

Overlooked and Unseen:

Human rights defenders living with disabilities in conflict countries

Ethiopia, Somalia, and South Sudan



DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

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Quotes

"The needs of PWDs are not thought of during times of peace, of course their situation is worse in terms of conflict."

"Persons living with disabilities have 99% of what everyone else has they only miss 1%."

"Nobody knows how people with disabilities live except the people living with disabilities."

"Everybody should be concerned with disability rights; it is an issue of humanity."

"Disability is not inability."

"It is a collective responsibility for all in line with the SDGs; no one should be left behind."

"If people without disabilities are affected by conflict, imagine those with disabilities."

"I wish everyone could understand the issues of PWDs and accept them as they are so we can all be equal."

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LIST OF ACRONYMS AND ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CHRSS	United Nations Commission on Human Rights in South Sudan
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
COVID-19	Coronavirus disease 2019
CRSV	Conflict-related sexual violence
DPO	Disabled people's organisation
EHRDC	Ethiopian Human Rights Defenders Centre
EPRDF	Ethiopian People's Revolutionary Democratic Front
FGM	Female genital mutilation
HRC	United Nations Human Rights Council
HRD	Human Rights Defender
HI	Humanity & Inclusion (formerly Handicap International)
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International humanitarian law
IOM	International Organisation for Migration
MDL	Model Disability Law
MOLSA	Ministry of Labour and Social Affairs (Ethiopia)
MoWHRD	Ministry of Women and Human Rights Development (Somalia)
MSF	Médecins Sans Frontières (Doctors Without Borders)
NGO	Non-governmental Organisation
NPA	National Plan of Action
OHCHR	Office of the UN High Commissioner for Human Rights

OVC	Italian Volunteer Organisation for International Cooperation
PWD	Person with disability(ies)
R-ARCSS	Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (Revitalised Peace Agreement)
SDG	Sustainable Development Goal
SGBV	Sexual and gender-based violence
SODEN	Somali Disability Empowerment Network
SOP	Standard operating procedure
TPLF	Tigray People's Liberation Front
UN	United Nations
UNICEF	United Nations Children's Fund
UMISS	United Nations Mission in South Sudan
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
UPR	Universal Periodic Review
USAID	United States Agency for International Development
WHO	World Health Organisation
WHRD	Woman human rights defender

GLOSSARY OF TERMS

Term	Concept
Persons with Disabilities (PWDs)	Includes those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
Attitudinal barriers	Negative attitudes that may be rooted in cultural, hatred, unequal distribution of power, discrimination, prejudice, ignorance, stigma and bias, among other reasons.
Environmental barriers	Physical obstacles and can be either in the built or natural environments. Communication barriers are also considered environmental;
Institutional barriers	Refers to laws, polices and regulations that do not put into consideration the needs of persons with disabilities.
Language	Includes spoken and signed languages and other forms of non-spoken languages.
Discrimination on the basis of disability	Any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.
Reasonable accommodation	Necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Term

Concept

Reasonable accommodation

Means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Medical model of disability

Model by which illness or disability is the result of a physical condition, is intrinsic to the individual (it is part of that individual's own body), may reduce the individual's quality of life, and causes clear disadvantages to the individual.

Charity model of disability

Sees people with disability as in need of 'help', unable to do things for themselves. While many charities offer vital support, much traditional fundraising emphasised the helplessness of people with disability and risked undermining their autonomy, independence and rights.

Communication

Includes languages, display of text, braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

Sources: World Health Organization, The World Bank, World Report on Disability, 2011, https://www.who.int/disabilities/world_report/2011/report.pdf, Accessed 14 April 2022.
United Nations Department of Economic and Social Affairs, "Article 2 – Definitions", <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html>, Accessed 14 April 2022.
Disability Advocacy Resource Unit, "Shifting models of thinking" <https://www.daru.org.au/what-is-advocacy/shifting-models-of-thinking#:~:text=The%20'charity%20model'%20of%20disability,their%20>, Accessed 14 April 2022.



ABOUT DEFENDDEFENDERS

Established in 2005, DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the sub-region, by enhancing the safety and capacity of human rights defenders in the region for greater resilience and effective fulfilment of their mandates. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders is the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders is the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). AfricanDefenders is an umbrella network of five African sub-regional networks dedicated to the promotion and protection of human rights defenders across the continent. Those are: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis, Tunisia), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists in Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) (hosted by DefendDefenders in Kampala, Uganda).

AfricanDefenders leads the continental Ubuntu Hub Cities initiative, a city-based relocation programme of HRDs at risk across Africa through its motto: "Safe but not Silent." Ensuring the physical and mental well-being of HRDs during their relocation period, while enabling them to continue their work.

The Agenda 2030 for Sustainable Development's promise to "leave no one behind" represents the unequivocal commitment of all United Nation (UN) member states to, among other goals, end discrimination and exclusion, as well as reduce inequalities and vulnerabilities that hinder individuals from attaining their highest potential. This promise requires all stakeholders to focus on discrimination and inequalities that undermine people as rights holders. Many of the barriers people face to access services, resources, and equal opportunities result from discriminatory laws, policies, and social practices.

Reflecting on persons with disabilities (PWDs), they face insurmountable challenges that are exacerbated during conflict or crises to access services, resources and opportunities because of rising inequalities and discrimination. As a result, many PWDs become HRDs as illustrated in this report because they must speak out against the non-realisation of their rights, and fight to address discriminatory practices and inequalities. Yet despite the setbacks and stigma they face in society, HRDs with disabilities demonstrate courage and resilience in their activism and are steadfast in claiming their rights and demanding recognition.

In this report, we highlight the state of, and multifaceted challenges which HRDs with disabilities face in some conflict affected areas in Ethiopia, Somalia, and South Sudan. Our research focuses on, among others, the attitudinal, cultural, physical, and financial difficulties they face. Additionally, our findings demonstrate that despite existing challenges, most PWDs rely on disabled people's organisations (DPOs) that are strong, organised and actively involved in advocacy and awareness-raising about disability rights. With this research, we intend to highlight the hardships of HRDs with disabilities, identify existing human rights and protection gaps, and make recommendations to address them.

The challenges identified must be addressed at various levels through policy development and programing, national and regional collaboration on disability and upholding of disability rights under the African regional system. Moreover, the African Union (AU) through its Agenda 2063 has an impressive blueprint on mainstreaming disability for inclusive development.¹ Recently, it launched the AU Disability Inclusion Guidelines for Youth Exchange with the aim of curbing practices restricting participation of youth with disabilities in AU programmes.

¹ African Union, "Agenda 2063", September 2015, https://au.int/sites/default/files/documents/36204-doc-agenda2063_popular_version_en.pdf, Accessed 22 April 2022.

As a society, we have a moral obligation to eliminate barriers to enable PWDs including HRDs with disabilities to realise their full potential. States in the East and Horn of Africa should adhere to the various instruments they have ratified or enacted; and commit to providing an enabling environment to guarantee that PWDs can fully enjoy and exercise their rights. It is important for us to support initiatives of national human rights institutions, governments, DPOs, and other relevant stakeholders to adopt laws, policies and practices aiming to empower PWDs. DefendDefenders is committed to protecting human rights defenders including defenders with disabilities.

**Yours sincerely,
Hassan Shire
Executive Director, DefendDefenders
Chairperson, AfricanDefenders**

International and regional human rights and humanitarian legal instruments obligate states to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, forced displacements, humanitarian emergencies, and natural disasters. Legally binding exhortations to this end are particularly relevant for persons with disabilities in Ethiopia, Somalia, and South Sudan who in recent years have faced human rights and humanitarian crises stoked by ongoing civil conflicts. The life-chances of persons with disabilities in these countries to an education, employment, and health, in consequence, are constrained by their impairments as well as the conflictual situations in their countries which continue to undermine state capacities to take necessary measures towards ensuring the rights of their citizens with disabilities.

