

Women with Disabilities, their Challenges in Laws and Administration of Justice: Cases from Addis Ababa

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Abstract

The rights of women with disabilities are violated both at home and outside of the home setting. They face multiple sets of violations and discrimination because of the double vulnerability brought about by their gender and disabilities. Most of the time, these violations remain unaddressed partly due to the inaccessibility of judicial organs to women with disabilities. This research sets out to explore the experience of women with disabilities who come into contact with the law albeit limiting itself to Addis Ababa and to women with visual and hearing impairments and those with physical disabilities. It is aimed at identifying the major hurdles women with disabilities face in pursuing legal remedies and documenting their attitude towards the justice system. It also tried to assess the sufficiency of legal and institutional frameworks and interventions. The research employed a qualitative research method; accordingly primary data for the research was obtained through face – to – face interviews and focus group discussions with women who have had a run-in with judicial and quasi-judicial organs in civil matter and key informants from relevant institutions. This was corroborated with document reviews and observations. The research found that women with disabilities face many obstacles in exercising their right to access to justice. They lack awareness of the law, rights and legal remedies preventing them from accessing the formal justice system. Their experience with the justice institutions is tarnished by the physical inaccessibility of the institutions and communication obstacles.

Key words: women with disabilities, access to justice, challenges, accessibility, legal framework

I. Introduction

The World Health Organization (WHO) estimates that around 15% of the world's population, over a billion people, live with one or another form of disability. Although the extent is contested, female prevalence of disability is higher than male prevalence. According to the WHO survey, the rate of disability is 11.8% in high-income countries as compared to low-income countries where the prevalence rate is as high as 18%.³⁹¹The WHO puts the number of persons with disability (PWD) in Ethiopia to be around 15 million, representing 17.6% of the population.³⁹² The disability data in the

³⁹¹World Health Organization and World Bank. 2011. World Report on Disability. Accessed on March 12, 2018. Available online at https://www.unicef.org/protection/World_report_on_disability_eng.pdf.

³⁹²Shakespeare, Tom, and Alana Officer. 2011 "World Report on Disability" *DisabilRehabil* Volume 33 (17-18): 1491.

country however is said to be incomplete, fragmented and misleading.³⁹³ Nevertheless the number of PWD in Ethiopia is believed to be more than the average for developing countries due to the history of civil war, poor living conditions, such as inadequate nutrition, lack of health and sanitation facilities and exposure to various forms of accidents.³⁹⁴ 85% of PWD in Ethiopia live in rural areas where they have no opportunity to contribute to the labour force due to prejudice, absence of rehabilitation centres and lack of an inclusive education system, which has made the lives of PWD an uphill battle.³⁹⁵

Unlike most of the developed world where changes in laws and attitudes have opened up opportunities for PWD to actively participate in education, employment, the political system, the judicial system and many parts of the society, PWD in most developing countries live a life of exclusion and vulnerability denied of their autonomy, often discriminated against and subjected to violence.³⁹⁶ PWD are often unable to enjoy their rights due to the prejudice associated with disability, isolation and exclusion from the society, and communication barriers. The denial of enjoyment of rights by PWD is exacerbated by the inaccessibility of mechanisms that are in place to stop, address, remedy and prevent violations and to ensure the inclusion of PWD within the society.³⁹⁷

Access to justice is both a 'means' used to give PWD the opportunity to enforce protection of their fundamental rights before an impartial and independent tribunal or court and an 'end' where it is sought to avail individuals with the relevant procedures, institutions and processes that recognize, protect and enforce fundamental human rights.³⁹⁸ The reality, however, is far from this with PWD unable to effectively participate in the justice system and put at a particular disadvantage in relation to both the

³⁹³Tesfaye, Seyoum Yohannes. 2010 "Towards Inclusive Employment: the Conceptual Basis and Features of Proclamation 568/2008 on the Employment of People with Disabilities." *Journal of Ethiopian Law* 24 (1).

³⁹⁴The Secretariat of the African Decade of Persons with Disabilities. 2010. *Baseline Study on the Status of Persons with Disabilities and the Influence of the African Decade Pronouncement in Ethiopia*. <http://www.molsa.gov.et/English/SWD/Documents/Baseline%20Study%20Final%20>(Accessed on October 12, 2016).

³⁹⁵*Ibid.*

³⁹⁶United Nations Development Program. 2005. *Programming for Justice: Access for All – A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*, Geneva.

³⁹⁷*Ibid.*

³⁹⁸Charles Ngwena, Ilze Grobbelaar-du Plessis, Helene Combrinck and Serges Djoyou Kamga (ed). 2013. *African Disability Rights Year Book. Volume*. Pretoria University Law Press. <http://www.pulp.up.ac.za/journals/african-disability-rights-yearbook-volume-1-2013> (Accessed January 31 2015).

civil and criminal justice systems. They are often excluded from judicial proceedings and considered as incompetent and unreliable.³⁹⁹

Although both men and women with disabilities are subject to discrimination because of their disabilities, women are at a greater disadvantage.⁴⁰⁰In its General Recommendation No. 18, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) stressed that women with disabilities may be subject to double discrimination on account of their gender and disability.⁴⁰¹Women with disabilities are often at greater risk, both within and outside the home, from violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation and are subjected to multiple or aggravated forms of discrimination.⁴⁰²In addition to the general vulnerability of women with disabilities, this research was inspired by the desire to explore the reasons behind the limited number of women with disabilities, compared to those without disabilities, who made use of the legal aid services offered by the Access to Justice Project of Addis Ababa University, Center for Human Rights.

Most researches on PWD in Ethiopia have focused on their inclusion in education and employment opportunities as well as sexual and reproductive issues⁴⁰³A few have focused on women with disabilities and challenges they face. Sona (2015)⁴⁰⁴ studied the psychological challenges of

³⁹⁹Equality and Human Rights Commission. 2014. *Annual Report and Accounts*. <http://www.equalityhumanrights.com>: www.equalityhumanrights.com (Accessed December 15, 2015).

⁴⁰⁰Traustadottir, Rannveig, and Perri Harris. 1997. *Women with Disabilities: Issues, Resources, Connections*. Syracuse Univ., NY. Center on Human Policy.

⁴⁰¹ Ibid.

⁴⁰²Annual Report of the Office of the United Nations High commission for Human Rights. 2012. Twentieth Session Agenda Item 2 and 3 Promotion and protection of all human rights, Civil, Political, Economic social and Cultural rights, including the right to Development; Thematic Study on the Issue of Violence against women and girls with disability. New York: United Nations High commission for Human Rights.

⁴⁰³ See for example, Wakene, DagnachewBogale. 2006. "Employment Discriminations on the Basis of Disability: the Current Legal Regime in Ethiopia and Its Implementation" [Unpublished thesis]. Faculty of Law, Addis Ababa University; Junjejo, Tekalign. 2007. "Vulnerability of Persons with Disabilities To HIV Infection: The Case of the Blind, the Deaf and the Physically Disabled in Gullele Sub City of Addis Ababa". [Unpublished MA thesis]. School of social work, Addis Ababa University; Tesfay, SeyoumYohannes. 2010 "Towards Inclusive Employment: the Conceptual Basis and Features of Proclamation 568/2008 on the Employment of People with Disabilities." *Journal of Ethiopian Law* Volume 24 (Issue 1).

⁴⁰⁴Sono, BerhanuDendena. 2015. "Psychosocial Challenges of Women with Disabilities in Some Selected Districts of Gedeo Zone, Southern Ethiopia". *International Journal of Criminal Justice Science* Volume 10 (Issue 2).

women with disabilities in Southern Ethiopia and found that women with disabilities faced social challenges like abuse, discrimination, neglect, rape and harassment and were exposed to psychological harm as a result of these challenges. Habtemariam (2015)⁴⁰⁵ conducted a comparative study of Ethiopia and Kenya on gender based violence and access to justice for women with disabilities. Her research was not, however, empirical but a desk review of the laws and policies and did not include the experiences of Women with Disabilities (WWDs). The present study focusing on identifying the different systematic and procedural challenges faced by women with disabilities in justice system through empirical investigation hopes to contribute to existing scholarship on WWDs in Ethiopia and its findings can also be used by the relevant governmental and non-governmental organizations to address the access to justice needs of WWDs.

The main objective of the research is to look at the situation of access to justice for women with disabilities in Addis Ababa. Specifically, it aims to explore; the experience, challenges and attitudes of women with disabilities who come into contact with the formal justice system in different capacities (i.e. as victims, witnesses, parties and claimants). Furthermore, it examines the sufficiency and adequacy of substantive and procedural laws as well as institutional framework to address access to justice for women with disabilities. Last but not least, it explores the existing interventions and support systems available for women with disabilities both through governmental institutions and non-governmental organizations

II. Scope of the Research

This research focuses on the experiences of women with disabilities in the formal justice system. The informal justice system, although touched upon in some discussions and interviews, was not explored in detail. The research also focuses mainly on three types of disabilities; visual, hearing and physical impairments. The empirical data for this research was based only in Addis Ababa because of time and budget considerations. The interviewees and focus group discussion participants as well as key informants from governmental and non-governmental organizations were all based in Addis Ababa. As key informants from the police and courts have stressed the number of women with disabilities who are imprisoned and/or brought to court as defendants is very small, the research has not dealt with their experiences as defendants in criminal procedures.

