

Disrupting Harm

Evidence from 13 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.

Legal Analysis of OCSEA related Provisions in Ethiopia

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This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.

International, Regional and National Commitments and Legislation on Sexual Exploitation of Children

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council		
International Instruments	Date of ratification/accession	
Convention on the Rights of the Child - 1989	14 May 1991	
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000	25 March 2014	
Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure - 2011	No action	
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	2 September 2003	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organised Crime)	22 June 2012	
Regional Instruments	Date of ratification/accession	
African Union Charter on the Rights and Welfare of the Child - 1990	2 October 2002	
African Union Convention on Cyber Security and Personal Data Protection - 2014	No action	
Human Rights Bodies	Date of latest submitted report	Comments
Committee on the Rights of the Child (OPSC review)	N/A	

General Issues Related to Children’s Rights

The term ‘**child**’ is not used under Ethiopian law, except in the Constitution. The Ethiopian Civil Code refers to children as ‘minors’ and defines ‘minor’ as “a person of either sex who has not attained the full age of eighteen years”.¹ However, the definition of children is not **consistent in all national legislation** related to OCSEA manifestations as there is not a one-off definition of ‘child’. First, the Constitution refers to children and juveniles to describe persons under the age of eighteen.² Second, when addressing the criminal responsibility of children, the Ethiopian Criminal Code uses **alternative terminology** such as infants, juveniles and young persons to refer to persons under the age of eighteen. Article 52 defines ‘infants’ as children who have not attained the age of nine years while Articles 53, 157 and 176 define ‘young persons’ as persons between the ages of nine and eighteen years, distinguishing between two age groups: from 9 to 15-year age group and from 15 to 18-year age group.³ Furthermore, the Criminal Procedure Code defines ‘young person’ as a person between the ages of nine and fifteen.⁴

The **age of criminal responsibility** is nine years old⁵ and the Criminal Code imposes different protections and penalties for children between the ages of nine and fifteen and young persons between the ages of fifteen and eighteen.⁶ This differentiation may affect children who have been sexually exploited - especially those who are exploited in prostitution - because the Criminal Code criminalises whoever makes a profession on prostitution, without making a distinction between adults and children.⁷ Article 661 (1) of the Criminal Code, which covers the criminal liability of a minor, however provides that: “Where the victim to sexual outrage, to an act against chastity or to an unnatural carnal crime is a minor, he shall not be liable to punishment. Appropriate measures for his proper upbringing and protection may be applied”.⁸

Regarding the **age of sexual consent**, the Ethiopian Criminal Code establishes it at 18 years by declaring that the performance of sexual intercourse with children under 13 years and children between the ages of thirteen to eighteen years constitutes the offences of sexual outrage on infants and minors respectively,⁹ irrespective of consent on the part of the victim. Higher penalties are provided if the victim is under the age of 13, if the perpetrator is a man and the victim is a girl, or if the perpetrator is in a position of power.¹⁰ Further, the Criminal Code does not provide a **close-in-age exception** nor any criteria to determine whether the consent for sexual activities among peers under the age of 18 is **voluntary, well-informed and mutual**.

¹ Government of Ethiopia. (1960). [Civil Code of the Empire of Ethiopia](#), Article 198.

² Government of Ethiopia. (1995). [Constitution of the Federal Democratic Republic of Ethiopia](#), Article 36.

³ Government of Ethiopia. (2005). [Criminal Code](#), Article 52.

⁴ Government of Ethiopia. (1961). [Criminal Procedure Code of Ethiopia](#), Article 13.

⁵ Government of Ethiopia. (2005). [Criminal Code](#), Article 52.

⁶ Government of Ethiopia. (2005). [Criminal Code](#), Articles 157-177.

⁷ Government of Ethiopia. (2005). [Criminal Code](#), Article 634.

⁸ Government of Ethiopia. (2005). [Criminal Code](#), Article 661.

⁹ Government of Ethiopia. (2005). [Criminal Code](#), Articles 627 and 626.

¹⁰ Government of Ethiopia. (2005). [Criminal Code](#), Articles 626 and 627.