Human rights defenders are an integral and organic part of the interventions which communities in Africa and globally deploy towards the promotion and protection of human rights. Persons with disabilities and their organisations participate in and advocate for their human rights and as such too are human rights defenders. Yet, until now, persons with disabilities have hardly received any formal recognition as human rights defenders.

I, therefore, commend DefendDefenders for initiating and issuing the current study which I have read with great keenness. DefendDefenders is a mainstream regional human rights organisation which I engaged with particularly when I was a Commissioner with the African Commission on Human and Peoples' Rights. At the African Commission, it always concerned me that virtually all mainstream human rights organisations only made quite casual allusions to the human rights of persons with disabilities. My concern was that these organisations left advocacy on the rights of persons with disabilities to organisations of or for persons with disabilities which traditionally had extremely limited capacities to advocate for the human rights of persons with disabilities at the regional and indeed domestic levels. Defend Defenders have, therefore, by this study began breaking the mould by highlighting how mainstream African human rights organisations might proceed to engage on the human rights of persons with disabilities.

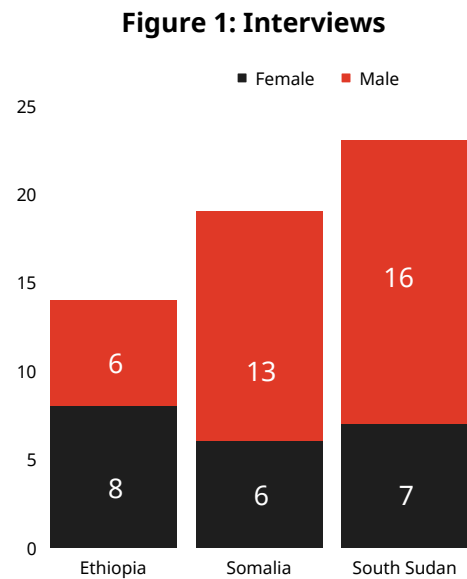
This study is ground-breaking in another way. It gives voice to a regional African audience of the daily travails that persons with disabilities must navigate on account of their disabilities. The voices of women and men with different disabilities in Ethiopia, Somalia, and South Sudan are heard loudly and clearly. The study's message is that persons with disabilities have full legal capacity as human beings and should be treated as such by their states; and that their states too must ensure the equal rights of their citizens with disabilities to an education, job, or indeed social wellbeing by ensuring accessible social and physical environments, and inclusive equal communities underpinned by reasonable accommodations and support measures.

No doubt, documentation of and support for the work of human rights defenders with disabilities should increase. Persons with disabilities should be included in humanitarian action in line with the motto of 'nothing about us without us'. While doing this, states and international humanitarian and human rights organisations should avoid tokenism and hollow soundbites. Ultimately, all persons, organisations, and governments must work to stem the civil conflicts in Ethiopia, Somalia, and South Sudan.

Lawrence M. Mute, OGW

Former Vice Chairperson of the African Commission on Human and Peoples' Rights

This report is the culmination of monitoring efforts, desk research, and field research, including interviews, conducted in-person and over the phone with 56 respondents between September and October 2021 in Addis Ababa, Ethiopia, Mogadishu, Somalia and Juba, South Sudan. Respondents include HRDs, teachers, students, and members of DPOs. The researcher conducted 14 interviews in Ethiopia, (eight respondents were female and six were male); 19 interviews in Somalia, (six respondents were female and 13 were male); and 23 interviews in South Sudan, (seven were female and 16 male).



While attempting to be as comprehensive as possible, this report has several limitations that must be clarified for its conclusions and recommendations to be understood in context. The findings seek to identify broader trends in Ethiopia, Somalia, and South Sudan but are by no means exhaustive. The choice of physical research locations was based on the presence of HRDs with disabilities in urban centers, weighed against budgetary and logistical limitations, as well as security assessments.

The research team was unable to cover all areas in the three countries due to increased insecurity and active conflicts. The internal conflict in Tigray and other regions of Ethiopia, the widespread insecurity in Somalia, and an unfolding security situation in South Sudan inhibited the research mission. The team only visited Addis Ababa, Mogadishu, and Juba . However, where possible, HRDs with disabilities from conflict areas travelled to Addis Ababa and Mogadishu for interviews.²

The findings and needs assessments presented in this report should be considered as baselines for other organisations looking to conduct more in-depth research about PWDs including HRDs with disabilities in conflict areas, especially in other regions not covered in this report.

Claims not otherwise sourced are credited to the interviews conducted by DefendDefenders, making every effort to verify information with multiple independent sources.

² HRDs from Ethiopia came from the following regions: Addis Ababa, Kobo, East Kombolcha, Harar, Bahir Dar, Gambela, Benishangul Gumuz, Dessie Wollo, and Galan. HRDs from Somalia came from the following regions: Banadir, Hirshabelle, Puntland, Jubaland, Galmudug, and the South West State. HRDs from South Sudan resided in Juba.

The names and personally identifiable data of all sources have been omitted to ensure their safety and protection from reprisals in the form of legal and extrajudicial harassment, intimidation, threats, or attacks. All interviewees were informed about the objectives of the research and format of this report and expressed informed consent to DefendDefenders, regarding the use of the information they provided. HRDs interviewed for this report received a transportation fee to reach interview locations, but they did not receive any form of financial compensation for their testimonies.

We would like to express our heartfelt gratitude to all the individuals who shared their testimonies, insights, and analyses.

EXECUTIVE SUMMARY

The states of Ethiopia, Somalia, and South Sudan fall behind their obligations to protect the rights of PWDs. This creates significant challenges, including gaps in the legal framework and a lack of effective remedies for PWDs whose rights are violated. A lack of comprehensive statistics on the prevalence and situation of PWDs creates additional policy and social challenges. In the face of social stigma and inadequate laws and policies, PWDs struggle for visibility and recognition.

Ethiopia, Somalia, and South Sudan are currently experiencing internal conflicts which have heightened an already challenging situation for PWDs. The latter face adverse socioeconomic conditions, including prevalent poverty rates, low levels of literacy, fewer employment opportunities, and poor access to health services. In addition, they face attitudinal, institutional, and environmental barriers, experiencing stigma, prejudice, and discrimination. Inaccessible infrastructure creates barriers to participation and inclusion, and poor road networks increase the risk of injuries, especially for the visually impaired. Public buildings, health facilities, government offices, roads, vehicles, shops, and public transportation are often inaccessible. Institutional barriers deny PWDs the opportunity to fully participate in public and political life, education, health, recreation, and business. They are underrepresented in political processes and decision-making. Where policies are developed, governments lack the political will to implement them.

PWDs qualify as HRDs when they seek to protect and defend human rights. In such circumstances, they experience unique challenges and encounter stereotypes and resistance. Although all HRDs face risks and threats related to their work, HRDs with disabilities often face multiple and intersecting risks. They must overcome challenges that arise from having a disability as well as deal with risks associated with their human rights work.

PWDs are disproportionately affected by risks in situations of conflict and humanitarian emergencies. They face greater risks of either being caught in fighting or left behind when communities flee attacks. Further, many also have to rely on relatives, to carry or guide them to escape attacks.

Specific categories of HRDs with disabilities face additional challenges. For instance, women HRDs (WHRDs) across the three countries are subjected to multiple and intersecting forms of discrimination, dealing with challenges born out of their disabilities, challenges related to their human rights works, and challenges resulting from their identity. They are disproportionately impacted by armed conflict and face vulnerabilities linked to pervasive patriarchal norms, cultural values, and traditional gender roles. They are at an increased risk of sexual and gender-based violence (SGBV).