⁴⁰⁵Habtemariam, MahiderMulugeta. 2015. "Gender Based Violence, Women with Disabilities and Access to Justice: Ethiopia and Kenya". [Unpublished MA thesis] Central European University.

III. Research Design and Methodology

In order to obtain an in-depth understanding regarding the experiences of women with disabilities, the research employed a qualitative research methodology. The interpretive approach was used in order to get at the uniqueness of the story of each participant. The researchers tried to ensure the reliability of the information through triangulation. The data collected through in-depth interviews and focus group discussions was triangulated with information from key informants in governmental and non-governmental organizations as well as participant observation and analysis of documentary sources.

Primary data regarding the experience of women with disabilities in their encounter with the justice system was drawn from in-depth interviews and focus group discussions. The research team held in-depth interviews with eight women (3 with visual impairment, 2 with hearing impairment and 3 with physical disability) and a focus group discussion where six women with visual and physical disabilities participated. In addition, the researchers interviewed representatives from different associations of persons' with disabilities, relevant government institutions including the Ministry of Labour and Social Affairs, the Ministry of Women and Children Affairs, the Ethiopian Human Rights Commission and Office of the Ombudsman and civil society organizations and individual legal professionals working on disability rights.

The research team at first attempted to utilize purposive sampling by contacting and interviewing women with disabilities who have sought legal assistance from the Addis Ababa University, Center for Human Rights legal aid centers. However, it was only possible to find nine women through this approach. The DPOs were able to provide contact information for members of their respective organizations who have ongoing or settled cases before courts or administrative agencies with powers of adjudication. Further in-depth interviews were obtained using a snowball method where the interviewees recommended another woman with disability they know has come into contact with the justice system.

IV. Ethical Considerations

The researchers upheld the ethical considerations of research. The participation of all the interviewees, FGD participants and key informants in the research was voluntary. The researchers explained the purpose of the researcher to all participants and obtained their written informed consent. Ethical standards to protect the confidentiality and anonymity of the study participants were also complied with. The researchers took care to use pseudonyms to refer to interviews with WWDs. The name of key

informants is, however, included as they have given their consent and provided information in their official capacity.

V. Review of Conceptual and Legal Framework

i. The Concept of Disability

The way we define and understand the concept of disability has an impact on how we approach matters related to it.⁴⁰⁶ There is, however, no universally agreed upon definition of disability. The difficulties in defining the concept of disability arise from the fact that it encompasses numerous conditions of mind and body. The term covers a wide range of conditions such as paraplegia, deafness, blindness, autism, epilepsy, schizophrenia and bipolar disorder.⁴⁰⁷ Definitions and understandings also vary because of changes in medical science, theoretical thinking and legal approaches.⁴⁰⁸ In the past, the term disability has been used interchangeably with 'inability'. It is only in recent times that it came to be used in reference to a distinct group of people.⁴⁰⁹ Most dictionary definitions of disability included incapacity, disadvantage, deficiency or something that hinders or incapacitates.⁴¹⁰

Different theoretical approaches to disability have been forwarded over the years. The Medical approach to disability understands disability as physical or mental impairment of a person⁴¹¹ and that "disability lies with the individual with impairment".⁴¹² The Charity model (approach) treats persons with disabilities as victims who require care and protection by others.⁴¹³ The social approach sees disability in a social context and environment.⁴¹⁴ It shifts the understanding of disability as an attribute of the person with disability to a socially created problem.⁴¹⁵ The Bio-psychosocial approach, a compromise between the medical and social approach considers disability as a "dynamic interaction between health conditions,

⁴⁰⁶Degener, Theresia. 2004. "Definition of Disability". <http://www.pedz.uni-mannheim.de/daten/edz-ath/gdem/04/disabdef.pdf>. (Accessed on October 16, 2016).

⁴⁰⁷Wasserman, David, Adrienne Asch, Jeffrey Blustein, and Daniel Putnam. 2011. "Disability: definitions, models, experience." *Stanford Encyclopedia of Philosophy*.

⁴⁰⁸Degener, Theresia. 2004.

⁴⁰⁹*ibid*

⁴¹⁰Linton, S. 1998. *Claiming disability: Knowledge and identity*. NYU Press.

⁴¹¹Degener, Theresia. 2004.

⁴¹²Government of India, Ministry of Statistics and Program Implementation, Central Statistics Office. 2011. <http://mospi.nic.in/mospi-new/upload/disability-india-statistical-data-11mar2011/chapter%203%20Disability.pdf>. (Accessed June 25, 2015.)

⁴¹³*Ibid*.

⁴¹⁴European Commission, Employment and Social Affairs. 2002) "*Definition of Disability in Europe: Comparative Analysis*". European Commission; Brussels.

⁴¹⁵*Ibid*.

environmental and personal factors.”⁴¹⁶ The International Classification of Functioning, Disability and Health (ICF), the most widely accepted framework for describing and organizing information of functioning and disability follows the bio-psychosocial approach.⁴¹⁷ The framework which was adopted by the WHO Assembly in 2001 states that functioning and disability are multi-dimensional concepts relating to the body functions and structures of people and impairment; activities and activity limitations; participations and restrictions to participation and environmental factors which affect these experiences.⁴¹⁸

A recent trend in understanding the issue of disability has been to follow the human rights based approach which calls for the inclusion of persons with disabilities in the category of humans entitled to all the rights and freedom in the human rights normative framework rather than considering them as a separate group. The human rights standards should be the benchmark to measure the experiences of PWD.⁴¹⁹ This approach is considered as beneficial because it equips persons with disabilities a mechanism for enforceable remedies.⁴²⁰ This research employs the human rights based approach to disability in documenting the experiences of WWD considering the right to access to justice as a fundamental right.

ii. Disability and Access to Justice

Access to justice is a broad concept, encompassing people’s effective access to the systems, procedures, information, and locations used in the administration of justice.⁴²¹ Access to justice can be both an issue of institutions or processes such as access to courts and legal representation as well as substantive issues in the sense of just and equitable outcomes.⁴²² Hansen in his report ‘Access to Justice and Legal Aid in East Africa’ writes that access to justice should have the following elements;⁴²³ a framework of legal protection setting out acceptable substantive and procedural standards, legal awareness on the part of providers and users, the availability of legal services needed to link needs to enforceable remedies, including legal aid and counsel, adjudication of disputes that is fair and

⁴¹⁶Degener, Theresia. 2004.

⁴¹⁷World Health Organization. 2001. *International Classification of Functioning, Disability and Health*: ICF. World Health Organization.

⁴¹⁸*Ibid.*

⁴¹⁹Degener, Theresia. 2004.

⁴²⁰*Ibid.*

⁴²¹Danish Institute for Human Rights. 2011. Access to Justice and Legal Aid in East Africa. <https://www.humanrights.dk/publications/access-justice-legal-aid-east-africa>

⁴²²Friedman, L. 2009. “Access to Justice: Some Historical Comments”. *Fordham Urban Law Journal Volume*. 37 Issue 1.

⁴²³Danish Institute for Human Rights, 2011.

effective enforcement or remedies and transparency and oversight of the operation of the system.

Access to justice includes different dimensions. Geographical access refers to the distribution and location of justice institutions.⁴²⁴ Physical access refers to the ability of consumers to visit the facilities of justice institutions as well as ensuring that participants can adequately follow the proceedings.⁴²⁵ Financial access is concerned with the ability to pay court fees and the availability of legal aid for free or at reduced costs.⁴²⁶ Technological access, on the other hand, is about access to information outlets such as the Internet.⁴²⁷ The concept of intellectual access deals with the legal capability of persons to access the justice system.⁴²⁸

Access to justice for PWD often means overcoming obstacles of discrimination, communication, as well limitations in physical, technological, financial and intellectual access.⁴²⁹ The negative stereotypes and marginalization by society lead to the exclusion of persons with disabilities from participation in the justice system often times putting into question their legal capability.⁴³⁰ Another problem is the lack of physical access to buildings and transport facilities, which prevents them from accessing the justice system.⁴³¹ There are also barriers in communications such as lack of interpreters for those with hearing disabilities and the non-availability of social workers or psychiatrists for those with intellectual or psychiatric disabilities.⁴³² Lack of awareness and information on the rights and available remedies is another barrier that prevents access to justice for PWD.⁴³³

⁴²⁴Legal Services Institute. 2012. "Improving Access to Justice: Scope of the Regulatory Framework". <https://stephenmayson.files.wordpress.com/2013/08/mayson-marley-dunn-2012-access-to-justice.pdf>. (Accessed on April 13, 2016).

⁴²⁵ibid

⁴²⁶European Network of Councils for the Judiciary. 2011. "Quality and Access to Justice 2009-10". <https://www.encj.eu/index.php?limitstart=15&lang=en>. (Accessed on June 12, 2015).

⁴²⁷ibid

⁴²⁸Legal Services Institute. 2012. Improving Access to Justice: Scope of the Regulatory Framework.

⁴²⁹UNDP. 2005. Programming for Justice: Access for All - A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice. http://www.asiapacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/democratic_governance/RBAP-DG-2005-Programming-for-Justice.pdf (Accessed on June 12, 2015).

⁴³⁰ibid.

⁴³¹ibid.

⁴³²ibid.

