



SEEK WISDOM, ELEVATE YOUR INTELLECT AND SERVE HUMANITY!



**ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE STUDIES
SCHOOL OF LAW**

Inclusive Banking Service for the Visually Impaired in Ethiopia

**By:
Yohannes Takele**

Advisor: Tewodros M. (Asst. Professor)

A Thesis submitted to Addis Ababa University, School of Law for Partial fulfillment of the Requirements for the Degree of Master of Laws (LL.M) in Business Law

June 2018

Declaration

I, the undersigned, declare that this thesis is my original work, has not been presented for a degree in any other University and that all sources of materials used have been appropriately acknowledged.

Name _____

Signature _____

Addis Ababa University
June, 2018

Approval Sheet

Approved by Board of Examiners:

1. Advisor: Asst. Prof. Tewodros M.

Signature _____

2. Examiner:

Signature _____

3. Examiner:

Signature _____

Acknowledgement

This work wouldn't have seen the light of day hadn't there been the support of many persons who involved at different stages of the study for which I am highly grateful. First and foremost, I would like to express my heartfelt thanks to my advisor Ato Tewodros Meheret (Assistant Professor), for his unreserved professional guidance, constructive advice, critical and fruitful comments which made the work take its present shape. I am also thankful to my wholehearted friends, Dawit Fikir, Tilahun Jambo and Muluneh Bayabil, who unswervingly lent me their hand from the beginning to the end of this study. Moreover, I extend my gratitude to different institutions such as Ethiopian Bankers Association, Ethiopian National Association for the Blind and Yichalal Media and Communication PLC and my interviewees from different areas including banks for sharing me imperative resources, their time and kind cooperation. Last but not least, I would like to extend my special gratitude for my Darling Tsedenia Alemu for all her indescribable deeds. Thank you all once again!!!

Table of Contents

Contents	Page
Acknowledgement	i
Table of Contents	ii
Abbreviations and Acronyms	iii
Abstract	iv
INTRODUCTION	v
CHAPTER ONE	1
Overview of Inclusive Banking Services for the Visually Impaired	1
1.1. ATM Accessibility	1
1.2. Mobile Banking Accessibility	7
1.3. Internet Banking Accessibility	10
1.4. Currency Identification	13
1.5. In-branch Banking	17
CHAPTER TWO	24
The Legal Regime Governing Inclusive Banking for the Visually Impaired in Ethiopia	24
2.1. International Experience	24
2.1.1 Canada	24
2.1.2 United States of America	25
2.1.3 India	26
2.2. The Case of Ethiopia	26
2.2.1 The FDRE Constitution:	27
2.2.2 Convention on the Right of Persons with Disabilities (CRPD)	29
2.2.3 Law of Contract	34
2.2.4 Trade Competition and Consumer Protection Proclamation (TCCPP)	40
2.2.5 National Financial Inclusion Policy (NFIP)	41
CHAPTER THREE	43
Conclusion and Recommendation	43
Bibliography	47

Abbreviations and Acronyms

ADA	Americans with Disability Act
ATAG	Authoring Tool Accessibility Guideline
ATM	Automatic Teller Machine
CAD	Canadian Dollar
CAPTCHA	Completely Automated Public Touring Taste to Tell Computers and Humans Apart
CBE	Commercial Bank of Ethiopia
CCE	Civil Code of Ethiopia
CRPD	Convention on the Rights of Persons with Disabilities
E.C	Ethiopian Calendar
EBA	Ethiopian Bankers Association
ENAB	Ethiopian National Association for the Blind
ETB	Ethiopian Birr
IVR	Interactive Voice Response
NBE	National Bank of Ethiopia
NFIP	National Financial Inclusion Policy
POS	Point of Sale
RBI	Reserve Bank of India
RNIB	Royal National Institute for the Blind
TCCPP	Trade Competition and Consumer Protection Proclamation
USD	United States Dollar
VIP	Visually Impaired Person
W3C	World Wide Wave Consortium
WCAG	Wave Content Accessibility Guideline

Abstract

The importance of developing a constraint-free and inclusive banking service has already been recognized by the banking industry. However, in Ethiopia, numerous banking services are still plagued by exclusion or restriction of visually impaired persons, which can frequently be traced to extreme lack of knowledge of assistive technologies on the part of banks, ill-treatment of visually impaired customers, and absence of sufficient legal framework and improper application of existing laws. Visually impaired persons are denied by banks, for example, of their right to use various banking services such as mobile banking, internet banking, ATM banking, check account and the likes on an equal basis with others. Even if some banking services such as deposit and withdrawal of cash seem equally open for visually impaired persons as well, the way they are rendered by banks is immoral, unsafe and deprives visually impaired customers of the right to privacy. There are, of course, many reasons for which any person cannot access a bank; for example, a person may fail to visit banks due to insufficient fund attitude, distance, and cost of service, lack of documentation, distrust and religion.¹ Visually impaired individuals do however become unable to access banks not only because of those mentioned herein above but also non-adoption of assistive technologies, little knowledge/awareness on the part of banks, absence of adequate legal framework and misuse/misunderstanding of the existing laws in connection with inclusive banking services.

Key words: *visually impaired, accessibility, discrimination, banking service and screen reader*

¹ National Financial Inclusion Strategy, (2017), pp. 4-6 (www.nbe.gov.et), accessed on Nov. 2, 2017

INTRODUCTION

Access to banking play a central role in a country's economic development by enabling savings and asset creation and facilitating economic self-sufficiency.² People in the world are empowered to work their way out of poverty through the instrumentality of access to banking.³ Particularly, the development of technology in the delivery of banking services has generated new interest and means for reaching out to persons who remain unbanked.⁴

Persons with visual impairment are demanding full, better and easier access to the entire range of banking services.⁵ However, they have been amongst those traditionally marginalized from the banking services through a mix of inaccessibility, perceived incapacity to manage their financial affair, insufficient legal framework and not considering them as a profitable consumer base.⁶ The good news is, the world of technology is trying to take up an increasing concern of persons with visual impairment in the banking industry for the reason that inclusive banking turns out to be one key to poverty reduction.

The development of assistive technology is not however the end of the game; assistive technology is simply a means to make banking service inclusive of VIPs. Hence, its adoption and implementation must be domesticated to the existing laws or entail the enactment of sufficient legal framework as the case may be.

The research will attempt, in the first chapter, to provide for a comprehensive overview of types, sources and features of inaccessibility as to inclusive banking for the visually impaired in Ethiopian commercial banks, introduce possible assistive technologies and in the second chapter, demonstrate the conformity or non-conformity of inclusive banking practice in Ethiopia to the FDRE Constitution, The Convention on The Rights of Persons with Disabilities (herein after CRPD), Law of Contract and The Trade Competition and Consumer Protection Proclamation(herein after TCCPP). The study is conducted, inter alia, based on experiences of selected countries, assistive technologies, internet sources, focused group discussion, interviews,

² Ala Khalaf, 'E-banking Functionality and Outcomes of Customers Satisfaction: an Emperical Investigation', (www.HeinOnline.org), accessed on Mar. 1, 2018

³ Ibid.

⁴ Ibid.

⁵ Interview with Olufemi Bayode, freelance consultant in assistive technology, Nigeria, Mar. 10, 2018

⁶ Ibid.

legislative and case analysis. The countries were selected either for their success to develop inclusive banking system or for the huge number of visually impaired population they have. About 50 visually impaired respondents among those who have already had banking experience and 4 banks (CBE, Dashin Bank, Awash Bank and Addis International Bank) were selected through judgmental sampling. The FDRE Constitution, The CRPD, Law of Contract, The TCCPP and the National Financial Inclusion Policy (herein after NFIP) were selected for discussion because of reasons such as supremacy over other laws, creation of contractual relationship, direct applicability for consumer protection and direct relevance they may have to the topic.

The findings of the study show that people with visual impairment have not enjoyed inclusive banking services, on an equal basis with others, because of problems associated with every machinery involved, infrastructures and awareness of the payment system, lack of knowledge to assistive technology, dearth of detailed laws and little awareness about the existing laws. Finally, in the third chapter, this work gives conclusion and suggests some recommendations which the writer thinks to be taken into a policy correction.

CHAPTER ONE

Overview of Inclusive Banking Services for the Visually Impaired

The cashless policy is being introduced into the Ethiopian market to encourage the use of checks, ATM, POS, mobile banking, online banking and so on rather than cash. This was welcomed and appreciated by Ethiopians because of its numerous benefits such as decongestion of banking hall; stress-free business transaction; easy movement of huge amount of cash; etc.

This new cashless payment system could be best argued to be of multidimensional advantages for people with visual impairment. Therefore, besides its general goals, objectives and benefits to Ethiopians, it ensures the independent financial management and control by people with visual impairment, increases their opportunity to work, promotes self-confidence and capacity building, just to mention few. However, people with visual impairment have not enjoyed these benefits because of problems associated with every machinery involved, infrastructures and awareness of the payment system even in the states where it is in full operation.⁷

1.1. ATM Accessibility

Unlike visually impaired customers, it's been awhile since the last time many bank customers actually stopped standing in line to speak with a human bank teller. Nowadays, most of bank customers choose to use ATMs to do a large portion of their banking.⁸

Several countries and banking regulators have issued guidelines and instructions on making ATMs accessible to persons with visual impairment. As understood from these guidelines, ATM accessibility is not merely a function of providing some Braille labels or voice output for limited navigation. Rather it has to make all transactions, instructions and error messages issued by ATMs to be as accessible to persons with visual impairment as users without visual impairment.

The American Department of Justice has issued standards of accessibility relating to ATMs under the Americans with Disability Act (ADA).⁹ The standards require that signs should be in

⁷ Focused Group Discussion with 22 visually impaired workers, on Mar. 15, 2018

⁸ Interview with Yirga Mamo, Senior Customer Service Officer at Kebena Branch, CBE, Feb. 20, 2018. The discussion on ATM accessibility also works for POS accessibility.

⁹ Inclusive Financial Services for Seniors and Persons with Disabilities, (www.g3ict.org) accessed on Feb. 21, 2018

Braille, of a voice guidance system and input controls for visually impaired users. All ATM owners are duty bound to adhere to these guidelines when installing or modifying ATMs.¹⁰

Likewise, the Australian Bankers' Association has also put in place a standard for ATMs accessibility.¹¹ The standard gives broad coverage for issues of physical and technological accessibility.¹²

In Ethiopia, banks install ATMs in different cities of the country as well. However, even if these banks are aware of the availability/possibility of installing accessible ATMs, all of the ATMs these banks install turn out to be devoid of voice assistance (accessibility features). In other words, all the ATM in this country are not modified and adapted for the use of persons with visual impairment. These machines lack the capacity to voice each on-screen information for them. For instance, few machines with speech can only voice "welcome", "Please enter your secret number", "wait while your transaction is being processed" and "thank you for banking with us." The writer has realized that some bankers believe these machines to be the so-called „accessible ATMs“.¹³ This is a key misunderstanding to reckon ATM which provided few audio messages through ATM speaker to be the so-called talking ATM. They are not actually said accessible ATMs however while every other processes like withdrawal; enquiry; account type; amount; and so on are silent.

Currently installed ATMs have only text displays for instructions and keypads for entering transaction information. Of course, banks should know that many ATMs are now shipped with audio capability pre-installed. Some can have audio hardware added without having to replace the machine. Other ATMs may need only a software update to talk. Hence, they should check whether any of their ATMs fall in either of the two. Otherwise, without the help of a sighted assistant, a VIP can't read the text display in order to enter the desired information.

Various banks offer different models of ATM machines, and there is little consistency among them. Therefore, while visually impaired users may be able to memorize the instructions and commands for a specific machine, they are not free to operate the multitude of other ATMs

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Interview with Bekalu Dagnachew and Kasahun Abiye, Customer Service Managers at Kebena and Minilik Branches, CBE, Feb. 20, 2018

independently. So, having no alternatives, most VIPs are forced to do their banking at a counter with a live teller. Nowadays, Banking at a counter with a live teller does, as will be seen in subsequent sections, result in mobility challenges, demoralization and other problems against visually impaired customers. On the other hand, there is a rumor, on the part of banks, to collect transaction fees made for use of a teller following sufficient number of ATMs installation.¹⁴ Hence, in so far as visually impaired users keep on doing their banking at a counter with a live teller, it will be inexorable for them to incur extra cost. When the writer brought this to the attention of Mr. Zelalem Yibeltal, he agreed with the appropriateness of the concern and inevitability of the problem.¹⁵ He added that making ATMs accessible is an issue of human right, which banks are required to promote and respect. However, if the rumor hurriedly comes true, it will have to be obligation of banks to waive all transaction fees made for use of a teller, possibly with encoded accounts of visually impaired customers to reflect this decision.

Banks are not currently willing to issue ATM card for their visually impaired customers.¹⁶ They raise the issue of security and inability of visually impaired customers to operate ATM machines using their ATM card as a reason for their refusal.¹⁷ Even if it is undeniable that all the ATMs banks currently install are inaccessible, it will be imprudent to believe that VIPs may not operate these inaccessible ATMs at all.

93 percent of the respondents reported that they were denied by banks of accessing ATM card issued on their behalf. 4 percent of them reported that they were able to access ATM cards issued on their behalf on the basis of some bank tellers' sympathy and as they heard from the latter, without the interest and procedure of their banks. Even if accessing banking service through ATM may increase risk/insecurity, the risk/problem of insecurity, as the respondents experience, is not necessarily unique to visually impaired customers. In other words, they are usually exposed to the same risks to which sighted ATM users are exposed. However, they did not deny that they feel less confident and less independent whenever they access the voiceless ATMs currently installed. They added that some of them are exceptionally good at recognizing tactile marks and sensing functions, forms and positions of keys, while others may not. Nonetheless, just having or adding tactile marks on the ATMs keypad does not fix the problem.

