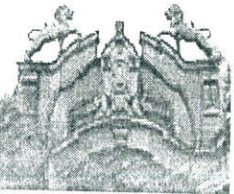
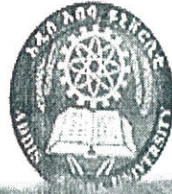


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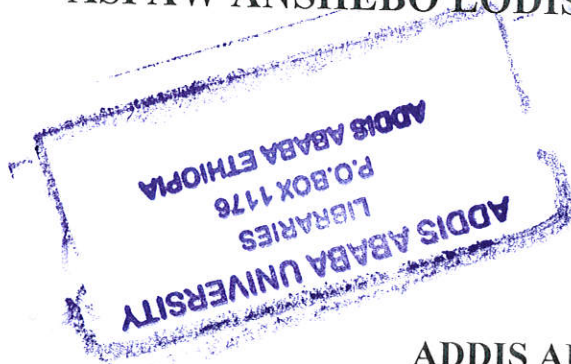
DEPARTMENT OF SPECIAL NEEDS EDUCATION

PROGRAM: SCHOOL OF GRADUATE STUDIES

***EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH
DISABILITIES IN ETHIOPIA- RIGHTS AND FACTS***

By:

ASFAW ANSHEBO LODISO



ADDIS ABABA UNIVERSITY

JUNE, 2011

**Employment Opportunities for Persons with Disabilities in
Ethiopia- Rights and Facts**

**A THESIS SUBMITTED TO THE SCHOOL OF
GRADUATE STUDIES OF ADDISABABA UNIVERSITY IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTERS ARTS IN SPECIAL NEEDS
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Acronyms and Abbreviations

AAU:	Addis Ababa University
CFDRE:	Constitution of the Federal Democratic Republic of Ethiopia
DBSA:	Development Bank of South Africa
DDEA:	Definition of 'Disability' under the Equality Act
ENA:	Ethiopia News Agency
ENAB:	Ethiopian National Association of Blind
ENAD:	Ethiopian National Association of Deaf
ENAPH:	Ethiopian National Association of Physical Handicapped
FENAPD:	Federation of Ethiopian National Associations of Persons with Disabilities
HDI:	Human Development Index
HI:	Hearing Impairment
ICIDH:	International Classification of Impairments, Disabilities, and Handicaps
ILO:	International Labour Organization
MoE:	Ministry of Education
MOLSA:	Ministry of Labour and Social Affairs
MR:	Mental Retardation
PASDEP:	National Plan for Accelerated and Sustained Development to End Poverty
PH:	Physically Handicapped

Acronyms and Abbreviations

- PWDs:** Persons with Disabilities
- TVET:** Technical and Vocational Education and Training
- UDHR:** Universal Declaration of Human Rights
- UN:** United Nations
- UNC:** United Nations Charter /United Nations Convention/
- UNICEF:** United Nations International Children Emergency Funds
- VI:** Visual Impairment
- WHO:** World Health Organization

Abstract

The purpose of this study is to examine the existing legal framework intended to get “equal” employment opportunities for persons with disabilities at a national level, its implementation, monitoring, and the challenges faced by these people to get employment. This study does not attempt to address all fields of disabilities and their impact on employment opportunities for persons with disabilities at the national level. It is rather de-limited to persons with visual impairment, hearing impairment, and physical impairment (motor disorder), who are qualified and employed or who are denied “equal” employment opportunities in Addis Ababa. The area of the study was purposely selected to be Addis Ababa because many associations for persons with disabilities are found in Addis Ababa. It was accessible and convenient to get a captured group of respondents. The results of the study indicated that inaccessible physical environment, unfavorable attitude of workers, the vacancies didn't include PWDs and employment rules too, lack of awareness about their rights, lack of information about vacancies among PWDS, gender based discrimination were found to be the major problems faced by PWDS.

CHAPTER ONE

1. Introduction

1.1. Background of the Study

The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (the Convention) entered into force in May 2008. It provides for the full and equal enjoyment of all human rights and freedom for all persons with disabilities without discrimination of any kind. Although the Convention does not explicitly define disability, it considers that disability arises from a health condition in interaction with the environment. The overall context, guiding principles and key features of this WHO policy on the employment of persons with disabilities, are laid out in the Convention, in UN General Assembly Resolutions 61/106 and 62/170, and in the policy statement on the “Employment of Persons with Disabilities in the United Nations Workplace” endorsed in June 2009 by the Chief Executives Board Human Resources Network for agencies across the UN Common System. The policy falls under the broader framework of WHO’s diversity management and reflects the Organization’s zero-tolerance of stigma and discrimination of any kind.

The process of mainstreaming disability into the development agenda has evolved considerably. With more than 10 per cent of the global population living with some form of disability, the majority of who live in poverty in the developing world, this mainstreaming process is directly linked to the achievement of the Millennium Development Goals. Addressing all aspects of exclusion of persons with disabilities is integral to the Organization's ability to achieve its global health mandate. The policy set forth below complements the Organization’s technical efforts and is consistent with the mandate of the

WHO Task Force on Disability established by the Director- General in 2008 to encourage and facilitate WHO programmes and projects Organization-wide to be designed and implemented taking into account the needs of people with disabilities.

A list of all countries by Human Development Index as included in a United Nations Development Programs Human Development Report's released on 4th November 2010, compiled on the basis of estimates for 2010. It covers 169 UN members states (out of 192) Ethiopia became 157 (HDI, 2010). But Ethiopia is one of the least developed countries with position 172 Human Development Index (HDI, 2007). There is low capacity to prevent disability, to detect disability as early as possible and to provide rehabilitation services alongside with the increase of the population. Hence, several persons with disabilities are leading a miserable life without assistance and support (Tirussew, 2005).

Selected studies Metasebia Asrat (2001), ILO (2002), Abraham Worku (2003), and ILO (2004) that were conducted in the area of disability in Ethiopia revealed that people with disabilities in the country are frequent victims of pervasive discrimination, particularly in the area of employment. The extent of the discrimination becomes obvious by the fact that only a few persons with disabilities are employed but much more people with disabilities could work if they had been given the opportunity (Tsige, 2002).

"Despite the fact that persons with disabilities have equal rights as any citizen in the country, (FENAPD, 2001: Articles 9 and 27(b)) they are unable to become full participants in all round activities in the community due to negative attitudes and which exclude them from participation and at the same time create social and environmental barriers "(MOLSA, 1999, p.32).

Although unemployment is a wide spread socio-economic problem in Ethiopia and this problem affects all sections of the society, it is particularly aggravated for persons with disabilities. In Ethiopia, there is a general tendency to think of persons with disabilities as weak, hopeless, dependent and unable to learn and the subject of charity (Tirussew 2005). At the same time paid-work is very important. It helps many people to survive in this world. Work yields positive rewards and it is an entirely nondiscretionary activity and an inescapable fact of existence. It is the most commonly shared behavioral activities of human beings and serves a number of functions and through work that people are able to provide for them needed, self-esteem participation to lead independent life.

The legal system (i.e., the previous Ethiopian Constitutions) has also been not supportive for persons with disabilities because, the laws, which were passed more than 30 years ago, do not have any empowering provisions for persons with disabilities. There was also a misconception in defining disability in legislation. For instance, there were legal articles that categorized deaf people among persons with mental retardations and this imposed restrictions on the holding of property and these repercussions in getting employment. The reasoning is that, deaf persons are not legally accountable for their actions and can plead protection under legal articles, which are enacted to protect persons with mental retardations, who in his right mind would dare to employ them? So that there was a need to get these outdated legal provisions, which were enacted at the time when there was little knowledge about disability (ENAD, 2000).

According to the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Convention on the Rights of Persons with Disabilities (Pro.No.568/2008) which is prepared by Federation of Ethiopian National

Associations of Persons with Disabilities work and employment are explained as follows in article 27(1) sub articles a and b:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;*
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances; "(FENAPD, 2008, p. 39).*

1.2 Statement of the Problem

The Right of Employment Opportunities for Persons with Disabilities is grounded in a broad human rights framework based the Universal Declaration of Human Rights, UN Charter, and UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Convention as well as Ethiopian Constitution. However, the need for a specific convention for persons with disabilities has been increasingly recognized. Thus, it has been important to propose a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities (United Nations, 2003:42)

“Issuing legislation that promotes rights of employment opportunities for persons with disabilities at country level is an important means of overcoming cultural and social barriers that are detrimental to the full participation of

persons with disabilities in employment, social life and development. As a result of this, currently the issue of persons with disabilities has drawn global attention, for that various activates are being carried out “(MOLSA, 1999, p.57).

Ethiopia also responded to the “disability movement” by ratifying ILO convention No.159 on 25th of January 1991. Subsequently, the government has been taking legislative and policy measures in relation to employment opportunities of persons with disability in 1994, a new legislation on the ‘Right of Disabled Persons to Employment’ was adopted (ILO , 2004) . Besides, the current Constitution of the Federal Democratic Republic of Ethiopia, adopted in 1995, Article 41(5) of the Constitution sets out the State’s responsibility for the provision of necessary rehabilitation and support services for people with disabilities that ensures equal rights for the persons with disabilities. Other documents that have been explained about employment opportunities for persons with disabilities in Ethiopia are:

Proclamation concerning the Rights to Employment for Persons with Disabilities, No.568/2008, makes null and void any law, practice, custom, attitude and other discriminatory situations that limit equal opportunities for persons with disabilities. It also requires employers to provide appropriate working and training conditions; take all reasonable accommodation measures and affirmative actions, particularly when employing women with disabilities; and assign an assistant to enable a person with disability to perform their work or follow training.

The Federal Civil Servant Proclamation No. 515/2007 provides for special preference in the recruitment, promotion, and deployment, among others, of qualified candidates with disabilities. This provision is applicable to government offices only.

Labour Proclamation No.377/2003, Art (14(1) (f) one may further contend that, given the objective of the Proclamation, employment relationship also covers even non-permanent type of employment but the case for that is less persuasive as remedies embodied in the Proclamation such as made in respect of temporary workers or daily laborers. One can easily infer from the word 'includes' that this is just an illustrative list amended by Labour Proclamation No.494/2006.

Developmental Social Welfare Policy 1996, specifically targets people with disabilities and sets out to safeguard their rights and to promote opportunities for vocational rehabilitation.

National Programme of Action for Rehabilitation of Persons with Disabilities, 1999, aims to take disability preventive measures by promoting community participation; enable persons with disabilities and promote a better standard of living by building their capacity; and ensure their equal rights and full participation in society.

National Plan for Accelerated and Sustained Development to End Poverty (PASDEP) provides the framework for national poverty-reduction programmes for 2006-2010 and includes the provision of a safety net for persons in vulnerable situations who cannot work, including persons with disabilities.

As the Constitution ratifies the UN Human Rights standards and binds on it, there is a legal base for demanding the equalization of opportunities for the PWDs. However, the mere existence of such articles and provisions does not ensure that the right of the persons with disabilities will be automatically honored or rather practiced.

A research conducted by Tirussew (2005), indicated that persons with disabilities faced serious challenges in the process of getting employment opportunities even when they have

the required training and qualification. According to the study, it was not uncommon to be disqualified when an employing agency or organization discovers that the applicant has certain disabilities. The study also showed that both men and women with disabilities are disadvantaged in their search for employment. While men with disabilities have serious employment problems, women with disabilities are significantly under problems and this seems to be true for all types and levels of disabilities. An earlier study also indicated that men with disabilities are almost twice as likely to have jobs as women with disabilities (Bowe 1984, cited in Tirussew, 2005).

Although the severity of a disability matters in a person's economic activity, persons with disability are especially vulnerable to discrimination and disadvantage in employment. In addition persons with disabilities can be further restricted through the ignorance, fear and prejudice of employers and able-bodied fellow workers (Walker, 1992). Recognition of this pattern of discrimination, disadvantage and lack of opportunity, which is the "life menu" of many persons with disabilities, has led several and various voices to advocate the entrenchment of basic social, economic and political rights for persons with disability in law.

Six years ago, the World Health Organization (WHO) (2005), dispatched that nine African countries (Uganda, Kenya, Tanzania, Malawi, Namibia, Sierra Leone, Mauritius, South Africa and Ethiopia) have been selected to implement programs aimed at bringing tangible results on the lives of PWDs from on line retrieved from

<http://www.onconews.org/health/Disabilities.html>). It was stated that the number of people with disabilities has been increasing and they are being affected by social and economic inequalities. On this occasion, the Vice president of the Ethiopian Confederation of

Associations of People with Disabilities, Solomon Eshete, stated that "*though efforts were*

launched to avoid problems of PWDs, problems faced by PWDs have been expanding in an alarming rate particularly in rural areas" (Ethiopian Herald, September 22, 2005).

It is believed that if persons with disabilities are provided with appropriate educational, medical, vocational training, appropriate prosthetic-orthopedic services, and employment opportunities, they can become productive citizens. Hence, the large number of populations with disability in Ethiopia should be given support and attention in order to be independent and capable to contribute to the development of the country.

Therefore, having considered these rights and facts, this study focuses on examining the legislative measures taken by the Ethiopian Government to address the employment problems of persons with disabilities, particularly the right to equal employment opportunities, its implementation, the monitoring mechanisms and the challenges faced by persons with disabilities to get employment.

1.3. Research Questions

- ❖ What legal frameworks exist to protect and to assure employment rights of citizens with disabilities in Ethiopia?
- ❖ Are the legislations of the persons with disabilities really implemented- if so how is the implementation monitored?
- ❖ What are the challenges faced by persons with disabilities to be employed?
- ❖ Are there gender-based differences in the employment opportunities for persons with disabilities?
- ❖ Are there differences concerning access to employment opportunities across disabilities groups?

1.4. Operational Definition of Terms

To avoid any form of misunderstanding and/or ambiguity it is necessary to define some of the important terms used in the study.

Disability: - is a large term or recurring physical, learning, visual impairment, which substantially limits their prospect of entry into advancement in employment.

Employment: - access to a job or career opportunities with payment, benefit, packages, or job advancements. It could be permanent, temporary or part time bases

Implementation: - refers to the actual use of the legislations proclamations, and policies to put in to practice what we have been intended and minimized the number of unemployment of persons with disabilities.

Legal framework: - is a legal provision intended to protect the rights of persons with disabilities located in the Constitution, legislations, proclamations, conversions, policies, or ratified UN instruments.

Qualification: - is understand as high school completion, vocational training, Diploma Graduate, Degree Graduate or Post Graduate with the required experience

Persons with Disabilities: - are persons with obvious disabilities like hearing impairment, visual impairment, and motor disorder, who live in Addis Ababa and members of their respective associations.

1.5. Objective of the Study

1.5.1. General Objective

The objective of this study is to examine the existing legal framework intended to promote the employment opportunities for persons with disabilities, its implementation and monitoring in Ethiopia.

1.6. Significance of the Study

Though the number of organizations and institutions working on disability matters is increasing, there is no adequate information on the impact of the existing legal instruments. Thus, it is timely and relevant to conduct a research on the above mentioned statements of the problem and come up with effective recommendations that would lead to a more consented understanding and develop a system of intervention that could gratify their specific needs. The other significance of this study is to lay the grounds for further researcher in the field.

1.7. Delimitation of the Study

This study does not attempt to address all fields of disabilities and their impact on employment opportunities for persons with disabilities at the national level. It is rather delimited to persons with visual impairment, hearing impairment, and motor disorder, who are qualified and employed or who are denied "equal" employment opportunities to get employment in Addis Ababa. There are other groups of persons with disabilities that the researcher is aware of but did not include in the study.

1.8. Limitation of study

The study is conducted at the national level. Hence, the findings, which have some generalization, are not free of limitations. Primarily, due to lack of available literature and empirical data on the impact of the existing legislations, the study mostly relies on ILO's and MOLSA's reports. Secondly, due to time and resource constraint the sample frame. Thirdly, due to difficulties to obtain qualified and employed women with disabilities, there was no fair-gender balance among the participants only few participants were women with disabilities.

1.9. Ethical Consideration

During conducting of the research, the researcher respected truth in that he was truthful in the process of data collection, analysis and reporting the findings. Moreover, the researcher employed the instrument in such away that the interview and the document analyses carefully analyzed and evaluated so as not to harm participants in any form psychologically, socially or otherwise. The purpose of the research was informed and individual privacy, dignity, and confidentiality were respected. A number of ethical considerations were taken into account to ensure the privacy and the confidentiality of the participants. The purpose as well as the benefits of the study was explained to the participants. They were assured of their privacy, confidentiality and anonymity during and after the research through informed consent.

CHAPTER TWO

2. Review of Related Literature

2.1. Disability: Concept and Terminology

Before embarking on the more substantial human rights issues, it is essential to explore the meaning of the term "disability". Conceptual clarity about this term is needed to know whose rights this entry addresses ("the right of disabled people") and to examine the protection human rights afford to those persons classified as "disabled".

So far it has not been possible to come up with a universally accepted definition of disability. There is an on going debate between those who, at the one extreme of the spectrum, locate the problem of disability in the individual concerned (individual models) and those, at the other end of the spectrum, who assert that disability is a purely social construct, reflecting the intolerance of society toward human diversity (social models).

