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The situation of persons with disabilities

The most recent statistics on disability in Afghanistan derive from a National Disability Survey, jointly conducted by the Government of Afghanistan and Handicap International in 2005. The survey found a general prevalence rate of 2.7% for severe disabilities and 4.7% when less severe disabilities were taken into account. This translates into between 660,000 and 1.2 million persons with disabilities. One in five households is estimated to have a person with a disability. Around three-quarters of persons with disabilities live in rural and poor semi-urban settings (Norad 2012). Most are illiterate, unemployed or lack access to health services, education and other opportunities (National Disability Survey 2005).

In absolute figures, the largest numbers of persons with disabilities are located in Kabul and Herat province. The Southern area has a relatively higher proportion of persons with disability, probably due to the on going conflict, poorer access to health services than elsewhere in the country, and the lowest level of literacy and access to education, especially for girls (Norad 2012).

The vast majority of the estimated 200,000 children with disabilities in Afghanistan do not go to school. The National Disability Survey found that over 72% of persons with disabilities over six years old had not received any education. Women and girls with disabilities are living in extremely difficult situations being discriminated both as females and as persons with disabilities e.g. legal and economic obstacles, exclusion and stigmatisation.

An important factor contributing to disabilities in Afghanistan is the presence of landmines and explosive devices, which kill and maim hundreds of people every year. According to the Mine Action Programme of Afghanistan (MAPA), there are 4,681 minefields and 192 battlefield areas that threaten the lives and livelihoods of 1,655 Afghan communities in the country.

Legal and policy frameworks

The government of Afghanistan has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of **international instruments**, these steps include:

- Signing and ratifying (in 2012) the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD), as well as its Optional Protocol. The CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The Optional Protocol allows persons with disabilities whose rights have been violated to bring complaints to the Committee on the Rights of People with Disabilities. The Convention is available at www.un.org/disabilities/convention/conventionfull.shtml.
- Signing the *Proclamation on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region* and the *Biwako Millennium Framework for Action Towards an Inclusive, Barrier Free and Rights Based Society for Persons with Disability*. Signatories pledge their commitment to developing effective policy and programmes at national, sub-regional and regional levels aimed at systematically improving the conditions of persons with disabilities and harnessing their full development potential.
- Signing and acceding (in 2002) to the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (also known as the Ottawa Mine Ban Treaty). This placed an obligation on the government to clear all known areas contaminated by anti-personnel mines within 10 years. In 2012, the Afghan Government successfully requested a ten-year extension to the treaty to meet its obligations.

- Signing and acceding (in 2011) to the *Convention on Cluster Munitions*, thereby agreeing to destroy all stockpiles of cluster munitions within eight years, clear all areas contaminated with cluster munitions remnants within 10 years, and provide assistance to and fulfil the rights of victims of cluster munitions.
- Signing and ratifying other treaties that advance the rights of people, including those with disabilities, for example the UN *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination against Women* – both of which make reference to protecting the rights of persons with disabilities to fair treatment, appropriate care and full participation in society.

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

- The 2004 *Constitution of Afghanistan* promotes the integration of people with disabilities into public and social life. Article 22 prohibits any form of discrimination between Afghan citizens. Article 53 provides for financial aid to persons with disabilities and guarantees their “active participation and re-integration into society.” Article 84 makes provision for two persons with disabilities to be appointed by the President as Members of Parliament in the House of Elders.
- A *National Policy for Persons with Disabilities* was developed in 2004 with input from multiple stakeholders including disabled people's organisations (DPOs). It was coupled with the revised *Afghanistan National Disability Action Plan (ANDAP) 2008-2011*, which included strategies to improve access to education, employment, justice, protection, care, social insurance and social assistance for persons with disabilities.
- Since, the ANDAP has been replaced by the *National Law of Rights and Benefits of People with Disabilities*. It provides for economic, social, political, cultural, educational and rehabilitation support to women, men and children with disabilities, the protection of their

rights and their active participation in society. The law also states that 3% of jobs in government and the private sector are to be reserved for persons with disabilities. The law has however been criticised for not being adequately rights-based and for favouring war victims over other persons with disabilities (Afghan Landmine Survivors' Organisation, Undated).

