



SOMALIA CHILDREN WITH DISABILITIES REPORT

Somali Disability Network (SDN)

Somali Disability Cluster (SDC)

Institute of Education for Disabled People (IEDP)

Mentor Somalia Consultant

Date: 15 December 2021

A. Introduction

This report is jointly prepared by Somali Disability Network (SDN), Somali Disability Cluster (SDC) and Institute of Education for Disabled People (IEDP) ahead of government's constructive dialogue with the Committee on the Rights of the Child (the Committee) during the 89th session (17 Jan 2022-11 Feb 2022). Somalia is post conflict state in the horn of the Africa with population of more than 15 million people. Approximately 75% of the population is youth. More than half of these people are underage below 18 years. The Somali Demographic Health Survey (SDHS) estimates that five percent (5%) of children under the age of five (5) years have disability.¹ The prevalence of disability drops to three (3%) percent in the slightly older age group of 5-9 years. However, it is to be noted that these estimates may not present the actual situation given the stigma and discrimination against children with disabilities that forces them to be chained and left at home.

The report covers the overall situation of the children with disabilities within their families and the public. Somalia is a party to the Convention on the Rights of the Child (the Convention) and the other international human rights instruments that address rights of children with disabilities including the Convention on the Rights of Persons with Disabilities (CRPD). The situational analysis at national level is informed by Somalia's obligations as provided in the Convention and other relevant treaties.

The report highlights the key challenges faced by children with disabilities in the social, humanitarian and, cultural environment including:

- Inadequate laws and policies on children with disabilities,
- Abuse, neglect, and violence against children with disabilities,
- Harmful practices including forced marriage,
- Participation of children with disabilities in social and public life
- Inadequate access to healthcare and,
- Lack of access to education.

B. Issues of Concern

1. Inadequate laws and policies on children with disabilities

The Provisional Constitution explicitly prohibits discrimination on basis of disability.² Further the Provisional Constitution provides for the right of children including children with disabilities.³ Article 27 of the Provisional Constitution provides for socio and economic rights. Under socio and economic rights, the Provisional Constitution emphasises the historical and multiple discrimination faced by marginalized groups including persons with disabilities and thus guarantees the right to support to realize socio-economic rights.⁴ The State has also developed a roadmap that outlines priorities towards implementation of rights

¹ The Republic of Somalia, 'The Somali Health and Demographic Survey 2020' pg 250' available at <https://www.nbs.gov.so/somali-health-demographic-survey-2020/>

² Article 11, Provisional Constitution.

³ Article 29, Provisional Constitution.

⁴ Article 27 (5), Provisional Constitution.

of persons with disabilities including children with disabilities. Currently the State has in place ‘the inclusion of persons with disabilities and disability rights in Somalia Roadmap 2020-2023.’⁵

However, there is still a gap on legal guarantees on the rights of children with disabilities. The State is yet to enact a comprehensive national legislation on rights of persons with disabilities including children with disabilities. Indeed, the State admits in its report that this gap exists and that efforts to finalize Disability Bill are on-going.⁶ In the absence of a comprehensive legislative framework, children with disabilities continue to face discrimination in practice and accountability is a challenge.

Questions

- i. What measures is the State taking to harmonise laws and policies and guarantee rights of children with disabilities in line with international human rights standards?
- ii. What measures is the State taking to ensure that rights of children with disabilities are comprehensively addressed in national laws?

Recommendations

- i. Fast track the enactment of the Disability Bill and ensure its in line with international human rights standards

2. Abuse, Neglect, and violence against children with disabilities

The Provisional Constitution of Somalia explicitly provides for the right of every child ‘to be protected from mistreatment, neglect, abuse, or degradation’.⁷ Despite this legal guarantee, children with disabilities face various human rights abuses and violations. Most of children with disabilities suffer discrimination in their families and within the community a challenge that is aggravated by high levels of poverty.⁸ Differential treatment is very common in families, where the parents and care givers may deny the fulfilment of the basic rights and needs to the children with disabilities compared to other children. Indeed, a rapid assessment report by the Ministry of women and human rights development shows that ‘communities still view children with disabilities as people who cannot contribute to the family welfare, a sign of bad luck and that children with disabilities bring drought and poverty not only to the family but the whole community’.⁹

⁵ Federal Republic of Somalia, Ministry of Women and Human Rights Development, ‘Inclusion of Persons with Disabilities and Disabilities Rights in Somalia (Roadmap 2020-2023)’, available at < <https://mwhrd.gov.so/en/wp-content/uploads/2020/09/Disability-Roadmap-2020-2023-1.pdf> >

⁶ Committee on the Rights of the Child, ‘Initial report submitted by Somalia under article 44 of the Convention, due in 2017’, CRC/C/SOM/1, (16 October 2019) State report, para 34.

