

# ETHIOPIA

*Dagnachew B Wakene,\* Priscilla Yoon\*\* & Tsion Mengistu\*\*\**

## 1 Population indicators

### 1.1 What is the total population of Ethiopia?

The total population of Ethiopia, as per the last Population and Housing Census (PHC) conducted in 2007, was 73 918 505. Of this, 37 296 657 (50.5 per cent) were males and 36 621 848 (49.5 per cent) were females. The population of the country in the previous censuses of 1984 and 1994 was 39 868 572 and 53 477 265, respectively. The 2007 PHC results show that the population of Ethiopia grew at an average annual rate of 2.6 per cent.

According to the World Bank, Ethiopia's total population in 2019 was 112 078 730, of which 56 069 010 (50.026 per cent) were males and 56 009 720 (49.974 per cent) were females.<sup>1</sup>

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Ethiopia. What criteria are used to determine who falls within the class of persons with disabilities in Ethiopia?

Censuses are the primary sources of data collection. The 2007 PHC has been done on the following seven thematic areas:

- Population characteristics;
- Educational characteristics;

\* LLB (Addis Ababa University), MPhil (University of Stellenbosch), LLD candidate (University of Pretoria).

\*\* BA Public Policy, Leadership and Global Development Studies (University of Virginia).

\*\*\* LLB (Addis Ababa University).

1 World Bank 'Population, total: Ethiopia' (2019) <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ET> (accessed 27 May 2021).

- Economic activity of the population;
- Population dynamics/fertility, mortality and migration;
- Housing and characteristics and living conditions;
- Disability and orphanhood characteristics; and
- The situation of women in Ethiopia.

The disability-related section of the Census asked respondents about their disability status, type of disability, and cause(s) of disability.

In the analyses, different methodological approaches such as rates, ratios, percentages, chi square tests, and various kinds of demographic software were used. More advanced statistical techniques were employed for the in-depth analysis.

### **1.3 What is the total number and percentage of people with disabilities in Ethiopia?**

As per the abovementioned PHC data of 2007, there were a total of 1.09 per cent of persons with disabilities in Ethiopia, out of the total population. However, a World Health Organisation and World Bank report published in 2011 estimates that 17.6 per cent of the population in Ethiopia, which is more than 15 million people, live with some form of disability. As per the Ethiopian National Plan of Action on Disability (2011-2021),<sup>2</sup> prepared by the Ministry of Labour and Social Affairs (MoLSA), the percentage of PWDs indicated by the 2007 Census was widely unaccepted by researchers and disability experts in the country for several reasons, including: the fact that census collectors were not trained with the concept, definitions and rights-based approaches to disability as stipulated in international normative standards; omissions of persons with certain types of disabilities; unwillingness of parents to disclose that they have a child or family member with a disability for fear of societal stigma and prejudice; and exclusion of some geographical areas in surveys due to security reasons.

### **1.4 What is the total number and percentage of women with disabilities in Ethiopia?**

Of the total population counted in the 2007 Census, 805 492 persons or around one per cent of the population were persons with disabilities and there was little variation by sex: 1.15 per cent of males and 1.0 per cent of females had disabilities.

### **1.5 What is the total number and percentage of children with disabilities in Ethiopia?**

There is an acute paucity of disability-focused data in general in Ethiopia, more so when it comes to, inter alia, children and women with disabilities. According to the

2 Ethiopian Ministry of Labour and Social Affairs (MoLSA) 'National plan of action of persons with disabilities (2012-2021)' April 2012, Addis Ababa, at 2 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94528/110953/F-1258023553/ETH94528.pdf> (accessed 27 May 2021).

Situation and Access to Services of Persons with Disabilities in Addis Ababa – a UNICEF report (2019),<sup>3</sup> about 1 per cent of children under the age of 18 in Addis Ababa have a severe disabilities. There is, nonetheless, an evident likelihood that child disability is significantly under-reported.

### 1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Ethiopia?

Per the 2007 Census, ‘vision problem’ (30.9 per cent) and ‘non-functional upper body’ (27.4 per cent) are the first and second most prevalent forms of disabilities in Ethiopia, respectively.

## 2 Ethiopia’s international obligations

### 2.1 What is the status of the United Nation’s Convention on the Rights of People with Disabilities (CRPD) in Ethiopia? Did Ethiopia sign and ratify the CRPD? Provide the date(s).

The Government of Ethiopia signed the Convention on March 2008 and ratified the same in July 2010.