¹⁴ Interview with Tetemke Gebrie, ATM Installation Expert at head office, CBE, Mar 5, 2018

¹⁵ Interview With Zelalem Yibeltal, Manager at Ayat Adebabay Branch, Addis International Bank, Feb. 28, 2018

¹⁶ Supra note 7

¹⁷ Interview With Ermias Bekele, President of Ethiopian Bankers' Association, Mar. 8, 2018

On the other hand, ATMs vary in design and layout, and it may be challenging for a totally blind person to know which button does what. Different ATMs provide information in a different order as well. Despite no variation in design of ATMs, Even using the same ATM each time may not be safe because banks insert messages about new products and services.¹⁸ Moreover, visually impaired customers who are not fairly good at recognizing tactile marks on keypads or sensing functions, forms and positions of keyson similarly designed ATMs may be particularly forced to share their pin to their friends or family members and increase insecurity against their financial affairs.¹⁹

VIPs have been,with relative independence, using non-smart phones short of accessibility mobile softwares such as „Talks“, „Talk-Back“ or „Voice-Over“ for years. Visually impaired users are well-known to memorize the instructions and commands for a specific and inaccessible mobile phone.²⁰ Likewise, visually impaired users are able to memorize the instructions and commands for similarly designed ATM machines.²¹ Hence, subject to modifying and adapting ATMs for the use of persons with visual impairment, issuing ATM card for visually impaired applicants should be free from any impediment in so far as they require the issuance on their behalf. What banks should care about is that whenever visually impaired customers apply for ATM card, they should not equate literate VIPs with illiterate customers; they must clearly explain them all possible risks involved in the operation and usage of ATM card being issued rather. Some visually impaired users air grievances against banks not just because they do not install accessible ATMs; but also many bank branches cover keypads of the already installed ATMs with thick plaster with a view to protect the walls of the ATM from dust.²² This makes the currently available ATMs absolutely inaccessible for those visually impaired users who wish to use these ATMs tactilely and by memorizing their instructions and commands.

Comparison of TALKING ATM vs. ATM with PUBLIC VOICE GUIDANCE in a tabular format²³

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Supra note 7

²¹ Ibid.

²² Interview with Tewodros G/Egziabher, public prosecutor at Amhara Regional State, Feb. 20, 2018

²³ Prashant Naik, ‘Difference between Talking ATM for Blind and Partial Voice Guidance on an ATM for General Public’, (www.blindhelp.net) accessed on Mar. 6, 2018

SR. NO.	TALKING ATM FOR THE VISUALLY IMPAIRED AND PARTIALLY SIGHTED	PUBLIC VOICE GUIDANCE ON AN ATM
1.	Independent transaction is possible for visually impaired ATM users.	VIP cannot perform independent ATM transaction.
2.	Private audio only through a headphone. A standard 3.5 mm jack headphone should be plugged in by the user in the beginning of the ATM operation.	Public audio through ATM internal speakers.
3.	Each ATM screen is voiced out. Complete synchronization of screen text and audio output.	Very few voice prompts. Mainly we will find the following prompts Welcome message Please enter your secret number or PIN Please enter your amount. Please wait your transaction is being processed. -Thank you, etc. (not more than 6 to 8 voice prompts are available at public voice guidance enabled ATM)
4.	Additional safety and security features in the ATM operation provided for visually impaired	No additional features in the ATM operation are provided.
5.	Visually impaired have option to hide or display ATM screen.	No such option available.
6.	Volume control either through hardware switch button or through IVR based keypad input possible.	Only possible through hardware switch/button.
7.	Appropriate Braille labels are provided to locate different ATM parts.	Braille labels may or may not be provided.
8.	This is an inclusive ATM. Both sighted and visually impaired person can use it.	This is not a special ATM. Definitely this ATM can be easily used by sighted persons however partial voice prompts not leading to an independent ATM operation for VIPs.
9.	Audio orientation of the ATM is provided in the beginning.	No such ATM parts orientation feature available.
10.	Only voiced out when headphone pin is plugged into the ATM audio jack.	All the time few audio messages are spoken through speakers.
11.	Audio is private.	Audio is public.
12.	Audio messages can be recorded as wave files or mostly preferred is synthetic voice which is Text-to-Speech based.	Audio messages are mostly recorded as wave files.
13.	Multi language choice is possible for the user.	User cannot choose language on his own.

14.	Special efforts are involved from bank and ATM manufacturers to develop and customize talking ATM solution for banks.	No such special efforts needed. Mostly voice guidance is readily available. Very little changes as bank name, etc. may be done.
15.	Dynamic information such as balance amount, etc. is delivered from ATM switch during talking ATM usage.	No such dynamic info is delivered.
16.	ATM screen function keys operation is mapped to key pad operation for ease of usage for VIPs.	No such key mapping is done.
17.	Interactive Voice Response (IVR) based operation which uses ATM pin pad for all inputs is designed for ease of operation. Few examples are : Press 1 for cash withdrawal, press 2 for balance enquiry, press 3 for PIN change. Press 1 yes if you want receipt, press 2 if No.	No such IVR operation is possible.
18.	In hidden screens mode: touch screen mode is disabled.	Touch screen mode is always enabled.
19.	For low vision persons care is taken to develop accessible screen text with large font and better contrast.	No such screen changes are done.
20.	To have infrastructure accessibility floor guidance, railing, accessible door size and floor space, ramp, etc. are provided for talking and accessible ATM sites.	No such infrastructure accessibility features are provided.
21.	At ATM switch side configuration changes are done to support talking mode at ATM terminal.	No such special changes are made.
22.	Bank invests in developing this solution and work on customization.	Voice enabled ATM models are readily available. Mostly newer ATM models are having voice guidance capability. It is just enabled at ATM end.
23.	Being a private audio is not at all annoying to public.	Once voice guidance is enabled it speaks all the time through speakers and this experience may be annoying for general public.

1.2. Mobile Banking Accessibility

Using mobile banking services is more imperative for VIPs in order to circumvent mobility challenges and other difficulties they face whenever they do banking at a counter. Indeed, Mobile banking, at times advertised as "a bank in your hand," makes it much easier not just for visually impaired customers but also for sighted customers with bank accounts to access their financial details and conduct transactions.²⁴ The service requires an SMS-capable cellphone, on which the user can create a digital wallet which can be used for many financial transactions, including making deposits, paying bills, receiving grants and so on.²⁵ In other words, the application is not limited only to smartphones, and thus can be accessed by any mobile phone.

The adoption of mobile banking among financial service providers and customers is increasing rapidly across countries.²⁶ U.S. banks have a continuous commitment to guarantee that mobile banking is easy for all of their customers to use, including people with visual impairment.²⁷ They continually enhance the accessibility and usability of their mobile App based upon standards recommended by the World Wide Web Consortium (W3C) in its Web Content Accessibility Guidelines (WCAG) 2.0 and the American Disabilities Act (ADA).²⁸

Similarly, Indian Banks also worked with 'Atmadeepam', a social organization working towards the holistic development of the disabled, to make mobile app fully accessible for visually impaired users.²⁹ The State Bank of India has also issued successive guidelines for Indian banks to make their services including that of mobile banking accessible for visually impaired users.³⁰

In Ethiopia, mobile banking is rendered into two ways: through SMS and text messaging services and mobile apps. Mobile banking through SMS and text messaging is fully accessible while it is not fully accessible through mobile apps. Apps remain largely unusable, primarily because they are not designed as compatible with text-to-speech software. The fact that persons make use of financial services through SMS and text messaging services however helps bypass

²⁴ Mobile Banking Is Saving Us „Billions“ in Charges, (www.bbc.com/news/business) accessed on Feb. 20, 2018

²⁵ Supra note 9

²⁶ Ibid.

²⁷ Mobile Banking for Visually Impaired in the U.S., (www.lflegal.com), accessed on Feb. 25, 2018

²⁸ Ibid.

²⁹ Banking for Visually Impaired, (www.ETtech.com), accessed on Feb. 20, 2018

³⁰ Ibid.

the problems faced by customers with visual impairment who get into trouble to use these mobile apps.³¹

Mobile Banking services enable users, wherever they are, to access their bank accounts, make fund transfers, payments and balance inquiries as well as get instant notifications on all their accounts linked with Mobile Banking services-using the SMS, XHTML and DOWNLOADABLE application channels.³² Such service is of more significant implication for visually impaired users, who do currently encounter multifaceted problems while doing banking at a counter.³³ Accessible mobile banking services enable a lot of persons with visual impairment who are found far from bank branches or live in rural areas and need the assistance of others to physically access banks, who do not want to do banking at a counter with a view to protect their privacy and financial independence, or who do incur discriminatory financial cost for doing banking at a counter to access banking services using their mobile phones.³⁴

Even if using mobile banking services give visually impaired customers all such benefits, banks, other than Dashen Bank, are not willing to render mobile banking services for their VIPs, at least through SMS and text messaging services.³⁵ They believe that VIPs are not able to operate mobile phones; or all mobile phones have no accessibility features that enable visually impaired users to independently operate.³⁶ This limited understanding cannot be attributable to any justification other than to full lack of knowledge or interest to know as regards assistive technology and potential of the visually impaired community.

Only few bankers are aware of the fact that majority of phones in the market including all smart phones have in-built or user-installed screen readers; hence, accessible.³⁷ However, they even feel less confident in that the phones, despite accessible, they say, may be less secure; because, friends or any other third party may collect/access PINs of visually impaired customers when the

³¹ Supra note 27

³² Mobile Banking, (www.combanketh.com), accessed on Mar 1, 2018

³³ Focused Group Discussion with 25 visually impaired students, on Mar 11, 2018

³⁴ Ibid.

³⁵ In case of Dashen Bank, a customer could get registered, without contacting to the bank tellers, for mobile banking by dialing *996*1111#; hence, VIPs can get registered via this way and bypass the possible discrimination by bank tellers for mobile banking.

³⁶ Interview with Melak Beyene and Asaminew Gezu, Customer Service Manager and Branch Manager respectively at Minilik Branch, Awash Bank, Mar. 5, 2018

³⁷ Interview with Mekuriyaw Kassie and Mestawit Iyayu, Mobile Banking Officers at Arada and Piazza Branches, CBE, Gondar, Mar. 15, 2018

latter use their mobile banking account and enter their PINs.³⁸ Of course, disclosing one's PIN to someone else is in breach of the banks' rules, potentially leaving user unprotected as money may be stolen from his account.³⁹ Despite this, their worry, I can say, comes simply from their lack of full knowledge to the text-to-speech software's.

Android smart phones have an in-built text-to-speech software known as Talk-Back. This text-to-speech software consists of, among others, „dark screen“ feature. This feature enables visually impaired user to use any android phone by turning the „the dark screen“ feature on; i.e. the user can call, read, write, take picture, play music or browse with its phone while the screen of the phone turned off. Similarly, IOS phones have an in-built text-to-speech software known as Voice-Over with „dark screen“ feature; hence, iPhone users can operate their phones while the screen is turned off as well. A visually impaired customer who uses the Talk-Back or Voice-Over text-to-speech software can also use the „user dictionary“ feature of the software and change characters of a PIN to words created by and known only to him and therefore his PIN is not compromised even if the text-to-speech software reads with the newly designated words loud and makes them heard by third party. Therefore, unlike the concern of few bankers, visually impaired users can safely use mobile banking with their friends or other third parties around; and securely enter their PINs by turning the screen of their phone off.

Of course, few older mobile phones other than smart phones may be inaccessible or devoid of in-built or user-configured text-to-speech software although the phones turn out to be an SMS capable. The good news is that these phones have recently stopped coming onto the market. 84 percent of the respondents use accessible phones while the remaining ones, 16 percent do not have accessible phones. However, despite with accessible phones, only 3 percent of the former were able to access mobile banking account through an informal way; i.e. through some tellers' sympathy and as they were told by the latter, without the interest and procedure of their banks.

³⁸ Ibid.

³⁹ Ibid.

1.3. Internet Banking Accessibility

Internet banking is increasingly becoming popular with customers, due to its convenience and ease of use and access; it removes the necessity of physically going to a bank.⁴⁰ Since physical banks are often difficult for persons with visual impairment to use, internet banking could provide a better solution.⁴¹ However, in order for internet banking to be such a solution, banks should make their websites more accessible and follow the prescribed guidelines such as WCAG, to ensure a better banking experience with adequate security not just for their customers with visual impairment, but for all their customers.

In Great Britain, online banking has been around for much longer, and most banks - including the Co-op, HSBC, Santander, Lloyds, and others worked much to make their websites compliant with the W3C WCAG 2.0.⁴² The Bank of Ireland says that following such guideline ensures that websites provide the same experience for all of their users.⁴³

Similarly, US banks have worked a lot to make their websites and apps user friendly by designing them in accordance with WCAG 2.0.⁴⁴ They are also required to ensure their website and all of their online documents comply with the ADA principles and Section 508 accessibility standards.⁴⁵ The intention behind the law is for clients with a visual impairment to be able to access online documents like a sighted person would.⁴⁶

Internet banking has begun offering a wide range of services from checking account balances and transferring funds, to paying bills and connecting with customer service representatives in Ethiopia.⁴⁷ It gives VIPs the opportunity to circumvent problems facing them in banking at a counter, to remain independent and more in control of their own financial affairs.⁴⁸

⁴⁰ How to Make Financial Services Accessible for Blind and Partially Sighted People, (www.mib.org.uk), accessed on Feb. 22, 2018

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Brian Wentz and Kailee Tressler, „Exploring the Accessibility of Banking and Finance Systems for Blind Users“, (www.firstmonday.org), accessed on Feb. 22, 2018

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Internet Banking, (www.combanketh.com) accessed on Feb. 20, 2018

⁴⁸ Letter from ENAB to NBE, 2009 E.C.

