and assess their risks of money laundering and financing of terrorism. When conducting this risk assessment, any information provided by the service under Article 13(1) of this Proclamation shall be fully taken into account.
- 2) The risk assessment conducted under sub article (1) of this Article and any underlying evidence and information shall be documented in writing, be kept up-to-date, and be readily available to the service , the police, public prosecutor and the organ responsible to conduct investigation.
- 3) A financial institution or a designated non-financial business or profession shall carry out customer due diligence measures:

- a) Before establishing business relations with or opening an account for a customer;
 - b) Before carrying out a transaction for a customer who does not have an account or is not in an established business relationship with the financial institution or designated non-financial business or profession, and who wishes to carry out:
 - 1) A transaction above the amount fixed by the service , whether conducted as a single transaction or several transactions that appear to be linked; or
 - 2) A transaction that is a domestic or international wire transfer;
 - c) Whenever doubts exist about the veracity or adequacy of previously obtained customer due diligence information; or
 - d) Whenever there is a suspicion of money laundering or financing of terrorism.
- 4) If the amount of the transaction referred to in sub-article (3) (b) (1) of this Article is unknown at the time of the operation, the identification of customer shall be done as soon as the amount becomes known or the threshold is reached.
- 5) Customer due diligence measures under sub-article (3) of this Article shall comprise the following:
- 6) Financial institutions and designated non-financial businesses and professions shall exercise on-going due diligence with respect to each business relationship and closely examine the transactions carried out to ensure that the transactions are consistent with the knowledge of their customer, the customer's commercial activities and risk profile and, where required, the sources of the customer's funds.
- a) Understanding and collecting information on the anticipated purpose and intended nature of the business relationship;
 - b) Identifying the customer and verifying the identity of the customer based on reliable independent source, documents, data or information;
 - c) Identifying the beneficial owners and taking all reasonable measures to verify the identities of the beneficial owners;
 - d) verify that any person purporting to act on behalf of a customer is so authorized, and identify and verify the identity of that person; and
 - e) Taking other measures as prescribed by the Centre.

- 7) Financial institutions and designated non-financial businesses and professions shall:
- a) Identify and assess the risks of money laundering and financing of terrorism that may arise from the development of new products, delivery mechanisms and business practices, or from the use of new or developing technologies for both new and pre-existing products; and
 - b) Take appropriate measures to manage and mitigate those risks.
- 8) Financial institutions and designated non-financial businesses and professions shall have appropriate risk management systems to determine if a customer or a beneficial owner is a politically exposed person, and, if so:
- a) Obtain approval from senior management before establishing a business relationship with the customer;
 - b) Take all reasonable measures to identify the source of wealth and funds of the customer; and
 - c) Provide increased and on-going monitoring of the business relationship with the customer.
- 9) With respect to cross-border correspondent banking and similar relationships, in addition to the measures set out from sub article (3) to (6) of this Article, financial institutions shall:
- a. Clearly understand and document the respective responsibilities of each institution;
 - b. Collect information on and fully understand the nature of the respondent institution's business;
 - c. based on publicly available information, evaluate the respondent institution's reputation and the nature of supervision to which it is subject, including whether it has been subject to a money laundering or financing of terrorism investigation;
 - d. Obtain approval from senior management before establishing a new cross-border correspondent banking or similar relationship;
 - e. Evaluate the controls implemented by the respondent institution with respect to the prevention of money laundering and financing of terrorism; and
 - f. In the case of a payable through account, ensure that the respondent institution has carried out due diligence measures as set out from sub-

article (3) to (6) and sub-article (8) of this Article on all customers having direct access to accounts of the correspondent institution, and is capable of providing all relevant customer due diligence information upon request to the correspondent bank.

- 10) If a financial institution and designated non-financial business or profession cannot fulfil its obligations provided from sub article (3) to (9) of this Article, it may not establish the business relationship, open the account or carry out the transaction, or shall terminate the business relationship. Where appropriate, a report shall be made to the service in accordance with this Proclamation.
- 11) For existing customers, at the time this Proclamation comes into force, customer due diligence measures under this Article shall be carried out at appropriate times, and based on materiality and risk
- 12) Financial institutions and designated non-financial businesses and professions may not keep anonymous accounts or accounts in obviously fictitious names.

Art.7. Special Identification Requirements

- a) Dealers in precious metals and dealers in precious stones shall identify their customers in accordance with Article 6 of this Proclamation whenever receiving payment in cash in an amount more than the amount fixed by the Service
- b) Real estate agents and brokers shall identify the parties, in accordance with Article 6 of this Proclamation when involved in transactions concerning the buying or selling of real estate.

Art. 10. Record-keeping

- 1) Financial institutions and designated nonfinancial businesses and professions shall maintain:
 - a) copies of all records obtained through the customer due diligence measures provided from Article 6 to Article 9 of this Proclamation, and account files and business correspondence, including the results of any analysis undertaken, for at least ten years after the business relationship has ended, or, in case where a transaction is carried out for or attempted by a customer that is not in an established business relationship, from the date the transaction is carried out or attempted; and

- b)** Records on all transactions, whether domestic or international, attempted or executed, including wire transfers that are sufficiently detailed to enable the reconstruction of each individual transaction, for at least ten years from the date of the attempt or execution of the transaction.
- 2) Financial institutions and designated nonfinancial businesses and professions shall ensure that records maintained pursuant to sub-article (1) of this Article are readily available to the service and other competent authorities.
- 3) The provisions of sub-article (1) of this Article may not affect the requirements under other laws to maintain records for longer period.

Art. 17. Reporting of Suspicious

- 1) Financial institutions and designated non-financial business and professions, that suspect or have reasonable grounds to suspect that funds or property are the proceeds of crime, or are related or linked to, or are to be used for financing of terrorism shall be required to submit promptly reports setting forth their suspicious to the Centre. This obligation shall also apply to attempted transactions.
- 2) 2/ Lawyers, notaries and other independent legal professionals shall have no obligation to report information they obtain on clients, in the course of determining the legal position for their clients or performing their tasks of defending or representing those clients in, or concerning judicial proceedings, including advise on instituting or avoiding proceedings.
- 3) The Centre shall issue directive on the procedures and form in which reports shall be submitted.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good

practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 1 (b) of article 14

1. Each State Party shall:

(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has fulfilled its mandate as prescribed under this sub-paragraph of the convention by legislating a number of laws. Accordingly, the first and Comprehensive legislation is Proc. No. 780/2013 which discussed these particular elements of the convention. Proclamation No. 732/2012, is enacted to ratify the intergovernmental authority on development/IGAD/ convention on mutual legal assistance in criminal matters and Proclamation No. 874/2014 to ratify the agreement between the government of the Federal Democratic Republic of Ethiopia and the Government of the Federal Democratic Republic of Sudan on mutual legal assistance

in criminal matters and the Council of Ministers Regulation No. 490/2022 to establish the Finance Intelligence service

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Articles 13 through 16 and Article 22 (1) and (2) of the Prevention and Suppression of Money Laundering and Financing of Terrorism proclamation No.780/2013 reads as follows:

Art. 13. Powers and Duties of the service

The Service shall, without prejudice to its powers and duties specified under other provisions of this proclamation:

- 1) collect, receive, store, survey, analyse and disseminate information concerning suspected money laundering and financing of terrorism in accordance with this Proclamation;
- 2) enhance public awareness and understanding of matters related to money laundering and financing of terrorism;
- 3) conduct research relating to the source, mechanisms of commission, type, nature and dangers of money laundering and financing of terrorism and indicate solutions to the relevant bodies;
- 4) without prejudice to the power of the National Bank to regulate financial institutions, issue guidelines to assist financial institutions and designated non-financial businesses and professions to comply with the obligations provided under this Proclamation;
- 5) establish appropriate information management systems to ensure the protection of sensitive and confidential information disclosed to it under this proclamation;
- 6) maintain comprehensive statistics on its operations, including the number of reports received pursuant to this Proclamation, the number of referrals made to law enforcement bodies, the number of criminal investigations and prosecutions based on those referrals, and the number of international requests for assistance;
- 7) refer promptly to the appropriate law enforcement organ where, based

Art. 15. Access to Information

- 1) The service shall have the power to obtain from any person subject to the reporting obligation in accordance with Article 17 of this Proclamation any additional information it deems useful for the accomplishment of its functions.
- 2) Sub-article (1) of this Article shall be applied subject to the restrictions provided under Article 2(10) (c) and Article 17(2) of this Proclamation.
- 3) The service may request in relation to any report it has received, any additional information it deems useful for the accomplishment of its functions from:
 - a) Police departments;
 - b) Authorities responsible for the supervision of the persons subject to this Proclamation;
 - c) Other government organs.
- 4) The Service may obtain the information referred to from sub-article (1) to (3) of this Article pursuant to a request received from a foreign counterpart agency.

Art. 16. Disclosure to Regulatory Authority

Whenever the Service determines that financial institutions and designated non-financial businesses and professions are not complying or have not complied with the obligations set out in this Proclamation, it shall inform the relevant regulatory authorities accordingly.

Art. 22. Powers and Functions of Regulatory Authorities

- 1) The concerned regulatory authorities shall supervise compliance by financial institutions and designated non-financial businesses and professions with the requirements set forth in this Proclamation.
- 2) without prejudice to the generality of sub-article (1) of this Article, the concerned regulatory authorities shall:
 - a) Cooperate and share information with other competent authorities with respect to investigations and prosecutions relating to money laundering, predicate offences and financing of terrorism;
 - b) Ensure that foreign branches and majority owned subsidiaries of financial institutions adopt and enforce measures consistent this Proclamation to the extent that local laws and regulations so permit;
 - c) Report promptly to the Centre any information concerning suspicious transactions or facts that could be related to money laundering or financing of terrorism;

- d) Maintain statistics concerning measures adopted and sanctions imposed in the context of enforcing this Article.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 14

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Prevention and Suppression of Money Laundering and Financing of Terrorism

proclamation No.780 complied with this sub-paragraph under article 3 and sub-paragraph (9) of Article 6.

Art. 3. Cross Border Transportation of Cash and Bearer Negotiable Instruments.

- 1) Any person who enters or leaves the territory of Ethiopia in possession of currency, bearer negotiable instruments, precious stones or precious metals shall declare same to the Ethiopian Revenue and Customs Authority when so requested.
- 2) The Ethiopian Revenue and Customs Authority shall have the power to seize part of or the whole amount of currency, bearer negotiable instrument or precious metals or precious stones in case of a false disclosure or a failure to disclose as required under sub-article (1) of this Article, or if there is suspicion of that all or parts of the currency, bearer negotiable instruments or precious metals or precious stones are proceeds or an instrumentality of money laundering, a predicate offence or financing of terrorism.
- 3) The provisions of the Customs Proclamation relating to the forfeiture of goods shall be applicable with respect to currency, bearer negotiable instruments or precious stones seized under sub-article (2) of this Article.
- 4) The Ethiopian Revenue and Customs Authority shall submit to the centre any information relating to the existence of suspicion referred to in sub-article (2) of this Article.

Article 6 Sub article 9 -With respect to cross-border correspondent banking and similar relationships

In addition to the measures set out from sub article (3) to (6) of this Article, financial institutions shall:

- a) Clearly understand and document the respective responsibilities of each institution;
- b) Collect information on and fully understand the nature of the respondent institution's business;
- c) based on publicly available information, evaluate the respondent institution's reputation and the nature of supervision to which it is subject, including whether it has been subject to a money laundering or financing of terrorism investigation;

- d) Obtain approval from senior management before establishing a new cross-border correspondent banking or similar relationship;
- e) Evaluate the controls implemented by the respondent institution with respect to the prevention of money laundering and financing of terrorism; and
- f) in the case of a payable through account, ensure that the respondent institution has carried out due diligence measures as set out from sub-article (3) to (6) and sub-article (8) of this Article on all customers having direct access to accounts of the correspondent institution, and is capable of providing all relevant customer due diligence information upon request to the correspondent bank.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 3 of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

- (a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;*
- (b) To maintain such information throughout the payment chain; and*

(c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Prevention and Suppression of Money Laundering and Financing of Terrorism proclamation No.780/2013 complied with this sub-paragraph under article 8.

Article 8. Obligations Regarding Wire Transfers

- 1) Financial institutions whose activities include wire transfers shall obtain and verify the full name, account number, and address, or in the absence of address the national identity number or date and place of birth of the originator of such transfers, as well as the full name and address, or in the absence of address the national identity number or date and place of birth of the beneficiary account number where such an account is used to process the transaction. The information shall be included in the message or payment form accompanying the wire transfer. If there is no account number, a unique reference number shall accompany the transfer.
- 2) The financial institutions referred to in sub-article (1) of this Article shall maintain and transmit all such information when they act as intermediaries in a chain of payments.
- 3) Sub-article (1) and (2) of this article may not apply to:
 - I. Transfers executed as a result of credit card or debit card transactions, provided that the credit card or debit card number accompanies the transfer resulting from the transaction; or
 - II. Transfers between financial institutions where both the originator and the beneficiary are the financial institutions.
- 4) A financial institution seeking to order a wire transfer that is unable to comply with the requirements under sub-article (1) of this Article may not execute the wire transfer.

- 5) Any financial institution processing or receiving a cross-border wire transfer shall take reasonable measures to identify wire transfers that lack information on the originator or beneficiary as required under sub-article (1) of this Article and have in place risk based procedures to determine when to execute or receive, reject or suspend such a wire transfer and for determining any follow-up action required.
- 6) A financial institution receiving a cross border wire transfer that lacks complete originator information as required under sub-article (1) of this Article based on a determination of how low risk shall verify the identity of the beneficiary.
- 7) Where technical limitations prevent the information on the originator or beneficiary under sub-article (1) of this Article to remain with a related domestic wire transfer, a record shall be kept by the processing institution of all the information received from the originator or the institution ordering the transfer.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 4 of article 14

4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are

called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has accepted different FATF recommendations and adopted into its operational documents and guidelines. As a result of this progressive effort, there are many areas whereby Ethiopia has been receiving different initiatives in its move towards combating money laundering.

In addition to this, Ethiopia is an active member in the EGMONT Group (become a member to EGMONT Group as of July 2019) and a member to ESAAMLG (Eastern and Southern Africa Anti-money Laundering Group) as of September 2013. This helps Ethiopia to share experience in combatting money laundering and terrorist financing.

Besides, as part of a practical manifestation in considering these initiatives Ethiopia has adopted Ethiopian Financial Intelligence Centre Suspicious Transaction Detection and Reporting Guideline No.2/2019 under number three clearly stated that the FATF recommendation was taken in to consideration to formulate the guideline.

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 5 of article 14

5. States Parties shall endeavour to develop and promote global, regional, sub regional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Ethiopia has implemented this specific provision by enacting different legislations. This includes Federal Attorney General Establishment Proclamation No. 943/2016 which laid the general legal framework to determine the institution responsible for international cooperation under Article 6 (12), Proclamation No. 780/2013 for the prevention and suppression of money laundering and financing of terrorism which determines the matter to request and receiving any information about money laundering by Ethiopia under Article 14. Proclamation No. 732/2012, a proclamation to ratify the intergovernmental authority on development/IGAD/ convention on mutual legal assistance in criminal matters and Proclamation No. 874/2014, a proclamation to ratify the agreement between the government of the federal democratic republic of Ethiopia and the government of the Federal Democratic Republic of Sudan on mutual legal assistance in criminal matters.