Ethiopian law criminalises homosexual acts and, under the section on “sexual deviations”, establishes higher penalties if the victim is a child or if the perpetrator is a man.¹¹

Concerning the **legal age of marriage**, Article 7 of the Revised Family Code states that “neither a man nor a woman who has not attained the full age of eighteen years shall conclude marriage”. Notwithstanding, for children between 16 and 18, their parents or guardians can request permission to the Minister of Justice if there is a serious cause.¹² Customary and religious marriages must also comply with the provision on the age of the future spouses.¹³

Finally, the statutory **minimum working age** is 14 years as stated in Article 89 (2) of the Labour Proclamation No. 377/2003.¹⁴ Moreover, in line with Article 36 (1) (d) of the Constitution, Article 89 of the Labour Proclamation states that “it is prohibited to employ young workers which on account of its nature or due to the condition in which it is carried out, endangers the life of health of the young workers performing it”.¹⁵ In the list provided by the law, no mention is made to work in the entertainment sector and other areas known for sexual exploitation. However, the Ministry of Labour and Social Affairs (MOLSA), the Government organ entrusted with the responsibility of implementing the Proclamation, also adopted a directive containing prohibited activities in addition to those listed in the Proclamation. Accordingly, the engagement of child workers in the following activities is prohibited: work in hotels, motels and night clubs and other works which entail moral as well as physical hazards.¹⁶

¹¹ Government of Ethiopia. (2005). [Criminal Code](#), Articles 629-631.

¹² Government of Ethiopia. (2000). [The Revised Family Code](#), Article 7.

¹³ Government of Ethiopia. (2000). [The Revised Family Code](#), Articles 26 and 27.

¹⁴ Government of Ethiopia. (2004). [Labour Proclamation No. 377/2003](#), Article 89 (2).

¹⁵ Government of Ethiopia. (2004). [Labour Proclamation No. 377/2003](#), Article 89 (3).

¹⁶ Alemu, Girmachew; Birmeta, Yonas. (n.d.). [Handbook on the Rights of the Child in Ethiopia](#), P. 181.

Online Child Sexual Exploitation and Abuse

Article 36 (1) of the Ethiopian Constitution declares the right of every child not to be subjected to exploitative practices.¹⁷ Indeed, the Government of Ethiopia has enacted various laws to safeguard the right enshrined in Article 36 (1). In terms of OCSEA, two laws are of relevance: the Criminal Code and the Computer Crime Proclamation of 2016.

Although no **definition** and specific criminalisation of CSAM is provided by the Criminal Code, Article 640 states that “whoever **makes, imports or exports**, transports, receives, **possesses**, displays in public, **offers for sale** or hires, **distributes** or circulates writings, images, posters, films or other objects which are obscene or grossly indecent, or in any other way traffics or trades in them, (...) is punishable with simple imprisonment for not less than six months”.¹⁸ The minimum punishment is increased to one year if the act displays a simulation of sexual intercourse by minors or if the act exhibits their genitals.¹⁹ None of these offences are accompanied by appropriate penalties that reflect their grave nature, as simple imprisonment up to one year is considered a sanction for “crimes of a not very serious nature” by the Criminal Code.²⁰

In addition to the lack of a definition of CSAM in the Ethiopian Criminal Code, the reference to “writings, images, posters, films or other objects which are obscene or grossly indecent” contained in the Criminal Code fails to comply with the **international standards** laid down in Article 2 (c) of the OPSC as it does not include **audio and written materials** nor any representation, by whatever means, of a child engaged in real or stimulated explicit sexual activities, and requires acts to be “obscene or grossly indecent” – a vague legal clause open to interpretation that can lead to the impunity of those responsible for crimes against children. Furthermore, the Criminal Code fails to cover conducts that take place in the **online environment** or through information and communication technologies, as well as CSAM that is computer or digitally generated (**virtual CSAM**) or **depicts a person appearing to be a minor** engaged in a sexually explicit conduct.

The Criminal Code contains a provision that criminalises the **organisation of ‘obscene or indecent performances’** in theatres or cinemas, by projection or by radio or television broadcast, by video, or in any other way.²¹ Those who contravene this provision shall be punished by “simple imprisonment of not less than six months, and a fine, without prejudice to the forfeiture and destruction of the incriminating materials”.²² However, under Ethiopian legislation, recruiting, causing or coercing a child into participating in pornographic performances or knowingly attending those performances which involve children are not criminalised.

¹⁷ Government of Ethiopia. (1995). [Constitution of the Federal Democratic Republic of Ethiopia](#), Article 36.

