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## The situation of persons with disabilities

There are no reliable statistics of prevalence of disabilities in the Somali population. Data deficiencies are particularly severe for the nomadic population, which constitutes about half the population. The on going civil war and extreme poverty are causing a substantial increase of the numbers. Landmines and Explosive Remnants of War (ERW) are causing some 7000 disabilities per year and children are especially vulnerable.

Moreover, the legacy of war is the collapse of a health care system making preventable and curable diseases such as polio and meningitis spread. In 2014, an increase of polio cases was reported. The poor assistance provided to pregnant women has resulted in many cases of children affected by cerebral palsy and congenital disabilities. Also the practice of female genital mutilation (FGM) leads to disabilities of many women due to fistula after childbirth or rape. Practices of amputation as punishment for criminal offences also add to the numbers.

It is likely that persons with disabilities in Somalia add up to as much as 15-20 per cent or more of the population (around 1.5 million). On average each family has at least one member with a disability.

Persons with disabilities and elderly have great difficulty in accessing humanitarian aid. Persons with disabilities remain excluded from the most essential services in emergencies and are left behind in refugee camps. There are however efforts by the international community to do something about this in the various clusters.

There is almost no psychosocial support compared to the significant need for such services as a result of the war related increase in mental health problems.

Persons with disabilities face widespread discrimination, particularly within the education sector, both by teachers and other students. It is common and condoned by the community for students to beat and harass fellow students with

disabilities. Women with physical and intellectual disabilities are more vulnerable to sexual abuse, often with impunity, compared to non-disabled women. It is reported that Al-Shabaab has deliberately been recruiting persons with disabilities as fighters, prison guards and spies. By participating in the "holy war", persons with disabilities have been offered power, recognition, respect and means of income.

During the past two years steps have been taken towards a federal state building, peace building and creation of human rights mechanisms. However, implementation has largely failed and the immediate humanitarian situation remains critical.

Despite the difficult context, the disability movement has been able to organise and mobilise to some extent. When the Federal Government of Somalia submitted its 2015 budget, no budget was allocated to the National Disability Council (see below). As a result, DPOs and others demonstrated in Mogadishu in December 2014 and also complained about the lack of legislation.

## The legal and policy frameworks

Somalia has taken some legislative and policy steps that indicate commitment to advancing human rights but has not yet signed and ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In terms of **international instruments**, the following steps have been taken:

- Signing and ratifying treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child (2015), the Convention on Economic, Social and Cultural rights and the African Charter on Human and People's Rights – all of which make some reference to protecting the rights of persons with disabilities to fair treatment, appropriate care, inclusion and full participation in society.

- Signing and ratifying the Convention against Torture
- Accession to the Land Mine Ban Treaty (2012)
- Signing the UN Standard Rules for the Equalisation of Opportunities for persons with disabilities (not implemented at any level)

The African Commission on Human and Peoples' Rights has drafted a Protocol on the Rights of Persons with Disabilities. It was released for comment in April 2014 and once finalised, is likely to become part of Somalia's policy framework for advancing disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national/federal laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

The provisional federal constitution (2012) provides equal rights before the law for persons with disabilities and prohibits the state from discriminating against persons with disabilities. Also the Somaliland Charter and the Puntland Charter prohibit discrimination against persons with disabilities.

These constitutional provisions have not yet been translated into legislation. However, the Federal Government Work Plan for 2014 refers to planned legislation; creating opportunities and a safety net for persons with disabilities, job placements; and training programming for 600 persons. None of these plans were achieved. The Work Plan also makes reference to centres for "vulnerable groups". This is not consistent with a rights based approach; but may be something useful at least in the short term (if in line with the priorities of persons with disabilities).

The Human Rights Road Map for Somalia also includes a commitment to disability. In paragraph 17 on "Rights of persons with disabilities", the following is said:

*"The Government has responsibility to protect the welfare of persons with disabilities. Due to the prolonged conflict, many people are physically or mentally disabled in Somalia. Most, if not all, of the*

*disabled are faced with grave problems of life. For instance, the physically disabled mainly beg while the mentally ill are usually chained or imprisoned. The Government is not in a position to extend any meaningful assistance to its disabled citizens so as to alleviate their problems because of the lack of needed financial resources. However, it is committed to take measures including the adoption of appropriate legislative, administrative and other measures. It is the intention of the Government to ratify the Convention on the Rights of Persons with Disabilities."* The UN is presently supporting the Federal Government to develop an action plan.