Despite such a benefit, banks in Ethiopia prohibit visually impaired customers from using internet banking services.⁴⁹ To begin with, banks have rarely taken into consideration the needs of VIPs and developed accessibility policies although they should have otherwise.⁵⁰ Only 5percent of the respondents reported that they submitted a request for their customer bank to avail themselves of internet banking services. No bank was willing to permit any of the applicants to use internet banking services however.⁵¹ Hence, we can say, no visually impaired customer has ever reaped, with its limitations, the fruits of internet banking from banks in Ethiopia.

Their existing knowledge as regards assistive technology has told bankers in Ethiopia that Computers are speechless machines; VIPs are not able to operate computers without the help of their friends, families or any other third party.⁵² Hence, if use of internet banking services is allowed for visually impaired customers, banks say, disclosing their passwords to third parties will be inevitable; security of customer's account will be compromised, which in turn will be against the rules of banks.⁵³

As pointed out in the section dealing with mobile banking accessibility, some older mobile phones other than smart phones may be completely inaccessible or devoid of in-built or user-configured text-to-speech software. Conversely, in the world of computer technology, no operating system turns out to be devoid of screen reader software of its own. In other words, any computer, be it desktop or laptop, is fully accessible for visually impaired customers although they may differ in its operating system.

For instance, VIPs who use Microsoft Window can install screen reading software such as JAWS, NVDA, Window-Eyes, Hal and so on their computers and utilize it to execute tasks with their computers. Particularly, NVDA is highly recommended for visually impaired computer users in Ethiopia for the reason that it is an open-source screen reader and recognizes Amharic language. Those who use Mac operating system can also utilize the screen reader called Voice-Over to execute tasks with their computers. However, visually impaired customers who use Mac

⁴⁹ Supra note 17

⁵⁰ Ibid.

⁵¹ Supra note 7

⁵² Interview with Walelign Chekol and Biruk Zenebe, Customer Service Officers at Menen Area Branch, Dashen Bank, Mar. 15, 2018

⁵³ Supra note 14

operating system may not be able to independently read, on all websites including those of banks, information written in Amharic.

From this discussion, we can conclude that banks' deprivation of the right of visually impaired customers to access internet banking services under the guise of computer-inaccessibility or insecurity is a mere concern. This does not mean however that banks have designed their websites to use internet banking services in a user-friendly manner or in accordance with international website accessibility standards. As the writer observed, all websites they developed do not ensure full access without the use of a mouse, and through screen readers and voice recognition software. On their websites, the edit field and some other elements are not fully accessible with JAWS or NVDA. The websites are designed devoid of important accessibility features such as headings and landmarks used for quick keyboard navigation. If elements were correctly labeled, navigating through the site would be more accessible. It must be noted that for a screen reader user, content can be quickly found a lot easier with labeled elements and properly-structured headings and landmarks. In the presence of labeled elements and properly-structured headings and landmarks, the time the user saves while doing online banking will be extremely better than otherwise. In the websites, all tool tips are not properly labeled and all graphics do not have proper text description. The websites do not have accessible checkboxes or radio buttons, which in turn makes a lot of embedded dialogs challenging to use. They do not place clear directions before any field and make all error messages describe exactly what needs to be fixed.

There are a set of international standards that banks should use to develop or modify their websites for web-accessibility. One of them is the WCAG 2.0. The WCAG 2.0 specify the manner in which the material on any website is to be perceivable, operable, understandable and robust.⁵⁴ Under these four stated principles of web content accessibility, 12 guidelines have been given, to give the web content developers a framework and set of objectives to understand the needs of persons with disabilities including those with visual impairment. There are also levels of conformance that are defined for each guideline, and a list of sufficient and advisory techniques has also been given.⁵⁵

⁵⁴ WCAG 2 at a Glance, (www.w3c.org/WAI/WCAG20/glance/)

⁵⁵ Website Accessibility, (www.tiresias.org/research/guidelines) accessed on Mar. 21, 2018

The WCAG 2.0 Guidelines includes some basic steps, such as including text alternatives for all non-text objects, including descriptors or captioning for images, audio and animated sequences, and following a style sheet wherever possible, in order to maintain a consistent design.⁵⁶ These guidelines address needs of persons with different disabilities and cover scripting, form accessibility, easy navigation, mouse-less navigation, alternative information formats, and usability with different types of assistive technology. The guidelines deal with visibility and display (using contrasting colors for background and text; using relative sizing so that the text can be increased to up to 20 percent), functionality (providing skip links such as "Back to Top"; ensuring that animation can be paused or switched off; ensuring keyboard as well as mouse functionality), and formatting (setting the language attribute of each page; providing clear navigation mechanisms; ensuring that all markup is validated and coded correctly), amongst others.⁵⁷

No bank has ever utilized these guidelines to develop a fully accessible website.⁵⁸ Even worse, many of them turn out to be non-cognizant of such guidelines.⁵⁹ Of course, EBA is currently trying to work in consultation with stakeholders such as ENAB and NBE in order to solve the problem.⁶⁰

1.4. Currency Identification

For currency to be most effective as a means of payment, all users should have barrier-free access.⁶¹ Conducting financial transactions using bank notes is crucial to independent living.⁶² Yet this can pose significant challenges for individuals who are visually impaired.

Physical currency (both notes and coins) are confusing and often may not be distinguished from each other by merely feeling them. Whether it is the printing of differently colored notes, large print on the notes, or the development of raised tactile features, there are several alterations that can be made to currencies.

⁵⁶ Ibid.

⁵⁷ Supra note 54

⁵⁸ Supra note 17

⁵⁹ Supra note 14

⁶⁰ Letter from NBE to EBA, July 5, 2009 E.C.

⁶¹ Carolyn Samuel, „Making Bank Notes Accessible for Canadians Living with Blindness or Low Vision“, (www.bankofcanada.ca/wp-content/uploads/samuel) accessed on Mar, 1, 2018

⁶² Ibid.

In Canada, all notes include a number of Braille cells as tactile indicators to differentiate the value of each note.⁶³ Every coin has a different finish, such as ridges or rounded edges that enable individuals to identify their coins.⁶⁴ Several assistive devices as well as mobile applications have been developed to aid in currency identification by photographing the notes or scanning them with the mobile device's built-in camera.⁶⁵

In recent years, assistive technology has made it possible to identify paper money in the U.S. Visually impaired people can use scanners and special computer software that recognizes the bill and speaks its denomination aloud.⁶⁶ Alternatively, there are handheld devices, costing a few hundred dollars apiece, that identify money.⁶⁷ But the true revolution in money identification for visually impaired people in the U.S. is the availability of accessible mobile phones and the accompanying apps.⁶⁸ And most of these apps are quite affordable.⁶⁹

Distinguishing one physical currency from another is often known to pose problems for people with visual impairment in Ethiopia.⁷⁰ VIPs who don't have enough vision to see notes are not born with a "special extra sense" that permits them to identify notes by touch. All the respondents reported that even if there is a slight difference in size between all ETB notes, they have experienced difficulties distinguishing different notes from one another; i.e. although they try to develop techniques of distinguishing one ETB note from the other with thorough comparison of their size, much of their trial usually bears no fruit to develop a continuous and unflinching distinguishing skill.⁷¹ The major cause for the problem is that not only the notes do not have tactile markings or raised dots; but also they could steadily wear in circulation.⁷² Indeed, as seen in number 6 of the following graphic description, the NBE thinks that it has already introduced methods for VIPs to identify one ETB note from the other by touch.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Jennifer Sutton, „The Magic of Mobile Money Identification“, (www.uxpamagazine.org) accessed on Feb. 20, 2018

⁶⁷ Ibid.

⁶⁸ Ibid.

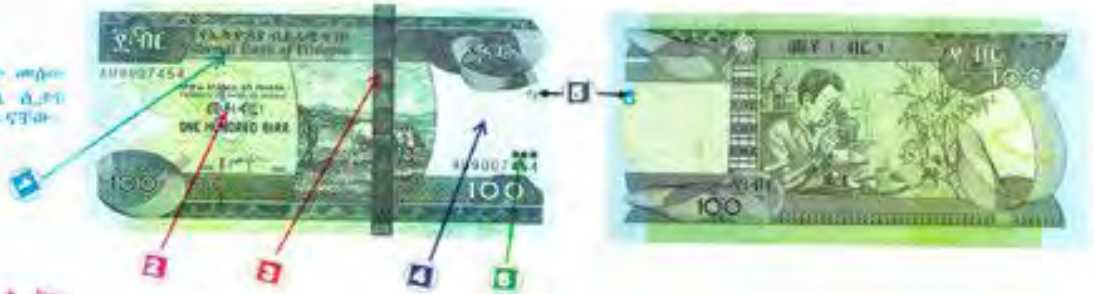
⁶⁹ Ibid.

⁷⁰ Supra note 33

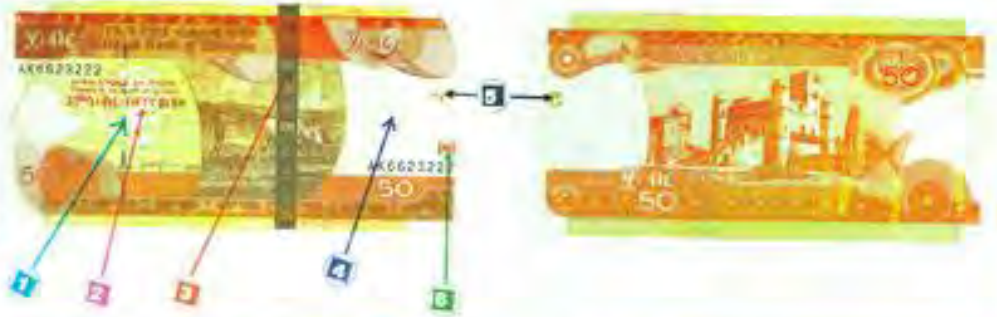
⁷¹ Ibid.

⁷² Ibid.

1 የተቆረረው የሚመስሉት መስመሮች ከብርሃን እትሞላ ሲታዩ ተዩ ያልህ ያልተቆረረው ነገር።



2 ለጋሳው ማሃል ለጋሳው ስነ-ጥናት ወይን የገንዘብ ምንም የሚገልጹ ቁጥር ማሳወቅ ይገባል።



3 ወደ ያለ ለገንዘብ ስርዓት መደብ ውስጥ ከላይ ወይን ስርዓት ለላይ የሚገልጹ ቁጥር ተገልጾ ይታያል።

4 በወረ ከሚያርቡ ገበሬ በስተቀን በኩል ነገር ባለው ይታይ የብር ምንም ከብርሃን እትሞላ ሲታይ ሌላ ተመሳሳይ የሆነ ገበሬ ሲያርብ ይታያል።



5 የብር ምንም ከብርሃን እትሞላ ሲታይ ካለ ማህያድ ምልክት በስተቀን ካለው ተመሳሳይ ምልክት ጋር ሳይጣና ከሌላው ይታይ የብር ምንም ላይ ያርፋል።

6 የብር ምንም የሚገልጹ ምንም የተሳሳቱ የሚያገኙት ይህንኑ።



7 ለስት ማዕዘን ውስጥ የሚገኘው ምልክት ከብርሃን እትሞላ ሲታይ ከስተቀን ካለው ምልክት ጋር ከሌላው ይታይ የብር ምንም ላይ ሳይጣና በሚገኘው የሆኑት ምንም የሚገልጹ ቁጥር በገጽ ተገልጾ ይታያል።



⁷³ Source: (www.nbe.gov.et) accessed on April 1, 2018

According to NBE's understanding, number 6(six) in the graphic description shows combination of pictures, colors or unraised dots in each ETB note as identification method for VIPs. However, the combination doesn't show anything raised in any ETB note like brail dots to feel. The combination of pictures, colors or unraised dots, if any, in the notes is recognized only by sight. Had VIPs been able to identify such type of combination of pictures, colors or unraised dots, as the NBE's belief is telling us, there wouldn't have been a need to create brail, a writing system consisting of patterns of raised dots to feel or touch, identify and read. No respondent as well as the writer was able to identify any ETB note by feeling and reading as described in the picture. The NBE may have wrongly perceived that VIPs could identify pictures, colors or unraised dots as it might have developed the methods devoid of any consultation with the target groups (the visually impaired).

Attempting to distinguish one note from the other in terms of their size is also unreliable; and it necessarily delays the time for cash transactions. All the respondents reported that they rather employ a strategy of different pockets for different notes of various denominations, or different methods of Birr folding, to keep their legal tender separate so that they can tell one denomination from the other. Such sort of strategy, respondents added, cannot lower the problem of delay and uncertainty for cash transaction as well.

They reported however that they have not experienced difficulties to distinguish one coin from the other. They are absolutely confident that they can easily and instantly distinguish a dime from quarter, a nickel from penny and vice versa.⁷⁴ This is because, not just there is difference in size between various coins, but also every coin has a different finish, such as rough/smooth rounded edges that enable VIPs to identify any coin in their hand.⁷⁵ Hence, what is available from the vantage point of distinguishing one coin from the other, respondents say, is worth of appreciation.

⁷⁴ Supra note 33.

⁷⁵ Ibid.

1.5. In-branch Banking

Today, VIPs may be in occupations and professions as diverse as the sighted. The visually impaired are breadwinners for themselves, their families and caretakers for others. Hence, it is not an exception to see them depositing in or withdrawing cash from their accounts in different banks.