There are numerous Memorandums of Understanding signed between the Financial Intelligence Centre (currently financial intelligence Service) and its counterparts in different countries. Thus:

- The FIC has entered in to an agreement concerning cooperation for the exchange of information related to money laundering and terrorism financing with Uganda's Financial Intelligence Authority on March 25, 2015;
- a Memorandum of Understanding signed between the FIS and the Financial Reporting Centre of Kenya concerning cooperation in the exchange of information related to money laundering, terrorism financing, proliferation of weapons of mass destruction and related criminal activity on 15 April 2016;
- The FIS has entered in to an agreement concerning cooperation for the exchange of information related to money laundering and terrorism financing with Zimbabwe's Financial Intelligence Unit on March 25, 2015 in Arusha and 2nd April, 2015 in Harare;
- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Unit of the republic of Angola concerning cooperation in the exchange of information related to money laundering, terrorism financing, proliferation of weapons of mass destruction and related criminal activity on 25 March 2015 in Arusha;
- A Memorandum of Understanding signed between the FIC and the FIU of Mozambique concerning cooperation in the exchange of information related to money laundering and terrorism financing on 1st Sept, 2016 in Zimbabwe.
- a Memorandum of Understanding signed between the FIC and the Financial Information Unit of Sudan concerning cooperation in the exchange of information related to money laundering, terrorism financing, proliferation of weapons of mass destruction on 08 February 2019;
- a Memorandum of Understanding signed between the FIC and the Financial Reporting Centre of Somalia concerning cooperation in the exchange of information related to money laundering, terrorism financing, proliferation of weapons of mass destruction on February 8, 2019;
- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Authority of Malawi concerning cooperation in the exchange of

information related to money laundering and terrorism financing on 10 April 2018 in Arusha;

- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Unit of Madagascar concerning cooperation in the exchange of financial intelligence related to money laundering, associated predicate offences and terrorism financing on 10 April 2018 in Arusha;
- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Unit of Tanzania concerning cooperation in the exchange of financial intelligence related to money laundering, associated predicate offence and terrorism financing on 08 February 2019; and
- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Service of Djibouti concerning cooperation in the exchange of information related to money laundering, terrorism financing, proliferation of weapons of mass destruction and associated predicate offences on February 8, 2019;
- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Service of Rwanda concerning cooperation in the exchange of information related to money laundering , terrorist financing , and financing of proliferation of weapons of mass destruction
- a Memorandum of Understanding signed between the FIC and the Financial Intelligence Service of Yemen concerning cooperation in the exchange of information related to money laundering , terrorist financing , and financing of proliferation of weapons of mass destruction

Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

V. Asset Recovery

Article 51. General provision

Article 51

1. The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention, including identifying both any legal authorities/procedures for accepting requests for asset recovery and assessing that these requests are reasonably substantiated and supplemented as well as any time frame established under domestic laws and procedures for their execution, taking into account requests received from countries with similar or different legal systems and any challenges faced in this context.

Ethiopia has implemented this specific provision by enacting different legislations. This includes Federal Attorney General Establishment Proclamation No. 943/2016 which laid the general legal framework to determine the institution responsible for international cooperation, Proclamation No. 780/2013 for the Prevention and Suppression of Money Laundering and Financing of Terrorism which determines the matter to request and receiving the same by Ethiopia. Proclamation No. 732/2012, a proclamation to ratify the intergovernmental authority on development/IGAD/ convention on mutual legal assistance in criminal matters and Proclamation No. 874/2014, a proclamation to ratify the agreement between the government of the federal democratic republic of Ethiopia and the government of the Federal Democratic Republic of Sudan on mutual legal assistance in criminal matters.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

The Asset Recovery Directorate General of the Office of Federal Attorney General has gave a clear recommendation for Country “T” to make a request for mutual legal assistance for the purpose of confiscating a property previously owned by a terror organ and laundered to another party instead of seeking administrative confiscation which is not backed by law.

Part Two

Art. 6 (12)

The Federal Attorney General shall, without prejudice to Anti-terrorism Proclamation No. 652/2009 (as repealed by Proc. No. 1176/2011) and the power and duty of Ministry of Foreign Affairs, undertake international relation and cooperation in criminal and civil matters; however, the newly proclaimed legislation has erased the power of international cooperation by the Ministry of Foreign Affairs. Therefore, it becomes clear that the Office of federal Attorney General is fully empowered to undertake the aforementioned task.

Prevention and Suppression of Money Laundering and Financing of**Terrorism proclamation No.780/2013****Part-Six****International Cooperation****Art. 38. General Provision**

- 1) without prejudice to the provisions of Article 47 (1) of this proclamation, the competent authorities shall provide the widest possible range of cooperation to the competent authorities of other states for purpose of mutual legal assistance in connection with extradition and criminal investigations and proceeding relating to money laundering and financing of terrorism.
- 2) For the purposes of this proclamation, money laundering and financing of terrorism may not be regard as political offences or offences connected with a political offences, or offences inspired by political motives.

Art. 39. Requests for Mutual Legal Assistance

- 1) Upon application by a foreign state, requests for mutual legal assistance in connection with money laundering or financing of terrorism shall be executed in accordance with the provisions of this Part.
- 2) Mutual legal assistance may include in particular
 - a) Taking evidence or statements from persons
 - b) Assisting and making detained persons or voluntary witnesses available to judicial authorities of the requesting state in order to give evidence or assist in investigation;
 - c) Effecting service of judicial documents;
 - d) Executing searches and seizures;

- e) Examining objects and sites;
- f) Providing information, evidentiary items and expert evaluations;
- g) Providing originals or certified copies of relevant documents and records including government, bank, financial, corporate or business records;
- h) Identifying or tracing the proceeds of crime or instrumentalities or other things or evidentiary or confiscation purposes;
- i) Confiscation of funds or property;
- j) Executing, freezing or seizure and other provisional measures;
- k) Any other form of mutual legal assistance not contrary to the laws of Ethiopia.

Art. 40. Refusal to Execute Requests

1) a request for mutual legal assistance may be refused only if:

- a) It was not made by a competent authority according to the legislation of the requesting country, or its contents are in substantial non-conformity with Article 48 of this Proclamation;
- b) Its execution is likely to prejudice the law and order, sovereignty, security, public interest or other essential interests of Ethiopia;
- c) The offence to which it relates is the subject of criminal proceedings or has already been the subject of a final judgment in the territory of Ethiopia;
- d) There are substantial grounds for believing that the measure or order being sought is directed at the person in question solely on account of that person's race, religion, nationality, ethnic origin, political opinions, gender or status;
- e) The offence referred to in the request is not provided for under the legislation of Ethiopia or does not have features in common with an offence provided for under the legislation of Ethiopia;
- f) Under the legislation of Ethiopia, the measures requested, or any other measures having similar effects, are not permitted with respect to the offence referred to in the request;
- g) The measures requested cannot be ordered or executed by reason of period of limitations under the legislation of Ethiopia or the law of the requesting state;
- h) The decision whose execution is being requested is not enforceable under the legislation of Ethiopia; or
- i) The decision rendered abroad was issued under conditions that did not afford sufficient protections with respect to the rights of the defendant.

- 2) The competent authority shall promptly inform the competent authority of the requesting state of the grounds for refusal to execute the request.

Art. 41. Requests for Investigative Measures

- 1) Investigative measures shall be undertaken in conformity with the procedural rules of Ethiopia unless the competent foreign authority has requested a specific procedure not contrary to such rules.
- 2) A public official authorized by the competent authority of the requesting state may be allowed to attend the execution of the investigative measures.

Art. 42. Requests for Provisional Measures

- 1) Provisional measures requested by a state shall be undertaken in accordance with the applicable law of Ethiopia. If the request is worded in general terms, the most appropriate measures provided by law shall be used.
- 2) Where the applicable law of Ethiopia does not provide for the measures requested, the competent authority may substitute those measures provided for in the law whose effects correspond most closely to the requested measures.
- 3) The provisions relating to the lifting of provisional measures as laid down in Article 36(3) of this Proclamation shall be applicable; provided, however, that before lifting the provisional measures applied, the competent authority of the requesting state shall be informed thereof.

Article 43. Requests for Confiscation

- 1) In the case of a request for mutual legal assistance seeking the execution of a confiscation order, the competent authority shall either recognize and enforce the confiscation order made by a court of the requesting state or submit the request to the public prosecutor for the purpose of obtaining a confiscation order from the Ethiopian court and, if such order is granted, enforce it.
- 2) Where the competent authority recognizes and enforces a confiscation order issued by the court of the requesting state, it shall be bound by the findings of fact on which the order is based.

- 3) The confiscation order shall apply to the funds or property referred to in Article 35 of this Proclamation and situated in the territory of Ethiopia.
- 4) The appropriate government organ shall have the power of disposal of confiscated property unless provided otherwise under an agreement concluded with the requesting state.

IGAD Convention mutual Legal Assistance in Criminal Matters

Ratification Proclamation No.732/2012

Article 2. Ratification of the Convention

The IGAD convention on mutual legal assistance in criminal matters adopted by the IGAD council of Ministers at its 33rd ordinary session held in Djibouti from the 7th to the 8th day of December 2009 is hereby ratified.

Agreement between Ethiopia and Sudan mutual Legal Assistance in Criminal Matter

Proclamation No. 874/2014

Article 2. Ratification of the Agreement

This agreement between the government of the Federal Democratic Republic of Ethiopia and the government of the Republic of Sudan on mutual legal assistance in criminal matters signed in Khartoum 4th day of December 2013 is hereby ratified.

Statistical data of International Cooperation and Information Exchange Requests

No	Types of request	In-coming	Out-going	Fiscal Year							
				July 2012 – June 2016	July 2016 – June 2017	July 2017 - June 2018	July 2018 – June 2019	July 2919 June 2020	July 2020- January 2021	Total	Rema rk
1	Information Exchange	20	9	1	2	1	7	8	10	29	
2	Investigation	1	1	1	1	-	-	--	-	2	
3	Freezing & Seize	-	-	-	-	-	-	--	-	-	
4	Confiscation	1	1	1	1	-	-	--	--	2	
	Total	22	11	3	4	1	7	8	10	33	

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

- Ethiopia has become a member to EGMONT Group as of July 2019 and a member to ESAAMLG (Eastern and Southern Africa Anti-money Laundering Group) as of September 2013, so that the Financial Intelligence centre can have an access to information from other counterparts.
- Due to some positive Measures done by the Government of Federal Democratic Republic of Ethiopia in consecutive years from 2017-2019 in the prevention and suppression of money laundering and financing of terrorism activities, Ethiopia cancelled from list of high risk countries on the prevention and suppression of money laundering and financing of terrorism.

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

- Capacity Gap on Asset Recovery and International Cooperation

(e) Technical assistance needs

Legislative assistance

- As Ethiopia is passing through a draft legislation of asset recovery we need a professional support to come up with the best legal instrument.

Institutional -building

- The office of the federal attorney general has established a Directorate General which is empowered to properly recover a stolen asset. Therefore, the office of attorney general needs competent modern investigation and prosecution office that effectively and efficiently meets its very purpose.

Capacity-building

- The task of mutual legal assistance calls upon for the involvement of different organs including the judiciary as there is a wide range of discrepancies between these actors in the performance of their duties. Therefore, the newly established directorate and all concerned organs supposed to have well experienced professionals. Consequently, it is found decisive to have the expertise and other similar support.

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

- TANA Copenhagen, Danish Embassy and Centre on Global Counter Terrorism Cooperation have delivered and are delivering training on capacity building.
- The World Bank FIU has delivered a three days training for investigators and prosecutors on asset recovery and mutual legal assistance.
- The EU project on the greater Eastern horn of Africa has delivered and is delivering capacity building training on matters of mutual legal assistance.
- Star Initiative has delivered face to face training for investigators and prosecutors and is delivering consequent online trainings on all matters of asset recovery to the staff members of Asset Recovery Directorate General.

Article 52. Prevention and detection of transfers of proceeds of crime

Paragraph 1 of article 52

1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money laundering and Financing of

Terrorism Proclamation No. 780/2013

Proclamation No. 780/2013 for the prevention and suppression of money laundering and financing of terrorism has provided the following measures in to consideration:

Art.6. Identification of Customers

- 1) Financial institutions and designated nonfinancial businesses and professions shall take appropriate steps to identify and assess their risks of money laundering and financing of terrorism. When conducting this risk assessment, any information

provided by the Centre under Article 13(1) of this Proclamation shall be fully taken into account.

- 2) The risk assessment conducted under sub article (1) of this Article and any underlying evidence and information shall be documented in writing, be kept up-to-date, and be readily available to the Centre, the police, public prosecutor and the organ responsible to conduct investigation.
- 3) A financial institution or a designated nonfinancial business or profession shall carry out customer due diligence measures:
 - a) Before establishing business relations with or opening an account for a customer;
 - b) Before carrying out a transaction for a customer who does not have an account or is not in an established business relationship with the financial institution or designated non-financial business or profession, and who wishes to carry out:
 - 1) A transaction above the amount fixed by the Center, whether conducted as a single transaction or several transactions that appear to be linked; or
 - 2) A transaction that is a domestic or international wire transfer
 - c) Whenever doubts exist about the veracity or adequacy of previously obtained customer due diligence information; or
 - d) Whenever there is a suspicion of money laundering or financing of terrorism.
- 4) If the amount of the transaction referred to in sub-article (3)(b)(1) of this Article is unknown at the time of the operation, the identification of customer shall be done as soon as the amount becomes known or the threshold is reached.
- 5) Customer due diligence measures under sub-article (3) of this Article shall comprise the following:
 - a) Understanding and collecting information on the anticipated purpose and intended nature of the business relationship;
 - b) Identifying the customer and verifying the identity of the customer based on reliable independent source, documents, data or information;
 - c) Identifying the beneficial owners and taking all reasonable measures to verify the identities of the beneficial owners;

- d) Verify that any person purporting to act on behalf of a customer is so authorized, and identify and verify the identity of that person; and
 - e) Taking other measures as prescribed by the Centre.
- 6) Financial institutions and designated nonfinancial businesses and professions shall exercise on going due diligence with respect to each business relationship and closely examine the transactions carried out to ensure that the transactions are consistent with the knowledge of their customer, the customer's commercial activities and risk profile and, where required, the sources of the customer's funds.
- 7) Financial institutions and designated nonfinancial businesses and professions shall:
 - a) Identify and assess the risks of money laundering and financing of terrorism that may arise from the development of new products, delivery mechanisms and business practices, or from the use of new or developing technologies for both new and pre-existing products; and
 - b) Take appropriate measures to manage and mitigate those risks.
- 8) Financial institutions and designated nonfinancial businesses and professions shall have appropriate risk management systems to determine if a customer or a beneficial owner is a politically exposed person, and, if so:
 - a) Obtain approval from senior management before establishing a business relationship with the customer;
 - b) Take all reasonable measures to identify the source of wealth and funds of the customer; and
 - c) Provide increased and on-going monitoring of the business relationship with the customer.
- 9) With respect to cross-border correspondent banking and similar relationships, in addition to the measures set out from sub article (3) to (6) of this Article, financial institutions shall:
 - a) Clearly understand and document the respective responsibilities of each institution;
 - b) Collect information on and fully understand the nature of the respondent institution's business;
 - c) Based on publicly available information, evaluate the respondent institution's reputation and the nature of supervision to which it is subject, including whether it has been subject to a money laundering or financing of terrorism investigation;

- d) Obtain approval from senior management before establishing a new cross-border correspondent banking or similar relationship;
 - e) Evaluate the controls implemented by the respondent institution with respect to the prevention of money laundering and financing of terrorism; and
 - f) In the case of a payable through account, ensure that the respondent institution has carried out due diligence measures as set out from sub-article (3) to (6) and sub-article (8) of this Article on all customers having direct access to accounts of the correspondent institution, and is capable of providing all relevant customer due diligence information upon request to the correspondent bank.
- 10) If a financial institution and designated nonfinancial business or profession cannot fulfil its obligations provided from sub article (3) to (9) of this Article, it may not establish the business relationship, open the account or carry out the transaction, or shall terminate the business relationship. Where appropriate, a report shall be made to the Center in accordance with this Proclamation.
 - 11) For existing customers, at the time this Proclamation comes into force, customer due diligence measures under this Article shall be carried out at appropriate times, and based on materiality and risk.
 - 12) Financial institutions and designated nonfinancial businesses and professions may not keep anonymous accounts or accounts in obviously fictitious names.