- A *National Strategy for Disability and Rehabilitation 2013-2016* has been developed with support from EU and the UN Afghanistan Disability Support Programme. It is supposed to be accompanied by an Action Plan, which is not available on the Internet. The Strategy has a strong bias towards physical disabilities and rehabilitation services for this group. Intellectual disabilities are not dealt with at all.
- Afghanistan's *National Development Strategy* further identifies disability as an important crosscutting issue and seeks to advance the rights of persons with disabilities across various sectors. Since 2007, a number of development programmes have included disability indicators.

Implementing agencies

Lead responsibility for advancing the rights of persons with disabilities in Afghanistan is vested in the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD). The goals of the ministry include:

- Enhancing the social inclusion of marginalised groups, amongst them persons with disabilities;
- Imparting training in skills development, with priority given to persons with disabilities amongst others.
- Creating legislation to empower persons with disabilities; and
- Subscribing to all international conventions advancing the rights of persons with disabilities.

MoLSAMD is also responsible to coordinate the implementation of the National Strategy and to support other ministries. The policy framework makes provision for the creation of a National Disability Commission, linked to the Office of the Deputy President, which has the duty to advance

the development of a disability-friendly environment. The commission is also meant to collaborate with national and international bodies, including DPOs, to monitor the implementation of the policy. However, such a commission was never established and the MoLSAMD continues to coordinate all matters relating to disability.

Besides MoLSAMD and the commission, the main other state institutions mandated with disability policy and programme implementation are the Ministries of Health and Education:

- The Ministry of Education has adopted an inclusive strategy for scholars with disabilities. It is responsible for training school teachers in inclusive education practices, raising awareness amongst children with disabilities and their parents on the benefits and goals of inclusive education, and ensuring that access to primary and secondary education is improved.
- The Ministry of Public Health has a *Disability and Physical Rehabilitation Strategy* that seeks to prioritise disability and rehabilitation programmes within the ministry. Its goals include improving the social inclusion of persons with disabilities, enhancing the provision of early treatment to children with severe disabilities and increasing prevention measures that target avoidable causes of disability.

While state institutions have increased their efforts to advance disability rights, the vast majority of services for people with disabilities continue to be provided by international and non-government organisations, such as the large-scale rehabilitation programmes run by the International Committee of the Red Cross and the Swedish Committee for Afghanistan - SCA (see the next page for more information on these organisations). Special and inclusive education programmes for children with disabilities are also run by organisations like the SCA.

Accountability measures

Despite all the legal provisions and institutional arrangements in place, the attainment of the rights of persons with disabilities remains a major concern. At a broad level, the Afghan Independent Human Rights Commission has the mandate to

monitor the protection and advancement of human rights in the country. It has a department dedicated to disability rights that is reported to be quite active (Norad 2012). In addition, the two persons with disabilities who serve as parliamentarians are in theory well placed to keep disability issues on the political agenda. As a National Disability Commission has not been established, there is no active multi-stakeholder body monitoring the implementation of disability policies. Generally, government structures have inadequate capacity and technical expertise to monitor disability rights effectively and DPOs often have weak structures, especially at regional and district levels. At the international level, Afghanistan has not yet submitted its first report to the UN Committee on the CRPD. To monitor the continued work of the Committee and access its observations on the implementation of the CRPD in Afghanistan, visit <http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>.

Main civil society actors

There is no unanimously recognised umbrella organisation for persons with disabilities in Afghanistan. As far as DPOs are concerned, the main role-players are:

- The **Accessibility Organisation for Afghan Disabled** was established by persons with disabilities and works for persons with disabilities and other vulnerable groups. AOAD networks with schools, communities, government authorities and the private sector to advocate for the equalisation of persons with disabilities, inclusivity in education, accessible environments and social inclusion.
- The **Afghan Landmine Survivors' Organisation** seeks to advance the rights of all persons with disabilities by advocating for the implementation of the CRPD, as well as national laws and policies pertaining to disability in Afghanistan. It also provides peer support, education, health and rehabilitation services to persons with disabilities and promotes their inclusion in all aspects of community life.
- The **Development and Ability Organisation** has an active Board of Directors entirely comprised of people with disabilities. DAO

promotes an inclusive, barrier-free and rights based society for persons with disabilities in Afghanistan. It advocates for the protection of disability rights, conducts training on disability rights and awareness, and also runs a rehabilitation centre in the province of Kunar.

