THE REVISED PROCLAMATION FOR THE ESTABLISHMENT OF THE FEDERAL ETHICS AND ANTI-CORRUPTION COMMISSION

PROCLAMATION No ……/2020

Addiss Abeba

---------/2020

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WHEREAS, the Government and the Peoples of Ethiopia recognize that corruption and impropriety are capable of hindering the Social, Economic and Political development of our country and found it necessary to establish a legal system;

WHEREAS, it has become necessary to prevent corruption and impropriety in order to promote and sustain the development, peace and democratic process in our country;

WHEREAS, it has become necessary to create a society of good ethical values and moral which shall not condone but rather prepared to resolutely combat corruption;

WHEREAS, it has become proper for the commission to have independence and impartiality in its operation by making its operation and activities be guided with the principles of transparency and accountability;

WHEREAS, it has become necessary to rectify the gap created in corruption prevention and consolidate in one the powers and duties given to the commission by different laws as well as provide in law the scope of power of the commission that would enable it accomplish its role of leading and coordinating the anticorruption struggle at the national level;

WHEREAS, corruption prevention is not a task that begins and ends in a given institution and it has become necessary to provide in law the relations of the commission would have with other institutions so as to make the

commission adequately represent the nation at international and continental level in the area of anticorruption struggle;

WHEREAS, it has become necessary to create more clarity to certain provisions of the Commission's powers and duties that lack clarity;

Now, therefore, in accordance with article 55(1) of The Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows.

PART ONE

General

1. Short Title

This proclamation may be cited as the **“Revised Federal Ethics and Anti-Corruption Commission Proclamation No……/2020”**

2. Definitions

Unless the context requires otherwise in this Proclamation:

1. "Commission" means The Federal Ethics and Anti-Corruption Commission;
2. "Commissioner or Deputy commissioner" means the Commissioner or the
   Deputy commissioner of the Commission respectively;
3. "Public Office" means any office the budget of which is fully or partially allocated by the Government and in which any Federal Government activity is performed;
4. "Public Enterprise" means any Public Enterprise or Share Company the
   ownership of which is fully or partly owned by the Federal Government;
5. “Public organization” means a body that administers money, property or other resources collected in any form from members or the public

or collected for public service and includes the private sector company or organization; it may not however include the following:

a) Religious organization;

b) Political organization/parties;

c) International organizations; and

d) Edir or other traditional or religious association;

6. "Public Official" means members, speakers and deputy speakers of the House of People's Representatives, Speakers and Deputy Speakers of the House of the Federation, the President of the Republic, the Prime Minister, Deputy Prime Minister, Ministers, State Ministers, Commissioners, Vice Commissioners, Directors, Deputy Directors, Officials, deputy officials, General Managers, deputy general managers , Presidents, vice presidents and Judges of Federal Courts, the Attorney General, Deputy Attorney General and Public Prosecutors, Presidents and Deputy Presidents of Universities; Deans and Deputy Deans of Colleges; Directors and Deputy Directors of Hospitals and other officials with similar rank at all levels;
7. "Public Employee" means any person, other than those referred to under sub-article 6 hereof, appointed, assigned, employed or elected and working in any public office permanently or temporarily for a period of time longer than three months;
8. “Official of a public enterprise” for the purpose of this proclamation shall include chairman and members of the board of directors or boards of management of the enterprise, the head and deputy heads of the enterprise as well as any management member appointed or assigned by the board, board of management or any other competent body;
9. “Official of a public organization” for the purpose of this proclamation shall include chairman and members of the board of directors or board of management of the organization, the head and deputy heads of the organization as well as any management member appointed or

assigned by the board, head of the organization or any other competent body;

10. "Employee of a public enterprise and organization" means any person employed or assigned and working in any public enterprise or organization permanently or temporarily for a period of time longer than three months;

11. “Ethics Liaison units” are organizations that the ethics and anticorruption commission creates under public offices, public enterprises or public organizations for it to accomplish its tasks in the respective institutions;

12. “Ethics officer or employee of ethics liaison unit” means any person assigned or employed and working in public offices, public enterprises or public organizations;

13. “Mass organizations” means students’ ethics and anticorruption clubs and other various organizations the commission creates in public or private educational institutions, public offices, public enterprises and public organizations so as to enable it to enhance good ethical values and prevent corruption;

14. “Resource collected for public purpose” means money, property or resource that is collected with the intent to support, assist, encourage or develop the whole or a section of the community or obtained in any way with such intent and administered or utilized by a charity or association or a committee organized or formed for such purpose;

15. “Bank account” means money, gold and other similar precious items deposited in a bank and includes any transaction a customer has with a bank;

16. “Whistle blower” means any person who reports to the commission or ethics liaison units a corruption offense intended to be committed or inaccurate asset registration;

17. “National Anticorruption Policy and Strategy” means a national document that indicates the level the country envisages of achieving

in the short and long term in building good ethical conduct, preventing and combating corruption;

18. "Person" means natural or juridical person.