In the absence of a national poverty reduction strategy, the United Nations Development Programme (UNDP) and the World Bank Joint Needs Assessment of Somalia provide guidelines concerning the opportunities and challenges of rural development operations in the country. Disability is only referred to in the listing of UN Human Rights documents that need to be signed and ratified,

Despite the conflict many of Somalia's development indicators have improved since 1991 as a result of increased international support for provision of essential social services to vulnerable communities. Across the country, increasing numbers of children are enrolling in schools, health clinics are opening, and the economy led by the agricultural, banking and telecom sectors is growing rapidly.

### Implementing agencies

MOLSA is the lead ministry on disability (consistent with many countries). There is also a National Council on Disability, which is an umbrella platform with representatives from various disability groups, clans and regions (unclear if women are represented). It was established by the Federal Government in 2012 and has the role of mainstreaming disability into Government policy.

The Puntland Ministry of Education launched a Strategic Plan for 2011–2015 including a section on special education. In Somaliland the importance of including students with disabilities has been stressed in the conclusions from a [Global Campaign on Education](#), run by the Ministry of Education and advocacy efforts have been made. The Red Cross

GB has supported teacher trainings for an inclusive friendly approach in both Puntland and Somaliland. ADRA and UNICEF are other donors engaged in support to child friendly and inclusive education.

In general however, education is carried out by a patchwork of institutions, including a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the Somaliland and Puntland administrations; Islamic charity-run schools; and a number of privately run primary and secondary schools and vocational training institutes. In many areas children did not have access to schools other than madrassas. Attendance rates for girls remained lower than for boys and children with disabilities have very limited access to any educational opportunities.

Health care is largely concentrated to the private or NGO sector, although the country's public health care system is in the process of reconstruction, and is overseen by the Ministries of Health of the three administrative regions. There is a great opportunity to ensure inclusion of persons with disabilities in this process.

Including accessibility and the rights of persons with disabilities at the start of state building is easier and cheaper than having it added on at a later stage.

### **Accountability mechanisms**

A Ministry of Human Rights was established in August 2013. The central authorities concurrently inaugurated a National Human Rights Day, endorsed an official Human Rights Roadmap, and completed Somalia's first National Gender Policy. A Human Rights Task Force was also established in February 2013 following violations of media freedoms. It is not clear if it remains functional. Additionally, the federal government in December 2014 organised a public awareness campaign, passed a new 54-point national Child Protection Act, and initiated legislation on a Human Rights Commission bill (not yet adopted). According to the UN's Independent Human Rights Expert on Somalia, local human rights protection has gradually improved as government institutionalisation and legislative reform have taken root. According to other reports none of the mechanisms set up are working as intended and

corruption and pressure on officials have led to the resigning of key officials.

The human rights of persons with disabilities have not been on the agenda even though this might be an area to start as it is not politically sensitive.

### **Main Civil Society Actors**

There are no legal provisions mandating the representatives of persons with disabilities to participate in policy making or to work with governmental institutions. Disabled people's organisations are never consulted, when laws and regulations with a disability aspect are being prepared. Persons with disabilities participate to a very limited extent in political parties and civil society organisations. The Somalia NGO Consortium does not have any disabled persons organisations as members.

Just like the state of Somalia, disability organisations are fragmented. Some of the most important are:

*Association of the Physically Disabled of Somalia* is a member of Disabled People's International (DPI), located in Mogadishu.

The *Somali Association of the Blind* is a member of World Blind Union (WBU), located in Mogadishu.

*Somali National Association of the Deaf* is a member of World Federation of the Deaf (WFD).

*HADF - Horn of Africa Disability Forum* is a think-tank for the unification and strengthening disabled peoples organisations (DPOs), institutions, networks and individuals who are actively working with empowerment, education, employment, care, shelter, rehabilitation, health, advocacy and development programs in Somalia.

*The Institute for Education of Disabled People in Somalia (IEDSOM)* is a cross disability international non-governmental organisation, formed in 1993 and with offices in Mogadishu and Merca as well as in Nairobi, Kenya. It mainly provides welfare services. Somali Red Crescent runs a project in Puntland mainly focusing on rehabilitation of persons with mobility impairments.

In Somaliland there is the [Disabilities Action Network \(DAN\)](#), founded in 2002, a non-profit organisation created to meet the needs of persons with disabilities and is mainly focusing on rehabilitation.

The [Somali Disability Empowerment Network \(SODEN\)](#) located in Mogadishu is a non-profit, non-governmental organisation that assists the mobility challenged individuals to build better lives through social integration, skill development, and useful representation in all aspects of life.

There is also a Somalia Coalition to Ban Landmines (SOCBAL).