⁷ Article 29 (2), Provisional Constitution of Somalia.

⁸ Federal Government of Somalia Ministry of Women and Human Rights Development ‘A RAPID ASSESSMENT OF THE STATUS OF CHILDREN WITH DISABILITIES IN SOMALIA, pg.9. (September 2020), available at <https://resourcecentre.savethechildren.net/pdf/rapid-assessment-children-with-disabilites-in-somalia-report-fa-digital-1-1-1.pdf>

⁹ Federal Government of Somalia Ministry of Women and Human Rights Development ‘A RAPID ASSESSMENT OF THE STATUS OF CHILDREN WITH DISABILITIES IN SOMALIA, pg.9. (September 2020), available at <https://resourcecentre.savethechildren.net/pdf/rapid-assessment-children-with-disabilites-in-somalia-report-fa-digital-1-1-1.pdf>

Additionally, children with disabilities experience several forms of violations including 'physical assault, being pelted with stones, being called names, insulted and generally treated with disrespect, being cursed, and being prevented from playing with other children'.¹⁰

In some cases, children with disabilities are abandoned in the homes of their grandparents to 'relieve the burden from their parents'. These children end up not receiving adequate and appropriate care from the elderly who may not be active as their parents.

Domestic and sexual violence against girls with disabilities remain pervasive in Somalia. Indeed, the Special rapporteur on violence against women during her mission in Somalia, identified domestic and sexual violence as one of the human rights violations against girls.¹¹ Similar cases were also documented by Amnesty International¹² and Human Rights Watch¹³ highlighting that violence and abuse against girls with disabilities is common due to the prevailing stigma towards persons with disabilities. Majority of these cases go unreported and thus difficult for girls with disabilities to seek justice and receive appropriate remedy. Additionally, a comprehensive law on sexual offences lacks making it difficult to adjudicate sexual violence cases. The State acknowledges that violence against girls including girls with disabilities is a challenge and that it is making efforts to legally protect girls with disabilities from sexual violence through the draft Sexual Offences Bill.¹⁴

Proposed Questions

- i. What measures is the State taking to protect children with disabilities from abuse and neglect by their families and within the community?
- ii. What measures is the State taking to support children with disabilities and their families especially those who are disproportionately affected by high levels of poverty?
- iii. What measures is the State taking to protect and prevent violence against girls with disabilities?

Recommendations

- i. Fast track enactment of the Sexual Offence Bill
- ii. Raise awareness including at the family level regarding rights of children with disabilities and to combat stereotypes against children with disabilities
- iii. Provide disability inclusive social protection to children with disabilities and their families

3. Participation of children with disabilities in social and public life

¹⁰ *Id.*

¹¹ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo <https://undocs.org/A/HRC/20/16/Add.3>, A/HRC/20/16/Add.3 (14 May 2012), para 17-20

¹² Amnesty International, 'Somalia: prioritise protection for people with disabilities, available at < <https://www.amnesty.org/en/latest/news/2015/03/somalia-people-with-disabilities-exploited-raped-and-abused>

¹³ "Here, Rape is Normal" A Five-Point Plan to Curtail Sexual Violence in Somalia', available at < https://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf>

¹⁴Committee on the Rights of the Child, 'Initial report submitted by Somalia under article 44 of the Convention, due in 2017*', CRC/C/SOM/1, (16 October 2019) para 159-161.

Children with disabilities face several barriers that impede their participation in public life. Negative attitudes and stereotypes prevent them participating in public life on equal basis with other children and members of the family. Notably in the public events the national days, festival, and public gatherings, children with disabilities are left behind chained in their homes, while other sibling interacts in the public with members of the families.

Hostile environments are common everywhere :the streets, buildings, markets, schools, and supermarkets remain physically inaccessible. Additionally, children with disabilities lack appropriate support to play and interact with others. According to the government assessment report, approximately 50% of children with disabilities do not have a support person.¹⁵ These limits their interaction with the public and other children.

Proposed Questions

- i. What measures is the State taking to address stigma towards children with disabilities?
- ii. What measures is the State taking to ensure children with disabilities engage in social life on equal basis with others?