Those who embrace an individual model tend to define disabilities in terms of observable physical, mental, sensory or psychological derivation from heritage caused by disease, trauma, or another health conditions. As a result of these medical (or medically defined) conditions, the concerned person is disabled to the extent that he or she experiences functional limitations. The impact of these conditions on human functioning varies. Some of the resulting functional limitations can be mitigated by medical interventions or balanced by way of rehabilitation or aids, including adaptation. Others, however, result in permanent restrictions on the life activities of the person concerned that can not be treated or compensated for.

The social models of disability evolved out of dissatisfaction with the individual models, which were allegedly based on able bodied assumptions of normality. The social models reject the causal relationship, put forward by individual models between individual impairment and inability to compete as equals with able-bodied persons. Instead, they argue that disabilities are the product of the physical and social environment that fails to take into accounts the particularities and needs of specific individuals, notably those who deviate from the self proclaimed norm. Social models therefore challenge the able-bodied assumptions of normality.

Traditionally, legal and policy definitions of disability were purely individual by nature: disabilities were defined as individual's attributes of a medical nature resulting in functional limitations. This approach also underlies the International Classification of Impairments, Disabilities, and Handicaps (ICIDH), a taxonomy developed under the auspices of the world Health Organization in the 1970s. The ICIDH, a draft version of which was adopted by the World Health Assembly in 1976 and a final version of which became available in 1980, can be characterized as a Classification of (Individual) health problems. This becomes immediately clear from its subtitle: "A Manual of Classification Relating to the Consequences of Disease".

According to this classification, impairments, disabilities, and handicaps are to be considered a one-dimensional sequence of different aspects of a person's health status.

Impairment were seen as a disturbances at the organ level (etiology), disabilities as disturbances at the level of person (pathology), and handicaps as reflecting the interaction with and adaptation to the individuals surroundings (manifestation).

In the years following the adaptation of the ICIDH, its underlying approach became increasingly criticized. Besides the classification's individual perspective, many asserted that the term 'handicap' in the ICIDH did not adequately clarify the interaction between societal conditions or expectations and abilities of an individual. Moreover, it was asserted that the ICIDH was wrong in assuming that the social and physical world is immutable and benign. Organizations of persons with disabilities, notably Disabled Peoples International and a group called Union of Physically Impaired against Segregation, were particularly vocal in the debate that eventually led to the revision of the ICIDH.

The Criticism expressed by the adherents of a social model on disability has been acknowledged, at least in part, by the new classification, known the International Classification of Functioning, Disability, and Health (ICF). The latter classification, endorsed by the World Health Assembly in 2001, is a classification of human functioning, not merely aspects of disablement. It builds on the idea that an individual's functioning and disability occur in a context, thus requiring attention to be paid to body functions and structures, activities and participation.

The domains of the ICF are therefore classified from body, individual, and societal perspectives. Besides this still ongoing conceptual debate, there is as yet no terminological consensus. Throughout history, various terms have been used to refer to PWDs. What these terms tend to have in common is that they classify people on the basis of functional incapacities as opposed to the capacities of their able-bodied peers. The most frequently used terms "invalids," "handicapped," and "disabled" also have a rather negative if not pejorative connotation:

"Invalid" suggests that a person is not valid or is less valid as a human being;

“Handicap” is derived from ‘cap in hand,’ the international symbol for begging and

“Disabled” emphasizes that the person concerned is not able to engage in daily life activities considered to be normal.

Despite criticism of all these terms and the alternatives suggested, the terms “disabled” and “Disability” seem to least controversial. Whereas some prefer to speak about ‘disabled persons,’ stressing the individual condition or membership in a community, others instead talk of “people with disabilities or persons with disabilities,” emphasizing that reference is being made to human beings with just one human condition.

In addition to this, the concept of disability is complex, and there are historical, social, legal and philosophical influences on its interpretation. The experience of disability is unique to each person but there are common impacting factors. There are common aspects also in the rights of people to access specific disability services provided directly or indirectly by governments.

The need for some agreed definitions, largely to ensure that disability support programs are fair about who is to receive benefits and why, has prompted much discussion and debate. The use of common terms and definitions provides individuals with a basis for a common understanding. In this way, communication is assisted, transparency in social programs is improved, and needs are better met through accurate identification and understanding of what people require.

2.2. Theoretical Approaches to Disability

Theoretical approaches can underpin a program, an organization, law or policy influence the type of interventions and solutions chosen and implemented (Heyer, 2002). A basic

understanding of the main theories of disability, therefore, can help shed light on the different legal interventions such as the course taken by Ethiopian law.

Disability has been understood in different ways at different times (ages), places, cultures and contexts. But two opposing view points stand out. These are the Individual Model and the Social Model of disability (Heyer, 2002).

2.3. Disability Rights Overview

As outlined for a long time disability was seen exclusively as a medical condition associated with misfortune that was beyond the control of the individual, his or her environment, and the law. The resulting functional limitations inhibited the societal integration of the persons with disabilities. In fact, it was widely believed that people with disabilities were incapable of participating as equals in society and lacked the capacity to generate an income by performing paid work.

With respect to other underprivileged groups, there was often a willingness on the part of the remainder of societies to help disabled individuals overcome their physical, social, and communicative obstacles. It was considered desirable, if not a matter of civilization, to develop disability programs to enable people with disabilities to have a basic income and to meet their medical needs. Thus at least some of the restrictions interrelated with disability could be overcome, to the extent that societies would bear the costs involved. These welfare based programs mostly included medical revalidation programs, institutionalized care, and segregated-or "Special" --educational and employment programs. Such programs had sometimes, although not always, a basis the law mostly in social, health, and welfare laws, sometimes in combination with guardianship laws.

Most countries, however, were not in a position to invest large sums of money in such programs. This held particularly true for developing countries, where depending on the definition of disability up to the early twenty first century 65 to 80 percent of persons with disabilities lived. They are believed to constitute a group of over 600 million persons or more than 10 percent of the world's populations. In these countries persons with disabilities remain largely depend on family support and other forms of charitable aid (WHO, 2009).

Form disability program and laws, it can be learned that persons with disabilities were seen as object of welfare and charitable care rather than a subject of rights. Persons with disabilities were financially dependent on income support programs, at least in those countries that could afford to sponsor such initiatives. In addition, disabled persons were expected to adapt their physical and social environments instated of organizations, institutions, and processes that constitute the so-called mainstream society being encouraged if not required to cater to the needs of persons with disabilities prevent disadvantage and center exclusion. The resulting segregation, economic marginalization, and dependency were generally perceived as inherent to the (medical) problems of persons with disabilities and outside the realm of human rights law.

This approach gradually started to change when disability organizations, human rights activities, and scholars started to question the exclusion of persons with disabilities from mainstream society and discover the analogies between racism, anti-Semitism, sexism, and homophobia. The term "disablism" was coined to refer to the systematic violation of the dignity of persons with disabilities and the institutional forms of prejudice and denial of equal opportunities.

Since 1980s disability has been viewed increasingly as a human rights issue instead of a matter of hardship. It should be noted, however, that a theoretical debate is on going on the role that human rights can play in removing the barrier to integration and equal participation with respect for dignity. These views largely reflect different perceptions on disability and disablement. On the one hand, there are disability and human rights scholars who portray persons with disabilities as a discrete and insular minority. These scholars argue that the members of this group should be bestowed with full human rights that are sensitive to the sometimes specific needs of PWDs while at the same time granting rights that allow the member of this community on its own to remain "different."

Scholars who embrace a minority approach towards disability and disablement tend to attach particular importance to the availability of individual and enforceable rights (the civil rights approach). On the other hand, there are scholars who challenge the idea that disability is a phenomenon sub dividing societies into a majority and a minority of affected persons. They call for comprehensive human rights protection, one which recognizes that disability and chronic illness are not an attribute of some individuals but (potentially) concern us all.

According to some scholars the minority rights approach represents a simplification of reality, denying the fact that the group persons with disabilities is highly heterogeneous both with respect to gender, race, ethnic origin, religion, sexual orientation, political opinion, age and other characteristics and with respect to functional limitations.

In addition, these scholars tend to acknowledge that a Civil Rights approach does not necessarily lead to the full enjoyment of human rights for all. It is above all retrospectively oriented and dependent on the willingness (and ability) of individuals to litigate. Also,

individual's complaints do not necessarily have institutional implications. As a corollary, Universalists call for proactive human rights measures in combination with justifiable rights of individuals.

What the adherents of both views have in common is that they reject the idea that segregation, economic marginalization, and dependency and intrinsically interlaced with functional impairments but instead maintain that obstacles to the integration and equal participation with respect for dignity reflect, at least in part, the failure of society to cater to the needs and wishes of all its members.

A strong belief exists among proponents of both views that human rights law can fulfill a crucial and instrumental role in overcoming the barriers that lead to and perpetuate the exclusion of those labeled as 'person with disability.' This article will describe the evaluation from the absence of human rights protection mechanisms toward the universal recognition of disability as human rights issue and the codification of disability rights. Special attention will be paid to the process of standard setting on international, regional, and national levels.

2.4. The UN Definition of Disability

The United Nations defines Persons with Disabilities (PWDS) as persons who have long-term physical, mental, intellectual or sensory impairments, which, in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others and gave the following definitions:

- Disability is a condition or function judged to be significantly impaired relative to the usual standard of an individual or group. The term is used to refer to individual

functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment, mental illness, and various types of chronic disease.

- Disability is conceptualized as being a multidimensional experience for the person involved. There may be effects on organs or body parts and there may be effects on a person's participation in areas of life. Correspondingly, three dimensions of disability are recognized in ICF: body structure and function (and impairment thereof), activity (and activity restrictions) and participation (and participation restrictions). The classification also recognizes the role of physical and social environmental factors in affecting disability outcomes.

2.5. The World Health Organization (WHO)

The WHO states that “*disability (resulting from impairment) is a restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being*” (WHO, 1988).

The term “handicap” is also, defined as a function of relationship between persons with disability and their environment:” It occurs when they encounter cultural, physical or social barriers which prevent their access to the various systems of society that are available to other citizens. Thus, handicap is the less or limitation of opportunities to take part in the life of the community on an equal level with others” (UNWPA, 2000). However, according to Snow (2005), the word “handicapped” is an archaic term that evokes negative images (pity, fear, and more).

According to ILO’s Article 1(1) of Convention No.159, the term disabled person means an individual whose prospects of getting, retaining and advancing in suitable employment are

substantially reduced as a result of a duly recognized physical or mental impairment (ILO, 2002).

A new paradigm defines disability as a natural part of the human condition. It is redefined as a “body part that works differently”. For instance, a person with Spina Bifida has legs that work differently, a person with Down syndrome learns differently, and so forth. Additionally whether a person has disability is often a consequence of the environment. When a person with disability is in a welcoming accessible environment, with the appropriate supports, accommodations, and tools, his /her disability is not a constant state.

Generally, a disability, like gender, ethnicity and other traits, is simply one of many natural characteristics of being human (Snow, 2005).

2.6. Disabilities as a Human Rights Issue

It is only since the 1970s that the disadvantages faced by disabled persons, their social exclusion and discrimination against them were increasingly perceived to constitute a human rights issue. Before that, the Human Rights Charters and Conventions adapted from the 1948 did not specifically mention people with disabilities (ILO, 2004).

2.6.1 International Legal Instruments

The International Labour Conference in 1925, just a few years after the establishment of the International Labour Organization adopted the first international instrument containing provisions relating to the vocational rehabilitation of workers with a disability. This recommendation set out principles, which should be taken into account in determining compensation payment for industrial accidents, it also recommended that the vocational re-education of injured workmen should be provided by such means as the national laws or

regulations deem most suitable, and urged governments to promote institutions which would provide such 're-education'.

Employment is useful work in special centers under non-competitive conditions should be made available for all persons with disabilities who can not be made fit for normal employment. At these working places persons with disabilities are victims of bias and discrimination. Information should be assembled by the employment service in regard to the occupations particularly suited to different disabilities and the size, location and employability of the persons with disability population (ILO, 2003, p.25).

2.6.2. Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a key document in the history of human rights, drafted by representatives with different legal and cultural backgrounds from all regions of the world. The Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 and has been translated into at least 375 languages and dialects.

It arose directly from the experience of the Second World War and represents the first global expression of rights to which all human beings are entitled to it also consists of 30 articles which have been elaborated in subsequent international treaties, regional human beings instruments, national constitutions and laws. The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economics, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

In 1966 the General Assembly adopted the two detailed Covenants, which complete the International Bill of Human Rights. There has been some criticism of the fact that the declaration ignores persons with disabilities that persons with disabilities were not included

as a distinct group vulnerable to human rights violations, that disability is not mentioned as a protected category.

The UN General Assembly does, however, at the outset, proclaim the Declaration as a common standard of achievement for all peoples on Article 1 states that all human beings are born free and equal in dignity and rights on Article 2 states that everyone is entitled to all the rights and freedoms set out in (the) Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. There is no doubt that people with disability are covered by the Declaration, even though not specifically mentioned (ILO, 2003).

As a common standard of achievements for all peoples and all nations, it sets out, for the first time, fundamental human rights to be universally protected.

2.6.3. First ILO Recommendation Devoted to Vocational Rehabilitation

An important instrument in relation to persons with disabilities, ILO Recommendation No. 99, was adopted in 1955. Until the adaptation of Convention No. 159 and Recommendation No. 168 almost thirty years later, this international instrument served as the basis for all national legislation and practice concerning vocational guidance, vocational training and placement of persons with disability.

Using a definition of persons with disability which is substantively the same as that currently in use by the ILO, the recommendation built on key provisions of earlier instruments in relation, for example, to mainstreaming of vocational training, equality of opportunity, no discrimination in pay for equal work, and promotion of research. Methods of widening employment opportunities for workers with disabilities, in close cooperation with employers' and workers' organizations, included quotas, reserved occupations,

creation of cooperatives and the establishment of sheltered workshops. The recommendation also included special provisions for children with disability and young persons (ILO, 2003).

2.6.4. UN Declaration on the Rights of Disabled Persons

The UN General Assembly, at the end of 1975, proclaimed a Declaration on the Rights of Disabled Persons. The Declaration affirmed that disabled persons had the same civil and political rights as other people, as well as the right to education, vocational training, counseling and placement services, the right to get and retain employment or to engage in a useful, productive and remunerative occupation. The Declaration proclaimed that these rights were for all persons with disability without discrimination based on sex or other grounds (ILO, 2003).

2.6.5 International Year of Disabled Persons 1976

On 16 December 1976, the UN General Assembly announced the International Year of Disabled Persons, strengthening the full participation and equality. Towards the end of 1981, the General Assembly urged member states to consolidate and build further on the results of this international year of persons with disabilities in order to get prevention of disability, rehabilitation and full integration of disabled persons into society. The General Assembly also urged the specialized agencies and other UN bodies to undertake measures to improve employment opportunities for persons with disability within these bodies at all levels (ILO, 2003).

2.6.6. UN World Program of Action and Decade of PWDs

One year later, the UN General Assembly, stressing that the primary responsibility for promoting effective measures for prevention, rehabilitation and the realization of the goals of full participation and equality rested with individual countries and that international action should be directed to assist and support national efforts in this regard, adopted the World Programme of Action (WPA) concerning persons with disabilities. On the same day, the General Assembly proclaimed the period 1983-1992 United Nations Decade of Disabled Persons and encouraged member States to utilize this period as one of the means to implement the World Programme of Action. It contains three overall aims – prevention, rehabilitation and equalizations of opportunities. Equalization of opportunities is defined as:

The Process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational opportunities are made accessible to all (ILO, 2003,p.10).

2.6.7. UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities 1993

The United Nations General Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities on 20 December 1993. There are 22 rules: From awareness rising to international cooperation on employment is dealt by Rule-7. In this particular rule as described that States recognized the principle that person with disabilities must be empowered to exercise their Human Rights, particularly in the field of employment. In both urban and rural areas they must have equal opportunities for

productive and gainful employment in the Labour Market. In its resolution to the General Assembly, the Economic and Social Committee described the Rules as follows:

Although these Rules are not compulsory, they can become international customary rules when they are applied by a great number of states with the intention of respecting a rule in international law. They imply a strong moral and political commitment about behalf of states to take action for the equalization of opportunities. Important principles for responsibility, action and cooperation are indicated. Areas of decisive importance for the quality of life and for the achievement of full participation and equality are pointed out. These Rules offer an instrument for policy-making and action to persons with disabilities and their organizations. They provide a basis for technical and economic cooperation among States, the United Nations and other international organizations (ILO, 2003, p. 10).

2.6.8. ILO Convention No. 159

ILO (2003) stated that Convention No. 159 was adopted in 1983 entered into force on 20 June 1985, and has been ratified by 73 Countries. The Conventions oblige the parties to practice, formulated, implement and periodically review a National Policy on Vocational Rehabilitation and Employment of Disabled Persons in accordance with National conditions and possibilities. The policies aim at ensuring appropriate vocational rehabilitation.

Building on the 'full participation and equality' theme of the International Year, and goal of the World Programme of Action, the ILO adopted the Vocational Rehabilitation and Employment (Disabled Persons) Convention No. 159 and Recommendation No. 168 in 1983. The Convention requires member States, in accordance with national conditions, practice and possibilities, to formulate, implement and periodically review a national policy on vocational rehabilitation and employment of persons with disability. The renewed

emphasis on full participation is reflected in Article 1.2, which describes the purpose of vocational rehabilitation as being to enable a disabled person to secure, retain and advance in suitable employment and ‘thereby to further such person’s integration or reintegration into society’, the highlighted phrase being an addition to Recommendation No.99. The ‘equality’ goal is captured in Article 4 of the Convention:

The said policy shall be based on the principle of equal opportunity between persons with disability workers and workers generally. Equality of opportunity and treatment of persons with disability or men and women workers shall be respected. Special positive measures aimed at effective equality of opportunity and treatment between persons with disability workers and other workers shall not be regarded as discriminating against other workers (ILO, 2003, p.7).