### 2.2 If Ethiopia has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Ethiopia submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

Ethiopia’s initial report to the CRPD Committee was due in 2012 and was submitted in 2013. The report was presented by the Ministry of Labour and Social Affairs (MoLSA), the main points were matters relating to implementation of the Convention and disability issues in Ethiopia. The report was also contributed to by different stakeholders from government offices and organisations of persons with disabilities (OPDs).<sup>4</sup> Likewise, the second report was submitted in 2016. A list of issues, corroborated by Ethiopia’s replies, and Concluding Observations highlighted by the CRPD Committee in light of Ethiopia’s compliance with the Convention are all available at the Committee’s website.<sup>5</sup> A number of

3 UNICEF Ethiopia & MOLSA ‘Ethiopia: Situation and access to services of people with disabilities and homeless people in two sub-cities of Addis Ababa’ (2019) <https://www.unicef-irc.org/publications/pdf/Best%20of%20UNICEF%20Research%202019.pdf> (accessed 27 May 2021).

4 Consideration of reports submitted by states parties under article 35 of the Convention, 19 March 2015.

5 See Committee on the Rights of Persons with Disabilities, Sixteenth Session, List of issues in relation to the initial report of Ethiopia Addendum: Replies of Ethiopia to the list of issues (8 August 2016) UN Doc CRPD/C/ETH/Q/1/Add.1 (2016); Concluding Observations on the Initial Report of Ethiopia, Committee on the Rights of Persons with Disabilities (4 November 2016) UN Doc CRPD/C/ETH/CO/1 (2016) para 7 [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/ETH/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/ETH/CO/1&Lang=En) (accessed 27 May 2021).

nongovernmental organisations also submitted their Shadow Reports during these deliberations. See, inter alia, the Advocates for Human Rights report submitted to the CRPD Committee providing information on Ethiopia's adherence with the Convention.<sup>6</sup>

**2.3 While reporting under various other United Nation's instruments, or under the African Charter on Human and People's Rights, or the African Charter on the Rights and Welfare of the Child, did Ethiopia also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'Concluding Observations' adopted? If relevant, were these Observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these Observations/ Recommendations?**

In 2014, Ethiopia submitted a periodic country report to the African Commission on Human and Peoples' Rights covering the years 2009 to 2013. The report included information on various measures taken regarding persons with disabilities and ratifications of different international instruments such as the CRPD. The Concluding Observations to this report commended Ethiopia for ratifying various international human rights instruments and establishing institutions to 'help persons with disabilities', but also mentioned human rights instruments Ethiopia has not yet ratified and the continued need to protect vulnerable groups including persons with disabilities.

In 2019, Ethiopia submitted its third-cycle national report for the UN Universal Periodic Review (UPR). The report observed measures taken to protect persons with disabilities, human rights awareness, the CRPD, education for children with disabilities, challenges, and more. Conclusions and recommendations regarding disability included the need to further consolidate mainstreaming disability rights in Ethiopia's national legislation, repealing provisions and articles of the Family Code and Civil Code that condone discrimination based on disability, protecting vulnerable populations and children with disabilities, and more.

**2.4 Was there any domestic effect on Ethiopia's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Ethiopia's legislature to incorporate it into the legal system before the instrument can have force in Ethiopia's domestic law? Have Ethiopia's courts ever considered this question? If so, cite the case(s).**

Under Ethiopian law, ratification of an international human rights treaty means that the latter is part and parcel of the country's legal framework, having gone through a ratification proclamation by the Federal Parliament. Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution), article 9(4) states,

6 Advocates for Human Rights 'Ethiopia's compliance with the Convention on the Rights of Persons with Disabilities: Shadow report Submitted to the 16th Session of the Committee on the Rights of Persons with Disabilities 15 August-2 September 2016' [https://www.theadvocatesforhumanrights.org/uploads/ethiopian\\_-\\_crpd\\_-\\_july\\_2016.pdf](https://www.theadvocatesforhumanrights.org/uploads/ethiopian_-_crpd_-_july_2016.pdf) (accessed 4 November 2016).

'[a]ll international agreements ratified by Ethiopia are an integral part of the law of the land'.

**2.5 With reference to 2.4 above, has the United Nation's CRPD or any other ratified international instrument been domesticated? Provide details.**

As mentioned above, under Ethiopian law, ratification of any binding international agreement means incorporation of that specific agreement as the law of the land. The Ethiopian Parliament then issues a ratification proclamation to this effect. For example, the CRPD ratification proclamation is known as Proclamation 676/2010 on the Ratification of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) by Ethiopia.<sup>7</sup>

### 3 Constitution

**3.1 Does the Constitution of Ethiopia contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.**

Yes, the FDRE Constitution, enacted in 1995, includes article 41(5) which sets out the state's responsibility for the provision of necessary rehabilitation and support services for citizens with disabilities.

Article 41(5) reads:

The State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardian.

No other provision of the Constitution explicitly refers to disability and/or persons with disabilities.