3. Gender Reference

Any expression in the masculine gender includes the feminine.

PART TWO

Establishment and Powers and Duties of the Commission

4. Establishment of the Commission

1) The Federal Ethics and Anti-Corruption Commission (hereinafter referred to as "the Commission") is hereby established in the rank of Ministry as an autonomous organ of the Federal Government.
2) The Commission shall be accountable to the House of Peoples Representatives.
3) The Addis Ababa and Dire Dawa City Administrations shall establish their own ethics and Anticorruption commission.

5. Independence of the Commission

The Commission shall be free from any interference and direction by any person or organ with regard to activities undertaken to prevent corruption.

6. Head Office

The Commission shall have its Head Office in Addis Ababa.

7. Objectives of the Commission

The Commission shall have the following objectives to:

1) effectively enhance ethical and moral values of the generation;
2) Prevent corruption offences and other improprieties;
3) Make the public become owner of the anti-corruption struggle by creating a popular movement helpful in the fight against corruption;
4) Create institutional capacity that would enable it carry out powers and duties given to it by law;

5) Ensure 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;

8. Powers and Duties of the Commission

The Commission shall have the following powers and duties to:

1) Prepare or cause the preparation of National Anti-Corruption Policy and Strategy; have it approved and follow up its implementation;
2) Provide or cause the provision of training on ethics and corruption prevention to officials, heads and employees appointed, assigned or employed in public offices, enterprises and organization;
3) Study or cause to be studied practices and work procedures in Public Offices, Public Enterprises and public organizations prone or conducive to corruption and improprieties in order to give recommendations and follow up their implementation, to take the proper measures on those failing to implement;
4) Where the commission suspects preparation for the commission of corruption is underway and presences of conditions prone to corruption, undertakes a rapid corruption prevention activity and suspend the operation or cause the taking of the necessary correction. Where it has, however, suspicion about the commission of corruption in the process it shall report same to the relevant investigative body;
5) Cause the declaration and registration of the assets and financial interests of elected public officials, public appointees and employees of public offices, heads and employees of public enterprises and public organizations; verify its accuracy, organize such data and make it accessible;
6) Develop, put to use, transfer and administer software database that would enable an effective asset and financial interest declaration, registration and access. It shall provide information from the database to law enforcement agencies upon request;

7) Prevent conflict of interest of elected officials, public appointees, heads and employees of public enterprises and organizations that would arise in connection with their mandate as well as power of control and decision, and take or cause the taking of the appropriate measure where necessary. Particulars shall be prescribed by regulations;

8) Establish and implement upon approval procedures and system for the

recognition and selection for awards, upon competition, of offices, and organizations, individuals and clubs who are successful in the fight against and prevention of corruption;

9) Prepare, submit for approval and monitor the implementation of Codes of Conduct for elected public officials, public appointees and Public

Office employees as well as heads and employees of public enterprises and organizations;

10) Conduct a study on corruption and impropriety vulnerability in public offices, public enterprises and public organizations; and publicize same if deemed necessary;

11) Organize mass organizations that would help in the enhancement of ethics and prevention of corruption in public offices, enterprises and organizations and educational institutions at all levels;

12) Follow up and ensure the respect of anticorruption laws and give a consultancy service on their implementation;

13) Organize, assign and deploy Ethics Liaison Directorates, Teams or Experts in public offices, public enterprises and public organizations;

14) Coordinate Regional ethics and anticorruption commissions; and provide them with the necessary technical support;

15) By representing the country liaise and cooperate with National, Continental and International bodies with similar objectives;

16) In accordance with the country's laws and policies cause the implementation of International and Continental anti-corruption conventions and co-operations;

17) Represent the country with regards to the implementation of International and Continental Anticorruption Conventions;

18) Cause the establishment of its own independent media to promote ethical education and to enhance good ethical values ;

19) Receive performance reports from public offices mandated with the power of enhancing ethics as well as the investigation and prosecution of corruption offences;

20) Own property, enter into contract, sue and be sued in its own name;

21) Perform such other duties as may be defined by law and undertake other activities necessary for the attainment of its objectives.

