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Proclamation 3/2020

A State of Emergency Proclamation Enacted to Counter and Control the Spread of COVID-19 and Mitigate Its Impact

Recognizing of the rapid global spread and substantial adverse impact of the COVID-19 pandemic and the impossibility of curtailing its spread through the normal system of government;

Since this pandemic is having a considerable negative impact in our country, to enable the expedient and coordinated implementation of measures necessary to minimize and counter the spread of the pandemic;

Since it has become necessary to take various measures to counter and mitigate the humanitarian, social, economic and political damage being caused by the pandemic;

To crate public awareness about COVID-19 and strengthen precautionary measures by putting in place an enabling legal framework;

In accordance with the FDRE Constitution Articles 77(10) and 93, this state of emergency has been proclaimed.

Article 1 - Short Title

This Proclamation may be cited as the *“State of Emergency Proclamation Enacted to Counter and Control the Spread of COVID-19 and Mitigate Its Impact Proclamation No. 3/2020.”*

Article 2 – Definition

In this Proclamation unless the context otherwise requires:

- 1) “COVID-19” is the pandemic officially so designated by the World Health Organization;
- 2) “Constitution” means the FDRE Constitution.
- 3) “Law enforcement institutions” includes the Ministry of Defense, the National Intelligence and Security Service, the Federal Police Commission, the Regional Police, federal and regional attorney generals or equivalent institutions and other security entities;

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- 4) “Person” means any natural or juridical person;
- 5) “Region” means all the regions designated under the FDRE Constitution Article 47 and and for the purpose of this proclamation includes the Addis Ababa and Dire Dawa City Administrations;
- 6) “Suspension of rights” means a partial or full temporary derogation of rights stipulated under the FDRE Constitution.
- 7) “Measures” mean decisions, prohibitions or obligations that render partially or fully inoperable provisions of the FDRE Constitution.
- 8) Any reference in the masculine gender also includes the feminine.

Article 3 – Scope of application

- 1) This proclamation shall be applicable throughout the country.
- 2) This proclamation and regulations issued pursuant to this proclamation shall be applicable on Ethiopians and foreign nationals residing in or transitioning through Ethiopia.
- 3) Any federal or regional law, procedure or decision that is in contravention with this proclamation or regulations issued pursuant to this proclamation shall have no effect while this proclamation is valid.

Article 4 - Suspension of Rights and Measures

- 1) As per the FDRE Constitution Article 93 (4) (a) and (b), the Council of Ministers shall, through the Regulations it will adopt as per this Proclamation, stipulate details of the suspension of rights and measures to adopted to counter and mitigate the humanitarian, social, economic and political damage that could be caused by the pandemic.
- 2) The Regulations to be enacted and measures to be taken by the Council of Ministers shall not in any way infringe on provisions specially protected by the FDRE Constitution Article 93 (4) (c).

Article 5 - Responsibility for Execution of the Proclamation

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- 1) The detailed conditions concerning the suspension of rights and measures will be decided by the Council of Ministers or a Ministerial Committee to be established for this purpose and notified to the public.
- 2) Every person is obliged to comply with lawful instructions and commands of law enforcement agencies or any lawful authority issued in accordance with this Proclamation.
- 3) Federal and Regional law enforcement agencies may use proportionate force to enforce the suspension of rights and measures put in place in accordance with sub-article (1) of this Article.

Article 6 - Criminal Liability

- 1) Notwithstanding relevant provisions of the Criminal Code, any person who violates the suspension of rights, measures, an instruction or command issued in accordance with this Proclamation shall be punished with simple imprisonment of up to 3 years or a fine of no less than one thousand Birr and not exceeding two hundred thousand Birr.
- 2) The federal Attorney General and Regional Attorney Generals or equivalent institutions delegated by the Federal Attorney General have the responsibility to implement sub article 1 of this provision.

Article 7 – Notification

- 1) The Office of the Prime Minister and the Attorney General shall communicate the conditions pertaining to suspension of rights and measures to be put in place in accordance with this Proclamation through media outlets that are widely accessible to the public.
- 2) All commercial, community and public media with a local, regional or national reach have an obligation to broadcast free of charge the public notifications, explanations and messages indicated under sub article 1 of this article in all the working languages of the media outlet.

Article 8 – Effective Date

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This Proclamation shall be effective for five months from the day it is passed by the Council of Ministers.

Done at Addis Ababa 8th of April 2020.

ABIY AHMED (PH.D.)