Banks should ensure that their in-branch banking services are fully accessible for visually impaired customers. In other words, they should ensure that visually impaired customers must be offered all counter services without any discrimination, on par with sighted customers. Reducing physical and environmental barriers, reducing barriers to accessing information, offering banking services to visually impaired customers without any discrimination and sensitizing staff to work respectfully with persons with visual impairment turn out to be few among others to help banks make their counter services accessible.⁷⁶

Countries force banks to ensure barrier-free counter services for persons with visual impairment. In India, All Reserve Bank of India rules mandate that all banking services including banking at a counter must be offered to visually impaired customers without any discrimination.⁷⁷ The Indian Bankers' Association Procedural Guidelines also state that visually impaired customers must be offered all banking services without any discrimination, on par with sighted customers.⁷⁸

In order to alleviate the difficulties being faced by the VIPs in availing their genuine banking needs, Consumer Protection Department of State Bank of Pakistan has framed the related guidelines which will help the banks to better serve people who are visually impaired in a desired manner.⁷⁹ As per the guidelines, the bank shall render the same services to VIPs as it would to any other person without discrimination through all branches.⁸⁰ What banks are required to do before establishing banking relationship with VIPs is that the bank must clearly explain them all possible risks involved in the operation and usage of any services being offered.⁸¹

⁷⁶ Supra note 9

⁷⁷ Handbook of Rules and Directives for Persons with Disabilities, (www.talkingatindia.org) accessed on Mar. 15, 2018

⁷⁸ Ibid.

⁷⁹ Consumer Protection of Visually Impaired, (www.sbp.org/pk/cpd/index), accessed on Feb. 25, 2018

⁸⁰ Ibid.

⁸¹ Ibid.

Banking at a counter is perhaps the only open alternative for visually impaired customers in Ethiopia. However, all the respondents reported that they do not feel comfortable with “over the counter” as their method of banking. Had other methods of banking facilities been more accessible, they would not have probably used counter services with choice. According to their report, whenever they do banking at a counter, they feel humiliated or infuriated with the discrimination and ill-treatment by bank tellers.

All visually impaired customers, discriminatorily from all other sighted customers who stand in line for doing banking at a counter, are required to produce witnesses and their identity card for the bank teller in order for them to withdraw whatever money from their account.⁸² What must be underlined is that the objection of the respondents is not directed to the production of identity card which may be required of any person in accordance with the relevant law or other norms adopted by the bank for certain transactions. For example, The Bank will, prior to opening an account, require any applicant to produce documentation and information as prescribed by the "Know Your Customer" (KYC)" principle under Customer Due Diligence of Banks Directives No. SBB/46/ 2010 or such other norms or procedures adopted by the Bank prior to opening the account. Their objection is rather directed to the requirement of producing identity card only because the user turns out to be visually impaired.⁸³ Subsequent to each withdrawal of money by the visually impaired customer, the identity card will be copied and kept with the bank by the bank tellers.⁸⁴ The user, if visually impaired, is also required to produce a witness for each withdrawal he makes; and the witness will be called for giving his identity card and putting his signature and phone number on a special document offered by the bank.⁸⁵ The number of witnesses the VIP is required to produce may vary depending on the amount of the cash to withdraw.⁸⁶ Induced by this discriminatory act of the bank, other customers who stand in line and others who in any way witness the discriminatory act of the bank are heard making conclusion that VIPs are dishonest; hence, commit fraud against he who conducts transaction

⁸² Supra note 7 and 33

⁸³ Ibid.

⁸⁴ Supra note 13

⁸⁵ Ibid.

⁸⁶ Ibid.

with them.⁸⁷ One of the respondents reported an irritating experience which made him loathe banking at a counter as follows:

“Some days before, I had to collect payments from a government institution following the completion of a piece work I owed to the institution. Hence, I approached a cashier of the institution about collecting the money, if any at the ready. In order to effect payment for me, the cashier asked me, apart from showing her an identity card, to produce two witnesses in so far as I am blind. Confused with the unusual appeal by the cashier, I asked her why I am bound to produce witnesses while others (the sighted ones) are not bound to do so. So asked persons who were forming a line waiting for payment collection. The cashier boldly told us that she heard that visually impaired customers are fraudster; hence, requested by banks to show identity card and produce witnesses whenever they withdraw money of whatever amount from their accounts.”⁸⁸

On the other hand, in certain branches where number of visually impaired users is relatively high, finding a genuine witness is becoming unbearable unless the user comes to the bank with his friends or family, which is, more often than not, impracticable for many users with visual impairment.⁸⁹ Following the fact that users with visual impairment are continually and discriminately forced to produce witnesses by banks, people tend to be skeptical to become voluntary witness for a visually impaired customer so that he could withdraw money of any amount.⁹⁰ This may be because; they believe that banks commit such discrimination to prevent a certain dishonest behavior of users with visual impairment; and hence they do not want to find themselves possibly in a box of witness before courts of law. 20 percent of the respondents reported that due to their failure to easily find voluntary witness, they are at times forced to purchase witnesses from Birr 50-200 for every withdrawal they make in their accounts. All the respondents do also worry in that producing a person unknown to them as a witness is by far likely to entail danger against them. A story of a guest from „Yichalal“ radio program is also as follows:

“I’m a businessman with visual impairment. One time, I went to Ambo city to purchase commodities for retail. Hence, I had to visit CBE branch in Ambo to withdraw cash for payment.

⁸⁷ Interview with Alemu Berie and Fasil Alebel, customers of CBE, Feb. 20, 2018; see also supra note 5 and 30

⁸⁸ Interview with Aklog Yiheyis, Teacher at D/Markos, Gojam, on Mar. 15, 2018

⁸⁹ Supra note 33

⁹⁰ Interview with Askal Takele and Tsedenia Alemu, Dashen Bank customers, on Mar. 2, 2018

The teller told me to bring witnesses in advance to process the request. Although I informed him that there was no one known to me in the city to be a witness for no consideration, the teller was not willing at all to process the transaction. As I had to necessarily conduct the transaction then and there, I brought 2 pedestrians with payment of Br 100 each to be witnesses. Following the cash withdrawal, the witnesses insisted that they kindly want to escort me to the place I spend the night. They were then able to identify the room I was about to spend the night. By midnight of that day, I heard a hue and cry raised for the fact that the room they identified as my bedroom was burglarized by 2 individuals. Fortunately, I was so cautious and doubtful enough that I changed room few minutes after their goodbyes in the evening; hence, their trial to burglarize was effected against an unoccupied room.”⁹¹

Banks on the other hand explain that they discriminately require their visually impaired customers to produce a witness and give their identity card to the bank teller who checks and copies it only to give protection for the customers themselves.⁹² Some tellers may not be honest to their profession; i.e. even if banks do soundly and invariably work on the ethics of all their tellers, few of them may at times be unethical and swindle visually impaired customers whenever they try to withdraw cash from their account in the absence of witnesses.⁹³ This turns out to be destructive not only for the customer but also for the good will of the bank. Hence, presence of a witness should be appreciated whenever a VIP withdraws cash from his account in so far as the burden of producing witness is facilitated by the bank itself.⁹⁴ For instance, the position of CBE, as reflected by its CATS, is to facilitate production of 2 witnesses among its staffs; but, as the CATS has been recently revised, tellers are not yet familiar with it; hence, the bank receives repeated complaints through its line, 951.⁹⁵

15 percent of the respondents explained that they do not want to see the requirement of presence of witnesses at all at the time of cash withdrawal. An inquiry to entirely circumvent the requirement of witness doesn’t seem to be sound however. As already said, ETB notes do not have tactile markings or raised dots; and they could steadily wear in circulation. Consequently, visually impaired customers, when they withdraw cash at a counter, may not be able to precisely

⁹¹ *Gudayachin*, by *Yichalal* Radio Program on FM *Addis* 97.1, Nov. 30, 2009 E.c.

⁹² Interview with Ephrem Mekuriya, Head of Public Relation at Head Office, CBE, Mar. 28, 2018

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

distinguish and count the Br notes they receive from tellers. In the meantime, their inability to precisely distinguish 1 ETB note from the other may at times expose them to mischievous tellers who may intend to commit swindles. This turns out to be unsafe not only against security of customer but also against the good will of the bank itself. Therefore, in so far as the burden of producing witness devoid of any delay in transaction shifts to the bank, presence of a witness as a mere requirement should not be complained.

As regards copying and keeping the identity card with the bank, the fact seems to be otherwise; i.e. Some tellers reported that they impose such additional burden against customers with vision loss, according to their belief, with a view to protect themselves from any possible liability stemming from transaction made with the latter.⁹⁶ Logically, copying and keeping the identity card of a visually impaired customer with the bank can in no way serve protection for the user nor for the tellers however.

What is more surprising is that apart from the absence of laws, not all the customer account transaction service (CATS) of banks even incorporate such discriminations. For example, whilst that of Dashen Bank provides that visually impaired customers must bring pass book and ID cards to effect payment and retaining copy of ID card is mandatory,⁹⁷ CATS of CBE, as regards Withdrawal from Savings Accounts, doesn't provide any exception that compels visual impaired customers to show, in addition to their pass book, their identity card which must be copied and retained by the bank. As regards the requirement of producing a witness, while that of Dashen Bank has nothing to say, the CATS of CBE provides that The Customer Services Officer/Maker makes the transaction in the presence of two witnesses, if the customer is blind, one of whom should be the Customer Services Officer/Maker or the Customer Services Officer/Checker who is not processing the payment, and the other should be the customer service manager/Branch Manager.⁹⁸ Other than this stipulation, the CATS of CBE doesn't oblige customers with vision loss to seek and produce witness on their side with a view to withdrawing money from their account.

⁹⁶ Interview with different tellers at Piazza Branch, Dashen Bank, Gondar, Mar. 5, 2018

⁹⁷ Domestic Banking Operations of Procedure Dashen Bank, (2016), Art. 4.3.1

⁹⁸ Customer Accounts Transaction Services (CATS) Procedure of CBE, (2016), Art. 7.2

In any of our Banks, check book facility has never been extended to VIPs as well although the customer insists on opening checking account.⁹⁹ Banks try to justify the prohibition with the assumption of insecurity, absence of consistent signature on the part of VIPs and difficulty of identifying customers with their thumb mark.¹⁰⁰ Indeed, if a visually impaired customer is unable to use consistent signature, no check he may draw may be honored as the signature on the check may be different from his signature contained in the bank's system. Similarly, apposing signature by thumb mark on a check may be of no service unless the customer bank branch has already made biometric device available to identify thumb mark of its customers. However, the fact that VIPs cannot open and operate checking account clearly results in, inter alia, narrowing the opportunity to work of VIPs. 2 percent of the respondents reported that they were forced to resign or no more compete for managerial position as they were prohibited by banks from opening and operating checking account of their respective company.

Banks do not send or give bank statements to visually impaired customers in accessible formats.¹⁰¹ They make their failure attributable to absence of easy access to embossers, absence of repeated request on the part of customers to take the statement in electronic copy and distorted attitude on the part of tellers.¹⁰² On the other hand, if a visually impaired customer cannot read his own statements, he will require someone else to help him read the statement, thereby being unable to make his financial affairs private. 5 percent of the respondents reported that they requested their banks to give them bank statements; but, none of them has received the statements in accessible formats.

Banks also require visually impaired borrowers to have their signature or thumb mark authenticated by a notary or a judge acting in the discharge of his duty whenever a loan contract is concluded in between.¹⁰³ This discriminatory requirement compels the VIP, inter alia, to face mobility challenges, incur additional service charge for signature or thumb mark authentication, cut through the obstructive red tape and delay transaction.

⁹⁹ Supra note 7, 15 and 92

¹⁰⁰ Ibid.

¹⁰¹ Supra note 33

¹⁰² Supra note 17 and 92; also interview with Eniyew Haile, Branch Manager at Sidist Kilo Branch, CBE, Mar. 5, 2018

¹⁰³ Supra note 15, 17 and 92; and Interview with Alebachew Chanie, condominium house lot winner, Mar. 10, 2018

Banks also insist on thumb impression when the customer may prefer signature or vice versa.¹⁰⁴ The bank should not be allowed however to decide between the two on behalf of the VIP.¹⁰⁵ The Customer should be given a choice of whether to use thumb print or signature.

Owing to all these discriminations, delivery of cash withdrawal service are unnecessarily delayed and denied for visually impaired customers; visually impaired customers do incur moral and financial cost; they are forced to compromise their privacy; the right to choose their means of livelihood, occupation and profession is violated; exposure to dangers of carrying large amounts of cash and producing strange witnesses will be aggravated.

¹⁰⁴ Interview with Gebrie Teshome, public relation at ENAB, on Mar 10, 2018

¹⁰⁵ Ibid.

CHAPTER TWO

The Legal Regime Governing Inclusive Banking for the Visually Impaired in Ethiopia

2.1. International Experience

Governments and banking associations around the world have accepted that there exists a severe lack of banking services for persons with visual impairment.¹⁰⁶ Mandatory and voluntary standards and guidelines have been introduced to improve the delivery of financial services for VIPs At various levels. Countries such as Canada and the United States have been at the vanguard of this determination, and have, in the majority of cases, been successful.¹⁰⁷ Economically weaker countries such as India have also promulgated various laws, circulars and guidelines so that banks could be accessible for VIPs.¹⁰⁸ This section will look at some examples of laws, standards and guidelines being made in Canada, the U.S. and India.

2.1.1 Canada

The Canadian Human Rights Act was issued in 1977. Although the Act states that all Canadian citizens are equal, it doesn't address specific needs of persons with disabilities.¹⁰⁹ Induced by this lacuna, the Canadian Government has come up with several legislations dealing with the rights of persons with disabilities such as „TheVisuallyImpaired Persons Act“.¹¹⁰ The government of Canada has issued web accessibility standards and regulations such as the Accessibility for Ontarians with Disabilities Act (AODA) as well.¹¹¹ Both of them are crafted in keeping with the international web content accessibility guidelines.