Art. 7. Special Identification Requirements:

- 1) Dealers in precious metals and dealers in precious stones shall identify their customers in accordance with Article 6 of this Proclamation whenever receiving payment in cash in an amount more than the amount fixed by the Center.
- 2) Real estate agents and brokers shall identify the parties, in accordance with Article 6 of this Proclamation when involved in transactions concerning the buying or selling of real estate.

Art. 8. Obligations Regarding Wire Transfers:

- 1) Financial institutions whose activities include wire transfers shall obtain and verify the full name, account number, and address, or in the absence of address the national identity number or date and place of birth of the originator of such

transfers, as well as the full name and address, or in the absence of address the national identity number or date and place of birth of the beneficiary and the beneficiary account number where such an account is used to process the transaction. The information shall be included in the message or payment form accompanying the wire transfer. If there is no account number, a unique reference number shall accompany the transfer.

- 2) The financial institutions referred to in sub article (1) of this Article shall maintain and transmit all such information when they act as intermediaries in a chain of payments.
- 3) A financial institution seeking to order a wire transfer that is unable to comply with the requirements under sub-article (1) of this Article may not execute the wire transfer.
- 4) Sub-article (1) and (2) of this Article may not apply to:
 - a) Transfers executed as a result of credit card or debit card transactions, provided that the credit card or debit card number accompanies the transfer resulting from the transaction; or
 - b) Transfers between financial institutions where both the originator and the beneficiary are the financial institutions.
- 5) Any financial institution processing or receiving a cross-border wire transfer shall take reasonable measures to identify wire transfers that lack information on the originator or beneficiary as required under sub-article (1) of this Article and have in place risk based procedures to determine when to execute or receive, reject or suspend such a wire transfer and for determining any follow-up action required.
- 6) A financial institution receiving a cross border wire transfer that lacks complete originator information as required under sub-article (1) of this Article based on a determination of low risk shall verify the identity of the beneficiary.
- 7) Where technical limitations prevent the information on the originator or beneficiary under sub-article (1) of this Article to remain with a related domestic wire transfer, a record shall be kept by the processing institution of all the information received from the originator or the institution ordering the transfer.

Art. 9. Enhanced or Simplified Due Diligence

- 1) Financial institutions and designated nonfinancial businesses and professions:

- a) Shall conduct enhanced customer due diligence measures in the case of identifying higher risk of money laundering or financing of terrorism; or
 - b) May conduct simplified customer due diligence measures in the case of identifying lower risk of money laundering or financing of terrorism.
- 2) Notwithstanding sub-article (1) of this Article, financial institutions and designated non-financial businesses and professions shall apply enhanced customer due diligence and monitoring measures:
 - a) To complex transactions, unusual large transactions, unusual patterns of transactions and transactions that have no apparent economic or other lawful purposes; and
 - b) To business relationships and transactions with persons from or in countries for which such measure is called for internationally.
- 3) The background and purpose of the transactions referred to in sub-article (2) (a) of this Article shall be examined as far as possible and the finding be recorded in writing.
- 4) The measures referred to in sub-article (2) (b) of this Article shall be effective and proportionate to the risks involved, and the Centre may apply countermeasures in relation thereto.

Art. 10. Record-keeping

- 1) Financial institutions and designated nonfinancial businesses and professions shall maintain:
 - a) copies of all records obtained through the customer due diligence measures provided from Article 6 to Article 9 of this Proclamation, and account files and business correspondence, including the results of any analysis undertaken, for at least ten years after the business relationship has ended, or, in case where a transaction is carried out for or attempted by a customer that is not in an established business relationship, from the date the transaction is carried out or attempted; and
 - b) records on all transactions, whether domestic or international, attempted or executed, including wire transfers, that are sufficiently detailed to enable the reconstruction of each individual transaction, for at least ten years from the date of the attempt or execution of the transaction.

- 2) Financial institutions and designated nonfinancial businesses and professions shall ensure that records maintained pursuant to sub-article (1) of this Article are readily available to the Center and other competent authorities.
- 3) The provisions of sub-article (1) of this Article may not affect the requirements under other laws to maintain records for longer period.

Art.11. Internal Prevention Programs

- 1) Financial institutions shall establish and implement internal policies and controls against money laundering and financing of terrorism that manage and mitigate effectively the risks identified under Article 6(1) or by the Center under Article 13(1) of this Proclamation, and monitor the implementation of such policies and controls and if necessary enhance them.
- 2) The policies and controls to be implemented pursuant to sub-article (1) of this Article shall include:
 - a) Customer identification and verification of identity measures, including identification and verification of beneficial owners, monitoring of transactions, and on-going due diligence procedures in compliance with the requirements under this Proclamation;
 - b) Appropriate group level compliance management arrangements;
 - c) Adequate screening procedures to ensure high standards when recruiting employees;
 - d) On-going training for officials and employees, including training to assist them in recognizing suspicious transactions and activities that may be linked to money laundering or financing of terrorism;
 - e) Information sharing procedures within the financial group for purposes of carrying out customer due diligence measures and managing money laundering and financing of terrorism risks, including procedures to safeguard and use the information exchanged; and
 - f) Internal audit arrangements to check compliance with and effectiveness of the measures taken in execution of this Proclamation.
- 3) A financial institution shall designate a compliance officer at the senior management level to be responsible for ensuring its compliance with this Proclamation.

- 4) Financial institutions shall be required to ensure that the policies and controls set out under sub-article (1) of this Article are applied on group wide basis, including by their foreign branches and majority-owned subsidiaries.
- 5) The Centre shall determine the types of measures that shall be taken by designated non-financial businesses and professions for each of the requirements in this Article, having regard to the risk of money laundering and financing of terrorism and the size of the business.

Financial Anti-money Laundering and Countering the Financing of Terrorism

Compliance Directive No. 01/2014

Part III

Know Your Customer Service (KYC) and Identification Process

Art.15. General Principles

- 1) Subject to Article 24 of these Directives, Financial Institutions shall take a risk-based approach to the, Know Your Customer “ requirement and identify all their customers whether permanent or occasional, and whether natural or legal person or legal arrangement and verify their identities using reliable, independently sourced documents up-to-date data or information including government and third parties in accordance with Article 35 of these Directives.
- 2) Financial Institutions shall not establish a business relationship until all relevant parties to the relationship have been identified and the nature of the business they intend to conduct ascertained; and once an on-going business relationship is established, any inconsistent activity shall then be examined to determine whether or not there is an element of money laundering or terrorism financing.
- 3) In carrying out transactions with any customer, Financial Institutions shall identify the ultimate beneficial owner and take reasonable measures to verify the identity of the beneficial owner using relevant information or data obtained from a reliable source such that the financial institution is satisfied that it knows who the beneficial owner is.

- 4) Financial Institutions shall in respect of all customers, determine whether a customer is acting on behalf of another person; and where the customer is acting on behalf of another person, they shall take reasonable steps to obtain sufficient identification data and to verify the identity of that other person.
- 5) The establishment of identity under these Directives shall be in the following broad categories of customer:
 - a) Natural Person Customers ; or
 - b) Customers that are Legal Persons or Legal Arrangements.

Art. 16. Natural Person Customers

- 1) The following information shall be established and independently validated for all natural persons whose identities need to be verified as they are required by competent authorities which are the:
 - a) given or legal name and all other names used
 - b) permanent address
 - c) telephone number, fax number and e-mail address, if available
 - d) date and place of birth, if possible;
 - e) nationality;
 - f) occupation, public position held and/or name of employer;
 - g) type of account; and
 - h) Signed statement certifying accuracy of the information provided.
- 2) The extent and number of checks can vary depending on the perceived risk of the service or business sought and whether the application is made in person or through a remote medium such as telephone, post or the internet.
- 3) For personal account relationships, all joint-account holders need to be verified.

Art. 17. Customers that are Legal Persons or Arrangements

- 1) For customers that are legal persons and arrangements, Financial Institutions shall verify the status of the legal person by obtaining proof of incorporation from the relevant authority or similar evidence of establishment or existence and any other relevant information.
- 2) For these customers, Financial Institutions shall:

- a) take reasonable measures to understand the ownership and control structure of the customer and determine who the natural persons that ultimately own or control the legal person or arrangement are; this shall include those natural persons who exercise ultimate effective control over the legal person or arrangement;
 - b) Verify that any person purporting to act on behalf of the customer is so authorized, and identify and verify the identity of that person;
 - c) verify the legal status of the customer at a minimum by obtaining proof of incorporation or similar evidence of establishment or existence and information concerning the legal person's or arrangement's:
 - i. name,
 - ii. Legal form and proof of existence,
 - iii. Some form of official identification number such as tax identification number (if available),
 - iv. Address which includes country, city/town/wereda/ kebele in which the head office is located and if available, house number, mailing address, telephone number and fax number,
 - v. the powers that regulate and bind the legal person or arrangement, as well as the names of the relevant persons having a senior management position including directors, if applicable, and the chief executive officer in the legal person or arrangement;
 - vi. The resolution of the board of directors (if applicable) or any other authorized body or person to open an account;
 - vii. To the extent that there is doubt under (i) and (ii) as to whether the person(s) with the controlling ownership interest is the beneficial owner(s) or where no natural person exerts control through ownership interests, the identity of the natural person(s) (if any) exercising control of the legal person or arrangement through other means; and
 - viii. Identification of those who have authority to operate the account.
- 3) For the proper implementation of Article 5 of the Proclamation and the provisions of these Directives, legal persons shall:
- a) Take reasonable measures to obtain and maintain their name, proof of incorporation, legal form and status, the address of the registered office, basic regulating powers, a list of directors, a register of their shareholders or members,

- containing the number of shares held by each shareholder and categories of shares (including the nature of the associated voting rights), their beneficial owners;
- b) Use existing information, including:
 - i. Information obtained by Financial Institutions in accordance with Articles 25, 26 and 27 of these Directives;
 - ii. Information held by other competent authorities on the legal and beneficial ownership of companies;
 - iii. Information held by the legal person as required in Sub-Article 3(a) of this Article; and
 - iv. Available information on companies listed on a stock exchange, where disclosure requirements ensure adequate transparency of beneficial ownership;
 - c) Require shareholders with a controlling interest of bearer share or share warrants to notify such entity, and the legal person to record their identity;
 - d) Require nominee shareholders and directors to disclose the identity of their nominator to such entity and to any relevant registry, and for this information to be included in the relevant register;
 - e) Authorize one or more natural persons or a designated non-financial business or profession resident in Ethiopia to be accountable to competent authorities, for providing all basic information and available beneficial ownership information, and giving further assistance to the authorities
 - f) Ensure that information obtained and maintained under Sub-Articles 7(a) - (c) of this Article is kept accurate and updated on a timely basis;
 - g) Maintain the information and records referred to by the entity itself (or its administrators, liquidators or other persons involved in the dissolution of the company), for at least ten years after the date on which the entity is dissolved or otherwise ceases to exist, or after the date on which the company ceases to be a customer of the financial institution business or profession; and
 - h) Take other comparable measures, specifically identified by the Centre.
- 4) In the case of Trusts or other types of legal arrangements, Financial Institutions shall obtain and verify the identity of those providing funds for the Trust including the settler and those who are authorized to invest, transfer funds or make decisions on behalf of the Trust such as the principal trustees and controllers who have power to remove the Trustees, the protector (if any), the beneficiaries or class of beneficiaries,

and any other natural person exercising ultimate effective control over the trust (including through a chain of control/ownership) or persons in equivalent or similar positions.

- 5) For the proper implementation of Article 6(5)(c) of the Proclamation and the provisions of these Directives, legal arrangements shall:
- a) Obtain and hold adequate, accurate, and current information on the identity of the settlor, the trustee(s), the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust;
 - b) Hold basic information on other regulated agents of, and service providers to, the trust, including investment advisors or managers, accountants, and tax advisors; and
 - c) Professional trustees to maintain this information for at least ten years after their involvement with the trust ceases;
 - d) Ensure that information obtained and maintained under Sub-Articles 5(a) - (c) of this Article is kept accurate and updated on a timely basis;
 - e) Disclose their status to the Centre or other competent authorities or Financial Institutions on a timely basis when forming a business relationship or carrying out an occasional transaction above the threshold indicated under the provisions of these Directives;
 - f) Provide competent authorities with any information relating to the trust; or provide Financial Institutions, upon request, with information on the beneficial ownership, control of the trust, the residence of the trustee and the assets of the trust to be held or managed under the terms of the business relationship or for which they undertake an occasional transaction.

Banking Business Proclamation No. 592/2008 has declared that the National Bank of Ethiopia (NBE) may issue directive to meet the concern of customer due diligence:

Art. 53. Know-Your-Customer Standards

the National Bank may issue directive prescribing standards on banks' due diligence in knowing their customers and reporting of suspicious transactions. Accordingly, NBE's "Customer Due Diligence Banks Directives No. SBB-46-2010" states that **as** there is a need to strengthen internal control and risk management systems of banks to prevent them

from exposure to undue reputational, operational, legal and concentration risks that may result from abuse of money launderers and terrorist financiers.

Therefore, Directive No. SBB-46-2010 issued to ensure that banks have sound policies, procedures and controls in place that enable them to identify the condition of their new and existing customers' accounts and the risks prevailing around.

Hence, the directive made to cover the following topics:

- 1) Customer Acceptance Policy, Procedure, and Compliance Arrangement
- 2) Customer Identification and Due Diligence
- 3) Account Monitoring
- 4) Cross Border Correspondent Banking
- 5) Wire Transfers
- 6) Record Keeping
- 7) Reporting
- 8) Training Programs

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

- The joint preventive action taken by the Financial Intelligence Centre and Federal Police Commission astonishingly precluded three suspects from withdrawing two billion Birr (Ethiopian legal Tender) using a forgery documents on August 8, 2021. This money was deposited in the name of Salini Construction Company at local bank. Therefore, following the identification of the customers (suspects) the Federal Police Commission arrested them all.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 2 (a) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts; and

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

YES

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money laundering and Financing of
Terrorism Proclamation No. 780/2013**

The Financial Intelligence Centre has been empowered to issue such guidelines under Article 13 (4) of Prevention and suppression of Money laundering and financing of Terrorism Proclamation No.780/2013. Accordingly, the centre has issued a Suspicious Transactions Detection and Reporting Guidelines for Financial Institutions No. 2/2019.

Art. 13. Powers and Duties of the Centre

The centre shall, without prejudice to its powers and duties specified under other provisions of this proclamation:

- (4) Without prejudice to the power of the National Bank to regulate financial institutions, issue guidelines to assist financial institutions and designated non-financial institutions and professions to comply with the obligations provided under this proclamation:

The aforementioned guideline by the FIC discussed some basic issues as stated under this sub-paragraph. To put these issues in general: suspicious transaction, how to identify STR, how STR extended to non-cash transactions, whether attempted transactions could be reported as STR, the nature of protection that financial institutions and its employees are provided with in respect to disclosing customer's information, how the FIC request the submission of further STR transactions information. In the appendices part, the guideline has discussed about the Red-Flag indicators on account opening, cash transactions, transactions through existing accounts, cross-border wire transactions, for Insurance Company, during the term and end of Insurance Contract, for High Treat Offences, General Red-flag indicators on Trade Based Money Laundering on financial institutions specially on Banking Products, common Red-Flag indicators on Illegal «Hawala», Goods and Currency Smuggling and Tax evasion, Red-Flag indicators of under invoicing of imported goods and services, Red-Flag indicators using over invoicing of imported goods, Red-Flag indicators of multiple invoicing goods, Red-Flag indicators for falsified invoicing import goods, Red-Flag indicators on factious (Phantom) invoicing, additional Red-Flag on tax evasion, additional Red-Flag indicators on Illegal «Hawala», additional Red-Flag indicators on Goods and Currency Smuggling, Red-Flag indicators of Human trafficking, Corruption and different types of Fraud.