The Finnish organisation "[Abilis](#)" has a range of partnerships with organisations in Somalia and could be an important source of information about the actors in various regions.

### **What Sweden could do – 10 questions to discuss**

Within the broader context of support to democracy, human rights, health, capacity development of local duty bearers, economic empowerment and gender equality in Somalia, Sweden has a great opportunity to include issues related to the rights of persons with disabilities. Questions to discuss include:

- Could Sweden do more to keep up-dated with the developments within the area of disability rights?
- Could Sweden do more to advocate for Somalia to become a party to the Convention on the Rights of Persons with Disabilities?
- Could Sweden do more to include disability organisations in social and professional events and networks?
- Could Sweden do more to include disability organisations in capacity building programmes/funding modalities for civil society/human rights organisations? Especially addressing issues of fragmentation?
- Could Sweden do more to support development of accountability mechanisms in the area of disability (e.g. law reforms, access to legal aid, capacitating of HR institutions to include disability rights)? Monitoring tools can be downloaded [here](#).

- Could Sweden do more to ensure accessibility to services in the basic health system for men, women, girls and boys with various disabilities, including mental health (e.g. indicators and monitoring mechanisms that help in determining to what extent interventions and services are helpful to men, women, girls and boys with disabilities and their families) and linking it to CSO initiated community based inclusive development programmes? Download a Guide to Disability in development [here](#).
- Could Sweden do more to include women with disabilities in women networks, economic empowerment and in SRHR/GBV initiatives?
- Could Sweden do more to ensure accessibility for persons with various disabilities to economic empowerment programmes such as micro-credits, loans, vocational/skills training, agricultural and rural livelihood programmes and literacy programs - particularly for women and youth with disabilities? Examples of tools can be found [here](#).
- Could Sweden do more to ensure that persons with disabilities are included in humanitarian, reconstruction and peace building efforts? E.g. using tools as:
  - ✓ Manual on the design and building of barrier-free emergency shelters [here](#)
  - ✓ Manual on mainstreaming disability in disaster risk reduction [here](#)
  - ✓ Disability and the post-conflict agenda [here](#)
  - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
  - ✓ Disability Inclusive Disaster Risk Management: Voice from the Field and Good Practices [here](#)
- Could Sweden do more to build strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support would staff need to take such initiative?

## References

[Disabilities Action Network \(DAN\)](#)

[Somali Disability Empowerment Network \(SODEN\)](#)

The Finnish organisation "[Abilis](#)"

Institute for Education of Disabled People in Somalia (IEDSOM): <http://www.iedsom.org/>

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Human Rights Watch on Somalia <http://www.hrw.org/world-report/2014/country-chapters/somalia> Arabic campaign for inclusive education <http://www.arabcampaignforeducation.org/page-465-en.html>

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Disability in Islamic law

[http://books.google.co.ug/books?id=cz7XeW80dIUC&pg=PP11&lpg=PP11&dq=DISABILITY+IN+ISLAMIC+LAW+BY+Vardit+Rispler-Chaim&source=bl&ots=L2wrrddmAl&sig=QBxqJXcca-KMpuDYDbGBrYCPb7E&hl=en&sa=X&ei=1ZqoUfKfCjzsgajioCgCQ&redir\\_esc=y#v=onepage&q=DISABILITY%20IN%20ISLAMIC%20LAW%20BY%20Vardit%20Rispler-Chaim&f=false](http://books.google.co.ug/books?id=cz7XeW80dIUC&pg=PP11&lpg=PP11&dq=DISABILITY+IN+ISLAMIC+LAW+BY+Vardit+Rispler-Chaim&source=bl&ots=L2wrrddmAl&sig=QBxqJXcca-KMpuDYDbGBrYCPb7E&hl=en&sa=X&ei=1ZqoUfKfCjzsgajioCgCQ&redir_esc=y#v=onepage&q=DISABILITY%20IN%20ISLAMIC%20LAW%20BY%20Vardit%20Rispler-Chaim&f=false)

Tools on disability rights in emergencies and peace building <http://www.usip.org/publications/world-institute-disability-wid-working-paper-the-involvement-of-persons-disabilities-in> and [https://www.academia.edu/4086450/Seizing\\_Opportunities\\_Disability\\_and\\_the\\_Post-Conflict\\_Policy\\_Agenda](https://www.academia.edu/4086450/Seizing_Opportunities_Disability_and_the_Post-Conflict_Policy_Agenda) and <http://www.iddconsortium.net/resources-tools/thematic-areas/conflict-emergencies>

The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.