⁴³³ibid.

iii. The International Normative and Institutional Framework on Disability Rights

The issue of disability rights has been on the United Nations (UN) agenda for a long period of time. The Universal Declaration on Human Rights (UDHR) mentions disability under article 25 stating “everyone has a right to adequate standard of living [...] and right to security in the event of unemployment, sickness, disability, widowhood [...]”.⁴³⁴ In the early years of the UN, disability was considered only in the context of rehabilitation, social protection and welfare issues.⁴³⁵ In 1982, the UN General Assembly adopted the World Programme of Action concerning disabled persons and also proclaimed 1983-1992 as the United Nations Decade of Disabled Persons with the aim of highlighting the issue of disability rights.⁴³⁶ The World Program of Action hailed a shift from the welfare approach to the rights based approach to disability and focused on how to remove environmental and attitudinal barriers for PWD to enjoy the full realm of rights.⁴³⁷ The UN has also passed various non-binding declarations with the aim of encouraging member states to take measures that can improve the plight of PWD. In 2014, the UN appointed the first Special Rapporteur on the Rights of Persons with Disabilities. In this section a brief discussion of the right of PWD under the different UN declarations, International Bill of Human Rights and the Convention on the Rights of Persons with Disability (CRPD) is presented.

a. Disability Rights and Access to Justice under UN ‘Soft Laws’

Although on piecemeal basis, various United Nations General Assembly (UNGA) Declarations and human rights instruments that preceded CRPD have addressed the issues of access to justice for persons with disability, for instance, the Declaration on the Rights of Mentally Retarded Persons (1971) provided that PWD charged with any criminal offense are entitled to due process of law with full recognition being given to their degree of mental

⁴³⁴UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 15 March 2018].

⁴³⁵United Nations Department of Economic And Social Affairs. 2018. The United Nations and Disability: 70 Years of the Work towards a More Inclusive World. https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2018/01/History_Disability-in-the-UN_jan23.18-Clean.pdf. Accessed on March 1, 2018.

⁴³⁶Lang, R. 2006. “Human Rights and Disability; New and Dynamic Perspectives with the United Nations Convention on Disability” *Asia Pacific Disability Rehabilitation Journal* 17 (14).

⁴³⁷United Nations Department of Economic And Social Affairs, 2018.

responsibility.⁴³⁸ It also called for the introduction of safeguards against abuse whenever the exercise of rights by a person with disability has to be restricted.⁴³⁹ The Declaration on the Rights of Disabled Persons adopted by UNGA in 1975 also provided that judicial proceedings and legal procedures should take the physical and mental condition of PWD into account and that PWD should be granted access to qualified legal aid.⁴⁴⁰ These earlier declarations were, however, criticized for retaining the “medical/social welfare” approaches to disability. The World Program of Action proclaimed in 1982 encouraged the development of national programs directed at achieving equality for PWD.⁴⁴¹ Furthermore the UN also came up with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in 1993, which serve as instruments for policy making and action to persons with disabilities and their organizations.⁴⁴² The major drawback of all of these Declarations and Program of Actions was that they were all legally unenforceable.⁴⁴³

b. The Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD, which was adopted on 13 December 2006 and came into force on 3 May 2008, aims at ensuring the genuine enjoyment of the rights already conferred by international bill of rights and make them available in a meaningful sense to PWD. The Convention covers civil and political rights and economic, social and cultural rights and recognizes the particular vulnerability of women and girls to violence, abuse and injury both within and outside the home.⁴⁴⁴ In order to help women with disabilities overcome the multiple of discrimination that they face and to enable them to enjoy their rights, the convention calls upon states to take measures aimed at ensuring the full development, advancement and empowerment

⁴³⁸United Nations General Assembly (20 December 1971). UN General Assembly, Declaration on the Rights of Mentally Retarded Persons. A/RES/2856(XXVI), available at: <http://www.refworld.org/docid/3b00f04e5c.html> [accessed 18 October 2016]. Accessed on March 17, 2017.

⁴³⁹Ibid.

⁴⁴⁰United Nations General Assembly. 2007. UN General Assembly Convention on the Rights of Persons with Disabilities. A/RES/61/106, available at: <http://www.refworld.org/docid/45f973632.html> .accessed 18 October 2016.

⁴⁴¹The United Nations and Persons with Disabilities Chronology: 1980's - present available online at <https://www.un.org/development/desa/disabilities/about-us/history-of-disability-and-the-united-nations/the-united-nations-and-persons-with-disabilities-chronology-1980s-present.html> accessed 13 March 13, 2018.

⁴⁴²United Nations General Assembly. (20 December 1993) Standard Rules on Equalization of Opportunities for Persons with Disabilities. A/RES/48/96 85th plenary meeting.

⁴⁴³United Nations Department of Economic And Social Affairs. 2018.

⁴⁴⁴UN Convention on the Rights of Persons with Disabilities.

of women.⁴⁴⁵The Convention also obliges states to not only work to abolish and modify existing laws, regulations customs and practices that are discriminatory against PWD but also to put in place effective legislations and policies for the implementation of the rights recognized in the Convention.⁴⁴⁶

Recognizing the dangerous implications of denial of capacity before the law and to ensure the enjoyment of the other rights, the Convention imposes on states the obligation to respect the legal capacity of PWD. To this end ratifying states are required to ensure access to support for the exercise of legal capacity, and to ensure that measures for the exercise of legal capacity respect the right, will, preference of the PWD and that they are free from conflict of interest, undue influence and are subject to regular review by competent, independence and impartial authority or judicial body.⁴⁴⁷

One of the rights, which is said to be an invention by CRPD rather than an elaboration of existing rights, is the right of accessibility. According to Article 9 of the Convention, states are called upon to eliminate barriers of accessibility in the physical environment, and accessibility of information, communications and other services including the services of justice institutions. Accessibility includes provision of information in Braille or easy to read formats, making available sign language interpreters etc.⁴⁴⁸

The Convention expounds upon ways in which states can respect, protect and fulfil the enjoyment of access to justice through ensuring fair and effective access to justice. The CRPD expressly addresses access to justice for persons with disabilities. Article 13 of the convention stipulates;

(1) States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

(2) In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.⁴⁴⁹

⁴⁴⁵Ibid, Article 6.

⁴⁴⁶Ibid, Article 4.

⁴⁴⁷Ibid, Article 12.

⁴⁴⁸Ibid, Article 9.

⁴⁴⁹Ibid, Article 13.

c. Monitoring Mechanisms under CRPD

The CRPD has traditional implementation and monitoring structures as well as other innovative instruments to oversee state party implementation at the UN level.⁴⁵⁰ Thus, the CRPD Committee receives reports, hears individual complaints, where a state party has ratified the Optional Protocol, and makes general comments to interpret the application of Convention articles in particular contexts. The Committee engages in a constructive dialogue with states on the implementation of the convention, and issues concluding observations and recommendations for follow-up action to improve and strengthen implementation.⁴⁵¹

As regards the implementation at the national level the creative addition by CRPD is the idea of focal points i.e. government organs with the responsibility of facilitating the implementation of the convention in different sectors and at different levels. Ratifying states have the obligation to ensure the implementation of the rights enshrined in CRPD by establishing an independent mechanism that will promote, protect and monitor the implementation of the specific provisions.⁴⁵²

iv. Protection of the Rights of PWD under Regional Frameworks

Different regional institutions have either adopted the CRPD or came up with their own normative and institutional frameworks to implement the rights of PWD within their respective contexts. In the context of Africa, the African Charter on Human and Peoples' Rights although it does not specifically list disability states that the rights in the charter should be enjoyed without any distinction such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. It also proclaims equality before and equal protection by the law.⁴⁵³

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) has directly addressed the rights of women with disabilities. The Protocol obligates state parties to "ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to

⁴⁵⁰Flynn, E. 2011. *From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities*. New York: Cambridge University Press.

⁴⁵¹ CRPD, Articles 34-37.

⁴⁵²Flynn, E. 2011.

⁴⁵³Organization of African Unity. 1981. *Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter")*. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), available at: <http://www.refworld.org/docid/3ae6b3630.html> [accessed 18 October 2016], Article 2 and 3.

facilitate their access to employment, professional and vocational training as well as their participation in decision-making". It also provides for the right of women with disabilities to be free from violence including sexual abuse, discrimination based on disability and the right to be treated with dignity.⁴⁵⁴

Further efforts were also made at the continental level to highlight and improve the protection of the rights of PWD, hence 1999-2009 was designated the African Decade of PWDs, which in 2009 was extended to the Second African Decade of PWDs.⁴⁵⁵ The African Union (AU) adopted the Continental Plan of Action for PWDs in 2002 to guide member states to achieve the goals of the decade which were ensuring the full participation, equality and empowerment of PWDs in Africa.⁴⁵⁶

The AU has recently adopted the Protocol to The African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, which deals with the rights of PWDs in a comprehensive manner. The Protocol states that PWD should be given equal recognition before the law, which includes the right to legal capacity and equality before and equal protection before the law. The Protocol imposes a duty on state parties to review laws and policies, which have the purpose or effect of limiting the enjoyment of legal capacity by PWDs.⁴⁵⁷

The Protocol recognizes the right to access to justice for PWDs, which also includes the provision of procedural and gender appropriate accommodations to facilitate their full participation in procedures.⁴⁵⁸ The Protocol specifically deals with the rights of women with disabilities and provides that;

States Parties shall ensure that women with disabilities have full enjoyment of human rights and fundamental freedoms on an equal basis with other persons, including by ensuring that:

⁴⁵⁴The African Commission Human and Peoples' Rights. 2003. Protocol to the African Charter On Human And Peoples' Rights on the Rights of Women in Africa, Article 23. http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf

⁴⁵⁵Pretoria University. 2013. *African Disability Rights Year Book Volume 1*. Pretoria, South Africa: Pretoria University Law Press.

