

# The Role of Civil Society Organizations in Promoting the Rights of Persons with Disabilities in Ethiopia

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## Abstract

Recognition of human rights of persons with disabilities (PWDs) by the Convention on the Rights of Persons with disabilities (CRPD), which Ethiopia has ratified, can be considered a beacon of hope for the realization of equality and dignity of PWDs. There are few legislations in Ethiopia concerning PWDs and disability related provisions. Ministries and Agencies have begun to mainstream disability in their various undertakings and mandates. However, the issue of civil society organizations (CSOs) in connection to the rights of PWDs in Ethiopia is under-explored and less researched. Taking this fact in to account, the purpose of this article is to explore how CSOs, particularly Disabled Persons' Organizations (DPOs), contribute to the foundation of human rights promotion by analyzing their roles and practices in the monitoring and implementation of laws and policies related to PWDs. To this end, selected provisions of the CRPD, regional human rights instruments, national laws and academic literatures were analyzed. Having discussed existing laws and practices, this article concludes that despite considerable capacity and resource constraints, in order to advance human rights of PWDs in Ethiopia, more is expected from CSOs, especially related to collaboration with government and partnership organizations.

**Keywords:** *Roles of CSOs, Human Rights Promotion, DPOs, Rights of PWDs*

## Introduction

CSOs are considered to be active human rights promoters, which contribute in building norms of dignity in advocating for victims and vulnerable groups who are denied access to justice (Abril 2008). Before the introduction of restrictive laws regulating CSOs in the country, most CSOs in Ethiopia operated in the field of service delivery, which has its roots in humanitarian assistance (Jalale 2019).

According to 2011 report of the WHO and World Bank, 17.6% of the Ethiopian population, more than 14.4 million Ethiopians, live with disability. Experts believe that this figure is underestimated due to,

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among others, inadequate definition of what constitutes disability, misconception of terms, omission of certain types of disabilities and unwillingness of parents to disclose disability within their household (ILO 2012).

Regardless of lack of accurate statistics on the number of PWDs, it is mentioned, large number of PWDs in Ethiopia struggle with poverty, lack of income and access to basic services such as health and education due to stigma and discrimination. They are also often denied fundamental human rights such as the right to employment, right to independent living, legal capacity (mainly in banking and contractual services) and are subjected to disparaging terminologies in the Civil Code and other legislations (Ibid).

Ethiopia has ratified different international human rights instruments essential to PWDs to protect their rights such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Convention on the Rights of the Child (CRC), to mention few. Above all, the ratification of the CRPD in 2010 provided a good momentum to foster its implementation among CSOs that previously advocated for its adoption and protection of human rights of PWDs. CSOs working on disabilities provide social services to their beneficiaries and carry out advocacy work as well as capacity building services through joint programmes with international organizations and other local CSOs in the form of networks and federations.

However, around the same time, the Ethiopian government enacted the Charities and Societies Proclamation no. 621/2009 (CSP), which negatively impacted CSOs working on human rights including those working on disability rights. Nonetheless, the amendment of the CSP as part of a major government reform effort in 2018, which will be discussed later in this article, created an enabling environment for the implementation of the CRPD. As Quinn (2006) stated, ensuring the implementation of CRPD can be primarily done through persuasion and socialization at the domestic rather than international level. CSOs thus can play a great role in this regard.

## **Defining and Understanding Key Concepts**

### ***What are Civil Society Organizations?***

The term CSOs has been defined differently by scholars, institutions and legislative bodies. The African Development Bank (AFDB) defines CSOs as voluntary expression of the interest and aspirations of citizens organized and united by common interest, goals, values or traditions and mobilized into collective actions (AFDB 2012). For various reasons, CSOs

embrace multitude of actors that assume responsibilities around shared interests, which could be for the promotion and protection of human rights. Such actors may include PWDs and their representative organizations, coalition or networks advocating for the rights of women, children, community-based groups (indigenous people, minorities), human rights organizations (Non-governmental Organizations (NGOs), associations, victim groups) faith-based groups, human rights defenders, unions, social movement groups and professionals contributing directly to the enjoyment of human rights (humanitarian workers, lawyers, doctors and medical workers) (United Nations Human Rights Program 2008). Accordingly, the actors are individuals who voluntarily organized themselves with a wide range of purposes, constituencies, structures, degrees of organization, functions, size, resource levels, cultural contexts, ideologies, membership, geographical coverage, strategies and approaches (World Economic Forum 2013).