2.7. International Commitment

ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) No. 159(1983) was ratified by Ethiopia in 1991 (ILO, 2004).

The ILO Convention No. 159, which has the set purpose of facilitating the employment of ‘disabled persons’, defines a disabled person as ‘an individual whose prospects of getting, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment (ILO,1983).

2.7.1. Vienna Declaration

The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, reinforced the fact that all human rights are universal, interdependent and interrelated. The Declaration noted (Article 22) that ‘Special attention needs to be paid to ensuring non discrimination and the equal enjoyment of all human

rights and fundamental freedoms by persons with disability, including their active participation in all aspects of society. The Declaration emphasized (Article 64) that persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society (ILO, 2003).

2.7.2. Copenhagen Declaration

The Copenhagen Declaration and Programme of Action, adopted by the World Summit for Social Development in March 1995, acknowledged that people with disabilities, who form one of the world's largest minorities, are too often forced into poverty, unemployment and social isolation. The elimination of all forms of discrimination is emphasized throughout the Declaration, and the Programme of Action includes 'taking effective measures to bring to an end all de jure and de facto discrimination against persons with disabilities'. In a specific employment reference, the Programme states that broadening the range of employment opportunities for persons with disabilities requires:

- a. 'Ensuring that laws and regulations do not discriminate against persons with disabilities:
- b. Taking proactive measures, such as organizing support services, devising incentive schemes and supporting self-help schemes and small businesses:
- c. Making appropriate adjustments in the workplace to accommodate persons with disabilities, including in that respect the promotion of innovative technologies

2.7.3. African Decade of Disabled Persons

The African Decade of Disabled Persons (1999-2009) was declared in July 2000 by Organization of African Unity (OAU) Heads of State and Government. Participants at the Pan African Conference adopted a continental Action plan unanimously on the African Decade in February 2002. The Action plan is intended to provide guidance to member states and governments of the OAU in achieving the goal of the decade the full participations, equality and empowerment of persons with disabilities in Africa. The Action plan includes arrange of measures to be undertaken by member states in order to meet the objectives of promoting the participation of persons with disabilities in the process of economic and social development and to ensure and improve access to retains and employment (ILO, 2003).

2.8. Legislative Framework

Issuing legislation that promotes the rights of persons with disabilities at a national level is an important means of overcoming cultural and social barriers that are detrimental to the full participation of persons with disability in employment, social life and development (ILO, 2004).

2.8.1. Domestic Legal Instruments 1971

2.8.1.1. Order No. 70/1971

An order announced during Emperor Haile Selassie's reign established a rehabilitation agency for persons with disabilities. Rehabilitation agency was to give assistance to those in need of social, physical and mental rehabilitation. Moreover, it was to maintain a long standing tradition among the people to assistance whenever the well being of certain groups or individuals was threatened or affected. The rehabilitation agency was operational

until 1996, when it was dissolved. Although it has not been abrogated, it is no longer relevant (ILO, 2004b).

2.8.2. The Location of Disability within Legislation

Governments have a choice as to where to locate disability within their statutes. They can decide to take a “twin-track” approach and include disability provisions in two or more locations. According to ILO (2004), the following are areas to disability in legislation.

Constitutional Law- is the highest level of legislation. If a constitution includes provision on people with disabilities, this can reflect the importance given to disability issues in the country. The national constitution is the highest law of the country and binding up on all state authorities, including the legislature administration and judiciary. Laws, policies and case law should therefore be in conformity with the constitution. In view of this, special attention should be paid to the promotion of equal employment opportunities for people with disabilities through constitutional provisions. Constitutional provisions send out an important message regarding the status of people with disabilities within the national legal order and seek to guarantee that other laws as well as policies are in conformity with the constitution.

The inclusion of provisions in the constitution specifically referring to disability is a potentially important guarantee of the rights of people with disability. Commonly, three types of constitutional provision can be distinguished according to the ILO (2004),

- Firstly, national constitution may require the state to address the needs of and/or to take special measures to promote the societal integration of people with disabilities.
- Secondly, national constitutions may prohibit discrimination on grounds of disability.

- Thirdly, constitutions can create oversight bodies for the enforcement of constitutional rights, like Ombudsman Institutes and Human Right Commissioners (ILO, 2004).

2.8.3. Constitution of the Federal Democratic Republic of Ethiopia 1995

Compared to previous Constitution of Ethiopia, the Constitution of the Federal Democratic Republic of Ethiopia 1995 has made progress in terms of addressing the concern of persons with disabilities. Article 41(5) of the Constitution set out the state's responsibility for the provision of necessary rehabilitations, and support services for people with disabilities. The state shall, with in its available means, allocate resources to provide the rehabilitation and assistance to the physically and persons with mental disabilities (ILO, 2004a).

2.8.4. Proclamation No. 568/2008

According to the UN, about 10 per cent of the World's Population is disabled at anytime (Mont,2004) reported unemployment rates among the world's 386 million disabled people of working age is far higher than for other working age individuals.

The unemployment rate varies from country to country. In many developing countries, it is estimated at a staggering 80 per cent or more (ILO, 2002) Ethiopia has a very large disabled population. Though data pertaining to the prevalence and situation of persons with disability is incomplete, fragmented and sometimes misleading there is no gainsaying that the number of persons affected by disability is very high.

According to UNICEF in Ethiopia five to eight million men and women constituting 7 to 10 per cent of the entire population have some disability sort (UNICEF, 2009). As regards the precise type of disability some studies show that 41.2 are effected by motor disorders, i.e., inability to walk, to sit, to eat and drink; 30.4% by visual impairment, i.e., weak

sighted and blind, 2.4% persons with speech and language impairment, 2.4% persons with behavioral problems and 2% with multiple disability (Tirusew,2005). What is worse, a baseline survey conducted by the Institute of Educational Research, Addis Ababa University, showed 60 per cent of persons with disabilities in Ethiopia were unemployed in 1995 (ILO,2004)) .This number would be higher if those who are under employed were to be included. That such a sizable number of people are unemployed cannot be explained by an actual inability to work. In fact, most are qualified and suited for particular types of jobs. It is, thus, apparent that PWDs not only have a valuable contribution to make to the national economy but that their employment also reduces disability benefits that the state has to allocate.

The logical conclusion is that disability does not arise simply from medical conditions but rather from the interaction between impairments and the physical, social, and policy environments. In other words in an environment and culture that accommodates the special needs of people with various impairments; the impact of disability would be greatly limited. Laws, regulations and policies issued by states play significant role in the creation of such a conducive environment.

The Proclamation to provide for the Right to Employment of Persons with Disabilities (hereinafter Proclamation No. 568/2008) aims at creating an environment that recognizes the potential of persons with disabilities to work and exploit same. More particularly, according to its preamble, it aims at realizing equal employment opportunities for people with disabilities by providing for reasonable accommodation and procedural rules that enable them to prove before judicial organs discrimination encountered in relation to employment. The law replaced by this Proclamation put in place a system where by certain jobs were to be reserved for persons with disabilities to enable persons with disabilities get

employment. It required employers to identify posts suitable for disabled persons so only persons with disabilities would compete for these positions.

A Proclamation Concerning Right of Disabled Persons to Employment 101/1994 Art 4, the new law rejects this approach to addressing employment problems of persons with disabilities. In its preamble Proclamation 568/2008 state that reserving vacancies for persons with disabilities creates the image that persons with disabilities are incapable of performing jobs based on merit and failed to provide the necessary protection of their rights).

2.8.5. Civil and Labour Law

These laws provide an effective location for laws relating to the right of people with disabilities. These laws can take the form of Non-discrimination laws or laws that confirm employment rights, such as quota laws. There are often specific rules regarding the burden of proof and provision is made for enforcement.

2.8.6. Criminal or Penal Law

Involving fines and imprisonment have impact only if it can be proven that the defendant (e.g. the employer) intended to discriminate. Such provisions are not especially effective in conferring rights on employees with disabilities, since it has to be proved that employers intended to discriminate. However, this is difficult in practice since persons frequently discriminate without having any hostile feelings towards disabled persons. Such provisions can send a strong dissuasive message.

It is recommended that Civil or Labour law provisions on the employment related rights of persons with disabilities are likely to have the greatest practical impact of opportunities for persons with disability job-seekers and workers (ILO, 2004).

According to ILO (2004), there are good reasons to include disability in the national constitution, both in provisions imposing a duty on the states to meet the need of people with disabilities and in constitutional non-discrimination provisions, as well as to ensure that there is access to justice through the monitoring bodies. Besides reflecting the level of importance attached to disability concerns in a country, Constitutional provisions, as the highest level of law, set a standard for other laws and for Policies in the Country.

However, constitutional provisions, on its own often have limited impact. This is because they frequently do not give substantive rights, so cannot be invoked in court; they tend to be broad, and do not contain precise definitions, so that judgments will be discretionary; and also because they place obligations on state and state entities, rather than the private sector.

2.8.7. The Federal Civil Servant Proclamation No.262/2002

Article 13 of the 2002 Federal Civil Servant Proclamation prohibits discrimination because of ethnic origin, sex, religion, political outlook, or any other ground.

"Disability" is not expressly mentioned, although provisions relating to persons with disabilities are made. While the right of persons with disabilities to employment Proclamation 1994 bars discrimination, the Federal Civil Servant Proclamation goes further by effectively providing for alternative action in the recruitment of persons with disabilities. It prescribes that meeting the passing score is sufficient for applicants with disabilities competing for vacancies and that those meeting this score get preference in

appointment: priorities of appointment shall be given to candidates with disabilities who meet the minimum passing score (ILO, 2004 a).

2.9. The Principle of Employment

Work can be defined as using ones physical and/or mental energies to accomplish something productive. Work is the key to economic prosperity for every body but it is also the key to full social inclusion. It is about developing skills, confidence, and individual potential through working (Heward and Orlansey, 1998).

People place a high value on work and on people who contribute. Besides providing economic support, work offers opportunities for social interaction and a chance to use and enhance skills in a chosen area. Work generates the respect of others, and it can be a source of pride and self-satisfaction (Terkel 1974, cited in Heward and Otlanskey, 1988).

It is also true that paid employment increases individual independence through personal spending power and in the process increases the ability to make personal choices and offers a way to remove what has been called learned helplessness and instead substitute real equalities of opportunity. Getting to this stage means increasing social inclusion so that people with disabilities make the same choices as every one also and are regarded in society as no different.

2.10. The Principle of Equality

It is grounded in the idea that all human beings, regardless of physical, mental and other differences, are of equal value and importance. Each person is entitled to and should be afforded equal concern and respect, or as stated in article 1 of the Universal Declaration of Human Rights (1948): '*All human beings are born free and equal in dignity and rights...*'.

The ILO Declaration of Philadelphia (1944) affirms that all human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom, and dignity, of economic security and equal opportunity (ILO, 2004). This means that all women and men should have an equal chance and be provided with equal opportunities to participate in society, including the labor market. According to ILO (2004), the concept of "equality is treated in different ways:

Formal Equality: in this approach, persons who are situated alike should be treated in the same way. Such an approach frequently ignores individual and contextual differences and disadvantages, as if these were irrelevant. The denial of identical treatment is prohibited, but there is no requirement to make accommodations or adjustments. This approach, therefore, falls short of meeting the support needs of some disabled people (ILO, 2004).

Equality of Opportunity: another way in which equality may be conceptualized is through equality opportunity. This concept provides for equal chances, but not necessarily equal results. In this way looking at equality, the importance of individual and group differences is acknowledged and account is taken of external barriers experienced by disabled people which may inhibit social participation. Both stereotypes and structural barriers are seen as obstacles to full participation. In this approach, disability is ignored, if stereotypes are the basis for action, and taken into account if changes to the social or built environment are necessary to promote access and inclusion (ILO, 2004).

Equality of Results: it is concerned with securing the same outcomes for all. When equality is viewed in this way, individual and group differences are acknowledged. For example, account is taken of any additional costs a disabled worker has, in examining the question of whether they receive equal pay. This concept of equality has several weaknesses. It does

not clearly indicate where responsibility lies for meeting the needs of disabled persons so as to guarantee true equality of results-with the State, with the private sector or with the individual. In addition, it is not clear in this approach whether an individual's merits are understood to justify unequal results (ILO, 2004).

2.11. Advantage of Employing Persons with Disabilities

Many people have never encountered person with disabilities either in their personal lives or in working environments. The result is an abundance of myths and misconceptions about the potential, abilities and skills of people with disabilities. Negative images of disability and incorrect assumptions about PWDs have hampered the progress of people with disabilities towards equal opportunities in the society particularly in getting job. However, according to Howtson (2004), there are a number of reasons for employing PWDs:

- a) It is gaining loyal, committed, productive staff: people with disabilities tend to remain employed with the same company for longer and show a strong commitment to the job, good punctuality records and low absenteeism rates. Research by the employers' Forum on Disability (UK) shows that, overall, disabled people have less sick leaves than non-disabled people.
- b) It is gaining a competitive edge by becoming a socially responsible (corporate) employer: people with disabilities represent increasing number of consumers. By employing persons with disabilities, for instance, companies can help improve services for customers with disabilities and give their staff the confidence to deal with disabled customers.
- c) It is increasing staff morale and employee retention: employing people with disabilities can improve an employee's view of the company and increase staff retention.

- d) Innovation: many people with disabilities are accustomed to finding alternative ways of doing things. This innovative thinking can carry over into the workplace.
- e) It is compliance with statutory requirements: this will result in the development of a country's human capital as well as employment equity through partnership with workers, employers and the department of labour (Howston, 2004).

2.12. Self Employment for people with disabilities

Self employment and income generation activities are the norm in developing countries where the formal sector is limited, and it is one solution to address the significant unemployment among people with disabilities (Perry, 2004). However, like open employment, or perhaps more than open employment starting business and succeeding requires considerable supports. Thus, as Perry (2004), the success of self-employment as a work option can be significantly increased through:

Business Development Services (BDS), Access to credit (either through mainstream programmes or special programmes) encouraging family business, group business and cooperatives, Business association and cooperative arrangements, policy support such as tax breaks, exemption from customs duties, access to licenses. etc., Business incubators for people with disabilities, mentoring of special follow-along supports to assist entrepreneurs when business run into expected problems (Perry, 2004, p.5).

2.13. Conditions to obtain respectable work for people with disabilities

The ILO defines respectable work as productive work in conditions of freedom, equity, security and human dignity (ILO, 2004). Perry (2004), explained that people with disabilities need a home, good health, and a full life, including the chance for decent work

and the resulting financial, social, and psychological benefits. The same writer suggested certain conditions for people with disabilities to obtain respectable works follows:

First workers need basic life, literacy and generic work skills, as well as specific technical skill and business development skills, to the list for the self employed or entrepreneurs. Second the economy must create good job and self employment opportunities. Third, a vocational guidance/employment services system should have a process for guiding and matching people to the right training and job opportunities. Fourth, the infrastructure should include services conducive to employment, like transportation, effective communication systems etc. fifth, the ensure job retention and security, the work place should promote appropriate health and safety measures, access to life long learning opportunities and other enlightened work place practice (Perry, 2004,p.15) .

2.14. Factors Inference Employment Opportunities PWDs

A major issue for people with disabilities is securing and maintaining employment. The disturbing truth is that two-third of the people with disabilities in our society are not working. Reasons for this high unemployment include factors as: the nature of disability an individual has, like of appropriate education, employers perception and attitudes, lack of social skills, transportation, economic and benefit disincentives, family beliefs and concerns, lack of appropriate jobs, and lack of needed devices or aids to help in job performance. Many of these factors can be and are being addressed by training programmes, adult service providers, and technological advances. There is also a growing awareness that self sufficiency, employment and independent or semi independent livings are attainable and desirable goals for individuals with disabilities. Indeed research shows that working makes an enormous qualitative difference in the lives of people with disabilities, in terms of their self perceptions and satisfaction with life (Harris and Associates, 1986; Kiernan and Brinkman, 1985) as reported.

CHAPTER THREE

3. Research Design and Research Methodology

This section deals with the research methodology, the overall design of the study, and the method employed to gather data.

3.1. Research Design

In essence, the design of a research study makes it necessary to give detailed explanation of the overall approach and how the research will be carried out, with whom and where (Marshall and Rossman, 1995). At the outset of every research study, a researcher has the option of adopting either a quantitative or a qualitative research design. The ultimate deciding factor as to which research design a researcher will adopt depends on the aim and purpose of the particular research study (Silverman, 2000). Due to the fact that the intention of this study is to examine the existing legal framework intended to promote the rights of persons with disabilities particularly the rights to employment opportunities for persons with disabilities, its implementation, monitoring and the perceived challenges faced by persons with disabilities in getting jobs. This research design that lend itself best, and provides the researcher with the most appropriate data collection and analysis tools with which to conduct this research, is a qualitative research design. A qualitative research has the following key characteristics. Firstly, it aims to uncover and portray the participant's opinions, perspectives and viewpoints, in that it generally seeks to understand an experience or an event. Secondly, "the researcher is the primary instrument for data collection and analysis" (Bogdan and Biklen, 1992). Thirdly, due to the fact that the researcher needs to have an in-depth understanding of the employment opportunities for

PWDs practices in the offices, it involves extensive fieldwork necessitating that the investigator “spends a substantial amount of time in the natural setting of the study, often contact with the participant” (Merriam, 1998). Fourthly, it is inductive in that it “builds abstractions, concepts, hypothesis or theories rather than test existing theory” (Bogdan and Biklen, 1992). Fifthly, it is “richly descriptive” (Merriam, 1998) in that words rather than numbers are utilized to convey the research findings. Sixthly, the research is emergent, in that it begins with an initial focus of enquiry and refines its focus as data collected and analyzed responding to the changing condition of the study as it progresses (Marshall and Rossman, 1995, Merriam, 1998). Lastly, the sample selection is usually “non-random, purposeful and small” (Merriam, 1998).