⁴⁵⁶African Union. 2002. *Continental Plan of Action for the African Decade of Persons with Disabilities: 1999-2009*. African Union. https://au.int/sites/default/files/pages/32900-file-cpoa_handbook_audp.english_-_copy.pdf . Accessed on January 20,2017.

⁴⁵⁷Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, Article 8. <http://www.achpr.org/instruments/women-protocol/>. Accessed on May 1,2017.

⁴⁵⁸ Ibid, Article 9.

- a. Women with disabilities participate in social, economic and political decision-making and activities;
- b. Women with disabilities are protected from sexual and gender based violence and are provided with rehabilitation and psychosocial support against sexual and gender based violence;
- c. The sexual and reproductive health rights of women with disabilities are guaranteed, and women with disabilities have the right to retain and control their fertility;
- d. Gender perspectives are integrated in policies, legislation, plans, programmes and activities in all spheres that affect women with disabilities.⁴⁵⁹

v. The Ethiopian Legal and Policy Framework on the Rights of PWD

The Ethiopian legal and policy framework has dealt with the rights and protections of PWD through different legal and policy prescriptions. It is, however, lacking in taking into account the particular circumstances of women with disabilities. The laws and policies for the most part do not address WWD as a separate category. Therefore, the discussions in this section are on the rights of PWD with the supposition that they apply to WWDs.

a. FDRE Constitution⁴⁶⁰

The FDRE Constitution lays down the principle of equality under Article 25 in which all persons are equal before the law and are entitled without any discrimination to the equal and effective protection of the law. Although this provision of the constitution does not make a specific reference to disability, the inclusion of the term ‘other status’ can be construed to include disability as one of the prohibited grounds for differential treatment of citizens. In addition to the general non-discrimination clause, different provisions of the constitution also safeguard the rights of PWD. For instance, the Constitution imposes an obligation on the State to provide rehabilitation and assistance to the “physically and mentally disabled

⁴⁵⁹ Ibid, Article 22.

⁴⁶⁰ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995,1995.

within available resources".⁴⁶¹As the obligation is dependent on available resources of the state, it makes the realization of this right conditional.

b. The Civil Code of Ethiopia⁴⁶²

In similar manner with the constitution, the Civil Code of Ethiopia confirms the rights of equality by providing the principle that; the human person is the subject of rights from its birth to its death.⁴⁶³ In civil matters, every physical person is capable of performing all the acts of civil life unless he/she is declared incapable by the law.⁴⁶⁴ Even though capacity is presumed, the mental condition of a person amounts to general disability.⁴⁶⁵ However, any person who alleges the disability of a physical person shall prove that such person is under a disability.⁴⁶⁶ Furthermore, the civil code states that, 'deaf-mute, blind persons, and other persons who, as a consequence of a permanent infirmity are not capable to take care of themselves or to administer their property may invoke in their favour the provisions of the law which afford protection to those who are insane'.⁴⁶⁷ The framing of this provision by itself has negative connotations including its wording. Nonetheless, it gives an option for them to use it as a shield when they are unfit to take care of themselves or to administer their property.⁴⁶⁸

c. The Revised Family Code⁴⁶⁹

Since PWD are part of the family and the society, they should be accorded protection in this respect. Taking into account this fact, the Revised Family code also has provisions concerning the rights of PWD. The family code gives protection for a judicially interdicted person. The judicially interdicted person or his/her guardian may request the court for the

⁴⁶¹ Ibid, Article 41 (5).

⁴⁶² Civil Code of the Empire of Ethiopia Proclamation No. 165 of 1960. (1960).

⁴⁶³ Ibid, Article 1.

⁴⁶⁴ Ibid, Article 192.

⁴⁶⁵ Ibid, Article 196 (1) and Article 193.

⁴⁶⁶ Ibid, 196 (2).

⁴⁶⁷ Ibid, Article 340. See also Article 339 of the civil code which defines insane as: an insane person is one who, as a consequence of his being insufficiently developed or as a consequence of a mental disease or of is senility, is not capable to understand the importance of his actions.

⁴⁶⁸ See also Article 343 of the Civil Code states that, juridical acts performed by a person where the infirmity which renders such person unfit to take care of himself and to administer his property is apparent, may be impugned by that person, by his representatives or by his heirs.

⁴⁶⁹ Revised Family Code No. 213/2000. (2000).

dissolution of a marriage where it was contracted without prior authorization of the court.⁴⁷⁰ Although it might be argued such provisions help judicially interdicted persons to be under the shelter of the law, the code also includes a provision, which considers PWD as incapable of doing anything. Article 51(1) of the code, for example, states that, 'where one of the spouses is under disability, the other spouse shall alone carry out the management of the family.'⁴⁷¹ The code considers the mere fact of living with disability as a factor that amounts to inability in the management of the family, which highly impairs the rights of persons with disability.

Article 113(2) of the family code, which deals with custody of children, lists the health of the spouses as one fact that is taken into account when deciding custody of the child.⁴⁷² This article leads to the question of whether or not disability is held against a parent in determination of custody. Although the code seems to leave the matter to the discretion of the courts, it is fair to assume that in light of the principles of equality enshrined in the constitutions as well as the CRPD which Ethiopia has ratified courts would not hold disability against a parent who fulfils the other criteria while deciding on custody cases.

d. Persons with Disabilities and Labor Rights

Persons with disability also have protection under the labour proclamation, which outlaws any discrimination.⁴⁷³ The proclamation further makes the employer liable for occupational accidents⁴⁷⁴ that result in disability. On the part dealing with reduction of workers, the proclamation states that, employees in the undertaking who were disabled by an employment injury have a priority of being retained in their posts compared to others.⁴⁷⁵ However, this privilege is not entitled to all persons with disability rather it gives protection for those who are disabled by an employment injury in the undertaking.

Likewise, the Civil Servants Proclamation gives protection for persons with disability by putting in place the principle of non-discrimination upon

⁴⁷⁰Ibid, Article 34.

⁴⁷¹Ibid, Article 51 (1).

⁴⁷²Ibid, Article 113(2)

⁴⁷³Labor Proclamation No. 377/2003. (2003), as amended by Proclamation No. 494/2006.

⁴⁷⁴Occupational accident means any organic injury or functional disorder sustained by a worker as a result of any cause extraneous to the injured worker or any effort he makes during or in connection with the performance of his work. See Article 97 of Labor proclamation.

⁴⁷⁵Labor Proclamation, Article 29(3).

hiring.⁴⁷⁶Notwithstanding the equality provision, the proclamation clearly states that, in recruitment, promotion and deployment preference shall be given to candidates with disabilities having equal or close scores to that of other candidates.⁴⁷⁷As the law explicitly mentions the affirmative action given for PWD goes one step further for the protection of their rights.

More specifically, there is legislation on the right to employment of persons with disabilities, which is designed to create a favourable working environment for PWD.⁴⁷⁸This proclamation came into effect replacing Proclamation No. 101/94 because of lack of enforceability of the provisions. The existing proclamation provides the principle of non-discrimination and affirmative action in case of recruitment, promotion, placement, to participate in training programs to be conducted either locally or abroad or transfer procedures at the time when they have the necessary qualifications and having equal or close score to that of other candidates unless the nature of the work dictates otherwise (Article 4(1) (2)).⁴⁷⁹ With the exception of scenarios where the nature of work dictates, no selection criteria shall refer to disabilities of a candidate.⁴⁸⁰

The Proclamation, under Article 5(3), includes a very vital component that could safeguard the rights of PWD irrespective of available resources.

*'When a disabled person is not in a position to exercise his equal right of employment opportunity, as a result of absence of a reasonable accommodation, such an act shall be regarded as discrimination.'*⁴⁸¹

One salient feature of this Proclamation is that, unlike regular legal procedures, the burden of proof lies with employer to prove that there was no act of discrimination.⁴⁸²

e. Other Legal Protections

There are also other legislations like the Ethiopian Building Proclamation, which safeguards the rights of persons with disability.⁴⁸³ The proclamation states the kind of facilities, which should be in place for physically impaired persons. It provides that any public building shall have a means of access suitable for use by physically impaired persons, including those who are obliged to use wheelchairs and those who are able to walk but unable to

⁴⁷⁶Federal Civil Servants Proclamation No. 515/2006. (2006).

⁴⁷⁷Ibid, Article 13 (3).

⁴⁷⁸Right to Employment of Persons with Disability Proclamation No. 568/2008. (2008).

⁴⁷⁹Ibid, Article 4(1) and (2).

⁴⁸⁰Ibid, Article 4(3).

⁴⁸¹Ibid, Article 5(3).

⁴⁸²Ibid, Article 7.