Besides, Ethiopia has conducted the National Money Laundering (ML) and Terrorism Financing (TF) Risk Assessment (NRA) in December 2016. It was undertaken locally by groups representing various government and private institutions. This is in compliance with FATF recommendation 1 on assessing AML/CFT risks and applying a risk-based approach. The NRA assessed the major predicate offenses that generate larger amounts of criminal proceeds and the level of the TF threat the country faces. It also examined the country's ML/TF combating ability and the vulnerabilities of the financial sector as well as designated non-financial business and professions to ML and TF abuse. The study assessed the methods perpetrators employ to hide and/or legitimize proceeds of crime. Furthermore, the study analysed fund raising and transfer methods of terrorist organizations. The assessment used both primary and secondary data such as reports and other documents collected from public

and private sectors including law enforcement agencies, supervisory organs, financial and non-financial institutions.

The NRA results were sent to all supervisory authorities and domestic financial institutions for the identification of risks around each and to combat accordingly.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Ethiopia taken some administrative measures over different financial institutions and designated non-financial institutions and profession who were not in line with the NRA and sectorial risk assessment results.

- Statistical data of administrative measures taken against financial institutions and other designated non-financial institutions and professions.

No	Type of sanction	Fiscal Year					
		July 2017 – June 2018		July 2018 - June 2019	July 2020- June 2020	July 2020- Sept. 2021	Total
1	Written warning	-		-	-	-	-
2	Order to comply with Instructions	Banks	-	18		1	56
		Micro-Finances	-	3			
		Real Estates	7	11			
		Lawyers	-	4			
		Accountants	-	6			
		Mining	1	-			
		NPOs	5	-			
		Total	13	42			
3	Corrective measures taken	-		-			-
4	Fines on the reporting entity	5		2	1		7

5	Value of fines on entities (ETB)	290,000	120,000	40,000		450,000 ¹
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(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought in to line with the article ,as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 2 (b) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

¹*All fines sanction imposed on the banks*

YES

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and suppression of Money Laundering and Financing of Terrorism

Proclamation No.780/2013

The cumulative reading of Article 13 (1) and Article 14 (1) of the AML/CFT Proclamation No. 780/2013 guarantees that the centre is actually empowered to adopt such an information exchange mechanisms.

Article 13. Powers and Duties of the Centre

The centre shall, without prejudice to its powers and duties specified under other provisions of this Proclamation:

- 1) Collect, receive, store, survey, analyse and disseminate information concerning suspected money laundering and financing of terrorism in accordance with this Proclamation;

Article 14. Relations with Foreign Counterpart Agency

- 1) The Centre may, subject to reciprocity, share information or otherwise cooperate with any foreign counterpart agency that performs similar functions and is subject to similar secrecy obligations.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 3 of article 52

3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention

As described under Proclamation No. 780/2013 above, Article 10 of the Proclamation establish record keeping requirements for specified parties. Part 5, Article 30 (1) (h) provides for the penalty that comes with an offence of not keeping records accordingly. Therefore, an offence of this type is punishable with rigorous imprisonment from three to five years and fine from Birr 5,000 to 10,000.

Besides, the Banking Business Proclamation No. 592/2008 provided the need to keep records as per the prevailing international standard.

Art. 23. Financial Records

- 1) The National Bank may direct banks to prepare financial statements in accordance with the international financial statements standards, whether their designation changes or they are replaced, from time to time.^{2/} any bank shall keep such records as are necessary to:

- a) Exhibit clearly and correctly the state of its affairs;

- b) Explain its transactions and financial position; and
- c) Enable the National Bank to determine whether the bank had complied with the provisions of this Proclamation and regulations and directives issued for the implementation this Proclamation.

3/ any bank shall register and keep documents for each type of transaction. The form and required entries of such documents may be determined by the directive to be issued by the National Bank.

According to Art. 58 (7) of the proclamation any person who contravenes or obstructs this provision shall be punished with a fine up to Birr10,000 and with an imprisonment up to three years.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 4 of article 52

4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial

institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The prevention and suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013 provides such a mandatory standard of cross border transaction under Article 4.

Art. 4. Transparency in Financial Transactions

Financial institutions may not enter into or continue a cross-border correspondent banking or similar relationship with:

- 1) a bank that is registered or licensed in a foreign jurisdiction where it is not physically present and that is not affiliated with a regulated financial group subject to effective consolidated supervision in that jurisdiction; or
- 2) a respondent financial institution in a foreign jurisdiction that permits its accounts to be used directly by a bank registered and licensed in a foreign jurisdiction but that is not physically present and is not affiliated with a regulated financial group subject to effective consolidated supervision in that jurisdiction.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observationsofthegovernmentalexpertswithregardtotheimplementationofthearticle.Dependin

gon the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 5 of article 52

5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As the constitution of Ethiopia under Article 12, clearly describe the conduct and accountability of government expected while it operate its function. The government of Ethiopia has made some legislative measures to realize such an obligation in different areas. Accordingly, the Revised Proclamation for the establishment of the Federal Ethics and Anti-Corruption Commission No. 433/2005 (as amended by Proclamation No. 1236/2021), Disclosure and Registration of Assets Proclamation No 668/2010 are legislated. In addition to this, the code of conduct for higher officials of government is drafted and prepared for

submission to the legislature and a Regulation for the establishment of Ethics liaison units No. 144/2008 has legislated (repealed by directive No 20 and 23 of 2021).

Under Article 7 (5) of Proclamation No. 1236/2021 the Federal Ethics and Anti-Corruption Commission has the power to register or cause the registration of the assets and financial interests of public officials, public appointees, elected officials, employees of public offices, heads and employees of public enterprises and public organizations.

Disclosure and Registration of Assets Proclamation No.668 /2010

Art. 4. Obligation to Register

- 1) Any appointee, elected person or public servant shall have the obligation to disclose and register:
 - a) the assets under the ownership or possession of himself and his family; and
 - b) sources of his income and those of his family.
- 2) The appointee, elected person or public servant who registers his assets pursuant to sub-article (1) of this Article shall fill the particulars of his assets and sources of income and those of his family in separate forms designed for such purposes and authenticate the same by his signature.

Art.13. Effect of Non-Registration of Assets

Any asset of an appointee, an elected person or a public servant not registered in accordance with this Proclamation shall, in the absence of proof to the contrary, be considered as an unexplained property for the purpose of applying the provisions of Article 419(2) (as amended by Proclamation No. 881/2015) of the Criminal Code.

Art. 12. Accessibility of Registered Information

- 1) All information regarding the registration of assets of an appointee, elected person or a public servant shall be open to the public.
- 2) Any person who wishes to access information regarding the registration of assets may apply in writing to the Commission or to the concerned ethics liaison unit.
- 3) The Commission or the concerned ethics liaison unit shall accept and grant the information requested to the requesting person.
- 4) Notwithstanding the provisions of this Article the information regarding the registration of family assets shall be confidential unless disclosure is required in the

interest of justice or for other purposes to be determined by the Commission as necessary.

- 5) The Commission shall provide the public with general information regarding the registration of assets under this Proclamation every two years by way of reports.

As long as the Federal Ethics and Anti-Corruption Commission is empowered to issue directives necessary for the implementation of this Proclamation and regulations issued pursuant to the this proclamation, it has issued Directive for disclosure and Registration of Assets No. 05/2018 as repealed by Directive No.13/2021 which in turn repealed by Directive No. 18/2021 following the coming in to effect of Proclamation No. 1236/2021. In the way to extend this effort to realize the implementation of the convention the Federal Ethics and Anti-Corruption Commission has prepared an operational manual to this end.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

3,601 public officials has accountable for failure to disclose and register their assets. The Federal Ethics and Anti-Corruption Commission has collected more than 3,601,000 (three million and six hundred one thousand) birr as administrative penalty from the accountable officials.

(b) Observations on the implementation of the article

[Observationsofthegovernmentalexpertswithregardtotheimplementationofthearticle.Dependin gonthescopeofthereviewcycle,findingswithrespecttothewayinwhichnationallawhasbeenbrough tintolinewiththearticle,aswellastotheimplementationofthearticleinpractice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identificationofsuccessesandgoodpracticesinimplementingthearticle, where applicable.]

Paragraph 6 of article 52

6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest

in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As mentioned above, Disclosure and Registration of Assets Proclamation No.668 /2010 referred that any asset of which any public official is in possession has to be disclosed under Article 4 (1) (a). Failure to disclose such an asset would have a consequence as stated under Art. 13 of the same proclamation.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

- Under certain cases, some states are not willing to share information about Ethiopian public official's financial interest running within their jurisdiction.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Polymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 53. Measures for direct recovery of property

Subparagraph (a) of article 53

Each State Party shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Civil Procedure Code, 1965

The Civil Procedure Code impliedly allows foreign states to be a party of civil suit.

Book I. Jurisdiction of Courts

Chapter 1. General Provisions

Art. 4. - Courts to try suits unless barred

Without prejudice to the provisions of the following Articles, the courts shall have jurisdiction to try all civil suits other than those of which their cognizance is expressly or impliedly barred.

As long as courts of Ethiopia have not been precluded to entertain cases initiated by foreign state parties it is possible for those states to lodge a civil suit with intent to reclaim the right to property acquired through an offence in accordance with the convention.

Book II

Parties to Suits

Art. 31. - Scope of application

- 1) The provisions of this Book shall apply in any proceeding under this Code.
- 2) In applying the provisions of this Book to appeals, so far as may be, the word "plaintiff" shall be held to include an appellant, the word "defendant" a respondent, and the word "suit" an appeal.

Chapter 1. General Provisions

Art. 33. - Qualifications

- 1) Any person capable under the law may be a party to a suit.
- 2) No person may be a plaintiff unless he has a vested interest in the subject-matter of the suit.
- 3) No person may be a defendant unless the plaintiff alleges some claim against him.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought in to line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph (b) of article 53

Each State Party shall, in accordance with its domestic law: ...

(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Generally, the laws of Ethiopia prescribe compensation for the victims of crimes, which basically include economic crimes. The victim here can be any person. In that regard, chapter two (paragraph two), criminal code of the Federal Democratic Republic Ethiopia under Article 101 and 102 provides such remedy. The section reads thus:

Article 101. Restitution of Property, Compensation for Damages and Costs.

Where a crime has caused considerable damage to the injured person or to those having rights from him, the injured person or the persons having rights from him shall be entitled to claim that the criminal be ordered to make good the damage or to make restitution or to pay damages by way of compensation.

To this end they may join their civil claim with the criminal suit. Such claim shall be governed by the provisions laid down in the Criminal Procedure Code.

Article 102. Compensation to Injured Party.

- 1) Where it appears that compensation will not be paid by the criminal or those liable on his behalf on account of the circumstances of the case or their situation, the Court may order that the proceeds or part of the proceeds of the sale of the articles distrained, or the sum guaranteed as surety, or a part of the fine or of the yield of the conversion into work, or confiscated property be paid to the injured party.
- 2) The claim of the injured party who has been compensated shall be assigned to the State which may enforce it against the person who caused the damage.

As an extension to the substantive law the criminal procedure code of 1960 proclaimed some provisions so as to govern the manner of claiming and executing the right.

Criminal Procedure Code, 1961

In addition to the criminal code, the criminal procedure code has laid the procedural regularities to those issues to be entertained under Article 101 and 102 of the Criminal code.

Chapter 6. Injured Party in Criminal Proceedings

Art. 154. - Principle.

- 1) Where a person has been injured by a criminal offence, he or his representative may at the opening of the hearing apply to the court trying the case for an order that compensation be awarded for the injury caused. The application shall be in writing and shall specify the nature and amount of the compensation sought. He shall not on filing his application pay the prescribed court fees as though it were a civil case.
- 2) The person making the application shall be shown the list of the witnesses to be called by the prosecution and defence and shall be asked whether he wishes additional witnesses to be called. Where he wishes additional witnesses to be called,

he shall be required 'to' pay the Civil Procedure Code, 1965 e prescribed fees for the issue of witness summonses as though it were a civil case

- 3) The provisions of this chapter shall apply to public and private prosecutions.
- 4) Where the person making the application acts in the capacity of private prosecutor, he shall specify which witnesses he calls in support of the prosecution and which he calls in support of his civil claim. The provisions of sub-article (1) and (2) shall apply.

Art. 158. - Acquittal or discharge.

Where the accused is acquitted or discharged, the court shall not adjudicate on the question of compensation and shall inform the injured party that he may file a claim against the accused in the civil court having jurisdiction.

Art. 159. - Order on award of compensation.

- 1) The court when awarding compensation to an injured party shall order that:
 - a) The amount of compensation so awarded be paid to the injured party or his representative:
 - b) Costs as provided for civil cases be paid to the injured party or his representative; and
 - c) The accused pay the court fees as if it were a civil case.
- 2) Judgment shall be given as in an ordinary case.

Art. 186. - Appeal where injured party claims compensation.

- 1) Where the court refuses to grant compensation under Art. 100 Penal Code the injured party may appeal against such decision.
- 2) Where the court grants compensation the accused may appeal against such decision.
- 3) An appeal shall lie against the amount of compensation awarded in accordance with the provisions of Art. 2153 Civil Code.
- 4) An appeal under this Article shall be heard by the criminal court of appeal where there is an appeal against conviction or sentence. But shall be heard by the civil court of appeal where there is no appeal against conviction or sentence or such appeal is withdrawn.

Art. 210. - Payment of costs and compensation.

Where a judgment given by a criminal court contains provisions for the payment of legal costs or compensation, such part of the judgment as contains such provisions shall be executed in the same manner as a civil judgment.

Art. 222. - Injured party.

- 1) Where the injured party claims compensation in a criminal case, he shall pay:
 - a) The court fees on the sum claimed as though it were a civil case; and
 - b) The costs of summoning witnesses and calling experts.
- 2) Where the injured party succeeds in his claim, the court shall order the accused to pay the court fees and costs mentioned in sub-art. (1)

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph (c) of article 53

Each State Party shall, in accordance with its domestic law: ...

(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Even though state parties are supposed to obtain a freezing and seizing order through methods of international cooperation and mutual legal assistance, they are not clearly precluded from claiming for an order to be given as in the sense of this provision of the convention. To this end, the readings of Article 101 and 102 of the Criminal Code makes it clear that any party (including states) who has a legitimate right over a property acquired through the commission of an offence has a duly recognized right to claim back his ownership of the property concerned. The full text of these provisions has been displayed under sub-paragraph (b) of the criminal code.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

- As Ethiopia is at the early stage of recovering the stolen asset practically under the Asset Investigation and Recovery Directorate General of the Office of Federal Attorney General, we need technical assistance in legislating the main body of Asset Recovery Legislation and other detail regulations, directives, manuals and working procedures to address the concept of asset recovery in a meaningful manner.
- Furthermore, as the current criminal justice policy lacked a comprehensive stand against the stolen asset and the recommended recovery task about the best experience to be shared to its legal system. Asset recovery investigators and prosecutors need to be equipped with the required degree of professional skill to run the asset recovery move at the best level.

Facilitation of international cooperation with other countries: please describe the type of assistance

- As international cooperation is a vital aspect of the stolen asset recovery, we need to have the necessary mechanisms and instruments to get best work experience in the area of international cooperation and mutual legal assistance. We need also to have deep knowledge on starting, processing and reaching an agreement for international cooperation as in the terms of this convention.

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 54. Mechanisms for recovery of property through international cooperation in confiscation

Subparagraph 1 (a) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money laundering and financing

Terrorism Proclamation No.780/2013

As far as the Mutual Legal Assistance in Criminal Matters is concerned, Proclamation No. 780/2013 Part 6 (International Cooperation) Article 39 and 43 provides mutual legal assistance in criminal matters (MLA) includes the forfeiture or confiscation of property in respect of criminal offences.