The Canadian Standards Association (CSA) is a not-for-profit organization that develops standards for various aspects of engineering and services, and provides a certification to products.¹¹² Many banks follow its standards when they install ATMs, design their websites and

¹⁰⁶ Supra note 9

¹⁰⁷ Ibid.

¹⁰⁸ Supra note 79

¹⁰⁹ Guide to Disability Rights in Canada, (www.1800wheelchair.ca/news/post-disability-rights-in-canada) accessed on Mar. 15, 2018

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Current Standards Activity, (www.csa.ca/Standardsactivity/default), accessed on Mar. 15, 2018

other aspects of accessibility, as the standards cover the various technical specifications which need to be followed by various banks and financial institutions.¹¹³ In-branch banking including check book facility is made, devoid of discrimination, fully accessible for VIPs on par with sighted customers.¹¹⁴ Subsequent to the laws and standards, several assistive devices as well as mobile applications have been developed to aid in currency identification by photographing the notes or scanning them with the mobile device's built-in camera.¹¹⁵ These laws and standards have resulted in significant fruits as there are several examples of banks which have expanded their services comprehensively for customers with visual impairment.¹¹⁶

2.1.2 United States of America

The United States has promulgated a number of laws that safeguard the rights of persons with disabilities. The most comprehensive one is the ADA which was enacted in 1990. The ADA prohibits discrimination on the basis of disability, inter alia, in public accommodations, commercial facilities, transportation, and telecommunications.¹¹⁷ Moreover, Section 508 of the Rehabilitation Act establishes accessibility requirements for electronic and information technologies that are developed, maintained, procured or used in the U.S.¹¹⁸ In 2012, updated ADA standards were issued for banks, mandating that ATMs be made accessible for persons with disabilities. The updated rules have added supplemental advisory guidelines that banks should comply with for advanced instructional and security features for visually impaired customers.¹¹⁹

All banks in the United States are striving to comply with the guidelines.¹²⁰ Currently, No bank discriminates VIPs in the provision of banking services, be it in-branch or electronic banking.¹²¹ Persons with visual impairment in the U.S. are also worth of appreciation for their commitment to institute class action against non-compliant banks. For example, Wells Fargo Bank was

¹¹³ Ibid.

¹¹⁴ Supra note 109

¹¹⁵ Ibid.

¹¹⁶ Supra note 9

¹¹⁷ A Guide to Disability Rights Laws, (www.ada.gov/cguide), accessed on Feb. 25, 2018

¹¹⁸ Ibid.

¹¹⁹ Glen Fest, „Making ATMs Accessible“, (www.americanbanker.com), accessed on Feb. 25, 2018

¹²⁰ Ibid.

¹²¹ Ibid.

threatened with a class-action lawsuit for discrimination against customers with disability before it installed talking ATMs for the VIPs.¹²²

2.1.3 India

Article 14 of Indian Constitution provides that the government must give equal protection of the law to any person within the territory of India.¹²³ The constitutionally elevated principle of non-discrimination compels the State to ensure that persons with visual impairment are not discriminated in accessing banking services.¹²⁴ Moreover, the Persons with Disabilities Act was enacted in 1995 to give effect to the constitution on the full participation and equality of persons with disabilities in the country.¹²⁵ In the banking sector, the RBI has promulgated several orders to increase services for persons with visual impairment.¹²⁶ In one circular for example, the RBI ordered that banking facilities (including check book facility, operation of ATM, locker, etc.) mustn't be denied to the visually impaired as they are of legal capacity to contract.¹²⁷ In another circular, it ordered that banks should make existing ATMs accessible, make as a minimum one third of their new ATMs installed as talking ATMs with Braille keypads and place them strategically in consultation with other banks to ensure that at least one talking ATM with Braille keypad is generally available in each locality for catering to needs of VIPs.¹²⁸

2.2. The Case of Ethiopia

Across financial jurisdictions, it is illegal to discriminate against anyone on the basis of visual impairment.¹²⁹ Hence, it is obligatory on the banks in Ethiopia to make banking services accessible for the people with visual impairment. The United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol (UNCRPD), to which Ethiopia is a ratified signatory,¹³⁰ clearly commits to the rights of persons with disability and their access to financial

¹²² Arthur Louis, „Wells to Use ATMs that Talk“, (www.dref.org/press/wells_fargo_ATMs), accessed on Feb. 25, 2018

¹²³ Indian Constitution, (www.wipo.int/edocs/lexdocs/laws-pdf), accessed on Feb 25, 2018

¹²⁴ Supra note 9

¹²⁵ Ibid.

¹²⁶ Supra note 29

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Bankers' Guide to Inclusive Banking, (www.xrcvc.org), accessed on Feb 29, 2018

¹³⁰ CRPD and Optional Protocol Signatures and Ratifications, (www.un.org/disabilities/documents/map/desa-pdf), accessed on Feb. 25, 2018; the CRPD was also accessed from this website on the same date.

services.¹³¹ The FDRE Constitution also provides that all citizens are equal before law and are entitled to equal protection of law.¹³²

In the following section, we will briefly explore the content of selected laws and the National Financial Inclusion Policy as regards the right of persons with visual impairment to fully access banking services in Ethiopia.

2.2.1 The FDRE Constitution:

Discrimination on any ground is basically prohibited under the constitution of the Federal Democratic Republic of Ethiopia. Article 25 provides that “All persons are equal before the law and are entitled, without any discrimination, to equal protection of the law. In this respect, the law shall guarantee to all persons, equal and effective protection without discrimination on grounds of race, nation, nationality or other social origin, color, sex, language, religion, political or other opinion, property, birth, or other status.”

It is true that disability of which visual impairment is one type has not been expressly mentioned in the list of the grounds on which discrimination is prohibited. But since the list of grounds of prohibition is so illustrative that it includes disability.¹³³ Hence, the fact that disability is not clearly specified as one possible ground of discrimination does not imply that persons with visual impairment are not protected against discrimination. Specific laws on disability confirm the inclusive application of this constitutional clause by prohibiting disability-based discrimination.¹³⁴ For instance, the principles of equal opportunity are realized through legislations on employment, education and mainstreaming.¹³⁵

Article 9 of the constitution states that “Any law, customary practice or a decision of an organ of state or a public official which contravenes this Constitution shall be of no effect.” Hence, the discriminatory provision by banks of banking services, which requires visually impaired customers to regularly show their identity cards for bank tellers who then copy and hold it back

¹³¹ Ibid. Art. 12 (5)

¹³² The Constitution of the Federal Democratic Republic of Ethiopia, 1995, Art. 25, Proc. No. 1, Neg. Gaz. year 1, no. 1

¹³³ Belayneh Admasu, „Legal Protection Accorded to Persons with Disabilities in Ethiopia“, Bahir Dar University Journal of Law, vol. 3, no. 2, (2013), pp. 297-339

¹³⁴ Ibid.

¹³⁵ Ibid.

and produce family/friends or any other individuals with or without consideration as witnesses throughout each cash withdrawal, prohibits access to ATM banking, mobile banking, internet banking and so forth and failure on the part of NBE to eliminate/alleviate such discriminatory provision is simply customary practice that contravenes the principle of equality enshrined in the constitution. Banks should make reasonable accommodation to ensure full and effective participation of VIPs on an equal basis with others.¹³⁶ This means that any factors which may hinder equal protection of all rights on the basis of visual impairment must be eliminated to promote equality. For instance, laws, administrative measures and procedures as regards banking services should be employed to require modification of the physical, technological and attitudinal environment in order to ensure banking accessibility.

Another right worth-discussing is the right to privacy. A comprehensive privacy safeguard is introduced by the FDRE Constitution which protects privacy of persons, their home and correspondences.¹³⁷ Notable about the constitutional privacy provision is that it is framed illustratively so that all forms of intrusion into private spheres are prohibited.¹³⁸ The Constitution requires public officials not only to refrain themselves from interferences with individual privacy, but also to prevent private persons or entities that would impair the right to privacy.¹³⁹ Hence, the fact that visually impaired customers are forced by banks to produce their family, friends or any other individual for/for no consideration throughout each cash withdrawal, to not independently access other banking services and the failure on the part of NBE to eliminate/alleviate such discriminatory practices is a clear violation of the right to privacy of VIPs guaranteed by the constitution.

The constitution provides that “Every Ethiopian has the right to choose his or her means of livelihood, occupation and profession.”¹⁴⁰ The right to engage freely in economic activity specifically includes the right to pursue a livelihood of one's choice anywhere in the national

¹³⁶ Supra note 132, Arts. 25, 41 (5) and 13 (2) cum. With Art 5 of the CRPD

¹³⁷ Id., Art. 26

¹³⁸ Kinfe Michael, „Sources of Ethiopian Privacy Law“ (www.abysinnialaw.com) accessed on Mar. 1, 2018

¹³⁹ Ibid.

¹⁴⁰ Supra note 123, Art. 41 (2)

territory.¹⁴¹ Occupations and professions are all open to anyone capable of meeting the requirements with no discrimination based on visual impairment among others.

Even if VIPs fulfill the criteria established for exercising different types of occupations and professions, their choice is at times hampered by their total exclusion from using certain banking services. For instance, although there is no provision in the Commercial Code or in the Checking Account Directive that puts restriction,¹⁴² VIPs are prohibited by banks to open and operate checking account.¹⁴³ On the other hand, the fact that no VIP is allowed to open Checking Account and draw checks compels qualified VIPs to refrain from choosing their own occupation or competing for managerial positions in different businesses. This is a clear violation of the right to work of VIPs which is an important economic right guaranteed by the constitution. Hence, banks should avoid, as soon as possible, their illegal and outdated exclusion of VIPs to open checking account and draw checks and respect the right of any VIP to choose his means of livelihood, occupation and profession.

2.2.2 Convention on the Right of Persons with Disabilities (CRPD)

Ethiopia has ratified the CRPD through Proclamation No. 676/2010. On the other hand, all international agreements ratified by Ethiopia are an integral part of the law of the land.¹⁴⁴ Moreover, the fundamental rights and freedoms specified in chapter three of the constitution can be interpreted in a manner conforming to the CRPD in so far as it is ratified by Ethiopia.¹⁴⁵ Hence, it sounds imperative to briefly discuss the right of VIPs to inclusive banking services in light of the convention.

Article 5 of the Convention guarantees equality for all persons under and before the law and the right to equal protection of the law. The Convention not only accentuates that States should not discriminate against persons with disabilities, it also designs a roadmap for States to create an enabling environment so that persons with disabilities can enjoy real equality in society.¹⁴⁶ What

¹⁴¹ Id., Art. 41 (1)

¹⁴² Commercial Code of the Empire of Ethiopia, 1960, Arts. 925-940, Proc. No. 166, Neg. Gaz., year 19, no. 3 and Check Account Directive No. SBB/64/2016

¹⁴³ Supra note 7 and 33

¹⁴⁴ Supra note 132, Art. 9 (4)

¹⁴⁵ Id. Art. 13 (2)

¹⁴⁶ Key to the Future: Financial Inclusion and Opportunity for All, Concept Note for Panel Discussion, (www.un.org/disability/documents/idpd/financialinclusionpanel.pdf), accessed on Feb. 29, 2018

must be underlined is that at the heart of the CRPD is the obligation of States to insure reasonable accommodation in all spheres of life.¹⁴⁷ For example, the Convention requires states to take measures to ensure accessibility of the physical environment as well as user friendly information and communications technology, which is relatively absent in our banking industry. These specific obligations turn out to be instances of reasonable accommodation.¹⁴⁸ In Ethiopia, the principle of reasonable accommodation is currently made to relate only to employment and not to the other areas covered by the Convention.¹⁴⁹

Discrimination on the basis of disability is defined in article 2 of the Convention as “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms”. As discussed in the previous chapter, The acts of banks against VIPs is exclusion or restriction on the basis of visual impairment which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise of their right to access banking services, on an equal basis with others. This denial of legal capacity in terms of unnecessary intervention with the right of VIPs to independently manage their financial affairs is a violation of articles 5 and 12 of the Convention.

Article 12 of the Convention affirms that all persons with disabilities have full legal capacity. The right to equal recognition before the law denotes that legal capacity is a universal attribute inherent in all persons by virtue of their humanity and must be protected for persons with disabilities on an equal basis with others.¹⁵⁰ Legal capacity turns out to be crucial instrument for the exercise of civil, political, economic, social and cultural rights.¹⁵¹

Article 12, paragraph 2, states that persons with disabilities do have legal capacity on an equal basis with others in all walks of life. Legal capacity includes the capacity to be both a holder of rights and an actor under the law.¹⁵² On the other hand, legal capacity to act under the law recognizes that person as an agent with the power to engage in transactions and create, modify or

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Innocentia Mgijima-Kanopi, „The Jurisprudence of the Committee on the Rights of Persons with Disabilities and Its Implication for Africa”, (<http://heinonline.org>), accessed on Mar. 31, 2018. See also The Right to Employment of Persons with Disability Proclamation, 2008, Art. 6, Proc. No. 568, Neg. Gaz. year 14, no. 20

¹⁵⁰ Committee on the Rights of Persons with Disabilities, General Comment no. 1 (2014), Para. 8

¹⁵¹ Ibid.

¹⁵² Id. Para. 12

end legal relationships.¹⁵³ The right to recognition as a legal agent is provided for in article 12, paragraph 5, of the Convention, which outlines the duty of States parties to “take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit and ensure that persons with disabilities are not arbitrarily deprived of their property”.