In this globalization era, CSOs (national, regional or international) are recognized with different names, which may include charities, NGOs, public benefit organizations (PBOs) and associations. These organizations involve in development projects and provide services such as education and healthcare. They also facilitate opportunities to bring communities together for advocacy, mobilize society to articulate demands and voice concerns at local, national, regional and international levels (Kelly 2019).

Definition of CSOs is however changing from time to time and they are now recognized as encompassing far more than a mere 'sector'. Today CSOs include an ever wider and more vibrant range of organized and unorganized groups, as new CSO actors blur the boundaries and experiment with new organizational forms, both online and offline (World Economic Forum 2013).

In Ethiopia, Charities and Societies Proclamation 1113/2019 defines 'Organizations of Civil Societies' as:

a Non-Governmental, Non-partisan, not for profit entity established at least by two or more persons on voluntary basis and registered to carry out any lawful purpose, and includes Non-Government Organizations, Professional Associations, Mass based Societies and Consortiums.

This definition of CSOs is drafted in general terms and each term specified in the proclamation require clarity by considering the overall principles of human rights into account. Nonetheless, for the purpose of this article, CSOs include disabled persons organizations (DPOs) that embrace organizations of PWDs and cross-disability organizations.

### *The Concept and Understanding of Persons with Disabilities*

There are many different ways of understanding and defining the term disability. Disability is not a subjective condition of people, but depends on environmental, social and individual factors. Nevertheless, this article considers definitions that stem from both theoretical models and legal instruments. Hence, the following four models of disability are presented to conceptualize the term. The first one, the *Medical Model*, perceives disability as a problem located in the individual, and assumes working on the particular medical condition ('fixing' the impairment) of the individual is the mere solution (Dagnachew 2020). The second model, the *Charity Model*, tends to view PWDs as victims of impairment dwelling in tragic conditions or suffering, hence sees them as objects of charity (Ibid). The third, the *Social Model*, argues disability lies in society's response to the individual and his/her impairment and in the physical environment, which is mainly designed by non-disabled people thus failing to meet the actual needs of PWDs (Ibid). Last but not least, the *Human Rights-Based Model*, which this article is based on, focuses upon the inherent and inalienable rights of PWDs and recognizes disability as an identity or dimension of human diversity with all entitlements (Ibid). Focusing on participation, empowerment and accountability, this model emphasizes on the fulfillment of all human rights and on the responsibilities to be exerted by society in removing existing barriers (Quinn et al. 2002).

CRPD's definition, which advocates for the human rights-based model, which is also employed as a working definition in this article, emphasizes that:

Disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others (CRPD 2006: Article 1).

As the preceding definitions imply, the discourses on disability focus on around three major themes. These are:

- (1) How disability is best *defined* or *conceptualized*?
- (2) What impact does disability (however defined) have on persons with disabilities, particularly in terms of their 'quality of life'? and
- (3) How ought we to *respond* to disability, either at the individual or social level (questions of public policy and social justice)? (Ralston and Ho 2010)

The meaning of disability under Ethiopia's national law can be inferred from Proclamation No. 568/2008 on the Right to Employment of Persons

with Disability. According to Article 2(1) of the Proclamation, PWDs is defined as, “*a person with disability is an individual whose equal employment opportunity is reduced as a result of his physical, mental or sensory impairments in relation with social, economic and cultural discriminations*”.

### **Human Rights Obligations of States towards PWDS**

International human rights instruments impose different types of obligations upon States such as the duty to protect, which is built on valuing the dignity of each person, the duty to promote and the duty to fulfil. By nature, human rights are inherent entitlements that are acquired only by virtue of being a human (Sastry 2012). However, human rights laws place obligations on States to take the necessary steps to exercise these rights and prohibits them from taking part in violation of any right.

It is based on these accepted international norms that the CRPD imposes different kinds of obligations on States. There are core principles to be considered while engaging in the protection of the rights of PWDs among which are dignity, autonomy, equality and inclusion (Quinn et al. 2002). Similar to ICCPR and ICESCR, the CRPD set out a specific provision that addresses the obligations of States towards the rights of PWDs. For instance, Article 4 of the CRPD stipulates general obligations to be considered by State parties to ensure and promote the full realization of all human rights and fundamental freedoms for all PWDs without any kind of discrimination (CRPD 2006).

The CRPD, under Article 4(a), further stipulates that States shall take measures to adopt all appropriate legislative, administrative and other measures for the implementation of the rights. Article 4(h) also urges State parties to provide accessible information to PWDs about mobility aids, devices and assistive technologies, including new technologies, and other forms of assistance, and support services and facilities. In addition, State parties are required to promote the training of professionals working with PWDs in the rights recognized under the CRPD so as to provide better assistance and services (CRPD 2006: Article 4(i)). This article read together the general obligation expressed under Article 4 of the CRPD with other general provisions of the same law to better implement specific rights detailed out on the CRPD itself.

To substantiate this argument, Article 1 of the CRPD deals with the purpose of the law, which is “*to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity*”. Furthermore, Article 5 of the CRPD deals with equality and non-discrimination clause by calling State parties for the implementation of all rights by taking “*all appropriate steps to ensure that reasonable accommodation is provided*”.

With regard to CSOs, the CRPD urges collaboration between States in the development and implementation of legislation and policies and their implementation. To participate in decision-making processes concerning issues related to PWDs, it requires State parties to closely consult with and actively involve PWDs, including children with disabilities, through their representative organizations. Article 4(3) of the CRPD, which we have discussed above, has specified couple of elements that are also elaborated under General Comment 7 of the CRPD. The first element deals with “*concerning issues relating to persons with disabilities*”. This phrase is to be construed in its broader sense to take legislative, administrative and other measures that may directly or indirectly affect PWDs; take into account the protection and promotion of human rights of PWDs; and refrain from engaging in any act or practice, be it deliberate or otherwise, that is inconsistent with the CRPD (CRPD 2018: para. 18).

The other element specified under Article 4(3) is referred as “*to closely consult and actively involve*”. This phrase implies the inclusion of PWDs through their representative organizations; their consultation and involvement in the development and implementation of legislation and policies to implement the Convention; and involvement in other decision-making processes as a full-fledged strong obligation under the international human rights law. This includes the right of organizations of PWDs to be timely consulted, with guarantees of accessibility to all relevant information, and reasonable accommodation when required (CRPD 2018: para. 21).

Ethiopia’s obligations to work collaboratively with CSOs to promote Human Rights are also stipulated under Article 13 of the Vienna Declaration and Program of Action, endorsed by the UN General Assembly in 1993, which states that:

There is a need for States and International Organizations, in cooperation with NGO, to create favorable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights. States should eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights.

Article 9(4) of the FDRE Constitution incorporates international agreements ratified by Ethiopia as an integral part of the law of the land. Article 13(2) of the Constitution also allows for the interpretation of fundamental rights and freedoms specified in accordance to the principles of the UDHR, international covenants on human rights and international instruments adopted by Ethiopia. Hence, the State, in as much as it is to uphold the domestic laws of the land, should also observe, protect and promote international fundamental human rights and freedoms.

## **Roles and Importance of Civil Society Organizations**

United Nations Development Program (UNDP) expresses the roles of CSOs in broader terms as a *“third sector existing alongside and interacting with the state and private industry and recognizes that, in practice, civil society is an arena of both collaboration and contention”* (UNDP 2005).

In many parts of the world, CSOs play critical roles in alleviating the poor from dire poverty through service provision (health care and education), advocacy (campaigning, lobbying, legal assistance to individuals, awareness-raising and being a voice to the marginalized), monitoring funding to other organizations in support of democratic governance initiatives, formulation of policies, and provision of technical assistance including consultancy support and hands-on assistance in knowledge transfer (Cooper 2018). CSOs therefore play influential role in setting and implementing development agendas across the globe. The Asian Development Bank (ADB) for instance outlines five major roles for CSOs in advancing the sustainable development goals (SDGs). These are:

- Complement government poverty alleviation programs with community-based tailored assistance using evidence-based, innovative and sustained solutions;
- Localizing the SDGs and monitoring progress;
- Promote citizen-centric, collaborative governance (many CSOs in Asia’s developing countries operate at grassroots level and have active engagement with local actors and citizens) and co-production (whereby citizens produce or improve existing services without relying too much on public agencies);
- Advocating for the poor, including lobbying government; and
- Empowering women for climate action (ADB 2019)

Despite their contributions, CSOs face multitudes of challenges. Due to the existing tension to demarcate between politics and CSOs in human rights advocacy work, autocratic governments in some countries are placing heavy legal restrictions on acquisition of funds by CSOs for human rights related activities (Divjak and Forbici 2017). If CSOs are no longer allowed to lobby for human rights, democracy, and the rule of law, not only are they losing their advocacy role, but society is losing campaigners who can stand for the rights of PWDs, women, children and other groups of the society (Ibid).

## **Freedom of Association and Civil Society Organizations in Ethiopia**

The Federal Democratic Republic of Ethiopia (FDRE) Constitution adequately gives protection to human rights of all individuals and groups; one-third of the provisions are dedicated to human rights and democratic rights. Article 31 of the FDRE Constitution provides that:

Every person has the right to freedom of association for any cause or purpose. Organizations formed in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote such activities are prohibited.

Further, Ethiopia adopted and ratified various human rights instruments that recognize freedom of association for all persons. Article 22(2) of the ICCPR provides “*everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of interests*”. In addition to the ICCPR, Article 2 of the Declaration of Human Rights Defenders states that “*each state should protect, promote and implement all human rights and fundamental freedoms*”, which includes creating conducive social, economic, political and legal frameworks that enable other stakeholders such as CSOs to promote these fundamental freedoms and rights. As a result, Ethiopia has an obligation to enable CSOs to function and carry out work that promotes human rights.

### ***The Civil Society Proclamation No. 1113/2019***

CSO is a recent phenomenon in Ethiopia compared to traditional groups, such as *Idir* and *Iqub*, and other self-help associations such as *Mahiber*, which focus mainly on the social lives of the people and are still the dominant forms of voluntarism (Desalegn 2002).

Charities and Societies Proclamation (CSP) No. 621/2009, as stated on the preamble, was developed with the major objectives of ensuring the realization of citizens’ right to association enshrined in the FDRE Constitution; and to aid and facilitate the role of Charities and Societies in the overall development of Ethiopian people. However, it was considered to be restrictive over sources of funds and its engagement particularly on human rights and governance. It puts limitation on funds obtained from international donors for human rights-related activities in the country. As a result, there had been a decline in donor funding of local partners, partly because of the restrictive government regulation, but also partly due to internal regulatory mechanism of donors.<sup>71</sup>

After a decade of its application, the restrictive CSP has been amended to the Organizations of Civil Societies Proclamation No. 1113/2019 (The Proclamation). The Proclamation amended the category of CSOs into local and foreign organizations. Moreover, it liberalized the restrictive fund administration and allocation of their engagements. It sets out, as its objective, enhancing the role of CSOs in the development and democratization of the country; and regulating them to ensure accountability and maximum public benefit from the sector cognizant of

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<sup>71</sup> <https://www.norway.no/globalassets/2-world/ethiopia/civil-society/summary-from-presentations-in-nepal-and-ethiopia-pdf.pdf>



the importance of nurturing the culture of philanthropy and volunteerism in a society. The Proclamation, however, does not apply to religious and traditional institutions and organizations formed under other laws.

The Proclamation has provided working freedom in the operational role of CSOs. Article 62(2) of the Proclamation laid down that *“an organization shall have the liberty to engage in any sectors and area of operation without restriction and limitation of whatsoever so long as an activities and objective it aimed to achieve is legal, moral and pro-culture, social values and norms”*.

The Proclamation, under Article 62(3), expressly permits foreign organizations to work in partnership with local organizations by providing financial, technical and capacity building support to ensure that their activities help to bring sustainable development, contribute to the democratization process, promote the rights and interests of their members or enhance the profession they are engaged in.

Article 63(1b and 1C) of the Proclamation also lifted restrictions on sources of funds from foreign sources so long as the sources are legal. The previous legislation, under Article 2(2), states the Ethiopian CSOs should not generate more than 10% of their funds from foreign sources rather should come from local sources. As a result of the previous restrictive provisions of the CSP, CSOs were not at liberty to use foreign funds for human rights, justice and advocacy work. For instance, the bank accounts of Ethiopian Human Rights Council (EHRCO, now HRCO) and the Ethiopian Women Lawyers Association (EWLA) had been frozen (Amnesty International 2012). However, the new Proclamation enabled organizations to choose their source of funding and respective area of engagement.

Under the new Proclamation No. 1113, CSOs can engage in promoting the rights of PWDs. The Agency Board of CSOs is now more representative; its members comprise of representatives from government bodies (three in number), CSOs (three), National Federation of Disability Associations (two), Women and Youth Associations (two) and one Expert (Article 8(1)(d)).

## **Normative Standards for the Promotion of the Rights of PWDs in Ethiopia**

### ***The FDRE Constitution***

Ethiopia does not have an all-encompassing national disability legislation to regulate the enforcement of disability rights and specific needs of PWDs. Several provisions of the FDRE Constitution, under Chapter 3, protect human rights out of which few provisions specifically address PWDs. Article 41, which addresses economic, social and cultural rights, mentions disability under sub-article 5 and provides *“the State shall within*

*available means, allocate resources to provide rehabilitation and assistance for the physically and mentally disabled, the aged, and children who are left without parents or guardian*". However, the phrase "*within available means*" is controversial, because the economic rights of PWDs are often not implemented due to prejudice and/or misunderstandings of their basic needs, attaching it solely to lack of resources. Article 41 of the Constitution also tries to guarantee support in the form of allocating resources to provide rehabilitation and assistance. Hence, Article 41(5) of the FDRE Constitution narrows down the rights of PWDs to rehabilitation and assistance, by allocating resource within available means.

ICESCR, which is also ratified by Ethiopia, imposes an obligation on States to fulfill the economic needs of its peoples in general terms by utilizing all appropriate means to the maximum of its available resources. Article 2 of the ICESCR states that:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

From the above provision, ICESCR urges member States to take measures to realize all economic, social and cultural rights through individual or international cooperation applying to the maximum of its available resources. Thus, the FDRE Constitution could have been drafted in line with the wordings and intents of Article 2 of the ICESCR, considering the phrase "*to the maximum of its available resources*", in order to promote equality of PWDs in a dignified way rather than using "*within the available means*".

Article 24 of the Constitution recognizes dignity of all human beings that undoubtedly apply to PWDs. It further states "*everyone has the right to recognition everywhere as a person*". Similar to most bills of human rights, the Constitution, under Article 25, stipulates the principles of equality and non-discrimination clause in general terms. It recognizes equality before the law and prohibits discrimination on any grounds. In this respect, the law guarantees, to all persons, an equal and effective protection without discrimination on grounds of race, nation, nationality, social origin, color, sex, language, religion, political or other opinion, property, birth or other status. Although the provision does not specifically mention disability under its list of grounds of discrimination, the phrase "*other status*" shall apply to prohibit any kind of discrimination on the basis of disability.

### *Other National Legislations Relevant to PWDs in Ethiopia*

The Proclamation on the Right to Employment of Persons with Disability (Proclamation No. 568/2008) clearly noted in its preamble that deeply-rooted negative perceptions of disability affected the rights of PWDs to employment. Previous legislation on the right to employment (the Right of Disabled Persons to Employment Proclamation No. 101/1994), which was repealed by the current proclamation, had created a distorted image of PWDs' capability of performing jobs based on merit, thus failing to guarantee their right to reasonable accommodation and proper protection.

Contrary to the previous Proclamation, the current Proclamation provides an elucidation for "*prohibition of discrimination*", "*reasonable accommodation*" and "*undue burden*". It prohibits discrimination against PWDs in employment and imposes concomitant responsibilities on employers, including taking measures to provide appropriate working and training conditions and materials for PWDs; taking into account all reasonable accommodation and measures of affirmative action to women with disability; considering the multiple burdens that arise from their sex/gender and disability; and assigning assistants to enable PWDs to perform their work or follow their training. Significantly, employers are obliged to protect women with disabilities from sexual violence that might occur in work places (FDRE Proclamation No. 568/2008: Articles 2-6).

The Federal Civil Servants Proclamation no. 1064/2017, under Article 13(2), further provides non-discrimination principle on recruitment and selection of workers to fill vacancies that expressly prohibits discrimination on the ground of disability. Another significant law, which gives due attention for the protection of PWDs in Ethiopia, is the Building Proclamation No. 624/2009. Article 36 of the Proclamation provides "*any public building shall have a means of access suitable for use to physically impaired persons including those who are obliged to use wheelchairs and those who are able to walk but unable to negotiate steps*". Where toilet facilities are required in any building, adequate number of such facilities shall be made suitable for use and shall be accessible by physically impaired persons.

Another national law that explicitly recognizes the rights of PWDs is the Ethiopian Electoral, Political Parties Registration and Election's Code of Conduct Proclamation No. 1162/2019. Article 21 of the Proclamation stipulates that "*eligible voters who are frail or blind can register in person with the assistance of their aid*". The Proclamation protects PWDs' political rights under Articles 31, 32 and 51 guarantees assistance to PWDs who require to exercise their voting rights.

Despite these domestic laws, Ethiopia has also ratified several human rights instruments including the African Charter on Human and Peoples'

Rights (ACHPR) and the African Charter on the Rights and Welfare of the Child (ACRWC), both of which protect socioeconomic as well as civil and political rights of PWDs. However, Ethiopia has not yet signed and ratified the Protocol to the African Charter on Human and Peoples' Rights (ACHPR), one of the vital human rights instruments for PWDs, on the Rights of Persons with Disabilities.

Despite these initiatives under the aforementioned domestic laws, the commitment made by the country has not yet sufficiently translated into action. There are still legislative and policy gaps that affect rights of PWDs. Several domestic laws have to be harmonized with the CRPD, as required by Article 4 of the treaty (Kasahun 2013).

## **Roles of Civil Society Organizations Working on the Rights of PWDs in Ethiopia**

### *General Overview of Disabled Persons Organizations in Ethiopia*

Although few in number, DPOs, CSOs working on disability-related issues, promote the rights of and support PWDs in different parts of Ethiopia. Among the support DPOs offer are advocacy and empowerment services, supporting livelihoods, educational and health services, counseling, skills training, awareness raising on human rights, conducting evidence-based research, performing accountability duties and capacity building activities. Some DPOs have been engaged in activities designed to enable PWDs to become productive citizens through educational support and income generating activities (Gebre et al. 2013). PWDs are not yet adequately empowered to support themselves and their families. Hence, it is important to ensure that they continue to receive livelihood assistance and medical attention while pursuing the right-based approach, which require concerted awareness raising work over extended period of time (Ibid).

DPOs in Ethiopia are established at a national or regional level while some of them are organized at *woreda*<sup>72</sup> and subcity levels. The Federation of Ethiopian Associations of Persons with Disabilities (FEAPD) is an umbrella organization where various associations of PWDs are members. FEAPD is registered pursuant to the new CSO proclamation no. 1113/2019. The Federation has recently broadened its organizational structure and has twenty-one member associations including associations of PWDs from Regional States. With the expansion of its organizational structure, FEAPD's members now constitute professional associations established by PWDs, national and regional associations of PWDs, and other associations established by PWDs to address specific challenges.

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<sup>72</sup> *woreda* is the lower administrative structure in the country, above the *kebele* government structure.

FEAPD's main objectives are promoting human rights of PWDs; assisting them to ensure their well-being; developing their self-confidence and attaining equality of opportunities for disabled persons. It aims to voice the rights of PWDs all over the country both to the government and the society (FEAPD 2021).

As one of the few DPOs, the Ethiopian National Association of the Blind (ENAB), the first association to work on the rights of PWDs in Ethiopia, was established with the objectives of advancing universal human rights, equal opportunities and full participation of visually impaired Ethiopians. Among these are provision of education and assistance to the blind person in furthering their integration into the society, raising awareness on the situation of people with visual impairment, and promotion of employment opportunities for visually impaired persons.<sup>73</sup>

Another association worth mentioning is the Ethiopian National Association of the Physically Disabled (ENAPD), which focuses on attitudinal change towards persons with physical disability by running awareness-raising campaigns and advocacy activities. It provides for basic education courses and vocational rehabilitation in the areas of tailoring, agriculture, leather work and carpentry (ILO 2004).

In addition to the above mentioned DPOs, there are other associations working strongly on the rights of PWDs such as the Ethiopian National Association of Persons Affected by Leprosy (ENAPAL), Ethiopian National Association on Intellectual Disability (ENAID), the Ethiopian National Association of the Deaf (ENAD) and the Ethiopian National Association of the Deaf-Blind (ENDB). All these associations discharge their roles in different ways such as awareness raising, advocacy and economic empowerment in order to realize the rights of their members to tackle discrimination and poverty (Ibid). However, DPOs which are the principal stakeholders in the implementation and enhancement of disability laws and policies in the country continue to face considerable capacity and resource constraints especially in human power, expertise and finance. According to Gizachew Birhanu, a project coordinator at FEAPD, CSOs do not seem to be equipped with professionally trained personnel to advocate and ensure the rights of PWDs. As a result, there is a wide gap towards the implementation of the rights of PWDs.<sup>74</sup>

### ***The Roles of Civil Society Organizations in Monitoring the Human Rights Promotion of PWDs in Ethiopia***

Civil society and academics have often used international human rights conventions to judge States' conducts. This can take place through

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<sup>73</sup> <https://ethionab.org>

<sup>74</sup> Informal phone interview and mail communication with Gizachew Birhanu. A project coordinator at Federation of Ethiopian Association of Persons with disabilities. September 2021.

monitoring mechanisms such as periodic state reporting, shadow reports, and other means of State communications (Harpur 2011). It is a fact that monitoring fosters accountability and, over the long term, strengthens the capacity of parties to protect, promote the rights of PWDs and fulfill their commitments and obligations. Monitoring comprises a range of steps, including collection of information, legal and information analysis, documentation and reporting, corrective action and follow-up, and evaluation. These activities are interlinked in what is called the monitoring cycle (UN 2010).

The section below discusses the role of CSOs in monitoring activities and in promoting the rights of PWDs, at national and international levels, by examining pertinent provisions of the CRPD and cross-referencing to domestic laws and practice in Ethiopia.

#### *Monitoring at National Level*

As far as the responsibility of CSOs to monitor the implementation of the laws at national level is concerned, Article 33(3) of the CRPD affirms that full participation of civil society, in particular PWDs and their representative organizations, is essential for effective monitoring and implementation. The requirement to interact with DPOs provides an opportunity to ensure that the voices of PWDs are heard by the government.

The Ethiopian Center for Disability and Development (ECDD) for example works collaboratively with other organizations to promote inclusive development and the inclusion of disability issues in mainstream government and NGO development projects and programs. By doing this, ECDD enhances the promotion of human rights of PWDs through inclusion, monitoring and capacity building activities. The ECDD use the audit questionnaire to assess accessibility of organization for PWDs on policy, programs, services, information and facilities (ECDD 2010).

On another account, FEAPD discharges its responsibilities in promoting and monitoring the implementation of human rights of PWDs. A case in point is FEAPD's engagement in voters' education campaign, election observation, accessibility auditing of election centers, and awareness raising to stakeholders about the rights of PWDs to participate in election. FEAPD also organized consultative meetings with political parties, media and PWDs in which all member associations took part during the sixth national election (FEAPD 2021).

Another important provision governing the role of CSOs with regard to PWDs under the CRPD is Article 32, which provides for international cooperation as a vital means to ensure the full enjoyment of human rights. It expressly acknowledges this relationship, and obliges State parties to

cooperate with other States and/or with relevant international and regional organizations and CSOs in building capacity, including through the exchange and sharing of information, experiences, training programs and best practices. The provision simultaneously puts forward a twin track approach, which aims to increase the resources allocated to PWDs and to monitor and promote the mainstreaming of disability in all projects on one hand, and the strengthening of the role to be played by DPOs in decisions concerning their own lives on the other (Griffo and Marzotti 2015).

The current Ethiopian CSO law is in harmony with what is stated under Article 32 of the CRPD as it expressly permits collaboration between local and foreign organizations under Article 62(3). From this, the amended CSO law has provided a favorable environment to conduct monitoring and implementation of policy, laws and programs concerning PWDs. The amended CSO law has not provided limitation as 'rights based' or 'development based' in terms of operation areas. CSOs can also secure funds from all possible sources whether local or abroad.

Article 33(2) of the CRPD is another important provision dealing with monitoring mechanism at national level in order to protect and promote the human rights of PWDs. It provides that:

State parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

Accordingly, States are obliged to ensure that monitoring authorities are independently established to promote, protect, and monitor the implementation of the Convention within the State. There are two independent national institutions working on human rights in Ethiopia, entrusted with promoting and monitoring human rights. These are the Ethiopian Human Rights Commission (EHRC) and the Institution of the Ombudsman.

However, EHRC's establishment proclamation falls short of providing how the rights of PWDs are to be implemented and monitored in partnership with DPOs. Although a commissioner for the rights of PWDs and the elderly is appointed within the Commission, other enabling laws and programs, including directives, should be envisaged by the Commission to partner with CSOs and better protect the rights of PWDs in the country. By arranging initiatives and other relevant activities

including parliamentary enquiry, allocating budgets, examining the decisions of judiciary and quasi-judiciary bodies and coordinating with CSOs, accountability can be established to advance the rights of PWDs as well as ensure monitoring practices by providing robust evidence-based report solely devoted to PWDs.

In addition to NHRIs, at national level, Ethiopia has established an autonomous directorate, which implements and conduct overall follow up concerning the human rights of PWDs within the Ministry of Labor and Social Affairs. In the meantime, the directorate coordinates disability issues at the federal level to deal with employment and social issues. It is also responsible for providing policy guidance and technical support concerning social and economic integration of PWDs.

The Ministry of Labor and Social Affairs (MOLSA) adopted the revised National Plan of Action (NPA) of PWDs (2012-2021), which was drafted with the aim of, among others, promoting and raising awareness on the rights of PWDs. To achieve its vision, the NPA proposes engaging PWDs and their organizations in a meaningful partnership with the government, local communities, service delivery agencies and other organizations based on respect and equality (MoLSA 2012).

In addition, a National Implementation Monitoring Coordinating Committee (NIMCC) was established under the chairmanship of MoLSA, with representation from key ministries and civil society, including DPOs. The NIMCC is responsible to monitor and report on the implementation of national laws and policies on disability, as well as the CRPD. Parallel structures have been formed at regional levels. However, the government's capacity and technical expertise to monitor implementation is generally inadequate, and DPOs often have weak structures and synergy, especially at regional and district levels (SIDA 2015).

#### *Monitoring at International Level*

At the international level, the CRPD provides monitoring through its committee of independent experts, called the Committee on the Rights of Persons with Disabilities, hereinafter CRPD Committee. The CRPD Committee reviews reports submitted periodically by State parties. On the basis of these reports, it engages in constructive dialogue with the concerned State party and draws concluding observations and recommendations (CRPD 2006: Article 34(1)). The CRPD's Optional Protocol also provides avenue for individual complaints, where the Committee rule on a complaint submitted by an individual claiming breach of his/her rights by a State party and avenue for an inquiry procedure, through which the Committee investigates gross or systematic violations of the Convention and, with the agreement of the



concerned State party, undertakes field missions to deepen the inquiry (Optional protocol to CRPD Article 1 and 6(2)).

Even though Ethiopia did not ratify the Optional Protocol to the CRPD, it has submitted its initial State report in August 2016. One of the Committee's recommendations upon review of the report is that Ethiopia must ensure systematic and meaningful consultation with DPOs in the development of all policies and laws, training and awareness-raising across all sectors, including in the implementation of the 2012-2021 NPA, and that it shall ensure the independence of associations of PWDs and their representative organizations (Committee on the Rights of Persons with Disabilities 2016).

## **Conclusion and Recommendations**

### ***Conclusion***

Government and CSOs have discharged various legal and institutional responsibilities towards changing the lives of PWDs in Ethiopia. CSOs, especially DPOs, are engaged in activities such as human rights promotion, economic empowerment, monitoring the implementation of policies and laws, advocacy services, mainstreaming disability, and inclusion works. They have ample opportunities in playing their roles in promoting and supporting PWDs in the country.

However, DPOs, which are the principal stakeholders in the implementation and enhancement of disability laws and policies in the country, continue to face considerable capacity and resource constraints. Despite challenges, there are positive developments in terms of ratifying international laws concerning PWDs, issuing national laws and disability-oriented plans by legislative and executive organs, amendment of CSO proclamation, the presence of specific institutions like MoLSA and national human rights institutions (NHRI), which facilitates DPOs to have better engagement in the implementation of laws and policy frameworks through promotion and monitoring activities. Therefore, it is possible to conclude that, the existing policy framework and laws have so far brought some positive changes in ensuring the promotion of the rights of PWDs.

### ***Recommendations***

Based on the foregoing discussions, the following recommendations are forwarded towards strengthening the role of CSOs to promote the rights of PWDs in Ethiopia. First, the government shall work in consultation with CSOs operating in the field of disability rights and DPOs towards realization of the rights of PWDs. DPOs and CSOs shall likewise act in

coordinated manner with the government, NHRIs and other organizations.

Second, DPOs should advocate for issuance of a comprehensive law on disability. Third, PWDs and their representative organizations must push forward for the endorsement of the optional Protocol to CRPD and ADP. The signing of the above-mentioned laws could enable effective complaint mechanisms or remedies for disability-based discrimination and compliment the protection of PWDs in the justice system. The signing of these laws would provide PWDs access to international human rights mechanism, regional human right court as well as other relevant institutions and also serve as an additional alternative avenue to seek redress when their rights are not adequately protected domestically.

Finally, to ensure the protection and promotion of the rights of PWDs, CSOs should be encouraged to work on all elements of rights-based approach. Accountability and full participation should be meticulously implemented with an ultimate goal of promoting, monitoring and mainstreaming disability in all ongoing and upcoming development schemes.

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