**3.2 Does the Constitution of Ethiopia contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

Article 25 of the Constitution, for example, indirectly addresses disability by stating that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

This provision of equality implies that persons with disabilities are included in equal protection of the law, but tacitly without making an explicit reference to

7 See <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/109313/135559/F-1219301009/ETH109313.pdf>.

disability and/or persons with disabilities. One third of the Ethiopian Constitution (articles 14-44, of the total 106 articles) dwells on fundamental rights and freedoms, which can validly be presumed to address persons with disabilities as well, but none mention disability expressly except article 41(5) as stated above. An explicit reference to disability in at least the equality and non-discrimination provision is therefore strongly advised, as the constitutional experience of numerous nations.

## 4 Legislation

### 4.1 Does Ethiopia have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

- **Proclamation 1097/2018**

Proclamation 1097/2018 of the FDRE determines the power, duties, responsibilities and decision-making orders of the executive organs of the FDRE. Regarding persons with disabilities, article 10/4 (Common Powers of Ministries) states that:

Ministries shall have the power and duties to, in its area of jurisdiction, create, within its powers, conditions whereby persons with disabilities, the elderly, segments of society vulnerable to social and economic problems and HIV AIDS positive citizens benefit from equal opportunities and full participation.

In addition, the Proclamation under article 29 lists the powers and duties of the Ministry of Labour and Social Affairs (MoLSA) and stipulates that one of the main responsibilities of the Ministry is to 'enable persons with disabilities benefit from equal opportunities and full participation' in collaboration with concerned bodies (article 29(11)(a)).

- **The Federal Civil Servant Proclamation 1064/2018**

The Federal Civil Servant Proclamation provides for special preference in the recruitment, promotion and deployment of qualified candidates with disabilities. This provision is applicable to government offices only.<sup>8</sup>

- **The Proclamation concerning the Rights to Employment for Persons with Disabilities 568/2008**

This Proclamation, makes null and void any law, practice, custom, attitude and other discriminatory situations that limit equal opportunities for persons with disabilities. It also requires employers to provide appropriate working and training conditions; take all reasonable accommodation measures and affirm active actions, particularly when employing women with disabilities; and assign an assistant to enable a person with disability to perform their work or follow training.<sup>9</sup>

- **The Labour Proclamation 377/2003**

The Labour Proclamation, amended by the Labour Proclamation 494/2006, makes it unlawful for an employer to discriminate against workers on the basis of nationality, sex, religion, political outlook or on any other conditions.<sup>10</sup> Workplace

8 International Labour Organization 'Inclusion of people with disabilities in Ethiopia: Fact sheet' (January 2013).

9 As above.

10 As above.

disablements and the duties of employers thereof are also addressed in this proclamation.

- **Proclamation 624/2009**

Proclamation 624/2009 (Building Proclamation) contains, in article 36(1) and (2), 'Facilities for persons with disabilities'. This law provides for accessibility in the design and construction of any building to ensure suitability persons with physical disabilities.<sup>11</sup> However, it is recommended that this law be revised to include the multiple accessibility concerns of persons with other types of disabilities, apart from those with physical disabilities.

- **The Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation 1162/2019**

Hate Speech and Disinformation Prevention and Suppression Proclamation 1185/2020 defines hate speech as: 'speech that deliberately promotes hatred, discrimination or attack against a person or a discernible group of identity, based on ethnicity, religion, race, gender or disability'.

- **Directive 41/2015**

This Directive allows citizens with disabilities to import one vehicle for personal use, free of all import taxes, every ten years.

- **Proclamation 676/2010**

This Proclamation ratified the CRPD in Ethiopia.

- **The Marrakesh Treaty**

The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (otherwise abbreviated at 'VIP'), was ratified by Ethiopia in February 2020.

#### **4.2 Does Ethiopia have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.**

The Regulation on Value Added Tax 79/2002, provides for tax exemptions for equipment to be used by persons with disabilities (see article 24(7)). The same Regulation also exempts 'workshops for disabled' from Value Added Tax, on condition that employees with disabilities in such workshops constitute more than 60 per cent of the workforce.

Besides these, social security directives and policies do focus on the protection of vulnerable groups such as children, women, persons with disabilities and elderly, the underemployed and others at risk because of social and natural problems. These directives include various programmes and projects such as, but not limited to, rural and urban productive safety nets, livelihood and employment support, social insurance, access to health, education, and other social services.