However, the understanding of disability is improving, partly because of the work of HRDs that includes increased sensitisation and awareness raising in communities on disability rights issues.

Based on 56 interviews conducted in Ethiopia, Somalia, and South Sudan, this report offers an overview of the significant challenges affecting HRDs with disabilities living in conflict. It offers recommendations to each country's government, and relevant stakeholders. States must therefore implement domestic laws and policies on PWDs; adopt national laws recognising and protecting HRDs including defenders with disabilities; ensure reasonable accommodation, and improved accessibility to social services; facilitate and allow increased political participation of PWDs in governance of the respective countries including more representation in parliament, and, where they have not done so, ratify and domesticate the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

Discrimination based on disability is structural, complex and multidimensional. The CRPD, which was adopted in 2006, has overseen a revolution under which understanding and approaches to disability have shifted from the “medical” or “charity” model of disability to the “social” model of disability.³ The social model of disability emphasises that disability is fundamentally caused by how society is organised, rather than a person’s actual impairment.⁴

According to the World Health Organisation (WHO),⁵ 15 % of the world’s population live with a disability. This amounts to at least one billion people. Around 80% of PWDs live in developing countries, with a higher prevalence among women than men. Some countries, conflict-affected and post-conflict countries, register higher rates of PWDs. In East Africa, approximately 9.6 million people are internally displaced and another 4.7 million are living as refugees abroad. The ongoing conflicts and violence in Ethiopia, Somalia, and South Sudan increase the prevalence of displacement.⁶

This report focuses on the situation of defenders with disabilities living in conflict situations, in Ethiopia, Somalia, and South Sudan. HRDs with disabilities include all PWDs working on human rights issues, including disability rights and other rights, as well as HRDs who acquire disabilities as they do their activism (e.g., through torture or attacks). However, in this report, we refer to the former.

As the UN Special Rapporteur on the situation of HRDs put it, “what is most important in characterising a person as a human rights defender is not the person’s title or the name of the organisation he or she works for, but rather the human rights character of the work undertaken.”⁷ HRDs consulted for this research defend the rights of PWDs, irrespective of having a disability. 54 out of 56 of the HRDs consulted have a disability.

It is important to note that while not all PWDs are HRDs, the defenders with disabilities consulted in this research experience the same challenges as most PWDs. Additionally, through the interviews we explored more specifically how disabilities shape the risks and challenges that defenders face.

³ Goering, Sara. “Rethinking disability: the social model of disability and chronic disease.” *Current reviews in musculoskeletal medicine* vol. 8,2 (2015): 134-8. doi:10.1007/s12178-015-9273-z, Accessed 14 April 2021.

⁴ World Health Organization, The World Bank, *World Report on Disability*, 2011, https://www.who.int/disabilities/world_report/2011/report.pdf, Accessed 14 April 2021.

⁵ Ibid

⁶ Global Humanitarian Overview, “Southern and East Africa”, 2021, <https://gho.unocha.org/appeals/southern-and-east-africa>, Accessed 10 November 2021

⁷ Special Rapporteur on the Situation of HRDs, “Who is a defender?,” <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspxmm> Accessed 14 November 2021.

While attitudes toward disability vary, throughout the course of this research, several trends became apparent in the focus countries. First, PWDs struggle to flee conflict, and those left behind experience challenges in accessing necessities. Second, HRDs with disabilities face stigma from society, especially in rural areas. Third women and girls with disabilities are disproportionately impacted by conflict and are at a higher risk of SGBV, including the risk of child, early and forced marriage. Fourth, PWDs are largely underrepresented in political and decision-making processes. Last, the more vocal an HRD is, the more likely they are to face risks and threats.

The findings illustrate the gaps in research and literature on PWDs in armed conflict and even less information on HRDs with disabilities in armed conflict. Despite PWDs being a large group, they are often characterised as a monolithic, agency-free “vulnerable group” and given little attention. It is vital to collect data and information to support and better understand the experiences of HRDs with disabilities. This will improve advocacy efforts, capacity building, resource mobilisation, and targeted funding to facilitate accessibility, inclusion, and protection for HRDs with disabilities.

The sections in this report analyse international, regional, and domestic legal frameworks; the situation and requirements of HRDs with disability in Ethiopia, Somalia, and South Sudan; and make concrete recommendations to protect and promote the rights of defenders with disabilities.

International legal framework

The CRPD protects the rights and dignity of PWDs.⁸ It considers their experiences, and specifically the challenges and barriers they face in the enjoyment of human rights and fundamental freedoms. The CRPD seeks to identify areas where existing human rights frameworks must adapt to the experiences of PWDs. The Optional Protocol to the CRPD (OP-CRPD) creates an individual complaint mechanism.⁹ South Sudan is yet to ratify the CRPD. While Ethiopia and Somalia ratified it, PWDs remain sidelined and forgotten in humanitarian response.¹⁰ None of the three states have ratified the OP-CRPD.

⁸ UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 13 December 2006, A/RES/61/106, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>, Accessed 14 April 2021.

⁹ UN General Assembly, Optional Protocol to the Convention on the Rights of Persons with Disabilities, 13 December 2006, A/RES/61/106, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/optional-protocol-to-the-convention-on-the-rights-of-persons-with-disabilities.html>, Accessed 14 April 2021.

¹⁰ Human Rights Watch, “Persons with Disabilities in the Context of Armed Conflict”, <https://www.hrw.org/news/2021/06/08/persons-disabilities-context-armed-conflict>, Accessed 8 August 2021.

Article 11 of the CRPD, focuses on situations of risks and humanitarian emergencies. It reinforces states' obligation under international humanitarian law (IHL) "to ensure the protection and safety of PWDs in situations of risk, including armed conflict, humanitarian emergencies, and natural disasters, consistent with the approach adopted by the CRPD." It approaches disability from a human rights-based approach, instead of the traditional "medical" model of disability, which focuses exclusively on the impairment of the person.¹¹

Despite this provision, policy responses to fulfil states' obligations often fail to be fully inclusive. According to the Committee on the Rights of Persons with Disabilities (CRPD Committee), refugees and internally displaced persons with disabilities are disproportionately impacted during emergencies and conflicts, often resulting in an increase in the number of people who will acquire disabilities.¹² PWDs face multiple barriers in accessing protection, humanitarian assistance, relief, and recovery support. Additionally, they are more vulnerable to targeted violence, exploitation, and abuse. They are exposed to increased risks of human rights violations, including violence, rape, abuse, exploitation, and forced eviction during conflicts.¹³

Article 6 of the CRPD recognises that women with disabilities are subject to multiple discrimination.¹⁴ In order to respect, protect, and fulfil the human rights of women with disabilities, states parties are required to take active measures to ensure gender equality and equality between disabled and non-disabled people.

In 2019, the Security Council adopted resolution 2475 (2019).¹⁵ which calls upon member states and all parties to armed conflicts to protect PWDs in conflict situations and ensure they have access to justice, basic services, and unimpeded humanitarian assistance. Despite this, PWDs have difficulty accessing safety in conflict situations due to the barriers they face, and even those that make it to safety find it challenging to access health facilities, sanitation, and food.

¹¹ OHCHR, "Report on the rights of persons with disabilities under article 11 of the CRPD relating to situations of risk and humanitarian emergencies", 30 November 2015, <https://www.ohchr.org/en/issues/disability/pages/article11.aspx>, Accessed 11 July 2021.

¹² OHCHR, "Statement of the Committee on the Rights of Persons with Disabilities on disability inclusion for the World Humanitarian Summit", 4 September 2015, <https://www.ohchr.org/Documents/HRBodies/CRPD/14thsession/Statement14thSession.doc>, Accessed 8 August 2021.