There are five major qualitative research designs. The first major design one can utilize is a basic or generic research study. Such a basic research strategy is utilized when a researcher seeks to “discover and understand a phenomenon, a process, or the perspectives and worldwide views of the people involved” (Merriam, 1998). An ethnographic study would be employed when the researcher seeks to present “a socio-cultural analysis of a unit of study” (Merriam, 1998). A phenomenological school of thought underpins all qualitative research. A researcher may embark on a phenomenological study which seeks “to depict the essence or basic structure of an experience” (Merriam, 1998). The fourth most common research design employed is ground theory which is utilized when the researcher seeks to develop a theory grounded in the data collected (Bogdan and Biklen, 1992). Lastly, a researcher may employ a case study which possesses the key characteristics of being “an intensive description and analysis of a single unit or bounded system” (Merriam, 1998). Usually employed when an “in-depth understanding of the situation and meaning for those involved” (Merriam, 1998) is thought. Drawing from the above definitions, and

bearing in mind the purpose of this research is to examine the existing legal framework intended to promote the employment opportunities for PWDs, its implementation and monitoring in getting job.

It becomes evident that a qualitative research case study lends itself best to the objectives of this study. A case study can often bring about a deeper understanding of an issue, process or program that can ultimately result in that phenomenon's improved practice (Bogdan and Biklen, 1992).

3.2. Research Methodology

In order to meet this purpose, a qualitative study design was employed. Qualitative case research design emphasizes gathering data on naturally occurring phenomena natural setting, (i.e. study of behavior as it occurs or occurred naturally). There is no manipulation of control of behavior or setting, nor are there any externally imposed constraints). According to Patton (1990), qualitative methods consist of three kinds of data collection: (1) in depth interviews, (2) direct observations; and (3) written documents.

The researcher would have personal contact and insight into the real situation.

Most of these data were in the form of words rather than numbers, and the researcher employed a variety of methods in order to achieve a deep understanding was achieved (McMillan & Schumacher, 7th ed, p. 23).

The study was also descriptive in nature because it attempted to indicate the impact of the legal instruments issued in the employment rights of persons with disabilities in Ethiopia- rights and facts and challenges faced in getting jobs.

3.3 Area of study

The area of the study was purposely selected to be Addis Ababa, because, many associations for persons with disabilities are found in Addis Ababa. It is accessible and convenient to get a captured group of respondents, to save time and resource available for the research.

3.4. Sampling

One issue is how sampling procedures may have had impact on the results. The nature of the sample is critical in interpreting the meaning of the results, and in generalizing the conclusions. Rather, the researcher used subjects who happened to be accessible or who may represent certain type of characteristics (McMillan & Schumacher, 7th.ed.) A judgment was made about which subjects should be selected to provide the best information to address the purpose of this research study.

The researcher was selected non probability sampling. Among non-probability sampling, purposive sampling was employed for selecting participants on the basis of the researcher's knowledge of population. This type of sampling is the most common type in educational research. It does not include any type a random selection from a population. Then, this technique was chosen taking into consideration the difficulty of finding PWDs who were qualified and employed or seeking a job.

3.5. Data Source

To find out the source of data, PWDs both male and female who were selected purposely. These are three national associations, three disabilities groups, Government officials from MOLSA, Rehabilitation Department, Disability Units Affairs, one person from TVET at

MoE, one person from SNE at MoE and one person from A.A.U from Department of Law was included. The total number of persons that were included in the research was 18 people.

3.6. The participants' selection criteria

The criteria that were employed to create eligible information for selecting participants were: The respondents should have a job, be willing to participate in the study, be member of a respective association, and have completed at least high school completed or higher education. They might search for employ currently. The participants were that are qualified, employed and/or seeking a job, which were providing information concerning PWDs.

The following table shows about descriptions of selective persons:

Table -1 Description of Selective persons

No	Description	No of people	Remark
1	From Ethiopian National Association of the Blind (ENAB)	2	1 focal person and 1 Employed in the association
2	From Ethiopian National Association of the Deaf /ENAD/	2	1 focal person and 1 Employed
3	From Ethiopian National Association of the Physically Handicapped (ENAPH)	2	1 focal person and 1 Employed
4	MOLSA (Ministry of Labour and Social Affairs - Rehabilitation Department - Disability units Affairs	3	1 focal person and 1 Rehabilitation Department 1 Disability Unit's Affairs.
5	Different disabilities group	6	3 Employed and 3 Job seekers from each disabilities type
6	TVET	1	focal person
7	MOE	1	focal person on SNE in MOE
8	Law Department	1	Faculty Dean's
	Total	18	

3.7. Instruments for data collection

The strategy employed to gather data will depend on two factors. Firstly, it depends on the question of the research study. Secondly, it will depend on determining which source of data would yield the best information with which to answer the research question (Merriam, 1998). Traditional data collection methods utilized within qualitative research studies that lend themselves to the objectives of this research study are document analysis, interviews. The interview was the major data collection tool. The document analyses were the supplementary data collection tool. The procedure of data collection was started with interviews followed by document analysis respectively.

3.7.1 Interview

Described as a conversation with a purpose, an interview is used to uncover participants' meaning and perspective (Marshall and Ross man, 1995). Defined as "nothing more than a list of questions" (Merriam, 1998), an interview can be semi-structured containing "dozens of very specific questions listed in particular order" (Merriam, 1998). In addition there is no set rule as to the order in which questions should be asked within an interview, their order being determined by the aim of the research study, the participant, the time limitations of the interview, and the sensitivity of the questions being asked (Marshall and Ross man, 1995).

Interview was one way to find out what the situation looks like from other points of view. Interviews were conducted in order to investigate individuals' perspective towards a given phenomenon within its real life context so that the semi structured interview was employed. Semi structured interview had certain questions the researcher asked all interviewees, but

the researcher allowed the respondent to raise issues and questions as the interview progresses. A semi-structured interview guide was prepared for the eighty selected groups of PWDs, National associations, and the Government officials based on the basic questions and objectives of the study. It is a primary source for data gathering.

3.7.2. Document analysis

Within qualitative research study, documentation as a data collection tool can offer great insight and understanding with regard to the phenomenon being studied (Marshall and Rossman, 1995). The themes for document analysis were *curriculum content, lesson plans, teachers' management of student records, assessment of preschoolers progress, teachers' profiles and the schools' background.*

Document analysis is used to supplement information that would be obtained by other methods, as for instance when the reliability of evidence gathered from interviews was checked. It would be particularly useful when access to the subjects of research was difficult or impossible. The main use of documents in the research was that it provides a context for understanding particular problems in the process of data gathering methods (Practical Research, August 2005, p. 176).

3.8. Procedure of Data Collection, Organization and Analysis

The data were collected through interviews and document analysis respectively. Then the data were organized into themes and analyzed in an interactive way between different activities and processes. These were translation of transcript from Amharic to English. The translation was carried out immediately after data collection.

. Also known as open coding, this process entailed that the data thus far collected be read in its entirety so as to gain a “global impression of the content” (Henning, van Ransburg and Smith, 2004). Having gained a general overview of the data, the researcher then began to attach meaning to different segments of the data, developing codes and then placed the different codes into numerous specific categories. Next, having coded and categorized all the data, the researcher began to look at all the categories with the aim of identifying any relationships in meaning between the different categories (Henning, van Rensburg and Smith, 2004). In essence, “a category will already begin to show the themes that will be constructed from the data and that will be used in the discussion of enquiry” (Henning, van Rensburg and Smith, 2004). As such, utilizing the qualitative content analysis method, the researcher transformed the data into prevalent, relevant themes.

3.9. Methods of data analysis

The data analysis was carried out during and after data collection was completed. In a qualitative research study, data analysis begins from the moment the researcher starts to collect data. In other words, the researcher begins to analyze the data from the moment he/she has collected the first data (Merriam, 1998). Adopting the qualitative content analysis technique of Henning, van Rensburg and Smith (2004), the researcher sought to analyze each unit of data with the objective of identifying repetitive themes and patterns. In short qualitative study analysis requires that data is read critically and disseminated into common themes. Depending on the nature of the qualitative research, regarding basic research questions, the collected data analysis was employed. The data which was obtained through interview presented and analyzed in descriptive form meaning in the form of statements and also discussed.

CHAPTER FOUR

Presentations of the data and discussion of the results

4. Presentations of the data from the semi – structured interviews

4.1. Interview responses from MOLSA

According to the given response when asked about the activities done with regard to awareness raising programs to introduce the legal instruments intended to promote equal employment opportunities for persons with disabilities to the communities at large, they explained that the Government was undertaking several activities exerting its effort to familiarize introduce the legal instruments. According to them the major activities that have been done in this regard include among others organizing workshops and discussion forums for Governmental and Non-Governmental Organizations working on disability, Publications (Manuals ,Guidelines, and Brochures), Radio and TV Spots on the issue of disability.

Department of Persons with Disabilities Affairs Unities, and for the Rehabilitation Department, added, *'... disability is a cross cutting multi-sectoral issue which calls for coordination of other executing bodies such as Ministry of Labour and Social Affair Ministry of Education, Ministry of Health, Ministry of Transport, and Association of Persons with Disabilities, Ethiopian Federation of Persons with Disabilities, Non Governmental Organizations, Regional administrations, and others ...*

As the focal person in MOLSA answered that when asked about the implementation, monitoring and follow up procedures for the issued proclamations on the employment rights of PWDs specially the comprehensive Proclamation No. 568/2008, the officials said

'... currently the Ministry of Labour and Social Affairs together with the Civil Servant Agency is working on some preliminary activities to develop the directives and guidelines particularly for Proclamation No. 508/2008.

The other question raised to the focal person in MOLSA was if there is translation of the legal instruments to other languages of the Country. He said that our Country Ethiopia has around 80 different languages and around 200 dialects. They mentioned '... in fact all the existing legal instruments has been written not only in Amharic and English but also for the time being translated in to Oromiffa and Tigrigna. It is difficult to translate in to all languages but nowadays it was translated in to some languages considering the number of people. For a future the MOLSA has also his own plan to translate in to some languages.

According to MOLSA the question forwarded was about the provision of support and incentives (such as exemption from income tax and duty free etc) for employers as per the number of persons with disabilities employed. The vocal person responded that since the idea of providing incentives for employers of persons with disabilities was introduced in the Proclamation No. 508/2008 it is not yet implemented. Still there were no incentives given for employers of PWDs. The Ministry has its own plan on the transformation plan of fifth years. In the coming years MOLSA has his own plan that will support employers of persons with disabilities with different mechanisms like advising them with in monthly or annually, giving stationary materials, giving training, rewards etc-..

The respondents were finding out that during interview, there are approaches identified by the two executing bodies mandated to develop directives and regulations for the Proclamation. One is passing anti-discriminatory laws and the other is quota system he also

pointed out the challenges of quota system if introduced in a country with free market economy.

Finally, all the respondents were asked for their opinion how disability issue is treated in our Country compared to the last ten years especially regarding employment opportunities.

They replied ... of course it is difficult to respond since there is no adequate data on the number persons with disabilities who are employed. In general it is possible to say that there is a big change relatively not only in terms of employment but also in joining higher education. However, there is a long way to go. It is difficult to compare with previous ten years. Last ten years even it persons with disabilities even graduated, there were a lot of problems to get job in Governmental Offices as well as NGO's because of lack of awareness. Now days there are great changes compared to last ten years. If we take an example Proc. No. 568/2008 was one among changes.

4.2. Interview responses from selected groups of disabilities

When asked about the exposure to know the legal provisions, all of them said that they have given training opportunities on the existing laws and other human rights issue through their respective association and the Ethiopia Federation of Persons with Disabilities. Furthermore, respondents had the opportunity to read the issued documents written on the employment rights of PWDs. Regarding the implementation of the legal instruments, none of the participants who were involved in the interview believe that the legal instruments issued are implemented. One of the participants at the time of interview reflected his idea saying ... *"Proclamation No. 1001/1994 is the first Proclamation of its kind I ever know without directives and regulations for 12 years ... "* but nowadays it was replaced by proclamation No.568/2008

Participants were also asked to point out the reasons for not implementing the legal provisions. The major reasons indicated by the respondents were the absence of directives and regulations for the implementation lack of enforcement from the government on the issued legislations and lack of commitment from the government on the adopted and ratified legal instruments.

The other way of assessing the implementation of the existing legal instruments was to ask respondents if there is any institution or organization providing legal aid/counseling service whenever the rights of persons with disability is violated. In this regard all the respondents involved in the interview have shown the lack of such service in the country. One of the participants narrates his experience at the time of interview:

... I was working as a journalist in the Ethiopian Radio for four years. One day I went to a fieldwork out of Addis Ababa for two days. Unfortunately, on the way back home a car accident happened and I became disabled. I tried to retain my job but nothing came out of it. Finally, they gave me a firing letter without compensation or any insurance. I know there is no place to claim my right.

The existence of offices or buildings is not accessible for PWDs are reported to be one of the major problems faced by all the respondents interviewed. During interview one of the interviewee, who has physical disabilities and in a wheelchair, narrated the problem he faced in this regard. *'... One time I applied for employment and I was recruited to sit for interview. Unfortunately, the office was located on the fifth floor of a building and no lift was available. Finally, I missed the opportunity.*

The other challenge faced by PWDs to get employment is employers' unfavorable attitude towards the PWDs. During interview one of the participants said, "... Even when employers give you the opportunity, they are not sure that you can do the job. However, when the job is done they happened to be so amazed ..."

All the participants interviewed were lack of accommodation and provision of proper assistance for optimal job performance. During interview, one visually impaired interviewee, who is a teacher said, '*... it is easier to an office to buy two or three computers than a Braille marching for a visually impaired staff ... The above idea was justified by one of the interviewee who is deaf and employed at a private company. He said. '... usually, employers fail to provide/arrange a translator for a deaf candidate and prevent him/her from sitting for interview especially when they learnt that he or she is a deaf.*

Two of the participants interviewed were lack of flexible working schedule. One of the interviewee, who is a blind, and a teacher said, '*... you are expected to reach at school on time like other non-disabled staffs regardless of transportation problem especially in the morning...*'

The other problem of course faced by one of the interviewee was the need to disclose disability in application. One of a blind participant, who is a B.A graduate in Ethiopian Languages and Literature, shares her experience as follows:

... I have been applying and competing for employment for the last there years. One time I applied for a teaching and sat for examination. I stood second out of nine examinees in that examination and recruited for interview. During interview, I met the management committee for the first time. Unfortunately, the candidate who stood first got a better job and

refused the interview. When they saw me they became shocked and one of them said' ... we are so sorry we don't have a post for a candidate with disability, we should have informed you before ...Finally, the candid date who stood third got the chance for the interview. I was denied the opportunity because of my disability (Ato Tariku, personal communication, February, 3, 2011).

Among the two women interviewed, one of them showed the gender-based discrimination in getting job at the time of interview. She said, *"After I completed my study at Addis Ababa University, I was assigned to teach English at one of the high schools in Addis Ababa. When the school director saw me the first time, he said I am afraid you are a woman and blind I do not think it will be easy for you. Any way we don't have other option so you can continue your job ..."*

The other important question raised to the participants was to ask about the hope for future career development. One of a blind women participant, who is employed, said *'... I do not think I can leave my job unless the government enforced me to do so. I have no hope to seek other job especially in private schools I know they will never give me the opportunity ... "However, one of the interviewee who is physically handicapped and job seeker responded the same question differently. He said ..." I do not want to loose hope. I will keep on applying and applying for employment until they give me the opportunity"*.

The researcher tried to see if there is a more vulnerable group of disability in getting job. Accordingly, there was a very limited opportunities to get job between the disabilities

groups in getting employment. This shows disabilities groups is particularly vulnerable to employment opportunities.

4.3. Interview responses from officials of Ethiopia National Associations

The interview with the focal persons of national associations (ENAD, ENAB, and ENAPH) indicated that the employment opportunities for PWDS who have physical disabilities, hearing impairments and visually impairments were not fair, it was rather very harsh; many employers seem to value physique than mind or action. The recruitment criteria for several jobs didn't attract PWDS and they rather tend to exclude them. Sometimes when they were qualified by their education documents and contact in face to face situation, they were gradually eliminated from the process.

One respondent who has physical disabilities said the following:

The working environment itself becomes a great barrier for individuals. Many roads, buildings, chairs, stages, rooms, heights of equipments are not easily accessible for individual who have physical disability. Such environments do not invite us and we can't work in such limiting environment. Thus, as general, the social and physical environment is not accessible for fair employment opportunity for individuals with PWDS.