⁴⁸³Ethiopian Building Proclamation No. 624/2009. (2009).

negotiate steps.⁴⁸⁴ Additionally, concerning toilet facilities in any building, it states that, physically impaired persons shall make a number of such facilities suitable for use.⁴⁸⁵

In one-way or another, persons with disability might be involved in criminal activities. In these instances, the Criminal code gives special protection for persons with mental disability.⁴⁸⁶ Those persons incapable of understanding the nature and consequence of their action at the time of the act are not responsible and those who partially understand are partially liable.⁴⁸⁷ Nonetheless, they are not left out of the justice system without any treatment rather the court shall order his/her treatment or confinement in a suitable institution.⁴⁸⁸

f. Procedural Protections for PWDs

Having all these substantive rights by it is not enough unless procedural safeguards are put in place for PWD. Article 34(1) of the Civil Procedure Code provides that, 'a person under disability may sue or be sued through his legal representative'.⁴⁸⁹ This can be construed to mean that in case of civil matters, persons with disability are considered as incapable to bring their case unless through legal representation. The provisions of Article

⁴⁸⁴Ibid, Article 36(1).

⁴⁸⁵Ibid, Article 36(2).

⁴⁸⁶The Criminal Code of the Federal Democratic Republic of Ethiopia 2004. (2004)

⁴⁸⁷Article 48(2) of the Criminal Code: A person is not responsible for his acts under the law when, owing to age, illness, abnormal delay in his development, deterioration of his mental faculties, one of the causes specified under Article 49 sub-article 1 or any other similar biological cause, he was incapable at the time of his act, of understanding the nature or consequences of his act, or of regulating his conduct according to such understanding. See also Article 49(1): He who owing to one of the causes specified under Article 48 sub-article (2) above, or a derangement or an abnormal or deficient condition or any other similar biological cause was, at the time of his act, partially incapable of understanding the nature or consequences thereof or regulating his conduct according to such understanding shall be partially liable to the punishment specified for the crime committed.

⁴⁸⁸Article 131 of the Criminal Code provides that: Where a criminal is suffering from a mental disease or deficiency, deafness and dumbness, epilepsy chronic alcoholism, narcotic and psychotropic substances, intoxication due to the abuse of narcotics or any other pathological deficiency and requires to be treated or placed in a hospital or asylum the Court shall order his treatment in a suitable institution or department of an institution. See also Article 132(1): The competent administrative authority shall carry out the Court's decision concerning treatment and confinement. Treatment and confinement shall be of indefinite duration but the Court shall review its decision every two years. As soon as, according to expert opinion, the reason for the measure has disappeared, the administrative authority shall, after having referred the matter to the Court and upon its decision, put an end to the measure ordered.

⁴⁸⁹The Civil Procedure Code Decree, 1965.(1965), Article 34(1).

33(2), which provides that where a person under disability is not represented by his legal representative, this is cause to have the proceedings stayed until a legal representative is appointed, can strengthen this argument.⁴⁹⁰ Yet this kind of general approach impairs their right and also affects the constitutionally assured rights of everyone to be equal before the law. Furthermore as indicated in the preceding sections 'safeguards must be put in place whenever the exercise of rights by a person with disability has to be restricted' which the Ethiopian law seems to lack.

Although the purpose is not clearly spelt out in its provision the Civil Procedure code in Article 222 (2) provides that a statement of claim should contain a statement to the effect when either the plaintiff or the defendant is a person with disability. Without a clear indication of the purpose it is safe to assume that the purpose of indicating such fact is so that courts could make the necessary accommodation such as entertain their cases in courtrooms better suited.⁴⁹¹

One of the rights provided for accused persons under the constitution is the right to request the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand.⁴⁹² The provision, however, does not explicitly guarantee the right of persons with hearing impairment to a sign language interpreter. An argument can be made that persons with hearing impairment should benefit from this protection by way of interpretation since they only understand sign language.

In similar manner, the Criminal procedure code also extends similar protection for the rights of persons with disability.⁴⁹³ Pertaining to the right of having interpreter, where the arrested person is unable to properly understand the language in which his answers are to be recorded, he shall be supplied with a competent interpreter, who shall certify the correctness of all questions and answers.⁴⁹⁴ Broad interpretation of the term 'language' includes sign language as a means of communication for the purpose of the law is to deliver fair trial by making sure that the accused understand the charge and the witnesses brought against him/her and by preparing his own defence accordingly. Additionally, whenever persons with mental disability are brought before the court of law, the presiding judge shall by

⁴⁹⁰ Ibid, Article 33(2).

⁴⁹¹ Ibid, Article 222(2).

⁴⁹² FDRE Constitution, Article 20 (7).

⁴⁹³ The Criminal Procedure Code Proclamation 1961. (1961).

⁴⁹⁴ Ibid, Article 27(4).

warrant order that the accused be remanded to a suitable institution for confinement or treatment.⁴⁹⁵

g. Policy and Institutional Frameworks

There are also different policies and strategies in relation to the rights of persons with disability. Ethiopia has adopted the National Plan of Action of Persons with Disability (NPAPWD).⁴⁹⁶ It addresses the needs of PWD in Ethiopia for comprehensive rehabilitation services, equal opportunities for education, skills training and work, and full participation in the life of their families, communities and the union. The Plan of Action focuses on twin track approach. One program focuses on mainstream programs and services and the other track focuses on disability specific programs and service provision. The Second Growth and Transformation Plan (GTP II) addresses the issue of disability in its social welfare and targets and provides that the objective should be ensuring equal benefits are enjoyed by the disabled in political, economic and social activities.⁴⁹⁷

The Ministry of Labor and Social Affairs is primarily mandated with the responsibility of ensuring the rights of PWD. According to Article 34(13) of Proclamation 916/2015 on Definition of Powers and Duties of Executive Organs, the Ministry of Labour and Social Affairs (MoLSA) is given the mandate to enable persons with disabilities benefit from equal opportunities and full participation.⁴⁹⁸ The Ministry of Women and Children Affairs is also a relevant agency as it is given the responsibility to ensure the creation of opportunities for women to participate in political, economic and social affairs of the country and coordinate all stakeholders to protect the rights of women.⁴⁹⁹ In addition, each of the government ministries are expected to address women's issues in policies, laws, programs and projects and to mainstream the issues of PWDs by creating conditions, within their respective powers, whereby PWDs benefit from equal opportunities and full participation.⁵⁰⁰

⁴⁹⁵Ibid, Article 208.

⁴⁹⁶Ministry of Labor and Social Affairs. April 2012. National Plan of Action of Persons with Disability (2012 - 2021). Ministry of Labor and Social Affairs.

⁴⁹⁷National Planning Commission. 2016. FDRE Growth and Transformation Plan II (GTP II) 2015/16-2019/20.

⁴⁹⁸Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 916/2015. (2015), Article 34 (13).

⁴⁹⁹Ibid, Article 36.

⁵⁰⁰Ibid, Article 10 (4).

There are different organizations of PWD⁵⁰¹ in Ethiopia that work for the promotion and protection of the rights of PWD and their social and economic empowerment. There is an organization that specifically works on the rights of women with disabilities independently i.e. the Ethiopian Women with Disabilities National Association. This organization is unique, as it is formed based on gender unlike the other DPOs whose membership is based on type of disability or impairment. The formation of the Federation of Ethiopian National Association of People with Disability (FENAPD)⁵⁰² also plays a vital role for the protection of the rights of PWD since it enables them to collectively lobby for the enforcement of their legally recognized rights.

The Ethiopian Human Rights Commission and the Institution of the Ombudsman also have a significant role to play in the enforcement of the rights of PWD. The Ethiopian Human Rights Commission is given the power to ensure that human rights and freedoms in the constitution are respected by all citizens, organs of state and political organizations and that all laws, regulations and directives do not contravene these rights. It also has the power to investigate complaints of human rights violations.⁵⁰³ The Institution of the Ombudsman, on the other hand, has the power to supervise that administrative directives, decisions and practices by executive organs do not contravene constitutional rights and to receive and investigate complaints of maladministration.⁵⁰⁴ These oversight and investigative mandates of the institutions make them important for the respect of the rights of PWD.

⁵⁰¹Ethiopian Center for Disability and Development (ECDD), Federation of Ethiopian National Association of People with Disability (FENAPD), The Ethiopian National Association of the Physically Handicapped, the Ethiopian National Association of the Blind, the Ethiopian National Association of the Deaf, Ethiopia National Association of the Deaf-Blind, Ethiopian National Association of Persons affected by leprosy, Ethiopian National Association of Intellectual Disability, Ethiopian Disability Action Network (ENDAN), Ethiopian Women with Disabilities National Association are among the Organizations of PWD. See also Country Profile on Disability Federal Democratic Republic of Ethiopia, 2002, pp. 22.

⁵⁰²FENAPD is a network of six single disability focused national associations. FENAPD has been established to help PWDs in averting disability related problems and improve their lives. Its member national associations are: 1) Ethiopian National Association of the Deaf (ENAD) 2) Ethiopian National Association of Persons Affected by Leprosy (ENAPAL) 3) Ethiopian National Association on Persons with Intellectual Disabilities (ENAIID) 4) Ethiopian National Association of the Deaf-Blind (ENADB) 5) Ethiopian National Association of the Blind (ENAB) and 6) National Development Association of Persons with physical Disabilities. Also available on <http://www.fenapd.org/about.php> last accessed on June 27, 2015

⁵⁰³ Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000, Article 6.

⁵⁰⁴Institute of the Ombudsman Establishment Proclamation No. 211/2000, Article 6.