¹³ Amnesty International, "Somalia: People with disabilities exploited, raped and abused", 12 March 2015, <https://www.amnesty.org/en/latest/news/2015/03/somalia-people-with-disabilities-exploited-raped-and-abused/>, Accessed 12 April 2021.

¹⁴ UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 13 December 2006, A/RES/61/106, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>, Accessed 22 July 2021.

¹⁵ UN Security Council, Resolution 2475, 2019, [https://undocs.org/s/res/2475\(2019\)](https://undocs.org/s/res/2475(2019)), Accessed 14 April 2021.

Regional legal framework

The AU adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Africa Disability Protocol) in 2018.¹⁶ On 19 October 2019, the Pan African Parliament developed and adopted the Model Disability Law (MDL) to facilitate domestication of the Africa Disability Protocol in AU member states.¹⁷

The Protocol builds on the rights enshrined in the CRPD. It addresses the specific challenges PWDs face in Africa, including traditional beliefs, harmful practices, and customs, as well as the roles of caregivers and the community. Once 15 AU member states have signed and ratified the Protocol, it will come into effect. Currently, only 11 members of the AU have signed it, and three members have ratified it. Ethiopia, South Sudan, and Somalia have neither signed nor ratified it.¹⁸ In the East and Horn of Africa sub-region, Rwanda and Kenya are the only countries that have ratified the Protocol.¹⁹

Additionally, at the regional level, the African Charter on Human and Peoples' Rights (African Charter), the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the African Youth Charter, either explicitly or implicitly, include persons with disabilities within their ambit. All the rights enshrined in these treaties apply to people with disabilities in the same manner that they apply to everyone else. The African Charter guarantees rights to every individual, every human being, every citizen, and all peoples.²⁰ The right to the "best attainable state of physical and mental health" under Article 16 of the African Charter is particularly relevant for PWDs.

Similarly, the rights under the African Children's Charter, African Women's Protocol and African Youth Charter are respectively available to all children, women, and youth, including children with disabilities, women with disabilities, and youth with disabilities.²¹

¹⁶ African Union, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa", 29 January 2018, https://au.int/sites/default/files/treaties/36440-treaty-protocol_to_the_achpr_on_the_rights_of_persons_with_disabilities_in_africa_e.pdf, Accessed 1 November 2021.

¹⁷ ACHPR, "Statement Of The Working Group On The Rights Of Older Persons And People With Disabilities In Africa Of The African Commission On Human And Peoples' Rights, At The Occasion Of The International Day Of Persons With Disabilities ", 3 December 2020, <https://www.achpr.org/pressrelease/detail?id=552>, Accessed 1 November 2021.

¹⁸ African Union, "List of countries which have signed, ratified/acceded to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa", 18 June 2020, <https://au.int/sites/default/files/treaties/36440-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLES%E2%80%99%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20PERSONS%20WITH%20DISABILITIES%20IN%20AFRICA.pdf>, Accessed 1 November 2021.

¹⁹ Centre for Human Rights University of Pretoria, "Press Statement: Centre for Human Rights Calls on African states to speed up ratification of the African Disability Protocol", 8 March 2022, <https://www.chr.up.ac.za/latest-news/2966-press-statement-centre-for-human-rights-calls-on-african-states-to-speed-up-ratification-of-the-african-disability-protocol>, Accessed 21 April 2022.

²⁰ African Commission on Human and Peoples' Rights, "African Charter on Human and Peoples' Rights", 27 June 1981, file:///Users/user/Downloads/banjul_charter.pdf, Accessed 20 March 2022.

²¹ The Secretariat of the African Decade of Persons with Disabilities, "Architecture for an African Disability Rights Mechanism, "A concept paper for the African Commission on Human and People's Right", Accessed 20 March 2022.

Navigating the Covid-19 pandemic

The Coronavirus (Covid-19) pandemic particularly affected groups who were already facing stigma and exclusion in accessing employment, social protection, and health services including PWDs.²² It has had an adverse social and economic impact on PWDs, as response measures created additional barriers in their daily lives. The stay-at-home requirements and other restrictions introduced additional risks to the health and the lives of disabled persons. Many PWDs are dependent on others for their daily movements and subsistence which is disrupted by physical distancing measures. Several HRDs with visual impairments in South Sudan noted that bystanders are afraid to help them navigate the roads because of fear of contracting Covid-19.²³

PWDs were severely affected by lockdowns. From an economic perspective, PWDs are more likely to work in the informal sector. Therefore, they have less easy access to financial security and social safety nets. One WHRD in Ethiopia noted that most of their union members are unemployed and beg around the city, particularly around churches.²⁴ Due to Covid-19 restrictions, their members faced economic hardships. With markets being closed, women with disabilities who sold lottery tickets, soaps, and candles outside churches were no longer able to earn a living.

PWDs who are formally employed were unable to work from home due to lack of equipment and support generally available in the workplace, and as a result faced increased risks of losing their income and employment. For example, some interviewees who worked as teachers or assistant lecturers noted that the lack of accommodative equipment, including computers with braille displays and internet, prevented them from teaching.²⁵ Additionally, the research found that PWDs were among the first people to be laid off if a company downscaled due to Covid-19. According to the global disability inclusion survey 38 percent of PWDs were laid off, furloughed, or had to shut down their business due to the pandemic.²⁶

²² International Labour Organization, "The impact of COVID-19 pandemic on jobs and incomes in G20 economies, 2020, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_756331.pdf, Accessed 15 April 2022.

²³ DefendDefenders interview, South Sudan, September 2021.

²⁴ DefendDefenders interview, Ethiopia, September 2021.

²⁵ DefendDefenders interview, Ethiopia, Somalia, and South Sudan, October 2021.

²⁶ Global Disability Inclusion, "The impact of Covid 19 on people with disabilities", 2020, <https://www.globaldisabilityinclusion.com/covid19-whitepaper>, Accessed 15 April 2022.

Furthermore, governments were not accommodative in their dissemination of Covid-19 information. Several HRDs indicated that the Covid-19 awareness-raising strategy was inconsiderate of them. Communication was not inclusive. For those with hearing impairments, sign language was hardly used to communicate standard operating procedures (SOPs), while those with visual impairments had limited to no access to braille versions of the SOPs. PWDs therefore had to take matters into their own hands to limit the spread of Covid-19. Members of DPOs in Somalia used their organisations to provide accessible information for PWDs through their WhatsApp groups.²⁷ In South Sudan, defenders with disabilities used radio stations to provide information to PWDs.²⁸

Covid-19 caused the temporary closure of education institutions. This affected all students, including students with disabilities. Some institutions adopted remote learning, which left students with disabilities out. HRDs in South Sudan reported that students with disabilities face additional barriers and are unable to participate in online school programmes due to lack of equipment, unstable internet connection, lack of accessible materials, and lack of assistance.²⁹

DPOs were also hit hard by the pandemic. Several interviewees declared that their organisations, unions, and associations did not have an emergency response budget. As a result, the organisations faced financial hardship. Some halted their activities and support.³⁰ Other interviewees noted that Covid-19 diverted global attention, including by organisations funding DPOs, to the pandemic response.

Additionally, Covid-19 led to an increase of SGBV,³¹ exacerbated by among others, restrictions on movement following stay-at-home requirements. Many women were confined to their homes with violent spouses or partners and blocked off from support services. Women and girls with disabilities face higher rates of SGBV compared to both women without disabilities and men with disabilities. The disability adds another layer of vulnerability to women and girls inhibiting their ability to defend themselves against perpetrators of SGBV. Although no statistics on gender-based violence during the Covid-19 pandemic are available in the focus countries, interviewees reported that women and girls with disabilities are particularly vulnerable.³²

The following three sections examine the situation for HRDs with disabilities in Ethiopia, Somalia, and South Sudan, respectively.

²⁷ DefendDefenders interview, Somalia, October 2021.