On the other hand, PWDS suffer a lot in seeking and getting job during their life time due to several challenges. For example, during the vacancy announcements persons with out disabilities usually tend to overlook PWDS in the criteria outlines at the beginning. Even in some occasions where PWDS get the chance to be registered for vacancies, persons with out disabilities were usually forced to be out of the competition due to unrelated or irrelevant criterion which simply created by persons who were assigned to select the

candidates. These could be due to lack of awareness among the persons assigned to select the candidates about what persons with disabilities can do and what they can't do. In addition to these above information from ENAD, ENAB and ENAPH uncover that the exposure that persons with out disabilities might have their own impact on the attitude of the selecting persons with disabilities. Deaf individuals sometimes even after passing paper and pencil exams people who were assigned would be pushed out from the series on interviews. Because, the people selecting them might not be able to use and understand sign language or they might think that they wouldn't communicate with people. So that there were no fair employment opportunities, because, some were excluded from list of vacancy competitions. At the very beginning it self most vacancy announcement wouldn't attract or invite PWDs. As a result, they would not get the chance to be registered at the very first step recruitments. Very few who by overcoming several obstacles got the chance to be employed themselves face several social and physical barriers which may force them to withdraw from the job.

Concerning institution or organization that gives counseling and other employment related services for PWDs, even though there are a number of non governmental organizations claiming to work on PWDs, including education, rehabilitation and related services, the effectiveness of such organizations in giving counseling on how to get employed is questionable. Many PWDs people deprived education in their mother tongue. Even among those who managed to overcome several hardships and graduated from high school, colleges and other institutions observed that most of PWDs are out of employment. Thus, though there are a few rehabilitations and school related counseling services they couldn't bring about the expected change to improve the employment situation of in PWDs.

According to the interviewee two focal persons gave similar responses as: “persons with disabilities who graduated from different institutions seek job opportunities for themselves and no organization is responsible for themselves to help them in giving counseling and other related services to help them get job opportunities”. They also further explained that, there could be a number of institutions organized based on different types of disabilities. But they didn’t come across institutions which effectively gave counseling and other services related to employment of persons with disability and significantly change the condition in which the victim people live. Thus, it is very common to see persons with disability which are graduated of some educational level are out of employment. This shows that still there is problem in giving services

Asked about close working relation between your association and other institutions one of the respondents had the following to say

Even though we had relationship with other organizations no specific and tangible action was done practically to provide additional job opportunities. But there is continuous effort to overthrow the social and physical barriers among most institutions. Till now to my knowledge, there is no practically implemented action to serve peoples with disabilities.

Most of the association and institutions are working independently. There is no relationship to help PWDs create or help them get relevant job for themselves. Such lack of relationship also subject PWDs to suffer a lot by seeking job. From the obtained responses of the interviewee the relationships of the association and other institutions is very weak. These brought the hardship that PWDs face in getting job would be minimized. This lack of close relationship and coordination also contributed to the suffrage that PWDs face problem during job seeking.

Further more, the interviewees' indicated that the employers' understanding were negative towards persons with disabilities. The problems of the inaccessibility and the physical environment itself force the employers to ignore persons with disabilities. Since employers were not in a position to improve the physical and working environment in their organization, they didn't support the employment of persons with disabilities.

One of the officials put his ideas as follows:

From my experiences so far most of employers have negative attitude towards employing PWDs. Most of them associate lacking the ability to speak sign language, inability to move from place to place easily, and lacking ability to perform certain jobs. Thus, Persons with out disabilities are not willing to recruit PWDs in their organization

As replied from the interviewee employers had general negative understanding towards employing PWDs. Even though improvements are being heard, there was no tangible action which was taken by employees to change the condition about employment of PWDs. Of course, this widely shared understanding is gradually being changed among some employers at the knowledge level nowadays

The associations' response on improving the employment of PWDs indicated that they have tried a lot to alleviate the condition of persons with disabilities to employment. The association uncovered the existing problem for all concerned bodies. The very encouraging one effort was that of the government's interest in the issue and passing of Proclamation on employment opportunities for persons with disabilities. But to implement the Proclamation a lot of efforts should be done to realize equal employment opportunities and take

necessarily measure in building roads, vehicles, constructions, offices. Unless the above mentioned opportunities improved people with disability would remain excluded.

According to the association, the association has raised several issues concerning the unfair treatments in relations with employment opportunities for PWDs by consulting governmental and non-governmental organization. In addition to this the two persons said the following:

Several disabilities related employment issues were passed. For example Proclamation No.568/2008 is among one employment issue. But the implementation of Proclamation No.568/2008 is still remains almost unchanged. Even though issuing the Proclamations is one step forward to the fair treatment during the recruitment process and overall job opportunities the associations couldn't be taken an end by themselves. The association needs to see people with disabilities to get employed like other member of the citizen.

The response from the associations indicated that the association had played a significant role in realizing equal employment opportunities as per the constitution and other legal issues articles. The association had raised issues of unfair treatment in employment opportunities in country many times for the Government. The life of PWDs in relation to getting employment opportunities is still in great problem. But this didn't mean that an effort made by the association is enough. The association has to work hard to see that the laws and opportunities endorsed in the legal issues are implemented so that PWDs benefit from it. According to the associations file, the association moved on great hurdles and more obstacles are in front of them. But there is a sense of improvement on the condition at least at the awareness level compared to that of previous years.

Self employment of PWDs was another issue in the interview. The response indicated that there were few people who live on their own job among persons with disabilities. But their number is insignificant and a lot should be done in small business enterprises to help them involved in self employment. Since small business enterprises practices help people with disabilities more.

According to the data gathered from the associations self employed PWDs are very few.as self employment needs capital and favorable condition among the government and the whole society. It is known that persons with disabilities are among poor of the poorest. But self employment needs certain amount of capital in addition to creativity and favorable social and environmental condition. And when those mentioned above were lacking, it is not logical to expect significant self employed people.

One of the interviewee states the following:

The Association has played role for the member of the associations, they provided several workshops three/four times annually on how to get or create jobs. But only a few were able to involve in self employment, even among them most of them were not successful compared to other people.

When asked about whether language difficulty create barrier to employment or not, one of the hearing impaired respondent put his ideas as follows:

In any organization language is very important. With out language it is unnecessary to maintained communication with people. The majority people use oral language and the nature of deaf people is contrary to this fact. We relay not on oral or spoken language but we use sign language. But in our country people's knowledge and skill in sign language is very low. Thus, due to lack of oral language development on the side of deaf people on one hand and lack of skill in sign language among hearing people on the other hand there is a

barrier in communication among these two groups (deaf and hearing). Thus language difficulty is one of the major barriers that hinder the employment of deaf people.

The association raised issues concerning employment opportunity to the parliament based on the Constitution of Ethiopia and a step forward was gone. In addition in non governmental organization the association shared ideas about employment opportunities for the PWDs several times. As a result the new Proclamations No.568/2008 was issued about employment opportunities for persons with disabilities. According to interviewee response, associations played great role in the issuing of the new Proclamation No.568/2008 about employment opportunities for persons with disabilities.

They believed that Proclamation No.568/2008 was with their repeated and continuous questions and follow up that the issue came to exist. Moreover, association believes that the issues were not sufficient by themselves, association need them to see being implemented and benefit the PWDs. They shouldn't be put only on the paper for paper value. Realizing the articles is what they confront with. The officials replied that from the interviewee in the current legislative frameworks about the right of persons with disabilities to employment associations are very much satisfied. Because, this was their long struggle continuous wish and effort to get them issued. But still this is not an end to their questions. The association needs them to be implemented and want to see the PWDs equally get job like persons with out disabilities of the country.

The response about whether disability is critical barrier to employment or not indicated that, associations didn't think that disability to be a critical barrier to employment. Because it is known that many foreign persons with disabilities getting job and realize their wishes and ambitions. Instead, the very critical barrier was social and physical barriers that hinder people with disabilities to get employment. Therefore, people with out disabilities and employers attitude towards PWDs, the obstacles in the work place and the whole

environment including vehicles was considered as the major point as far as barrier is concerned.

4.4. Interview responses from responsible person at MoE

According to Ministry of Education focal person response the office has different roles to support PWDs and PWODs by planning strategies like policies and giving emphasis on how to support and help persons to bring a great change in the life of PWDs .

The focal person at MoE SNE facilitator states the following:

Most of the time persons with disabilities came to our office and raise a lot of questions regarding the problems of employment opportunities. Among the raised major problems are: Recruitment problems, Implementation of the rules, Announcement/vacancy which doesn't include persons with disabilities, and interview challenges during interviewees, etc.

Ministry of Education has its own point of view, to solve employment problem and widen the scope of employment opportunities for PWDs. The MoE is working in cooperation with the government, association, MOLSA, and FENAD at different time. The basic problems which the researcher observed were most of the time people believe that PWDs are not independent people and they can not work like PWODs, but this is out of logic and reality .This indicated that during selection, promotion and recruitment there were a lot of challenges face for PWDs to employment opportunities.

Actually there were a lot of problems regarding employment opportunities PWDs in Ethiopia. To solve the problem and widen the scope at least the employee and office coordinators make transparency during recruitment processes, clear in vacancies

issues, give focuses for PWDs and try to make inclusiveness for recruitment and vacancies announcements for employment opportunities

4.5. Interview responses from the TVET coordinator at MOE

Regarding allocation of budget for PWDs the response indicated that the absence of especially allocated budget for PWDs in the program of TVET. Every individual with disability attend and participated equally with the general allocated budget.

The TVET coordinator at MoE said that “In some positions of trainees the MoE considered PWDs for placements. According to the responses of interviewees, PWDs were being equality qualified in comparing PWODs and there were no placement for PWDs. In the case of training of TVET, PWDs are not equally evaluated as our country is developing country that make is difficult to use assistive technologies efficiently and effectively.

The researcher observed that even if PWDs are graduated there is a problem on vacancies for them. Even some times in some offices there are special recruitment criteria during announcement of vacancies like “a normal person”.

The suggestion that offered by the coordinator on how to alleviate the problem was, there should be cooperation with Government, Association of persons with disabilities, NGO’s and every individually should work together to bring a great change towards person with disabilities to provide equal job opportunities. The respondent also refered to the implementations of the convention, proclamation, and polices about PWDs.

Regarding the acceptance of persons with disabilities for TVET programme, the respondent believed that there is no special case to take PWDs for TVET program before. But for the future the department of TVET has its own plan to help and support the PWDs through TVET program.

4.6. Interview responses from Addis Ababa University Law Faculty

The faculty dean responses indicated that there are legal frameworks regarding employment opportunities, like Proclamation No 568/2008, Developmental and Social Welfare Policy (1996), Building Proclamation, No. 624/2009, Art 36(1)), Labor Proclamation No. 377/2003 amended by Proclamation No. 494/2006, the Federal Civil Servant Proclamation No. 515/2007, National Poverty Reduction Programs for 2006 – 2010, the Federal Democratic Republic of Ethiopian Constitution, etc. The Ethiopian Developmental and Social Welfare Policy (1996) lay down guidelines to be followed in order to enable persons with disabilities not only to be self-supporting but also to contribute to the Economic, Political and Social life of the Country. The relevant part of the Policy provides that:

Conditions that will enable persons with disabilities to use their abilities as individuals or in association with others to contribute to the development of society as well as to be self-supporting by participating in the political, economic and social activities shall be facilitated (MOLSA, 1996, Art.5.6.1)

There are also laws that impact on employability of PWDs. The Ethiopian Building Proclamation is worth mentioning in this regard. This Proclamation requires that

“any public building shall have a means of access suitable for use by physically impaired persons including those who are obliged to use wheelchairs and those who are able to walk but unable to negotiate steps”
(Building Proclamation, No. 624/2009, Art 36(1)).

Considering the evaluation of the employment opportunities for PWDs compared within the last ten years even for PWDs graduated there were a lot of problems to get job in governmental offices as well as NGO’s because of several barriers. Nowadays there are

great changes compared to last ten years (for example Proclamation No. 568/2008 was one among major changes).

Regarding the effort to be done to introduce the legal frame works about job opportunities for PWDs the respondent commented that there should be activities done to introduce the legal frame works to the public through television program, radio program, internet sources and the like.

In relation to their department the Faculty dean responded that

In our faculty my role is to facilitated department instructors and students regarding teaching- learning process. Not only facilitates but also introduces what the Federal Democratic Republic of Ethiopian Constitution says about persons with disabilities regarding employment opportunities teaching legal frame works. In addition to this inform for the persons with disabilities how to use and follow up the implementation and how the people implement and monitor the Constitution and legal frameworks.

Concerning its implementation the faculty dean explained and said that he believes that his faculty adequately helps person with disabilities regarding employment opportunities. In the Faculty there was one experience. If there is any Proclamation announced the instructors as well as students try to discuss on the issues. This made them the Faculty adequately helps persons with disabilities at different time regarding employment opportunities.

Regarding implementation and monitoring system at different level from Kebele, Woreda , Zone as well as regional level there were problems of implementation and monitoring of

the existing legislation on the employment of opportunities for PWDs. These problems were raised from lack of awareness. The Federation and Association of persons with disabilities were working in cooperation with the government and NGO's working with person with disabilities but there were still big problems in implementations and monitoring because of lack of cooperation among them.

Discussion of Results

In this section, the research questions would be answered and the findings of the study are presented according to the existing national legal frameworks issued for the employment rights of persons with disabilities.

Existing Legal Frameworks for Employment opportunities

Different legal frameworks systems require different approaches as to the positive measures that an employer should take in relation to the employment of persons with disabilities. The two that stand out are the quota system and the requirement of the provision of reasonable accommodation (ILO, 1998 cited in Metasebia, 2001).

When documents were analyzed, the Constitution for the Federal Democratic Republic of Ethiopia (1995) contains a few articles concerning persons with disabilities. Article 41(5) of the Constitution sets out the State's responsibility for the provision of necessary rehabilitation, and support services for people with disabilities. Specifically it states "*The state shall, within its available means, allocate resources to provide rehabilitation, and assistance to the physically and mentally disabled*" (Constitution of the Federal Democratic Republic of Ethiopia, 199, p. 99).

With the foregoing conceptual background of disability, the concept of disability is understood by the Ethiopian Government Institutions based on distinctive legislations and Policy documents will be glanced.

When the researcher begins the definition of disability, under Ethiopian laws, all legislations, in Ethiopia that directly or indirectly deals with disability is beyond the objective of this article. Hence, only a glance at the major ones is attempted.

To begin with the 1955 Revised Constitution; it did not have provisions dealing with disability other than the equality cause, which may be construed to cover that (Article 37) which provides that: no one shall be denied the equal protection of the laws also Article 38 says there shall be no discrimination amongst Ethiopian subjects with respect to the enjoyment of Civil Rights (The Revised Constitution of Ethiopia, Proc. 149, 1955, Nega. Gaz. 15th Year No. 2).

A law issued over a decade after the 1955 Revised Constitution, however, it seemed to endorse the charity model to disability (Article of Order of Establishment of the Rehabilitation Agency for Disabled, No. 70, 1971, Neg. Gaz. Year 30th No. 16, which *any person who, because of limitations of normal physical or mental health, is unable to earn his livelihood and does not have anyone to support him, and shall include any person who is unable to earn his livelihood because of young or old age; this order had in mind in defining the term for the specific purpose of rendering assistance to a person who falls within the purview of such class. The Amharic rendition of this definition evokes the image of total incapacitation of persons with disabilities: it in part runs: “ድኩም” ማለት ሠራተ ለመኖር የማይችል የእካል ወይም የእእምሮ ጉድለት የደረሰበትና....)*

This law established what was then called the Rehabilitation Agency for the Disabled with the aim of fostering and facilitating through direct assistance and extension services, and though increasingly effective participation of private charitable organizations, the rehabilitation of (physically and mentally) persons with disabilities who were assimilated to infants and senile persons (Muradu ,2010).

Another law in Ethiopian legal history, is the Constitution of the People's Democratic Republic of Ethiopia 1995, under Article 22 used words are intimating its subscription to the charity approach to disability albeit in dealing with a particular group of persons with disability. This Article states:

The state and society shall provide special care for those disabled in the course of defined the sovereignty and territorial integrity of Ethiopian and safeguarding the revolution as well as the families of the martyrs (The Constitution of Peoples' Democratic Republic of Ethiopia, Proc, 1, 1987, Neg. Gaz. Year 47th No.1).

The Charter of the Transitional Government of Ethiopia is, another law of Constitutional significance, committed itself to the principle of equal treatment of human beings by embracing the Universal Declaration Human Rights. One may infer from this the Human Rights approach should inform all laws to be issued regarding disability issues in the period when the charter was the highest law of the land.

The Constitution of the Federal Democratic Republic of Ethiopia Constitution (hereinafter FDRE Constitution) clearly stipulates that the fundamental rights and freedoms. It embodies should be interpreted in conformity with the Universal Declaration of Human

Rights and International Covenants ratified by Ethiopia (Proclamation No. 1, 1995. Fed. Neg. Gaz Year 1 No1, Art 13(2)).

One could assume that the FDRE Constitution would adhere to the human rights approach to the extent it deals with disability. When it does specifically deal with disability under Article 41(5), (See Proc.No. 1, 1995, Fed. Neg.Gaz. Year 1 No. 1) the FDRE Constitution, however, provides that” the state shall ... allocate resources to provide rehabilitation and assistance to the physically and mentally disabled”

Hence, one notes that in the only explicit and directly relevant provision the FDRE Constitution uses language suggestive of the charity model. This, however, is not to suggest that the FDRE Constitution prescribes that the charity approach be followed by all laws to be issued. That the FDRE Constitution does prescribe that its interpretation be in conformity with human rights instruments is one indication of the fact that the Human Rights approach is not ruled out.