11 As above.

## 5 Decisions of courts and tribunals

### 5.1 Have the courts (or tribunals) in Ethiopia ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.

There are a number of disability-related civil cases addressed in various chambers of both federal and regional courts of the nation. However, most – if not all – of these cases are inaccessible and not readily available online, except a few decisions passed by the Federal Cassation Court Division – a panel of five to seven judges that looks solely into issues of ‘fundamental errors of law’ and the decisions of which are binding on all lower courts, including courts of regional states.<sup>12</sup> In one case, *Administration Justice Bureau v Mekonen Teklu* (2014), for instance, the plaintiff – a person with visual impairment - invoked Proclamation 568/2008 concerning the employment rights of persons with disabilities wherein the law puts the burden of proof on the employer when a person with disability files suit for a disability-based discrimination in employment. The plaintiff’s claim was that as a prosecutor with visual impairment, he had been discriminated against when his employer cut his pay and transferred him to another position.<sup>13</sup> The Cassation Court nonetheless ruled in favour of the defendant, holding that discrimination clauses under Proclamation 568/2008 could not be invoked by public prosecutors and judges whose cases should be entertained by the Public Prosecutors’ Administration Council established pursuant to Regulation 24/2007.<sup>14</sup> In critiquing this decision, disability rights lawyers argued that the aforementioned Cassation Court ruling ‘lacks coherence and clarity and is full of contradiction’,<sup>15</sup> in that:

The Cassation systematically skipped the meaning of ‘government office’, a term which was fundamental to decide on whom the Proclamation (568/2008) is applicable. The calculated crafting of the Proclamation to include all government offices by departing from the Civil Service Legislation should have been given meaning. The Court’s inference of non-justiciability from the provisions of Proc. 568/2008 is without foundation.<sup>16</sup>

In another milestone case, *Wesen Alemu v Training Institute* (2017), the defendant declined to appoint the plaintiffs who are qualified lawyers with visual impairments as judges and, instead, hired them as public prosecutors against their will. The defendant’s justification for doing so was the ‘long-established’ practice of not appointing the Blind as judges as the post requires the ability to see witnesses and evidence presented by all parties involved in a lawsuit.<sup>17</sup> The plaintiffs then took their case all the way to the House of Federation (which looks into matters related to constitutional interpretation of per article 83 of the FDRE Constitution) claiming violation of their constitutional right to choose their own profession. The

12 Art 2(1) of the Federal Courts Proclamation Reamendment Proclamation 454/2005.

13 *Administration Justice Bureau v Mekonen Teklu* (file 75034) Cassation Decision, vol 14 (Sept 2014).

14 As above.

15 A Wesen ‘The right to be employed: The case of visually impaired persons in Ethiopia’ Thesis submitted in partial fulfillment of the requirements of Master of Laws Degree (LLM) in Human Rights Law, Addis Ababa University, School of Graduate Studies, College of Law and Governance, 2019 at105.

16 As above.

17 *Wesen Alemu v Amhara National Regional State Justice Professionals’ Training and Legal Research Institute* (File 019/08, House of Federation, 12 October 2017).

House decided that the defendant's prohibition of the plaintiffs from being appointed as judges was unconstitutional and that articles 41(5), 25 and 9 of the FDRE Constitution had been violated. The decision also stated that there was no convincing evidence submitted by the defendants which proved the appropriateness of the prohibition and that the nature of the work should be evaluated considering reasonable accommodation, referring to the CRPD which is ratified by Ethiopia, as well as Proclamation 568/2008 and the abovementioned relevant clauses of the Constitution.<sup>18</sup>

## 6 Policies and programmes

### 6.1 Does Ethiopia have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability

- **Growth and Transformation Plan (GTP)**

The Growth and Transformation Plan (GTP) 2010-2015, establishes disability as a cross cutting sector of development where focus is given to preventing disability and to providing education and training, rehabilitation and equal access and opportunities to persons with disabilities.<sup>19</sup>

- **The Ten-Year Perspective Development Plan**

This Plan builds off of its predecessor, the GTP, and addresses disability as a crosscutting theme of development, although it seems to have essentially adopted an approach whereby persons with disabilities are considered recipients of support/assistance rather than active and notable contributors themselves to their country's development endeavours.

- **The National Plan of Action of Persons with Disabilities**

The National Plan of Action of Persons with Disabilities (2012-2021) aims at making Ethiopia an inclusive society. It addresses the needs of persons with disabilities in Ethiopia for comprehensive rehabilitation services, equal opportunities for education, skills training and work, as well as full participation in the life of their families, communities and the nation.<sup>20</sup>

- **Framework Document 2009**

This Document provides for 'Special Needs Education (SNE)' in Technical and Vocational Education and Training (TVET).<sup>21</sup>

### 6.2 Does Ethiopia have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.

- **The National Social Protection Policy of Ethiopia (2012)**

This Policy is a document developed by the Government of Ethiopia to protect citizens from economic and social deprivation. It mainly focuses on the following objectives: protect poor and vulnerable individuals, households, and communities

18 As above.

19 ILO (n 8).

20 As above.

21 As above.

from the adverse effects of shocks and destitution; increase the scope of social insurance; increase access to equitable and quality health, education and social welfare services to build human capital thus breaking the inter-generational transmission of poverty; guarantee a minimum level of employment for the long term unemployed and underemployed; enhance the social status and progressively realise the social and economic rights of the excluded and marginalised; and ensure the different levels of society are taking appropriate responsibility for the implementation of social protection.<sup>22</sup>

## 7 Disability bodies

### 7.1 Other than the ordinary courts and tribunals, does Ethiopia have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.