²⁸ DefendDefenders interview, South Sudan, September 2021.

²⁹ DefendDefenders interview, South Sudan, September 2021.

³⁰ DefendDefenders interview, Ethiopia, Somalia, South Sudan, September 2021.

³¹ UNDP, "Gender-based violence and COVID-19", 11 May 2020, <https://www.undp.org/publications/gender-based-violence-and-covid-19>, Accessed 15 October 2021.

³² DefendDefenders interview, South Sudan, September 2021.

General context

Ethiopia has experienced conflict in recent years, fed by a surge in ethnic nationalism and socio-political grievances. The 2005 parliamentary elections followed a wave of violence, which resulted in a 13-year crackdown on civil society to silence dissenting voices and consolidate the power of the ruling coalition, the Ethiopian People's Revolutionary Democratic Front (EPRDF).³³ In 2016, nationwide protests erupted when demonstrators called for an end to ethnic and political marginalisation. The government responded by giving the military broad powers that resulted in hundreds of deaths and the arrest, arbitrary incarceration, and torture of thousands of protestors.³⁴ Ethiopia's leadership found itself at a crossroads in 2018, unable to balance its deteriorating economy with heightened international attention on its political and human rights situation. Then-Prime Minister Hailemariam Desalegn unexpectedly resigned in February 2018.³⁵ Dr Abiy Ahmed was appointed Prime Minister. He implemented a series of reforms which resulted in opening the political and civic space.

The armed conflict between the federal government of Prime Minister Abiy Ahmed and the leading party in the Tigray region, the Tigray People's Liberation Front (TPLF) has been ongoing since early November 2020. On 4 November 2020, Ethiopia declared a six-month state of emergency.³⁶ as thousands of people were killed and tens of thousands fled into neighbouring Sudan.³⁷ The state of emergency was eventually lifted in February 2022.

Civil society organisations have documented widespread violations of international law, violence against civilians, and indiscriminate attacks across Tigray, while analysis by the Office of the High Commissioner for Human Rights (OHCHR) indicates that all warring parties have committed violations that may amount to war crimes and crimes against humanity. These include indiscriminate and direct attacks against civilians and civilian infrastructure, mass extrajudicial executions, rape, and other forms of sexual violence, forced displacement, and arbitrary detentions.³⁸ Millions of people in the Tigray region and beyond, particularly those with disabilities, are suffering amidst the crisis. Humanity & Inclusion (HI) has reported that women, children, and the vulnerable are faced with persistent danger.³⁹

³³ DefendDefenders, "Turning the page: rebuilding civil society in Ethiopia", 07 May 2019, https://defenddefenders.org/wp-content/uploads/2019/05/Ethiopia_FINAL-REPORT.pdf, Accessed 02 February 2022.

³⁴ Ibid

³⁵ Ibid

³⁶ Al Jazeera, "Ethiopia declares state of emergency in opposition-ruled Tigray", 4 November 2020, <https://www.aljazeera.com/news/2020/11/4/ethiopia-declares-state-of-emergency-in-opposition-tigray-region>, Accessed 16 November 2021.

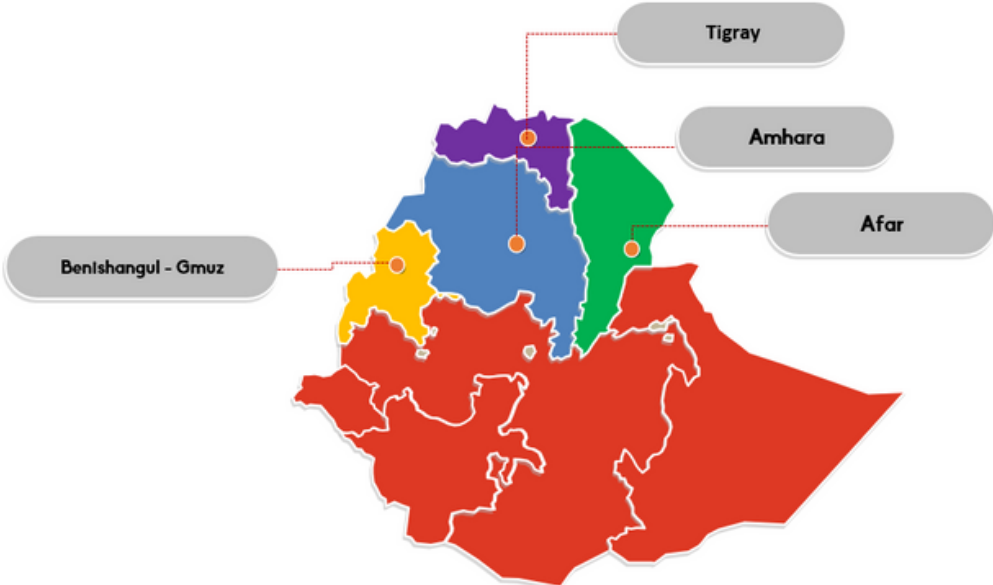
³⁷ The new Humanitarian, "Ethiopia's Tigray conflict sees hundreds dead, thousands flee to Sudan", 10 November 2020, https://www.thenewhumanitarian.org/analysis/2020/11/10/ethiopia-tigray-mekelle-conflict-army-TPLF?utm_campaign=social&utm_medium=social&utm_source=Twitter, Accessed 16 November 2021.

³⁸ DefendDefenders, "Joint NGO Call for a UN Human Rights Council resolution on the ongoing human rights crisis in Tigray, Ethiopia," 10 June 2021, <https://defenddefenders.org/wp-content/uploads/2021/06/FINAL-HRC47-Joint-NGO-Letter-on-Tigray-Ethiopia.pdf> Accessed 02 February 2022.

³⁹ Humanity & Inclusion [new name of Handicap International], "In Tigray region, multi-tier crisis threatens over 5 million people", 22 June 2021, https://www.hi-us.org/news_hi_ethiopia_tigray_region_crisis_threatens_over_5_million_people, Accessed 16 November 2021.

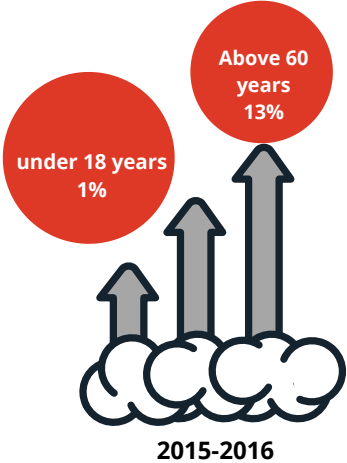
The political upheaval has affected PWDs through increased bodily harm and deaths. To save people's lives, the United Nations Children's Fund (UNICEF) has collaborated with other UN agencies to offer rapid response strategies to support civilians including those with disabilities.⁴⁰

Figure 2: Map of Ethiopia



A survey conducted in 2015-2016 estimated that 7.8 million people in Ethiopia live with some sort of disability.⁴¹ This amounts to 9.3% of the country's population.⁴² According to the survey, there are 47,000 PWDs in Addis Ababa and 324,000 in other urban areas. The prevalence of disability increases with age. The survey shows that the prevalence of disability among children under 18 is 1%; and 13% among people aged 60 and above.⁴³

Figure 2: Statistics showing the percentage increase in prevalence of disability(2015-2016)



⁴⁰ Human Rights Watch, "I Always Remember That Day'- Access to Services for Survivors of Gender-Based Violence in Ethiopia's Tigray Region", 9 November 2021, <https://www.hrw.org/report/2021/11/09/i-always-remember-day/access-services-survivors-gender-based-violence-ethiopia>, Accessed 16 November 2021.
⁴¹ UNICEF, "Situation and access to services of persons with disabilities in Addis Ababa", 2019, <https://www.unicef.org/ethiopia/media/3016/file/3.Situation%20and%20access%20to%20services%20of%20persons%20with%20disabilities%20in%20Addis%20Ababa%20Briefing%20Note.pdf>, Accessed 18 November 2021.
⁴² Ibid
⁴³ UNICEF, "Situation and access to services of persons with disabilities in Addis Ababa", 2019,

These figures are likely underestimated for several reasons, including a narrow definition of disability, and the unwillingness of family members and parents to disclose that they live with someone with a disability due to the stigma attached to disability.