Art. 39. Requests for Mutual Legal Assistance

2/ Mutual legal assistance may include in particular:

i) Confiscation of funds or property;

Art. 43. Requests for Confiscation

- 1) In the case of a request for mutual legal assistance seeking the execution of a confiscation order, the competent authority shall either recognize and enforce the confiscation order made by a court of the requesting state or submit the request to the public prosecutor for the purpose of obtaining a confiscation order from the Ethiopian court and, if such order is granted, enforce it.
- 2) Where the competent authority recognizes and enforces a confiscation order issued by the court of the requesting state, it shall be bound by the findings of fact on which the order is based.
- 3) The confiscation order shall apply to the funds or property referred to in Article 35 of this Proclamation and situated in the territory of Ethiopia.
- 4) The appropriate government organ shall have the power of disposal of confiscated property unless provided otherwise under an agreement concluded with the requesting state.
- 5) In addition to this specific proclamation the 1965 civil procedure code states the procedural manner of executing foreign judicial decisions.

Chapter 2. Execution of Foreign Judgements

Art. 456. - Principle

- 1) Unless otherwise expressly provided for by international conventions, foreign judgments may not be executed in Ethiopia except in accordance with the provisions of this Chapter.
- 2) No foreign judgment shall be executed in Ethiopia unless an application to this effect is made.
- 3) An application under sub-art. (2) Shall be made to the division of the High Court on circuit in the Teklay Guezat (these days the term Teklay Guezat is replaced by Zone/City Administration) where execution is to take place.

Art. 457 Form of application

An application for the execution of a foreign judgment shall be in writing and shall be accompanied by:

- a) A certified copy of the judgment to be executed; and.
- b) A certificate signed by the President or the registrar of the court having given judgment to the effect that such judgment is final and enforceable.

Art. 458. - Conditions for allowing application

Permission to execute a foreign judgment shall not be granted unless

- a) The execution of Ethiopian judgments is allowed in the country in which the judgment to be executed was given;
- b) The judgment was given by a court duly established and constituted;
- c) The judgment-debtor was given the opportunity to appear and present his defence;
- d) The judgment to be executed is final and enforceable; and
- e) Execution is not contrary to public order or morals.

Art. 459. - Procedure

- 1) The court to which the application is made shall enable the party against whom the judgment is to be executed to present his observations within such time as it shall fix.
- 2) The court shall decide whether pleadings may be submitted.
- 3) In cases of doubt the court may suspend its decision until all doubtful points have been clarified.

Art. 460. - Decision

- 1) The decision shall be made on the basis of the application unless the court for some special reason to be recorded decides to hear the parties at a hearing which it shall fix.
- 2) The court shall at the same time decide on costs.
- 3) Where the application is allowed and permission to execute is granted, the foreign judgment shall be executed in Ethiopia as though it had been given by an Ethiopian court. .

Art. 461 Enforcement of foreign awards

- 1) Foreign arbitral awards may not be enforced in Ethiopia unless:
 - a) Reciprocity is ensured as provided for by Art. 458 (a);
 - b) The award has been made following a regular arbitration agreement or other legal act in the country where it was made;
 - c) The parties have had equal rights in appointing the arbitrators and they have been summoned to attend the proceedings;

- d) The arbitration tribunal was regularly constituted;
 - e) The award does not relate to matters which under the provisions of Ethiopian laws could not be submitted to arbitration or is not contrary to public order or morals; and
 - f) The award is of such nature as to be enforceable on the condition laid down in Ethiopian laws.
- 2) The provisions of the preceding Articles shall apply by analogy when the enforcement of a foreign award is sought.

So as to give a likely strong implementation effect to this provision of the convention the office of the Federal Attorney General issued a manual called asset identification, freezing and confiscation guideline in 2019. Consequently, number 8 of the manual tries to bring the possibility of confiscation, in cases of MLA, on the floor.

8. Asset Confiscation

In the case of a request pertaining to confiscation, the following should be fulfilled:

- a) a legally admissible copy of an order of confiscation, upon which the request is based issued by the requesting State Party,
- b) a statement of the facts and information as to the extent to which execution of the order is requested;
- c) a document certifying that the order is enforceable and not subject to ordinary means of appeal
- d) a statement of the relevant facts and arguments to enable the judicial authorities to order the confiscation under domestic law

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good

practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 1 (b) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money laundering and Financing of
Terrorism Proclamation No. 780/2013**

The information provided herein above under article 54(1) (a) applies to this provision as well. Moreover, according to sub article (3) (b) of Article 29 of the Prevention and

Suppression of Money Laundering and Financing of Terrorism Proclamation No.780/2013, a conviction of the predicate offence is not needed to charge a person with money laundering. A money laundering offence is a stand-alone offence. A person can be charged with money laundering or the predicate offence or both depending on the evidence to be proved in the court.

Part Five of the prevention and suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013 sets out the elements of the money laundering offences (Article 29) and ancillary money laundering offences (Article 30).

For a stronger move, the aforementioned proclamation has made clear that offences committed outside the national territory of Ethiopia shall be considered. The provisions of the proclamation over the matter under this convention read as follows:

Art. 29 (3). In applying the provisions of sub-article (1) of article 29

- a) It may not be required to obtain the conviction of the predicate offence to prove the illicit origin of the property;
- b) The predicate offence also includes actions committed outside of the national territory if they would have constituted offences if they had been committed within the territory of Ethiopia;

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article including successes good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 1 (c) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money laundering and Financing of
Terrorism Proclamation No. 780/2013**

As a matter of principle, the prevention and suppression of money laundering and terrorism financing proclamation adopts a conviction based confiscation method. But under certain exceptional scenarios, the law recognizes the possible areas where non-conviction based confiscation method are to take place. And this would apply where the offender is unknown, absconded or died.

Art. 35 (3).

If, in case where an offence involving money laundering or a predicate offence, or financing of terrorism, is established by the court and the perpetrator thereof cannot be convicted because he is unknown, he absconded or died, the court may nevertheless order the confiscation of the seized funds or property if sufficient evidence is adduced that it constitutes proceeds of crime or instrumentalities.

As it may be logical to ask that why any of the wordings of this specific sub article are doesn't regulate the issue of an absentee offender, we shall call for some provisions of the 1960 civil code to address the issue.

Chapter 4. Absence

Section I. Declaration of absence

Art. 154. Application.

- 1) Where a person has disappeared and has given no news of him-self for two years, any interested party may apply to the court to declare his absence.
- 2) The court having jurisdiction shall be the court of the place in which the absentee had his principal residence.

Art. 155. Publication of application.

The application shall be published in the manner prescribed by the court, in the place of the last principal residence of the absentee and in any other place where the court considers such publication to be useful.

Art. 156. - Inquiry

The court may order that an inquiry be made, with the assistance of the public prosecutor, in all places where it considers it useful, and in particular in the place of the last principal residence of the absentee and in the place where his presence has been noticed for the last time.

Art. 157. Principle of decision

- 1) The court shall declare the absence where the death of the absentee appears to it to be probable.
- 2) In making its decision, it shall have regard to all the circumstances of the case.
- 3) It shall in particular take into consideration the fact whether the person whose absence is invoked has or has not appointed an attorney to administer his property and the causes which may have impeded the receipt of his news.

Art. 158. - Postponement of judgment

The court may postpone its judgment for a year or decide that the judgment declaring the absence will only have effect a year after its delivery.

Art. 159. - Duty to declare absence

The court shall declare the absence a year after the date of the application where the absentee has disappeared for five years prior to the date of such application and he has not been heard from following the publicity prescribed by the court upon the application having been made.

Art. 160. Day of last news

The court shall establish in its judgment the day when the last news of the absentee was received.

Art. 161. Judgment declaring death

If the evidence collected by the court establish in a manner which may be considered certain that the absentee is dead, the court to which the application for the declaration of absence was made, may deliver a judgment declaring the death of the absentee.

Art. 162. - Costs of proceedings.

- 1) The costs of the proceedings by which the absence is declared may be Chargeable to the absentee.
- 2) They shall be borne by the person making the application, where the application is dismissed.

Therefore, a public prosecutor or any interested party may submit an application for the confiscation of the property of an absent offender immediately after securing the declaration of absence which turns out to be an assumption of death of the absentee.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 2 (a) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes.

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention

Prevention and Suppression of Money laundering and Financing of

Terrorism Proclamation No. 780/2013

Part six, Article 38 of the prevention and suppression of money laundering and financing of terrorism proclamation No. 780/2013 orders for the realization of possible widest measure of international cooperation of mutual legal for purposes assistance and it has sculptured detailed provisions to that end. Accordingly, sub-article 2 (j) of article 39 of the proclamation addressed the issue mentioned in the convention. Besides, the asset identification, freezing and confiscation manual by the Attorney General extended the legal explanation of the AML/CFT Proclamation under chapter five, number 7.

Art. 39. Requests for Mutual Legal Assistance

- 1) Upon application by a foreign state, requests for mutual legal assistance in connection with money laundering or financing of terrorism shall be executed in accordance with the provisions of this Part.
- 2) Mutual legal assistance may include in particular:
 - a) Taking evidence or statements from persons;
 - b) Assisting in making detained persons or voluntary witnesses available to the judicial authorities of the requesting state in order to give evidence or assist in investigations;
 - c) Effecting service of judicial documents;
 - d) Executing searches and seizures;
 - e) Examining objects and sites;
 - f) Providing information, evidentiary items and expert evaluations;
 - g) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
 - h) Identifying or tracing the proceeds of crime or instrumentalities or other things for evidentiary or confiscation purposes;
 - i) Confiscation of funds or property;
 - j) Executing freezing or seizure and other provisional measures;
 - k) Any other form of mutual legal assistance not contrary to the laws of Ethiopia.

Art. 41. Requests for Investigative Measures

- 1) Investigative measures shall be undertaken in conformity with the procedural rules of Ethiopia unless the competent foreign authority has requested a specific procedure not contrary to such rules.
- 2) A public official authorized by the competent authority of the requesting state may be allowed to attend the execution of the investigative measures.

Art. 47. Transmission of Mutual Legal Assistance and Extradition Requests

- 1) The Centre shall have the responsibility and power to receive mutual legal assistance and extradition requests sent by competent foreign authorities with respect to money laundering and financing of terrorism, and it shall transmit them to the competent authorities for execution.

- 2) Requests and answers shall be transmitted either by post or by other more rapid means of transmission that provides a written or materially equivalent record under conditions allowing the Centre to establish authenticity.
- 3) Requests and their annexes shall be made in Amharic or English or accompanied by a translation in Amharic or English.

Art. 48. Content of Requests

1. Requests shall specify:
 - a) The identity of the authority requesting the measure;
 - b) The name and function of the authority conducting the investigation, prosecution or proceedings;
 - c) The requested authority;
 - d) The purpose of the request and any relevant contextual remarks;
 - e) The facts in support of the request;
 - f) any known details that may facilitate identification of the person concerned, in particular name, marital status, nationality, address and location and occupation;
 - g) any information necessary for identifying and tracing the person, instrumentalities, funds or property in question;
 - h) The text of the statutory provision establishing the offence or, where applicable, a statement of the law applicable to the offence and an indication of the penalty that can be imposed for the offence; and
 - i) A description of the assistance required.

2/ In addition, requests shall include the following particulars in certain specific cases:

- a) In the case of requests for provisional measures, a description of the measures sought;
- b) In the case of requests for the issuance of a confiscation order, a statement of the relevant facts and arguments to enable the judicial authorities to order the confiscation under domestic law;
- c) In the case of a request for the enforcement of an order relating to provisional measures or confiscation:
 - 1) A certified copy of the order, and a statement of the grounds for issuing the order if they are not indicated in the order itself;

- 2) A document certifying that the order is enforceable and not subject to ordinary means of appeal; and
- 3) Where necessary and if possible, any information concerning third party rights of claim on the funds or property;
- d) In the case of requests for extradition, if the person has been convicted of an offence, the original or a certified copy of the judgment or any other document setting out the conviction and the sentence imposed the fact that the sentence is enforceable and the extent to which the sentence remains to be served.

Art. 49. Additional Information

The Centre or the competent authority handling the matter may request additional information from the competent authority of the requesting state if it appears necessary to execute or facilitate the execution of the request.

The aforementioned manual, under sub-paragraph (1) (a) of paragraph 54, issued by the office of the Federal Attorney General laid its detailed procedure so as to give a practical effect to this provision of the convention as well. Consequently, number 7 of the manual tries to bring the possibility of freezing and seizure, in cases of MLA, on the floor.

7. Asset Freezing/Seizure

- 1) In the case of a request for seizure or freezing, the following should be fulfilled:
 - a) A description of the property to be frozen or seized
 - b) a statement of the facts relied upon by the requesting State Party sufficient to enable Ethiopia to Seek the order under its domestic law;

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good

practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 2 (b) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money laundering and Financing of

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The cumulative reading of sub-article 2 (i) of article 39 and article 43 (as mentioned above) of the prevention and suppression of money laundering and financing of terrorism proclamation will make it crystal clear that the competent authorities are empowered by the law to give a practical and pragmatic effect to this specific provision of the convention.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 2 (c) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full

compliance with this provision of the Convention.

The revised proclamation to provide for special procedure and rules of evidence has allocated some provisions (article 17 – article 28) in a manner that tries to do its best to address the concern of this sub paragraph of the convention. Thus, it reads as follows:

Special Procedure and Rules of Evidence on Anti-Corruption Proclamation

No.434/2005

Subsection One Appointment of Receivers

Art. 17. Condition for Appointment of Receiver

- 1) Where it appears to the court to be just and convenient, it may, with respect to the property on which a restraining order is issued,
 - a) appoint a receiver of the property;
 - b) remove any person from the possession or custody of the property;
 - c) commit the same to the possession, custody or management of the receiver;
 - d) Confer upon the receiver the power for preservation, management and improvement of the property.
- 2) The court may confer upon the receiver all such powers, as to bringing and defending suits, and for the collection of the rents, profits and any other income thereof, the investment and disposal of such rents, profits, or income, for useful purposes, or such other powers as the court thinks fit.
- 3) Upon issuing an order in accordance with sub-article (1) and (2) of this article, the court shall have regard to the amount of the probable costs of his appointment and may, before making the appointment, direct such inquiries on these or other matters to be made as it thinks fit.
- 4) If the person to be appointed as a receiver pursuant to sub-article (1)(a) of this article is a natural person, such person shall be of good character, with integrity and who has no bond of relationship by consanguinity or affinity or conflict of interest.
- 5) If a person to be appointed as a receiver pursuant to sub-article (1)(a) of this article is a juridical person, it has to be verified that its financial account for the last three years is clean and there is no conflict of interest.
- 6) To appoint a receiver under this article, the investigator, the prosecutor, or the accused may present candidates. The court, by hearing the opinion of the other party, as the case may be, appoints the appropriate one.

Art. 18. Remuneration of the Receiver

The court may, by general or special order, fix the amount to be paid as remuneration from the restrained property for the services of the receiver.

Art. 19. Transfer of Property

The court may fix the amount to be paid and the manner of payment to cover the expense for the transfer of the property to the receiver from the restrained property.

Art. 20. Duties of the Receiver

Any receiver appointed under article 12 shall have the following duties:

1. Furnish such security to account for what he shall receive in respect of the property;
2. Submit his accounts as such periods and in such form as the court directs;
3. Pay the amount due from him as the court directs; and
4. Be responsible for any loss occasioned to the property by his gross negligence or wilful Default.

Art. 21. Enforcement of Receiver's Duties

- 1) Where a receiver causes damage to or loss of the property by his gross negligence or intentionally, the court may order him to pay the amount due.
- 2) If the receiver fails to observe the order of the court, the court may direct his property to be attached and sold and may apply the proceeds to make good any amount found to be due from him or any loss occasioned by him, and shall pay the balance, if any, to the receiver.

Sub-Section Two Affixing of Seals and Making of Inventories.

Art. 22. Principle

- 1) Where it is necessary to affix seals on the property on which a restraint order is issued, the following provisions of this sub-section shall apply.
- 2) Unless the court decides otherwise, no person may remove or open the seal. Any interested person may apply for the removal of the seal.

Art. 23. Application for Affixing of Seals

- 1) An application for affixing of seals may be made to the court by the prosecutor upon satisfying the court by affidavit or otherwise that the property should be preserved.

