

Ombudsman and rights of the disabled

Given the chance, persons with disability could be productive citizens and contribute their share to nation building endeavors usually though, wrong attitudes stand in the way.

Experience from other countries demonstrates the huge potential people with the disability have for development of their country if they could get necessary support.

About 10% of the world's population [or 650 million people] live with disabilities while in Ethiopia over 900,000 people are estimated to be living with varying degrees of disability, according to a 1994 census. Other sources estimate the number of people with disability in Ethiopia to be close to 10% of the general population.

The UN Declaration on the Rights of Disabled persons stipulates that the term “disabled person means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal.

Individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities."

The declaration stipulates that disabled persons shall enjoy all the rights enshrined in all the UN instruments, including Universal Declaration of Human Rights, the international Covenants on Human Rights, the Declaration of the Rights of the Child and the Declaration on the Rights of Mentally Retarded persons, as well as the standards already set for social progress in the conventions and resolutions of the specialized UN agencies such as the ILO, UNESCO and WHO.

In a nut shell, disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

The government of Ethiopia has signed and ratified most of the UN instruments, and it has taken some measures to accord protection to the rights of the disabled.

Various countries employ different mechanisms to implement the international and national legal instruments relevant to persons with disability. The office of the Ombudsman is one such mechanism available in Scandinavians countries, notably Sweden, several have formed their own associations over the past ten years functioning under the umbrella organization Ethiopian Federation of Persons with Disability (EFPD).

Article 41 sub article 5 FDRE of the constitution recognizes the rights of persons with physical and mental disability to get rehabilitation and support services. Moreover, the country's social security policy gives due emphasis to ensuring the rights of disabled. The disability labor proclamation No 101/1994 is an important step forward in ensuring equal job opportunity for persons with disability However this proclamation failed to materialize as it disqualified the disabled from doing other than the specific ones if lists out. And this implies that persons with

disability are not competent enough to engage in activities other than specified by the proclamation.

Cognizant of this flaw, the government has adopted the No amended disability labor proclamation No 568/2008 which pinpoints the problems facing the disabled it recognized persons with disability equal access to jobs socio-economic and cultural discrimination facing the disused as the reason that denial the proclamation affirms the rights of persons with disability to unrestricted access to jobs and promotion as well as participation capacity building training offered inside the country and abroad should they fulfill the criteria set for vacant jobs.

The proclamation also urges employers to create conducive environment in terms of affording training materials and facilities. Women with disability have protections under this proclamation especially from sexual abuses and gender-based discriminations.

The proclamation provides report measures as well persons with disability could to file charges against any federal and regional government offices with in the civil service [should they face] maladministration and acts abusive of their right by the employers during recruitment, promotion, placement and other job related matters.

The same proclamation warns against employers not to set disability as a factor to restrict employment opportunities One the other hand once on the job persons with disability are expected to discharge once on the job their responsibility effectively be responsible for the quality of their.

The signing and ratification process of the UN convention on the Rights of persons with Disability, the establishment of Prosthetic and Orthopedic physical supporting materials production centers, the establishment of a department in charge of Disability Affairs with in the Ministry of labor and Social Affairs (MoLSA), the adoption National Disability Rehabilitation program in 2001 and the preparation of Awareness Raising Manual on.

Disability as well as the active participation of person with disability in voicing their concern through the media is among the enabling and conducive atmospheres created by the government to respecting and ensuring respect for these rights.

Established in accordance with the FDRE constitution [article 55, sub article 1 and 15] and by proclamation number 211/2000 that Institution of Ombudsman is entrusted with the power and duties, among others, to supervise administrative directives issued, and decisions given by executive organs as well as the practices do not contravene the constitutional rights of citizens including persons with disability Thus. Persons with disability can lodge complainants by coming to the Institution of Ombudsman whenever they face maladministration and abuse of rights by government and public offices or employers.

The Ombudsman Offices cannot course penalize government institution that contravene the existing laws including disability labor proclamations it will rather take corrective measures by

educating the public on the principles of good governance and the rule of laws, encouraging and assisting government institutions to develop policies, procedures and mechanisms to enhance good governance. Rectifying and redressing cases of maladministration through effective complaints handling services as well as recommending ways and means of correcting maladministration upon conducting researches.