Legal and policy framework

National and regional framework

Despite Ethiopia lacking a specific law for PWDs, the government has committed to advance disability rights through legislation and policies. Article 41(5) of the Constitution of the Federal Democratic Republic of Ethiopia sets out the government's responsibility to "allocate resources to provide rehabilitation and assistance to the physically and mentally disabled."⁴⁴ In accordance with Article 9(4) and Article 13(2) of the Constitution, all ratified international agreements become an integral part of the law.⁴⁵ Therefore, the state is required to protect the rights of PWDs as outlined in the CRPD, which Ethiopia has ratified.⁴⁶

Disability was first identified as a cross-cutting issue in the Growth and Transformation Plan for 2010-2015.⁴⁷ The plan emphasised disability education and training, rehabilitation, and equal access to services and opportunities. The National Plan of Action (NPA) for the Inclusion of Persons with Disabilities, adopted in 2012, provides an ambitious policy framework that aims to mainstream disability issues in all fields of society by 2021.⁴⁸ The NPA provides for comprehensive rehabilitation services, equitable opportunities in education, training, and work for people with disabilities, as well as full engagement in the lives of their families, communities, and country.⁴⁹

⁴⁴ Constitute project, "Ethiopia's Constitution of 1994", https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en, Accessed 15 October 2021.

⁴⁵ Ibid

⁴⁶ See https://tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=ETH&Lang=EN

⁴⁷ Ministry of Finance and Economic Development, "Growth and Transformation Plan 2010-2015", November 2010, <https://www.greengrowthknowledge.org/sites/default/files/downloads/policy-database/ETHIOPIA%29%20Growth%20and%20Transformation%20Plan%20I%2C%20Vol%20I.%20%282010%2C11-2014%2C15%29.pdf>, Accessed 15 October 2021.

⁴⁸ Ministry of Labour and Social Affairs, "National Plan of Action of Persons with Disabilities (2012-2021)", April 2021, https://www.ilo.org/dyn/natlex/natlex4.detail%3Fp_lang%3Den%26p_isn%3D94528%26p_country%3DETH%26p_count%3D141, Accessed 15 October 2021.

⁴⁹ Planipolis, "Portal of Education Plans and Policies", 2009, <https://planipolis.iiep.unesco.org/en/2009/proclamation-no-6502009-higher-education-proclamation-5519>, Accessed 18 November 2021.

Policies are in place to protect the employment rights of PWDs. The Federal Civil Servant Proclamation No. 515/2007 gives competent applicants with impairments extra consideration when it comes to recruitment, advancement, and deployment, among other things. In the private sector, employer discrimination based on nationality, sex, religion, political perspective, or any other condition is prohibited under the Labour Proclamation No. 377/2003, as revised by the Labour Proclamation No. 494/2006. The Proclamation on the Right to Employment for Persons with Disabilities (568/2008) prohibits any law, practice, custom, attitude, or other discrimination that impairs the equal opportunities of employment of a disabled person.⁵⁰ It also seeks to preserve and promote disabled people's rights to suitable training, employment opportunities, and wages, as well as to avoid workplace discrimination.

In 2009, Ethiopia introduced a Building Proclamation that mandates public buildings to be physically accessible to PWDs.⁵¹ The Framework Document 2009 includes provisions for special needs education in technical and vocational education and training. Ethiopia approved Directive 41/2015, which allows people with impairments to import tax-free personal automobiles.

Additionally, the Developmental Social Welfare Policy (1997)⁵² calls for the inclusion, participation, and independence of disabled people, including children with disabilities. It aims to create accessible physical locations, foster positive attitudes toward PWDs, and aid non-governmental organisations (NGOs) working on disability issues.

However, there is a disconnect between the legal framework and the practice. The Ministry of Labour and Social Affairs (MOLSA) has been criticised for being a "paper tiger,"⁵³ which only creates laws that remain unimplemented.

⁵⁰ Tadele, Feleke. "Towards a more inclusive economic growth and social development in Ethiopia: the state of vulnerable social groups and social protection." In Challenges and Opportunities for Inclusive Development in Ethiopia: Proceedings of Conferences held in 2017, p. 69. Forum for Social Studies, 2019, <https://bit.ly/3kqAPqs>, Accessed 10 Nov 2021.

⁵¹ ETHIOPIAN BUILDING PROCLAMATION NO. 624/2009, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=85146&p_country=ETH&p_classification=14, Accessed 16 November 2021.

⁵² African Child Forum, "Developmental Social Welfare Policy (1997), http://www.africanchildforum.org/clr/policy%20per%20country/ethiopia/ethiopia_welfare_1996_en.pdf Accessed 18 November 2021.

⁵³ DefendDefenders interview, Ethiopia, September 2021.

“There are many things written on paper but when it comes to practice it is different. The government can pass different laws concerning PWDs, stating that PWDs can learn and work. There are some initiations, but nothing is really being done.”

- Ethiopian HRD

“When it comes to hiring, there is a lot of lip service, what you hear is not what is on the ground. I was jobless for two years after graduating from Hawasa University, and I had to beg for the job I currently have.”

- Ethiopian WHRD.

“In practice, the legal mechanisms are not implemented well at all. When persons with disabilities are given priority, it is seen as charity rather than enforcement of the law.”

- Ethiopian HRD.

HRDs interviewed for the report noted that some hotels were inaccessible to PWDs. The doors were not wide enough to fit wheelchair users despite the law requiring them to be accessible. Some HRDs noted that although ramps are legally required to be built, they are often too steep for wheelchair users. Furthermore, they indicated that public spaces were not fully accessible. For instance, the washrooms were often inaccessible to PWDs.

“A lot needs to be done for PWDs in terms of accessibility. The Building Proclamation that requires all buildings to have ramps should be followed.”

- Ethiopian HRD.

International legal framework

Ethiopia ratified the CRPD in 2010, but it has not signed the Optional Protocol to the Convention, which allows the CRPD Committee to receive and consider communications of victims of human rights violations by the concerned state party.⁵⁴

⁵⁴ UN General Assembly, Optional Protocol to the Convention on the Rights of Persons with Disabilities, 13 December 2006, A/RES/61/106, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/optional-protocol-to-the-convention-on-the-rights-of-persons-with-disabilities.html>, Accessed 14 April 2021

The Ethiopian government has adopted a series of policies to give effect to the CRPD in its domestic legal order. These include the NPA for Persons with Disabilities, which has encouraged the creation of an inclusive environment in education, employment, and public governance. However, implementation remains challenging due to lack of political will and corruption within institutions, which further exacerbate the hurdles faced by PWDs.

Armed Conflict

PWDs in Ethiopia, including HRDs with disabilities living in conflict areas, face overwhelming challenges. They face greater risks of being caught in fighting and have been left behind when communities fled attacks. Many have to rely on relatives to carry or guide them to escape attacks. PWDs often lack access to food, water, and sanitation. An HRD reported that some PWDs in Tigray were left for three days without food and water in December 2020. Those PWDs that manage to flee face hardships and challenges.