- 2) An order for the affixing of seals may be made at any stage of the proceedings by the court of its own motion or on application.
- 3) On making an order for the affixing of seals, the court shall appoint such person (hereinafter referred to as the "official sealer") as it thinks fit to carry out such order.

Art. 24. Record

- 1) The official sealer after having affixed seals in accordance with the order of the court, shall prepare a dated and signed record showing;
 - a) the order of the court and the date therefore;
 - b) a list of the property to which seals have been affixed and the place where such property is to be found;
 - c) a list of the articles to be sealed which cannot be found; and
 - d) The name and address of the caretaker, if any, in charge of the premises where the sealing has taken place.
- 2) The official sealer shall hand over to the registrar of the court all the keys of the locks he

Art. 25. No Seals to be affixed on Certain Property

1. No seals shall be affixed to the following property;
 - a) perishable goods;
 - b) any property to which the affixing of seals might cause deterioration;
 - c) Any property required for the use of a party to the suit specially exempted from sealing by the Court.
2. Details of property on which the court has ordered not to affix a seal, in accordance with sub-article (1) (c) hereof, shall be submitted to the court by the sealer.
3. The court may order goods indicated in sub-article (1)(a) to be sold by auction and have it deposited.

Art. 26. Wills and Other Documents

- 1) Where the official sealer finds wills, sealed papers or other documents, he shall make a list of such papers and shall place them in a sealed bundle and forward such list to the court for instructions.
- 2) The court shall make such order for the custody such documents as it thinks fit.

Art. 27. Removal of Seals

- 1) Where an application for the removal of seals is made or where the court finds it necessary to remove such seals, all interested parties shall be informed of the day when the order will be made; and if they appear, they may be heard.
- 2) When an order for the removal of seals has been made by the court, the official sealer shall remove the seals and shall make a dated and signed report to the court giving particulars of all property which he has unsealed.

Art. 28. Making of Inventory

- 1) The court may, where it thinks necessary to prepare an inventory of property, appoint a person (hereinafter referred to as the "official recorder") to carry out the inventory and submit record.
- 2) The official recorder shall, in the presence of not less than two independent witnesses, preparing inventory of the property specified in the order of the court, containing
 - a) a reference to the order of the court; and
 - b) An accurate description of each article entered in the inventory and the estimated value thereof.
- 3) Where the court so orders, the estimation of value shall be made by an expert, appointed under article 131 of the Civil Procedure Code, whose report, dated and signed, shall be attached as an annex to the official recorder's report.
- 4) The report of the official recorder, dated and signed, shall be forwarded to the court and, after being registered by the registrar of the court in a special inventory register, shall form part of the record of the case.

As per Article 55 (1) of proclamation No. 780/2013 the relevant provisions of the revised Anti-Corruption Special Procedure and Rules of Evidence Proclamation No. 434/2005 shall, in so far as they are not inconsistent with its provisions, be applicable with respect to the execution of orders of freezing, seizure and confiscation of funds and property in accordance with it.

Criminal Procedure Code, 1961

Art. 211. Confiscation of property.

- 1) Where an order for confiscation of property has been made under Art.272 Penal Code, the court shall make an order requiring the execution officer to seize such

property as is sizeable under the provisions of Art. 97 Penal Code (as replaced by the F.D.R.E criminal code) and shall specify in such order the property to be seized.

- 2) On seizing such property, the execution officer shall hold it until he receives an order from the competent authority requiring him to hand over such property to a person or persons named in such order and on so handing such property, the execution officer shall be given a detailed receipt by such person or persons.
- 3) The family of the convicted person may apply to the court for the release of any property wrongly confiscated.

Art. 212. Sequestration of property.

- 1) Where a person is sentenced in his absence to have his property sequestrated for an offence as defined in Art. 272 Penal Code, the court shall make an order:
 - a) Requiring the execution officer to attach such property as may be attached under Art. 98 Penal Code and shall specify in such order the property to be attached; and
 - b) Appointing a trustee to manage the property and on such appointment the execution officer shall hand over the property to such trustee against a detailed receipt.
- 2) The execution officer shall be responsible for ensuring that none of the property mentioned in Art. 97 (3) Penal Code be attached. The family of the convicted person may apply to the trustee for the release of any property wrongly attached.
- 3) An order of attachment made under sub-art. (1) Shall remain in force until an application for its removal is made to the court by the competent authority and thereupon the court shall order the attachment to be removed and the trustee discharged on submitting proper accounts.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

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[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(a) Challenges, where applicable-

As long as preservation of the allegedly stolen asset needs a sufficient number of administrators or curators in the market we are facing some troubles to get them available simply. Accordingly, the Asset Recovery Directorate General has got it mandatory to take the responsibility of preserving properties under its unit formed for such a purpose.

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(b) Technical assistance needs-

(c) Capacity-building: please describe the type of assistance

We need to have the technical know-how to preserve some properties that conforms to its specific nature. In addition, we need unequivocally the capacity to control asset administrators appointed by the judiciary. We sometimes fails to catch the administrators as a result our role have been limited to taking whatever report made by the administrators.

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 55. International cooperation for purposes of confiscation

Paragraph 1 of article 55

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The prevention and suppression of money laundering and financing of terrorism proclamation has engraved a pertinent provision just to deal with the underlined concept under this subparagraph of the convention. As Art. 35 of the proclamation paved the way for the confiscation of proceeds of crime, values procured and instrumentalities of crime, it stamped the same approach of confiscation that comes through mutual legal assistance (see Art. 43 hereunder).

By the same token, Article 47 of the same proclamation deals with the manner of submitting the request for confiscation to the respective competent authorities by the central authority responsible to receive the request.

Article 43. Requests for Confiscation

- 1) In the case of a request for mutual legal assistance seeking the execution of a confiscation order, the competent authority shall either recognize and enforce the confiscation order made by a court of the requesting state or submit the request to the

public prosecutor for the purpose of obtaining a confiscation order from the Ethiopian court and, if such order is granted, enforce it.

- 2) Where the competent authority recognizes and enforces a confiscation order issued by the court of the requesting state, it shall be bound by the findings of fact on which the order is based.
- 3) The confiscation order shall apply to the funds or property referred to in Article 35 of this Proclamation and situated in the territory of Ethiopia.
- 4) The appropriate government organ shall have the power of disposal of confiscated property unless provided otherwise under an agreement concluded with the requesting state.

Art. 47. Transmission of Mutual Legal Assistance and Extradition Requests

- 1) The Centre shall have the responsibility and power to receive mutual legal assistance and extradition requests sent by competent foreign authorities with respect to money laundering and financing of terrorism, and it shall transmit them to the competent authorities for execution.
- 2) Requests and answers shall be transmitted either by post or by other more rapid means of transmission that provides a written or materially equivalent record under conditions allowing the Centre to establish authenticity.
- 3) Requests and their annexes shall be made in Amharic or English or accompanied by a translation in Amharic or English.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 55

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money laundering and Financing of

Terrorism Proclamation No. 780/2013

The prevention and suppression of money laundering and financing of terrorism proclamation has made its best to pave the way for the practicality of this sub-paragraph under sub article 1 (g) of article 48. It reads that, “ requests shall specify any information necessary for identifying and tracing the person, instrumentalities, funds and property in question; ”

Consequently, as the Financial Intelligence Centre is made to be a central authority, save for the power granted to the Office of Federal Attorney General under its establishment proclamation, for receiving requests of mutual legal assistance the aforementioned proclamation also equipped the centre with another legal power under Article 15. The asset identification, freezing and confiscation guideline also states some details under chapter five number 7 and 8. Thus, it reads as follows:

Art. 15. Access to Information

- 1) The Centre shall have the power to obtain from any person subject to the reporting obligation in accordance with Article 17 of this Proclamation any additional information it deems useful for the accomplishment of its functions.
- 2) Sub-article (1) of this Article shall be applied subject to the restrictions provided under Article 2(10) (c) and Article 17(2) of this Proclamation.
- 3) The Centre may request in relation to any report it has received, any additional information it deems useful for the accomplishment of its functions from:
 - a) Police departments;
 - b) Authorities responsible for the supervision of the persons subject to this Proclamation;
 - c) Other government organs.
- 4) The Centre may obtain the information referred to from sub-article (1) to (3) of this Article pursuant to a request received from a foreign counterpart agency.

Art. 2 (10) (c).

Lawyers, notaries and other independent legal professionals when they prepare for, carry out or engage in transactions for their clients concerning:

- 1) Buying and selling of real estate;
- 2) Managing of client money, securities and other assets;
- 3) Management of bank, savings or securities accounts;
- 4) Organization of contributions for the creation, operation or management of companies; or engage in transactions for their clients concerning:
- 5) Creation, operation or management of legal persons and buying and selling of business entities;

Art. 17. Reporting of Suspicious:

2. Lawyers, notaries and other independent legal professionals shall have no obligation to report information they obtain on clients, in the course of determining the legal position for their clients or performing their tasks of defending or representing those clients in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings.

The guideline for asset identification, freezing and confiscation (mentioned herein above under sub-paragraph 1 (a) of Article 54 of the convention) has put a detailed manner for the

proper execution of this provision. Therefore, number 6 – 8 of the guideline reads as mentioned hereunder;

Art. 6. Identification of Asset

1. In the case of a request for identification of criminal proceeds, a statement of the facts relied upon by the requesting State Party and a description of the actions requested, shall be stated.
2. If the request for investigation is approved, it shall be conducted in accordance with the Ethiopian law. However, if the requesting country asked for a different approach, it may be allowed as long as this does not contradict with the Ethiopian law.
3. The following information can be obtained with approval and assistance from relevant authority
 - a) Access to government held property ownership records including real property, motor vehicles, vessels, and aircraft.
 - b) Access to corporate records showing directors and shareholders of registered corporations.
 - c) Access to taxation records for personal income tax, business/company tax.
 - d) Access to registered trusts and their beneficiaries
 - e) Access to bank accounts and transaction.

7. Asset Freezing/ Seizure

1. In the case of a request for seizure or freezing, the following should be fulfilled
 - a) A description of the property to be frozen or seized
 - b) a statement of the facts relied upon by the requesting State Party sufficient to enable Ethiopia to seek the order under its domestic law;

8. Asset Confiscation

In the case of a request pertaining to confiscation, the following should be fulfilled:

- a) a legally admissible copy of an order of confiscation upon which the request is based issued
by the requesting State Party,

- b) a statement of the facts and information as to the extent to which execution of the order is requested;
- c) a document certifying that the order is enforceable and not subject to ordinary means of appeal;
- d) A statement of the relevant facts and arguments to enable the judicial authorities to order the confiscation under domestic law.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

((b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 3 of article 55

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the

requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money laundering and Financing of
Terrorism Proclamation No. 780/2013**

The relevant provisions of the prevention and suppression of money laundering and financing of terrorism proclamation are applicable to this. Therefore, the reading of Article 48 and 49 of this proclamation (as mentioned above under sub paragraph (a) of article 54 of this convention) would give a clear message as to how the Ethiopian law is a perfect match to the point.

Please provide examples of the implementation of those measures, including related

court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 4 of article 55

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The relevant provisions of the laws governing mutual legal assistance (as mentioned here above under Article 55 sub-paragraph 1 and 2) are applicable.

Article 55 (1) of proclamation No. 780/2013 marked that the relevant provisions of proclamation No. 434/2005 (which is amended by proclamation No. 882/2015) are applicable

with respect to the execution of orders of freezing, seizure and confiscation. The specific provisions of these proclamations reads as mentioned here under:

Art. 55. Applicability of other Laws

- 1) The relevant provisions of the Revised Anti-Corruption Special Procedure and Rules of Evidence Proclamation No. 434/2005 shall, in so far as they are not inconsistent with the provisions of this Proclamation, be applicable with respect to the execution of orders of freezing, seizure and confiscation of funds and property in accordance with this Proclamation.

Section Three

Restraining

Art. 8. Principle

- 1) Without prejudice to article 10 of this Proclamation, a court may issue a restraining order against any property acquired by the commission of corruption offence.
- 2) An investigator or a prosecutor may, supported by an affidavit, apply to the court for a restraining order against any property acquired by the commission of corruption offence,
- 3) An application for a restraining order may be made before or after the institution of a criminal proceeding.

Art. 9. Conditions for Restraining Other Properties

- 1) Notwithstanding that there is no evidence that the property is acquired as a result of the corruption offence, where an investigator or prosecutor made an application for a restraining order supported by an affidavit indicating that the suspect is enriched or others suffered as a result of the corruption offence being investigated or charged, the court may give a restraining order prohibiting the sale, assignment and/or transfer of any money deposited in any bank in the name of the suspect or any other property of the suspect proportionate to the amount of enrichment by the suspect or injury suffered by others.
- 2) Unless it is impossible to execute, the restraining order given according to sub article 1 of this Article may not affect the right to use of the suspect.

Art. 10. Property not Subjected to Restraining Order

Properties that are necessary for the accused to earn his livelihood may not be subject to restraining order. It shall, in particular, include the following:

- 1) The necessary wearing-apparel, cooking vessels, bed and bedding of the suspect/accused and his family;
- 2) Such amount of money or property as May, in the opinion of the court, be necessary for the accused and his family for a period of three months.
- 3) Simple tools and instruments or implements used by the accused in his profession, art or trade,
- 4) Where the accused and his family do not have property other than the restrained property as a source of income, such amount of money, in the opinion of the court, necessary to provide for their necessities.

Art. 11 Contents of the Application

- 1) an application for a restraining order, supported by an affidavit, shall contain:
 - a) The facts of the case and the measures that have been taken; where a criminal proceeding has not been instituted, information about the status of the case;
 - b) Indicating information which shows that the property against which a restraining order is requested is acquired by the commission of corruption offence or the suspect is unlawfully enriched or damage ensued as a result of the commission of the corruption offence;
 - c) Detail description of the properties and their location.
- 2) Any application that supports the request for a restraining order shall be stated in detail in the affidavit in a complete and precise manner.
- 3) Where the situation requires the issuance of an additional restraining order, the investigator or the prosecutor may apply to the court.

Art. 12. Issuing of Restraining Order

- 1) Without prejudice to article 10 of this Proclamation; the court may, after having examined the application and the document, issue a restraining order where it is convinced or issuing such order.

- 2) Where a restraining order is issued ex parte, the investigator or the prosecutor shall serve copies of the order and the affidavit on the defendant or on any other person specified in the order. He shall also notify any person affected by the order.
- 3) Unless the court decides otherwise, a restraining order issued ex parte shall be effective.

Section Four

Confiscation Procedure

Art. 29. Confiscation of Property

The court shall issue a confiscation order proportionate to the property acquired by the corruption offence, where the accused is found guilty.

Art. 30. Postponement of Confiscation

- 1) Where the court considers that it requires additional information to determine whether the defendant has benefited from any criminal conduct or the amount to be recovered, it may postpone the determination for a period not exceeding six months from the date of conviction.
- 2) A postponement may be made in accordance with sub-article (1) of this article on application by the prosecutor or by the court of its own.

Art. 31. Application for Confiscation of Property

- 1) Where confiscation of property is not ordered by the court, it may be entertained by the application of the prosecutor.
- 2) An application for confiscation of property may be made after conviction.

Art. 32. Informing the Relevant Person

Where the property acquired by corruption offence is a property of a public office or public enterprise or any other person, the appropriate organ shall inform such person to sue for the recovery of the property. The appropriate organ shall follow up the civil suit instituted by the public office or the public enterprise.

Art. 33. Standard of Proof

The standard of proof required to determining any question arising as to whether a person has benefited from criminal conduct, or the amount to be recovered shall be that applicable in civil proceedings.

Art. 34. Property or Benefit to be Recovered and the Manner of Recovering

- 1) The defendant shall return the property acquired by the commission of the crime and the benefit derived from the property acquired by the commission of the crime.
- 2) 2/ The amount of benefit to be returned according to sub-article 1 of this article shall not exceed the benefit or the amount that might be realized.
- 3) 3/ The manner in which property confiscated by court order shall be transferred to the government shall be subject to Regulations to be issued.