Moreover, the FDRE Constitution can not be expected to embody all the principles that should inform every law. That is simply impossible in a document of a Constitution’s generality. Policies and laws issued in the wake of the adoption of the FDRE Constitution buttress this view point.

In the year following the adoption of the FDRE Constitution, the Ethiopian Developmental and Social Welfare Policy (1996) was issued. The Policy lays down guidelines to be followed in order to enable persons with disabilities not only to be self-supporting but also to contribute to the economic, political and social life of the country.

The relevant part of the policy provides that:

Conditions that will enable persons with disabilities to use their abilities as individuals or in association with others to contribute to the development of society as well as to be self-supporting by participating in the political, economic and social activities shall be facilitated (Ministry of Labour and Social Affairs Policy, 1996, Art.5.6.1)

Other Policy documents impacting on the employment and employability of persons with disabilities include: Special Needs Education Program Strategy (Ministry of Education, Special Needs Education Program Strategy, 2006,) and Special Needs Education in TVET Framework (Ministry of Education Special Needs Education in TVET-Framework Document, 2009).

There are also laws that impact on employability of persons with disabilities. The Ethiopian Building Proclamation is worth mentioning in this regard. This Proclamation requires that ‘any public building shall have a means of access suitable for use by physically impaired persons including those who are obliged to use wheelchairs and those who are able to walk but unable to negotiate steps (Building Proclamation, No. 624/2009, Art 36(1)).

The significance of this law can hardly be overemphasized as issues of mobility and access for persons with disabilities has almost totally been overlooked by urban planners and architects till the issuance of this law, land barriers to access and mobility are the major impediments to the employability of persons with disabilities.

A more recent effort in addressing the employment problems of persons with disabilities is represented by the Draft National Plan of Action for Equality of Opportunity (2006 – 2010) being developed by the MOLSA. This document summarizes the views of the current Government regarding disability. After raising the various models regarding disability it concludes that:

Disability is not something that individuals have. What individuals have are impairments they may be physical, sensory, intellectual, psychiatric or other impairments. Disability is what happens with (when) people with impairments encounter a society created by and for people without impairment (MOLSA, 2010).

According to this document, MOLSA takes the view that the Human Rights Model of disability complements the ‘social’ cause to understand disabilities. It further underscores that society and especially governments have the responsibility to promote and protect the rights of persons with disabilities through legislations and enforcement of anti-discrimination laws. The foregoing policy statement sums up the understanding prevailing in the Government of Ethiopia and hence informs the policy considerations that inspired proclamation No. 568/20008.

Implementations and monitoring of Legislations

Respondents were asked to point out their general opinion on the implementation of the existing legal instruments particularly Proclamation No. 568/2008 which is intended to promote the employment rights of persons with disabilities.

The interviewees’ opinion about the implementation of the existing legislations, as can be seen from the information’s of the interviewees said is that a few of the legal instruments ratified and issued by the Ethiopian Government has been implemented. Very few of the interviewees believe that it is partly implemented. The other way of assessing the implementation of the existing legal instruments was to ask interviewees if there is any institution or organization providing legal aid/counseling service whenever the rights of persons with disability is violated.

It is evident from the legal aid services for discriminated persons with disabilities, the interviewees have shown that no organization institution was providing such service while interviewees did not

know if such service was available in the country. The others responded that they could claim their right through the Ethiopian Federation of Persons with Disabilities.

The other question asked to prove in some way the implementation of the legal instruments concerning the provision of incentives or support for individual's institutions giving employment opportunities for persons with disabilities which is stated as a strategy in the national program of action for Rehabilitation of persons with disabilities.

The data clearly shows that there is a remarkable difference in indicating lack of incentives as one factor for unemployment of persons with disabilities. Most of the interviewees reported that there are no such encouragements for employing persons with disabilities at all. Very few of the interviewees rated the need to provide incentive as much or not much important. Still some of the interviewees do not believe that it is a factor for unemployment.

Challenges faced by persons with disabilities to be employed

In line of the research question interviewees were asked to indicate whether they faced challenges to get employment or not. The majority said that "they relate to faced challenges in getting job because of the disability while few interviewees reported not facing any problem in getting a job. Again interviewees were asked to indicate the prevalence of specific challenges those could be encountered in getting employment".

Interviewees were asked if they are facing challenges concerning the working environment. According to the responses employer's unfavorable attitude towards persons with disabilities were found to be the second most affecting factor in getting a job of the sample included in the study. Again the answers on the questions were asked concerning the reality of vacancies and internal employment rules prohibiting employment opportunities for

persons with disabilities show that difficulty of getting a job due to vacancies and internal employment rules excluding persons with disabilities.

Interviewees were asked to indicate the prevalence of the need to disclose disability before employment. Regarding disclosure of disability before employment, some of the interviewees have shown the importance of disclosing disability before employment although employers may ask for medical information and information on qualification; whereas a few of the interviewees faced no challenges in the process of employment.

There was an interest to know if lack of information on vacancies is a challenge for persons with disabilities to get employment. According to responses of the interviewees which is clear that lack of information on vacancies is another most prevalent problem in getting employment as interviewees included in the study.

Interviewees were asked to indicate if employer's lack of awareness about the rights of persons with disabilities to employment is a challenge to get employment for them. Employers have awareness about the rights of persons with disabilities while most of them have indicated employers' lack of awareness about the employment rights of persons with disabilities as a factor for difficulty in getting a job.

The interview also incorporated a question concerning the necessary accommodation for persons with disabilities for better performance as it is stated in several international and national legislations. One of the interviewees' responses has shown that lack of adaptation of tools and accommodations as one of the challenges faced by persons with disabilities in getting employment.

Gender and Employment Opportunities for Persons with Disabilities

The researcher tried to see if there is a gender-based difference in the employment opportunities of persons with disabilities.

As clearly shown from the interview all women participants of the study have faced problems in getting job while only few of the male participants encountered a problem.

Regarding the gender –based discrimination the women respondents in the study have faced discrimination for being both a women and disabled in the process of employment.

Proclamation No. 568/2008 aims at making enforcement of the prohibition of discrimination easier for persons with disabilities. One way (Art 10 which allows associations of which a person with disabilities is a member to institute legal action on his or her behalf is also a Procedural law aimed at making enforcement of the right of persons with disabilities) to provide Procedural Rules that facilitate Judicial enforcement of the right of people with disabilities to equality of opportunities in matters of employment. The reversal of burden of proof is aimed at this; it provides (Proclamation 568/2008, Art 7).

Any person with disability who alleges that discrimination on the ground of his disability existed with respect to recruitment, promotion, placement, transfer or other conditions of employment may institute a suit to the competent court on the issue with out the requirement of burden of proof (Proclamation 568/2008, Art 7).

Finally the interviewed women participants in the study have lost the hope for future career development being frustrated to seek other job compared to the men involved in the study who are hopeful to seek other job opportunities.

Disability groups and employment opportunities

The researcher tried to see if there is more vulnerable group of disability in getting employment. Accordingly, it was found to be more difficult for the blind, and then for the hearing impaired to find job across the disabilities. But the gap between the disabilities was not so high. There was a very limited opportunities to get job among all the disabilities groups in getting employment.

According to ENAD (2000), PWDs especially person with visually impairments are faced with great challenges to get employment because most of Government as well as NGO's don't make any position of vacancy announcements in notice boards. This problem brings lack of chance to get job opportunities for persons who are deaf. Even sometimes some governmental officials also do not encourage person with visually impairments regarding employment opportunities. This factor made difference among other types of disabilities like person with hearing impairments and person with physically disabilities so that there were gaps among persons with disabilities for the access to get employment opportunities.

CHAPTER FIVE

5. Conclusion and Recommendation

5.1 Conclusion

The two methods that were employed interview and document analysis in the study yielded consistent results as to the prevalence of facing challenges in getting employment for persons with disabilities.

One considering the situation of people with disabilities regarding employment in Ethiopia, a country with large number of persons with disabilities, there is a National Legal and constitutional protection, but the majority of persons with disabilities are facing great difficulties to get employment, even those who are qualified.

The major existing National Legislations issued concerning the employment rights of persons with disabilities in Ethiopia include, the Constitution of 1995 (Article 41/5), the Rights of Persons with Disabilities to employment Proclamation :

- ❖ Proclamation No. 568/2008,
- ❖ The Labour Proclamation No.42/1993 (Articles 29),
- ❖ The Federal Civil Servant Proclamation No. 262/2002 (Article 1-4),
- ❖ The Developmental Social Welfare Policy (1996)
- ❖ The Labour Proclamation No.377/2003, Art (14(1) (f). and
- ❖ -The National Programmed of Action for Rehabilitation of PWDs (1999), which is prepared by MOLSA.

Though the location of disability is very important, and Ethiopia placed the issue of disability in the Constitution, the Supreme Law of land, implementation and enforcement

mechanisms make differences to address the employment problem of persons with disabilities.

The study revealed that none of the legal instruments issued are put into effect due to delay of drafting regulations and directives for the implementation.

However, it was mentioned that the Government is undertaking some preliminary activities to develop regulations and directives for the issued legislations especially Proclamation No. 568/2008. In addition to this, it was found out that the Government was working on awareness raising one sensation activities to introduce the legal instruments concerning the rights of persons with disabilities to employment. Despite all the efforts exerted by the Government to create the awareness, people with disabilities, even those qualified were facing challenges in getting employment.

Among the major challenges faced by persons with disabilities:

- ❖ The existence of inaccessible working offices or buildings found to be the most affecting factor in employment.
- ❖ Next most emphasized problem faced by these individuals is unfavorable attitudes of employers towards persons with disabilities.
- ❖ Third factor that makes getting employment difficult for persons with disabilities is the assurance of vacancies and employment rules excluding persons with disabilities.
- ❖ Fourth problem faced by these individuals again is employer's needs to disclose disability before employment.
- ❖ The next major problem to get an employment is lack of information about Vacancies.

- ❖ The Other Challenge perceived by persons with disabilities is employer's lack of awareness on the Employment Rights of Persons with Disabilities.
- ❖ Again, lack of adaptation of tools and accommodations for optimal job performance is found to be a challenge for persons with disabilities to get employment.
- ❖ The study also revealed that there is a gender-based discrimination regarding employment opportunities. Being both a women and disabled person makes getting employment more difficult than being a man.

This fact is true according to MOLSA (1999), that the consequence of impairment and disability is particularly serious for women. These women experience social, cultural and economic disadvantages, which impede their less to health care, education Vocational training and wage employment.

However, there is no statically significant difference between disability groups in getting employment according to MOLSA report (MOLSA, 1999). This shows that disability groups are particularly vulnerable in facing problems of employment opportunities.

In general, equal opportunities for all citizens with disabilities in the labour market cannot be achieved merely by passing appropriate legislations; it calls for the implementation of polices to enable the fulfillment of commitments that are binding upon the country.

5.2. Recommendations

Based on findings, to address the employment problems of persons with disabilities, the following recommendations are forwarded.

- ❖ Developing specific directives and regulations for the existing legal instruments, and following up the implementation.
- ❖ Issuing non-discrimination laws and following up the implementation.
- ❖ Organize awareness rising and sensitization programs regarding the employment rights of persons with disabilities to the large community.
- ❖ Providing appropriate assistance and accommodations for persons with disabilities for better performance in the work place.
- ❖ Providing appropriate support and incentives for the employers of persons with disabilities.
- ❖ Considering to accessibility of working environments for persons with disabilities, whenever developmental activities are undertaken.
- ❖ Giving special attention for women with disabilities and empowering them to be more competent in the labor market.
- ❖ Establishing a quality legal system facilitating the practice of the rights of persons with disabilities.
- ❖ Assigning qualified and competent personnel to implement the Government policies into practices.
- ❖ Educating persons with disabilities about their rights to employment opportunities.
- ❖ Providing job skills for persons with disabilities and making them more competent in the labor market.

References

- Abraham Worku .(2003). Employment of Persons with Disabilities in the Civil Service of Ethiopia. Unpublished Technical Report. Addis Ababa, ILO.
- Allen Sedler .(1968) Ethiopian Civil Procedure, Faculty of Law, Oxford University Press 1968
- Bagenstos Samuel. (2000). 'Subordination, Stigma and Disability', Virginia Law Review, Vol. 86 No. 3 p.503
- Bagenstos Samuel. (2003). 'Rational Discrimination, Accommodation and the Politics of Disability Civil Rights', Virginia Law Review, Vol. 89, No.5 pp. 827-828
- Bagenstos Samuel. (2004). 'The Future of Disability Law', The Yale Law Journal Vol. 114, No. 1
- Bogdan, R.C. and Biklen,S..(1992). Qualitative research for education: an introduction to theory and Methods. (2nd ed.). Boston: Allyn and Bacon.
- Carson Grant .(2010). The Social Model of Disability, retrieved from <http://www.hief.org.uk/sitebuildercontent//sitebuilderfiles/hieftoolkit24.pdf>. Accessed September 10, 2010
- Choud Hurry .(2007). 'Direct Discrimination and Disability-related
Retrieved from <http://www.11kbw.com/articles/docs/DirectdiscriminationandDisability2007.pdf>. Accessed on Sep 14, 2010

Daniel. Mont. (2004).Disability Employment Policy, Social Protection

Discussion Paper Series, The World Bank, July 2004

ENAD. (2000). Towards Full Participation and Equality (Courage). 30th Year Founding Anniversary (7th Edition).Addis Ababa

European Court of Human Rights. (2007). Application. No. 57325/00; Ecr

HR, 5 June 2008, Sapanis et al. V. Greece, Application No. 32526/05).

European Council Directive. (2000) .The UK Procedural Rules 2009 on Disability and Grievance, amended by Court of Appeals (2000/78/E) Merrill Publishing Company USA.

FENAPD.(2009). UN Convention on the Right of Persons with Disabilities and the Optional Protocol to the International Convention on the Rights of Persons with Disabilities. Addis Ababa.

Free Encyclopedia. (2009). On line resource retrieved from

<http://www.gateshead.gov.uk/People%20and%20Living/equality/eddp/guidance/approach>. Accessed on October 3, 2009

Heyer Katharina C. (2002) “The ADA on the Road: Disability Rights in Germany’ Law and Social Inquiry, Vol. 27, No. 4

Henning, E., van Renburg, W and Smit,b.(2004). Finding your way in qualitative research. Pretoria: Van Schaik Publishers.

Howard, William L., Orlansky, & Michael D. (1988). Exceptional Children: An Introductory Survey of Special Education. Columbus: Merrill Publishing Company USA.

- Howiston, Dorthy-Anne.(2004).Why Not Employ Persons with Disabilities? Paper Presented at a Meeting, Development Bank of South Africa. New York.
- Human Development Index. (2010) .List of all Countries by Human Development Index as Included in a United Nations Development Programs Human Development Report's released on 4 November 2010
- Human Development Index.(2007) .List of all Countries by Human Development Index United Nations Development Programs Human Development Released on 24 February 2007
- Hunt, H. Allan, Berkewitz, & Monroe. (1996). New Technologies and the Employment of Disabled Persons. New Jersey: Prentice Hall. Inc.
- International Labour Office .(2002). Employment of People with Disabilities: The Impact of Legislation (East Africa). Technical Consultation Report. Addis Ababa: ILO.
- International Labour Organization .(1982). Vocational Rehabilitation and Employment of Disabled Persons. Jakarta; ILO.
- International Labour Organization .(2003). Developing Entrepreneurship among Women with Disabilities in Ethiopia. Addis Ababa; ILO.
- International Labour Organization. (2004). Ethiopia Country Profile. Geneva; ILO.
- International Labour Organization .(2004a). Achieving Equal Employment Opportunities for People with Disabilities through Legislation: Guideline. Geneva; ILO.
- International Labour Organization .(2002). Managing Disability in the Workplace. Geneva; ILO
- International Labour Organization. (2005). Employment of People with Disabilities; a Human Rights Approach, A Report of the Tripartite Technical Consolation

for East and South Africa, September 2005

International Labour Office. (1996). Equality in Employment and Occupation

LloydDuhaim .(2007). Legal Dictionary. Retrieved from

<http://duhaime.org/LegalDictionary/E/EjusdemorEiusdemGeneris.aspx>

Marshall, C. and Rossman, G.B. (1995).Designing qualitative research. (2nd.ed.).

London: SAGE Publishers

Merriam, S. .(1998). Qualitative research case study application in education. San

Francisco: Jossey-Bass Publishers.

Metasebia Asrat. (2001). Employment Opportunities and Discrimination at Work Place:

The Case of Blind and Persons with Motor Disorder. Unpublished MA Thesis

Submitted to Addis Ababa University.

Michelle T. Friedland. (1999). “Not Disabled Enough: The ADA’s ‘Major Life

Activity’. Definition of Disability”, Stanford Law Review, (1999)

Vol. 52, No 1, p.172.

Mike Oliver. (2010). The Individual and Social Model of Disability, retrieved from

<http://www.Leeds.ac.uk/disabilitystudies/arhiveukOliver/in%20%soc%dis.Pdf>

accessed on September 20, 2010)

Mike Oliver. (2009). Retrieved from [_http://www.gateshead.gov.uk/ People%20 and](http://www.gateshead.gov.uk/People%20and)

[%20Living/equality/eddp/guidance/approach](http://www.gateshead.gov.uk/People%20and%20Living/equality/eddp/guidance/approach). Accessed on October 3, 2009.