*“If conflict breaks out while PWDs are outside their homes, they will get injured because they cannot flee and run like able bodied people.”-
Ethiopian HRD*

PWDs have limited access to humanitarian assistance. The support provided by both humanitarian organisations and the government is often inaccessible for PWDs. An overall lack of data and statistics on PWDs results in PWDs missing out on aid. Most interviewees cited that the lack of statistics prevents humanitarian organisations from mainstreaming disabilities in their programmes. It can be challenging for humanitarian organisations to provide inclusive aid if they do not have access to exact figures of PWDs who require specific aid. An HRD noted that in Wollo, PWDs did not receive any aid. Additionally, a few HRDs with disabilities noted that the government provides food aid, but it often does not reach PWDs due to the difficulties in accessing the aid. Some of the services are provided in remote areas that are difficult for PWDs to access.

*“The government sometimes provides food aid for example wheat and oil, but it does not reach people with disabilities, what is left of the aid is sometimes sold on the market.”
-Ethiopian HRD.*

The Tigray conflict has created additional challenges for aid providers and humanitarian organisations. Humanitarian workers continue to face insecurity. In March 2021, Médecins Sans Frontières (Doctors Without Borders, MSF) reported vandalism and looting of approximately 70% of the medical equipment in Tigray.⁵⁵

According to the UN Secretary General, up to seven million people in Tigray, Amhara and Afar require food assistance and other emergency support.⁵⁶

Humanitarian aid is still not reaching those areas in the quantities required. The only way into Tigray by road is along the Afar corridor, where official and unofficial checkpoints, insecurity, and other impediments severely restrict traffic.

“When aid is provided, they do not keep PWDs in mind. Eritrean soldiers prevented aid workers from providing aid.”
- Ethiopian HRD.

The conflict has had a psychological effect on HRDs with disabilities and people with disabilities in general. These challenges are compounded by a lack of psychosocial support, as well as by stigma surrounding mental health in Ethiopia.

“Conflict by itself is already a challenging situation, and when you add physical impairment to that it becomes more difficult. Most people fleeing the conflict walked up to 50 kilometres. How can someone with a physical disability walk for 50 kilometres?”
- Ethiopian HRD

Some organisations, including the Red Cross and the United States Agency for International Development (USAID), provide services to PWDs in Ethiopia. Several interviewees mentioned that these organisations consider PWDs when they provide aid. However, they mentioned that during times of conflict, most humanitarian organisations provide aid to the public but do not give due consideration to PWDs. For example, when accessing aid, both able-bodied and PWDs stand in the same queues that are often very long. HRDs interviewed noted that when aid is provided everyone must fight for what is available.

“PWDs are left behind and they are alone, and can’t easily access food, sanitation, water, clothes or assistance. Food provided by USAID is taken by belligerents.”
- Ethiopian HRD

⁵⁵ Médecins Sans Frontières, “People left with few healthcare options in Tigray as facilities looted, destroyed”, 15 March 2021, <https://www.msf.org/health-facilities-targeted-tigray-region-ethiopia>, Accessed 16 November 2021.

⁵⁶ United Nations, “Secretary-General Denounces Ethiopia’s Expulsion of Senior United Nations Officials as Security Council Delegates Differ on Potential Response”, 06 October 2021, <https://www.un.org/press/en/2021/sc14657.doc.htm>, Accessed 02 February 2022.

Challenges

The research found that PWDs in Ethiopia face adverse socioeconomic outcomes, including low levels of literacy, high poverty rates, fewer employment opportunities, and poor access to health services. HRDs interviewed pointed out that inadequate social protection, healthcare benefits and familial support, coupled with disability-related expenses, add layers to the vulnerabilities of PWDs, who are among the poorest in their communities.

Attitudinal barriers

PWDs experience stigma, prejudice, and discrimination. These are especially prevalent in the rural areas. Rural as well as some urban communities view disability as a personal tragedy, and some communities explain disability based on superstitions or religion. Disability can be seen as a punishment for wrongdoing, or even as a curse. Interviewees noted that in rural areas, families hid their children with disabilities and isolated them from society, as they are seen as a source of shame. The impact of the stigma is that HRDs are reluctant to self-identify as having a disability, particularly if they have invisible disabilities. This leads in turn to under-reporting and under-estimation of disability prevalence in the country.

“Most people think disability is a curse. They would not want their children to come out in the open or go to school because the kids will be mocked or get picked on.”

- Ethiopian HRD.

Furthermore, HRDs interviewed reported that disabled people are categorised as belonging to a lower status than non-disabled people. As a result, they are often excluded from social events and isolated from the community. PWDs are sometimes insulted and discriminated against. Respondents noted that people are reluctant to marry PWDs. In addition, disabled people are thought to be beggars, and the community has low expectations of them.

“A lot of improvements need to be made when it comes to PWDs. Especially when it comes to people’s attitudes; people usually associate disabilities with incapability, and that needs to be changed.”

- Ethiopian HRD.

Most people in Ethiopia approach disability from a medical or charity perspective. There is limited understanding of the social approach to disability. Disability is often construed as a physical issue that necessitates medical attention.⁵⁷ Conversely, as mentioned above, the social model approach to disability distinguishes between impairment and disability, defining the latter as a disadvantage caused by a mismatch between a person's body and their social environment. Many PWDs face the greatest disadvantage not because of their disability, but because of their undesirable reception in the world, as manifested by physical structures, institutional standards, and societal attitudes that exclude and or demean them.⁵⁸ A paradigm shift has not yet happened in Ethiopia. As a result, many people, including some humanitarian, health, and education workers, use derogatory terms to refer to PWDs.

“I went to school with abled people, and I noticed the lack of awareness among teachers.”- Ethiopian WHRD.

Table 1: Terminology for disabilities in Amharic

Correct term	Meaning	Derogatory term (Amharic)	Meaning
ዓይነሰውር (Ayneswer)	Blind	እውር (Ewer)	Ewer is the derogatory term for blind
መስማት የተሳነው (Mesmat yetasnew)	Deaf	ደንቆር/ዱዳ (Denkoro/duda)	Denkoro is also used to mean “ignorant”
አካል ጉዳተኛ (Akal gudategna)	Person with disability	አካለ ስንኩል (Akale sinkul)	This means that the person is physically hampered, but the word sinkul is also used to imply “plans” or “things” that have been hampered
የአዕምሮ እድገት ውስንነት (Ye aemro edget wesnenet)	Learning disability	የአዕምሮ ዘገምተኛ (ye aemro zegemteгна)	This means that the person is “retarded” (sic)

⁵⁷ Rosemary Kayess, Phillip French, (2008), Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities, Human Rights Law Review, 8 (1), 1-34, <https://doi.org/10.1093/hrlr/ngm044>, Accessed 28 January 2022.

⁵⁸ Goering S. (2015). Rethinking disability: the social model of disability and chronic disease. Current reviews in musculoskeletal medicine, 8(2), 134–138. <https://doi.org/10.1007/s12178-015-9273-z>, Accessed 28 January 2022

HRDs interviewed for this report acknowledged the awareness gaps among the public on disability rights. They highlighted the need to overcome attitudinal barriers through sensitisation of the wider community on the rights and capacities of all PWDs.

In addition, government-owned buses, and privately-owned taxis and tuk-tuks (bajaj), which provide the majority of the transportation supply, often refuse to provide services to the disabled because they believe they cannot pay. Some taxi and bajaj drivers deny services to PWDs because they have the perception that all PWDs are beggars, and they assume that they are unable to pay. Disabled people often wait long hours to access transportation. Moreover, poor road networks can cause injuries to the visually impaired persons.

“Roads are uneven; this makes it difficult for visually impaired people to walk. We often stumble and sometimes sustain injuries or get other disabilities. In rural areas, some visually impaired people are attacked by animals due to the poor road networks.”

– Ethiopian WHRD.

“Roads have potholes, and this can be dangerous for visually impaired people.”

- Ethiopian HRD.

