Chapter 6 Relevant Policy and Legal Frameworks

6.1. Components of Policy and legal frameworks

- Discrimination against persons with disabilities has a long history and persons with disabilities are regularly excluded from participation in society and denied their human rights.

- Discrimination against the disabled can take many forms, ranging from limited educational opportunities to more subtle forms, such as segregation and isolation due to attitudinal, environmental and institutional barriers.

- The effects of discrimination are most clearly appeared in the sphere of economic, social and cultural rights which is manifested in the areas of housing, employment, transport, cultural life and access to public services.

- According to the Universal Declaration of Human Rights, of 1948 Article (1), “All human beings are born free and equal in dignity and rights.”

- However, this is far from being a reality for persons with disability throughout the world that resulted in disability movement and struggle by DPOs for the promotion of the human rights of their members with disabilities.

- The disability movement undertaken as of the second half of 20 century forced member countries of the UN to enact disability-mainstreamed policy and legal frameworks at the international and domestic levels.

- These policy and legal instruments recognized the economic, social, political and human rights of PWDs in terms of their specific/special needs.

- The formulation of legal frameworks regarding persons with disabilities suggests some measures that governments should take in order to ensure that persons with disabilities become equal citizens.
- The rules also act as an international instrument and as a mechanism of control to guarantee the effective application of the stated rights.
- However, strong commitment and proactive action is required from the governments for the effective implementation and practicality of those disability mainstreamed and disability specific policy and legal frameworks enshrined at the international and domestic levels.

6.2. International legal frameworks in relation to inclusiveness

- In addition to the general policy and legal frameworks developed at international and domestic levels for the promotion of basic rights of citizens, the following international instruments included provisions regarding PWDs.
    - The Convention on the Rights of the Child of 1989;
    - 1990 The World Declaration on Education for All, Jomtien;
    - The UN Sustainable Development Goal of 2016.

- Alongside with these general legal frameworks, the following policy and programmatic documents are also disability-specific instruments developed by the UN giving recognition for the rights and special needs of PWDs:
    - Standard Rules on the Equalization of Opportunities for Persons with Disability of 1993;
    - UNESCO Salamanca Statement and Framework for Action of 1994;
    - The UN Convention on the Right of Persons with Disabilities of 2006.

6.3. Domestic policy and legal frameworks in relation to inclusiveness

- If we talk about Ethiopia's legal and policy documents, we find no disability related instrument until 1971 of the imperial order to provide for the establishment of the rehabilitation agency.

- Hence, it is possible to speak confidently that 'disability was not a matter of law and policy before 1991.

- Ethiopia has signed most of the international conventions and declarations to protect and respect the rights of persons with disabilities.

- Ethiopia developed disability specific and disability-mainstreamed policy and legal frameworks based on those international instruments stated above.

- These are:
  - The 1994 Education and Training Policy;
  - Constitution of the Federal Democratic Republic of Ethiopia-1995;
  - Education Sector Development Program (ESDP) II, III, IV and V;
  - The 2008 National TVET Policy;
  - A proclamation No 568/2008 to provide for the right to employment of persons with Disabilities;

- The Ethiopian Building Proclamation No. 624/2009;
-The Revised Special Needs/Inclusive Education Program Strategy of 2012;
-National Plan of Action of Persons with Disabilities (2012-2021);
-The Construction Policy of 2014;
-The Social Protection Policy of 2014;
-The Civil Servant Proclamation No.1064/2017;
-The Revised Higher Institutions Proclamation No. 1152/2019;
-Labor Proclamation- No. 1156/2019.

Activities

1.Which international human right instrument brought a turning point in the history of disability movement? Why?

2.Do you believe that the FRDE Constitution of 1995 promotes the issue of disability from human right perspective? Why? (Please refer Article 41 (5) of the Constitution).

3.What are the major shortcomings of the government in treating the issue of disability at policy and implementation levels?