96 percent of the respondents reported that they only seek recognition of their right to legal capacity in controlling their financial affairs on an equal basis with others, as provided for in article 12, paragraph 2, of the Convention, and do not wish to exercise their right to support, as provided for in article 12, paragraph 3. 4 percent of the respondents reported that they may at times need support to fully exercise their legal capacity to run their financial affairs owing to different hurdles such as illiteracy. In the latter case, Article 12, paragraph 3, imposes an obligation on government to provide VIPs with access to support in the exercise of their legal capacity. Government must refrain from denying VIPs their legal capacity through failure to sanction/rectify banks and must, rather, provide them access to the support necessary to enable them to make decisions on their financial affairs that have legal effect.

Article 12, paragraph 5, requires States parties to take measures, including legislative, administrative, judicial and other practical measures, to ensure the rights of persons with disabilities with respect to financial and economic affairs, on an equal basis with others. Hence, any approach of denying VIPs legal capacity to control their financial matters must be replaced with support to exercise legal capacity, in accordance with article 12, paragraph 3.

Still, care must be taken to manage the possible conflict between supported decision-making system vs. the deference of right to privacy of VIPs. Substitute decision-making regimes, in addition to being incompatible with article 12 of the Convention, does potentially affect the right to privacy of persons with disabilities under Art. 22 of the convention.¹⁵⁴ Hence, there must be care in order that what we call „supported decision-making regime“ should never amount to „substitute decision-making regime“. Substitute decision-makers may easily access to a wide

¹⁵³ Ibid.

¹⁵⁴ Id. Para. 47

range of personal and other information regarding the financial matters of the VIP.¹⁵⁵ Hence, in establishing supported decision-making systems, government/banks must ensure that those providing support in the exercise of legal capacity should in no way substitute for the VIP and fully respect the right to privacy of the latter.

Article 9 of the convention requires the identification and elimination of barriers to facilities or services open or provided to the public. it also makes states duty bound, under sub-article 2 (b), to ensure that private entities offering facilities and services to the public take into account all aspects of accessibility for persons with disabilities. Lack of accessibility to information and communication technologies and inaccessible services by banks, be it private or public, may constitute barriers to the realization of legal capacity for VIPs. The Committee explained that disability rights are of vertical as well as horizontal application; hence, they are binding on the state as well as on private individuals.¹⁵⁶ States have also undertaken under art. 4(1) (e) of the Convention to take the necessary measures required to eliminate discrimination on the basis of disability by any person, organization or private enterprise. Therefore, banks must make all procedures for the exercise of legal capacity to manage one's financial affair, and all information and communication technologies pertaining to it, fully accessible to VIPs. NBE must also delve its laws to ensure that the right to legal capacity and accessible banking are being realized by VIPs.

Following the case of Szilvia Nyusti and Peter Takacs v Hungary,¹⁵⁷ the CRPD Committee analyzed the scope of the duty of the state under article 9(2)(b) of the CRPD. The case was brought by two visually impaired Hungarian nationals who, in their individual capacities, entered into contracts for private current account services which included banking card services with OTP Bank.¹⁵⁸ Even if they are obligated to pay the same annual fees for banking card services as sighted clients, the two VIPs complained that they were unable to independently use the bank's ATMs for they were inaccessible due to absence of braille dots, audible instructions and voice assistance. The Committee found that Hungary was in violation of article 9(2) (b) of the

¹⁵⁵ Ibid.

¹⁵⁶ Supra note 149

¹⁵⁷ Communication 1/2010, Szilvia Nyusti and Peter Takacs v Hungry, CRPD Committee, April 16, 2013

¹⁵⁸ Id. Para. 2.1-2

Convention by failing to ensure that persons with visual impairments have unimpeded access to the services provided by the bank on an equal basis with others.

As seen in the previous chapter, financial services and products offered by all banks operating in Ethiopia are not accessible to VIPs. VIPs in the country continue being denied the opportunity to open and operate bank accounts independently, and they have no access to financial services, including online banking services and ATMs. Hence, the guidelines given subsequent to the case in question are of direct legal relevance for our banks to make their products/services accessible for VIPs.

The Committee in *Szilvia Nyusti and Peter Takacs v Hungary* gave essential guidelines on how states can make the right to accessible banking services a reality for their citizens with visual and other impairments.¹⁵⁹ It recommended, inter alia, that states:

- ✓ establish minimum standards for the accessibility of banking services provided by private financial institutions for persons with visual and other types of impairments;¹⁶⁰
- ✓ create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring and assessing the gradual modification and adjustment by private financial institutions of previously inaccessible banking services provided by them into accessible ones;¹⁶¹
- ✓ have in place effective sanctions for non-compliance with accessibility standards;¹⁶²
- ✓ ensure that all newly-procured ATMs and other banking services are fully accessible to persons with disabilities,¹⁶³ and
- ✓ Provide for appropriate and regular training on the scope of the CRPD and its Optional Protocol to banks, judges and other judicial officials.¹⁶⁴

¹⁵⁹ Id. Para. 10 (2)

¹⁶⁰ Id. Para. 10 (2)(a)

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Id. Para. 10 (2)(b)

2.2.3 Law of Contract

Contract is a legally backed and consensual agreement between or among contracting parties, to create, vary or extinguish an obligation. The Ethiopian law of contract defines contract as “contract is an agreement whereby two or more persons as between themselves create, vary or extinguish obligations of a proprietary nature.”¹⁶⁵ One of the basic features of law of contract is its recognition of the autonomy of contracting parties. Parties to a contract would not be bound unless they have freely expressed their consent.¹⁶⁶

Few banks are at times heard making their discriminatory acts against VIPs attributable to law of contract and basic features thereof.¹⁶⁷ They invoke contractual autonomy for their reluctance whenever they are overburdened with the repeated request of visually impaired customers so that the former could conclude agreements with the latter to render ATM banking, mobile banking, online banking and other services.¹⁶⁸

Their preference to exclude agreements with VIPs is not in line with mandatory provisions of law of contract however. Banks are recently being reckoned as public utilities, since they are implicitly government-backed and highly regulated.¹⁶⁹ If the government will not allow banks to fail due to the economic problems the public would face, then they cannot be treated like other firms, since they are not susceptible to failure.¹⁷⁰ The banking industry is currently treated as a public utility that must serve all people, not as a private industry that can pick and choose its customers, or whose customers can choose not to engage with banks.¹⁷¹ Having a checking account or a reloadable prepaid account enables consumers to receive wages and benefits, make payments, store funds, and manage their day-to-day lives.¹⁷²

Activity of public utilities is characterized into production, transmission and distribution.¹⁷³ In the case of natural gas for example, production relates to the gas well, transmission (is via the

¹⁶⁵ Civil Code of the Empire of Ethiopia, 1960, Art. 1675, Proc. No. 165, Neg. Gaz. year 19, no. 2

¹⁶⁶ Id. Art. 1680 (1)

¹⁶⁷ Supra note 17. See also interview with Tadese Abera, prosecutor at Oromia Regional State, Mar. 15, 2018

¹⁶⁸ Supra note 15

¹⁶⁹ Daniel Indiviglio, „Should Big Banks Be Regulated as Public Utilities?“,

(www.theatlantic.com/business/archive/), accessed on Mar 3, 2018

¹⁷⁰ Ibid. See also Banking Business Proclamation, 2008, Preamble, Proc. No. 592, Neg. Gaz. year 14, no. 57

¹⁷¹ Why UK Banks Are Like Public Utilities?, (www.blogs.lse.ac.uk/politicsandpolicy/), accessed on Mar. 3, 2018

¹⁷² Ibid.

¹⁷³ Ibid.

web of pipelines) and distribution (are the local gas distribution firms - who households and firms buy their gas from).¹⁷⁴ Banking has similar features; to be a bank and undertake production, one needs a banking license (from the regulator who is government), then capital and deposits, transmission is via the payments system (one cannot undertake transactions without means of payment/transfer) and finally distribution is through online services, branch networks, subsidiaries and so on.¹⁷⁵ This shows that there are similarities between the production, transmission and distribution features of public utilities and banks. Moreover, the economic and social importance of banks akin to public utilities is eventually becoming huge ;and essentiality turns out to be a key for a service to be considered as public utility.¹⁷⁶ It is against this background, that the writer argues the features of banking institutions are currently resembling public utilities; hence, subject to rules applicable to the latter.

Hence, coming back to the case at hand, contract with banks, as that with a public utility, may be seen in line with under Art. 1683 of the CCE. The bank is bound to enter into a contract proposed by any member of the public on terms stipulated in advance by Law.¹⁷⁷ These terms may not necessarily be favorable to the public;¹⁷⁸ but the main advantage is that banks as the public utility cannot refuse to serve anyone insofar as the respective facilities are available.¹⁷⁹ Therefore, refusal of banks to conclude agreements of rendering ATM banking, mobile banking, online banking and other services with VIPs is clearly in violation of the mandatory provision of the law of contract, Art.1683 of the CCE.

As seen earlier, Banks do not conclude agreements with VIPs so that the latter could open and operate checking account. If they allow a VIP to open and operate checking account, according to them, his consent must be evidenced by an authentic declaration on each check he draws.¹⁸⁰ This turns out to be very far from practicability particularly when the VIP is a businessman or manager, who as usual uses checking account as a payment mechanism to discharge his financial obligations. They developed this requirement from misinterpreting Article 734 (2 and 3) of the

¹⁷⁴ Ibid.

¹⁷⁵ Philip Molyneux, „Are Banks Public Utilities? Evidence from Europe“, Journal of Economic Policy Reform, vol. 20, no. 3, (2017), pp. 199-200 (www.tandfonline.com/loi/gpre20) , accessed on Mar. 15, 2018

¹⁷⁶ Ibid.

¹⁷⁷ Supra note 142, Arts. 896-967. See also the different directives by NBE

¹⁷⁸ George Krzeczunowich, Formation and Effects of Contracts in Ethiopian Law, (1983), pp. 14-16

¹⁷⁹ Ibid.

¹⁸⁰ Supra note 48. See also Gezu Ayele, Ethiopian Banking and Commercial Instruments Law, (2009), pp. 60-62

Commercial Code. Owing to the impracticability of the requirement, banks currently prefer to totally exclude VIPs from opening and operating checking account.¹⁸¹ Nevertheless, neither the exclusion nor the requirement of authentic declaration as regards opening and operation of checking account is buttressed by Art. 734 of the Commercial Code. For more clarity, the Article is reproduced hereunder:

“(1) Declarations made by commercial instruments shall bear the signature of the person making them. (2) Nevertheless, signature may be apposed by a handwritten mark or by mechanical process such as a stamp. (3) When a physical person is unable to sign, his consent shall be evidenced by an authentic declaration on the instrument.”

Both sub-Arts. 2 and 3 provide for exceptions to the requirement of apposing signature on the commercial instrument under sub-art. 1. Sub-art. 2 becomes relevant for, inter alia, VIPs. As a rule, the customer should necessarily have consistent signature to draw a check.¹⁸² If the customer, because of visual impairment or any other reason, is unable to have consistent signature, he can appose his signature by a handwritten mark, a thumb mark or by mechanical process such as a stamp.¹⁸³ Sub-3 is however for physical persons who are unable to sign under sub-art. 1 and 2, e.g. those without upper limbs. If a person, because of upper limblessness or any other physical problem, is unable to appose his signature or a handwritten mark, a thumb mark or by mechanical process such as a stamp to draw a check, he can have his consent evidenced by an authentic declaration on the check. Banks do however fail to appreciate the distinction between the two sub-articles; hence, erroneously impose the requirement of authenticated consent declaration under sub-art. 3 on VIPs and due to its impracticability, prefer currently to totally deny them the right to access banking services through opening and operating checking account.

Banks also invoke Art. 838 of the Commercial Code to refuse provision of check book facility for VIPs.¹⁸⁴ The Article reads, “Where a cheque bears, signatures of persons incapable of binding themselves by a cheque, forged signatures or signatures of fictitious persons who signed the cheque or on whose behalf it was signed, the obligations of the other persons who have signed it shall be valid.” We can understand that the article is dealing with Persons not bound by

¹⁸¹ Supra note 13 and 15

¹⁸² Supra note 142, Art. 734 (1)

¹⁸³ Ibid. Art. 734 (2)

¹⁸⁴ Supra note 180, pp. 60-62

their signatures such as minorities, judicially interdicted or imaginary persons. The fact that the article is content-wise about such persons can also be understood from the reading of its counterpart provision in its source book,¹⁸⁵ Art. L-511-5 of the French Commercial Code.

Unlike minorities or judicially interdicted persons, VIPs are not, as discussed earlier, short of legal capacity to be dealt with under this article. They can non-restrictively and non-discriminatorily create, vary or extinguish contracts save for the requirement of having their signature authenticated by a notary, a registrar or a judge acting in the discharge of his duty for entering into contracts prescribed by law to be in a special form as provided under 1728 (3) of the CCE. Therefore, no banks may be right to deny provision of check book facility for VIPs with unwarranted mention of Art. 38 of the Commercial Code.

Few banks that are willing to conclude agreements of ATM banking, mobile banking, Internet banking and loan with VIPs also require VIPs to have their signature or thumb mark authenticated by a notary or judge acting in the discharge of his duties, as provided under Art. 1728 (3) of the CCE. This requirement of authenticated signature may be even refuted with any of the following arguments.