There are also a number of co-operation projects on disability organized by international and other donors.⁵⁰⁵

VI. Findings and Discussions

This section presents a discussion of the major findings of the research obtained through interviews with WWDs, representatives from relevant governmental and non-governmental organizations, document analysis and observations made by the team in three main themes (1) the sufficiency and accessibility of Ethiopia's substantive and procedural laws and institutional framework for WWDs (2) the experiences, attitudes and challenges of WWDs in accessing the justice system and (3) activities undertaken by governmental and non-governmental organizations to facilitate access to justice for WWDs and shortcomings in this regard.

i. Adequacy of Substantive and Procedural Laws and Institutional Frameworks

The Ethiopian legal framework for WWDs includes the relevant international agreements signed by the country (including the CRPD which has been ratified by Proclamation No. 676/2010) as well as domestic laws. For most of the experts and focal persons within DPOs interviewed for this research, the Ethiopian legal framework provides at least on paper adequate protections for WWDs and the major challenge is the enforcement of these laws. One of the key informants, a legal professional, however, feels the domestic legal framework is lagging behind as compared to the extensive protections under the CRPD. One area where the application of the Convention is lacking, according to this expert, is the requirement of issuing directives and working procedures to give effect to the rights enshrined in the Convention.⁵⁰⁶ An illustration of this lacuna with regard to access to justice is the fact that there is no directive which obligates justice institutions to hire an interpreter for those with hearing impairment or one that requires courts to post schedules and directions in braille for those with visual impairments.⁵⁰⁷

Although Article 20(7) of the constitution and Article 27(4) of the criminal procedure code on the rights of persons accused to request for an

⁵⁰⁵The United Nations Educational, Scientific and Cultural Organization (UNESCO) have financed a school for children with hearing impairment. International NGOs such as Save the Children Fund, Oxfam and Christoffel Blind Mission (CBM) have played a large role in disability-related assistance in Ethiopia. Programs focus on Community-based Rehabilitation (CBR), vocational training, awareness creation, and educational support. See Country Profile on Ethiopia, pp. 22

⁵⁰⁶Interview with Ato Getachew, held on 08/10/2015 Access to Justice Head Office.

⁵⁰⁷Ibid.

interpreter at state expenses where court proceedings are conducted in a language they do not understand can be interpreted in favour of WWDs with hearing impairment and their right to a sign language interpreter, this is not clearly stated in the law and it does not deal with civil proceedings.

Another key informant who is also a lawyer mentioned the lack of a comprehensive disability policy and a focal institution solely assigned to deal with disability issues. He said that the institution currently mandated, the Ministry of Labour and Social Affairs, has to juggle with many issue related to labor and social affairs and recommends a more empowered and specific organ. In addition he added that much of the focus has been on making persons with disabilities included in the general protections of the law and there is still need for laws specific to PWD.⁵⁰⁸

Ato Derese who is working for the National Association for Persons with Disabilities criticizes the approach followed by the law. He says laws, including the FDRE Constitution, are in line with the charity-based approach. He argues that the inclusion of the phrase “within available means” in Article 41 of the Constitution indicates that disability assistance is a matter of charity. He emphasized that the law should move towards the right-based approach.⁵⁰⁹The provisions in the Civil Code and Revised Criminal Code are especially problematic including the language utilized. The provisions in these codes are restrictive to the legal capacity of WWDs, emphasising inability and do not make any kind of distinction as to the type and extent of disability.

ii. Access to Justice and the Experience, Attitudes and Challenges of WWDs

a. Barriers to Accessing the Justice System

The challenges faced by women with disabilities in relation to access to justice can be looked at from two contexts. On the one hand, there are barriers that prevent women from accessing institutions in the formal justice system and on the other hand, there are challenges they face once they have decided to take their issues to these institutions. Although the participants of this study have all taken their case to one or another justice institution, barriers that impede women from taking their complaints to judicial and quasi-judicial organs were raised during the individual and focus group interviews. Women with all three types of disabilities have raised these barriers.

⁵⁰⁸Interview with Ato Woldesenbet Berhanmeskel held on 09/10/2015 at Federation of Ethiopian Federation of Associations of Persons with Disabilities.

⁵⁰⁹Interview with Ato Derese Tadesse held on 7 /8 /2015 at Federation of Ethiopian Associations of Persons with Disability.

The major barrier highlighted was lack of legal awareness. WWD disabilities are not aware of the legal remedies available or which institutions they should resort to. Although accessibility of information is provided as integral part of the right to access to justice for PWD in the CRPD, access to information about the law and rights and awareness trainings targeting WWD are rare. In the words of one participant in the FGD,

*“Most women with disabilities do not go to the courts because they don't know what their rights are and how they can secure them. There are many women I know who choose to raise their children by themselves, without any support because they are unaware of the duty of spouses to provide maintenance following divorce”.*⁵¹⁰

None of the women who participated in this research have received any training on legal rights or remedies from governmental or non-governmental organizations. For those women who mentioned that they have knowledge about the law, though limited, the source of information was listening to the radio or watching television.⁵¹¹

Another barrier is the belief that the final outcome of going through the formal justice system does not justify the various hurdles and the hardships that the women must go through. Taking into account the previous outcome of cases, the women prefer not to access the legal system. One of the participants of the FGD elucidating this point stated;

*“I used the little legal knowledge I have to get maintenance for my friend's child. Although the father's salary was 4000 birr, the court only decided a maintenance payment of 100 birr per month and this makes things very difficult.”*⁵¹²

b. Challenges faced by WWDs within the Formal Justice System

Women with disabilities also face challenges once they have brought their cases to judicial and quasi-judicial organs. Some of the challenges are crosscutting affecting women with all types of disability while others are specific to women with certain kinds of disability. These common challenges raised by the research participants are concerned with financial accessibility of the justice system. WWDs are unable to pay for legal counsel and their access to legal aid is also limited. WWDs have also reported

⁵¹⁰Focus group discussion held on 08/08/2015, Access to Justice Project Head Office.

⁵¹¹Ibid.

⁵¹²Ibid.

experiencing problems resulting from the negative stereotypes of service providers, which lead to their maltreatment.

c. Lack of Legal Support and Problems resulting from Self-representation

With the exception of two of the study participants, the other women did not have legal counsel while pursuing their court cases. Only one had the financial means to hire a lawyer and the other had a lawyer appointed to her through support of women and children's affairs bureau. The other women were unable to hire a lawyer due to financial constraints and because they did not know how and where to seek legal support. Some of the participants however said that they had knowledge of legal aid providers and sought their help. They received advice and the services of writing the necessary documents, while others had to seek the help of neighbours and pay to have documents necessary for their cases written. One participant remembered how she pursued her case in court;

*“My case was at First Instance Court in Piassa. I represented myself; there was no one who supported me. I used to pay a lot to have documents written. Even though I was in pain, I used to carry and sale maize in the evenings. When I was not able to afford it, I used to beg them to write for me”.*⁵¹³

Another participant went through the same problem, “I used to have my petitions written in those places around the courts. I used to pay 25 or 30 birr per petition, and whenever they feel sorry for me they used to charge me 15 birr.”⁵¹⁴

In addition to the financial costs, lack of knowledge about court procedures and the procedures of quasi-judicial organs was another problem the women who were representing themselves faced in court. Lack of knowledge regarding court proceedings coupled with the intimidating atmosphere in the courts had made it difficult for some of the participants to effectively take part in their case. There is a perception among the participants that those with legal counsel will have the upper hand in proceedings as they can articulate their cases in a manner that will influence the judge. One woman stated, “the judge did not listen to me when I was

⁵¹³Interview with W/rtTiringo held on 7/10/2015, Access to Justice Project Head Office.

⁵¹⁴Focus group discussion held on 08/08/2015, Access to Justice Project Head Office.

talking. There were also instances where I did not know the procedures. Rather than helping, they disparaged me."⁵¹⁵

Another woman put the advantage of having legal counsel in the following terms;

*"Those clients with a lawyer benefit because they know the law. I asked the judge to change the court appointment date because I had a medical appointment at the same time but my request was rejected. The lawyer's request for a change of appointment is, however, promptly agreed to."*⁵¹⁶

d. Negative Treatment and lack of Good Governance

One of the major issues raised during the focus group discussion with women with disabilities is the fact that there is negative perception about the capability of women with disabilities. As one of the participants put it;

*"Whether it is courts or labour and social affairs office, women with disabilities are not given attention. They believe that their efforts can't bear fruit, that they cannot take their matters far. In my opinion, this comes from their lack of awareness about disability."*⁵¹⁷

Although one of the important components of right to access to justice recognized in the CRPD is the provision of appropriate training for those working in the field of the administration of justice in order to remedy gaps in awareness and understanding, this is still a problem in the justice system.

In relation to lack of good governance, the participants raised their grievances about the treatment of institutions, especially the quasi-judicial organs (personnel at Kebele, Wereda and KifleKetema level). There are also complaints about police officers. The women feel the mistreatment is a result of their disability. According to one participant,

*"There are problems at police stations. The police and public prosecutors may sometimes conspire to make documents disappear. The justice system is distorted when it comes to persons with disability. Even more than the issues/ cases that bring persons with disabilities to justice institutions, the proceedings and treatments in justice institutions make the situation worse."*⁵¹⁸

Another interviewee who had taken her case to court and obtained a decision in her favour expressed the hassle and delays at *Wereda* level in

⁵¹⁵Ibid.