¹⁸ Government of Ethiopia. (2005). [Criminal Code](#), Article 640 (1).

¹⁹ Government of Ethiopia. (2005). [Criminal Code](#), Article 640 (2) (c).

²⁰ Government of Ethiopia. (2005). [Criminal Code](#), Article 106 (1).

²¹ Government of Ethiopia. (2005). [Criminal Code](#), Article 641.

²² Government of Ethiopia. (2005). [Criminal Code](#), Article 641.

Despite the absence of provisions criminalising OCSEA offences in the Computer Crimes Section of the Criminal Code, the recent Computer Crime Proclamation criminalises a series of acts prescribed by the OPSC by stating that “whosoever intentionally **produces, transmits, sales, distributes, makes available or possesses** without authorisation any picture, poster, video or image through a computer system that depicts: a) a minor engaged in sexually explicit conduct; or b) a person appearing to be a minor engaged in sexually explicit conduct; shall be punishable with rigorous imprisonment from three years to ten years.”²³ However, this provision does not criminalise **knowingly obtaining access** to CSAM or its **mere possession**.

Further, the Computer Crime Proclamation criminalises the enticement or solicitation of minors for sexually explicit conduct by transmitting or sending erotic speeches, pictures, text messages or videos through computer systems and punish these offences with rigorous imprisonment from five to ten years.²⁴ Notwithstanding, this provision does not cover the **online grooming** of an adult to meet a child, whether or not the proposal is followed by material acts leading to such a meeting.

Neither the Criminal Code nor the Computer Crime Proclamation criminalise **live streaming of child sexual abuse**, the blackmailing of a child using images of that child in order to extort sexual favours, money or other benefits (**sexual extortion**) or **online sexual harassment**.

Besides, there are no provisions which exclude a **child’s criminal liability for producing and sharing CSAM**, especially when compelled to do so because they are in an abusive or exploitative situation. Notwithstanding, Article 661(1) which covers the criminal liability of a minor, states that “where the victim to sexual outrage, to an act against chastity or to an unnatural carnal crime is a minor, he shall not be liable to punishment. Appropriate measures for his proper upbringing and protection may be applied”.²⁵ This provision might apply to CSAM related cases and provide protection to children from criminal liability in cases where the child is considered to be a victim.

The **attempt** at committing any of the above-mentioned crimes is criminalised according to Article 27 of the Criminal Code with the same punishment attached to the crime they intended to commit.²⁶ According to Article 27 (1), an attempt takes place when “whoever intentionally begins to commit a crime and does not pursue or is unable to pursue his criminal activity to its end without achieving the result necessary for the completion of the crime (...)”.²⁷

The **ignorance of the age of the victim** can be pleaded by the offender in excuse of their behaviour, pursuant to Article 80 of the Criminal Code. According to this provision, “whoever commits a crime under an erroneous appreciation of the true facts of the situation shall be tried according to such appreciation”. It also states that “where there is no criminal intention the doer shall not be punishable” and “where he could have avoided the mistake by taking such precautions as were commanded by his personal position

²³ Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 12 (1).

²⁴ Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 12 (2).

²⁵ Government of Ethiopia. (2005). [Criminal Code](#), Article 661 (1).

²⁶ Government of Ethiopia. (2005). [Criminal Code](#), Article 27 (3).

²⁷ Government of Ethiopia. (2005). [Criminal Code](#), Article 27 (1).

and the circumstances of the case, he shall be punishable for negligence in cases where such negligence is penalised by law”.²⁸

Finally, the Ethiopian legal framework contains a provision on the criminal liability of **Internet service providers** for any illegal computer content data, such as CSAM as described in Article 12 of the Computer Proclamation, disseminated through its computer systems by third parties if they have directly been involved in the dissemination or edition of the content data; upon obtaining actual knowledge that the content data is illegal, failed to take any measure to remove or to disable access to the content data; or failed to take appropriate measure to remove or to disable access to the content data upon obtaining notice from competent administrative authorities.²⁹

²⁸ Government of Ethiopia. (2005). [Criminal Code](#), Article 80.

²⁹ Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 16.

Extraterritoriality and Extradition

The Ethiopian Criminal Code provides for territorial jurisdiction over crimes committed in Ethiopian territory³⁰ and enables universal **extraterritorial jurisdiction** for offences against public health or morals committed outside Ethiopia.³¹ Those crimes include trafficking for prostitution (articles 635 and 636), acts that involve 'obscene or grossly indecent' material (article 640) and organising pornographic performances (article 641).