9. Organization of the Commission

The commission shall have;

1) A Commissioner in the rank of Minister and Deputy Commissioners in the rank of state Ministers to be appointed by the house of peoples' representatives upon nomination by the Prime Minister; and
2) The necessary staff.

10. Powers and Duties of the Commissioner

1. The Commissioner shall be the chief executive of the Commission and, as
   such, shall organize, direct and manage the activities of the Commission.
2. Without prejudice to the provisions of sub-article (1) of this Article, the
   Commissioner shall have powers and duties to:

a. Exercise the powers and duties of the Commission specified under article 8 of this Proclamation;
b. Prepare and submit to the house of peoples representative for approval the organizational structure , salary scale and benefit schemes of the employees of the commission and implement same upon approval; particulars shall be specified in regulations to be issued by the house;
c. Prepare regulations in line with provisions specified in this Proclamation and the basic principles of Civil Service Laws and submit to the house of peoples representatives and implement same upon approval;
d. To appoint, assign, employ, administer and dismiss the necessary staffs. Particulars shall be specified in regulations to be issued;
e. Prepare the annual work program and budget of the Commission and
submit to the House and implement same upon approval;
f. Effect expenditure in accordance with approved budget and work program of the Commission as per relevant financial laws;
g. Represent the Commission in its dealings with third parties; and
h. Submit general performance and financial reports of the Commission to the House;
i. Where necessary, to give order for the search of bank accounts of any person or organization and gathering of the necessary information in the process of asset registration, registration verification and management of conflict of interest;

3. The Commissioner may delegate part of his powers and duties to the officials and employees of the Commission to the extent necessary for the effectiveness and efficiency of the Commission.

11. Powers and Duties of the Deputy Commissioner

1. The Deputy Commissioner, shall:
   a) Assist the Commissioner in planning, organizing, directing and coordinating the functions of the commission;

b) Follow up part of the Commission's departments by sharing functions in accordance with the structure of the Commission;
c) Act on behalf of the Commissioner in the absence of the later;
d) Perform such other duties as may be specifically entrusted to him by the Commissioner;

2. The Deputy Commissioner shall be accountable to the Commissioner;
3. Unless specified otherwise the deputy commissioner having seniority in appointment shall act on behalf of the Commissioner in the absence of the latter.

12. Term of Office and Removal from Office of the Commissioner and the Deputy Commissioners

1. The term of office of the Commissioner or the Deputy Commissioner shall be for six years; he may, however, be reappointed 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 provisions 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 - d of this Article shall apply where it has been verified by a committee formed from among members of the House and voted on by a 2/3 of its members.

13. Employment of Employees of the Commission

The terms and conditions of Assignment, employment, administration and dismissal of the employees of the Commission shall be in accordance with the regulations to be issued by the House following the provisions laid down in this Proclamation and the general principles of the Federal Civil Service Law.

14. Taking of an Oath

Any person shall upon Assigned or employed in the Commission take oath that he will be faithful to the federal constitution and fulfill the demands of public trust and professional responsibility bestowed on him. Details regarding the oath shall be specified in the administrative regulation.

15. Rights of Employees

1. Any employee of the Commission is entitled to a salary and benefits in accordance with a special salary scale and benefit scheme approved by the House of Peoples Representatives.
2. The salary of any employee may not be attached or deducted except in accordance with,
   a) A written consent of the employee, or
   b) A court order, or
   c) Provisions of the law.
3. The amount deductible in accordance with sub article 2 (b) or (c) of this Article may not exceed one third of the salary of the employee.
4. Any permanent employee of the Commission is entitled to a pension in accordance with the Pension law.
5. Any employee of the Commission shall:
   a) Be provided with attorney service at the expense of the Commission for any liability incurred while executing his duties properly. Particulars shall be determined by the regulations**.**
   b) Have the right to appropriately question superiors under any circumstances, inform mistakes, resolve problems through discussion as well as lodge complaints following the chains of command;
   c) Have the right to appeal as determined in the regulations;
   d) Be entitled to benefits provided in the relevant pension law for permanent, total, or partial disability sustained in relation to his duties. Particulars shall be specified in the regulations to be issued;
   e) In view of the special nature of their work, the commission shall have the salary and various benefits of officials and employees of

the commission studied and implement it upon approval by the House of Peoples Representatives;

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.

