

Disability-Related Laws and Practices Checklist

Federal Laws

1. FDRE Constitution

- It regards disabled people as objects of charity rather than subjects of rights (Articles 13 (2), 25, and 41 (5)).
- Its impact is also seen by subsidiary legislation such as educational laws.

2. Civil Code

- All articles 339-79 deny all persons with mental disabilities the right to legal capacity;
- they use derogatory terms for all persons with disabilities.
- Its compensational provisions—2090 et seq—are not sufficient to combat disability-based discrimination.
- Article 1728 (3) should be amended in a way to protect the interests of the two contracting parties.

3. Commercial Code

- Unlike the practice, articles 734 and 838 do not prohibit blind customers from opening and operating checking accounts.
- There is no any legal basis for banks to bar any customer with a disability from using any banking service.
- Financial Consumer Directive is not adequate to combat disability-based discrimination.

4. Civil Procedure Code

- Article 38, class action, should be free from the "consent" requirement.
- The procedure of declaratory suit should be clearly recognized.
- There is no clear and detailed law for public interest litigation.

5. Revised family code

- Articles 15, 18, 43, 134, 136 and 175 that are related to judicially interdicted persons should be amended to make them in compliance with article 12 of the CRPD.

6. Educational Laws

- There is no proclamation to address graded school education and inclusion.
- There is no proclamation addressing disability-related problems in TVET institutions.
- Existing guidelines have not enabled schools to move beyond integration.
- A student may be prohibited from taking courses based on a disability.
- The Higher Education Proclamation (article 41) is based on the Charity Model and contains no true remedial provision for the victim.
- Disability-based discrimination is made to join many departments although the departments are very common, in other countries, to admit students with similar disabilities.

7. Electoral Laws

- Alternative voting arrangements for persons with disabilities are never recognized.
- Polling accessibility is not fully guaranteed.
- People with mental disabilities are directly and sweepingly denied the right to vote.
- Provisions dealing with personal assistants are problematic.
- Independent candidates are not financially supported.
- Persons with severe disabilities, due to the absence of alternative voting arrangements, are indirectly denied the right to vote.

8. Employment Laws

- Proclamation 568 and its directives together with civil service proclamations, fall under this category.
- There is no remedial provision to enforce the law.
- The coverage of the law is limited, e.g., sheltered or self-employment law is not covered.
- Due to the absence of incentive, the private sector is not open to people with disabilities yet.

- Provision of reasonable accommodation is not yet well known and practiced.
- Hiring a personal assistant is not well-implemented.
- There is no regulation to solve, among others, coverage issues pertaining to institutions such as the National Bank and judicial institutions.

9. Social Security Laws

- There is no recognized social protection scheme in Ethiopia, such as there is in Kenya.
- Only in pension proclamations 1267 and 1268 has a nominal consideration of disability been made. If a pensioner dies, the survivors are entitled to the pension as long as they are under 18 years of age. However, if the survivor is a person with a disability, he is entitled to receive the pension up to the age of 21. How about a survivor with a severe disability above the age of 21?
- If transformed into government-sponsored and long-term program, the safety program currently in place may be of use.
- There are no healthcare and housing laws dealing with the issues of people with disabilities.

10. Building Communication and Transportation Laws

- Despite building proclamation 624/2009 and its implementation regulations and directive, the majority of buildings that have a public purpose are inaccessible to those with disabilities.
- There is no provision addressing the modification of existing structures into accessible ones.
- Despite efforts to resolve accessibility difficulties in recent buildings, the measures are limited to ramps and lifts.
- According to article 33 (4) of the proclamation, only structures with seven stories or higher need to have lifts installed.
- There are no comprehensive building accessibility standards.
- There is no law addressing physical access such as accessible routes, curb ramps, parking and passenger loading zones; signage; public restroom accommodations; outdoor spaces, such as public parks, monuments, squares, gardens, etc. public ways such as paths, streets, sidewalks, traffic lights with audio signals; and so on.

- The necessary attention has not yet been paid to the accessibility of information and communication.
- No sufficient measure has been taken yet to make transportation accessible.

11. Legal Aid Laws

- Although there are good beginnings of free legal aid for all in need by proclamations such as "Federal Courts Proclamation No. 1234/2021" and "Federal Advocacy Service Licensing and Administration Proclamation" 1249, it should be supported by detailed laws.
- Governments, like those in other countries, should devise strategies to financially support organizations that provide free legal aid to people with disabilities.

Regional Laws

1. Constitutions

- They do have a copy-past of article 41 (5) of the FDRE constitution. Hence, issues raised in relation to the FDRE constitution also work for them.

2. Civil Service Employment Laws

- Regions, with the exception of Amhara have no employment laws implementation regulation or directive.
- The private sector, like federal jurisdiction, is closed to people with disabilities.
- Personal assistant is less likely hired in regions except in Amhara.
- The Amhara region is repealing disability-favored laws recently, e.g., "The Amendment Directive on the Internal Transfer of Prosecutors No. 17/2014". In this directive, prosecutors would be given priority during transfer while the newly issued directive—"The Amendment Directive on the Internal Transfer of Prosecutors No. 17/2014"—removed this affirmative action.
- Provision of reasonable accommodations is not yet known and practiced.
- Self-employment, sheltered employment and other types are not legally addressed for people with disabilities.

3. The Rural Land Laws

- Regional laws, except that of Amhara, have devoted one sub-article each to people with disabilities.
- Nothing more to protect their land-related rights.