1. Even if they refuse to conclude agreements of ATM banking, mobile banking and online banking services, banks do not prevent VIPs from opening saving account. In other words, the distinction, exclusion or restriction banks make on the basis of visual impairment is not committed as regards opening of saving account. On the other hand, unless a customer has already entered into a contract of deposit of funds with the bank and opened saving account, he cannot conclude agreements of ATM banking, mobile banking and online banking services; i.e. contracts of ATM banking, mobile banking and online banking services cannot be concluded independently from contract of deposit of fund, which is made in a special form. Therefore, whenever a customer concludes any of such contracts with a bank, the contract is a varied contract; hence, it must be varied in the same form to the contract of deposit of fund.¹⁸⁶

¹⁸⁵ Alemayehu Fentaw and Kefene Gurmu, Law of Traders and Business Organizations: Teaching Materials, (2009), p. 20

¹⁸⁶ Supra note 161, Art. 1722

When VIPs conclude contract of deposit of fund with a bank, they are not required to have their signature or thumb mark authenticated by a notary or judge acting in the discharge of his duties. If they are not required to have Their signature or thumb mark authenticated to open saving account, they should not be required same to vary the contract of deposit of fund; i.e. they should not be required to have their signature or thumb mark authenticated by a notary or judge to enter into contracts of ATM banking, mobile banking and online banking services whenever they desire to circumvent banking at a counter and electronically operate their saving account.

2. As regards form, the general principle of contract states that “Unless otherwise provided by law, no special form shall be required and a contract shall be valid where the parties agree.”¹⁸⁷ According to this general principle, there may be cases where the law prescribes a contract to be in written form and get obedience by the parties. But, in all other cases, it is a consensual relationship of the parties that determines the form of the contract.

Contract of deposit of fund, hereto, seems to be the direct reproduction of this general principle. A contract of deposit of fund is not legally required to be in special form.¹⁸⁸ Where the law is silent whether or not a contract should be in special form, the parties are at liberty to determine the form for their contract; i.e. the parties themselves are at liberty to provide a special form the formal content of which is consensually determined by them.¹⁸⁹

Sometimes, there exists confusion between form required by law and form agreed by the parties. When a form is required by law, in addition to reducing the agreement of the parties into writing, there are some more requirements to be fulfilled. For instance, it should be signed by the parties and attested by two witnesses.¹⁹⁰ Unless these requirements are met, the law considers the contract to be a mere draft of a contract.¹⁹¹ But, when the form is agreed by the parties, apposing

¹⁸⁷ Id. Art. 1719 (1)

¹⁸⁸ Supra note 142, Arts. 896-902

¹⁸⁹ Supra note 165, Art. 1726

¹⁹⁰ Id. Art. 1727 (1 and 2)

¹⁹¹ Id. Art. 1720 (1)

their signature or attestation by two witnesses, inter alia, is set only as additional requirement by the parties for their contract to remain valid.¹⁹²

Affixing signature of parties on the document bearing the contract and getting it attested by at least two witnesses under Art. 1727 of the CCE turn out to be legal requirements only for contracts prescribed by law to be in a special form.¹⁹³ Contracts to use ATM banking, mobile banking, online banking and loan is not however prescribed by law to be in a special form so that we could make the requirement of signature under Art. 1727 (1) mandatory for them. The same article has nothing to say as regards the types of signature of various contractants. Art. 1728 rather gives an explanation as for the requirement of signature by parties of various physical and intellectual abilities under Art. 1727 (1). Therefore, the requirement of getting the signature or thumb mark of a VIP authenticated by a notary, registrar or judge acting in the discharge of his duties under Art. 1728 (3) is provided for a contract in „written form“ under Art. 1727; hence becomes mandatory only for contracts prescribed by law to be in a special form.

3. What must be left unraised is the issue of legal protection given to VIPs to enter into a contract prescribed by law to be in special form. Art. 1728 (3) states, “The signature or thumb-mark of a visually impaired ... person shall not bind him unless it is authenticated by a notary, a registrar or a judge acting in the discharge of his duties.” George Crzczunowich has the following to say:

“The phrase, "Shall not bind him" denotes that the visually impaired person alone is protected, and the other party remains bound if the deficient party chooses to maintain the non-authenticated contract, which is not bilaterally invalid. His position is thus similar to that of a person who gave defective consent, under Section 1, Paragraph 2.”¹⁹⁴

As seen earlier, banks however misinterpret this legal protection in their favor although it is accorded to visually impaired contractants only. Firstly, as repeatedly said, they make mention of this sub-article even for contracts agreed by parties to be in a special form, which is against the meaning of Art. 1726 of the CCE. Secondly, they make mention of this sub-article with intent to protect themselves from any possible risk against them. Even if the transaction seems by far

¹⁹² Rental Houses Administration Agency v. Sosina Asfaw, (FSC Cassation Decisions, 1997), vol. 1, pp. 66-74. See also Etenesh Kasa v. Jemal Yimam, (FSC Cassation Decisions, 2005), vol. 15, pp. 56-59

¹⁹³ Ibid.

¹⁹⁴ Supra note 175, p. 55

risky for the visually impaired contractant, they do not require him to gate his signature or thumb mark authenticated by a notary, a registrar or a judge acting in the discharge of his duties. They require the visually impaired contractant to do so only when they believe that the transaction bears a risk against them. For instance, they do not require VIPs to have their signature or thumb mark authenticated by a notary, a registrar or a judge acting in the discharge of his duties whenever they conclude contract of deposit of fund (open saving account) with them. They do rather require authenticated signature or thumb mark when they tend to conclude contracts of ATM banking, mobile banking, online banking and loan with VIPs. Even if seeking legal protection is not wrong by itself, using Art. 1728 (3) in their favor, which is against the intention of the legislator however turns out to be wrong since it lets them violate, as will be seen in the subsequent section, mandatory provisions of the TCCPP by unduly favoring one consumer over the other and refusing to sell their service without the purpose of protecting the rights of the latter.¹⁹⁵

On the other hand, notarial offices are not in practice willing to authenticate signature or thumb mark of VIPs for contracts agreed by the parties to be in a special form with the spirit of Art. 1728 (3). They say that not only the agreements do not require authenticated signature or thumb mark irrespective of will of contractants; but also they are routine and frequent transactions which make the requirement of authentication by far unfeasible.¹⁹⁶ In the interim, VIPs remain to have been deprived of the right to various banking services.

2.2.4 Trade Competition and Consumer Protection Proclamation (TCCPP)

The rights of consumers have been duly recognized under the UN Guideline for Consumer Protection. According to this guideline, Consumers have, inter alia, the right to access goods and services, be received humbly and respectfully by any business person and access adequate information to enable them to make informed choices according to individual wishes on an equal basis.¹⁹⁷

¹⁹⁵ Trade Competition and Consumer Protection Proclamation, 2013, Art. 22 (12 and 16), Proc. No. 813, Neg. Gaz. year 20, no. 28

¹⁹⁶ Interview with Cherinet Kidanie, Notary at Kazanchis Branch, Documents Authentication and Registration Agency, Mar. 20, 2018

¹⁹⁷ UN Guidelines, for Consumer Protection 2016, (www.unctad.org/n/PublicationsLibrary/n.pdf), accessed on Mar 3, 2018

The TCCPP has also reiterated several rights of consumers included under the UN guideline.¹⁹⁸ VIPs, as one segment of consumers, should be beneficiary of the rights included in the proclamation. Hence, they have, inter alia, the rights to access banking services on an equal basis with others.¹⁹⁹ They have also the right to be respected by banks and to be protected from such acts of the bank tellers as insult, threat, frustration and defamation²⁰⁰ and the right to be compensated for damages they suffered by banks because of transaction in banking services.²⁰¹

It is prohibited by law for banks to refuse to sell services to specific segment of consumers on the basis of visual impairment.²⁰² It is also prohibited for them to unduly favor one segment of consumer over the other.²⁰³ Despite all these duties prescribed by the TCCPP, VIPs are deprived of the right to open and operate checking account; they are deprived of the right to access ATM banking, mobile banking, online banking and loan on an equal basis with others; they are discriminatorily received in accessing counter services. These in turn may entail both criminal and civil liabilities against banks.²⁰⁴

2.2.5 National Financial Inclusion Policy (NFIP)

As usual from policies, the NFIP was expected to take up the concern of VIPs and become a cause for the birth of additional and detailed laws as regards inclusive banking services for the visually impaired.²⁰⁵ Hence, a brief look at it in light of inclusive banking services for the visually impaired may turn out to be sound.

Financial inclusion refers to the process of promoting affordable, timely and adequate access to a wide range of regulated financial products and services and broadening their use by all segments of society through implementation of tailored existing and innovative approaches including financial awareness and education with a view to promote financial well-being as well as economic and social inclusion.²⁰⁶ The NFIP aims at creating a cogent, unique framework for

¹⁹⁸ Supra note 95, Arts. 14-22

¹⁹⁹ Id. Arts. 22 (12 and 16)

²⁰⁰ Id. Art. 14 (4)

²⁰¹ Id. Art. 14 (5)

²⁰² Id. Arts. 4 (1) and 22 (12)

²⁰³ Id. Art. 22 (16)

²⁰⁴ Id. Arts, 14 (5), 32 (1)©, 43 (3 and 6)

²⁰⁵ Supra note 104

²⁰⁶ Andualem Ufo, „Financial Inclusion in Ethiopia“, *International Journal of Economics and Finance*, Vol. 9, No.

advancing, accelerating and effectively monitoring efforts to advance financial inclusion in Ethiopia based on the country's development priorities.²⁰⁷ To this end, The underlying causes of financial exclusion that result in barriers for the demand side and obstacles for the supply side have been identified and grouped into four areas as underdeveloped (Financial and Other) Infrastructure, inadequate Supply of a Range of Suitable Financial Products, Services and Access Points, inadequate Financial Consumer Protection and low-Levels of Financial Capability and Awareness.²⁰⁸ The target groups are also adults, rural area residents and small business operators.²⁰⁹

In Ethiopia, persons with disabilities in general and those with visual impairment in particular do experience financial exclusion or restriction at all levels.²¹⁰ They experience the exclusion, apart from those mentioned in the policy, due to physical barriers, absence of assistive technological knowhow and attitudinal barriers on the part of financial service providers.

Despite these and other lacunae unstated, the NBE didn't take up the concerns of VIPs even at the time of drafting the policy.²¹¹ The issue of VIPs became a point of discussion for NBE only recently due to the pressure from ENAB.²¹² Other than this, the policy doesn't make mention of barriers encountered by persons with visual impairment and provide for solutions. It doesn't also make mention of them as one of target groups; and hence, doesn't incorporate any trajectory towards improving financial inclusion of persons with visual impairment.

4, (2017) p.3, (<https://doi.org/10.5539/ijef.v9n4p191>), accessed on Feb. 22, 2018

²⁰⁷ Supra note 1, p. 1

²⁰⁸ Id., pp. 34-36

²⁰⁹ Ibid.

²¹⁰ Supra note 104

²¹¹ Interview with Wubeshet Fola, Principal Bank Examiner at Bank Supervision Directorate, NBE, May 15, 2018

²¹² Ibid.

CHAPTER THREE

Conclusion and Recommendation

It is obvious that the unique needs of people with visual impairment are not considered while formulating the cashless policy. There is no machinery in this current cashless payment system that has been set up to fully enhance the independent financial management and control of personal bank account of persons with visual impairment.

All the POS and ATM in this country are not modified and adapted for the use of persons with visual impairment. No bank in this country has been willing to render mobile banking services for VIPs on an equal basis with others even if Mobile banking through SMS and text messaging is fully accessible. Moreover, no bank has developed a mobile application that has interphase or window that is screen reader friendly to the fullest sense. The internet banking would have been additional solution to accessibility problems in banks because all the screen readers used by people with visual impairment are highly developed; hence, can interact relatively better with web pages of every bank even with their limitations. The drawback is that most of websites owned by this financial institution were not properly designed to ease navigation of screen readers. Although VIPs try to develop techniques of distinguishing one ETB note from the other with thorough comparison of their size, much of their trial usually bears no fruit to develop a continuous and unfailing distinguishing skill. The major cause for the problem is that not only the notes do not have tactile markings or raised dots; but also they could steadily wear in circulation. Whenever VIPs do banking at a counter, they feel humiliated or infuriated with the discrimination of various types by banks.

Banks are legally obligated to make banking services accessible for people with visual impairment. The United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol (UNCRPD), to which Ethiopia is a ratified signatory, clearly commits to the rights of persons with disability and their access to financial services. The FDRE Constitution also provides that all citizens are equal before the law and are entitled to equal protection of law. Hence, the discrimination of VIPs by banks is against the right to equality and other constitutional rights of the former such as the right to privacy and the right to work. The discrimination to access various banking services of VIPs by banks is not in line with mandatory

provisions of law of contract as well. Banks seem to have misunderstood the meaning of exceptional provisions of the CCE such as Art. 1728 (3) and Art. 734 (2 and 3) of the Commercial Code. Their discriminatory treatment towards visually impaired customers is not also justified by the TCCPP. Hence, by way of recommendations, the author suggests the following possible solutions.

- ❖ Save for the CRPD, The provisions we discussed in various laws are inadequately formulated, simply touching upon issues of persons with visual impairment without going much further. What is by far worse is that banks knowingly or unknowingly failed to interpret and implement these provisions in keeping with the purpose of their incorporation. Banks should in no way act in bad faith, mistake or ignore the meaning of these provisions however. They should rather strive to grasp the content of the provisions in a manner enabling them to capture clear intention of the legislator. They should also render their services without any discrimination, unless for the purpose of protecting the right of customers, in a manner conforming to the TCCP. This is recommended without overlooking that specific and detailed laws are additionally required to fill the lacunae raised in this research.
- ❖ NBE has hitherto taken no action in regards accessibility of banking services for VIPs save for its letter which mandates EBA to conduct a research on the issue in light of international best practices. It should, however, take up the concern of VIPs in the NFIP and enact directives, develop guidelines and establish minimum standards for the accessibility of banking services provided by all banks for persons with visual impairment. Consequently, it should put in place effective sanctions for non-compliance with accessibility standards.
- ❖ The CRPD is an integral part of Ethiopian law the principles of which have not yet been reinforced by domestic legislations. Nonetheless, its non-enforcement should in no way be attributable to the dearth of supplementary domestic legislations. Human rights conventions, including the CRPD, are hardly invoked and acknowledged as binding as other domestic laws before the judiciary, administrative and other organs.²¹³ Such distorted attitude must be remedied; although there are no auxiliary laws to the CRPD, appropriate

²¹³ Interview with Martha Berihun, Director of Research and Legal Support Directorate at Federal Supreme Court, Mar. 10, 2018

and regular trainings on the instrumentality, binding nature and enforcement of the CRPD and its Optional Protocol should be provided to banks and other stakeholders.