Recommendations

- i. Raise awareness including at the family level regarding rights of children with disabilities and to combat stereotypes against children with disabilities
- ii. Mandate accessibility of social places and buildings by enacting a comprehensive law on rights of persons with disabilities
- iii. Include children with disabilities in decision-making processes including in school clubs that is a common practice in Somalia

4. Inadequate access to healthcare

The Provisional Constitution guarantees every person the right to healthcare including emergency healthcare'.¹⁶ Despite this legal guarantee, children with disabilities face several barriers when seeking healthcare. Prohibitive costs bar parents of children with disabilities from seeking healthcare for their children. In some cases, children with disabilities die from preventable health problems and negligence. According to the Somali Demographic Health Survey, forty two percent (42%) of persons with disabilities in Somalia had not received any care including medical care or support for their condition in the 12 months preceding the survey.¹⁷ This demonstrates the gap that exist in providing health care to persons with disabilities including children with disabilities.

Water, Sanitation and Hygiene (WASH) is key component of health. However, majority of children with disabilities do not have access to water and sanitation facilities.¹⁸ Additional

¹⁵ Federal Government of Somalia Ministry of Women and Human Rights Development 'A RAPID ASSESSMENT OF THE STATUS OF CHILDREN WITH DISABILITIES IN SOMALIA, pg.9. (September 2020), available at https://resourcecentre.savethechildren.net/pdf/rapid-assessment-children-with-disabilites-in-somalia_report_fa_digital-1-1_1.pdf

¹⁶ Article 27 (2), Provisional Constitution.

¹⁷ The Republic of Somalia, 'The Somali Health and Demographic Survey 2020' pg 256 available at <https://www.nbs.gov.so/somali-health-demographic-survey-2020/>

¹⁸ Somalia Humanitarian Fund et al, ' Assessment of Disability Inclusion in WASH Sector in Somalia Case study: Balcad, Kaxda and Deynile IDPs of Banadir' (May 2021) available at <

barriers to health care include inaccessible mode of communication especially for children with hearing and visual impairment and physical access.

Proposed Questions

- i. What measures is the State taking to ensure children with disabilities have access to water, sanitation facilities and hygiene in their homes, schools, and public facilities?
- ii. What measures is the State taking to ensure that children with disabilities have access to health facilities and receive highest quality of care on an equal basis with others?
- iii. What measures is the State taking to ensure that health professionals provide services to children with disabilities?

Recommendations

- i. State should ensure that children with disabilities have access to water, sanitation facilities and support to maintain hygiene
- ii. State should allocate funding to ensure access to health care services by children with disabilities
- iii. State should train health professionals on alternative modes of communication such as sign language and use of plain language

5. Harmful practices including forced marriage

Child and forced marriage remain prevalent. Indeed, the government acknowledges this practice at national level. The State report indicates that about one in 10 marriages occur before the girl is 15 years old, and about half before they are 18¹⁹. For girls with disabilities, forced marriages to older and abusive men in their families' is a bid for families to relieve themselves the perceived burden of having children with disabilities.²⁰

*"I was 13 years old. My family decided to give me to this man, I refused and ran away. My family sent strong men after me. They caught me, tied my arms and legs and threw me in a room with the man. He beat me since the beginning. His family would say that I was disabled, that I shouldn't complain. He beats me, slaps, kicks and throttles me...When I escape and go home, my aunt says that I am disabled and returns me back."*²¹

This practice is exacerbated by a weak legal framework that enables perpetrators to continue with abuses due to lack of accountability. To date, Somalia does not have a comprehensive legal framework that criminalizes domestic violence or forced marriages. The negative attitudes and stereotypes towards children with disabilities means that girls with disabilities face a heightened risk of forced marriages. Poverty and marrying off girls with disabilities for economic gains is also a challenge. Indeed, the State acknowledges that

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/disability_inclusion_assessment_report_v4.pdf

¹⁹ Committee on the Rights of the Child, 'Initial report submitted by Somalia under article 44 of the Convention, due in 2017*', CRC/C/SOM/1, (16 October 2019) Para 152.

²⁰ Amnesty International, Prioritize Persons with Disabilities, available at <https://www.amnesty.org/en/latest/news/2015/03/somalia-people-with-disabilities-exploited-raped-and-abused/>

²¹ Id.

marrying off girls at a young age to wealthier men is a common practice and is related to high levels of poverty.²²

Proposed Questions

What measures is the State taking to end forced marriages?

Recommendations

The State should enact a comprehensive law on harmful practices including forced marriages and ban forced marriages.