The aforementioned revised proclamation No. 434/2005 has been amended by a proclamation to amend the revised anti-corruption special procedure and rules of evidence proclamation No. 882/2015. Accordingly, it reads as follows;

Art. 5. Articles 8, 9 and 29 of the Proclamation are deleted and replaced by the following new Articles 8, 9 and 29:

Art. 8. Principle

1. Without prejudice to Article 10 of this Proclamation, a court may issue a restraining order against any property acquired by the commission of corruption offence and fruits thereof.
2. An investigator or a prosecutor, by evidence supported by an affidavit, may apply to the court for a Restraining order against any property acquired by the commission of a criminal offence and the fruits of thereof.
3. An application for a restraining order may be made before or after the institution of the criminal proceeding.
4. Without prejudice to sub-articles (1), (2) and (3) of this Article, head of the appropriate organ may, when he believes that the property may be squandered, give a restraining order effective only for 48 hours pending the issuance of an order by a court of law.

Art. 9. Condition for Restraining other Properties

- 1) Notwithstanding that there is no evidence that the property is acquired as a result of the corruption offence, where an investigator or prosecutor made an application for a

restraining order supported by an affidavit indicating that the suspect is enriched or others suffered damage as a result of (he corruption offence being investigated or charged, the court may give a restraining order prohibiting the sale, assignment or transfer of any money or property deposited in any bank in the name of the suspect, his spouse or children under the age of 18 or any other property of such persons proportionate to the amount of enrichment by the suspect or damage suffered by others.

- 2) The restraining order given according to sub-article (1) of this Article shall not affect the suspect's right of using such property.
- 3) Notwithstanding the provisions of sub-article (2) of (his Article, (he suspect shall not have the right to use cash or property deposited in a bank. When compelling circumstances emerge, the court may allow the suspect to use the appropriate amount of such cash or other property,
- 4) When the investigator or the prosecutor so applies, the court may give an order it deems fit to minimize the damages that may result when the suspect uses the property.

Art. 29. Conditions for Confiscation of Property

- 1) Where the accused is found guilty of corruption offence, the Court shall give a confiscation order on:
 - a) Property obtained from corruption offences or fruits thereof or any property proportionate to the benefits obtained there from;
 - b) Property of the accused proportional to the benefit procured by another person or damage caused by corruption offences on private, public or State interest or advantage of public organization even where the accused has not obtained benefits for himself from such offence.
- 2) For the application of sub· article (1) of this Article, where the value of the property of the accused is less than the benefit obtained, or the damage caused by corruption offence or where no property is registered in the name of the accused, the common property shall be confiscated.
- 3) For the application of sub-article 2 of this Article, any property jointly owned by the accused and another person or property so considered by law, property in the name of the spouse or child under the age of 18 or both shall be presumed to be the common property of the accused; provided, however, that the concerned person may rebut such

presumption by presenting an evidence to the court showing that such property is his personal property.

Art. 6/ Sub-article (1) of Article 31 of the Proclamation is deleted and replaced by the following new sub-article (1):

1. Where confiscation of property is not ordered by the court, it may be entertained by the application of the prosecutor pursuant to Article 29 of the Proclamation.

Art. 7. Article 32 of the Proclamation is deleted and is replaced by the following new Article 32:

Art. 32. Recovery or Property by Civil Action

- 1) Without prejudice to the provisions of Article 29 of this Proclamation, the appropriate organ may institute civil action for purposes of confiscation of property obtained through corruption offences, or fruits thereof, or property proportionate therewith, or property proportionate to the damage caused thereby even where the criminal proceedings were terminated or no conviction was obtained for any reason.
- 2) The appropriate organ may institute a civil action in situations other than those mentioned under sub-article (1) of this Article for purposes of payment of compensation proportional to property obtained as a result of corruption offences, or fruits thereof, or property proportionate therewith, or property proportionate to the damage caused thereby.
- 3) If the proceeds of corruption offence is the property of a government office, public enterprise or public organization or any individual the appropriate organ may give its permission or delegate for organs or individual to initiate civil action against the suspected person for the recovery of the assets. The appropriate organ shall have the duty to follow up the result of such action by the other organs.

Art. 8. Article 34 of the Proclamation is deleted and is replaced by the following new Article 34:

Art. 34. The amount of Property or Benefit to be Recovered and the Manner of returning it to the Government.

- 1) The defendant shall return the property acquired by the commission of the crime and the benefit derived from the property or the amount equivalent to it or the amount equivalent with the damage sustained by the commission of the crime.

- 2) The amount of benefit to be returned according to sub-article (1) of this Article shall not exceed the benefit acquired or the amount that might be presumed to be realized or the damage sustained.
- 3) The appropriate organ shall collect the property on which confiscation order was given and hand it over to the Government. Where the property cannot be confiscated fully, or where it is merged with other property or happens to be accessory of other property, the appropriate organ shall have it sold legally and handover the proceeds of such sale to the Government.

In addition to these procedural laws, the 1960 civil procedure code has enumerated some detailed provisions on enforcement of foreign judgment from article 456 to 460 as mentioned under article 54 sub-paragraph 1 (a).

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 5 of article 55

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

No

Please provide a reference to the date these documents were transmitted, as well as a description of any documents not yet transmitted.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 6 of article 55

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As a matter of fact, Ethiopia has ratified UNCAC with Proclamation No. 544/2007 on 21st day of August, 2007.

Under the Ethiopian constitutional system conventions ratified by the government of Ethiopia are considered to be an integral part of the laws of Ethiopia. Article 9 (4) of the F.D.R.E constitution stipulates this recognition of international treaties in the following manner.

Constitution of the Federal Republic of Ethiopia

Chapter One

General Provisions

Article 9

Supremacy of the Constitution

- 1) The Constitution is the supreme law of the land. Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect.
- 2) All citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the Constitution and to obey it.
- 3) It is prohibited to assume state power in any manner other than that provided under the Constitution.
- 4) All international agreements ratified by Ethiopia are an integral part of the law of the land.

Moreover, the F.D.R.E constitution gives priority to international conventions in cases where there is a question of interpretation over any of the provisions under chapter three, which deals with human rights. This has been exhibited under article 13 (2) of the constitution.

Chapter Three

Fundamental Rights and Freedoms

Article 13

Scope of Application and Interpretation

- 1) 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 this Chapter.
- 2) The fundamental rights and freedoms specified in this Chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 7 of article 55

7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a de minimis value.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if

any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money Laundering and Financing of

Terrorism Proclamation No. 780/2013

As it has been mentioned under Article 51 of this convention, the prevention and suppression of money laundering and financing of terrorism proclamation stipulated under article 40 that if the request doesn't conform to the contents of request as described by article 48 of the same law, the request would be refused. This is to mean that, as per article 48 (2) of the proclamation, if the request doesn't hold a sufficient description of the requested cooperation the request will not get effect.

Regarding, "a *de minimis* value" the relevant provisions are Article 10 (property not subjected to restraining order) of proclamation No. 434/2005 (as amended by proclamation No. 882/2015) as stated herein above under sub-paragraph 4 of article 55 of this convention and article 98 (3) the F.D.R.E criminal code which deals with areas where confiscation shall not take place.

Art. 98 (3) Confiscation shall not affect

- a) Domestic articles normally in use, instruments of trade or profession and agricultural implements, necessary for the livelihood of the criminal and his family;
- b) such amount of foodstuffs and of money as are necessary for the support of the family of the criminal for a period of not less than six months or for such longer period as the Court, having regard to the particular circumstances of the case and for reasons to be given in its judgment, considers just; .
- c) Goods, forming part of a family inheritance, of which the criminal cannot freely dispose by gift, will or in any other manner;
- d) half of the common property with regard to the innocent spouse of the criminal, as well as the personal goods of the innocent spouse, children or other persons of Which the criminal has, by law or custom, the charge, administration, management or power to dispose.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 8 of article 55

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money laundering and Financing of

Terrorism Proclamation No. 780/2013

As long as mutual legal assistance is concerned, proclamation No. 780/2013 has made a perfect match with such specific provision of this convention. Therefore, the cumulative

reading of article 36 (3) and 42 (3) would make it more clear. The whole content of these sub-articles reads as follows;

Art. 42. Requests for Provisional Measures

3. The provisions relating to the lifting of provisional measures as laid down in Article 36(3) of this Proclamation shall be applicable; provided, however, that before lifting the provisional measures applied, the competent authority of the requesting state shall be informed thereof.

Art. 36. Freezing and Seizing:

3. Any provisional measure imposed pursuant to sub-article (1) of this Article may be lifted at any time by the court that ordered the measure on its own initiative or at the request of the public prosecutor, the suspect or person claiming rights to the property.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 9 of article 55

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

(a) *Summary of information relevant to reviewing the implementation of the article*

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Criminal Code ,2005

Regarding the protection of the right of third parties in good faith the Ethiopian law adopts an approach that is in line with this provision of the convention.

Accordingly, article 98 (3) (d) of the F.D.R.E Criminal Code (as mentioned here above under sub-paragraph 7 of article 55) gave a due recognition to third parties in good faith.

Prevention and Suppression of Money laundering and Financing of

Terrorism Proclamation No. 780/2013

As far as mutual legal assistance for confiscation is concerned , article 48 (2) (c) (3) of the prevention and suppression of money laundering and financing of terrorism proclamation stipulates (as mentioned here above under sub-paragraph 2 (a) of article 54) that where necessary and if possible, any information concerning third party rights of claim on the funds or property;

Accordingly, article 35 (5) of the same proclamation made a further step regarding the right to third parties in good faith. It reads as mentioned here under;

Art. 35. Confiscation

5. The court may invalidate any legal instrument, the purpose of which is to avoid the confiscation of the property pursuant to sub-article (1) of this Article; provided, however, that if the invalidated legal instrument is entered into for value the acquiring party acting in good faith shall be reimbursed only for the amount actually paid.

Finally, the guideline by the office of the federal attorney general stretched its hand to consider the right of third parties in good faith under number 1 (2) (a).

1. General issues for Confiscation

- 1) The court and public prosecutor may use any proper procedure and substantive laws for taxonomy of confiscation to continue further enforcement against the proceeds and instrumentalities
- 2) Where the Conviction base and non-conviction base confiscation requires additional Procedural and substantive laws to effectuate confiscation,
 - a) The criminal court or public prosecutor may follow the civil substantive and procedural laws to ensure the confiscation and to protect third parties rights.

Accordingly, whenever the court or the prosecutor resorted to the provisions of the civil code in terms of the right of third parties in good faith article 1816 is the relevant provision. It reads thus:

Books IV Obligations Title

Book IV Obligation Title

XII Contracts In General

Chapter 3. Extinction of obligations

Section 1. Invalidation and cancellation of contracts.

Art. 1816. - Rights of third parties.

Acts done in performance of the contract shall not be invalidated where the interest of third parties in good faith so requires.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

- We need to have how best to identify third parties in good faith in addition to applying the traditional and commonly used concept of «proving the knowledge of the so called third party to the offense».
- In addition to this, there is traditional and less developed practices in different public offices to identify, register and keep the genuine information about transactions. We lacked also the required investigation techniques in identifying the nature of the interest of third parties.
- If there are pre-investigation steps to be adopted in a way to build a possible mechanism to investigate intentions of third parties, we need to have the required technical assistance on institutional building (how to make the Asset Recovery Directorate

General best to deal with this issue) and the capacity building for prosecutors and investigators.

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 56. Special cooperation

Article 56

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes, partially

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Prevention and Suppression of Money laundering and Financing of

Terrorism Proclamation No. 780/2013

As it has been mentioned under article 51 of this convention which tells that states parties shall afford one another the widest measure of cooperation and assistance in regard of the

return of stolen asset, article 38 of the prevention and suppression of money laundering and financing of terrorism proclamation calls for the same degree of extensive measure to be taken by the competent authorities in Ethiopia. Therefore, as special cooperation can be characterized as a manifestation of extensive measures we can safely conclude that Ethiopia has a legislative approach that involves a special cooperation.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

- Having been communicated with the information about the commission of a crime in another jurisdiction by a legal person incorporated there, the Asset Recovery Directorate General of the Office of Federal Attorney General caused for the asset to be frozen and ruled to stay under the administration of a curator (receiver) by the federal high court until a formal MLA request is submitted by country “K”.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

In order to kick off the special cooperative methods we need to get acquainted with some typologies of crime with which some states' law enforcement agencies are familiar to deal with. Therefore, trainings to share best experiences in order to check persons from specific jurisdictions in terms of specific typologies of crimes are better to be delivered to come up with the desired goal of the convention where by different jurisdictions may have a universal understanding of offences.

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information..

Article 57. Return and disposal of assets

Paragraph 1 of article 57

1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any,

(or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money laundering and Financing of
Terrorism Proclamation No. 780/2013**

Article 43. Requests for Confiscation

4/ the appropriate government organ shall have the power of disposal of confiscated property unless provided otherwise under an agreement concluded with the requesting state.

FDRE Criminal Code, 2005

Besides, article 22 and 100 of the F.D.R.E Criminal Code stipulates the possibility of recognizing foreign sentences and the manner of giving back the proceeds of crime to its owner as follows;

Article 22. Recognition of Foreign Sentences.

- I. Foreign criminal sentences may be taken into account as regards antecedents and aggravating circumstances, the granting or revocation of an order for conditional release, recidivism and its punishment, the enforcement of safety measures, incapacities and forfeitures, conditions as to reinstatement, as well as compensation, restoration of property and other civil effects and all other legal consequences provided by this code.
- II. The foreign sentence shall not be recognized unless passed by an ordinary court and not by a special tribunal for a crime punishable under this code and its validity has been recognized by the appropriate Ethiopian authority. Such recognition may be made on the basis of a certified extract from the judgment register of the criminal or of the judgment pronounced or by means of an official attestation delivered by the judicial or executive foreign authority, or in any other reliable manner.

Article 100. - Forfeiture to the State.

- 1) Any material benefits given or intended to be given to a criminal to commit a crime shall be forfeited to the State. If they no longer exist in kind the person who received them shall refund their value.
- 2) Any fruits of a crime shall be forfeited to the State where its owner or any other claimant is not found within five years starting from the date of publication of notice

having been made concerning the recovery of the property in accordance with the usual procedure.

Where the property is likely to be spoiled or become unfit for use it shall be sold in accordance with the usual procedure and the money shall be entrusted to a competent authority for a period not exceeding five years.

Since article 43 (4) of proclamation No. 780/2013 referred the responsibility of disposal to the appropriate government organ here we have procurement and property administration proclamation No. 649/2009 to address the issue.

Chapter Twelve

Public Property Administration

Art. 62. General

The head of each public body shall ensure that property at the disposal of the public body is properly handled, used and where necessary, disposed of in accordance with the directive to be issued by the Minister (of finance).

The ministry of finance, in turn, issued directive No. 9/2011 to give a magnifying effect to the act of disposal. Accordingly, article 9 of the directive made a list of procedures to be followed in the way of disposing the property.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 2 of article 57

2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

**Prevention and Suppression of Money laundering and Financing of
Terrorism Proclamation No. 780/2013**

Art. 35. Confiscation

(1) (d) funds or property referred to from paragraph (a) to (c) of this sub-article that has been transferred to any party, unless the court finds that the owner of such property acquired them by paying a fair price or in return for the provision of services corresponding to their value or on any other legitimate grounds, and that he was unaware of its illicit origin; or

Besides, Article 98 (3) of the F.D.R.E Criminal code states that:

Confiscation shall not affect:

- a) Domestic articles normally in use, instruments of trade or profession and agricultural implements, necessary for the livelihood of the criminal and his family;
- b) such amount of foodstuffs and of money as are necessary for the support of the family of the criminal for a period of not less than six months or for such longer

period as the Court, having regard to the particular circumstances of the case and for reasons to be given in its judgment, considers just;

- c) Goods, forming part of a family inheritance, of which the criminal cannot freely dispose by gift, will or in any other manner;
- d) half of the common property with regard to the innocent spouse of the criminal, as well as the personal goods of the innocent spouse, children or other persons of Which the criminal has, by law or custom, the charge, administration, management or power to dispose

Furthermore, Article 100 of the F.D.R.E Criminal Code, as mentioned above under paragraph 1 of this Article, stipulates the possibility of giving back the proceeds of crime to its original owner.

