International Commission of Jurists

Summary

# Access to Justice for Persons with Disabilities in Ethiopia

## Legal, Institutional and Practical Barriers



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Summary

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## EXECUTIVE SUMMARY

This report,[1] upon which this summary is based, examines the extent to which Ethiopia has complied with its international law obligation to ensure access to justice for persons with disabilities in accordance with the Convention on the Rights of Persons with Disabilities (CRPD) which the country ratified in 2010, as well as with other pertinent legal obligations.

The report sets out Ethiopia's legal obligations under the CRPD and other international human rights law and standards. It then evaluates Ethiopia's implementation of and compliance with these obligations, and in so doing identifies a range of interrelated legal, institutional and practical barriers that continue to impede access to justice for persons with disabilities in Ethiopia.

The report highlights how, more than 15 years after becoming a party to the CRPD, and nearly a decade since the Committee on the Rights of Persons with Disabilities (CRPD Committee) – the body of independent experts that monitors States Parties' implementation of and compliance with their legal obligations under the CRPD – issued recommendations to Ethiopia on its compliance with these obligations, in general, Ethiopia's laws, policies and practices fall considerably short of the standard set by the CRPD, namely, that justice should be fully accessible to persons with disabilities on an equal basis with other persons.

The report concludes that it is unclear whether or not the Ethiopian authorities have made any significant efforts to implement the recommendations of the CRPD Committee. In addition, no structured, comprehensive or holistic approach has been adopted to ensuring the protection of the human rights of persons with disabilities in the justice context. The enactment in April 2026 of a new Criminal Procedure and Evidence Code that retains impairment-based approaches to fitness to stand trial and to the competence of witnesses, sixteen years after ratification of the CRPD and without giving effect to the Committee's recommendations, suggests that, in some respects, the direction of travel is potentially regressive.

As such, the report has identified a number of key human rights concerns, including:

- **Inadequate constitutional recognition of the human rights of persons with disabilities:** The Constitution does not expressly prohibit discrimination on the basis of disability under its general equality clause.[2] In addition, the provision of the Constitution on the protection of persons with disabilities[3] reflects elements of a charity-model of disability, rather than the human rights model of disability underpinning the CRPD;
- **No comprehensive anti-discrimination law:** Ethiopia has not enacted a comprehensively applicable anti-discrimination law addressing the gaps in the constitutional equality framework and establishing effective remedies for discrimination on the basis of disability;
- **No disability-specific legislation:** Ethiopia has yet to enact a disability-specific legislation domesticating the CRPD;
- **Laws excluding the legal capacity of persons with disabilities:** The continued application of a wide range of laws restricting or excluding the legal capacity of persons with disabilities on the basis of their disabilities, which has a particularly negative effect on – especially but not limited to – persons with intellectual and/or psychosocial disabilities;
- **Institutionalization and forced treatment:** Laws and prevailing practices that, in their implementation, allow the forced institutionalization and/or treatment of persons with

[1] Full report available at: https://www.icj.org/wp-content/uploads/2026/11/Access-to-Justice-for-Persons-with-Disabilities-in-Ethiopia-Legal-Institutional-and-Practical-Barriers-.pdf
[2] Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution), 1995, Article 25.
[3] *Ibid*, Article 41 (5).

disabilities where it is determined that they lack legal capacity or are unfit to participate in criminal proceedings;

- **Lack of legal recognition and support for witnesses with disabilities:** The Civil Procedure Code (1965) does not expressly recognize the competence of persons with disabilities to testify on an equal basis with others and the new Criminal Procedure and Evidence Code (Proclamation No. 1410/2026), while presuming the competence of witnesses generally, allows courts to prevent a witness from testifying on grounds that include physical or mental illness. Neither establishes the procedural accommodations and support measures necessary to facilitate their effective participation in legal proceedings, thereby risking their exclusion from judicial processes and discriminatory treatment in practice;
- **Lack of procedural accommodations and support:** Procedural accommodations for persons with disabilities are not fully guaranteed in law and are typically unavailable in practice. The absence of intermediaries, personal assistants and other supports limits the ability of persons with disabilities to effectively interact with and participate in the justice system in various capacities.
- **Judicial decisions contrary to the CRPD:** in *Addis Ababa City Justice Bureau v. Mekonen Teklu* (Federal Supreme Court Cassation Division, 2012),[4] the Court held that the procedural guarantees under the Right to Employment of Persons with Disabilities Proclamation No.568 of 2008 do not apply to judges and prosecutors with disabilities, thereby excluding judicial appointees from the limited protections otherwise available to public employees with disabilities;
- **Inaccessibility of the justice infrastructure:** Despite the adoption of some accessibility standards for public buildings, including justice-sector infrastructure, many courts and other justice institutions in the country remain physically inaccessible to persons with disabilities due to inadequate implementation of accessibility standards, limited retrofitting of existing structures, and the absence of effective compliance monitoring mechanisms;
- **Inaccessibility of legal information and digital systems:** Legal information, court documents, and justice-related communications are often not available in formats accessible to persons with disabilities. In addition, digital justice initiatives and electronic platforms are generally not designed and implemented in accordance with accessibility standards, creating, in turn, additional barriers to accessing legal information, court services and judicial processes;
- **Inadequacy of legal aid framework and services:** Legal aid legislation, resourcing and service delivery mechanisms remain insufficient to ensure effective access to legal aid for persons with disabilities. Existing legal aid services are limited in scope and the reliance on organizations of persons with disabilities (OPDs) to provide legal aid services highlights significant gaps in the availability and accessibility of legal aid services for persons with disabilities;
- **Exclusion of lawyers who are blind or who are otherwise visually impaired from judicial appointments:** in *Wesen Alemu and Dawit Oticho v. Amhara National Regional State Justice Professionals Training and Legal Research Institute and the ANRS Judicial Administration* (House of Federation, 2016),[5] the House held that the exclusion of candidates who are blind or who are otherwise visually impaired from judicial appointment was discriminatory and contrary to domestic and international law. Despite this decision,