- ❖ In the absence of prohibitive laws, banks should not prevent VIPs from opening and operating checking account either manually or electronically under the guise of difficulty in their signature or thumb mark. They may allow them to operate their checking account through their agent in so far as they prefer to such mode of operation. In practice, a bank calls drawers and request conformation from them whenever a payee presents to it a check bearing 50,000 Br and more. If the VIP insists to operate checking account with or without his agent, they should extend the tradition with few modifications to VIPs who have checking account and call them for conformation whenever a payee presents a check drawn by A VIP to a bank bearing Br of any amount.
- ❖ Banks should distribute Bio-Metric devices to all their branches and create the system in which the visually impaired customer, if he has not developed a signature of his own, puts his thumb print on the Bio-Metric device for system verification. Alternatively, they should offer customers with vision loss option to authorize financial transactions using a voice signature system; or they should offer their customers the option of using a Chip and Signature card and ensure that their staff can confidently process transactions, including cash withdrawals, using this system. In the interim, the Customer, if visually impaired, should be given a choice of whether to use thumb print or signature.
- ❖ Many visually impaired customers will have family or friends to assist them with financial processes; and are happy with such an arrangement; however, there is potential for abuse; and their privacy will be highly undermined. The problem will be aggravated if they are accompanied by an unknown person or a person who is attempting to direct the customer's actions under the guise of becoming a witness. If the bank feels the need to have a witness, it has to be arranged by the bank. No delivery of banking service should be delayed or denied because of the absence of a witness. Banks should also send or give bank statements to visually impaired customers in accessible formats. If a visually impaired customer cannot read his own statements, he will require someone else to help him read the statement, thereby being unable to make his financial affairs private. This hampers their privacy; and possibly endangers their security.
- ❖ ATM banking, mobile banking and online banking are quickly becoming a component of

people's daily living for they are by far faster, easier and more convenient for clients. Banks should begin installing accessible ATMs, at least for the time being, in strategic areas where the number of visually impaired customers is relatively high. They should also reexamine their websites and mobile apps in consultation with WCAG and other international standards. Hence, ensuring that their ATMs, websites and mobile apps accessible is to reverence the rights of VIPs guaranteed by the FDRE constitution, the CRPD, and other domestic laws of the country.

- ❖ They should ensure easy keyboard navigation, independent login processes by ensuring access without the use of a mouse, and through assistive technology such as screen readers and voice recognition software. They should provide alternatives to CAPTCHA and virtual keyboards for security and privacy measures. There are some alternatives to the visual CAPTCHA codes available, such as audio codes or math questions. When One Time Passwords (OTPs) or other authentication codes are sent through SMS or email for authentication purposes, banks should provide sufficient time to allow users with visual impairment to access and enter the codes online.²¹⁴
- ❖ Some possible techniques to make bank notes accessible for visually impaired include, among others, distribution of notes with different sizes, tactile markings, and different colors.²¹⁵ However, it may be difficult for banks to implement currency changes due to the initial cost, changes for businesses and vending machines, and other challenges.²¹⁶ One fair alternative is to communicate manufacturers to produce and supply stakeholders with handheld devices/money readers that quickly and reliably identify one ETB note from the other, as in the case of Canada and the U.S. Another less costly alternative is to develop mobile apps to identify ETB notes of various denominations or communicate currency-reading apps developers so that they could include ETB to the list of various currencies to be recognized by their apps.

²¹⁴ Supra note 5

²¹⁵ Supra note 9

²¹⁶ Supra note 66

Bibliography

Books

1. Alemayehu Fentaw and Kefene Gurm, Law of Traders and Business Organizations: Teaching Material, (2009)
2. DANIEL FRIEDMANN and DAPHNE BARAK-EREZ (Eds.), Human Rights in Private Law, (Hart Publishing c/o, Portland, Oregon, 2001)
3. Fasil Nahum, Constitution for a Nation of Nations: the Ethiopian Prospect, (Asmara/Lawrenceville: Red Sea Press, 1917)
4. George Krzeczunowich, Formation and Effects of Contracts in Ethiopian Law, (Addis Ababa University Faculty of Law, 1983)
5. Getachew Assefa, Ethiopian Constitutional Law with Comparative Notes and Materials (a text book), (Addis Ababa University Faculty of Law, 2012)
6. Gezu Ayele, Ethiopian Banking and Commercial Instruments Law, (2009)

Focused Group Discussions

1. Focused Group Discussion with 20 visually impaired workers, Addis Ababa
2. Focused Group Discussion with 25 visually impaired students, Addis Ababa

Interview

1. Interview with AklogYiheyes, Teacher at D/Markos, Gojam
2. Interview with Alemu Berie and Fasil Alebel, CBE customers
3. Interview with Askal Takele and Tsedenia Alemu, Dashen Bank customers
4. Interview with Bekalu Dagnachew and Kasahun Abiye, Customer Service Managers at Kebena and Minilik Branches, CBE

5. Interview with Cherinet Kidanie, Notary at Kazanchis Branch, Documents Authentication and Registration Agency
6. Interview with different bank tellers, at Sidist Kilo CBE Branch
7. Interview with different tellers at Piazza Branch, Dashin Bank, Gondar
8. Interview with Ephrem Mekuriya, Head of Public Relation at Head Office, CBE
9. Interview with Ermias Bekele, president of Ethiopian Bankers' Association
10. Interview with Gebrie Teshome, public Relation at ENAB
11. Interview with Martha Berihun, Director of Research and Legal Support Directorate at Federal Supreme Court
12. Interview with Mekuriyaw Kassie and Mestawit Iyayu, Mobile Banking Officers at Arada and Piazza branches, CBE, Gondar
13. Interview with Melak Beyene and Asaminew Gezu, Customer Service Manager and Branch Manager respectively at Minilik Branch, Awash Bank
14. Interview with Tadese Abera, Public Prosecutor at Oromia Regional State
15. Interview with Tetemke Gebrie, ATM Installation Expert at head office, CBE
16. Interview with Tewodros G/Egziabher, Public Prosecutor at Amhara Regional State
17. Interview with Walelign chekol and Biruk Zenebe, Customer Service officers at Sidist Kilo Branch, Dashin Bank
18. Interview with Wubeshet Fola, Principal Bank Examiner at Bank Supervision Directorate, NBE
19. Interview with Yirga Mamo, senior customer officer at Kebena branch, CBE
20. Interview with Zelalem Yibeltal, Manager at Ayat Adebabay Branch, Addis International Bank

Judicial Decisions

1. Etenesh Kasa v. Jemal Yimam, (FSC Cassation Decisions, 2005), vol. 15
2. Rental Houses Administration Agency v. Sosina Asfaw, (FSC Cassation Decisions, 1997), vol. 1

Laws

1. Banking Business Proclamation, 2008, Preamble, Proc. No. 592, Neg. Gaz. year 14, no. 57
2. Check Account Directive No. SBB/64/2016
3. Civil Code as Amended Proclamation, 2009, Proc. No. 639, Neg. Gaz. year 15, no. 46
4. Civil Code of the Empire of Ethiopia, 1960, Proc. No. 165, Neg. Gaz. year 19, no. 2
5. Commercial Code of the Empire of Ethiopia, 1960, Proc. No. 166, Neg. Gaz., year 19, no. 3
6. Customer Due Diligence of Banks Directives No. SBB/46/2010
7. The Constitution of the Federal Democratic Republic of Ethiopia, 1995, Proc. No. 1, Neg. Gaz. year 1, no. 1
8. The Right to Employment of Persons with Disability Proclamation, 2008, Proc. No. 568, Neg. Gaz. year 14, no. 20
9. Trade Competition and Consumer Protection, 2013, Proc. No. 813, Neg. Gaz. year 20, no. 28

Letters

1. Letter from ENAB to NBE, 2009 E.c.
2. Letter from NBE to EBA, July 5, 2009E.c.

Internet Sources

1. A Guide to Disability Rights Laws, (www.ada.gov/cguide)
2. Accessible Banking for People with Visual Impairment, (www.afb.org)
3. Accessible Banking for the Blind and Partially Sighted, (www.choose.co.uk/guide/accessible-banking)
4. Accessible Banking: 10 Tips to Make Your Bank More Accessible, (www.brailleworks.com/accessible-banking/)
5. Andualem Ufo, „Financial Inclusion in Ethiopia“, *International Journal of Economics and Finance*, Vol. 9, No. 4, (2017), (<https://doi.org/10.5539/ijef.v9n4p191>)
6. Arthur Louis, „Wells to Use ATMs that Talk“, (www.dref.org/press/wells_fargo_ATMs)
7. Authoring Tool Accessibility Guideline, (www.w3c.org/TR/ATAG/)
8. Bankers“ Guide to Inclusive Banking, (www.xrcvc.org)
9. Banking for Visually Impaired, (www.ETtech.com)
10. Belayneh Admasu, „Legal Protection Accorded to Persons with Disabilities in Ethiopia“, *Bahir Dar University Journal of Law*, vol. 3, no. 2, (2013), (www.bdu.edu.et)
11. Brian Wentz and Kailee Tressler, „Exploring the Accessibility of Banking and Finance Systems for Blind Users“, (www.firstmonday.org)
12. Carolyn Samuel, „Making Bank Notes Accessible for Canadians Living with Blindness or Low Vision“, (www.bankofcanada.ca/wp-content/uploads/samuel)
13. Committee on the Rights of Persons with Disabilities, General Comment no. 1 (2014), (www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx)
14. Communication 1/2010, Szilvia Nyusti and Peter Takacs v Hungry, CRPD Committee, April 16, 2013 (www.ohchr.org/Documents/HRBodies/CRPD/.../CRPD-C-9-D-1-2010_en.doc)

15. Consumer Protection of Visually Impaired, (www.sbp.org/pk/cpd/index)
16. CRPD and Optional Protocol Signatures and Ratifications, (www.un.org/disabilities/documents/map/desa-pdf)
17. Current Standards Activity, (www.csa.ca/Standardsactivity/default)
18. Daniel Indiviglio, „Should Big Banks Be Regulated as Public Utilities?“, (www.theatlantic.com/business/archive/)
19. Glen Fest, „Making ATMs Accessible“, (www.americanbanker.com)
20. Global Data on Visual Impairments 2010, (www.who.int/blindness)
21. Guide to Disability Rights in Canada, (www.1800wheelchair.ca/news/post-disability-rights-in-canada)
22. Handbook of Rules and Directives for Persons with Disabilities, (www.talkingatmindia.org)
23. How to Make Financial Services Accessible for Blind and Partially Sighted People, (www.rnib.org.uk)
24. Internet Banking, (www.combanketh.com)
25. Inclusive Financial Services for seniors and Persons with Disabilities, (www.g3ict.org)
26. Indian Constitution, (www.wipo.int/edocs/lexdocs/laws-pdf)
27. Innocentia Mgijima-Kanopi, „The Jurisprudence of the Committee on the Rights of Persons with Disabilities and Its Implication for Africa“, (<http://heinonline.org>)
28. Is Banking Accessible to Persons with Disabilities?, (www.linkedin.com/pulse/banking-accessible-persons-disabilities-nabil-eid)
29. Jennifer Sutton, „The Magic of Mobile Money Identification“, (www.uxpamagazine.org)
30. Key to the Future: Financial Inclusion and Opportunity for All, Concept Note for Panel Discussion, (www.un.org/disability/documents/idpd/financialinclusionpanel.pdf)

31. Kinfe Michael, „Sources of Ethiopian Privacy Law“ (www.abysinialaw.com)
32. Mobile Banking for Visually Impaired in the U.S., (www.lflegal.com)
33. Mobile Banking Is Saving Us „Billions“ in Charges, (www.bbc.com/news/business)
34. Mobile Banking, (www.combanketh.com)
35. Mobile Web Application Best Practices, (www.w3c.org/TR/mwabp/)
36. National Financial Inclusion Strategy, (2017), (www.nbe.gov.et)
37. Philip Molyneux, „Are Banks Public Utilities? Evidence from Europe“, Journal of Economic Policy Reform, vol. 20, no. 3, (2017), (www.tandfonline.com/loi/gpre20)
38. UN Guidelines, for Consumer Protection 2016, (www.unctad.org/n/PublicationsLibrary/n.pdf)
39. WCAG 2 at a Glance, (www.w3c.org/WAI/WCAG20/glance/)
40. Website Accessibility, (www.tiresias.org/research/guidelines)
41. Why UK Banks Are Like Public Utilities, (www.blogs.lse.ac.uk/politicsandpolicy/)

Other Sources

1. *And Dimts* Radio Program on FM Bisrat 101.1, 2009 E.c.
2. Customers Accounts Transaction Services (CATS) Procedure of CBE, (2016)
3. Domestic Banking Operations Procedure of Dashen Bank, (2016)
4. *Gudayachin*, by *Yichalal* Radio Program on FM Addis 97.1, 2009 E.c.