Beyond the cases listed in Article 17 of the Criminal Code, Ethiopian courts also have extraterritorial jurisdiction over foreigners who commit a crime outside Ethiopia against an Ethiopian child (**passive extraterritorial jurisdiction**) and over Ethiopian nationals who commit a crime outside Ethiopia (**active extraterritorial jurisdiction**) if the criminal was not tried in the foreign country. In both cases the act to be tried must be prohibited by the law of the State where it was committed and by Ethiopian law (**principle of double criminality**) and the act must be of sufficient gravity under the latter law to justify extradition.³² As the Criminal Code does not define what 'sufficient gravity' means, the interpretation of its meaning could be based on the distinction made in the Criminal Code between "crimes of not a very serious nature"³³ and "crimes of a very grave nature".³⁴ Considering that most of the OCSEA-related offences are considered as crimes of not a very serious nature (Articles 640, 641, 643 and 644 of the Criminal Code), the judicial interpretation of this provision could result in the denial of extradition requests for these offences.

Additionally, Ethiopia also has jurisdiction on all other crimes committed outside Ethiopian territory by a foreign national if the crime is punishable under Ethiopian law with death or with rigorous imprisonment for not less than ten years.³⁵ However, this provision does not apply to OCSEA-related offences as none of them are punished with death or imprisonment of no less than 10 years.

³⁰ Government of Ethiopia. (2005). [Criminal Code](#), Article 11 (1).

³¹ Government of Ethiopia. (2005). [Criminal Code](#), Article 17 (1) (b).

³² Government of Ethiopia. (2005). [Criminal Code](#), Article 18 (1).

³³ Government of Ethiopia. (2005). [Criminal Code](#), Article 106.

³⁴ Government of Ethiopia. (2005). [Criminal Code](#), Article 108.

³⁵ Government of Ethiopia. (2005). [Criminal Code](#), Article 18 (2).

When it comes to **extradition**, the Criminal Code stipulates that foreigners can be extradited in accordance with law, treaties or international custom and if the offence is not committed against Ethiopia as stated in Article 13.³⁶ As reported by the UNODC, international agreements mainly impose the act to be a crime under both the requesting country and Ethiopian law (**principle of double criminality**) and a one-year imprisonment for a crime to be **extraditable**.³⁷ On the contrary, the Criminal Code prohibits the extradition of Ethiopian nationals who commit a crime abroad, stating that they shall be tried by Ethiopian courts under Ethiopian law.³⁸

³⁶ Government of Ethiopia. (2005). [Criminal Code](#), Article 21 (1).

³⁷ UNODC. (2015). [Country Review Report of Ethiopia](#), p. 7.

³⁸ Government of Ethiopia. (2005). [Criminal Code](#), Article 21 (2).

Other OCSEA-Related Provisions

Regarding the **confiscation** of any goods or proceeds related to the commission of an offence, Article 140 of the Criminal Code could apply to OCSEA offences as it provides for the seizure of articles used or likely to be used for the commission of a crime, or which have been obtained as the result of a crime, when they endanger decency.³⁹ Besides, the Criminal Code adds that interests of innocent third parties shall be protected.⁴⁰

Regarding the **advertisement and promotion** of OCSEA offences, Article 640 of the Criminal Code criminalises displaying in public and offering for sale writings, images, posters, films or other objects which are obscene or grossly indecent, being punishable with simple imprisonment for not less than six months.⁴¹ This provision also includes the prohibition of the advertisement of such objects by any means and provides for the forfeiture and destruction of the incriminating materials.⁴² The Criminal Code imposes harsher penalties in cases where the offender habitually engages in or carries out such traffic; knowingly exhibits, hands over or delivers such objects to a minor; or for this purpose displays a simulation of sexual intercourse by minors or exhibits their genitals.⁴³ However, the Criminal Code does not define ‘habitually’, which could mean that the court can interpret its meaning and potentially hinder the conviction of child sex offenders.