6. Lack of access to education

The Provisional Constitution guarantees everyone the right to free basic education up to secondary school.²³ However, majority of children with disabilities are not able to enjoy this fundamental right. Several barriers continue to hamper children with disabilities right to education. According to a recent report analyzing situation of children with disabilities in Somalia, about 40% of support persons of children with disabilities reported that children with disabilities do not attend school due to lack of facilities and resources, including schools and teachers, appropriate learning materials, school fees, appropriate transport means, assistive devices and long distances from school".²⁴

Additional barriers include misperceptions about children with disabilities with most people believing that children with disabilities would not be able to study because of the nature of their impairment, fear that the children with disabilities would be abused and lack of awareness of the children with disabilities rights to education. The disabling environment has also raised concerns with parents and guardians choosing to protect children with disabilities from discrimination and increased concern for their security due to their vulnerabilities.²⁵ Evidence demonstrates that children with disabilities face widespread discrimination both from teachers and fellow students.²⁶ Children with disabilities are often subjected to abuses language and insulted in school settings. For girls with disabilities, these challenges are compounded by several factors including their gender. Girls with disabilities also have a lower chance of getting into school due to cultural practices with only four out of ten girls making it to school as highlighted by the State.²⁷ Gender based violence against girls with disabilities remain common in school settings.²⁸ Majority of the cases remain underreported. Further, lack of water and sanitation facilities at schools force many

²² Committee on the Rights of the Child, 'Initial report submitted by Somalia under article 44 of the Convention, due in 2017*', CRC/C/SOM/1, (16 October 2019) para 180.

²³ Article 30, Provisional Constitution.

²⁴ Federal Government of Somalia Ministry of Women and Human Rights Development 'A RAPID ASSESSMENT OF THE STATUS OF CHILDREN WITH DISABILITIES IN SOMALIA, pg.9. (September 2020), pg 10, available at https://resourcecentre.savethechildren.net/pdf/rapid-assessment-children-with-disabilites-in-somalia_report_fa_digital-1-1_1.pdf

²⁵ Id.

²⁶ Disability in Somalia, available at < https://assets.publishing.service.gov.uk/media/5a744dbded915d0e8bf188ec/Disability_in_Somalia.pdf>

²⁷ Committee on the Rights of the Child, 'Initial report submitted by Somalia under article 44 of the Convention, due in 2017*', CRC/C/SOM/1, (16 October 2019) para 16.

²⁸ File in copy with Somali Federation of Women with Disabilities.

girls to drop out of schools.²⁹ In many schools, toilets are inaccessible and safety of girls with disabilities is not guaranteed leading to majority dropping out of school.

Indeed, the State corroborates this overall situation in its report to the Committee by stating that most children with disabilities do not attend schools which limits their opportunities to participate and share their views on matters affecting them.³⁰

Further lack of disaggregated data on number of children with disabilities attending school whether in mainstream or special schools disaggregated by age, impairment, gender, and geographical region has made it difficult to track completion rate among children with disabilities.

Proposed Questions

- i. What measures is the State taking to ensure that children with disabilities access education on an equal basis with others?
- ii. What measures is the State taking to ensure that girls with disabilities do not miss school or dropout of school due to lack of sanitation facilities?
- iii. What measures is the State taking to prevent and end discrimination against children with disabilities by teachers and other students?
- iv. Can the State provide disaggregated data by gender, impairment, age on number of children with disabilities attending and completing school?

Recommendations

- i. The State should prioritize inclusive education and allocate funding for inclusive education
- ii. Develop a policy framework on inclusive education for children with disabilities

C. Conclusion

We hope that this information will be useful during the Committee's constructive dialogue with state delegation of Somalia. If you would like further information, please do not hesitate to contact the undersigned.

Sincerely,

Somali Disability Network (SDN)..... Name of contact person Signature

Somali Disability Cluster (SDC)..... Name of contact person..... signature

²⁹ Somalia Humanitarian Fund et al, ' Assessment of Disability Inclusion in WASH Sector in Somalia Case study: Balcad, Kaxda and Deynile IDPs of Banadir', (May 2021) pg 24 available at < https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/disability_inclusion_assessment_report_v4.pdf.

³⁰ Committee on the Rights of the Child, 'Initial report submitted by Somalia under article 44 of the Convention, due in 2017*', CRC/C/SOM/1, (16 October 2019), para 106.

**Institute of Education for Disabled People (IEDP)..... Name of contact person....
signature**