In recent years, following reforms that ensued as of 2018, a 'Disability Directorate' has been established within auspices of the Ministry of Labour and Social Affairs (MoLSA).

Moreover, the Ethiopian Human Rights Commission – an independent national human rights institution answerable to the Parliament – has, for the first time, set up a Deputy Commissioner's position focused on disability and the elderly in 2021, for which a woman with disability is appointed as Deputy Commissioner.

### 7.2 Other than the ordinary courts or tribunals, does Ethiopia have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

The Ombudsman, primarily mandated to address issues of maladministration, could be considered an extension of the desire and endeavours to establish independent human rights institutions in Ethiopia. It contributes to rectifying rights' violations by addressing matters of maladministration against, inter alia, persons with disabilities and promotes good governance in any public institution.

22 Ministry of Labour and Social Affairs 'National social protection policy of Ethiopia' (26 March 2012) <http://extwprlegs1.fao.org/docs/pdf/eth189010.pdf> (accessed 27 May 2021).

## 8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

- 8.1 Does Ethiopia have a Human Rights Commission or an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, Ombudsman or Public Protector of Ethiopia has ever addressed issues relating to the rights of persons with disabilities.**

Yes, as elucidated above, the Ethiopian Human Rights Commission and the Ethiopian Institution of the Ombudsman are both actively engaged in advising on and monitoring issues related to persons with disabilities.

## 9 Disabled peoples organisations (DPOs) and other civil society organisations

- 9.1 Does Ethiopia have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.**

Persons with disabilities have formed six national and specific disability-focused associations under the umbrella of a Federation of Ethiopian Associations of Persons with Disabilities (FEAPD). These are:

- Federation of Ethiopian Associations of Persons with Disabilities (FEAPD);
- Ethiopian National Association of the Blind (ENAB);
- Ethiopian National Association of Persons with Physical Disabilities (ENAPPD);
- Ethiopian National Association of the Deaf (ENAD);
- Ethiopian National Association of the Deaf-Blind (ENDB);
- Ethiopian National Association of Persons Affected by Leprosy (ENAPAL);
- Ethiopian National Association on Intellectual Disability (ENAID); and
- And regional branches of the above OPDs.

All associations are working on the rights and welfares of their members. They also participate in development activities.<sup>23</sup>

FEAPD has, since 2020, amended its by-laws to accept as full members those organisations of persons with disabilities (OPDs) whose constituencies may have various types of disabilities, other than the single-disability focused organisations.

## 9.2 Are DPOs organised/coordinated at a national and/or regional level?

Yes, OPDs are organised and coordinated both at federal and regional levels. OPDs in some regions, including the Capital Addis Ababa, have also organised themselves at the *'woreda'* (structure lower than regions and sub-cities) level.

## 9.3 If Ethiopia has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

OPDs participated in the evaluation/monitoring and production of Shadow Reports to the CRPD Committee, and in reports during Voluntary National Reviews (VNRs) of Ethiopia concerning implementation of the Sustainable Development Goals (SDGs), among others. Nevertheless, there is still a major lack of direct representation of persons with disabilities in the legislative, executive and judiciary branches of government.

## 9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

Involvement of organisations of persons with disabilities (OPDs) in decision-making processes in Ethiopia has generally been minimal and mostly visible during commemorations of the International Day of Persons with Disabilities, IDPD, on 3 December. This, however, seems to be changing over the past few years as OPDs are taking part in the formulation of some policies, notably the National Plan of Action on Disability (2011-2021). Moreover, there are numerous instances of partnership projects between local OPDs and international organisations advocating for the rights of persons with disabilities. For instance, an International Labour Organisation (ILO) technical cooperation project, 'Promoting Rights and Opportunities of Persons with Disabilities in Employment through Legislation' (PROPEL), aims at capacitating the Ethiopian government, social partners, and disability advocates to be actively engaged in the implementation of ILO C159<sup>24</sup> and the CRPD. It also enables them to share the Ethiopian experiences in disability rights legislation, inclusion and CRPD implementation with other African countries as an example of good practice of the process of moving towards a disability-inclusive society. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in the selected countries of each region, the project sets out to examine the operation of such legislation, identify and strengthen the implementation mechanisms in place and suggest further improvements.<sup>25</sup> All in all, nevertheless, there are still limited interventions by OPDs in mainstream policies, legislative processes and decisions as also pointed out by the CRPD Committee in one of its main Concluding Observations on Ethiopia's compliance of the Convention which reads:

The Committee is further concerned that persons with disabilities and their representative organizations [in Ethiopia] are not systematically consulted in the development of all policies and laws, training and awareness-raising across all sectors.<sup>26</sup>