Further, Article 643 of the Criminal Code criminalises the public display of objects, products or works defined as “indecent or immoral”, including the **advertisement** by any means to persons who have not solicited them or who have no professional interest in them.⁴⁴ Additionally, Article 644 criminalises the public display, for gain or to provoke, “by video, or in a shop window, in a booth or in any other place visible from without, writings, images or objects such as to stimulate unduly, to pervert or to misdirect the sexual instinct, or to arouse or to stimulate unduly brutal or bloodthirsty instincts, or antisocial feelings or feelings which are inimical to the family spirit, in minors”; or “ knowingly offers, lends, gives or sells such objects, images or writings to a minor”.⁴⁵

The Criminal Code also regulates the criminal **liability of juridical persons** who take part in the offences regulated in it,⁴⁶ as does the Computer Crime Proclamation in its Article 20.⁴⁷ Moreover, in case of a grave or repeated crime the Court can order the withdrawal of an official license entitling to carry out any profession or activity for a period of from one month to one year⁴⁸ and in case of recidivism of juridical

³⁹ Government of Ethiopia. (2005). [Criminal Code](#), Article 140 (1).

⁴⁰ Government of Ethiopia. (2005). [Criminal Code](#), Article 140 (2).

⁴¹ Government of Ethiopia. (2005). [Criminal Code](#), Article 640 (1).

⁴² Government of Ethiopia. (2005). [Criminal Code](#), Article 640 (1).

⁴³ Government of Ethiopia. (2005). [Criminal Code](#), Article 640 (2).

⁴⁴ Government of Ethiopia. (2005). [Criminal Code](#), Article 643.

⁴⁵ Government of Ethiopia. (2005). [Criminal Code](#), Article 644.

⁴⁶ Government of Ethiopia. (2005). [Criminal Code](#), Article 645.

⁴⁷ Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 20.

⁴⁸ Government of Ethiopia. (2005). [Criminal Code](#), Article 142.

persons of a particularly grave danger, the license that authorises the activity or profession that they carry out may be revoked for good.⁴⁹

Ethiopia does not have a **national sex offender registry**.

Recidivism is regulated in Article 67 of the Criminal Code, that proclaims that “the Court shall aggravate the penalty on ground of recidivism when a fresh intentional crime the minimum penalty of which is six months of simple imprisonment has been committed within five years of serving a sentence of imprisonment in whole or in part or having been remitted by pardon”.⁵⁰ As stated in Article 85 of the Criminal Code, recidivism is a special circumstance which aggravates the penalty⁵¹ according to the rules enshrined in Article 188 of the Criminal Code.⁵²

Convicted sex offenders are not explicitly prohibited from holding positions involving or facilitating contact with children. However, Article 123 (c) of the Criminal Code establishes the possibility of depriving convicted persons of their right to exercise a profession when the nature of the crime and the circumstances under which the crime was committed justify such an order.⁵³

Finally, concerning **data retention and preservation laws** and procedures, the Computer Crime Proclamation establishes the duty for ISPs to “retain the computer traffic data disseminated through its computer systems or traffic data relating to data processing or communication service for one year”. It also contains a provision that allows for retention and preservation of data under the control or possession of any person if there are reasonable grounds to believe that it is vulnerable to loss or modification.⁵⁴

⁴⁹ Government of Ethiopia. (2005). [Criminal Code](#), Article 142.

⁵⁰ Government of Ethiopia. (2005). [Criminal Code](#), Article 67.

⁵¹ Government of Ethiopia. (2005). [Criminal Code](#), Article 85.

⁵² Government of Ethiopia. (2005). [Criminal Code](#), Article 188.

⁵³ Government of Ethiopia. (2005). [Criminal Code](#), Article 123 (c).

⁵⁴ Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 30.

Access to Justice and Remedies

National complaint mechanisms and reporting

Article 36 (2) of the Ethiopian Constitution reflects the principle of the best interests of the child by stating that “in all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child.”⁵⁵ However, the Ethiopian justice system is not yet fully equipped to respond to the needs of children who come into contact with the law by reporting a crime, as it does not include **mechanisms to ensure their protection**.