Ministry of Labour and Social Affairs.(1999). National Program of Action for

Rehabilitation of Persons with Disabilities. Addis Ababa; MOLSA.

Negarit Gazeta .(2008).The Right to Employment Opportunities for Persons with Disabilities Proclamation Negarit Gazeta: Proclamations No. 568/2008. Addis Ababa

Nkeli, Jerry. (1998). How to Overcome Double Discrimination of Disabled People in South Africa. Paper Presented at Annual Meeting of ‘Legislation for Human Rights’, Stockholm

Robert A. Melin. (1972).Evidence in Ethiopia. Unpublished Material Available at the Library of the Faculty of Law, Addis Ababa University (1972); p: 308-309)

Robert A. Melin. (1972). Evidence in Ethiopia, Unpublished Material

Robert, F. (1990). Digest of Data on Person with Disabilities. On line resource Retrieved on October 12, 2006 from <http://www.Findartices.com>

Ross, D.H. (1988). Educating Handicapped Young People in Eastern and Southern Africa

Seyoum Yohannes. (2010). The conceptual basis and features of proclamation 568/2008 on the Employment of Persons With Disabilities Articles Inquiry. Journal of Ethiopian Law, Vol.xxiv No.1 (July 2010).

Silverman, D. (2004). Doing qualitative research: a practical handbook. London: Thousand Oaks.

Snow Kathie. (2005). People First Language. Online Resource. Retrieved on October 25, 2005 from Kathisnow@msn.com

Stephen Gilson and Elizabeth DePoy. (2002). ‘Theoretical Approaches to Disability Content in Social Education’, Journal of Social Education, (2002, p.241)

- Sue Johnston. (2010). 'Burden of Proof Guidelines Revised', Equal Opportunities Review 'Available at <http://www.michaelrubenstein.co.uk/default.aspx?id=1034337>
Accessed on March 24, 2010. Also <http://www.thompsons.law.co.uk/1text/1470002.htm>,
Accessed on March, 24, 2010
- Takele Bulto .(2006). 'The Monist-Dualist Divide and the Supremacy Clause: Revisiting the Status of Human Rights Treaties in Ethiopia', in the Journal of Ethiopia Law, Vol, XXXIII No. 1, pp.132ff).
- The Africa by Organization of African Unity. (2000). A Decade of Disabled Persons (1999-2009) was declared in July 2000
- The Ethiopian Herald. (2005). People with Disabilities in Africa Exposed to Social Economic Inequality. Addis Ababa: Ethiopian News Agency
- The Federal Civil Servants. (2007). Proclamation No. 515/2007. Addis Ababa
- The Federal Democratic Republic of Ethiopia. (1995). The Constitution of the Federal Democratic Republic of Ethiopian. Addis Ababa
- The Federal Democratic Republic of Ethiopia .(1996). Developmental and Social Welfare Policy. Addis Ababa. MOLSA
- The Federal Democratic Republic of Ethiopia. (2002). Federal Negarit Gazeta: Labour Proclamation No. 42/2002. Addis Ababa
- The Revised Constitution of Ethiopia .(1955). Proclamation No.149, 1955, Nega. Gaz. 15th Year No. 2).
- The Social Model. (2010). Online Resource. Retrieved from <http://Jobfunctions.bent.com/abstract.aspx?docid=99525&promo>

=100511&tag=content; coll. Accessed on February 4, 2010

- The Theoretical Approaches to Disability. (2009). Online Resource. Retrieved from
([http://assets.sportadvert.org/downloads/theoretical approaches to disability. pdf](http://assets.sportadvert.org/downloads/theoretical_approaches_to_disability.pdf).
Accessed on October 12, 2009)
- The Transitional Government of Ethiopia. (1994). Negarit Gazeta: Proclamations No. 101/1994. Addis Ababa
- Tirussew Teferra. (2005). Disability in Ethiopia: Issues, Insights and Implications. Addis Ababa; Addis Ababa University
- Tirusew T., Savolainen H., Agedew R. & Daniel D. (1995). Baseline Survey on Disabilities in Ethiopia. Institute of Educational Research, Addis Ababa University. Addis Ababa: Commercial Printing Press.
- Tsige Alemayehu. (2002). Legislation and policies on Employment of Persons with Disabilities. Unpublished Manuscript, Addis Ababa: ILO
- The United States of America. (2002). Equal employment Opportunity Commission Enforcement Guidelines: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (2002), p. 4 retrieved from:
<http://www.eeoc.gov/policy/docs/accomodation.htm> 1, Accessed on Oct 7, 2009
- United Kingdom. (1995). The Disability Discrimination Act Long term impairment. Retrieved from [http://www.noa.org.uk/careersandjobs/diversity/noa disability equality scheme/definition of disability - the. aspx](http://www.noa.org.uk/careersandjobs/diversity/noa_disability_equality_scheme/definition_of_disability_the.aspx), Accessed on March 12, 2010
- United Kingdom. (2009). Procedural Rules on Disability and Grievance, Retrieved from <http://www.michaelrubenstein.co.uk/default.aspx?id=1034337>. Accessed on October 20, 2009

UN .(2010).UN convention on the Rights of Persons with Disabilities .Rretrieved from :

<http://www.un.org/disabilities/countries/countries.asp?navid=12&pid=166>.

Accessed on August 12, 2010

UNICEF. (2009). Disability Program Fact Sheet, Retrieved from

[http://www.unicef.org/ethiopia/Et Disability fact sheet Nov 06.pdf](http://www.unicef.org/ethiopia/Et%20Disability%20fact%20sheet%20Nov%2006.pdf).

Accessed on October 2009

United Nations.(2003). Frequently Asked Questions (FAQs). Unpublished Document,
Department of Economic and Social Affairs Division for Social Policy and
Development. New York; UN

Walker, A.(1992). Unqualified and Unemployed: Handicapped Young People and the
Labour Market. London: Macmillan

Wanacott, Micheal E. (2003). Employment of People with Disability. ERIC
Clearinghouse on Adult Career and Vocational Education Columbus: OH
Columbus

WHO. (2005). Dispatched nine African Countries. Online resource retrieved from

([Http: //www.onconews.org/health/Disabilities.html](http://www.onconews.org/health/Disabilities.html))

WHO. (2010).Policy on the Employment of Persons with Disabilities.1 August 2010

APPENDICES

APPENDIX- 1

Interview for Responsible Person in SNE at MOE

The main purpose of the interview is to examine, the implementation of the existing legal frameworks on the rights of persons with disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation of precious time.

- 1) What is your role to support employment opportunities for PWDS in the MOE?
- 2) Have you heard of any problems for PWDS related to employment opportunities?

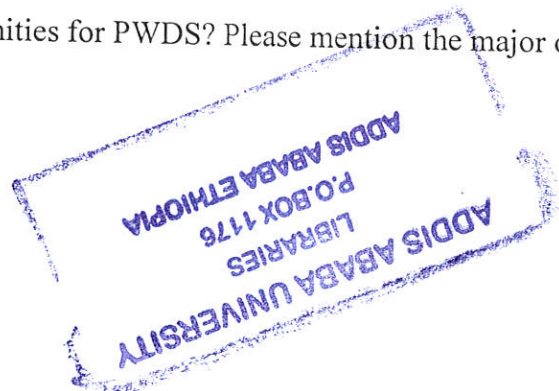
If you heard what are the major problems?

- 3) How do you explain the policy of the MOE with regard to employment opportunities for PWDS?

Is it included in the Policy of MOE?

- 4) What basic problems do you observe at employment for PWDS? Would you mention?

- 5) What will you think for the future to save the problems and to widen the scope of the employment opportunities for PWDS? Please mention the major one.



APPENDIX-2

Interview for Ethiopian National Association for the Blind (ENAB)

The main purpose of the interview is to examine, the implementation of the existing legal frameworks on the rights of persons with disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation of precious time.

1. Do you believe that there is a fair employment opportunities for people who are blind?
If not what are the challenges? Please, mention the major ones.
2. Are you familiar with any institutions or organizations that give counseling and other employment related services for persons with disabilities who complete or graduate from high school, college or universities?
3. Is there any close relationship between your association and other institutions in order to provide additional work experiences to blind people?
4. What is your and your associations experience but the employer's outlook or understanding about the employees who are blind?
5. What efforts did your associations make to improve the employment of blind people after completion of high school or graduate from certain school, college or university?
6. What is your experience on the participation of blind in self employment?

APPENDIX-3

Interview for Officials of Ethiopian National Association of the Deaf (ENAD)

The main purpose of the interview is to examine, the implementation of the existing legal frameworks on the rights of persons with disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation of precious time.

1. Do you believe that there are fair employment opportunities for people who are deaf?
If not what are the challenges? Mention the major once please?
2. Do you know any institution or organization giving counseling and employment related services for deaf people who completed or graduated from high school, college or universities?
If, what kinds of services are given? Please, explain!
3. How is language difficulties created a barrier for employment of people who are deaf?
4. Is there any close working relationship between your association and other institutions in order to provide additional work experiences to people who have deafness?
5. What is your and your associations experience about employer's attitude towards employees who have deafness?
6. What are your association's efforts made to improve the employment of people who have deafness after completion of high school or graduate from certain school, college or university?
7. What is your associations working relationship governmental and non governmental organization in matters related to the employment of those people after certification from high school or higher institutions?

8. What is the position of your association towards the current legislative framework of the country concerning the rights of person with disabilities to be employed particularly for deaf people?
9. What is your experience on the participation of people who have deafness in self-employment?
10. Is your association satisfied about current legislative framework that concerns the right of people with disabilities to employment?



APPENDIX-4

Interview for Officials of Ethiopia National Association of Physically Handicapped (ENAPH).

The main purpose of the interview is to examine, the implementation of the existing legal frameworks on the rights of persons of disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation and lending your precious time.

1. Do you believe that there is a smooth employment opportunity for people who have physical disability? If not what are the challenges? Mention the major one please.
2. Are you familiar with any institution or organization that gives counseling and other employment related services for those who complete or graduate from high school, college or universities of people who have physical disability? If so what kind of services? Explain.
3. Do you think that motor disability is a critical barrier (inaccessibility of environment) to employment of people with physical disability? How do you explain the situation?
4. Is there any close working relation between your association and other institutions in order to provide additional work experiences to people with physical disability?
5. What is your and your organizations experience about the employer's outlook or understanding about the employees with physical disability?
6. What efforts did your organization make to improve the employment of people with physical disability after completion of high school or graduate from certain institution, collage, or university?
7. What is your experience on the participation of people with physical disability in self employment?

APPENDIX-5

Interview for Selected Groups of Persons with Disabilities

The main purpose of the interview is to examine, the implementation of the existing legal frameworks on the rights of persons of disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation and lending your precious time.

1. What legal frameworks exist to protect and get the employment rights of citizens with disabilities in Ethiopia?
2. Are the provision of the Legislations implemented and how is the implementation Monitored?
3. What are the Reported Challenges faced by Persons with Disabilities in getting job? .
4. Is there any gender-based difference in the employment Opportunities of Persons with Disabilities?
5. Are there different a job getting opportunities across Disabilities Groups?

APPENDIX-6

Interview for the TVET coordinator at MOE

The main purpose of the interview is to examine, then implementation of the existing legal framework on the rights of persons with disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation and lending your precious time.

1. Is there special budget allocation considered to persons with disabilities in TVET program different then other persons?
2. In trainee placement, is there consideration for persons with disabilities students?
If not why?
3. How do you evaluate the qualification of persons with disabilities in relation to training of TVET program?
4. What are the basic problems that you observe on graduate of TVET program during work regarding persons with disabilities?
5. What is your suggestion to over come these problems for the future?
6. How do you see the acceptance of persons with disabilities for TVET programme?

APPENDIX-7

Interview for Addis Ababa University Law Faculty

The main purpose of the interview is to examine, the implementation of the existing legal frameworks on the rights of persons with disabilities to employment opportunities and how the progress is monitored. Thank you for your cooperation and lending your precious time.

1. Is there any legal provisions for persons with disabilities regarding employment opportunities in different legal frameworks? Would you mention the major once?
2. What activities will be done to introduce the legal frame works to the public?
3. How do you evaluate the employment opportunities for persons with disabilities compared to the last ten years?
4. What is your role to support persons with disabilities regarding employment opportunities relation to Federal Democratic Republic of Ethiopian Constitutions?
5. Do you believe that your Department experiences adequately help to make successful those persons with disabilities regarding employment opportunities?
6. Do you have anything to add regarding the implementation and monitoring of the existing legislation on the employment of opportunities for persons with disabilities?

APPENDIX -8

Interview for Ministry of Labour and Social Affairs (MOLSA)

This interview guide is prepared for Ministry of Labour and Social Affairs for Rehabilitation Department and Disability Units Affairs. The main purpose of the interview is to examine, the implementation of the existing legal framework on the rights of persons with disabilities to employment and how the progress is monitored. Thank you for your cooperation and lending your precious time.

Position _____ Year of stay in the position _____

1. Ethiopia ratified ILO Convention on "disability movement" on 25th of January 1991. Since then there are several legal provisions intended to promote the rights of persons with disabilities. Is there any awareness creation program to introduce the legal instruments to the public?
2. What are the implementation mechanisms and how the progress is monitored? (Especially for Proclamation No.568/2008).
3. Are the legal instruments translated into other languages of the Country to facilitate implementation? In which languages?
4. Is there any provision of incentives or support given for employers of persons with disabilities?
5. How do you evaluate the employment opportunities of persons with disabilities compared to the last ten years?

APPENDIX –A1

ለሦስቱ ለአካል ጉዳተኞች ቡድን የተዘጋጀ ቃለ ምልልስ

የዚህ ቃለ ምልልስ ዋና አላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥሟቸውን ተግደሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጎማቸውን በተመለከተ አስተያየታቸውን ለማወቅ ነው።

ሀ. አጠቃላይ መረጃ

- 1. ዕድሜ _____ 2. ሦታ _____ 3. የአካል ጉዳት አይነት _____
- 4. የትምህርት ደረጃ _____ 5. የትምህርት መስክ _____
- 6. ትምህርቱን የጨረሱበት ጊዜ _____ 7. ሥራ _____

ለ. መሪ ጥያቄዎች

- 1. የአካል ጉዳተኞችን የመቀጠር መብት በተመለከተ እስከ አሁን እርሶ የማወቅ ዕድል አጋጥሞት ያውቃል?
- 2. ኢትዮጵያ በተለያዩት ጊዜያት አካል ጉዳተኞች የመቀጠር መብትን በተመለከተ አለም አቀፍ ስምምነቶችን ፈርማለች። እነዚያ ህጋዊ ስምምነቶች ተግባራዊ ሆነዋል ብለው ያምናሉ?
- 3. አካል ጉዳተኞች ሥራን በማግኘት ረገድ የሚያጋጥማቸው ችግሮች ምንድን ናቸው?
- 4. ሥራ ለመግባት (ለመቀጠር) ለቃለ መጠይቅ (ፈተና) ተቀምጠህ/ሽ ለአካል ጉዳተኝነት ምክንያት ያጋጠመህ/ሽ ተግደሮት አጋጥሞህል/ሻል? እባክዎን ይግለፁ?
- 5. በሥራ ቅጥር ሂደት ወቅት ስለጉዳትዎ ይፋ እንዲያደርጉ ተጠይቀው ያውቃሉ?
- 6. በሥራ ቅጥር ሂደት ሦታዊ መድሊዊ ደርሶብሽ ያውቃል?
- 7. የአካል ጉዳተኞች የመቀጠር መብት ሲጣስ ህጋዊ ድጋፍ ወይም የምክር አገልግሎት የሚሰጥ ተቋም ወይም ድርጅት አለ?
- 8. ለወደፊት ለሥራ እድገትህ ያለሽ/ህ ተስፋ ምንድን ነው?
- 9. አሁን ያሉትን ብሔራዊ ህጎች ተግባራዊ ለማድረግ ምን መሠራት አለበት? ስለትብብርዎ በቅድሚያ አመለካከቱ!