[4] *Addis Ababa City Justice Bureau vs. Mekonen Teklu*, Federal Supreme Court Cassation Decision No.75034, Volume 14, 2013, pp.234-237, available at https://www.fsc.gov.et/Digital-Law-Library/Publications/Federal-Cassation-Decision-Series/volume-14 [Amharic text].

[5] *Wesen Alemu and Dawit Oticho vs ANRS Justice Professionals Training and Legal Research Institute and ANRS Judicial Administration,* the House of Federation, Case File No.019/08, 12 October 2016 [Amharic text]. The House of Federation is the upper chamber of the Federal Parliamentary Assembly composed of representatives of the nations, nationalities and peoples of Ethiopia. Among other things, the House has the mandate to interpret the Constitution and adjudication of constitutional disputes. So, in Ethiopia, ordinary courts do not have the power to entertain issues of interpretation of the Constitution or disputes involving constitutional interpretation. See the FDRE Constitution, Articles 61 and 83.

lawyers who are blind or are partially sighted, in practice, continue to be excluded from appointment to judicial offices; and

- **No reasonable accommodations for lawyers with disabilities:** despite a statutory right to specific accommodations, lawyers with disabilities working in the judiciary or in prosecutors' offices are in practice often denied such accommodations, including because qualified personal assistants ae not appointed; and
- **Fragmented institutional responsibility:** The Disability Executive Department at the Ministry of Women and Social Affairs lacks adequate human and technical resources; the Ethiopian Human Rights Commission has no formal statutory mandate to monitor the implementation of the CRPD nationally, as required under Article 33 of the CRPD; and Ethiopia has no dedicated, independent national disability council or coordination body.

Building on the recommendations of the CRPD Committee in its concluding observations to Ethiopia in August 2016,[6] the report concludes by making a range of general and specific recommendations to the authorities concerned in Ethiopia on the measures they should put in place to ensure effective access to justice for persons with disabilities.

Ensuring effective access to justice for persons with disabilities in Ethiopia on an equal basis with other persons, the report concludes, will require more than existing *ad hoc,* intermittent, unconnected and incremental reforms here and there. Instead, it will require a comprehensive review, revision and transformation of the legal and institutional frameworks relating to access to justice for persons with disabilities.

The report is based primarily on desk research, including a review of the relevant legal framework, Ethiopia's reports to the CRPD Committee and the Committee's concluding observations. It was also informed by consultations with a small number of persons with disabilities working within the judiciary, public prosecutors with disabilities, lawyers with disabilities, representatives of organizations of persons with disabilities, and officials of relevant government institutions.

This summary sets out the relevant international human rights law and standards regarding the right to access to justice for persons with disabilities (Part A); summarizes Ethiopia's legal framework and the main barriers identified (Part B); and presents the report's key recommendations (Part C).

## A. International human rights law and standards

Article 4 of the CRPD requires Ethiopia to adopt legislative, administrative and other measures to give effect to the rights recognized in the Convention. Such measures include: reviewing and repealing discriminatory laws; establishing support frameworks; and ensuring the effective participation of persons with disabilities in all areas of public life.

Article 13 of the CRPD guarantees the right of persons with disabilities to access to justice, including through the provision of procedural and age-appropriate accommodations and support measures. The obligation to provide such accommodations is immediate and non-compliance with it cannot be excused by reference to resource constraints – including human, financial and technological resource constraints. The obligation to provide procedural accommodation applies to all disabilities. For example, deaf persons may require qualified sign language interpreters; persons with psychosocial and/or intellectual disabilities may require support of justice intermediaries; persons who are blind or partially sighted may require the provision of Braille documents and/or accessible electronic format documents; and persons who are Deaf-Blind may require tactile

[6] The Committee on the Rights of Persons with Disabilities (CRPD Committee), 'Concluding Observations on the Initial Report of Ethiopia,' CRPD/C/ETH/CO/1, 31 August 2016.

reading support. Likewise, persons with multiple or intersecting disabilities may require a combination of procedural accommodations and support measures tailored to their individual circumstances, recognizing the diverse and evolving nature of disability. These essential disability-specific procedural accommodations and support are supposed to be available on the spot on a case-by-case basis.

The right to access to justice for persons with disabilities is closely linked with and reinforced by a range of other human rights guaranteed by the CRPD and that, in turn, give rise to corresponding obligations, including, but not limited to: the right to equal recognition before the law (Article 12), the right to equality and non-discrimination (Article 5), the right to liberty and security of the person (Article 14), and the right to accessibility (Article 9). Read together, these provisions require States not only to remove formal legal barriers to access to justice but also to establish enabling legal, procedural and institutional frameworks that ensure the full and effective participation of persons with disabilities in the justice system, in all capacities, at all stages, on an equal basis with other persons.

Persons with disabilities have every right to participate in justice processes in a full range of capacities, including as: rights holders, complainants, accused persons, defendants, witnesses, or legal professionals.

The CRPD obligations outlined above apply in all criminal, civil and administrative proceedings.

These CRPD obligations are also reflected in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol or 'ADP'), which entered into force in 2024, and which Ethiopia has not yet ratified. The Protocol provides a regionally grounded framework reinforcing CRPD standards. While ratification and implementation of the Protocol could further consolidate the legal framework on the rights of persons with disabilities in the country, including in relation to access to justice, its effectiveness would, as with existing obligations under the CRPD, ultimately depend on sustained political will and robust implementation at the national level.

The CRPD Committee issued its concluding observations on Ethiopia in 2016, following its review of Ethiopia's initial periodic report under the Convention. With respect to access to justice, the Committee recommended that, Ethiopia should:

- Repeal or amend discriminatory laws and policies that restrict or deny the legal capacity of persons with disabilities, including provisions permitting declarations of unfitness to stand trial on the basis of disability;
- Legally recognize reasonable accommodations and support measures that apply to all rights and operationalize procedural accommodations at all stages of investigations and court processes;
- Implement laws, regulations and directives on infrastructural accessibility, which includes ensuring the accessibility of justice institutions and services; and
- Undertake systematic capacity-building and awareness-raising for justice sector actors to ensure the effective implementation of the rights of persons with disabilities.

### B. Ethiopia's legal framework and the main barriers to access to justice for persons with disabilities

Despite express constitutional guarantees on the right to equality in the 1995 Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution) and on the right to access to justice, Ethiopia's domestic legal frameworks on the human rights of persons with disabilities remain fragmented and insufficient to give full effect to the CRPD.

The absence of an explicit prohibition of disability-based discrimination within the general equality clause contained in Article 25 of the FDRE Constitution constitutes a fundamental gap in the constitutional protection framework. However, this gap has been partially mitigated by the House of Federation, which has recognized that the residual category of "other status" under Article 25 of the Constitution prohibits discrimination on the basis of disability.[7]

Unlike the relatively comprehensive constitutional recognition afforded to historically disadvantaged groups, such as women (Article 35), the FDRE Constitution does not provide comparable and comprehensive protection against disability-based discrimination. This gap is significant given that persons with disabilities are estimated to constitute around 17.6 per cent of the country's population.[8] In addition, the absence of a comprehensive anti-discrimination law further limits the scope and enforceability of the human rights of persons with disabilities. Moreover, the continued reliance – both in law and in practice, including within constitutional provisions, such as Article 41(5) – on a charity or welfare-based understanding of disability reflects a foundational misalignment with the human rights model of disability underpinning the CRPD.

### *i.* ***Absence of a disability-specific law***

Ethiopia is yet to enact a standalone disability law. The continued absence of a comprehensive disability law represents a critical legal gap in Ethiopia's recognition of the human rights of persons with disabilities, and in its domestication of the CRPD, including its obligations relating to equality before the law, legal capacity, and procedural accommodations necessary to ensure effective access to justice for persons with disabilities. It also leaves justice actors with inadequate legislative guidance about their responsibilities in this regard.

Although a process has been underway since 2021 for the drafting of comprehensive disability legislation, it is of serious concern that this process has not been completed yet. In addition, persons with disabilities indicate that the process has been undertaken with limited transparency and consultation of OPDs. As a result, the process itself already falls short of Article 4(3) of the CRPD, which requires active and meaningful participation of persons with disabilities and their representative organizations in the development of legislation and policies affecting them. It also calls into question whether, even if the law is ultimately enacted, it will fully address the obstacles faced by persons with disabilities in accessing justice effectively, let alone adequately guarantee their human rights.

### *ii.* ***The Right to Employment of Persons with Disabilities Proclamation***

Adopted in 2008, the Right to Employment of Persons with Disabilities Proclamation No. 568 remains the only disability and employment-specific law in force in Ethiopia.[9] To a certain extent, the Proclamation reflects a recognition of a human rights-based approach to disability and establishes an important procedural safeguard in employment disputes. It does so by allowing individuals to bring claims of disability-based discrimination in the employment context before a court without placing on them the burden of proof. With respect to this, it shifts the burden onto the employer to demonstrate that no discrimination occurred contrary to the complainant's allegation that they have been subjected to discrimination on the grounds of their disability. However, a restrictive interpretation by the Federal Supreme Court (Cassation Division) in the *Addis Ababa City Justice Bureau v. Mekonen Teklu* case has narrowed the protective scope of the Right to Employment of Persons with Disabilities Proclamation by excluding the application of its

[7] *Alemu and Dawit Oticho vs ANRS Justice Professionals Training and Legal Research Institute and ANRS Judicial Administration,* the House of Federation, Case File No.019/08, 12 October 2016 (Amharic text).
[8] World Health Organization, the World Bank: World Report on Disability (Geneva, 2011). Available at http://www.who.int/disabilities/world_report/2011/report.pdf. p.207.
[9] A "Proclamation" is the equivalent of an Act in Ethiopian legislative framework.

safeguard in employment disputes involving judges and prosecutors.[10] As a result, justice actors who are persons with disabilities and persons with disabilities seeking to be appointed as justice actors do not benefit from the protective scope of the abovementioned procedural safeguard and are thus at risk of discrimination on the basis of disability.

### *iii.* ***Restrictions on persons with disabilities' exercise of their legal capacity***

Ethiopia's legal system continues to be characterized by entrenched models of disability-based discrimination and ableism[11] by restricting and/or completely taking away the legal capacity of persons with disabilities, and by reinforcing substitute decision-making regimes that deny persons with disabilities equal recognition before the law without discrimination. Legal codes continue to rely on impairment-based assessments that restrict autonomy and exclude persons with disabilities from exercising their right to legal capacity on an equal basis with others, which, in turn, is critical to their humanity and inherent dignity.[12]

Although Ethiopia's major codified law, i.e., the Civil Code (1960), presumes general legal capacity, it excludes persons with psychosocial and/or intellectual disabilities. It does so expressly, by identifying persons deemed "insane" or "infirm," as legally incapable, subjecting them to "interdiction", and thereby restricting their autonomy in civil, contractual and family matters.

The Civil Procedure Code (1965) similarly restricts the legal capacity of persons with disabilities by requiring persons classified as "under disability" to act through proxies and/or guardians. Where such representation is absent, judicial proceedings must be stayed until a representative is appointed, reflecting a system of substitute rather than supported decision-making.

The Revised Family Code (2000) similarly limits the legal capacity of persons with intellectual and/or psychosocial disabilities to marry, adopt or consent in the context of family-related decisions.

In the criminal law context, the 2004 Criminal Code adopts a predominantly medical and custodial approach, treating disability as a ground for exclusion or mitigation of criminal responsibility. Similarly, the provisions of the Criminal Procedure and Evidence Code (Proclamation No.1410), enacted in April 2026, concerned with determining the fitness or otherwise of an accused person to participate in criminal proceedings reproduce the impairment-based approach of the Criminal Code.[13] Article 7 of the Code, on equal protection of the law, likewise does not list disability among the prohibited grounds of discrimination.

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[10] See Section IV (b) of the report, under the sub-heading 'Employment of Persons with Disabilities Law'.

[11] The CRPD Committee defines ableism as "a value system that considers certain typical characteristics of body and mind as essential for living a life of value [...] [and, consequently] considers the disability experience as a misfortune that leads to suffering and disadvantage and invariably devalues human life." CRPD Committee, General Comment No.8 (2022) on the rights of persons with disabilities to work and employment,' CRPD/C/GC/8, 7 October 2022, § 3. More broadly, ableism refers to attitudes, assumptions, practices, laws, or social structures that privilege non-disabled ways of functioning as the norm or as inherently superior, while marginalizing or disadvantaging persons with disabilities. See Talia A. Lewis, 'Working Definition of Ableism", updated January 2021, https://www.talilalewis.com/blog/january-2021-working-definition-of-ableism. Within disability rights discourse, ableism is closely linked to the medical or charity model of disability, where disability is viewed primarily as a defect or personal tragedy rather than as part of human diversity.

[12] UN Convention on the Rights of Persons with Disabilities (CRPD), Articles 1, 3 (a), and 12; CRPD Committee, General Comment No.1 (2014), Article 12: Equal recognition before the law, CRPD/C/GC/1, 19 May 2014, paras 4 and 33.

[13] The Criminal Procedure and Evidence Code, Proclamation No.1410 of 2026, Article 228 (Amharic text). No official English translation of the Code had been published at the time of writing this report. The English quotations and descriptions of its provisions in this report are based on the ICJ's unofficial working translation, provided for reference only.

These laws are fundamentally and directly incompatible with Articles 12, 13 and/or 14 of the CRPD. They undermine, among others, the rights of persons with disabilities to legal capacity, access to justice without discrimination, and above all, dignity. They thereby prevent persons with disabilities from effectively participating in legal proceedings on an equal basis with their non-disabled counterparts.

### *iv.* ***Deprivation of liberty of persons with disabilities***

In addition to constituting in and of themselves violations of the human rights of the persons with disabilities concerned, findings of legal incapacity under the 2004 Criminal Code, as well as findings of unfitness to participate in criminal proceedings under the Criminal Procedure and Evidence Code (Proclamation No.1410), give rise to further human rights violations because they may result in court orders of detention of persons with disabilities, such as, indefinite institutional confinement in hospitals or psychiatric facilities without any due process. Such confinements, which under the CRPD – and more broadly under international human rights law and standards – amount to prohibited institutionalization and/or forced treatment, appear to be "justified" on the grounds of the purported need for "treatment" of the concerned individual, as well as their supposed need of "protection" and alleged considerations of "public safety". Such regimes may lead to persons with disabilities being arbitrarily deprived of their liberty for indefinite periods, subjected to forced institutionalization or treatment, and/or otherwise abused, and denied any meaningful participation in legal proceedings, often without being afforded effective due process guarantees or being convicted of any crime.

In practice, such detention and confinement orders are made without adequate procedural safeguards and may lead to indefinite detention, subject only to perfunctory rather than substantive periodic review by the courts. Under the Criminal Code, such reviews occur every two years and may lead to an end to detention only upon a court decision based on medical evidence that the purported grounds for confinement have ceased to exist. The Criminal Procedure and Evidence Code (Proclamation No.1410) additionally allows a court that has postponed the hearing of an accused person found unfit to participate in the proceedings, for a period of up to one year, and to order that the accused, where considered to pose a danger to themselves or the community, be kept in a relevant institution.[14] While this period is time-limited, the Code does not set standards or procedures for reviewing such detention, albeit, if, purportedly, there is no improvement after the period, the Code allows an alternative remedy and precautionary measures, the nature and duration of which are unspecified.

Therefore, the Criminal Code and the Criminal Procedure and Evidence Code (Proclamation No.1410), as well as the prevailing practices informing their implementation, lead to forms of institutionalization and are inconsistent with the right to liberty and security of the person of persons with disabilities under international human rights law and standards, including under Article 14 of the CRPD.

### *v.* ***Exclusion of persons with disabilities as competent witnesses***

Neither the Criminal Procedure Code of 1961, repealed in 2026, nor the Civil Procedure Code of 1965 contains provisions expressly guaranteeing the right of witnesses with disabilities to participate in legal processes and affirming their competence to give evidence. Nor does either of these codes specify procedural accommodations and support measures necessary to enable their effective participation in legal proceedings. This normative gap creates a risk of indirect discrimination, as formally neutral procedural rules may in practice disadvantage witnesses with disabilities by failing to provide the accommodations and support necessary for them to participate

[14] *Ibid*, Article 228 (6).

and exercise their legal capacity on an equal basis with others, contrary to Articles 12 and 13 of the CRPD.

The Criminal Procedure and Evidence Code (Proclamation No.1410/2006) addresses the competence of witnesses in Article 247, which presumes that any witness who is not restricted by law is competent to testify. However, Article 247(4) allows a court to prevent a witness from testifying where, among other things, by reason of senility or physical or mental illness, the witness is unable to understand the facts or the questions put to them. Because the provision makes no reference to procedural accommodation or support, it risks being used as a legal basis for exclusion of witnesses with disabilities, particularly persons with intellectual and/or psychosocial disabilities, contrary to the guarantees under Articles 12 and 13 of the CRPD.

### *vi.* ***Inaccessibility of key justice infrastructure***

Recent legal developments, particularly the Building Proclamation No.1356 of 2024 and related regulations, establish accessibility obligations for justice-sector buildings and infrastructures, including requirements for inclusive design and retrofitting of existing structures.[15] However, significant implementation gaps continue to limit the physical accessibility of justice institutions in Ethiopia, restricting the ability of persons with disabilities to access justice effectively, including by limiting the actual accessibility of courts and related services. These shortcomings undermine compliance with Article 9 of the CRPD, which requires States Parties to ensure accessibility to the physical environment and to facilities and services open to the public, including through the identification and elimination of barriers and the effective implementation of accessibility standards.[16]

### *vii.* ***Inaccessibility of legal information and services***

Barriers also remain in the accessibility of services, information, and communication systems within Ethiopia's justice system. Under the CRPD (Article 9), Ethiopia is required to ensure that legal and other public information be available in accessible formats, including alternative formats, such as Braille and screen-reader-compatible documents. Despite these clear obligations and requirements, courts in Ethiopia continue to rely predominantly on inaccessible formats, such as printed materials, scanned PDFs, and image-based electronic documents, thereby excluding persons who are blind or otherwise visually impaired from effective access to legal information and documents necessary for their meaningful participation in justice processes on an equal basis with others.

Recent digital innovations introduced by the Federal Supreme Court of Ethiopia, including electronic case management and e-filing systems, lack explicit accessibility standards or accommodations, risking the replication of existing barriers in digital form.

Similarly, while the Federal Supreme Court's initiative to publish audio versions of cassation decisions is a positive development, it remains insufficient to ensure accessible and user-friendly information systems for persons with disabilities.

[15] Ethiopian Building Proclamation No.1356/2024, Article 23 (1).
[16] Also see, CRPD Committee, General Comment No.2 (2014), Article 9: Accessibility, CRPD/C/GC/2, 22 May 2014; UN Human Rights Council, 'Disability-inclusive infrastructure, including transport and housing,' Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/61/32, 9 January 2026, available at https://docs.un.org/en/A/HRC/61/32.

Systemic gaps continue to constrain equal access to legal information and effective participation of persons with disabilities in the justice system and processes undermining the guarantees under Articles 9 and 13 of the CRPD.

### *viii.* ***Unavailability of necessary procedural accommodations***

Ethiopia lacks a comprehensive legal framework integrating reasonable and/or procedural accommodations into the justice system. The Civil Procedure Code (1965) does not envisage any disability-related accommodations, and the Criminal Procedure and Evidence Code (Proclamation No.1410) do not does not explicitly impose a duty to provide reasonable or procedural accommodations in criminal proceedings, apart from provision for legal representation and sign language interpretation. Despite the CRPD Committee's recommendations,[17] procedural accommodations remain largely unavailable to persons with disabilities in law and practice.

While certain measures—such as sign language interpretation— are legally recognized, their implementation is not institutionalized. There is no clear regulatory system for training, accreditation, and funding of qualified sign language interpreters. Courts often rely on *ad hoc* arrangements, such as by seeking sign language interpretation services from OPDs as interlocutors.

Similarly, there is no legal recognition or institutional framework for the provision of justice intermediaries or comparable communication-support mechanisms, despite their recognition under the CRPD as a key procedural accommodation to ensure effective participation of persons with disabilities in justice processes. While the Federal Courts Proclamation No. 1234 of 2021 refers generally to professional support in cases involving persons with disabilities, in practice, such support has been understood narrowly as mere legal representation rather than also as enabling the provision of communication facilitation support. In practice, the absence of intermediaries has produced a binary approach: individuals are either deemed incapable of participation and/or communication on the basis of medical evidence and replaced by a representative, or, alternatively, they are required to participate without the support they actually need to participate effectively on an equal basis with others. Such an approach entrenches substitute decision-making and fails to accommodate diverse communication needs, undermining meaningful participation of persons with disabilities in judicial proceedings.

More broadly, there are no binding guidelines and/or procedural rules clarifying when and how procedural accommodations should be provided to persons with disabilities. Although international human rights standards, including the Guidelines on Access to Justice for Persons with Disabilities by the UN Special Rapporteur on the Rights of Persons with Disabilities,[18] envisage a wide spectrum of accommodations – ranging from environmental and communication adjustments to intermediaries – they have not been translated into structured, contextualized, enforceable domestic procedural rules giving practical effect to Ethiopia's obligations under the CRPD.

### *ix.* ***Inadequacy and inaccessibility of legal aid***

Access to legal aid in Ethiopia remains fragmented and insufficiently regulated. The constitutional guarantee of legal aid is limited to criminal proceedings and does not establish a right to legal aid across civil and/or administrative proceedings. Although scattered statutory provisions provide

[17] CRPD Committee, 'Concluding Observations on the Initial Report of Ethiopia,' § 30.
[18] The UN Special Rapporteur on the Rights of Persons with Disabilities, 'International Principles and Guidelines on Access to Justice for Persons with Disabilities,' 2020, available at: https://www.ohchr.org/en/special-procedures/sr-disability/international-principles-and-guidelines-access-justice-persons-disabilities.

partial bases for free legal representation, there is no dedicated comprehensive legal aid law clearly defining eligibility, scope, institutional responsibilities, oversight, and accountability.

In practice, the scale of State-provided legal aid remains limited, and much of the burden falls on OPDs, whose services, while significant, reach only an extremely small proportion of those in need and face regulatory constraints in relation to court representation. Examples of provision of such support to persons with disabilities, heralded by Ethiopia in its combined report to the CRPD Committee,[19] therefore, represent marginal exceptions in which inclusion occurs, while the norm remains exclusion.

In this regard, the draft Legal Aid Legislation currently under preparation presents a critical opportunity to establish a comprehensive, human rights-based framework that explicitly addresses disability-related barriers and formally recognizes the role of OPDs in ensuring equal access to justice.

### *x.* ***Exclusion of lawyers who are blind or otherwise visually impaired from becoming judges***

In Ethiopia, although legal frameworks governing the judiciary do not formally exclude lawyers who are blind or otherwise visually impaired from assuming judicial roles, entrenched practices have effectively limited their appointment to judicial office. In *Wesen Alemu and Dawit Oticho v. Amhara National Regional State Justice Professionals Training and Legal Research Institute and the ANRS Judicial Administration*,[20] the House of Federation[21] held in 2016 that the exclusion of lawyers who are blind or otherwise visually impaired from judicial office on the basis of their disabilities constituted discrimination and hence violated constitutional guarantees of equality and the right to work, as well as Ethiopia's obligations under the CRPD. Despite this landmark precedent, in practice, lawyers who are blind or otherwise visually impaired continue to be diverted into public defender roles within the judiciary rather than being appointed as judges, reflecting persistent structural and attitudinal barriers, contrary to Article 13 of the CRPD.

### *xi.* ***Barriers in working as a lawyer with a disability***

Beyond barriers faced by lawyers who are blind or otherwise visually impaired being appointed as judicial officers, lawyers with disabilities more generally face obstacles in performing their roles as legal practitioners.

In part, this is due to the lack of a coherent framework to ensure the provision of reasonable accommodations to and accessible working environments for lawyers with disabilities serving as attorneys, prosecutors or public defenders. Although the Right to Employment of Persons with Disabilities Proclamation No. 568 of 2008 and the Federal Civil Servants Proclamation No.1353 of 2025[22] establish a general duty to provide reasonable accommodation, the implementation within justice institutions remains limited and inconsistent.

In practice, essential support for lawyers with disabilities, such as personal assistants, assistive technologies, and accessible legal materials, are often unavailable to them or are arranged only informally by them instead of as a matter of institutional obligations. This leaves lawyers with

[19] CRPD Committee, 'Combined second and third reports submitted by Ethiopia under Article 35 of the Convention, due in 2020,' CRPD/C/ETH/2-3, Date received: 9 January 2023], 29 October 2025, § 26.
[20] *Wesen Alemu and Dawit Oticho vs ANRS Justice Professionals Training and Legal Research Institute and ANRS Judicial Administration,* the House of Federation, Case File No.019/08, 12 October 2016 [Amharic text].
[21] The House of Federation is the upper chamber of the Federal Parliamentary Assembly with the mandate to interpret the Constitution and adjudication of constitutional disputes; see Footnote 5 above.
[22] Federal Civil Servants Proclamation No.1353 of 2025, Article 73.

disabilities dependent on discretionary goodwill, personal negotiations, and/or external donations. The absence of clearly defined safeguards, budgetary allocations, and institutional accountability mechanisms result in unequal working conditions and systemic disadvantages, contrary to Ethiopia's obligations under Article 13 of the CRPD to ensure non-discrimination and equal participation of persons with disabilities in the administration of justice on an equal basis with others.

## C. Recommendations

Based on the findings above, the ICJ makes the following recommendations to the authorities concerned in Ethiopia.

***To the Legislature (House of Peoples' Representatives):***

- Enact comprehensive legislation on the rights of persons with disabilities fully incorporating CRPD obligations and standards, including explicit recognition of the rights to full legal capacity (including supported decision-making) and access to justice (including provision of procedural accommodations).
- Amend the FDRE Constitution, or adopt interpretive legislation, to explicitly recognize disability-based discrimination as a prohibited ground of discrimination
- Undertake a systematic review and amendment of the following laws, in order to remove impairment-based restrictions on legal capacity and substitute decision-making regimes, and replace these regimes with supported decision-making frameworks consistent with Article 12 of the CRPD:
    - Civil Code (including Articles 192-197, 339-379, 1678, and 1728);
    - Criminal Code (including Articles 48, 49, and 129-132);
    - Revised Family Code (including Articles 13 (3)(b), 66, 191(2));
    - Criminal Procedure and Evidence Code (including Articles 228 and 247(4)); and
    - Civil Procedure Code (including Articles 33 and 34).
- Adopt comprehensive anti-discrimination legislation covering disability across all areas of life, including access to justice.
- Repeal or amend the provisions of the Criminal Code (Articles 48 and 49) and the Criminal Procedure and Evidence Code (Article 228) permitting declarations of "unfitness to stand trial" or incapacity of being held criminally responsible on the basis of disability.
- Amend civil and criminal procedure laws, including Article 247(4) of the Criminal Procedure and Evidence Code, to explicitly affirm the full legal capacity and competence of persons with disabilities to participate in proceedings in all capacities.
- Amend procedural codes – including the Criminal Procedure and Evidence Code, and the Civil Procedure Code - to codify a right to procedural accommodations in all legal proceedings and justice processes.
- Legally recognize and regulate justice intermediaries and communication-support mechanisms.
- Enact comprehensive legal aid legislation guaranteeing accessible legal aid in all criminal, civil, or administrative proceedings, including clear eligibility criteria based on appropriate criteria that take account of disability-related barriers, while guaranteeing effective access to legal aid for persons with disabilities, particularly those deprived of their liberty, those living in institutions, and those at risk of deprivation of their liberty.
- Allocate sufficient and sustained budgetary resources to ensure full implementation of accessibility standards across all justice institutions.

- Formally mandate the Ethiopian Human Rights Commission as the independent national mechanism to monitor the implementation of the human rights of persons with disabilities in line with the CRPD (Article 33(2)) and ADP (Article 34 (2)).

***To the Executive (Council of Ministers, Ministry of Justice, and Ministry of Women and Social Affairs):***

- Take immediate steps to sign and ratify or accede to:
    - the African Disability Protocol; and
    - the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- Expedite the drafting and adoption of comprehensive legislation on the rights of persons with disabilities:
    - fully incorporating CRPD and ADP obligations and standards, including explicit recognition of legal capacity, access to justice, reasonable and procedural accommodation, and supported decision-making frameworks; and
    - ensuring that the drafting process is transparent, inclusive and participatory, guaranteeing the full, effective and meaningful participation of persons with disabilities and their representative organizations at all stages.
- Take coordinated and time-bound measures to implement the recommendations issued by the CRPD Committee in its Concluding Observations on Ethiopia, including through legislative and policy reform, and institutional strengthening across the justice sector.
- Ensure retrofitting of existing court buildings (e.g., through the installation of ramps, lifts, accessible courtrooms, accessible toilets, tactile signage, accessible parking and other accessibility features) and establish effective mechanisms to monitor compliance by justice institutions.
- Develop national accessibility standards for digital justice systems aligned with international web accessibility guidelines.
- Establish accreditation, training and funding frameworks for sign language interpreters and intermediaries.
- Allocate specific budget lines for procedural accommodations, including for the creation of posts for necessary support persons, within the justice sector.
- Provide sustainable funding for legal aid services and review the regulatory framework governing legal aid service by OPDs, including by addressing procedural barriers that require individual powers of attorney for each client seeking court representation. The Council of Ministers should formally designate the Ministry of Women and Social Affairs as the governmental focal point for the implementation of the CRPD, in accordance with Article 33(1) of the CRPD.
- The Ministry of Women and Social Affairs should allocate sufficient financial and human resources to strengthen the capacity and technical expertise of its Disability Executive Department, enabling it to coordinate, monitor and implement CRPD obligations across government sectors consistently with Article 33 of the CRPD, and should develop and implement a comprehensive, human rights-based, disability-disaggregated data collection and monitoring framework.

***To the Judiciary – the Federal Supreme Court and regional courts:***

- Issue binding practice directions or procedural rules, developed in full consultation with persons with disabilities and OPDs, requiring judicial officers to:
    - interpret existing provisions consistently with the CRPD,
    - recognize and respect the legal capacity of persons with disabilities;

    - proactively and on a case-by-case basis identify and make provision for procedural accommodations for persons with disabilities;
    - refrain, as far as possible, from issuing orders and decisions that result in the forced treatment and/or institutionalization of persons with disabilities.
- Ensure periodic and effective judicial review of any deprivation of liberty linked to disability as ordered by courts under Articles 129-132 of the Criminal Code and Article 228 of the Criminal Procedure and Evidence Code.
- Ensure the availability and use of accessible courtrooms and make alternative arrangements, where necessary, to facilitate the effective participation of persons with disabilities.
- Ensure that all court information and documents, including judgments and procedural guidance, are available in accessible formats.
- Ensure that electronic versions of the Federal Supreme Court Cassation decisions be made available in accessible formats on which lawyers who are blind or otherwise visually impaired commonly rely in their professional work.
- Conduct accessibility audits of all digital systems and initiatives and adopt corrective measures to ensure their accessibility to persons with disabilities.
- Adopt procedural rules and/or directives detailing when and how procedural accommodations and support must be provided.
- Ensure the establishment of an interpreters' office, covering sign-language interpretation service, as mandated under the Federal Courts Proclamation.
- Operationalize justice intermediary and other communication support systems in judicial proceedings.
- Pending legal reform, exercise inherent judicial powers to order the provision of legal aid where necessary to secure equality and fair trial rights for persons with disabilities.

***To the federal and regional state judicial administration councils:***

- Ensure transparent and non-discriminatory judicial recruitment processes consistent with constitutional and CRPD obligations and standards.
- Ensure compliance with and enforcement of the 2016 House of Federation decision and address the long-standing discriminatory practice of excluding lawyers who are blind or otherwise visually impaired from appointment to the bench.

***To the Executive and Judiciary:***

- Establish clear institutional policies and budgetary allocations for reasonable accommodation for judges, prosecutors and lawyers with disabilities.
- Ensure the provision of assistive technologies, personal assistants and accessible materials to justice sector employees with disabilities as of right rather than discretion.

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April 2026

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