

SEPTEMBER 2020

INCLUSION OF PERSONS WITH DISABILITIES AND DISABILITY RIGHTS IN SOMALIA

ROAD MAP 2020–2023

The Ministry of Women
and Human Rights
Development

Federal Republic of Somalia



1. INTRODUCTION

This 2020-2023 Road Map is the successor to the 'Inclusion of Persons with Disabilities and Disability Rights in Governance & Development Processes 2017 – 2019' which was developed by the Ministry of Women and Human Rights in consultation with Organizations of Persons with Disabilities (OPDs), the Federal Government and FMS institutions since April 2017. The new Road Map has been informed by an audit of the implementation of the 2017-2019 Road Map as well as by new developments and emerging issues, not foreseen at the time of the latter's development.

The 2017-2019 Road Map identified the following Key Result Areas and milestones:

- 1.1 An enabling constitutional and legislative framework for the establishment and resourcing of suitable institutions to cater for disability issues. Most importantly; (a) An explicit inclusion of disability rights under the chapter on the fundamental rights in the final constitution and (ii) anchoring a suitable institutional framework for the promotion and protection of disability rights in the final Constitution after the review of the Provisional Federal Constitution and enacting legislation on the rights of persons with disabilities.
- 1.2 A population census which would inform the establishment of a persons with disabilities data base which is disaggregated by gender, age, disability category and region.
- 1.3 Review and completion of the development of the **Somalia National Policy on Disability**.
- 1.4 Sector wide mainstreaming of disability rights in existing policies, laws, programmes and institutions.
- 1.5 Development of 'Disability Inclusion Guidelines' for effective participation of persons with disabilities in governance and electoral processes.
- 1.6 A policy platform for women with disabilities advocacy for engagement with federal and regional governments for inclusion in governance and developmental processes.
- 1.7 Ratification and domestication of relevant regional and international treaties and covenants on disability, particularly the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol.
- 1.8 Preparation and submission of Somalia's Initial State Party Report under the UN Convention on the Rights of Persons with Disabilities.
- 1.9 High profile annual observances of relevant international days, including 3 December.
- 1.10 An inclusive 'Somalia National Conference on Disability Rights'.

2. OUTCOMES OF AUDIT OF THE 2017 – 2019 ROAD MAP

- 2.1 RESULT AREA: Facilitative constitutional and legislative framework to anchor establishment and resourcing of suitable institutions to cater for disability issues. Most importantly, anchoring a suitable institutional framework for the promotion and protection of disability rights in the final Constitution after the review of the Provisional Federal Constitution and enacting priority legislation on disability.**

The following were accomplished:

- The Ministry entered into a strategic partnership with the Ministry of Constitutional Affairs and OPDs as well as other Non-State Actors focusing on disability issues. In this strategic partnership the Ministry facilitated key disability stakeholder engagements with the Constitutional Review Process. Persons with disabilities and their representative organisations were facilitated by the Ministry to prepare memoranda and make their views known and considered in the constitutional review process. The facilitated civic engagement with the Constitutional Review Process was done at both the Federal and Federal Member States levels.
- The Ministry facilitated the formulation and enactment of the law establishing the National Disability Agency in December 2018. This fulfills the sub-result area on **'legislative framework to anchor establishment and resourcing of suitable institutions to cater for disability issues'** as envisaged.
- The development of a comprehensive national legislation on disability rights has commenced under the leadership of the Ministry and is in its advanced stages to be tabled at Cabinet. This fulfills the sub-result area on **'enacting priority persons with disabilities legislation'**

2.2 RESULT AREA:

Explicit inclusion of disability rights under the Chapter on Fundamental Rights in the Final Federal Constitution

The following were accomplished:

- The Ministry facilitated persons with disabilities and their representative organisations to engage with the review of the first five chapters of the Provisional Federal Constitution, especially Chapter 2 on **'Fundamental Rights and the Duties of the Citizen'**. The facilitation involved creating platforms including workshops where concrete proposals for improvement of the Bill of Rights relating to persons with disabilities, including the rights and entitlements of women, girls and children with disabilities.

2.3 RESULT AREA:

Persons with Disabilities population census and establishment of a persons with disabilities data base which is disaggregated by gender, age, disability category and region

The following were accomplished:

- A generalized population census has not yet been conducted in Somalia which would incorporate persons with disabilities. However, the Ministry has conducted a rapid assessment of children with disabilities in four urban centres to provide a limited but informative baseline. In addition, the Ministry is collaborating with the Ministry of Internal Security on mine survivors. Under the Mine Ban Treaty framework there is database of survivors of mines and other explosive remnants of war, which also provides additional data on persons with disabilities.

2.4 RESULT AREA:

Review and completion of the development of the Somalia National Policy on Disability which began in 2011

Legislation on the establishment of the Disability Agency as well as the Draft Bill on Disability Rights were prioritized. These will inform the development of the Policy which is anticipated for 2021.

2.5 RESULT AREA: Sector wide mainstreaming of disability rights in existing policies, laws, programmes and institutions

The following were accomplished:

- An inter-agency coordination led by the Ministry was established to mainstream human rights including the rights of women, children and PWDs.
- A draft Labour Code was promulgated, with input from various Ministries, including the Ministry of Women and Human Rights. As a result, the final draft Labour Code, pending in Cabinet, guarantees the right to work on an equal basis for persons with disabilities, the right to just and favourable conditions of work, the provision of reasonable accommodation at the workplace, and the promotion of employment opportunities and training. Additionally, the draft Labour Code mainstreams the responsibility of implementing the rights of persons with disabilities across a number of government institutions—for example, the federal Minister in-charge of Labour Affairs, the federal Labour Commissioner, the Director of Employment, the Director of Safety and Health and the Registrar of Trade Unions and Employers' Organizations are required to ensure that persons with disabilities enjoy just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.
- The Minister of Women and Human Rights Development, Deputy Minister of Internal Security, and Director-General of SEMA, worked together on a draft Victim Assistance Action Plan, which was presented discussed at a side event at the Fourth Review Conference of the Anti-Personnel Mine Ban Convention on 28 November 2019. This has generated momentum required towards a more comprehensive victim's assistance strategy, especially for persons whose disability status was caused by land mines and similar circumstances, which is currently in progress.
- In February 2019, the FGS adopted the Somali Mental Health Strategy 2014-2020, which is aimed at promoting mental well-being, prevent mental disorders, provide care, enhance recovery, promote human rights and reduce mortality, morbidity, and disability for persons with mental impairment. The strategy is based on four values—integration; empowerment, participation, and acceptability; availability, accessibility, and equitability; and evidence-based.
- A Joint Human Rights Programme developed in 2017 included a key outcome pillar to strengthen national capacity, protection and respect for the rights of persons with disabilities. The Joint programme has reinforced enormously the activities and advocacy for the rights of persons with disabilities that have contributed to the success so far accomplished both in the legislative and institutional fronts.
- In 2019, preparations were undertaken for a detailed study mission to Uganda disability rights focal persons, that took place in January 2020. The mission aimed to understudy the progress on disability rights movement and achievements in Uganda and help them build capacity on mainstreaming of the rights of persons with disabilities in policies, legislations, programmes and institutions. The Ministry's relevant staff, OPDs, and institutional focal persons who participated are now engaged in implementation of the roadmap based on the lessons learned.

2.6 RESULT AREA:

Development of Persons with Disabilities Inclusion Guidelines for effective participation in governance and electoral processes

The following were accomplished:

- In November 2017, the National Independent Electoral Commission (NIEC) published the Voter Registration Feasibility Study Report, where it recognized physical and other accessibility barriers as a potential impediment to equitable access for persons with disabilities to the voter registration process for the 2020/21 national election.
- In 2018, Ministry of Women and Human Rights Development organized a technical briefing on participation of the persons with disabilities in the electoral process for the members of the National Independent Electoral Commission. The NIEC promised to consider clear strategies to ensure inclusion and participation of persons with disabilities in the electoral process and it is hoped that in the definition of the electoral model, persons with disabilities will have the opportunity to participate in the elections.

2.7 RESULT AREA:

A policy platform for Women with Disabilities advocacy for engagement with federal and regional governments for inclusion in governance and developmental processes

The following were accomplished:

- A National Women's Convention was held and adopted the Somali Women's Charter, which among addresses issues of women with disabilities. The rights of women with disabilities in the elections is now at the core of the framework discussions for participation of persons with disabilities in the electoral process and is expected to feature in the agreed but yet to be defined electoral model.
- In March 2019, under the leadership of the Ministry of Women and Human Rights Development, 350 women and gender champions from across Somalia and the diaspora came together in Mogadishu to articulate their shared demands for women's rights in the constitution, the electoral process and beyond (the Somali Women's Convention). Particular efforts were made to ensure participation of women living with disabilities. The delegates wrote up their joint demands in the Somali Women's Charter. The Charter affirms the unity and solidarity of all Somali women, including women living with disabilities. Amongst other issues, the Charter calls for the State to further strengthen in practice women's rights in education, health, housing and employment by institutionalizing affirmative action, including with regard to people with disabilities. At the end of the Somali Women's Convention, Somalia's Prime Minister endorsed the Charter and tasked the Ministry of Women and Human Rights Development to develop an action plan for implementation.

The Ministry has taken this work forward through an inclusive, bottom-up process: Through a consultative process led by the MoWHRD, most Federal Member States have gone further to localize the Charter by developing their own action plans for implementation. In this context, they have affirmed their full endorsement of the Somali Women's Charter, its relevance to the specific contexts of their regions and to the needs and circumstances of local women. The Federal Member State action plans spell out concrete interventions the Federal Member States aim to take forward to realize the demands of the Charter. To help collect baseline data for Charter implementation, in cooperation with the Ministry of Planning, Investment and Economic Development, the MoWHRD has further led a survey of 10,000 women on their needs and interests, which included specific efforts to reach women with disabilities.

2.8 RESULT AREA: Ratification and domestication of relevant regional and international treaties and covenants on disability, particularly the UN Convention on the Rights of Persons with Disabilities and its Protocol

The following were accomplished:

- After inclusive and exhaustive consultations with person with disabilities, Organisations of Persons with Disabilities and other key stakeholders, the Minister H.E. Deqa Yasin signed the CRPD on 2 October 2018. The Federal Government ratified the Convention on 6 August 2019. Following the ratification, various developments have taken place to implement the convention including the development of the disability rights legislation which is currently in advanced stages.

2.9 RESULT AREA: Preparation and submission of Somalia's Initial State Party Report under the UN CRPD

The following were accomplished:

- A comprehensive CRPD implementation plan has been developed. Preparation and submission of the Initial State Party Report has been prioritized in the plan. As a build up to this process Minister of Women and Human Rights held pre-submission consultations with the CRPD Committee on the sidelines of the Session of the Human Rights Council in Geneva on 24 September 2019. Furthermore, during the same Council sessions, Somalia organized a side-event, co-hosted by the Office of the High Commissioner for Human Rights. The title of this side-event was 'Making the Convention on the Rights of Persons with Disabilities a Reality in Somalia: The Road Ahead', which was aimed to discuss the implementation of the CRPD in Somalia, ensuring at the same time that increased efforts in Somalia are based on the overarching and underlying principles of inclusion and gender, independence, freedom of choice, full participation, equality, and human dignity. Additionally, the side event presented a unique opportunity for partner governments, private sector, and others stakeholders to work together, share expertise, and coordinate actions in collaboration with the government of Somalia and OPDs to enhance the inclusion of persons with disabilities in international development and how stakeholders can support priorities identified for Somalia. The side event was timely given that Somalia, at that point in time, just ratified the Convention on the Rights of Persons with Disabilities on 6 August 2019, becoming the newest state party to the CRPD.

2.10 RESULT AREA:

High profile annual observances of relevant international days, including International Rights of Persons with Disabilities

The following were accomplished:

- The Ministry facilitated observance of the UN International Rights of Persons with Disabilities Day on 3 December 2017, 2018 and 2019. These annual fora brought together OPDs and civil society actors as well as government entities to discuss and advocate for the rights of persons with disabilities. It has reinforced coordination and advocacy for effective policy and legislative initiatives that are now in progress.

2.11 RESULT AREA:

Development of a National Action Plan on Disability

The following were accomplished:

- The 'Inclusion of Persons with Disabilities and Disability Rights in Governance & Development Processes 2017 – 2019' acted as a plan in lieu of a substantive national action plan. The implementation of the plan now forms the basis for the Action Plan 2020-2023.

2.12 RESULT AREA:

An inclusive Somalia National Conference on Disability Rights

This is pending and has been rolled over into the 2020–2023 Road Map.

3. 2020–2023 ROAD MAP KEY RESULT AREAS

3.1 For the actions that could not be achieved during 2017-2019, they will be incorporated into the 2020-2023 Road Map, e.g. the establishment of the Disability Agency and the tabling of the Disability Rights Bill in line with the Government's obligations under the CRPD and its commitments during the 2018 Global Disability Summit. In addition, the following actions are anticipated:

- Conduct gap analysis of Federal and Federal Member State legislation and policies with recommendations;
- Advocate for the inclusion of the CRPD's guiding principles and obligations in the constitutional review process;
- Ensure that disability is included in national statistical planning and programming, including through review of the National Statistics Bill;
- In collaboration with the Ministry of Health, formulate regulations to ensure that government and private mental health institutions and services for persons with disabilities respect the physical and mental integrity of persons with disabilities.

3.2 Raise awareness targeting persons with disabilities and their families:

- Formulate media guidelines or media campaign to ensure that disability issues are presented in a way that would dispel negative stereotypes and promote the rights and dignity of persons with disabilities;
- Formulate an action plan to raise awareness on the implementation of the Convention for all ministries and government agencies of Federal and Federal Member States;
- National conference to create wider awareness on the status of Somalia as a state party to the Convention, requirements and priorities for implementation;
- Introduce compulsory module on intellectual disability in medical and nursing degrees;
- Translate and disseminate the Convention.

3.3 Ensure the National Budget reflects any financial implications in legislative and policy revision:

- The National Budget should include allocation of budget to the collection of disability-disaggregated data as part of the national census;
- Allocate adequate budget and human resources (including training of teachers) to be allocated to implement the Special Educational Needs Disability and Inclusive Education Policy and the pilot programme on inclusive education;
- Allocate adequate budget to ensure that persons with disabilities are able to fully participate in the national elections;
- Allocate adequate budget and human resources to implement disability relevant aspects of the draft Labour Code.

3.4 Provide for a national monitoring mechanism:

- Carry out a study on the different modalities of national monitoring mechanisms with a view to formulate a mechanism best suited for Somalia;
- Ensure that each monitoring mechanism should include persons with disabilities;
- Continue to advocate for the operationalization of the National Human Rights Commission;
- Establishment of the Disability Agency in accordance with the Disability Agency Law and advocate for the strengthening of capacity of OPDs;
- Early planning for and preparation of Initial State Party Report.

3.5 Develop a framework for the protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters:

- Formulate a systematic identification of persons with disabilities in situations of risk and during the recovery phase with a view to ensuring the inclusion of persons with disabilities in programme assistance and resources;
- Carry out research to achieve a comprehensive understanding of the issues related to persons with disabilities in humanitarian emergencies in Somalia;
- Ensure that the protection of civilians' policy includes all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk and armed conflict.

FEBRUARY 2019

A PHASED-APPROACH TO IMPLEMENTING THE CONVENTION

ON THE RIGHTS OF PEOPLE WITH
DISABILITIES

ANNEX 1

The Ministry of Women and Human
Rights Development

Federal Republic of Somalia



A. INTRODUCTION

In Somalia, persons with disabilities face challenges, such as physical and communication barriers, to fully participate in society. However, attitudes and how disability is stigmatized and stereotyped are also significant barriers. For example, persons with disabilities are frequently asked by their family "what do you know?". Disability in Somalia is often associated with only physical impairments. For example, a hearing impairment is not considered a disability and consequently, a hearing-impaired person does not enjoy benefits that are available to persons with disabilities. In other cases, a person with a mental disability generally finds it difficult to marry because he or she is presumed to be unable to care for his or her family or that the disability will be passed to the children¹.

"NUMBER OF PERSONS WITH DISABILITIES IN SOMALIA BELIEVED HIGHER THAN THE GLOBAL ESTIMATE OF 15 PERCENT."

Such misconceptions coupled with lack of information and misinformation contribute to discriminatory attitudes towards persons with disabilities and creates barriers to the full participation of persons with disabilities in society².

Additionally, the long period of conflict and insecurity, poverty, violence, and lack of access to healthcare have disproportionately impacted on persons with disabilities and have increased the incidence of disabilities in Somalia—a number of reports have placed the estimate number of persons with disabilities in Somalia to be higher than the global estimate of 15 per cent .

B. THE CONTENT

The Convention on the Rights of Persons with Disabilities (the Convention) represents a significant shift from the medical and charity model of disability to the social and rights-based model. The rights-based model requires policies, practices, attitudes, and the general environment to be designed/changed to ensure the full and equal participation of persons with disabilities. The Convention contains 50 articles, loosely summarised as follows⁵:

Preamble		Sets the general context and identifies important background issues, such as the relation between disability and development.
Article 1	Purpose	Sets out the goal of the Convention, which is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Article 1 also explains who is included in the term "persons with disabilities".
Article 2	Definitions	Defines the Convention's key terms, namely communication, language, discrimination on the basis of disability, reasonable accommodation and universal design. When in doubt, it is useful to refer to the definitions. The terms "persons with disabilities" and "disability" are not defined as such, because there was a conscious decision to treat them as evolving concepts.
Article 3	General principles	Principles are very important for interpreting and implementing the rights and other articles in the Convention. When in doubt about the meaning of an article, you can refer to the principles and use them as guides, e.g., when building supported decision-making services, policymakers should be guided by respect for the autonomy of the person to ensure the individual has maximum autonomy in decision-making.
Article 4	General obligations	Apart from recognizing the rights of persons with disabilities, the Convention also identifies who is responsible for meeting those rights and what they have to do and when (e.g., immediately or progressively). All the obligations are important. They are discussed in more detail below. Here are two examples: State parties must progressively take measures to realize economic, social and cultural rights to the maximum extent of their available resources. This is an important recognition that a country's development level can affect the rate at which it implements some articles in the Convention. There is also an obligation to consult persons with disabilities closely and actively involve them in the development and implementation of legislation and policies to implement the Convention and in other decision-making processes that concern them.

Articles 5–30	Cross-cutting issues	<p>The Convention comprises a robust non-discrimination and equality framework, which applies across all its rights, civil, cultural, economic, political and social. Article 5 requires State parties to ensure the equality of individuals with disabilities, as well as prohibit any discrimination because of disability. This general prohibition is further detailed in the context of specific rights, which explain both what amounts to discrimination on the basis of disability in their respective contexts as well as measures, including positive measures, to achieve de facto equality. The Convention further stipulates that such measures may not be deemed discriminatory.</p> <p>Following article 5 are thematic articles of general application to be integrated across the Convention. These include article 6 on women with disabilities and article 7 on children with disabilities.</p>
Article 31	Specific rights	<p>The Convention covers the full spectrum of human rights. Its substantive articles clarify how human rights are applicable to persons with disabilities.</p> <p>The Convention is unique as it sets out a range of measures that States are required to help guarantee the rights; however, these measures are not directly related to any one right in particular. They include:</p> <ul style="list-style-type: none"> ◦ Awareness-raising; ◦ Accessibility; ◦ Situations of risk and humanitarian emergencies; ◦ Access to justice; ◦ Personal mobility; ◦ Habilitation and rehabilitation; ◦ Data and statistics; ◦ International cooperation.
Article 32	International cooperation	<p>Underlining the importance of international cooperation, including development cooperation, to meet the rights set out in it, the Convention has a stand-alone article on this subject. This builds on the practice of previous human rights treaties which referred to international cooperation, normally in articles related to the progressive realization of economic, social and cultural rights. Article 32 also spells out in greater detail the sorts of actions through which international cooperation can help promote the Convention (e.g., cooperation in research, ensuring that development cooperation is inclusive of and accessible to persons with disabilities).</p>
Articles 31 and 33	Implementation and monitoring measures	<p>These articles set forth implementation and monitoring measures. Article 31 requires State parties to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention. Article 33 sets forth the various measures that State parties have to adopt to establish national implementation and monitoring frameworks.</p>
Articles 34–39	Committee	<p>Starting from article 34, the Convention details its institutional structure. It establishes the Committee on the Rights of Persons with Disabilities with authority to receive and review periodic reports from State parties.</p>
Article 40	Conference of States Parties	<p>The Convention establishes a Conference of States Parties to meet regularly to consider any matter with regard to the Convention's implementation.</p>
From Article 41 onwards	Final clauses	<p>The Convention sets out the procedures for signature, ratification, entry into force and other relevant requirements.</p>

C. PLAN OF ACTION 2020-2023

Based on these obligations, the following outlines a range of steps, albeit non-exhaustive, to support the Convention's implementation:

1. Ensuring that the underlying principles guide the approach to implementation of the Convention in Somalia

There are eight guiding principles that underlie the Convention and each one of its specific articles:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women; and
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

2. Aligning legislation, policy and programming (Article 4)

- Review national legislation, programmes, and policies to determine compatibility with the Convention's obligations. This may entail both a) the eventual adoption of disability-specific legislation, e.g. a Disability Law and b) revision of existing legislation, particularly regarding health, education, employment, electoral laws and so forth;
- Any revision should include or strengthen the prohibition of discrimination on the basis of disability, including the discrimination by private actors;
- Identify gaps in the legal and policy framework;
- Persons with disabilities and their representative organizations, should be consulted and actively included.

SUGGESTED ACTIONS

- **Gap analysis of Federal and Federal Member State legislation and policies with recommendations and clear time-frames;**
- **Ensure that the constitutional review process incorporates the Convention's guiding principles and obligations;**
- **Formulate a disability law to complement the law establishing the National Disability Agency;**
- **Formulate regulations to ensure that government and private mental health institutions and services for persons with disabilities respect the physical and mental integrity of persons with disabilities.**

The legislative review can be a lengthy process and concurrent with other steps outlined below. Note that the Convention does not include a precise definition of disability or persons with disabilities, but article 1 establishes a minimum threshold that all national and FMS definitions need to meet. For example, in many countries psychosocial disability is not considered a disability, so this would have to be amended. Situations that affect non-disabled persons, including family members or other persons associated with a person with a disability (particularly support persons and parents).

3. Awareness Raising (Article 8) and Capacity Building (Article 4)

This article seeks to address a key barrier to inclusion: social attitudes. It is also important that awareness raising actions target persons with disabilities themselves, and their families.

Key issues are:

- translation into national languages (official as well as minority languages);
- accessible formats, such as audio and plain language;
- wide-spread dissemination;
- training targeting specific groups: parents, employers, trade unions, service providers, judges, health professionals, security services.

"Translating and disseminate the Convention is in itself an important way to promote its implementation"

SUGGESTED ACTIONS

- **Formulate media guidelines or media campaign to ensure that disability issues are presented in a way that would dispel negative stereotypes and promote the rights and dignity of persons with disabilities;**
- **Formulate an action plan to raise awareness on the implementation of the Convention for all ministries and government agencies of Federal and Federal Member States;**
- **National conference to create wider awareness on the status of Somalia as a state party to the Convention, requirements and priorities for implementation;**
- **Introduce compulsory module on intellectual disability in medical and nursing degrees;**
- **Formulate a national vocational training programme for persons with disabilities, including measures to promote employment opportunities;**
- **Translate and disseminate the Convention.**

4. RESOURCING

National

- The National Budget will need to reflect any financial implications in legislative and policy revision e.g. retrofit of physical spaces; adaptive technologies and so forth.
- Identify funding gaps in ministries and programmes that might be delaying implementation.

International

- Review international community in Somalia's current approach to both accessibility and to mainstreaming the rights of persons with disabilities, including operational guidance and institutional-support structures;
- Develop a policy, action plan and accountability framework to engage with international donors.

SUGGESTED ACTIONS

National:

- The National Budget should include allocation of budget to the collection of disability-disaggregated data as part of the national census;
- Allocate adequate budget and human resources (including training of teachers) to be allocated to implement the Special Educational Needs Disability and Inclusive Education Policy;
- Allocate adequate budget and human resources to implement disability relevant aspects of the draft Labour Code.

International:

- Advocate with the international community to better support mainstreaming disability into existing programming as well as data collection initiatives, crisis response, early recovery and development responses, notably in food security and nutrition;
- Request that the UN conduct a "disability audit" of the UN's compliance with the spirit of article 32 and assess current programmes to determine that they do not directly or indirectly discriminate against persons with disabilities.

5. ACCESSIBILITY (ARTICLE 9)

Full accessibility is one of the main objectives, albeit an objective that will be progressively achieved.

- New infrastructure should meet the relevant accessibility standards, which is mandatory for publicly funded initiatives (required in all public tenders);
- For private initiatives, it is important that the relevant licenses that are required for the construction/refurbishing and for the opening of premises are subject to meeting the relevant accessibility standards;
- Any international assistance must only fund accessible infrastructure.

SUGGESTED ACTIONS

- Formulate a standardized curriculum on accessible infrastructure in architecture and engineering degrees for all universities in Somalia;
- Pass a decree requiring all government ministries and institutions to make their offices accessible to persons with disabilities including through the construction of ramps.

6. National Implementation Framework (Article 33)

The Convention explicitly provides for a national monitoring mechanism with three models being proposed:

Focal point: The establishment of a focal point or focal points within the Government to ensure coordination among different branches of the Government and different ministries and Federal Member state levels (and eventually district);

Coordination mechanism: The establishment or designation of a coordination mechanism within the Government to facilitate action in different sectors and at different levels e.g. the Inter-Ministerial Task Force with a sub-group on disability;

Paris Principle Institution: To promote, protect and monitor the implementation of the CRPD, e.g. the National Human Rights Commission.

SUGGESTED ACTIONS

- Carry out a study on the different modalities of national monitoring mechanisms with a view to formulate a mechanism best suited for Somalia;
- Each monitoring mechanism should include persons with disabilities;
- Continue to advocate for the operationalisation of the National Human Rights Commission;
- Establishment of the Disability Agency in accordance with the Disability Agency Law;
- Early planning for and preparation of Initial State Party Report.

7. RISK AND HUMANITARIAN EMERGENCIES (ARTICLE 11)

Article 11 of the Convention reinforces and specifies States' obligations under international humanitarian law to ensure the protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters, consistent with the approach adopted by the Convention.

Key issues are:

- Reform national emergency response plans and protocols, making them inclusive of and accessible to persons with disabilities;
- Mainstream disability in all humanitarian aid channels;
- Prioritise safety of all children with disabilities in conflict-affected areas;
- Systematic registration of internally displaced persons with disabilities with the purpose of ensuring an adequate standard of living.

SUGGESTED ACTIONS

- **Formulate a systematic identification of persons with disabilities in situations of risk and during the recovery phase with a view to ensuring the inclusion of persons with disabilities in programme assistance and resources;**
- **Carry out research to achieve a comprehensive understanding of the issues related to persons with disabilities in humanitarian emergencies in Somalia;**
- **Ensure that the protection of civilians' policy includes all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk and armed conflict;**
- **All UN agencies and implementing partners responsible for the management and provision of humanitarian assistance receive training to ensure they have an appreciation of the requirements of persons with disabilities.**

8. DATA AND STATISTICS (ARTICLE 31)

There are no international standards for data collection, but the objective of this provision is to facilitate the monitoring of progress in implementation. Statistics should both a) establish the number of persons with disabilities and their situation (disaggregation, e.g. gender, age, type of disability, rural/urban, IDP etc.) and b) provide information on the barriers faced by persons with disabilities in the different areas of life⁶

Data sets should be harmonized to the extent possible, e.g. the Mine Ban Treaty requires Member States to collect comprehensive data on mine survivors; the National Development Plan (NDP 9) anticipates data and statistics and the adoption of a National Statistics Law."

SUGGESTED ACTIONS

- **Ensure that disability is included in national statistical planning and programming, including through review of the National Statistics Bill.**

9. MEANINGFUL INVOLVEMENT OF DPOS

The principle of "nothing about us without us" guides all interventions, including the development of all relevant national strategies, initiatives and decision-making processes, including human rights strategies, development plans and poverty reduction strategies.

Engagement with Committee on the Convention should also inform the strategy (i.e. it is a living document).

D. CITATIONS

1

United Nations High Commissioner for Refugees, "Culture, context and mental health of Somali refugees: A primer for staff working in mental health and psychosocial support programmes," (2016), <https://data2.unhcr.org/en/documents/download/52624>, 30 and 50; consultation with DPOs.

2

Somali Mental Health Strategy 2014-2020, 15-16.

3

Bridgette Rohwerder, "Disability in Somalia"; see also World Health Organisation, "A Situation Analysis of Mental Health in Somalia," 18.

4

United Nations Development Programme, "Disability Inclusive Development in UNDP-Guidance and entry points" (3 December 2018), https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Human%20Rights/UNDP-_Disability_Inclusive_Development_.accessible.pdf, 10.

5

Convention on the Rights of Persons with Disabilities Training Guide, No. 19, Office for High Commissioner of Human Rights, https://www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf.

6

States should consider the reporting process, including the process of preparation of their reports, not only as a means to ensure compliance with their international obligations, but also as an opportunity to take stock of the state of human rights protection within their jurisdiction for the purpose of more efficient policy planning and implementation of the Convention. The report preparation process thus offers an occasion for each State Party to:

- (a) Conduct a comprehensive review of the measures it has taken to harmonize national law and policy with the provisions of the relevant international human rights treaties to which it is a party;
- (b) Monitor progress made in promoting the enjoyment of the rights set forth in the treaties in the context of the promotion of human rights in general;
- (c) Identify problems and shortcomings in its approach to the implementation of the treaties;
- (d) Plan and develop appropriate policies to achieve these goals.

**MINISTRY OF WOMEN AND
HUMAN RIGHTS DEVELOPMENT**

FEDERAL REPUBLIC OF SOMALIA