Under Ethiopian law, any person has the right to report any offence, whether or not they have witnessed its commission.⁵⁶ However, Ethiopian law does not provide for a general **duty to report OCSEA crimes**⁵⁷ nor a duty that only applies to service providers or government organs who have knowledge of the commission of the crimes stipulated in the Computer Crime Proclamation.⁵⁸

Since the Criminal Code does not require a complaint lodged by the injured party to prosecute and punish OCSEA-related offences, **an anonymous complaint** is sufficient to open an investigation.⁵⁹

According to Article 38 of the Criminal Procedure Code, **Public Prosecutors**, on receiving the report of a police investigation, can prosecute the accused, order a preliminary inquiry, order further investigations or refuse to institute proceedings.⁶⁰ Furthermore, police officers do have the duty to investigate OCSEA offences as stated in Articles 22 and 23 of the Criminal Procedure Code.⁶¹

In regard to **statutory limitations**, offences described in Articles 640 and 643 (1) of the Criminal Code have a limitation period of three years, as they are punishable with simple imprisonment for not less than six months or not less than year.⁶² However, the limitation period is ten years for offences committed against minors as stated in Article 644 of the Criminal Code.⁶³ Finally, OCSEA-related offences regulated in the Computer Crime Proclamation are punishable with imprisonment not exceeding ten years, so the limitation period of a criminal act shall be fifteen years.⁶⁴

Child-sensitive justice

The Criminal Code and the Criminal Procedure Code do not include any specific provisions establishing **child-friendly mechanisms**.

⁵⁵ Government of Ethiopia. (1995). [Constitution of the Federal Democratic Republic of Ethiopia](#), Article 36 (2).

⁵⁶ Government of Ethiopia. (1961). [Criminal Procedure Code of Ethiopia](#), Article 11 (1).

⁵⁷ Government of Ethiopia. (1961). [Criminal Procedure Code of Ethiopia](#), Article 11 (2).

⁵⁸ Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 27.

⁵⁹ Government of Ethiopia. (1961). [Criminal Procedure Code of Ethiopia](#), Article 12.

⁶⁰ Government of Ethiopia. (1961). [Criminal Procedure Code of Ethiopia](#), Article 38.

⁶¹ Government of Ethiopia. (1961). [Criminal Procedure Code of Ethiopia](#), Articles 22 and 23.

⁶² Government of Ethiopia. (2005). [Criminal Code](#), Articles 217 (1) (e), 640 and 643 (1).

⁶³ Government of Ethiopia. (2005). [Criminal Code](#), Articles 217 (1) (d) and 644.

⁶⁴ Government of Ethiopia. (2005). [Criminal Code](#), Article 217 (1) (c) and Government of Ethiopia. (2016). [Computer Crime Proclamation No. 958/2016](#), Article 12.

Despite the lack of legislation, the Ethiopian Government has set up a programme designed to implement Child-Friendly Benches and Child Protection Units (CPU) in some towns within the country, starting at the Adama Town police station in the Oromia region and further expanding into six more towns. CPUs aim to improve the treatment of children by law enforcement agencies and they are staffed by a social worker and a police officer, trained on the legal, operational and psychological aspects of the work. Additionally, Child-Friendly Benches aim to protect children from secondary victimisation and to enable them to give their testimonies freely and comfortably in a child-friendly environment. They entail a separated special room designed in a child-friendly setting, with security of close-circuit cameras and an intermediary transmitting the questions from the courtroom to the child and vice versa.⁶⁵

Yet, despite efforts to establish child-friendly mechanisms, the legislation does not guarantee access to **psychological support, legal counselling** for child victims of OCSEA crimes or the protection of the **privacy** of the children, nor provisions to ensure that **non-governmental organisations can assist or support victims**, at their request, during the investigation and judicial proceedings.

Notwithstanding, the Proclamation No. 1178/2020 on the Prevention and Suppression of Trafficking in person and Smuggling of Persons does provide for counselling and psychological assistance, with care, on a confidential basis and with full respect of privacy,⁶⁶ that applies to child victims of trafficking.

It is noteworthy that in 2018, a validation workshop was organised by the Federal Supreme Court of Ethiopia and Justice for All-PF Ethiopia with a number of justice stakeholders to validate the Draft Child Justice Guidelines.⁶⁷ Four guidelines were discussed for validation, which related to the establishment of a victim fund; provision of free legal aid to children; support to children and their caregivers with temporary shelter, counselling, transportation or house rent allowances; and psychological support services.⁶⁸ At the time of writing, the guideline is yet to be implemented.