⁵¹⁶Ibid.

⁵¹⁷Ibid.

⁵¹⁸Ibid.

having the decision enforced. "There are a lot of problems at the Woreda level. The employees don't treat me with respect. A poor person like me is not given attention at these places, they only listen to those with money." Furthermore, on in the interview the same woman added "When we go there [the *Wereda*] we are not given an ear, they belittle us; they don't listen when we talk. There were many times I returned from there in tears."⁵¹⁹

One participant in the focus group discussion had to take her disagreement with her husband to the police. She explained the treatment she received;

"When I went to the police and asked them to resolve a dispute I had with my husband, they told me that they couldn't help because it was past 6pm in the evening. But because my husband buys them beer, there was a time they knocked on my door at 10pm in the evening. I refused to open. Most of them are corrupt. They favor those with money and belittle people like me".⁵²⁰

These factors affect the attitude of WWDs towards the justice system. The attitude of the women towards administrative and quasi-judicial institutions such as Kebeles, Woredas and Kifle Ketemas was largely negative. The women relate the trouble they have had in dealing with these institutions, the delays and repetitive trips that did not bear fruit as negative experiences. The opinion of the women towards the police officers they encountered was also negative. For the most part, the opinion of the interviewees towards the courts and judges are more positive. Courts and judges are said to have a positive attitude towards women with disabilities and provide support. One participant said; "The courts are good. They work based on the law and the procedure. Although they don't give priority to women with disabilities, they serve you properly when your turn comes". The same woman explained that the judge in her case was compassionate and helpful to her.⁵²¹ There are however, some complaints against courts as well. A participant who had a suit for maintenance decided in her favour but couldn't get it enforced said

*"At first I thought that the matter would be resolved quickly. But there was a lot of hassle. They told me that there is nothing that can be done unless the man has money or a house. Their service was good in the beginning but now they are refusing to help me. When they see me, they don't even consider me as a human being."*⁵²²

⁵¹⁹Ibid.

⁵²⁰Focus group discussion held on 08/08/2015, Access to Justice Project Head Office.

⁵²¹Interview with W/rtTiringo held on 7/10/2015, Access to Justice Project Head Office

⁵²²Interview with W/roChayachew held on 14/10/2015, Premises of the National Association for the Blind.

Women who visited Women and Children's Affairs offices also have a positive opinion about the support they received from these institutions. They said that the staff at the offices provided the necessary advice and sometimes writing petitions for them. As one participant put it, "They are good. They give me legal advice. They write for me for free petitions which I would have had to pay for outside."⁵²³

e. Challenges faced by Women with Physical Impairments

The challenges specific to women with physical impairment relate to the physical accessibility of justice institutions. Most of the institutions including courts, justice bureaus, police stations have stairs, don't have ramps for wheel-chairs and elevators are either unavailable or are not working properly. Physical accessibility is the most commonly raised aspect in relation to PWDs. Eliminating barriers of accessibility in the physical environment is one of the requirements of the CRPD. It is also required under Ethiopian law under the Building Proclamation. There are, however, major gaps in the implementation of these legal requirements.

One participant with physical impairment stated, "although most of the court rooms are on the ground or first floor, the justice bureau, the President's office are on the 3rd and 4th floors."⁵²⁴ Another participant said, "It is very difficult for me to climb stairs because of my disability. At first the court room was on the ground floor then they moved it to the third floor."⁵²⁵

The research team was also able to note some of these problems of physical inaccessibility through observations of some premises of Federal First Instance Courts in Addis Ababa. Although in the newly built court premises, there are efforts to make them physically accessible such as building wheelchair ramps and installing elevators, there are other problems such as access to rest room facilities. The situation is worse for those court rooms using rented buildings. The Federal First Instance Court, Nefas Silk Lafto Division, for instance is housed in a rented building. There are offices of the court on the first floor but the court rooms are found on the 2nd floor of the building while the registrar office is on the 3rd floor while the KefleKetema's justice bureau and public prosecutors' office are on the 4th floor. There is no wheel-chair ramp leading to the building and it does not have an elevator. The bathrooms outside the building are not accessible at all to a person with a disability and only have urinal stalls. A related problem of physical accessibility is access to transport services. Most

⁵²³Ibid.

⁵²⁴Focus group discussion held on 08/08/2015, Access to Justice Project Head Office.

⁵²⁵Focus group discussion held on 08/08/2015, Access to Justice Project Head Office.

of the transport systems including buses and taxis are not accessible to women with disabilities. Although the train was said to solve this problem, the escalators have not yet started service.⁵²⁶

f. Challenges faced by Women with Hearing Impairment

The major challenge for women with hearing impairment during their contact with justice institutions relates to difficulties in communication. This is despite the fact that the CRPD provides that accessibility for PWD should include making available sign language interpreters. There is lack of staff that can use sign language especially in police stations and Wereda and Kebele and although courts are required to provide sign language interpreters, there is a delay or complete failure in fulfilling this responsibility. The problem is especially hard for those women with hearing impairment who cannot read and write and even for those who have not learnt sign language because they couldn't even communicate with a sign language interpreter.

One of the participants with hearing impairment went to the police station to report a case of sexual assault. She said, "I told the police what happened but they told me to go home. I tried to explain to them but they offered me food and drink, I said I didn't want any.... We couldn't communicate".⁵²⁷This participant's case has reached the courts but since a sign language interpreter was requested but didn't appear in court, her case was adjourned for another date.

Another participant had a civil case in court and although the court ordered an interpreter to be assigned, the registrar failed to. As a result she was forced to pay for an interpreter herself. Before its resolution in her favour, there were 15 appointments and she had to pay 150 birr per appointment for the interpreter. She hopes that she will get her money back because she has included the cost of interpreter in her suit for execution of the court order.⁵²⁸

Whenever cases involving parties with hearing impairment appear before a Federal First Instance Court the first step is for the judge orders and registrar to supply a sign language translator. However, the effective undertaking of this task by the registrar is made difficult by the fact that the court does not have a fulltime staffs that are sign language translators. Although the court does not have a position of sign language translator within its staff and salary structures it has tried to address the problem by

⁵²⁶Interview with Ato Derese Tadesse held on 7 /8 /2015 at Federation of Ethiopian Associations of Persons with Disability.

⁵²⁷Interview with W/rt Tsion held on 01/28/2016, AWSAD Safe House.

⁵²⁸Interview with W/ro Selam held on 12/25/2015, Access to Justice Head Office.

hiring a sign language translator as it would a translator for any other language. These measures the informant indicated however did not bring lasting solution, as the pay rate within its structure was far less than what a sign language translator would earn doing freelance work. As a result of this the court does not have a fulltime sign language translators and it is therefore forced to hire freelance sign language translators whenever it can. However, this approach too is proving difficult to sustain as the per diem of birr 70 paid for per each appearance is still too small given the length, complexity and difficulty of the task involved. The task of providing sign language translators is made even more difficult by the absence of sufficient number of translators because of which the registrar is forced to ask parties seeking the service to look for translators through personal contacts.⁵²⁹

g. Challenges faced by Women with Visual Impairment

Physical accessibility is a challenge for women with visual impairment although in a different way than those with physical impairment. Because of the physical layout of the justice institutions as well as the roads leading there, women with visual impairment require the help of another person, usually a relative to accompany them. One participant with visual impairment mentioned that she wouldn't have been able to find the court rooms if she was not with her mother and even together they had to ask for directions several times before they can finally find the court.⁵³⁰

Another problem unique to women with visual impairments is the problem they face in giving testimony. As one of the participants in the focus discussion put it;

“Women with visual impairment know the person who attacked them through his voice but when they go to the courts, they are asked to bring another witness or they won't accept their allegation. They ask them how they saw the perpetrator and her case was dismissed because of this.”⁵³¹

This does not take into consideration the duty of the justice institutions to facilitate the effective role of PWDs as participants in the justice system including making the necessary accommodations.

⁵²⁹Interview with W/ro Zufan, Assistant Registrar of Federal First Instance Court held on 09/10/2015 at the Federal First Instance Court Lideta Branch.

⁵³⁰Focus group discussion held on 08/08/2015, Access to Justice Project Head Office.

⁵³¹Ibid.

iii. Intervention by Government Organs

The team held interviews with representatives, key informants, experts and focal persons in selected governmental organs working on issues related with PWDs. Special emphasis was given to their work related to access to justice with particular focus if any with regard to WWDs. The activities undertaken by the government institutions do not indicate that access to justice for WWDs has been given any emphasis by the relevant government institutions. Furthermore, the initiatives that could have some impact on facilitating access to justice for WWDs are fragmented and not embedded in the activities of the institutions in any systematic manner.

The Ministry of Labor and Social Affairs is the primary agency mandated to work on the rights of PWD.

The Ministry's work on PWDs is, however, mostly focused on employment rights of PWDs and ensuring the enforcement of Proclamation No. 568/2008 on the Rights to Employment of PWD. Although the representative stated they have provided awareness creation programs for judicial institutions these were also focused on this employment proclamation and the principle of reasonable accommodation.