24 ILO, C159: Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983.

25 As above.

26 Concluding Observations on the Initial Report of Ethiopia (n 5).

### **9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

The principal barrier that OPDs face is systemic/structural exclusion. While OPDs are engaged in the implementation of policies, treaties, proclamations and other directives directly related to disability, they often do not engage with directives that indirectly affect PWDs. For example, despite the fact that poverty is a pivotal issue disproportionately affecting citizens with disabilities in Ethiopia, OPDs were not involved in many of the Poverty Reduction Strategy Processes (PRSPs) until recent years. The country's PRSP documents adopted since 1995 through 2010 did not make any reference to disability and PWDs. It was only in 2010, with the advent of the third PRSP document, known as the Growth and Transformation Plan (GTP), that disability was, for the first time, mentioned in a section talking about 'social welfare'. The exclusion of OPDs and the experiences of PWDs from mainstream policy, legislation, and decision-making processes is detrimental and counterproductive. OPDs must, for multiple reasons, be engaged in the implementation of human rights instruments on a broader level than solely on matters relating directly to disability.

### **9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?**

It is anticipated that there will be a census in Ethiopia soon. Organisations of persons with disabilities (OPDs), including the Federation of Ethiopian Associations of Persons with Disabilities (FEAPD), CSOs, NGOs and INGOs that are working in the disability area have meticulously discussed, with the Central Statistics Agency (CSA), incorporating the Washington Group Sets of Questions (WGSQ) in the next census. FEAPD took a lead and provided training for CSA staff on disability and WGSQ. Albeit this census has yet to take place, the inclusive and multipartite collaborative process thus far adopted by OPDs, CSOs and the government in order to ensure that disability is well captured in the data collection tools can be mentioned as a best-practice model in its own right.

Furthermore, the recently held General Election of Ethiopia 2021, unlike the preceding elections, has seen an unprecedented participation of citizens with disabilities. For the first time in Ethiopia's election history, disability inclusion was debated by political parties as a core theme and this was televised by major broadcasters. According to the National Electoral Board of Ethiopia (NEBE), a record number of 99 candidates with disabilities have run for both Federal and regional parliaments, of which 76 have won seats. Nevertheless, systemic impediments such as, but not limited to, pervasive inaccessibility of polling stations; communication barriers (particularly for persons with hearing impairments); and stereotypes and misconceptions observed within the leadership of some parties about the active involvement of citizens with disabilities as candidates and voters, were among the continued challenges seen in this year's elections.

### **9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

After Ethiopia ratified the CRPD, the regional state of South Nations, Nationalities and Peoples (SNNPR) created a task force to monitor the implementation of the CRPD within its jurisdiction. This task force was comprised of 14 sector offices and

six OPDs.<sup>27</sup> The presence of OPDs in such task forces allows for successful monitoring and appropriate responses to the implementation of the CRPD. In Ethiopia, many OPDs and the FEAPD have also been included in the national monitoring committees. Consequently, OPDs were quite involved in the creation of the country's report to the CRPD Committee.

**9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

Yes, there is a need for OPDs to be mainstreamed into the general legislation, policy-making, and decision-making processes regardless of whether the issue at hand is directly about disability. Ethiopia also has an acute need for adequate data collection and research, including a census, on disability. There is a lack of specific research institutes that work on disability rights or work with OPDs. Further data collection and research will be beneficial for the government, OPDs, and other groups when preparing reports, creating appropriate policies, and addressing the specific needs of PWDs in Ethiopia.

**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

The critical question seems to be less of whether or not OPDs have the capacity to take a leading role in implementation processes, but more of whether or not the government and other authority figures acknowledge the need for OPDs in these processes and actively engage with them in order to understand why OPDs are needed in those leadership roles. Changing perceptions of disability within Ethiopia would empower OPDs to further disability rights and advocacy in the country as well.

**9.10 Are there specific research institutes in Ethiopia that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

There are no specific research institutes that work on the rights of person with disabilities or facilitate the involvement of OPDs, but the Federation of Ethiopian Associations of Persons with Disabilities (FEAPD) and other organisations that are working in the disability arena try to do research, albeit not so comprehensive oftentimes, on the issues of disability and persons with disabilities. The Addis Ababa University's Special Needs Education Department also engages in such research.

27 Ethiopian Ministry of Labour and Social Affairs (n 2) 2.

## 10 Government departments

### 10.1 Does Ethiopia have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

Yes. At the federal level, the Ministry of Labour and Social Affairs (MoLSA) is the main governmental organ responsible for the provision of social and vocational rehabilitation of people with disabilities. Operating within MoLSA is the Disability Directorate which coordinates disability issues at the federal level as part of its wider mandate to deal with employment and social issues. In the 11 regional states in Ethiopia, there are regional Bureaus for Labour and Social Affairs (BoLSAs). BoLSAs handle all social matters, including disability-related issues, under the policy framework established by MoLSA. Other ministries are expected to take responsibility for mainstreaming disability into their respective areas of work as stated under Proclamation 1097/2018 on 'Definitions of Power of the Executive Organs of the Federal Democratic Republic of Ethiopia'.

## 11 Main human rights concerns of people with disabilities in Ethiopia

### 11.1 Contemporary challenges of persons with disabilities in Ethiopia (for example, in some parts of Africa ritual killing of certain classes of PWDs, such as people with albinism, occurs).

Discrimination against and mistreatment of persons with disabilities is severe and pervasive in Ethiopia. Children with disabilities are especially vulnerable to abuse; they are often abandoned by one or both parents and, in more remote areas of the country, sometimes exposed to infanticide. Children with disabilities suffer from exploitation and sexual abuse at much higher rates than do their peers. Even when children report abuse, their parents, teachers, and health workers often choose to not take legal action against the abuser. Beyond physical harm, children with disabilities are often denied their right to an education in part due to the belief that they are unable to learn. The government does little to provide for students with disabilities and teachers are often unwilling and untrained to accommodate the students.

The abuse and discrimination experienced by children with disabilities follows them into adulthood. Persons with disabilities have difficulty finding work as they are not protected under Ethiopia's Labour Proclamation. The legislation does not require employers to provide reasonable accommodation for employees with disabilities and allows employers to use a disability as grounds for termination. Some people with disabilities also have difficulty accessing health care as little is done to communicate services and resources to people with sensory disabilities. In the absence of a strong support system, it is often difficult for them to communicate their concerns to their doctors and to have their feelings be understood.

In Ethiopia, the charity approach to disability still prevails, and there is a general tendency to think of persons with disabilities as weak, hopeless and dependent on the goodwill of others.<sup>28</sup> Due to this stigma combined with low accessibility and few economic resources, the great majority of persons with disabilities do not have access to basic health, education, and social services that could help reduce their dependency and facilitate their independent living with a sustainable livelihood.<sup>29</sup>

**11.2 Describe the contemporary challenges of persons with disabilities and the legal responses thereto, and assess the adequacy of these responses to:**

- Ableism, societal ignorance, prejudice and stereotypes;
- Accessibility and reasonable accommodation;
- Access to social security;
- Access to public buildings;
- Access to public transport;
- Access to education;
- Access to vocational training;
- Access to employment;
- Access to recreation and sport; and
- Access to justice.

Despite the availability of different policies and legislations on rights of PWDs, the reality of PWDs is far from the legislation or policies. PWDs still live under the shadow without any access to public services including education, health and transportation.

Poverty also intersects with disability as it is both the cause and consequence of disability. An estimated 95 per cent of all persons with disabilities in the country are living in poverty. Additionally, 84 per cent of the population in Ethiopia live in rural areas so it is like PWDs are also living in rural areas, where access to services are limited and often inaccessible to PWDs. In order to address the needs of the poor, the FDRE has created a Plan for Accelerated and Sustainable Development to End Poverty (PASDEP). This plan, however, did not directly address the needs of PWDs or their families.<sup>30</sup>

**11.3 Do people with disabilities have a right to participation in political life (political representation and leadership) in Ethiopia?**

Yes. They have the right to participate. However, unlike the constitutions of several African countries and elsewhere, there is neither a constitutional provision nor other laws stipulating parliamentary representation of PWDs in Ethiopia.

28 T Teferra *Disability in Ethiopia: Issues, insights, and implications* (2005).

29 MOLSA (n 2).

30 ILO (n 8).

#### **11.4 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in Ethiopia?**

A 2016 report by The Advocates for Human Rights on Ethiopia's compliance with the CRPD noted the problem that Ethiopians with disabilities do not have non-discriminatory access to healthcare. Access to healthcare, proper communication, and training of medical staff are inadequate to address the needs of persons with disabilities. Persons with disabilities also face healthcare discrimination based on political opinion due to kebele (the lowest administrative organ in Ethiopia) officials who can deny services such as referral notes for secondary healthcare in hospitals.

#### **11.5 Specific categories experiencing particular issues/vulnerability.**

- **Women with disabilities**

Female genital mutilation is still practiced in Ethiopia. According to the 2016 Demographic and Health Survey (DHS), 65 per cent of women in the age group between 15 and 49 years are circumcised and the prevalence of female genital mutilation and circumcision increases with age.<sup>31</sup> There are inadequate legal consequences, arrests, research, and data collection on this phenomenon that continues to harm women and children.

Women and girls with disabilities also face gender-based violence and sexual abuse. Girls with disabilities are more likely to suffer physical and sexual abuse than girls without disabilities and 33 per cent of girls with disabilities who have sexual experience report having experienced forced sex.<sup>32</sup> Women and girls with disabilities experience multiple discrimination based on their disability and gender.

- **Children with disabilities**

Children with disabilities face extreme forms of violence, stigma and discrimination, primarily due to misconceptions rooted in cultural beliefs and traditions. Children with disabilities are twice as likely to become victims of violence than their able-bodied peers; fewer than ten per cent of children with disabilities in Africa receive any form of education and only two per cent attend school.<sup>33</sup> There is also a need to make education inclusive for children with disabilities.

## **12 Future perspective**

#### **12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Ethiopia at the moment?**

Yes, there is ongoing deliberation on issuing a comprehensive Disability Act in Ethiopia. A drafting process of this Act is already underway, involving experts with

31 Austrian Centre for Country of Origin & Asylum Research and Documentation 'Ethiopia: COI Compilation' (November 2019).

32 Advocates for Human Rights (n 6).

33 ACPF 'The African Report on Child Wellbeing 2018: Progress in the child-friendliness of African governments' (2018).

disabilities and OPDs. It is hoped that this legislative piece will serve as a 'one-stop-shop' of all disability-specific laws available in Ethiopia.

## 12.2 What legal reforms are being raised? Which legal reforms would you like to see in Ethiopia? Why?

The 2016 report by The Advocates for Human Rights on Ethiopia's compliance with the CRPD highlighted several problems with Ethiopia's obligations under the CRPD. One of the issues raised was concerns that the 2009 Charities and Societies Proclamation (CSP) constrained civil society in Ethiopia as this law practically disallows receiving funds from international donors for human rights-related activities in the country. The report pointed out how the CSP negatively affects NGOs and domestic associations, including OPDs such as disability-related associations under the FEAPD. It has been recommended that the Ethiopian government repeal the CSP which, as of 2019, is repealed and replaced by Proclamation 1113/2019 that retracted the restrictive clauses in the previous law.

The fact that Ethiopia's current Constitution makes no mention whatsoever of persons with disabilities except under the section dealing with economic and social rights is another major lacuna. Disability should be expressly incorporated at least as a prohibited ground of discrimination in the equality and non-discrimination provisions of the Constitution, as is the case in several African countries. A constitutional clause consolidates the justiciability of disability rights.

To this end therefore, based on our readings, views and practical expertise in the Ethiopian disability sector, the following salient reforms are of paramount urgency:

- Incorporation of a disability-specific substantive provision in the FDRE Constitution that ensures constitutional guarantees on disability rights, as is currently the case with women's rights (article 35) and the rights of children (article 36), for instance;
- Revision of article 25 of the FDRE Constitution so that it explicitly includes disability among other statuses against which discrimination is prohibited;
- Revision of article 54 of the FDRE Constitution so that political representation of citizens with disabilities in the House of Peoples' Representatives would be realised;
- Prepare and adopt comprehensive, stronger and effective disability law that contains details of disability rights, anti-disability discrimination provisions, enforcement mechanisms and institutional set ups mandated to ensure the full implementation of that law;
- Systematically and visibly incorporate disability in all mainstream laws that affect the lives of citizens with disabilities such as health law, education law, and other legislations that are in the pipeline to be promulgated and/or are already in force;
- Undertake research, in consultation with organisations of citizens with disabilities, and plan for disability budgeting;
- Set in place a system upon which each ministry and governmental organ equally plans and allocates budget for disability;
- Adopt the federal government budget proclamation by incorporating a disability-inclusive fiscal planning and budget allocation;
- Carry out national campaigns for accessibility of public and private service providers so that buildings, streets, pavements, communications, etc. will comply with minimum accessibility standards;
- Ensure that accessibility standards consider all types of disabilities such as visual cues for the deaf, tactile and braille signs and so on;
- Establish disability specific transport services; and
- Issue accessibility standards for public information.

Finally, the importance of having up-to-date statistics and data on disability to inform policies and implement the CRPD is not debatable, as clearly stipulated under article 31(1) of the CRPD. It follows that one of the state's obligations under the CRPD is to collect appropriate, disability-disaggregated information, statistics and data. It is indicated earlier in this report that the 2007 National Census was not sternly criticised by disability experts in Ethiopia for its inadequacy in capturing the number of persons with disabilities owing to various factors. Some of these factors included failure to adopt an appropriate definition of the term disability and failure to incorporate appropriate questions that are helpful to identify persons with disabilities in survey questionnaires. The various ministries and sectors also do not have a system of gathering disability data in provision of their services. The Ministry of Education incorporates disability data in its annual abstract which is the best experience for others. Other sectors do not have such practices. In this regard therefore, we recommend:

- Incorporation of the CRPD definition of the term 'persons with disabilities' and formulation of census survey questionnaires in line with international standards; and
- Creating a uniform system upon which various sectors keep disability data in their service deliveries.