Although there is no general duty to provide **information related to legal proceedings in a child-friendly manner** to child victims of OCSEA offences, the Proclamation No. 1178/2020 on the Prevention and Suppression of Trafficking in person and Smuggling of Persons contains a provision that applies to trafficked child victims of sexual exploitation which states that “victims shall have the right to information on the nature of protection and support to be accorded, and status of the case during investigation and prosecution”.⁶⁹

⁶⁵ UNICEF Ethiopia. (2014). [In Ethiopia, Danish diplomats observe progress in child protection](#), *UNICEF Ethiopia Blog*. See also UNICEF. (2019). National Situation Analysis of Women and Children in Ethiopia, P. 80.

⁶⁶ Government of Ethiopia (2020). [Proclamation No. 1178/2020 on Prevention and Suppression of Trafficking in Persons and Smuggling of Persons](#), Article 24 (1).

⁶⁷ Justice for All-PF Ethiopia. (2018). [Workshop on the validation of Draft Child Justice Guideline](#).

⁶⁸ Justice for All-PF Ethiopia. (2018). [Workshop on the validation of Draft Child Justice Guideline](#).

⁶⁹ Government of Ethiopia (2020). [Proclamation No. 1178/2020 on Prevention and Suppression of Trafficking in Persons and Smuggling of Persons](#), Article 24 (1).

However, it is unclear if the provisions included in the Proclamation No. 1178/2020 would apply to child victims of online sexual exploitation and abuse.

The Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010 contains **protection** measures regarding confidentiality, change of identity, physical protection, relocation or hearing testimony in camera, behind screen or by disguising identity, among others.⁷⁰ These measures can apply to child witnesses of OCSEA offences if there is a threat of serious danger to the life, physical security, freedom or property of the witness, the whistleblower or a family member of the witness of the whistleblower.⁷¹ Proclamation No. 699/2010 also incorporates the possibility of establishing special protection agreements with children in cases where the minor is giving information or testimony against their parents or guardians, the minor has no parents or guardians, their parents or guardians cannot be found or their parents or guardians are unreasonably withholding their consent or unable to give their consent for any reason.⁷²

Access to recovery and reintegration

There are no provisions on the **recovery and rehabilitation** nor any **specific programmes** for support and reintegration for child victims of OCSEA. However, the Proclamation No. 1178/2020 on the Prevention and Suppression of Trafficking in person and Smuggling of Persons provides for measures of rehabilitation for victims of human trafficking which include child victims of sexual exploitation.⁷³

Access to compensation

Article 101 of the Criminal Code allows injured persons “to claim that the criminal be ordered to make good the damage or to make restitution or to pay damages by way of compensation”.⁷⁴ Thus, child victims of OCSEA have the possibility to seek compensation through a **civil claim** jointly lodged with the **criminal suit**⁷⁵ or separated according to the general principle laid down in Article 2028 of the Civil Code.⁷⁶

The Criminal Code also contains a provision to enforce the payment of the compensation by ordering the payment to the injured party of the proceeds of the sale of 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.⁷⁷ However, this provision does not establish the possibility to seek compensation through **country-managed funds**.

⁷⁰ Government of Ethiopia. (2011). [Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010](#), Article 4.

⁷¹ Government of Ethiopia. (2011). [Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010](#), Article 3 (1).

⁷² Government of Ethiopia. (2011). [Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No.699/2010](#), Article 9.

⁷³ Government of Ethiopia (2020). [Proclamation No. 1178/2020 on Prevention and Suppression of Trafficking in Persons and Smuggling of Persons](#), Article 24.

⁷⁴ Government of Ethiopia. (2005). [Criminal Code](#), Article 101.

⁷⁵ Government of Ethiopia. (2005). [Criminal Code](#), Article 101.

⁷⁶ Government of Ethiopia. (1960). [Civil Code of the Empire of Ethiopia](#), Article 2028.

⁷⁷ Government of Ethiopia. (2005). [Criminal Code](#), Article 102 (1).

None of the provisions which regulate the access to compensation contain specific measures that consider child victims of OCSEA offences. Furthermore, there is limited information available on cases of children successfully securing compensation or having access to effective remedies.

Finally, the Proclamation No. 1178/2020 on the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons provides for compensation for child victims of human trafficking, including child victims of sexual exploitation in its Article 26. Moreover, when victims cannot get compensation as established in Article 26, and they are Ethiopian nationals, they can claim a reimbursement payment from the State, which will be paid from the Fund established according to Article 27 of the Proclamation No. 1178/2020. The applicability of this provision to child victims of OCSEA is unclear.