- The **Afghanistan Association of the Blind** offers services and training to blind and visually impaired Afghans, including lessons in Braille, vocational skills, navigation techniques and life skills. With offices in Kabul, Balkh, Nangarhar, Herat and Peshawar-Pakistan, the association has been supported by the Norwegian Association of Blind and Partially sighted since 1998.
- The **Afghan National Association for the Deaf**, which provides education services to deaf children and teacher training in sign language.

Several international organisations play a role in supporting the disability movement in Afghanistan, including Diakonia, Save the Children, UNESCO, World Vision, UNICEF, WHO, CBM International, GIX (via regional programme), BRAC and War Child (Holland). The UN-supported Mine Action Coordination Centre of Afghanistan takes the lead in the clearance of landmines. Other organisations playing a key role in awareness-raising, advocacy and service provision include (but are not limited to):

- The **International Committee of the Red Cross** (funded by Norad in Afghanistan) and the **Afghan Red Crescent Society**, which run several physical rehabilitation centres in the country and provide training to orthopaedic technicians.
- The **Swedish Committee for Afghanistan**, which coordinates a well-established community-based programme called Rehabilitation of Afghans with Disabilities in 13 provinces. The programme includes community mobilisation and advocacy, employment support for persons with disabilities, special and inclusive education, physical rehabilitation services and capacity development.
- **Handicap International**, which works to improve access to rehabilitation services,

social inclusion of persons with disabilities and prevention programmes to reduce the prevalence of landmine accidents.

- **Digni** (a Norwegian umbrella body of faith-based CSOs), which undertakes the daily running of the Physiotherapy Institute in Kabul, amongst other health and rehabilitation facilities.
- **Serve Afghanistan**, which runs programmes aimed at blindness prevention, training of the deaf and hearing impaired, advocacy, mobilisation and empowerment of persons with disabilities.

What Sweden can do: Eight questions to discuss

The work of Sida and the Embassy is directed by the results strategy for Afghanistan 2014-2019. It does not specifically mention persons with disabilities as a target group, but this aspect is relevant for all focus areas in the Strategy and could be more systematically included in dialogue, analysis, planning and programming. Questions to discuss:

- Could Sweden do more to include disability rights as an explicit part in the support to accountability mechanisms, human rights institutions and watchdog organisations? Monitoring tools can be downloaded [here](#).
- What can be done, in addition to and in synergy with the Swedish Committee for Afghanistan, to strengthen the capacity of DPOs in Afghanistan so that they can raise awareness around disability rights and monitor implementation of legal and policy commitments?
- Could Sweden do more to include and enable persons with disabilities and their organisations to participate in human rights networks and social and cultural events?
- Could Sweden do more to ensure that women with disabilities are included in programmes focussing women's rights and protection – especially gender based violence?

- Could Sweden do more to promote inclusion (with quality and retention) of children and youth with various disabilities in education and skills training programmes at all levels? Resources and tools can be found [here](#).
 - Could Sweden do more to ensure that programmes focussing on employment, rural and private sector development, micro financing and economic integration are accessible and inclusive of women and men with various disabilities? Resources and tools can be found [here](#).
 - Could Sweden do more to ensure that women, men and children with disabilities (and mental health conditions) are systematically included and even prioritised in emergency relief and post conflict efforts? E.g. refer to
 - ✓ Manual on mainstreaming disability in disaster risk reduction [here](#), Disability Inclusive Disaster Risk Management: Good Practices [here](#)
 - ✓ Disability and the post-conflict agenda [here](#)
 - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
 - Could Sweden do more to 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 and that other Nordic donors are also interested in this? What support and additional information would the embassy need to take such initiative? E.g. Inclusion Made Easy - a quick programme guide to disability in development [here](#).
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<http://afghanlandminesurvivors.org/also/index.php?page=policies>

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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.