There is a committee overseen by the MoLSA working on the implementation and follow-up of the CRPD established at the national level and regional levels. The national committee also has different sub-committees working on implementation of the macro-goals set by the national committee. The committee evaluates its implementation process every 6 months. The National Committee has 20 members at the federal level. There are 3 main clusters; civil service, social and finance cluster. Different government institutions are categorized under the three sectors depending on their main responsibilities and mainstream the issue of disability. The Ministries submit their annual plan and report to Ministry of Labor and Social Affairs.⁵³²The Ministry admits that the committee is not operating as it is expected due to problems of commitment on the part of the organizations as well as the pressures of other organizations. According to the representative, the Ministry feels that there are gaps in the implementation of the CRPD and attributes this gap to financial and personnel constraints and lack of awareness on the part of institutions and the society. ⁵³³Concerning access to justice, the Ministry has given sign language training for Information desk officers working in federal bureaus in collaboration with National association for persons with hearing

⁵³²Interview with Ato Damtew Alemu, Team leader at Minister of Labour and Social Affairs, Social Security Directorate held on 08/10/2015 at the MoLSA.

⁵³³Ibid.

impairment for three years. Personnel working in judicial organs were also the beneficiaries of the training.⁵³⁴

The Ministry of Justice (currently Federal Attorney General), on the other hand, conducts different initiatives concerning the rights of PWDs. The representative from the Ministry mentioned that there is a guideline currently prepared by the Ministry on how to handle cases that come to judiciary organs. The prosecution manual includes points relating with assigning sign language interpreter, giving charge in brail when visually impaired persons become accused or victim and recording of their voices besides the report of the police so as to make them sure that what they have said is exactly the same with the report of the police.⁵³⁵

In the current judicial system, police officers, public prosecutors and psychologists work together at police stations. Hence, according to the representative, it is necessary to train them to know sign languages so that persons with hearing impairment will not be in difficulty to express their violation. Thus, starting from last year, the Ministry organized sign language trainings for public prosecutors, psychologists and specifically those who handle cases concerning violation of women's and children rights. However, judges were not part of the training but there are plans to include them. There is also free legal aid service given by the Ministry in which PWDs are one of targeted beneficiaries.⁵³⁶

The Ministry of Women, Children and Youth Affairs is the other concerned Government organ working on the issue of disability. The Ministry is also the chair of the social cluster of the national committee. According to an expert from the ministry, awareness creation and mobilization coordinator, in any policies and strategies of the Ministry, the rights of PWDs is taken under consideration. Whenever the Ministry arranges awareness creation programs on its policies and strategies, the associations are represented. The Ministry also works on giving legal aid service. However the expert explains that, there are two approaches that the Ministry follows in this regard. In some regions, there is assigned person to give legal aid service including for PWDs. On others, the experts refer the case to concerned organs that give legal aid service for vulnerable persons in the society.⁵³⁷

⁵³⁴Ibid.

⁵³⁵Interview with W/ro Wosenylesh Admasu, Director of Women and Children Directorate, held on 12/10/2015 at the Minister of Justice. (The current Federal Attorney General)

⁵³⁶ Ibid.

⁵³⁷ Interview with Ato Seleshi Tadesse Women and Children Minister Awareness Creation and Mobilization Directorate Director held on 15/02/2016 at Women and Children Minister office on 15/02/2016.

The Ethiopian Human Rights Commission (EHRC) is one of the institutions working on the issue of disability. However, According to W/ro Ubah Mohammad, Deputy Commissioner for Women and Children, the issue of the rights of PWD is one of the area in which the Commission feels it needs to give more emphasis on. ⁵³⁸ According to a document which was provided to the team and which was said to outline the functions of the Commission, EHRC works to ensure the realization of the rights of PWD through research, monitoring, educating the public, translating and ensuring access to human rights instruments, investigating upon complaints and on its own initiation and advising the government on measures that it should take to ensure promotion and protection of human rights. The commission has incorporated the issue of disability in its 2012-2016 five years plan.

Setting for itself plans to work towards the mainstreaming of disability issue, conducting monitoring aimed at assessing the situation of PWD, conducting research, designing projects and mobilizing funds, identifying and working for the scaling up of best practices. Of these plans the Commission succeeded in preparing training manual on PWD, translating international human rights instruments into brail, including disability issue in its awareness raising programs, and establishing a forum of stakeholders regarding disability and attempted to ring the issue of PWD into the spotlight by organizing Television and radio talk shows and programs. The forum established to monitor the implementation of the rights of PWD meets annually share best practise and way forward.⁵³⁹

iv. Interventions by Non-Governmental Organs

The main non-governmental organizations studied in this research are the different DPOs. The discussions with the DPOs focused on what the organizations did, if they participated in discussions regarding draft laws, if they undertook activities aimed at rights awareness and awareness raising about the law, whether or not they provided assistance to members who have cases pending before a judicial or quasi-judicial organs.

Most of the representatives of the DPOs interviewed drew a distinction between the major focus of their associations before and after the CSO proclamation following the promulgation of which most have turned their face towards addressing only social and economic empowerment. Accordingly, all of the DPOs interviewed during the research except the

⁵³⁸ Interview with W/ro Ubah Mohammed Head of Women and Children Directorate at the Ethiopian Human Rights Commission held on 08/10/2015 at the Ethiopian Human Rights Commission.

⁵³⁹ Unpublished Report by Ethiopian Human Rights Commission August 2013.

Association for the Physically Disabled are Ethiopian Resident societies, which receive more than 10% of their funds from foreign sources restricting them from working on rights and advocacy. The Association of Persons with Physical Disability registered as an Ethiopian society is the only association working in the area of human rights. The association according to its chairman works for the realization of social, economic, and political rights of its membership.⁵⁴⁰

Participation in deliberations regarding policies, laws and directives is one of the major ways in which DPOs are trying to ensure the protection of the rights of their members. In this regard, most of the representatives expressed that they are given the opportunity to deliberate on draft legislations regarding PWD invited to do so by relevant government organs. They have in particular participated in discussions on the draft labour proclamation, construction proclamation and the tax directive, proclamations on accessibility of public facilities, government offices and transport services and maintain the accommodations to PWD in the Addis light railway lines as the expression of their successes.

Although most of the DPOs expressed that they do their best to help members who have pending cases, using personal contacts and favours none of them have a formal structures or working relationship with institutions that provide legal assistance. The assistance however according to some is limited to legal entanglements emanating from discrimination based on the disability of their members.

VII. Concluding Remarks and Recommendations

Despite the protections provided for persons with disability in general and women with disabilities under the international and regional legal frameworks and despite the fact that Ethiopia is a party to these international and regional instruments and has in addition, provided rights and protection in the domestic legal and policy frameworks, women with disabilities are still facing many problems when it comes to access to justice.

This research set out to explore the experiences of women with disabilities who come in contact with the justice system, their attitudes and challenges; assess the adequacy of substantive and procedural laws and institutional mechanisms to address the right to access to justice for WWDs and explore what actions is being taken by governmental and non-governmental organizations to facilitate the exercise of the right by WWDs.

⁵⁴⁰Interview with Ato Aman Jemal, Head of Association of Persons with Physical Disability held on 08/10/2015at Association's office.

Accordingly, the research found that despite the fact that Ethiopia has signed and ratified the CRPD, there are still gaps in harmonizing the laws and practices to the provisions of the Convention, with regard to access to justice from the vantage point of this research. There are still laws, which are not in congruence with the spirit of the Convention or whose wordings still echo negative connotations. Some of the provisions in the laws still espouse to out-dated “medical/welfare” approaches to disability.

The experiences of WWD indicated that their right to access to justice is curtailed by many hurdles. WWDs do not have awareness about their legal rights and available remedies. They also do not have confidence in the fair outcome of cases. These prevent many WWDs from accessing formal justice institutions. For those who decide to access justice institutions, their experience is one with many challenges. The majority of the women interviewed represented themselves in court. They had to pay to have petitions written, which represented a financial burden for most. They also felt they were at a disadvantage while representing themselves as they found the court atmosphere intimidating not properly knowing the laws and procedures. The women also reported not receiving proper treatment especially by quasi-judicial organs and the police. Justice institutions were not physically accessible for women with visual and physical disabilities and women with hearing impairment faced problems with communications, as sign language interpreters were not readily available.

The role of governmental and non-governmental institutions in facilitating the right to access to justice for WWDs is also lacking. There is little evidence to indicate that the relevant government institutions have considered access to justice for WWDs as a focus area. The works they are undertaking with regard to PWDs in general are focused on other areas such as employment and physical accessibility. Any activities these institutions are undertaking that are remotely related to access to justice are fragmented and no effort is made to make them binding and sustainable. Non-governmental organizations, especially the DPOs are also not working on access to justice because of limitations of the Charities and Societies Proclamation.

Based on the findings of this study, the researchers forward the following recommendations

- There should be a comprehensive review of the laws and policies of the country in order to ensure that the laws are in harmony with the CRPD and revisions should be made accordingly
- There should be proper monitoring of the implementation of the rights enshrined in the Convention and to ensure that all

institutions are undertaking their responsibilities to mainstream the rights of PWDs in their policies and programs

- The justice sector, in particular, should come up with directives and guidelines on mechanisms of ensuring access to justice for PWDs. This should address all aspects of accessibility (physical, financial, technological and intellectual accessibilities) and also recognize the special circumstances of WWDs
- Government institutions, including justice organs should institute a system of keeping data disaggregated by gender and disability.
- DPOs should give emphasis to access to justice for their members especially WWDs by and establish links with governmental and non-governmental organizations working on legal awareness and those, which provide legal assistance.