16. Exemption from tax

Any compensation to be made pursuant to Article 15 sub-article 5(d) of this proclamation shall be exempt from taxation and may not be attached, deducted by way of setoff or assigned by the beneficiary.

17. Suspension from duty

1. An employee of the Commission may be suspended from duty by withholding his salary for a period not exceeding one month if that course of action is necessary for the smooth execution of the work;
2. Notwithstanding the provisions of sub article 1 of this Article an employee shall be suspended for an additional one month if he is formally charged with a criminal or disciplinary offence for which his dismissal is to be expected if it is proved against him. Details shall be specified in regulations to be issued as per this Proclamation.

18. Period of Limitation

1. Disciplinary measure may not be taken against an employee of the commission who has committed an offense entailing simple disciplinary penalty unless such measure is taken within six months, excluding the time required for investigation, from the time the breach of discipline is known;
2. No disciplinary charge shall be brought against an employee who has committed an offense entailing rigorous disciplinary penalty unless such disciplinary charge is brought within a year from the time the commission of the offense is known;
3. The official who has failed to take the measures specified under sub-articles (1) or (2) of this Article shall be held responsible.

19. Budget

The budget of the commission shall be allocated by the Government.

20. Books of Accounts

1. The Commission shall keep complete and accurate books of accounts;
2. The Commission's books of accounts and financial documents shall be audited annually by the Federal Auditor-General.

PART THREE

Establishment of Ethics Liaison Offices and Relationship of the Commission with Regional Ethics and Anti-Corruption Commission

21. Establishment of Ethics and Anti-corruption Liaison Offices

1. The Commission shall establish Ethics and Anti-corruption Liaison offices at every level of Public Offices and Public Enterprises the duty of which shall be to coordinate and carry out ethical issues and corruption prevention activities in their respective office or enterprise;
2. The Commission shall cause the establishment of Ethics and Anti-corruption Liaison offices at every level of Public Organizations the duty of which shall be to coordinate and carry out ethical issues and corruption prevention activities in their respective organization;
3. The ethics and anticorruption Liaison office shall be accountable to the commission;
4. It shall be the duty of the commission to assign, employ, transfer and dismiss the head or employee of the ethics and anticorruption liaison offices of public offices and enterprises. The ethics liaison offices to be established shall be organized in parallel with the line staff of the public offices and enterprises;
5. The commission shall cause the assignment, employment, transfer and dismissal of the head or employee of the ethics and anticorruption Liaison offices of public organizations. The ethics liaison offices to be

established shall be organized in parallel with the line staff of the public organization;

6. Particulars regarding the ethics and anticorruption Liaison office's work relation with the Commission, their organization and operation shall be specified by directives to be issued by the Commission;
7. The work relation of the ethics Liaison offices with their respective public office, public enterprise or public organization shall be determined by directives to be issued by the commission.

22. Work Relations of the Commission with the Regional Ethics and Anti-Corruption Commissions

1. The Commission being an organ responsible for leading and coordinating Ethics and Anti-corruption activities at National level shall coordinate Ethics and Anti-corruption commissions of regional and city administrations and give administrative and technical support;
2. The commission shall establish a planning, reporting and relation system with the Ethics and Anti-corruption commissions of the regional and city administrations;
3. The City and Regional Ethics and Anti-corruption commissions shall submit statistical data and periodic report regarding the state of anti-corruption activities in their respective City or Region to the commission.

PART FOUR

Miscellaneous Provisions

23. 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.

24. Penalty

Whosoever refuses to cooperate with the Commission as provided for in Article 25 of this Proclamation shall be punishable with simple imprisonment not less than six months and not exceeding four years; and with fine not less than Birr one thousand and not exceeding Birr five thousand.

25. Powers to Issue Regulations and Directives

1. The House of Peoples Representatives may issue Regulations for the implementation of this Proclamation;
2. The Commission may issue Directives for the implementation of this Proclamation and the Regulations issued under this Proclamation.

26. Repealed and inapplicable laws

1. The Revised Federal Ethics and Anti-Corruption Commission Establishment Proclamation No.433/2005 and Amendment Proclamation No. 883/2015 as well as provisions of the Anticorruption Special Evidence and Procedure Rules Proclamation No.882/2015 that gave powers and duties to the Commission are hereby repealed;
2. All laws which are inconsistent with this Proclamation shall not apply on matters covered under this Proclamation.

27. Effective Date

This Proclamation shall come into forces as of the ……. day of …….. 2020.

Done at Addis Ababa, this …….. Day of ……. 2020

SAHLEWORK ZEWDIE

PRESIDNET OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA