

The Rights of Deaf Persons Access to Civil Justice in Ethiopia: Examining the Laws and Practices

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Abstract

It is estimated that up to 5 million people in Ethiopia suffer from hearing difficulties. Some have dual or multiple disabilities, such as persons with hearing and visual impairments. Persons with hearing impairments confront communication challenges in court while struggling to defend their rights. Providing a sign language interpreter or other forms of accommodation lessens their communication barrier in court. This article investigates how the Ethiopian civil justice delivery system accommodates the rights and needs of deaf persons to ensure their right to access justice effectively. Based on a sociolegal research assessment of the law and practice in Federal and Oromia regional courts, it contends that the present legal framework of Ethiopia does not adequately provide accommodations for deaf people to access civil justice, effectively. Practically, courts lack a permanently functioning sign language interpreter and do not provide a conducive court environment to meet the special needs of deaf individuals. With this, it recommends amending existing laws, adopting sign language as a working language of the courts and providing essential facilities in courts to enable deaf people to access civil justice.

Keywords: Civil Justice, Courts, Deaf Persons, Ethiopia, Sign Language Interpreter

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1. Introduction

Access to justice is part and parcel of human rights that facilitates the enjoyment of all other rights.¹ Access to justice can be measured by citizens' ability to access justice institutions capable of resolving disputed claims. This involves physical accessibility of the institution, economic affordability of the system, information accessibility of the law and institution, and other factors.²

The linguistic accessibility of judicial institutions is another aspect of access to justice. Individuals should be informed about their case; in addition, they should be able to present and defend it in a language they understand, to ensure their mental presence and equal participation in court proceedings.³ If the litigant party cannot understand and speak the court's working language, the court and litigant parties will face difficulties in proceeding with the case until an interpreter is assigned. Uninterpreted trials jeopardize the fairness of hearing the case and equality before the courts. In this aspect, deaf people⁴ are unable to hear and comprehend vocal languages spoken by other individuals. Hearing impairment limits deaf people's access to justice unless a sort of accommodation modality is implemented to address communication hurdles. Relyea stressed 'without language assistance, a person with

¹ Julinda Beqiraj, Lawrence McNamara and Victoria Wicks, 'Access to Justice for Persons with Disabilities: From International Principles to Practice', International Bar Association, (2017), p.5.

² Andrea R. Ball, 'Equal Accessibility for Sign Language under the Convention on the Rights of Persons with Disabilities, Case Western Reserve Journal of International Law', Vol. 43, No.3, 2011, P. 760.

³ *ibid*, p. 761.

⁴ There are debates regarding the best way to describe deaf people. Some scholars advocate using the term 'person with a hearing impairment' instead of 'deaf person,' but sign language experts argue that the term impairment is wrong because the deaf population is a linguistic minority rather than an impaired or disabled person. Several institutions, notably the World Health Organization, use the terms 'deaf person', 'person/people with a hearing impairment', and 'person with hard of hearing or hearing loss' interchangeably. However, the terms 'the deaf', 'deaf-mute' and 'normal person' have been condemned as derogatory terms that degrade the dignity of deaf persons. In this article, the terms 'persons with hard of hearing', deaf persons, people with hearing impairment and deaf litigant party are used interchangeably to refer to persons who have hearing impairments.

hearing impairment cannot hear or understand the testimony of witnesses, the judge's comments, or the attorneys' remarks'⁵.

On this matter, article 13 of the Convention on the Rights of Persons with Disabilities (CRPD) offers novel techniques to ensure persons with hearing impairments access to justice. The provision guarantees deaf persons "the right to equal access to justice as others; the right to procedural accommodation, such as the provision of a sign language interpreter; and the right to be supported as direct and indirect participants in all legal proceedings, whether civil, criminal, or administrative".⁶ Provision of accommodation for those who are hard of hearing in the judicial process also contributes to the realization of the Sustainable Development Goal slogan of 'leave no one behind' and fosters the attainment of Goal 16 on the rule of law and access to justice.⁷

The federal and regional constitutions of Ethiopia recognize access to justice as a fundamental human right.⁸ This constitutional protection guarantees deaf litigants have the right to sue and defend their rights before courts. In addition, the House of People's Representatives (HPR) has ratified the CRPD.⁹ The Convention guarantees a wide range of disability-friendly rights that consider or accommodate the special

⁵ Gregg F. Relyea, 'Procedural Due Process: A Deaf Defendant's Right to Be Heard Should Encompass a Right to "Hear" Civil Trials Through Interpretation, *Catholic University Law Review*', Vol.29, Issue 4, Summer 1980, P.870.

⁶ Bronagh Byrne, Brent Elder and Michael Schwartz, 'Enhancing Deaf People's Access to Justice in Northern Ireland: Implementing Article 13 of the UN Convention on the Rights of Persons with Disabilities' (2021), *Scandinavian Journal of Disability Research*, Vol. 23, No. 1, 2021, P. 74; UN Human Rights Council, 'Right to Access to Justice under Article 13 of the Convention on the Rights of Persons with Disabilities: Report of the Office of the United Nations High Commissioner for Human Rights.' (2017), para. 19.

⁷ Beqiraj, McNamara and Wicks (n 1), p.11.

⁸ Art. 37 of the 1995 Federal Constitution, Art. 37 of the 2001 Oromia and Amhara Regional Constitutions, Art. 38 of the Gambela and Benishangul Gumuz Regional Constitutions, Art. 36 of the 2001 Afar Regional Constitution, Art. 37 of 2002 Somali Regional Constitution, Art. 37 of the 2004 Harari Regional Constitution, Art. 36 of the 2020 Sidama Regional Constitution, Art. 37 of the 2022 South Western Ethiopia Regional Constitution, Art. 38 of the Central Ethiopia Regional Constitution, and Art. 36 of the Southern Ethiopia Regional Constitution.

⁹ Convention on the Rights of Persons with Disability Ratification Proclamation, 2010, Procl. No. 676/2010, *Fed. Neg. Gaz.*, Year 16, No. 32.

needs and interests of persons with disabilities (PWDs), such as the provision of sign language interpreters for deaf persons when accessing public services. Article 31 (2) of the Federal Courts Proclamation No. 1234/2021 explicitly provides the right to a sign language interpreter in all proceedings. Nevertheless, in most regional state court laws, the right to a sign language court interpreter at state expense in civil cases has yet to be expressly provided.¹⁰

This article investigates the extent to which the Ethiopian civil justice delivery system accommodates the rights and needs of deaf people, focusing on their right to access justice. It examines the laws and practices in selected Federal and Oromia regional courts. It considers the federal courts to assess the practice, by taking the explicit recognition of the right to a sign language interpreter in the Federal Court Proclamation No. 1234/2021. Whereas, it focuses on the Oromia region by considering the absence of clarity on the legal framework in addition to the prevalence of the highest number of PWDs in the region, including deaf people, according to the 2007 Ethiopian census.¹¹ The article also explores and analyses literature, relevant foreign experiences and regional legislation to construct its arguments and insights.

Accordingly, this article argues that the existing legal framework of Ethiopia fails to protect deaf people's rights to access civil justice effectively. Courts also lack the practice to provide modalities of access to justice to meet the special needs of deaf individuals, mainly the absence of a permanently hired sign language interpreter and the provision of a conducive court environment. This article systemically discusses and draws its findings in six sections. The second and third sections delve into the conceptual and theoretical frameworks in addition to the status of deaf people's

¹⁰ Elizabeth Demessie, ““Recognition” Status of Ethiopian Sign Language and the Deaf in Key Legislations: A Critical Review from Linguistic Human Rights Perspective, *Ethiopian Journal of Human Rights*, Vol. 6, 2021, P. 31

¹¹ Ethiopian Statistical Service, ‘2007 Population and Housing Census of Ethiopia.’ Available at: <https://www.statsethiopia.gov.et/wp-content/uploads/2019/06/Population-and-Housing-Census-2007-National_Statistical.pdf>. Accessed on 10 June 2024.

access to civil justice under relevant human rights treaties. The fourth and fifth sections explore and analyse the legislative safeguards and practices governing deaf people's access to civil justice in Ethiopia and the practical challenges of deaf litigants in civil proceedings. Finally, the article wraps up with concluding remarks and recommendations, mainly adopting and implementing sign language as a court working language.

2. Access to Civil Justice and Deaf Litigant Parties: Conceptual and Theoretical Frameworks

Jacob defined the civil justice system as “the substantive law, machinery, and procedures for vindicating and defending civil claims – in effect, the entire system of the administration of justice in civil matters”.¹² Civil justice encompasses both substantive and procedural legislation governing civil cases. Civil justice is important to protect the property and liberty of individuals. Although the right to access civil justice is legally recognized for all, not every segment of society, particularly vulnerable populations, enjoys it equally.¹³

Linguistic barriers are the primary impediment for deaf persons to effective communication and litigation in court proceedings. Language problems can lead to adjudicative incompetence, which is the litigant party's incapacity to fully understand and defend their case in litigations.¹⁴ An individual's mere physical presence in court does not enable him or her to defend the case. The linguistic human rights protect the right of deaf litigants to be informed and communicate in a language they understand. Thus, the right to access a sign language interpreter or

¹² Hazel Genn, *Judging Civil Justice* (Cambridge University Press, 2009), pp. 7.

¹³ William B. Rubenstein (2002), ‘The Concept of Equality in Civil Procedure, *Cardozo Law Review*’, Vol. 23, No. 5, p. 1866.

¹⁴ Katrina R. Miller and McCay Vernon, ‘Linguistic Diversity in Deaf Defendants and Due Process Rights, *Journal of Deaf Studies and Deaf Education*’, Vol. 6, No. 3, 2001, P. 226.

other forms of accommodation functions as a communication bridge between the deaf litigant party and the court.¹⁵

Aside from communication challenges, several experts describe the issues confronting people with disabilities, including deaf persons. Beqiraj, McNamara, and Wicks identified societal, legal, economic, and accessibility impediments as the key challenges to access justice that persons with disabilities encounter.¹⁶ Deaf people are often limited in their ability to represent themselves and participate equally in civil proceedings.¹⁷ Furthermore, Elder and Schwartz claim that information barriers about court litigation, financial barriers to funding the expense of sign language interpreters and attorneys, and the absence of a legal aid system limit effective access to justice for deaf people.¹⁸

Among the four models of disability,¹⁹ the social model and the human rights model advocate for states to create a conducive environment for PWDs so that they can participate and enjoy their rights to access public services equally. The social model states that the state is responsible for empowering PWDs to participate fully in all

¹⁵ Bhekizenzo Ben Simelane, 'Exploring the Role of Court Interpreters in Kwazulu-Natal Province of South Africa' (MA Thesis, Durban University of Technology, 2022); Samuel Joseph Lebeso, 'The Undefined Role of Court Interpreters in South Africa' (MA Thesis, University of South Africa-UNISA, 2013).

¹⁶ Beqiraj McNamara and Wicks (n 1), p. 7.

¹⁷ *ibid.*

¹⁸ Brent C Elder and Michael A Schwartz, 'Effective Deaf Access to Justice', *Journal of Deaf Studies and Deaf Education*, Vol. 23, No.4, 2018, P.331.

¹⁹ The four models are: medical model, charity model, social model, and human rights model. The medical model defines disability as a sickness/impairment that requires medical treatment, whereas the charity model describes disability as a dependent and helpless victim in need of care and assistance. The social model advocates disability as an integral part of human diversity, and the barriers that people with disabilities have while interacting with others can be eliminated by providing accommodating circumstances. The human rights model advocates for the right of PWDs to be treated equally in order to enjoy their human rights equally. The charity and medical models are older approaches that promote discrimination/segregation against PWDs, whereas the social and human rights model advocates for their inclusion and empowerment in both private and public spheres of life. (Nicola Colbran, 'Access to Justice – Persons with Disabilities in Indonesia- Background Assessment Report', International Labour Organization (2010), p. 12).

activities and working to eliminate social prejudice against them.²⁰ The judicial system should accommodate PWDs' needs and interests based on their individual circumstances and differentiated needs, such as providing braille for blind people and a sign language interpreter for deaf litigants.²¹

The human rights approach also advocates that PWDs have rights that require states to fulfil positive obligations for PWDs, such as providing appropriate accommodation in accessing courts.²² This includes offering legal protection for equal recognition and treatment before courts, as well as providing basic facilities that allow individuals to participate equally in court litigation processes. Denial of accommodations or essential facilities for PWDs constitutes a denial of justice. The denial also undermines judicial integrity and renders the court a one-sided instrument that favours the litigating party who does not have a disability problem.²³

Various types of accommodation can be provided to deaf litigant parties to ensure equal access to the courts. The provision of a sign language interpreter is the principal way of accommodation for deaf litigants in civil litigation. Sign language interpreters give services to the inborn deaf, late deafened, and hard-of-hearing individuals who learn sign language.²⁴ Deaf people who are illiterate and do not learn sign language do not benefit from sign language interpretation. In effect, family interpreters and/or family representation are temporary alternatives to securing their right to justice.²⁵

²⁰ Stephanie Ortoleva, 'Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System, *ILSA Journal of International & Comparative Law*', Vol. 17, No. 2, 2011, P. 287.

²¹ *ibid.*

²² Aschalew Ashagre, 'Access to Justice for Pwds in Civil Proceedings before the Federal Courts of Ethiopia: The Law and Practice, *Mizan Law Review*', Vol. 14, No. 1, Sept. 2020, P. 6.

²³ Lemlem Dejenu, 'The Right to Access to Justice for Persons with Disability in Civil Matters before Ethiopian Federal Courts' (LLM Thesis, Jimma University, 2020), p. 25.

²⁴ World Health Organization, 'Deafness and Hearing Loss: Fact Sheet. World Health Organization' available at: <<https://www.who.int/news-room/fact-sheets/detail/deafness-and-hearing-loss>>. Accessed on 05 December 2023.

²⁵ Eilionóir Flynn & others, 'Final Report Access to Justice of Persons with Disabilities', NUI Galway Centre for Disability Law & Policy (2019), p. 18.

There are also a variety of technological assistive devices that allow hearing people and deaf litigants to communicate effectively in court. This includes speech-to-text software (Communication Access Real-Time Translation/CART), assistive listening devices (ALD) for hard-of-hearing people, and UbiDuo (a device that enables simultaneous written communication between deaf and hearing people).²⁶ CART and UbiDuo are adjusted to court working language and are intended for deaf litigants who can read and write it. Technological assistive devices may facilitate efficient communication in court rooms, but they do not substitute the provision of a sign language interpreter.

In practice, states give accommodations to deaf people based on local reality. For example, in Nairobi, Kenya, the government established a special PWDs court known as the Milimani PWDs Court.²⁷ The Court has made suitable accommodations for different types of disability to ensure their equal participation in court proceedings. While in the USA, the District of Columbia Courts are required to offer sign language interpreters and essential technological assistive devices for deaf people in all court litigation proceedings.²⁸ There are however countries that are less devoted to accommodating PWDs in the courtroom, exposing them to miscarriages of justice.

3. Protection of Deaf Persons' Access to Civil Justice under Human Rights Instruments

Human rights instruments adopted at the international and regional levels serve as guidance for states to realize rights on a domestic scale. The instruments adopted

²⁶ Douglas M. Pravda, 'Understanding the Rights of Deaf and Hard of Hearing Individuals to Meaningful Participation in Court Proceedings, Valparaiso University Law Review', Vol. 45, No. 3, 2011, P. 938.

²⁷Committee on the CRPD, 'Consideration of Reports Submitted by State Parties under Article 35 of the Convention Initial Reports of State Parties Due in 2010- Kenya', (2012), para. 139.

²⁸ District of Columbia Court, 'Language Access Plan, Joint Committee on Judicial Administration of the District of Columbia, the policy-making body for the District of Columbia Courts' (2022), p. 15.

before the CRPD pay less attention to precisely addressing the right to access justice concerns of PWDs, including deaf persons.²⁹ For example, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) guarantee everyone's right to effective remedy and a fair trial.³⁰ However, each instrument neither specifically addresses the specific circumstances of deaf persons nor explicitly indicates the right to interpretation in civil proceedings.

In this context, the United Nations (UN) Human Rights Committee's (HRC) General Comment No. 31 on the ICCPR right to effective remedy states that effective remedies should take into account the special circumstances of vulnerable groups, including deaf persons.³¹ Furthermore, the HRC General Comment No. 32 on the right to a fair trial (Article 14) allows for the provision of a free interpreter in civil proceedings to destitute parties in order to avoid a miscarriage of justice.³² Such free interpreter provisions apply to both vocal and sign language interpreters. In other words, the HRC indirectly acknowledges the provision of free sign language interpreters for deaf litigant parties under Articles 2 and 14 (1) of the ICCPR.

The general right to interpretation in judicial proceedings, including sign language interpretation in civil cases, is also recognized by the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention (Article 12), The Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live (Article 5 (1C)), ICERD General Comment No. 31

²⁹ Ortoleva (n 20), P. 287.

³⁰ See Art. 8 and 10 of the UDHR and Art. 2(3) and 14 of the ICCPR.

³¹ UN Human Rights Committee, General Comment No. 31, 'Nature of the General Legal Obligation on States Parties to the Covenant', para. 4 U.N.Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15. Available at:

<<https://www1.umn.edu/humanrts/gencomm/hrcom31.html> > accessed on 07 June 2024.

³² UN Human Rights Committee, General Comment No. 32, Art. 14: 'Right to equality before courts and tribunals and to a fair trial', U.N. Doc. CCPR/C/GC/32 (2007), para. 13. <<http://hrlibrary.umn.edu/gencomm/hrcom32.html> > accessed on 07 June 2024.

(2005)³³, CRC General Comment No. 11³⁴, CEDAW General Comment No. 33 (2015)³⁵, CEDAW General Comment No. 39 (2022), and other human rights instruments.

The CEDAW General Comment No. 39 (2022) specifically guarantees the provision of sign language interpreters and other forms of accommodation to enable deaf people to have equal access to legal information and courts.³⁶ Although soft instruments such as general comments and declarations do not have binding effects, they provide guidelines for achieving equal access to courts for the deaf and PWDs.

3.1. CRPD

The UN adopted the CRPD in 2006. Even though the CRPD does not define disability, it uses the social and human rights approach to conceptualize PWDs. According to the Covenant, PWDs are those "who have long-term physical, mental, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others".³⁷ Accordingly, impairment does not automatically qualify one as a person with a disability. Such impairment should be long-term and hinder a person from "full and effective participation in society." This indicates that the CRPD uses a

³³ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Committee, General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system, para. 17 (b). <<https://www.refworld.org/legal/general/cerd/2005/en/64371>> accessed on 07 June 2024.

³⁴ Convention on the Rights of Child (CRC) Committee, General Comment No. 11 (2009) - Indigenous children and their rights under the Convention, para. 76. Available at: <<https://www.refworld.org/legal/general/crc/2009/en/102812>> accessed on 07 June 2024.

³⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee, General Recommendation No. 33 on women's access to justice, para. 17 (b). Available at: <https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F33&Lang=en> accessed on 07 June 2024.

³⁶ CEDAW Committee, General recommendation No. 39 (2022) on the rights of Indigenous women and girls, paras. 27 & 33 (f). available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2fGC%2f39&Lang=en> accessed on 07 June 2024

³⁷ Convention on the Rights of Persons with Disabilities and Optional Protocol (adopted 13 December 2006 UNGA Res A/RES/61/106 (CRPD), Art. 1.

social model of disability, taking into account how disabilities affect social interaction.³⁸

Several provisions of the CRPD recognize rights affiliated with the right to access civil justice for deaf persons. Among others, article 13 (1) of the CRPD reads “States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages”.

Accordingly, the term "procedural accommodation" encompasses the provision of sign language interpreters and other assistive devices. Without sufficient procedural accommodations, deaf litigants do not have effective access to justice or enjoy equality of arms. The phrase "in all legal proceeding" expands the scope of the right's application to civil proceedings and all stages of case handling.³⁹ The provision puts an immediate positive responsibility on states. The clause aims to ensure the full and equal participation of deaf litigants alongside hearing persons. Denial of accommodation for a deaf person constitutes discrimination and denial of justice.⁴⁰

Articles 5, 9, 12, and 21 of the CRPD are all equally vital in safeguarding PWDs' right to access justice. Article 5 guarantees equality and non-discrimination against PWDs. In this aspect, the CRPD requires governments to offer reasonable accommodations for PWDs unless the provision imposes an undue burden on states.⁴¹ The term "undue burden" attempted to strike a balance between PWDs' diverse needs and states' capacity to provide accommodation based on available resources.⁴² States should employ alternative mechanisms to provide sign language

³⁸ Ortoleva (n 20), P. 287.

³⁹ Byrne, Elder and Schwartz (n 6), P. 75.

⁴⁰ Ball (n 2), P. 788.

⁴¹ *ibid.*

⁴² *ibid.*

interpreters and assistive devices rather than completely denying accommodation by claiming the undue burden defense.

Article 9 governs public service accessibility, including the provision of sign language interpreters to enable deaf people to communicate effectively. Article 21 recognizes the right to access information, which is essential for the accessibility of legal information via sign language since "ignorance of the law is not an excuse" and deafness is not a defense to evade legal accountability.

Article 12 affirms the equal legal capacity of PWDs. The provision underscores that impairment does not equate to incapacity. Laws that deprive PWDs of legal capacity (such as legal interdiction), prohibit PWDs from engaging in legal acts (such as the right to sue), and fail to recognize the provision of accommodation undermine PWDs' right to equal recognition before the law.⁴³

The CRPD provides an additional Optional Protocol that authorizes the CRPD Committee⁴⁴ to hear individual complaint communications/cases alleging violations of CRPD rights. The Committee receives and considers cases from states that adopted Optional Protocol in addition to the CRPD. As of June 2024, 104 states out of 186 CRPD member states have ratified the CRPD Optional Protocol.⁴⁵

3.2. ACHPR Person with Disability Protocol

The African Union (AU) is one of the regional organizations that has adopted a separate treaty governing disability. The African Charter on Human and Peoples' Rights (ACHPR) Protocol on the Rights of Persons with Disabilities in Africa

⁴³ Colbran (n 19), p. 10.

⁴⁴ The CRPD Committee is a monitoring body for the CRPD's enforcement. The Committee is in charge of receiving state reports and considering communications filed from state parties that ratified the CRPD's Optional protocol.

⁴⁵ UNOHCHR, Status of Ratification Interactive Dashboard <<https://indicators.ohchr.org/>> accessed on June 11, 2024.

(ACHPR PWDs Protocol), adopted in 2018, has yet to be enforced.⁴⁶ Most African nations ratified CRPD⁴⁷, but they are hesitant to accede to the ACHPR PWDs Protocol. The protocol, like the CRPD, uses a social model of conceptualizing PWDs and has expanded PWDs to include "psycho-social, neurological, developmental, and other impairments" in addition to "physical, mental, intellectual, or sensory impairments."⁴⁸

The protocol includes several innovative provisions, such as prohibiting ritual killings of PWDs, eradicating harmful practices (article 11), the right to self-representation at different levels (article 22), the rights of youth with disabilities (article 29), and the rights of older person with disabilities (article 30). Furthermore, PWDs have the responsibility to perform duties stipulated under the ACHPR (Article 31).⁴⁹

The ACHPR PWDs Protocol, however, does not recognize certain rights as self-standing rights in contrast to the CRPD. This includes CRPD's recognition of freedom from exploitation, violence and abuse (Article 16), protecting the integrity of the person (Article 17); liberty of movement and nationality (Article 18), personal mobility (Article 20), and respect for privacy (Article 22). Elements of each right and freedom are scattered across different provisions of the protocol.

In connection to access to justice, the ACHPR PWDs Protocol is a modified version of the CRPD Protocol. For example, article 13 of the protocol, which guarantees the

⁴⁶ As of February 2024, the protocol was ratified by fourteen African countries. The protocol will become into effect with the ratification of at least 15 member states of the AU. (ACHPR Press Release, available at: <<https://achpr.au.int/en/news/press-releases/2024-02-29/ratification-view-entry-force-older-persons-rights-persons>> accessed on June 13, 2024.

⁴⁷ UN OHCHR (n 45).

⁴⁸ Center for Human Rights, University of Pretoria- Disability Rights Unit, Barriers to equal access to justice: A study of the criminal justice system in Botswana, South Africa and Zambia, available at: <<https://www.chr.up.ac.za/dru-news/3106-persons-with-disabilities-and-barriers-to-equal-access-to-justice-a-study-of-the-criminal-justice-system-in-botswana-south-africa-and-zambia>> accessed on June 15, 2024.

⁴⁹ African Charter on Human and Peoples Rights (ACHPR) provides a list of duties from art. 27-29 of the charter.

right to access justice, requires states to facilitate the inclusion of PWDs in customary dispute resolutions⁵⁰ and to provide legal aid to PWDs. Recognizing the inclusion of PWDs' interests is vital because the majority of disputes in rural Africa are settled through informal justice systems.⁵¹

Unlike the CRPD, the ACHPR PWDs Protocol does not include an undue burden criterion for providing accommodation. Instead, the protocol calls for "reasonable and progressive measures"⁵² (accommodation) to ensure public service accessibility. The convention makes no distinction between the terms "appropriate [procedural] accommodation" under Article 13 (access to justice) and "progressive measures" under Article 15 (2).

The term "progressive measures" implies the provision of accommodation that is progressively realized based on the economic capacity of the state, particularly in socioeconomic rights.⁵³ Whereas procedural accommodations related to civil and political rights provisions of the CRPD and ACHPR PWDs Protocol, including access to justice, are immediate by their nature.⁵⁴ Hence, states are required to enforce procedural accommodation irrespective of their socioeconomic status.

4. The Legal Protections and Practices of Deaf Persons Access to Civil Justice in Ethiopia

Legal protection is essential for realizing any rights. Unfortunately, the rights of persons with hearing impairments, especially their right to justice, are rarely recognized under Ethiopian law. For example, the rights of persons with hard of hearing are not addressed in any of the Ethiopian four constitutions adopted since 1931. As a result, the rights of individuals with hearing impairments and their access

⁵⁰ Article 13 (2) of ACHPR PWDs Protocol.

⁵¹ Flynn & others (n 25), p. 30.

⁵² Article 15 (2) of the ACHPR PWDs Protocol.

⁵³ Ball (n 2), P. 787.

⁵⁴ Melaku T. Zengeta, 'Access to Justice: New Right or a Reaffirmation of Existing Human Rights for Persons with Disabilities? Yustisia Jurnal Hukum', Vol. 11, No. 3, 2022, P. 163.

to civil justice have been inferred from the interpretation of general legal guarantees such as equality before the law and the right to access justice.

Article 28 of the 1931 Constitution, for example, recognized the right of all citizens to petition, including deaf persons. The subsequent three constitutions (1955, 1987 and 1995 Constitutions) pledged equality before the law, non-discrimination, and equal legal protection.⁵⁵ Furthermore, Amharic has been recognized as the working language of the central government in each constitution.⁵⁶ The rights of non-speakers of the state's working language were not addressed in the 1955 imperial constitution.

The 1987 Ethiopian constitution, however, recognizes the right to interpretation. Article 105 of the Constitution says, "courts shall provide interpretation services to any party who does not understand the language in which they conduct their judicial proceeding". Accordingly, individuals who are unable to understand the state's working language, Amharic, including deaf persons, have the right to interpretation in both civil and criminal matters. Similarly, Article 27 of the Transitional Period proclamation that establishes the self-autonomous national regional government of Ethiopia recognizes the right to interpreter. The act requires states to assign language interpreters for people who are unable to understand the court working language.

Since 1995, the federal and regional constitutions have protected all persons, including deaf individuals, the right to access justice. The 1995 Federal and Regional Constitutions recognize the provision of "assistance and rehabilitation" to people with physical and mental disabilities.⁵⁷ The constitution adopts the charity model of disability by making PWDs the recipients of rehabilitation and care. Moreover, the constitution guarantees the rights only for persons with physical and mental

⁵⁵ See Articles 37 and 38 of the 1955 Imperial Constitution, Article 35 of the 1987 Derg Constitution, and Article 25 of the 1995 Federal Constitution.

⁵⁶ See Article 125 of the 1955 Imperial Constitution, Article 116 of the 1987 Derg Constitution, and Article 5 (2) of the 1995 Federal Constitution.

⁵⁷ Constitution of Federal Democratic Republic of Ethiopia, (FDRE Constitution), Art. 41(5), Procl. No. 1/1995, *Fed. Neg. Gaz.* Year 1, No.1; Revised Constitution of Oromia Regional State, Art. 41 (5), Procl. No. 46/2001, *Mag. Oromia*, Year 10, No. 6.

disabilities and is silent towards the provision of support for those who have sensory impairments, such as deaf persons.⁵⁸

Additionally, the federal and regional constitutions at each level do not acknowledge sign language as the working language of the state, but they do embrace the equality of all languages. The federal and regional constitutions restrict the state's provision of interpretation services for criminally suspected and accused individuals, who are unable to understand the working language of the court.⁵⁹

4.1. Protections under Existing Ethiopian Legal and Policy Frameworks

Ethiopia has begun to incorporate disability-friendly legislation and policies into its legal system, particularly since the UN adopted the CRPD. As an illustration, in 2008, the country issued a proclamation governing the employment rights of PWDs. The proclamation stipulates that PWDs have the right to sue in court through disability associations in cases of violations of their members' rights. Besides, if a person with a disability alleges that s/he was discriminated against during recruitment, promotion, transfer, or replacement, the burden of proof shifts to the defendant.⁶⁰ The right applies to all groups of PWDs, including deaf persons.

The country ratified the CRPD in 2010 but has yet to adopt the ACHPR PWDs protocol. The CRPD requires state parties, including Ethiopia, to harmonize and enforce domestic legislation based on CRPD principles. Ethiopia has so far submitted the initial state report in 2013, as well as the second and third periodic reports in 2023. In its concluding observation on the initial report, the CRPD Committee recommends that Ethiopia improve the provision of procedural

⁵⁸ *ibid.*

⁵⁹ See Art. 20 (7) of the FDRE Constitution, Afar, Amhara, Harari, Oromia, Sidama, Southern Ethiopia and South Western Ethiopia Regional State constitutions; Art. 21 (7) of the Benishangul-Gumuz, Somali and Gambela Regional State Constitutions and Art. 22 (10) of the Central Ethiopia Regional Constitution.

⁶⁰ Right to Employment of Persons with Disabilities Proclamation, 2008, Art. 7, Procl. No. 568/2008, *Fed. Neg. Gaz.* Year 14, No.20.

accommodation in all court proceedings while considering making sign language the country's working language.⁶¹ According to the 2023 periodic report, the country began mainstreaming disability rights in court proceedings, including the deployment of sign language interpreters for deaf persons.⁶²

Since 2018, the country has been undertaking legal and policy reforms that also explicitly recognize the rights of people with hearing impairments. By way of instance, the 2020 Ethiopian language policy states on sign language:

‘nationals with hearing impairment have the right, in their place of habitation, to use the Ethiopian sign language, develop it, communicate and receive information in it from the government, become beneficiaries of appropriate technology for the language, and become entitled to special support from the government to exercise this right.’⁶³

The policy entitles deaf persons to the provision of accommodations at the expense of the state. Such policy assurances serve as a foundation for litigant parties with hearing impairments to assert the state's provision of a sign language interpreter in civil proceedings.

Above all, Article 31 (3) of Federal Courts Proclamation No. 1234/2021 became the first parliament law explicitly safeguarding the right to a sign language interpreter during court proceedings. The law compels courts to provide sign language expertise to everyone in need, as well as fostering swift court decisions and professional support for persons with disabilities.⁶⁴ This protection applies to people with hearing impairments who are involved in court litigation in both civil and non-civil matters.

⁶¹ Committee on the CRPD, ‘Concluding Observations on the Initial Report of Ethiopia’, (2016), para 48.

⁶² Committee on the CRPD, ‘Combined Second and Third State Reports Submitted by Ethiopia under Article 35 of the Convention, Due in 2020’, (2023), para 17.

⁶³ Federal Democratic Republic of Ethiopia Language Policy, Ministry of Culture and Tourism (2023), p.12.

⁶⁴ See Art. 31 (3) and 19 (1g) of Federal Courts Proclamation No. 1234/ 2021.

The government has also begun the process of ratifying the ACHPR PWDs Protocol.⁶⁵ There is also a draft proclamation on the rights of PWDs. As discussed in previous sections, each legal instrument includes measures that enhances deaf persons access to civil justice. Adoption of each law will strengthen the legal protection of PWDs' rights in Ethiopia.

The broad right to an interpreter during ordinary civil proceedings is also incorporated in various regional court establishment laws, such as the Amhara Region Court Establishment Proclamation.⁶⁶ The federal and regional Sharia religious court proclamations also provide the same rights in personal and family issues.⁶⁷ Nonetheless, unlike the Federal Court Proclamation, the regional ordinary and Sharia Court proclamations do not clearly guarantee the right to a sign language interpreter. In effect, the broader right to interpretation covers both verbal interpretation and deaf people's access to sign language interpreters.

In contrast, the Oromia Court Proclamation restricts the free provision of interpreters in criminal cases.⁶⁸ In other words, Oromia courts are not obligated to offer sign language interpreters for deaf litigant parties in civil proceedings. The clause contradicts Article 13 of the CRPD, which requires states to provide appropriate procedural accommodation in all legal proceedings, including free provision of sign language interpreters in civil lawsuits.

Aside from the aforementioned facts, no laws of the country require courts to provide technological assistive devices for PWDs in general, and deaf litigant parties such as CART, ALD, and UbiDuo in particular. In this regard, the CRPD's procedural

⁶⁵ *ibid.*

⁶⁶ For instance, See Revised Amhara National Regional State Court Establishment Proclamation, 2022, Art. 42 (3) Proc. No. 281/2022, *Zik. Hig.*, Year 27, No.21.

⁶⁷ For instance, See Sidama Regional State Sharia Court Establishment Proclamation, 2021, Art. 15, Proc. No. 16/ 2021, *Aff. Gaz.*, Year 1, No. 16, Oromia Regional State Sharia Court Establishment Proclamation, 2002, Art. 15, Proc. No. 53/2002, *Mag. Oro.*, Year 9, No. 2.

⁶⁸ A Proclamation to Redefine the Structure, Powers and Functions of the Oromia Regional State Courts, 2021, Art. 36 (3), Proc. No. 216/2018, *Mag. Oromia*, Year 27, No. 7.

accommodation encompasses both the provision of a sign language interpreter and assistive devices to ensure equal participation and self-representation by deaf litigating parties.⁶⁹ However, Ethiopia's existing court laws only guarantee the provision of an interpreter, as stated above.

4.2. Deaf Litigant Parties Right under Federal Supreme Court Directives

The Federal Supreme Court of Ethiopia issues several directives to enforce the right to a sign language interpreter guaranteed under the Federal Courts Proclamation. Among others, first, Article 17 (11/2) of the Federal Courts Civil Cases Flow Management Directive 08/2021 directs judges to identify the need for a sign language interpreter before beginning preliminary hearings and scheduling to examine witnesses.

Second, the Federal Courts Court Proceeding Directive No. 13/ 2021 requires a sign language interpreter to be fluent in both sign language and the court's working language, Amharic. Article 23 of the directive comprises the court interpreter's ethical code of conduct such as diligence, respect for the litigating parties, impartiality, respecting and enforcing the judge's order, and so on.

Above all, the Federal Supreme Court issued a Federal Court Interpreters Service Fee Determination and Payment Directive in 2020.⁷⁰ The directive governs the assignment, provision of service, and allowance of temporarily assigned court interpreters. The directive mandates federal courts to offer sign language interpreters in all civil proceedings at the state's expense.

The directive specifies that domestic language interpreters are entitled to a 250 birrs allowance per case for half-day service and a 500 birrs allowance for full-day service.⁷¹ In the case of foreign languages, the court interpreter payment is 500 birrs

⁶⁹ Byrne, Elder and Schwartz (n 6), P. 76.

⁷⁰ The Federal Supreme Court, Federal Courts Court Interpreters Service Fee Determination and Payment Directive (Federal Court Interpreters Directive), Directive No. 06/2020, 2020.

⁷¹ Federal Court Interpreters Directive, Section 3.4.5.

per case for a half-day and 1000 birrs for a full-day task. The allowance includes transportation and other expenses. Although the directive fails to set an allowance amount for sign language, courts utilize standard payment for local languages.⁷²

Payment disparities between local and foreign languages result in language discrimination and contradict the principle of "equal pay for equal work". Key informants from Federal Courts claim the unavailability of a foreign language interpreter as the reason for the difference.⁷³ However, there are also local languages, particularly those spoken by minorities, and sign language interpreters are not easily accessible. In other words, the reasons given by court officials for the disparity in payment are unfounded.

4.3. The Right of Deaf Persons Access to Civil Justice under the Draft Proclamation on the Rights of Persons with Disabilities

Ethiopia has drafted a proclamation that separately governs the rights of persons with disabilities, but it has yet to be ratified. The draft law recognized deafness as a disability in the definition part under the term 'sensory impairments'.⁷⁴ The draft proclamation guarantees that PWDs, including deaf persons, have equal legal capacity. The adoption of the law will eliminate the incapacity of PWDs defined by the Ethiopian Civil Code, Civil Procedure Code, and other legislations.⁷⁵

The elements of the right to access justice under the draft law is almost a direct replica of the CRPD clause. Furthermore, Article 27 of the draft proclamation specifically states that deaf persons have the right to access sign language interpreters in judicial institutions, and it requires the government to hire and offer

⁷² Interview with Ms Zeineb Behonegn, Federal Supreme Court Bench Service Directorate, Addis Ababa, on 31 January 2024.

⁷³ *ibid.*

⁷⁴ Ethiopian Rights of Persons with Disabilities Draft Proclamation, Art. 2 (1).

⁷⁵ Refer to Section 4.1 for detailed discussions.

such services. The proclamation is intended to have nationwide application in both state and non-state entities.

Unfortunately, the government delays the ratification of the law. The Ethiopian Lawyers with Disability Association (ELDA) and Ethiopian Human Rights Commission (EHRC), for example, are urging the government to enact and execute the law right away.⁷⁶ According to the drafting member of Ethiopia's PWDs draft proclamation, state officials challenge the draft law on two main grounds.⁷⁷

First, consider whether adopting a separate PWD proclamation is essential. Several state officials argue that the issue of disability can be handled by laws governing different sectors. For example, PWDs' educational concerns should be governed by education-related laws, and access to justice issues should be addressed by court or judicial organ proclamations.⁷⁸ In effect, they argue that special legislation for PWDs is unnecessary.

The second point is that the contents of the draft law put an undue burden on the state. As an instance, the quota system for employment, opportunities, and budgets, as well as tax-free incentives included in the draft law, impose unreasonable load on the government. However, the drafting law member believes that the draft law provisions are derived from the CRPD clause and other African countries that have comprehensive disability laws, such as Kenya and Côte d'Ivoire.⁷⁹

Adopting a separate PWDs law offers better protection by devoting more attention to PWDs' challenges rather than dealing with them through scattered laws. Besides, enacting separate laws for vulnerable groups are not new in the country. As an instance, Ethiopia enacted a separate refugee proclamation No. 1110/2019 to offer

⁷⁶ EHRC, 'Human Rights Situation Report on Disability Rights and Rights of Older Persons' (Ethiopian Human Rights Commission Annual Disability Report, (2023), p. 21.

⁷⁷ Confidential Telephone Interview, Drafting Member of Ethiopian Person with Disability Proclamation, Addis Ababa, on 10 June 2024.

⁷⁸ *ibid.*

⁷⁹ *ibid.*

more robust refugee protection. Similarly, adopting a separate proclamation recognizing the rights of PWDs has the potential to ensure stronger protection and enforcement of those rights. Currently, the draft proclamation appears to have been put on hold due to a lack of commitment from relevant government organs.⁸⁰

4.4. Practices of Providing Accommodation for Deaf Persons in Civil Proceedings

The Court's provision of deaf-friendly accommodations, such as the provision of a sign language interpreter, ensures the equal participation of the deaf litigant party in courts. A deaf person presents and defends his or her case, as well as examines evidence, with the assistance of a sign language interpreter. The dearth of a sign language interpreter or other forms of accommodation for deaf persons amounts to a denial of justice.⁸¹

In Ethiopia, the federal and Oromia regional courts do not have an established structure that requires hiring of sign language.⁸² In federal courts, when the need for sign language interpreter arise, the courts usually seek assistance from Ethiopian National Association of Deaf (ENAD).⁸³ The provision of sign language is not only for litigant parties but also includes their witnesses. In *Melkamu Fanta v Beauty Terefe* case, for instance, the minor deaf witness gives testimony.⁸⁴

In some cases, courts interact with educated deaf litigant parties in writing. In the case of *Shimellis Mosa v Zanabach Mosa*, for example, the plaintiff with hearing

⁸⁰ *ibid.*

⁸¹ Pravda (n 26), P. 927; Ortoleva (n 20), P. 281.

⁸² Interview with Ms. Zinashwerk Haileyesus, Federal Supreme Court Human Resource Management Team Leader, Addis Ababa, on 15 January 2024; Interview with Ad. Mulu Berhanu, Director of Oromia Region Supreme Court Human Rights Directorate, Addis Ababa/Finfinne, on 07 February 2024.

⁸³ Interview Zeineb (n 72); Interview with Mr Alemayehu Legese, Vice Chief Registrar of Federal High Court, Addis Ababa, on 12 March 2024; Confidential Interview with Federal First Instance Court (FFIC) Chief Registrar, Addis Ababa, on 13 March 2024.

⁸⁴ *Melkamu Fanta v Beauty Terefe*, Akaki Federal First Instance Court, File No. 109225, 2016 E.C.

impairments communicates with the court and the opponent party in writing.⁸⁵ In relation to this, the court assigns a sign language interpreter to the litigant with hearing impairments who learns sign language. When an illiterate deaf person appears in court, s/he is supported by a community or family interpreter.⁸⁶

In the Oromia region, there is no regional statute requiring the court to offer sign language interpreters in civil proceedings. In practice, courts provide sign language interpreters in criminal proceedings for deaf defendants or witnesses who have learnt sign language.⁸⁷ In civil cases, there is no uniform practice. One key informant observes that Oromia courts have no structure in place to assist deaf litigants in civil proceedings, judges urge that deaf litigants be represented by a family member or close friend.⁸⁸ There are also circumstances where deaf litigants were ordered by courts to bring their sign language interpreters at their own expense.⁸⁹

A judge from Adama City Bole Sub-City First Instance Court argues that if a deaf litigant party appears in court in civil disputes, the matter is resolved in accordance with Article 34 (2) of the Civil Procedure Code.⁹⁰ When a deaf plaintiff or defendant appears in court, the judge orders a stay of proceedings until they appoint their representative. He contends that the phrase "disability" under the statute includes deaf litigant parties. Because court judges are unable to effectively communicate all legal actions with deaf litigants, they mandate representation by persons of their choice. However, the representation requirement restricts equal treatment before the

⁸⁵ Shimellis Mosa vs. Zanabach Mosa, Lideta Federal First Instance Court, File No. 60212, 2011 E.C.

⁸⁶ Confidential Interview, Legal Attorney with Disability at Federal Courts 1, Addis Ababa, on 25 November 2023; Interview with FFIC Chief Registrar (n 83).

⁸⁷ Interview with Honorable Judge Tolosa Hirko, Oromia State Supreme Court Judge, Addis Ababa/Finfinne, on 09 February 2024.

⁸⁸ Confidential Interview with Oromia Supreme Court Legal Expert, Addis Ababa/Finfinne, on 07 February 2024.

⁸⁹ Confidential Interview with Oromia State Supreme Court Judge, Addis Ababa/Finfinne, on 06 February 2024.

⁹⁰ Confidential Interview with Adama City Bole Sub- City State First Instance Court (SFIC) Judge, Adama, on 26 March 2024.

law and courts, denies the right to self-representation, and fails to comply with the procedural accommodation provisions recognized by the CRPD.

The annual work performance reports issued by the Federal Supreme Court show federal courts provided court interpretation services to 30, 347 people between 2015 and June 2023 (2009-2015 E.C).⁹¹ Similarly, the Oromia region courts provided 169,698 court interpretation services between 2010 E.C and 2015 E.C.⁹² Each report, however, neither distinguishes the number of services provided in civil and non-civil cases as well as the number of service provided for vocal and sign language interpretation needs. According to a key informant from federal court, the federal courts began to provide sign language interpreters before the right to sign language officially recognized by the Federal Courts Proclamation No. 1234/2021.⁹³ However, there is no similar commitment from Oromia courts.

In connection to the issue, the Federal Supreme Court's five-year strategic plan (2021-2026) states that the court intends to develop a standard and certification system for court interpreters to strengthen court interpretation services, including sign language interpretation.⁹⁴ However, the process of standardization and certification has not yet begun.

In the context of Oromia, the Oromia Supreme Court has developed its ten-year strategic plan (2021- 2030 G.C/ 2013-2022 E.C). According to the plan, the court intends to improve court interpretation services by recruiting more interpreters and

⁹¹ Federal Supreme Court, 'Federal Courts Annual Reports', available at: <https://www.fsc.gov.et/Digital-Law-Library/Annual-Reports/PgrID/888/PageID/1>, accessed on 10 December 2023.

⁹² Oromia State Supreme Court, 'Court Interpretation Service Report' (2009-2015 E.C) (on file with the author).

⁹³ Confidential Interview with Federal Supreme Court (FSC) Registrar Officer, Addis Ababa, on 20 October 2023.

⁹⁴ Federal Supreme Court, 'Federal Courts Annual Reports' (n 91), available at: <https://www.fsc.gov.et/Digital-Law-Library/Annual-Reports/PgrID/888/PageID/1>, accessed on 10 December 2023.

enhancing their capacity.⁹⁵ However, the strategy restricts the provision of interpretation services in circumstances recognized under “the federal and regional constitutions and regional laws”.⁹⁶ In other words, the service's provision focuses solely on criminally accused individuals while ignoring the demands of civil proceedings interpreters, which is against Article 13 of the CRPD.

5. Barriers to Providing Accommodation for Deaf Persons in Civil Proceedings

Deaf persons face numerous hurdles in accessing civil justice in both the federal and Oromia regional courts. The 2022 Federal Courts users' satisfaction survey report shows only 37% of respondents are satisfied with the provision of court interpretation services.⁹⁷ This implies the majority of the court clients of deaf people have complaints about the same interpretation services, and the same is also observed in Oromia courts. This section discusses factors that impede people with hearing impairments from fully exercising their right to access civil justice under the Ethiopian legal system, based on the analytical inputs observed in the federal and Oromia regional courts.

5.1. Legal Barriers

Adopting a disability-friendly regulatory framework in Ethiopia is in its early stages. This study finds five main flaws in Ethiopian law and policy frameworks that inhibit deaf persons' access to civil justice, both directly and indirectly. First of all, the country does not recognize sign language as a working language of the state, mainly courts, though, according to the World Health Organization, Ethiopia has approximately five million people with hearing impairments.⁹⁸

⁹⁵ Oromia State Supreme, ‘Oromia Region Court Ten Years Strategic Plan’ (2013-2022 E.C), p. 42.

⁹⁶ *ibid.*

⁹⁷ Federal Supreme Court, ‘Federal Court Users Satisfaction Survey Report’ (2022), p. 28. Available at: <<https://www.fsc.gov.et/Digital-Law-Library/Annual-Reports>> accessed on June 08, 2024.

⁹⁸ Demessie (n 10), P.32; World Health Organization (n 24).

Demographically, the projected sign language speakers are the fifth largest language in the country, next to Afaan Oromo, Amharic, Tigrigna, and Somali. The potential speakers of sign language outnumber those of several languages chosen as the federal government's working language under the 2020 Ethiopian Language Policy, such as Afarigna, which is spoken by approximately two million people. Making sign language a working language of the courts facilitates easy access to sign language interpreters. Currently, ENAD, EHRC, and other players are lobbying the government to make sign language the country's working language.⁹⁹

Second, the Ethiopian government is hesitant to enact relevant legal and policy frameworks, as well as disability-related treaties, that would improve deaf persons' access to civil justice. These include failure to adopt the draft PWDs proclamation and non-ratification of the ACHPR PWDs Protocol and the CRPD's Optional Protocol.¹⁰⁰ Although the government has begun the process of ratifying the ACHPR PWDs Protocol, there has been no corresponding initiation in the case of the CRPD Optional Protocol.¹⁰¹ Besides, the government lacks a civil justice policy, as opposed to a criminal justice policy, which guarantees the right to court interpretation in criminal cases.

Third, Ethiopia's existing policy and legal frameworks failed to adequately accommodate the right of PWDs to access to justice. Starting with the constitution, neither the federal nor regional constitutions of the country specifically guarantee the rights of PWDs, nor are they modified in conforming with the CRPD standard. In this regard, the newly formed regional state constitutions of South Western Ethiopia, Central Ethiopia, and Southern Ethiopia recognize the right to non-

⁹⁹ Interview with Mr. Gedamu Hundecha, Director of Ethiopian National Association of the Deaf Persons (ENAD), Addis Ababa, on 21 November 2023; EHRC (n 76), p. 1.

¹⁰⁰ Regarding the importance of ratifying each treaty instrument for the deaf litigant party refer to sections 2.1 and 2.2.

¹⁰¹ *ibid.*

discrimination based on disability, as well as equal protection and recognition for PWDs.¹⁰²

On top of that, the regional court establishment statutes and federal and regional Sharia Court proclamations do not specifically guarantee the right to access sign language interpreters. Perhaps, each law recognizes the right to interpretation for anybody unable to understand the court's working language.¹⁰³ Besides, despite the government's adoption of the National Action Plan for Persons with Disabilities (2012-2021), the plan was silent on PWDs' right to access to justice. This implies that the major Ethiopian regulatory frameworks have a deficiency in recognizing procedural accommodation to ensure access to justice for PWDs.

The absence of appropriate harmonization of Ethiopian legislation with the CRPD and other disability rights norms is another downside of Ethiopian laws. The CRPD mandated states to undertake policy and legislative reforms and to harmonize with the rights of PWDs.¹⁰⁴ Several laws in the country restrict PWDs from exercising their civil rights. For example, Articles 339-388 of the Ethiopian Civil Code erode PWDs', equal recognition and full legal capacity to enjoy all civil rights, including access to civil justice.¹⁰⁵ For example, article 340 of the civil code defines deaf people to be incapable, in contrast to Article 12 of the CRPD, which recognizes equal capacity.

Beyond that, the 1965 Ethiopian Civil Procedure Code not only fails to provide persons with hearing impairments with procedural accommodations but also forces

¹⁰² See South Western Ethiopia Regional State Peoples' Constitution, 2021, Art. 25 (1), Proc. No. 1/2021, SW Neg. Gaz., Year 1, No. 1; Southern Ethiopia Regional State Constitution, 2023, Art. 26 (1), Proc. No. 1/2023, Deb. Eth. Neg. Gaz., Year 1, No. 1; Central Ethiopian Regional State Constitution, 2023, Art. 27(1) Proc. No. 1/2023, Cent. Neg. Gaz., Year 1, No. 1.

¹⁰³ Mohamed Abdo, 'Legal Pluralism, Sharia Courts, and Constitutional Issues in Ethiopia, *Mizan Law Review*', Vol. 5, No. 1, Spring 2011, P. 78; Endris Muhammed, 'Protection of Accused Persons with Hearing and Speech Disabilities under the Ethiopian Criminal Justice System, *Ethiopian Journal of Human Rights*', Vol. 6, 2021, P.109.

¹⁰⁴ CRPD, (n 37), Art. 4 (1a).

¹⁰⁵ Committee on the CRPD, 'Concluding Observations on the Initial Report of Ethiopia', (2016), para. 25.

PWDs to sue and be sued through a legal representative.¹⁰⁶ In other words, the code precludes deaf persons from representing themselves in court. As previously stated, some judges of Oromia region courts invoke the provision requiring deaf persons to be represented by family or other persons before launching civil proceeding litigations.¹⁰⁷ Although the CRPD Committee recommends that Ethiopia revise and harmonize laws that contravene the rights of PWDs, the country does not take adequate and formal actions to reform and repeal these laws.¹⁰⁸

Lastly, the country's legal and policy instruments continue to use pejorative terms to refer to people with disabilities.¹⁰⁹ For example, in the Ethiopian Constitution and the recently enacted Federal Courts Proclamation, the term 'disabled' has been employed instead of PWDs.¹¹⁰ Similarly, the Ethiopian Civil Code and Commercial Code utilized the terms 'infirm' and 'deaf-mute' to refer to those who are hard of hearing.¹¹¹ Such derogatory words are discriminatory and jeopardize the dignity of persons with hearing impairments and other PWDs.

The CRPD Committee raised concern that pejorative terminology continues to be used in legal and policy frameworks. The Committee recommends that the country should eliminate any abusive language used to refer to PWDs and use appropriate terminologies compatible with PWDs' human rights and the CRPD.¹¹²

5.2. Issues Concerning Sign Language Interpreters

¹⁰⁶ See Art. 34 (2) of the 1965 Civil Procedure Code of Ethiopia.

¹⁰⁷ Confidential Interview with Adama SFIC Judge (n 90).

¹⁰⁸ Ethiopian Lawyers with Disabilities Association (ELDA), 'Reviewing Major Federal and Regional Laws and Practices Pertaining to People with Disabilities' Rights' (2022), Research Report, p. 12.

¹⁰⁹ Committee on the CRPD, 'Concluding Observations on the Initial Report of Ethiopia', (2016), para.5

¹¹⁰ FDRE Constitution, 1995, Art. 41(5); Federal Courts Proclamation, 2021, Art. 31(3).

¹¹¹ Civil Code of Ethiopia, 1960, Art. 339-388, Proc. No. 165/1960, *Fed. Neg. Gaz.* (Extraordinary issue), Year 19, No. 2; Commercial Code of the Federal Democratic Republic of Ethiopia, 2021, Arts. 205 (1b) & 229(1e), Proc. No. 1243/2021, *Fed Neg. Gaz* (Extraordinary issue). Year 27, No.23.

¹¹² Committee on the CRPD, 'Concluding Observations on the Initial Report of Ethiopia', (2016), para. 27.

People with hearing impairments prefer sign language for communication in their private and public lives. The CRPD does not explicitly recognize the right to sign language interpreters during court proceedings. Perhaps, article 13 of the Covenant warrants the provision of procedural accommodations to PWDs, which includes the assignment of a sign language interpreter for a deaf person.¹¹³ In Ethiopia, only the Federal Courts Proclamation and its subordinate legislations require courts to offer a sign language interpreter for litigant parties with hearing impairments, regardless of the nature of the case.¹¹⁴

The enforcement of the clause could also prove challenging. First and foremost, courts did not employ sign language interpreters. The Federal Courts Proclamation requires courts to provide sign language services as needed. The courts can provide the service by hiring either temporary or permanent sign language court interpreters. Among the possibilities, recruiting a permanent interpreter offers greater accessibility and quality of interpretation service.

Nonetheless, courts are hesitant to hire sign language interpreters due to the intermittent nature of the case. They contend that hiring a permanent sign interpreter for sporadic work is a waste of public resources and that the job does not meet the Ethiopian public servants' minimum working hour standard of 39 hours per week.¹¹⁵

In this sense, the ENAD members disagree with the argument. They claim that, even though sign language interpretation is an irregular task, sign language interpreters are difficult to find when the need comes. They proposed and requested that courts hire a limited number of permanent sign language interpreters who can serve in various courts on a mobile basis.¹¹⁶

¹¹³ Wilson Macharia, 'Access to Justice for Persons with Disabilities in Kenya from Principles to Practice' (MA Thesis, HRDA Global Campus Africa, 2020), p. 25; Ortoleva (n 20), P. 294.

¹¹⁴ ELDA Report, (n 108), p. 23.

¹¹⁵ Confidential Interview with FSC Registrar Officer (n 90).

¹¹⁶ Confidential Interview with Sign Language Expert at ENAD, Addis Ababa, on 21 November 2023.

Alternatively, the association proposes that existing verbal language court interpreters and judges be given sign language training.¹¹⁷ However, the federal and regional courts prefer to use temporary sign interpreters. In Uganda, for case in point, “the Judicial Service Commission has trained legal officers in sign language in order to effectively communicate with persons with hearing impairments.”¹¹⁸

The legal awareness of sign language interpreters is another source of worry. According to Mikkelson, mastery of both court interpreting techniques and legal terminologies is required for effective court interpreting.¹¹⁹ Regrettably, sign language interpreters are unfamiliar with legal jargon and vocabulary, which requires specialized training and knowledge.¹²⁰ In practice, misinterpretation and miscommunication occur between the deaf litigant party, the interpreter, and the judge who entertains the case.¹²¹ Miscommunication and misinterpretation may jeopardize the litigant's with hearing impairments right to access to justice.

Plus, while Ethiopia is home to more than 80 languages, Ethiopian Sign Language is the sole standardized language used by the country's deaf persons minority.¹²² Ethiopian Sign Language is less accessible to people from diverse communities, particularly those who do not learn Amharic Geez Script. Several academics have also questioned the comprehensiveness and consistency of Ethiopian Sign Language. Some words and signs are made up arbitrarily with no connection between sign and meaning.¹²³ In a courtroom, such linguistic interpretation mismatch might have tragic consequences for litigant parties with hearing impairments.

¹¹⁷ Interview with Gedamu (n 99).

¹¹⁸ Committee on the CRPD, ‘Combined Second to Fourth Periodic State Reports Submitted by Uganda under Article 35 of the Convention, Due in 2022’, (2023), para. 66.

¹¹⁹ Simelane (n 15), p. 17.

¹²⁰ Interview Honourable Judge Habtamu Kabtimyer, Federal Supreme Court Cassation Bench Judge, Addis Ababa, on 08 February 2024.

¹²¹ Confidential Attorney with Disability at Federal Courts 2, Addis Ababa, on 25 November 2023.

¹²² Demessie (n 10), P.32; African Sign Language Resource Center- Ethiopia, available at: <<https://africansignlanguagesresourcecenter.com/ethiopia/>>. Accessed on 07 December 2023.

¹²³ *ibid*; Demessie (n 10), P.32.

When an illiterate litigant party with hearing impairments comes into court, the challenge of employing sign language is exacerbated. More than 85% of deaf individuals in Ethiopia are uneducated and live in rural areas where learning sign language is difficult.¹²⁴ Sign language interpreters provide interpretation services for litigant parties who have mastered sign language. If a litigant party with hearing impairments does not learn sign language, he or she will be unable to communicate using sign language.¹²⁵

When deaf persons who have not learned sign language appear in court, courts either use a family/ community interpreter or request that the litigant party with hearing impairments be represented by a close companion or family members.¹²⁶ In the case of *Eyerusalem Belay v Gedlu Addisu*, as an example, the plaintiff with a hearing disability was supported by a family interpreter.¹²⁷ However, this approach is neither standardized nor institutionalized. Family interpreters may also interpret in favour of the litigant party with hearing impairments side.¹²⁸

Inadequate and delayed payment for court interpreters also hampers the effective provision of sign language interpretation services in courts. According to the Federal Supreme Court's five-year strategic plan (2021-2026), federal courts are not appropriately offering court interpretation due to insufficient and delayed payment to court interpreters.¹²⁹ The temporary sign language interpreters are paid 250 birrs for each sign language service.¹³⁰

¹²⁴ Bezawit Bekele, Yonas Mulugeta and Hanna Girma, 'Women with Disabilities, Their Challenges in Laws and Administration of Justice: Cases from Addis Ababa, Ethiopian Journal of Human Rights', Vol. 3, 2018, 138; Federal Ministry of Education, 'Education Statistics Annual Abstract September 2021/22-2014 E.C.' (2021), p. 68

¹²⁵ Confidential Interview with Sign Language Expert at ENAD (n 116).

¹²⁶ Confidential Interview with Attorney with Disability at Federal Courts 1 (n 86).

¹²⁷ *Eyerusalem Belay vs. Gedlu Addisu*, Lideta Federal First Instance Court, File No. 0021/2010, 2010 E.C.

¹²⁸ Interview with Honourable Judge Hanna Gebremichael, Lideta Federal First Instance Court Judge, Addis Ababa, on 22 March 2024.

¹²⁹ Federal Supreme Court, 'Federal Courts 3rd Strategic Plan (2021-2026)' (2021), p. 35.

¹³⁰ Confidential Interview with Sign Language Expert at ENAD (n 116).

The service remuneration is not only inadequate but also fails to account for actual transportation costs and waiting time at court to deliver the service. Sign language interpreters, according to ENAD key informants, perform the service at their own expense to comply with court orders and to help the deaf litigating party rather than getting adequate payment for their professional services.¹³¹

Additionally, sign language interpreters are not paid at the courts when they provide sign interpretation services. To give an example, the allowance payment for sign language court interpretation service delivered in all eleven federal first instance courts and four federal high courts in Addis Abeba is only served at Lideta Federal High Court, whereas payment for other verbal language court interpreters is served at the court where interpretation service is provided.¹³² In this regard, the Federal First Instance Court and Federal High Court key informants responded the payment of sign language interpreters currently began to be served at the court, where the service was provided.¹³³

The payment is also made after several adjournments, in contrast to the Federal Court Interpreters Directive, which requires courts to pay service fees on the day interpretation services are rendered, immediately.¹³⁴ Due to budget constraints, the court orders the litigant party with hearing impairments to bear the expense of an interpreter in some cases.¹³⁵ This approach defies the legal protection of deaf persons' right to sign language interpreters at state expense.

Last, but not least, the current salary scheme for court interpreters is unappealing. In federal courts, for example, a diploma holder with two years' experience is paid 3,333 Ethiopian birrs per month, while a degree graduate with two years' experience

¹³¹ *ibid.*

¹³² *ibid.*

¹³³ Interview with Mr. Alemayehu and FFIC Chief Registrar (n 83).

¹³⁴ Federal Court Interpreters Directive, section 3.4.8; Interview with Sign Language Expert at ENAD (n 116).

¹³⁵ Confidential Interview with ELDA member, Addis Ababa, on 21 December 2023.

is paid 4609 birrs per month.¹³⁶ In Oromia, the Court Interpreter position requires a BA degree in Language and Literature in all tiers of courts and pays 3934 birrs per month.¹³⁷ Furthermore, there is no system of promotion or salary increase for those who upgrade their educational level or expertise.¹³⁸

The salary is not only insufficient but is also difficult to cover the worker's personal and household expenses.¹³⁹ Ultimately, the benefits, allowance, and payment system for expert court interpreting services are disappointing. In practice, many people are uninterested in entering the profession and delivering assistance.¹⁴⁰

5.3. Cost of Civil Litigations

The cost of litigation for the deaf litigant party is another barrier to accessing civil justice. According to the International Labour Organization (ILO), 95% of Ethiopia's PWDs (including deaf persons) are impoverished.¹⁴¹ Although few deaf people are financially strong, the majority of them are unable to handle the cost of pleading preparation, court fees, translation and transportation expenditures, and other associated costs.¹⁴²

In the case of litigations that have monetary value, court fees are based on the amount of the claim. For example, a person claiming 100,000 Ethiopian birrs before federal courts is required to pay a court fee of 3,350 birrs at first instance jurisdiction and 1,675 birrs (50%) to claim for a single appeal, disregarding other expenses.¹⁴³ In the

¹³⁶ Interview with Zinashwerk (n 82).

¹³⁷ Interview with Mulu (n 82).

¹³⁸ Interview with Ad. Itenesh ____, Oromia State Supreme Court Interpreter, Addis Ababa/Finfinne, on 06 February 2024.

¹³⁹ *ibid*; Interview with Mr Ermiyas Name, Federal Supreme Court of Ethiopia Local Language Court Interpreter, Addis Ababa, on 20 December 2023.

¹⁴⁰ Interview with Mr. Shewangizaw ____, Federal Supreme Court Foreign Language Interpreter, Addis Ababa, on 24 January 2024.

¹⁴¹ International Labour Organization, 'Inclusion of People with Disabilities in Ethiopia', available at: <https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_112299.pdf>. Accessed on 17 December 2023.

¹⁴² Ashagre (n 22), P. 28.

¹⁴³ Federal Supreme Court, 'Federal Supreme Court of Ethiopia- Court Forms and Fees.' available at:

case of Oromia, a person filing to claim 100,000 birrs is required to pay 6% (6000 birrs) for the initial hearing, 3000 birrs for the appeal, and 500 birrs for the opening of execution files.¹⁴⁴ Attorney expenses usually range from 7 to 10 percent of the claimed monetary value. Indigent plaintiffs or appellants with hearing impairments are not in a position to cover such expenses.¹⁴⁵

Although the Ethiopian Civil Procedure Code permits indigents who cannot afford court fees to file civil suits in *forma pauperis*, the proofing process to obtain the service is complicated.¹⁴⁶ Producing evidence of pauperism is challenging for PWDs compared to other persons due to the lack of appropriate accommodation before concerning bodies such as the Kebele administration.¹⁴⁷ In this respect, the Kenyan PWDs Act exempts PWDs from paying court fees to ensure their effective access to civil justice by considering the destitute situation of most PWDs and to avoid over-processing of cases.¹⁴⁸

In Ethiopia, unlike Kenya, PWDs do not have automatic privilege in judicial proceedings except labour case litigation which is guaranteed for all employment case litigations.¹⁴⁹ The pauper suit is conditional upon application, producing evidence of pauper status and approval by the concerned organ. To mitigate the challenge, at least, exempting court fees by mere declaration of PWDs as poor and shifting the burden of proof to the opposing party fosters access to justice for deaf persons.

<. <https://www.fsc.gov.et/Court-Services/Registry-Services/Court-Forms-and-Fees>>. Accessed on 05 December 2023.

¹⁴⁴ Oromia Regional Courts Court Fee Regulation, Regulation 08/2016 E.C (2023), Article 18, 15 (3d) and annex.

¹⁴⁵ Interview with Mr Jafar Aliyi, Attorney at Oromia and Federal Courts, Addis Ababa, on 20 December 2023.

¹⁴⁶ Confidential Telephone Interview (n 77); Ashagre (n 22), P.28.

¹⁴⁷ *ibid.*

¹⁴⁸ Committee on the CRPD, 'Kenya 2012 State Report, para. 134.

¹⁴⁹ Federal Supreme Court, 'Federal Supreme Court of Ethiopia- Court Forms and Fees.' (n 143).

On top of that, if there is an economic imbalance between the destitute person and the opposing party that covers litigation costs, such as attorney's fees, the litigant with hearing impairments becomes detrimental in defending his or her case. In civil proceedings, William Rubenstein observes that 'litigants lose equal access to justice if they lack the resources to litigate their cases more or less as effectively as their opponents'.¹⁵⁰ Indeed, federal and state advocate statutes require private attorneys to provide limited pro bono advocating services to indigent clients.¹⁵¹

The Federal Ministry of Justice and regional justice offices also provide free legal assistance and representation to society's most vulnerable populations.¹⁵² Such legal recognition could contribute to reducing the power imbalance between plaintiff parties in civil proceedings litigations. Accessing the service, however, can be tricky for a person with hard of hearing owing to limited access to information and a scarcity of sign language interpreters for effective communication.¹⁵³

Similarly, free legal aid centres found at public universities and PWD associations, such as The Federation of Ethiopian National Associations of PWDs and ELDA, offer free legal consultation and representation to poor PWDs.¹⁵⁴ Legal aid services are typically limited in major cities and may be difficult to access for people with hearing impairments living in rural areas. They also confront resource constraints, such as the lack of a sign language interpreter to handle their case.¹⁵⁵

5.4. Data and Documentation Issues

¹⁵⁰ William B Rubenstein, (n 13), P. 1865.

¹⁵¹ Federal Advocacy Service Licensing and Administration Proclamation, 2021, Art. 31, Proc No. 1249/2021, *Fed. Neg. Gaz.*, Year 27, No. 42; Proclamation Licensing and Administration of Advocates and Paralegals of Oromia National Regional State, 2013, Art. 33 (4b), Proc. No. 182/2013, *Mag. Oro.*, Year 21, No. 7.

¹⁵² Interview with Mr Fikadu Demissie, Director of Advocate Licensing and Free Legal Aid Directorate at Ministry of Justice, Addis Ababa, on 17 January 2024; Interview with Ob. Juhar Mohammed, Head of Justice Office at Adama City Bole Sub-city, Adama, on 26 March 2024.

¹⁵³ *ibid.*

¹⁵⁴ *ibid.*

¹⁵⁵ *ibid.*

Article 31 of the CRPD requires state parties to collect and disseminate statistical and research data on PWDs to relevant bodies to facilitate the formulation and implementation of appropriate policy and legal frameworks. In Ethiopia, however, there are no accurate updated statistics on PWDs, including the number of deaf persons and people with hearing and visual impairments.

According to the 2007 census, there are 146, 859 people with hearing impairments out of a total of 805,492 people with disabilities (deaf people (27, 288), people with difficulties of hearing (73, 632), and people with hearing and speaking impairments (45, 959).¹⁵⁶ However, the credibility and census quality were in doubt.¹⁵⁷ The ENAD estimates the country's current deaf population to be 3.5 million, whereas the African Sign Language Resource Centre estimates it to be 2.5 million.¹⁵⁸

According to the WHO, the country has five million persons with hearing impairments.¹⁵⁹ According to studies, people who are hard of hearing account for roughly one-fifth of the total PWD population.¹⁶⁰ Moreover, there has been no census of people with hearing and visual impairments, simultaneously. The ENADB believes that there are thousands of deaf-blind people in Ethiopia.¹⁶¹ In general, data on PWDs is erroneous, inadequate, fragmented, and deceptive, including the number of people with hearing impairments in the country.

¹⁵⁶ Ethiopian Statistical Service (n 11).

¹⁵⁷ Yordanos Seifu Estifanos, 'Commentary: Ethiopia's Census Dilemma: From Implementation Gap to the Politics' *Addis Standard* (2018) <<https://addisstandard.com/commentary-ethiopias-census-dilemma-from-implementation-gap-to-the-politics/>> accessed on 13 December 2023.; Dagnachew B Wakene, Priscilla Yoon, and Tsion Mengistu, 'Country Report: Ethiopia, African Disability Rights Yearbook', Vol. 9, 2021, P.212.

¹⁵⁸ Interview with Gedamu (n 99); African Sign Language Resource Center- Ethiopia (n 122).

¹⁵⁹ Demessie (n 10), P. 32; World Health Organization (n 24).

¹⁶⁰ Zelalem Tenaw, Taye Gari and Achamyesh Gebretsadik, 'The Burden of Disabilities in Sidama National Regional State, Ethiopia: A Cross-Sectional, Descriptive Study, PLoS ONE', Vol. 18, No. 7, 2023, P. 2; Solomon Mekonnen Abebe and others, 'Severe Disability and Its Prevalence and Causes in Northwestern Ethiopia: Evidence from Dabat District of Amhara National Regional State. A Community Based Cross-Sectional Study' (2021) <<https://doi.org/10.21203/rs.3.rs-18602/v5>>, accessed on 13 December 2023.

¹⁶¹ Interview with Mr Mesay Teferi, Project Officer at Ethiopian National Deaf-Blind Association, Addis Ababa, on 5 December 2023.

The lack of trustworthy data has detrimental consequences for developing and carrying out intervention mechanisms to meet the needs and interests of the PWD community. Ethiopian courts also lack comprehensive statistics on the demand-supply side of hearing-impaired accommodation.¹⁶² The federal and regional courts have refused to hire sign language interpreters, citing the country's small population with hearing impairments in need.¹⁶³ It is difficult to influence and persuade policymakers and officials to meet the needs and preferences of the population with hearing impairments when there is no credible data.

Although the Ethiopian constitution requires the government to conduct a national census every ten years, the country's most recent census was conducted in 2007. The inconsistent and misleading projections made by many entities question the data's veracity and the scale of the problem into suspicion.¹⁶⁴ The lack of trustworthy statistics exacerbates the marginalization of the country's already marginalized populations of deaf persons.

6. Conclusion

This article examines how the Ethiopian civil justice system accommodates the rights of deaf litigant parties in court proceedings, with a focus on the selected federal and Oromia regional courts. Federal and regional laws recognized everyone's right to access civil justice, including the deaf person. At the federal level, the Federal Courts Proclamation No. 1231/2021, several Federal Supreme Court Directives, and Ethiopian Language Policy (2020) all acknowledged the provision of sign language interpreters at public expense for court access. In Oromia, however, the recognition of court interpreters is limited to criminal trials and does not include the provision of sign language interpreters in civil cases, in contrast to articles 12 and 13 of the CRPD.

¹⁶² Confidential Interview with FSC Registrar Officer (n 93); Interview with Gedamu (n 99).

¹⁶³ Interview with Zinashwerk and Mulu (n 82).

¹⁶⁴ Estifanos (n 157); Wakene, Yoon, and Mengistu (n 157), P. 213.

In practice, federal courts appoint a sign language interpreter for a person who understands sign language. The illiterate who has not learnt sign language is either supported by family members or represented by a person of his or her choosing. In Oromia courts, deaf litigant parties must either furnish their interpreter or be represented by another person in civil proceedings. This practice limits deaf litigants' rights to equal recognition and capacity in court, as well as their right to self-representation in court litigations.

The actual provision of appropriate procedural accommodation for deaf persons presents several challenges. Among other things, Ethiopia has yet to recognize sign language as a working language and is reticent to enact the draft law governing the rights of PWDs. On top of that, the country fails to promptly modify and harmonize obsolete disability-hostile laws, such as civil code clauses that contradict CRPD standards. In addition, no federal or regional legislation requires courts to provide technological assisting devices to deaf litigants.

Furthermore, the federal and regional courts lack the structure to hire permanent sign language interpreters, given the service's sporadic nature. The court interpreter's payment and benefit structure are likewise unappealing for providing the service. Besides, more than 85% of the country's deaf population is illiterate, relying on family interpreters or legal representation instead of using Ethiopian Sign Language.

The expensiveness of civil litigation may also discourage destitute persons with hearing impairments from seeking civil justice. The statistics data on PWDs, especially the number of people with hearing impairments in the country, is unreliable and misleading for designing and implementing intervention mechanisms. These constraints restrict deaf litigant parties' rights to equal participation and equality of arms in civil proceedings.

To address the aforementioned limitations, this article recommends that the federal and regional state governments should undertake radical legal and practical reforms,

such as making sign language a working language of courts; revising and adopting disability-friendly laws, including explicit recognition of free sign language interpreters in civil proceedings; elimination of derogatory terms in existing laws; expanding access to education for PWDs, including sign language for deaf persons and court staffs; and strengthening the provision of necessary accommodations in courts.

Courts should also employ permanent sign language interpreters, establish separate PWD courts or divisions with proper facilities for diversified types of disabilities, and allocate adequate budgets for accommodations. More importantly, courts should provide sign language training to judges and court staff. In addition, they shall provide training to sign language interpreters on essential substantive and procedural laws.

State and non-state actors' free legal aid providers should expand their services to remote rural areas and improve accommodation facilities for PWDs, including recruiting sign language interpreters. It is also preferable if the court charge is waived by mere declaration of deaf litigant parties as indigent and shifting the burden of proof of non-indigency to the opposing party to facilitate access to justice, as the vast majority of PWD live in destitute situations.