APPENDIX –B1

ለኢትዮጵያ መስማት የተሳናቸው ማህበር የተዘጋጀ ቃለ ምልልስ

የዚህ ቃለ ምልልስ ዋና አላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥሟቸውን ተግደሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጎማቸውን በተመለከተ አስተያየታቸውን ለማወቅ ነው።

1. ጥሩ የሆነ ያልሻከረ /fair/ የሥራ ቅጥር ዕድል መስማት ለተሳናቸው ይኖራል ብለው ያምናሉ?
2. 2ኛ ደረጃ ትምህርት ያጠናቀቁ፣ ከኮሌጅ ወይም ዩኒቨርሲቲ ለተመረቁ መስማት ለተሳናቸው የምክሩ አገልግሎትና ሌላ የሥራ ዕድል አስፈላጊ የሆኑ አገልግሎቶችን የሚሰጡ ተቋም ወይም ድርጅት ጋር ትውውቅ ወይም ግንኙነት አላችሁ?
3. በእርስዎ ግምት የቋንቋ ችግር የሥራ ቅጥር ዕድል መስማት የተሳናቸው ሰዎች ለችግር ደርገውታል ትላላህ? ሁኔታውስ እንዴት ትገልፀዋለህ?
4. ተጨማሪ የሥራ ልምዶችን መስማት ለተሳናቸው ለመፍጠር በናንተ ማህበርና በሌሎች ተቋማት መካከል የቀረበ ግንኙነት አለ ወይ?
5. የሥራ ቀጠራዎች አመለካከት ወይም ግንዛቤ የሥራ ቀጠራዎች መስማት ለተሳናቸው የሥራ ተቀጣሪዎች ላይ ያላቸው አመለካከት ወይም ግንዛቤ በተመለከተ የርስዎ ወይም ማህበርዎ ልምድ ምን ይመስላል?
6. ከተወሰነ የትምህርት አርከን (2ኛ ደረጃ ት/ት፣ ኮሌጅ፣ ዩኒቨርሲቲ/ ተመራቂ የሆኑ መስማት የተሳናቸው የቅጥር ሁኔታን ለማሻሻል ማህበርዎ ያደረገው ጥረት/መከራ ምንድናቸው? ማህበርዎ መንግሥታዊና መንግሥታዊ ያልሆኑ ድርጅቶች ጋር አብሮ በመሥራቱ ያለው ግንኙነት ምን ይመስላል?
7. በሀገራችን ያሉትን ህጋዊ ሠነዶችን በተመለከተ መስማት ለተሳናቸው ለሥራ ቅጥር ሁኔታ የህጉ አፈፃፀምና አተገባበሩ ላይ የማህበርዎ አስተያየት ምን ይመስላል?
8. ማህበርዎ እንደመስማት የተሳናቸው ረገድ ሆነው በአሁኑ ሰዓት በሀገራችን ያለውን ህጋዊ ሠነዶችን ላይ ማህበርዎ -----?ስለትብብርዎ በቅድሚያ አመለካከቱ!
9. መስማት የተሳናቸው ራስን በራስ የመቅጠር ተግባር ላይ መሳተፉን በተመለከተ ያላችሁ ልምድ/ተግባር ምን ይመስላል?

APPENDIX-C1

ለሠራተኛና ማህበራዊ ጉዳይ ሚኒስቴር የተዘጋጀ የቃለ ምልልስ

ይህ ቃለ ምልልስ የተዘጋጀው ለሠራተኛና ማህበራዊ ጉዳይ የመልሶ መቋቋም ክፍል ነው። የዚህ ቃለ ምልልስ ዋና ዓላማው የአካል ጉዳተኞችን የሥራ ስምሪት በተመለከተ ያለውን ህግና መመሪያ፣ አፈፃፀምና አተገባበሩ ምን እንደሚመስል ለማወቅና መሻሻሉ ምን እንደሚመስሉ ለመለየት ነው። ስለሚያደርገልኝ ትብብር በቅድሚያ አመሰግናለሁ።

ኃላፊነት _____

በኃላፊነት የቆየበት _____

1. ሀገራችን ኢትዮጵያ የዓለም አቀፍ የአካል ጉዳተኞችን በተመለከተ የአካል ጉዳተኛነት እንቅስቃሴ በተመለከተ በጥር 25/1991 ዓ.ም ፈርማላች። ስለሆነም የተለያዩ ህጋዊ መመሪያዎች ደንቦች የወጡት በአካል ጉዳተኞችን ለሥራ ለማበቃት ነው። ነገር ግን አተገባበሩ ምን ይመስላል? መሻሻሉ እንዴት ሊታወቅ ይችላል። (በተለይም አዋጅ ቁጥር 101/1994 እና አዋጅ ቁጥር 568/2008)
2. የአካል ጉዳተኞችን ሁኔታ በተመለከተ ሰብአዊና ልማታዊ ፖሊሲ ላይ ተካቷል? ዋና ዋና ሃሳቦችን ይዘርዝሩ?-----
3. በአካል ጉዳተኞች ዙሪያ ያሉት ህጋዊ ዶክመንት/ሰነዶችን/ ለህዝብ ለማሳወቅ ምን ዓይነት ተግባራት መሠራት አለበት ብለህ ታስባለህ/ሽ?
4. በአካል ጉዳተኞች ዙሪያ ያሉት ህጋዊ ሠነዶች ወደሌላ አገራችን ቋንቋዎች ተተርጉሟል? በምን ምን ቋንቋዎች እንደሆነ ይዘርዝሩ።
5. በአካል ጉዳተኞች የሚሰጥ ማበረታቻ ወይ ድጋፍ አለ ብሎ ያምናሉ?
6. ከዛሬ አስርት ዓመታት ጀምሮ ያለውን የመቀጠር ዕድሎችን እንዴት ይገመግማሉ?
7. የአካል ጉዳተኞች ከመቀጠር ረገድ ህጉን ከመተግባር አንፃር የምትለው ነገር አለ? ስለትብብርዎ በቅድሚያ አመሰግናለሁ!

ለሠራተኛ እና ማህበራዊ ጉዳይ የተዘጋጀ ቃለ ምልልስ

ይህ ቃለ ምልልስ የተዘጋጀው ለሠራተኛ እና ማህበራዊ ጉዳይ ሚ/ር ኃላፊዎች ነው። አላማውም በአካል ጉዳተኞች የሥራ ስምረትን በተመለከተ እየደረሰባቸው ያለውን ሁኔታ ለማጣራት አፈፃፀሙን ክትትል ለማድረግና መሻሻሎ ለማወቅ ነው።

ስለሚያደርጉልኝ ትብብር በቅድሚያ አመሰግናለሁ።

ሀ. አጠቃላይ መረጃ

የታ ----- ዕድሜ ----- ኃላፊነት ----- በኃላፊነት የቆዩበት ጊዜ -----

1. እርስዎ በአካል ጉዳተኞች ዙሪያ ሥራ ከመቀጠር አንጻር ያሉት ችግር ተመልክተው ያውቃሉ? ችግሮችን ለማስወገድ/ለማጥፋት የተደረገ ጥረት አለ? የተደረጉ ጥረሮች ምን ምን ናቸው?
2. በአገራችን ባለው ህጋዊ ሰነዶች ላይ አካል ጉዳተኞች ወደ ስራ ስምረት አዋጅ አኳያ ተጠቃሚዎቹ ረክቶል ብለው ያስባሉ? አተገባባሩ ዘይ አለ? መሻሻሉ ምን ይመስላል?
3. በመ/ሪያ ቤታችሁ ለአካል ጉዳተኞችን የመመከር አገልግሎት የሚሰጥ የተወከለ ክፍል አለ ወይ? ወይም የመቀጠር ዕድል የሚሰጥ ድርጅት/ተቋም አለ ወይ?
4. የአካል ጉዳተኞችን የሥራ ስምረት አዋጅና ሌሎች ህጋዊ ሠነዶችን በተመለከተ ለህዝብ ለማሳወቅ ምን ምን ተግባራትን ማድረግ አለብዎት? በተለይም ለአካል ጉዳተኞች ቡድን (.....) ለቀጣሪዎች፣ ለመንስትና መንግስታዊ ላልሆኑ አካት በተለያዩ ደረጃ ለምሳሌ በሚ/ር ደረጃ፣ በክልሎች በዘያች፣ በወረዳዎች) ዋና ዋናዎቹን ይዘርዝሩ
5. ተጨማሪ አስተያየት በህጎቹ ዙሪያ የሚሰጡት አለዎት?

ስለትብብርዎ በቅድሚያ አመሰግናለሁ!

ለት/ሚ/ር የተዘጋጀ ቃለ ምልልስ

የዚህ መጠይቅ ዋና ዓላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥማቸውን ተግዳሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጉማቸውን በተመለከተ አስተያየታችሁን ለማወቅ ነው።

አጠቃላይ መረጃ

ስም _____ ያታ _____ ዕድሜ _____
ኃላፊነት _____ ያገለገሉበት ዓመታት _____

- 1) የአካል ጉዳተኞች ሥራ ስምረት ላይ አካል ጉዳተኞችን ለመርዳት የእርስዎ ኃላፊነት በት/ም/ር ምንድን ነው?
- 2) በአካል ጉዳተኞች ዙሪያ ላይ ከመቀጠር አንጻር የተከሰቱ ችግሮችን ስምተው ያውቃሉ? ከሰሙ ምን ምን ናቸው?
- 3) የአካል ጉዳተኞች የሥራ ስምረት በተመለከተ የት/ሚ/ርን ፖሊሲ እንዴት ታብራታዋለህ? በፖሊሲው ውስጥ ተካቷል ወይ?
- 4) የአካል ጉዳተኞች በሥራ ስምረት ላይ ዋና ዋና ችግሮች ናቸው የሚትላቸው አሉ? ካሉ ይዘርዝሩ?
- 5) የአካል ጉዳተኞች ሥራ የማግኘት ዕድል ለማሰፋትና ችግሮቹን ለመቅረፍ ምን ምን መሥራት አሉበት ብለው ያስባሉ? ዋና ዋናዎቹን ይዘርዝሩ?

ስለትብብርዎ በቅድሚያ አመሰግናለሁ!

ለኢትዮጵያ የአካል ጉዳተኞች ማህበር ሠራተኞች የተዘጋጀ ቃለ ምልልስ

የዚህ ቃለ ምልልስ ዋና አላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥሟቸውን ተግደሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጎማቸውን በተመለከተ አስተያየታቸውን ለማወቅ ነው።

- 1) ጥሩ የሆነ (fair) የሥራ ቅጥር ዕድል ለአካል ጉዳተኞች ይኖራል ብለው ያምናሉ? ከሌለ ተግደሮቶቹን ይጥቀሱልኝ ከ2ኛ ደ/ት/ቤት፣ ኮሌጅ፣ ወይም ከዩኒቨርሲቲ ለተመረቁ
- 2) የአካል ጉዳተኞች የምክር አገልግሎትና ሌላ የሥራ ቅጥር አስፈላጊ የሆኑ አገልግሎቶችን የሚሠጡ ተቋም ወይም ድርጅት ጋር ይተዋወቃሉ? የሚተዋወቁ ከሆነ ምን አይነት አገልግሎት እንደሆነ ይግለጹልኝ?
- 3) አካል ጉዳት ለሥራ ቅጥር ትልቅ እንቅፋት ነው ብለው ያምናሉ ? ሁኔታውን ይግለጹልኝ ።
- 4) ተጨማሪ የሥራ ልምዶችን ለአካል ጉዳተኞች ለመፍጠር በናንተ ማህበርና በሌሎች ተቋማት መካከል የቀረበ ግንኙነት አለ ወይ?
- 5) የሥራ ቀጣሪዎች አመለካከት ወይም ግንዛቤ የሥራ ቀጣሪዎች በአካል ጉዳተኛ ተቀጣሪ ላይ ያላቸው አመለካከት ወይም ግንዛቤ በተመለከተ የርስዎ ወይም የማህበርዎ ልምድ ምን ይመስላል?
- 6) ከተወሰነ የትምህርት ዕርከን (2ኛ ደ/ት/ቤት፣ ኮሌጅ፣ ወይም ዩኒቨርሲቲ) ተመራቁ ለሆኑ የአካል ጉዳተኞች የቅጥር ሁኔታን ለማሻሻል ማህበርዎ ያደረገው ጥረት (መክራ) ምን ምን ናቸው?
- 7) የአካል ጉዳተኞች ራስን በራስ የመቅጠር ተግባር ላይ መሳተፍን በተመለከተ ያላቸው ልምድ ምን ይመስላል?

ስለትብብርዎ በቅድሚያ አመሰግናለሁ!

ለኢትዮጵያ ማየት የተሳናቸው ማህበር የተዘጋጀ ቃለ ምልልስ

የዚህ ቃለ ምልልስ ዋና አላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥሟቸውን ተግደሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጎማቸውን በተመለከተ አስተያየታቸውን ለማወቅ ነው።

- 1) ጥሩ የሆነ ያልሻከረ (fair) የሥራ ቅጥር ዕድል ማየት የተሳናቸው ይኖራል ብለው ያምናሉ? ከሌለ ተግደሮቶቹን ይጥቀሱልኝ
- 2) 2ኛ ደረጃ ት/ቤት ያጠናቀቁ፣ ከኮሌጅ ወይም ከዩኒቨርሲቲ ለተመረጡት ማየት ለተሳናቸው የምክር አገልግሎትና ሌላ የሥራ ዕድል አስፈላጊ የሆኑ አገልግሎቶቹን የሚሠጡ ተቋም ወይም ድርጅት ጋር ትውውቅ (ግኑኝነት) አላችሁ?
- 3) ተጨማሪ የሥራ ልምዶችን ማየት ለተሳናቸው ለመፍጠር በናንተ ማህበርና በሌሎች ተቋማት መካከል የቀረበ ግንኙነት አለ ወይ?
- 4) የሥራ ቀጣሪዎች አመለካከት ወይም ግንዛቤ የሥራ ቀጣሪዎች ማየት በተሳናቸው የሥራ ተቀጣሪዎች ላይ ያላቸው አመለካከት ወይም ግንዛቤ በተመለከተ የርስዎ ወይም የማህበረዎ ልምድ ምን ይመስላል?
- 5) ከተወሰነ የት/ት ዕርክን (2ኛ ደረጃ፣ ኮሌጅ፣ ዩኒቨርሲቲ) ተመራቂ የሆኑ ማየት የተሳናቸው የቅጥር ሁኔታና ለማሻሻል ማህበራዊ ያደርገው ጥረት (መከራ) ምንድናቸው?
- 6) ማየት የተሳናቸው ራስን በራስ የመቅጠር ተግባር ላይ መሳተፍን በተመለከተ ያላችሁ ልምድ ምን ይመስላል?

ስለትብብርዎ በቅድሚያ አመሰግናለሁ!

APPENDIX - HI

ለት/ሚ/ር በቴክኒክና ሙያ ሥልጠና ክፍል /አስተባባሪ የተዘጋጀ ቃለ ምልልስ

የዚህ ቃለ ምልልስ ዋና አላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥሟቸውን ተግደሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጎማቸውን በተመለከተ አስተያየታቸውን ለማወቅ ነው።

- 1) የአካል ጉዳተኞች ትኩረት ውስጥ በማስገባት አካል ጉዳት ከሌላቸው አንጻር በቴክኒክና ሙያ ሥልጠና የተመደበ በጀት አለ ወይ?
- 2) በአሠራርጣጠኑ ሂደት ላይ ለአካል ጉዳተኞች ትኩረት ተሰጥቷል ወይ? ካልተሰጠ ለምን?
- 3) አካል ጉዳተኞችን በቴክኒክና ሙያ ሥልጠና ሂደት አቋማቸውን እንዴት ትገመግማቸዋለህ?
- 4) በቴክኒክና ሙያ ሥልጠና የተመረጡ የአካል ጉዳት ያለባቸው ተማሪዎችን በሥራ ሂደት ላይ ያጋጠማቸው ዋና ዋና መሠረታዊ ችግሮች ምን ምን ናቸው?
- 5) የእርስዎ አስተያየት እነዚህን መሠረታዊ ችግሮችን ለወደፊት ለመቅረፍ ምንድነው? /ለወደፊት እነዚህን መሠረታዊ ችግሮች የእርስዎ አስተያየት ምንድን ነው?/
- 6) የአካል ጉዳተኞች በቴክኒክና ሙያ ሥልጠና ተቀባይነት (ቅበላ) እንዴት ታያለህ?

ስለት-ቡብርዎ በቅድሚያ አመሰግናለሁ!

በኢ.አ.ዩ ለህግ ት/ት ክፍል የተዘጋጀ ቃለ ምልልስ

የዚህ ቃለ ምልልስ ዋና አላማው የአካል ጉዳተኞች በሥራ ቅጥር ጊዜ የሚያጋጥሟቸውን ተግደሮቶችን መለየትና አካል ጉዳተኞችን የሚመለከቱ ህጋዊ ሠነዶች በሥራ ላይ መተርጎማቸውን በተመለከተ አስተያየታቸውን ለማወቅ ነው።

- 1) አካል ጉዳተኞችን በተመለከተ ህጋዊ ሠነዶች የአካል ጉዳተኞችን ሥራ ስምሪት የሚያብራሩ ሠነዶች አሉ ? ካሉ እባክዎን ይዘርዘሩ
- 2) ለህዝቡ ህጋዊ ሠነዶችን ለማሳወቅ ምን ዓይነት ተግባር መደረግ አለበት?
- 3) ካለፉት አሥር ዓመታት ወዲህ የአካል ጉዳተኞችን የሥራ ስምሪት ሁኔታ እንዴት ትገመግማለህ?
- 4) ከኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ ህገ መንግሥት ረገድ አካል ጉዳተኞች የሥራ ዕድል እንዲኖራቸው የአንተ ሚና ምንድን ነው?
- 5) የእርስዎ ዲፓርትመንት አካል ጉዳተኞችን ለሥራ ዕድል ብቁ ከማድረግ አንጻር ብቁ ያደርጋል ብለው ያምናሉ? ብቁ እድርጓል ይላሉ ?
- 6) ህጋዊ ሠነዶችን በተመለከተ የዚህ ህጋዊ ሠነዶች አተገባበሩና አፈጻጸሙ ሂደት ላይ ለአካል ጉዳተኞች ለሥራ ዕድል ላይ የሚሉት ሀሳብ አለዎት?

ስለትብብርዎ በቅድሚያ አመሰግናለሁ!

Declaration

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

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Date of Submission:-----