The guideline by the office of the Federal Attorney General to provide for the identification, freezing and confiscation of recovered asset set another decisive procedure for the implementation of this article of the convention. Therefore, number 13 of the guideline reads as mentioned hereunder;

Disposal or Return of Assets

1. In order to return confiscated assets to a requesting state, the following procedures may be applied:
 - a) The return of confiscated assets shall be operated in accordance with the articles in the bilateral treaties and agreements, or with those in the international conventions.
 - b) If none of the above exists, the return of assets shall be conducted on a case-by-case basis
according to the agreement reached between Ethiopia and the requesting country.
2. For the return of the asset, the requesting country shall inform Ethiopia's Central Authorities
their bank account. If the asset is immovable or movable, the means of disposing the asset shall
be conducted according to the laws of Ethiopia.

Please provide examples of the implementation of those measures, including related

court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 3 (a) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As long as the return of confiscated asset is concerned Ethiopia's law does not make a distinction between public funds/property and non-public funds/property but instead the guiding factor is whether the funds are tainted in that they were obtained as a result of a criminal activity. But, the corruption offences proclamation No. 881/2015 deals with the typology of the crimes as in the exact words of this article of the convention. Therefore, the provisions of Ethiopia's law which would apply to any other offence would equally apply to embezzlement of public and the laundering of such funds.

Article 43 (3) of proclamation No. 780/2013 clearly stipulates that there would be a possibility of making an arrangement between the appropriate government organ and the requesting state regarding how to dispose and/or return the asset confiscated.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

The case of Metals and Engineering Corporation (METEC) before the Federal High Court on grand corruption case is all about public fund and there are numerous cases of money laundering where the predicate offence did not have any attachment of public fund like a crime of usury.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Subparagraph 3 (b) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Article 43 (1) of Proclamation No. 780/2013 (as mentioned above under paragraph 1 of article 55) has laid down the possibility of execution of a confiscation order made by a court of the requesting state. Therefore, as the execution stage involves an act of returning the confiscated property whenever needed, we can safely conclude that the Ethiopian law is in line with the requirement of the international standard set by this convention.

With regard to recognizing the damages sustained by the requesting state of a criminal act, the relevant provisions of the criminal code are Article 101 and 102. Furthermore, the provisions of the criminal procedure code from Article 154 – 186, 210 and 222 are pertinently devoted to address the concern raised under this sub-paragraph of the convention. The provisions of the criminal code and the procedure are attached here above under sub-paragraph (a) of article 53 of this convention.

Please provide examples of the implementation of those measures, including related court other cases, statistics etc

(b) Observations on the implementation of the article

[Observationsofthegovernmentalexpertswithregardtotheimplementationofthearticle.Dependin

*gonthescopeofthereviewcycle,findingswithrespecttothewayinwhichnational lawhasbeenbrought
intolinewiththearticle,aswellastotheimplementationofthearticleinpractice.]*

*[Observations on the status of implementation of the article ,including successes good
practices and challenges in implementation.]*

(c) Successes and good practices

[Identificationofsuccessesandgoodpracticesinimplementingthearticle,where applicable.]

Subparagraph 3 (c) of article 57

*3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this
article, the requested State Party shall:*

*(c) In all other cases, give priority consideration to returning confiscated property to the
requesting State Party, returning such property to its prior legitimate owners or
compensating the victims of the crime.*

*(a) Summary of information relevant to reviewing the implementation of the
article*

Is your country in compliance with this provision?

Yes

**Please describe (cite and summarize) the measures/steps your country has taken, if
any, (or is planning to take, together with the related appropriate time frame) to
ensure full compliance with this provision of the Convention.**

The provisions of the criminal code and the criminal procedure code as discussed under sub-
paragraph (b) of this article are relevant to be referred.

**Please provide examples of the implementation of those measures, including related
court or other cases, statistics etc.**

(b) Observations on the implementation of the article

[Observationsofthegovernmentalexpertswithregardtotheimplementationofthearticle.Dependi

ngon the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 4 of article 57

4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Criminal Code, 1961

If there are costs incurred in the criminal proceedings, the criminal procedure code has discussed the matter under article 210. Whenever the case is a civil type the relevant provisions of Art. 462-466 of the Civil Procedure Code are applicable.

Art. 210. - Payment of costs and compensation.

Where a judgment given by a criminal court contains provisions for the payment of legal costs or compensation, such part of the judgment as contains such provisions shall be executed in the same manner as a civil judgment.

Book Costs

Chapter 1. General Provisions

Art. 462 Power of court

Unless otherwise expressly provided, the costs of and incident to all suits shall be in the discretion of the court and the court shall have full power to decide by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions to this effect.

Art. 463. Bill of costs

- 1) Where the court has ordered the unsuccessful party to pay the costs, the successful party shall prepare an itemised bill of costs showing the expenses he has incurred in the suit.
- 2) The bill shall be filed in the court having given judgment and a copy thereof shall be served on the party liable for costs.

Art. 464. Taxation of bill

- 1) On the filing of the bill, the court shall fix a day for considering the bill and shall summon the parties to appear on such day.
- 2) After considering the bill and hearing the parties, the court may:
 - a) reduce any item in the bill which in its opinion is excessive: or
 - b) Disallow such costs, charges and expenses as in its opinion were not necessary or proper for the attainment of justice or for the defending of the rights of any party.
- 3) Where the party entitled to costs has failed to file a bill, the court shall, after recording such failure, certify the costs of the other parties or may allow the defaulting party a nominal or other sum so as to prevent any other party being prejudiced by such default.
- 4) Costs shall carry interest at the legal rate as from the day of the judgment until final settlement.
- 5) Nothing in this Article shall prevent the court from requiring the registrar to consider the bill and hear the submissions of the parties and to report thereon to the court before any decision is made under this Article:

Art. 465.- Compensatory costs

- 1) Where in any suit or proceeding, a party objects to a claim or defence on the ground that it is, in whole or in part, as against the objector, false or vexatious to the knowledge of the party by whom it has been put forward, and such claim or defence is subsequently disallowed, abandoned or withdrawn in whole or in part as against the objector, the court may, if it thinks fit and after recording its reasons for holding such claim or defence false or vexatious, make an order for the payment to the objector, by the party by whom such claim or defence was put forward, of costs by way of compensation up to an amount not exceeding five hundred dollars.
- 2) No person against whom an order has been made under this Article shall, by reason thereof, be exempted from criminal proceedings under Art. 446 of the Penal Code with respect to any false statement made' by him.
- 3) The amount of any compensation awarded under this Article shall be taken into account in any subsequent suit for damages or compensation with respect to the claim or defence held to be false or vexatious.

Art. 466. Appeal

A party may, notwithstanding that he does not appeal from a judgment, appeal from any decision on costs made in such judgment and the decision of the Appellate Court shall be final.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

Paragraph 5 of article 57

5. Where appropriate, States Parties may also give special consideration to concluding agreements or arrangements, on a case-by-case basis, for the final disposal of confiscated property.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The reading of article 43 (4) of the prevention and suppression of money laundering and financing of terrorism proclamation No. 780/2013 has passed through the relevant questions of this sub-paragraph. Besides, the asset identification, freezing, and confiscation guideline of the Office of Federal Attorney General under chapter five number 11 clearly stipulates the situations to deal with costs.

Art. 43. Requests for Confiscation

4/ the appropriate government organ shall have the power of disposal of confiscated property unless provided otherwise under an agreement concluded with the requesting state.

2. Expenses in MLA

Ethiopia does not charge any fees or expenses for affording mutual assistance, and shall bear the ordinary costs of executing a request. If expenses of a substantial or extraordinary nature are required to fulfil such assistance, an agreement shall be made with the requesting State Party to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 58. Financial Intelligence Unit

Article 58

States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes,

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Financial Intelligence Center Establishment Regulation No.171/2009

The government of Ethiopia has established the Financial Intelligence Centre by the council of ministers regulation No. 171/2009. The founding legislation that called for the establishment of the centre was Proclamation No. 657/2009 which in turn replaced by the prevention and suppression of money laundering and financing of terrorism proclamation No. 780/2013. Under the latter proclamation the purpose, power and function of the Financial Intelligence centre has been thoroughly discussed in a manner that conforms to the very goal of this convention. Here are the relevant provisions of the proclamation;

Art. 13. Powers and Duties of the Centre

The Centre shall, without prejudice to its powers and duties specified under other provisions of this Proclamation:

- 1) collect, receive, store, survey, analyse and disseminate information concerning suspected money laundering and financing of terrorism in accordance with this Proclamation;
- 2) enhance public awareness and understanding of matters related to money laundering and financing of terrorism;
- 3) conduct research relating to the source, mechanisms of commission, type, nature and dangers of money laundering and financing of terrorism and indicate solutions to the relevant bodies;
- 4) without prejudice to the power of the National Bank to regulate financial institutions, issue guidelines to assist financial institutions and designated nonfinancial businesses and professions to comply with the obligations provided under this Proclamation;
- 5) establish appropriate information management systems to ensure the protection of sensitive and confidential information disclosed to it under this Proclamation;
- 6) maintain comprehensive statistics on its operations, including the number of reports received pursuant to this Proclamation, the number of referrals made to law enforcement bodies, the number of criminal investigations and prosecutions based on those referrals, and the number of international requests for assistance;
- 7) refer promptly to the appropriate law enforcement organ where, based on its analysis and assessment, there exists reasonable grounds to suspect that the report or information it has received is relevant to an investigation or prosecution of offence not covered under this Proclamation;
- 8) either independently or in collaboration with the regulatory authorities, conduct inspections of financial institutions and designated non-financial businesses and professions to ensure compliance with this Proclamation;
- 9) follow up the implementation and coordinate the actions of other governmental institutions combating money laundering and financing of terrorism;
- 10) Carry out other related activities.

Art. 14. Relations with Foreign Counterpart Agency

- 1) The Centre may, subject to reciprocity, share information or otherwise cooperate with any foreign counterpart agency that performs similar functions and is subject to similar secrecy obligations.

- 2) For the purpose of sub-article (1) of this Article, the Centre may enter into an agreement with the foreign counterpart agency.
- 3) The information obtained pursuant to this Article shall be used only for the purposes of preventing and suppressing money laundering, predicate offences and financing of terrorism.

Art. 15. Access to Information

- 1) The Centre shall have the power to obtain from any person subject to the reporting obligation in accordance with Article 17 of this Proclamation any additional information it deems useful for the accomplishment of its functions.
- 2) Sub-article (1) of this Article shall be applied subject to the restrictions provided under Article 2(10) (c) and Article 17(2) of this Proclamation.
- 3) The Centre may request in relation to any report it has received, any additional information it deems useful for the accomplishment of its functions from:
 - a) Police departments;
 - b) Authorities responsible for the supervision of the persons subject to this Proclamation;
 - c) Other government organs.
- 4) The Centre may obtain the information referred to from sub-article (1) to (3) of this Article pursuant to a request received from a foreign counterpart agency.

Art. 16. Disclosure to Regulatory Authorities

Whenever the Centre determines that financial institutions and designated non-financial businesses and professions are not complying or have not complied with the obligations set out in this Proclamation, it shall inform the relevant regulatory authorities accordingly.

Art. 17. Reporting of Suspicious

- 1) Financial institutions and designated nonfinancial businesses and professions, that suspect or have reasonable grounds to suspect that funds or property are the proceeds of crime, or are related or linked to, or are to be used for financing of terrorism shall be required to submit promptly reports setting forth their suspicions to the Centre. This obligation shall also apply to attempted transactions.
- 2) Lawyers, notaries and other independent legal professionals shall have no obligation to report information they obtain on clients, in the course of determining the legal

position for their clients or performing their tasks of defending or representing those clients in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings.

- 3) The Centre shall issue directive on the procedures and form in which reports shall be submitted.

Art. 21. Action to be taken on Reports of Suspicion

Whenever the Centre has reasonable grounds to suspect money laundering or financing of terrorism, it shall forward the relevant information to the appropriate crime investigation authority, which shall decide upon further action.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

- The FIC has sent a report on twenty suspicious transactions to other member states and received the same over nine cases from others. (See the table attached under Article 51 of this convention)

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article

under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

Article 59. Bilateral and multilateral agreements and arrangements

Article 59

States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.

(a) Summary of information relevant to reviewing the implementation of the article

Is your country in compliance with this provision?

Yes

Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The government of the Federal Democratic Republic of Ethiopia has taken different bi-lateral and multi-lateral agreements as a spur to realize the effective implementation of this convention. As mentioned before, article 9 (4) of the F.D.R.E Constitution recognizes international agreements ratified by Ethiopia as an integral part of the laws of the land. Accordingly, the following agreements are an exhibits of the effort made towards this end;

IGAD Convention mutual Legal Assistance in Criminal Matters

Ratification Proclamation No.732/2012

Article 2. Ratification of the Convention

The IGAD convention on mutual legal assistance in criminal matters adopted by the IGAD council of Ministers at its 33rd ordinary session held in Djibouti from the 7th to the 8th day of December 2009 is hereby ratified.

Agreement between Ethiopia and Sudan mutual Legal Assistance in Criminal Matter

Proclamation No. 874/2014

Article 2. Ratification of the Agreement

This agreement between the government of the federal democratic republic of Ethiopia and the government of the republic of Sudan on mutual legal assistance in criminal matters signed in Khartoum 4th day of December 2013 is hereby ratified.

The guideline issued by the office of the federal attorney general has made some degree of effort in implying the effect of international agreements and arrangements.

Chapter Five

1. International Cooperation in Asset Recovery

Recovery of assets, resulting from criminal acts, is considered an important and essential matter aiming to prevent their perpetrators from benefits and profits, and not utilizing these assets. However, this matter faces, practically, many complexities and difficulties that hinder the international efforts being made in this field; which include: diversity of legal systems, non-transparent financial systems, weakness of international coordination and cooperation, lack of experience and resources, multiple jurisdictions, and identifying the beneficiary owners' identity.

In Ethiopia, the international cooperation on asset recovery shall accord with both the domestic laws and the multilateral and bilateral conventions, treaties and agreements Ethiopia has ratified. Recognizing the necessity of working effectively with the international community, Ethiopia has ratified United Nations conventions against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, Conventions against Transnational Organized Crime and its Protocols, and against Corruption. Ethiopia has taken many procedures and measures on national level, and enacted many laws and regulations for combating crime in all its forms.

2. Legal Bases

1. The requesting country can request for assistance on asset recovery based on domestic laws,

bilateral MLA treaties with Ethiopia as well as in the international conventions Ethiopia has ratified. If neither of those exists, the requesting country can ask for cooperation on asset recovery based on the promise of mutually beneficial principles.

Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Three are different mutual legal assistance with Zambia, Uganda, Sudan, Somalia, Kenya, Djibouti, Mauritania, South Africa, Angola, Mozambique and Zimbabwe. Besides additional information from AG...

(b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]

(d) Challenges, where applicable

Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

(e) Technical assistance needs

No assistance would be required

Legislative assistance: please describe the type of assistance

Institution-building: please describe the type of assistance

Policymaking: please describe the type of assistance

Capacity-building: please describe the type of assistance

Research/data-gathering and analysis: please describe the type of assistance

Facilitation of international cooperation with other countries: please describe the type of assistance

Others: please specify

Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

B. Other information

Article B. Other information

Other information

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above.

(a) Summary of information relevant to reviewing the implementation of the article

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of or difficulties in implementing the Convention other than those mentioned above

((b) Observations on the implementation of the article

[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice.]

[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

(c) Successes and good practices

[Identification of successes and good practices in implementing the article, where applicable.]