Despite Ethiopia’s progressive laws and policies that guarantee access to public spaces and buildings, in actual fact, most buildings are inaccessible to PWDs. Despite recent improvements in public infrastructure, PWDs struggle to access buildings, including health facilities, government offices, schools, and hotels. Public offices, for example, are required to be accessible by Building Proclamation No. 624/2009;⁵⁹ however, most government buildings are not. Disabled people are forced to require help to climb stairs to access public buildings. Wheelchair users have limited access to buildings, in particular upper floors, when elevators are lacking or out of service.⁶⁰

Additionally, housing in Ethiopia is not easily accessible for PWDs, and the construction of houses in Addis Ababa and other regions is not accommodative of PWDs. An HRD noted that even council houses built by the government do not have elevators, and those that do have elevators are rendered useless with frequent power outages. The HRD mentioned that disabled people would often be given houses on the ground floor or first floor, but those still had stairs instead of ramps, making buildings inaccessible for wheelchair users and other PWDs. PWDs are forced to depend on others for assistance to move up and down, which is challenging as they feel like they are a burden to others.

⁵⁸ ETHIOPIAN BUILDING PROCLAMATION NO. 624/2009, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=85146&p_country=ETH&p_classification=14, Accessed 16 November 2021.

⁵⁹ DefendDefenders interview, Ethiopia, September 2021.

⁶⁰ DefendDefenders interview, Ethiopia, September 2021.

“My dad got a terminal illness, and we lived in a building on the fourth floor with no elevators. This made it extremely challenging for him to move. We required assistance from neighbours to carry him down the stairs, or we would have to call the ambulance to carry him on a stretcher.”

- Ethiopian WHRD.

PWDs are affected by a lack of accessible communication and information devices. As a result, individuals with hearing or speech impairments, as well as intellectual disabilities, are at a considerable disadvantage in social situations and in industries such as health, education, government, and justice, where effective communication is crucial. Information is seldom presented in sign language or braille. Sign language is not incorporated in meetings or day-to-day life. One HRD noted that the government should be commended for including sign language in news channels and TV shows. However, in daily life, sign language falls on the back burner.

“Speaking only on my disability [visual impairment], we do not have braille displays in school or other materials needed for the visually impaired. Schools do not accommodate the needs of the visually impaired.”

- Ethiopian WHRD.

Institutional barriers

Institutional barriers deny PWDs opportunities to fully participate in public and political life, education, health, recreation, and business. Despite employment policies and laws to improve inclusion of marginalised groups, including PWDs, most remain unemployed. Barriers to employment include the inaccessibility of the working environment and the attitudes of employers and colleagues. According to a survey, nearly 70% of people with intellectual disabilities and mental health difficulties are excluded from the labour market. Additionally, adults with disabilities who work are more likely to be self-employed or to perform unpaid labour.⁶¹ A few HRDs interviewed for this report stressed that PWDs face discrimination in employment. An HRD noted that all his abled-bodied friends got a job after graduation, but that he struggled to get one even though he has passed three written tests. He believes that he got disqualified during the interview stage because of his disability.

“I was denied a teaching job despite having all the qualifications. They told me that the school has stairs, and I would be required to move from one class to another, so they wanted someone who was able to walk up and down the stairs.”

- Ethiopian HRD.

⁶¹ UNICEF, “Situation and access to services of persons with disabilities in Addis Ababa”, 2019, <https://www.unicef.org/ethiopia/media/3016/file/3.Situation%20and%20access%20to%20services%20of%20persons%20with%20disabilities%20in%20Addis%20Ababa%20Briefing%20Note.pdf>, Accessed 18 November 2021.

Additionally, PWDs are underrepresented in political and decision-making processes. Despite improvements in the overall constitutional and legal framework, Ethiopia lacks a specific law relating to the rights of PWDs. Where policies have been developed, the government lacks the political will to implement them. Furthermore, PWDs lack representation in Parliament and other political bodies. Several HRDs interviewed claimed that they are underrepresented in political processes.

“We do not have any special representation in the Parliament. It was only in the recent elections that the needs of PWDs were considered and voting centres were made accessible.”

- Ethiopian HRD

The education of PWDs is not a priority in Ethiopia. Children with disabilities have limited access to educational opportunities. A survey conducted in 2016 indicated that 43% of children with disabilities had never attended school.⁶² The education services available for children with disabilities are few and mainly in the capital, Addis Ababa. HRDs interviewed noted that distance, limited accessibility to school facilities, and lack of assistive devices are major physical barriers to education for PWDs. Few teachers are trained to address special needs, and negative social attitudes discourage parents from sending children with disabilities to school.

Several HRDs stated a lack of data on disability in Ethiopia as a significant challenge to both accessing services and lobbying for disability rights. HRDs with disabilities highlighted the need to collect data to ensure that policies, laws, and services are responsive to PWDs’ needs. Statistics on PWDs would provide information and data on the specific and diverse needs of PWDs and would enable evidence-based decision-making, progressively eliminating decision-making that is unresponsive to PWDs.

Women and girls with disabilities

HRDs and WHRDs consulted for this research reported that women and girls with disabilities face additional social, cultural, health, economic, and political challenges compared to their male counterparts.⁶³ Challenges include lack of access to basic services, such as education and sexual and reproductive health, as well as discrimination and stigma in marriage.

⁶² Ibid

⁶³ DefendDefenders interview, Ethiopia, September 2021.

During conflict, the prevalence of violence against women and girls, including women and girls with disabilities, spikes. Women and girls with disabilities are disproportionately impacted by conflict-related sexual violence (CRSV). Rape is used as a weapon to humiliate women and girls, disrupt social ties, and undermine the fabric of communities. As a result, women and girls bear the brunt of physical injuries, psychological harm, sexually transmitted infections such as HIV AIDS, unwanted pregnancies, and even death – sometimes from suicide following sexual violence.⁶⁴

“SGBV perpetrators do not use protection while raping women and girls with disabilities.”- Ethiopian HRD

All respondents in Ethiopia noted that women and girls with disabilities are subjected to multiple forms of violence in the public and private spheres. One HRD noted that women with disabilities are sometimes sexually assaulted by family members or people within their communities, especially in rural areas. Two WHRDs mentioned that women and girls with intellectual and psychosocial disabilities in particular face increased risks of violence, because they are unable to report crimes.⁶⁵ One WHRD highlighted a case where a girl with a learning disability was raped repeatedly, and the perpetrator claimed it was consensual. He manipulated the girl to think that they were playing a game; the case was eventually dropped.⁶⁶

Moreover, women and girls with disabilities have limited access to justice. SGBV remains a taboo in Ethiopia, and as a result, women and girls with disabilities that experience it do not report cases. For those who report sexual violence, the judicial system often fails to uphold due process and ensure redress. Police officers are reluctant to properly investigate cases of SGBV, as their views reflect the views of society at large, and when parents report rape cases, they risk not being believed because of the stigma associated with PWDs. For instance, in one case a federal police officer raped a woman with a hearing impairment, and because people with such an impairment cannot scream, it was seen as consensual, and the case was dropped in three months. In another incident, an HRD reported that a visually impaired woman was raped by someone posing to be her assistant, and because of her disability, she was unable to report the case because she could not describe the perpetrator.

⁶⁴ DefendDefenders interview, Ethiopia, September 2021.

⁶⁵ DefendDefenders interview, Ethiopia, September 2021.

⁶⁶ DefendDefenders interview, Ethiopia, September 2021.

Women and girls with disabilities face barriers in accessing sexual and reproductive health care. Some service providers are prejudiced against women with disabilities and discriminate against them. Some healthcare providers ignore the preference of women with disabilities and insist on choosing for them the needed healthcare. As a result, an HRD raised concerns that women with disabilities struggle to make informed decisions about their sexual and reproductive decisions.

“Reproductive health and family planning require confidentiality. However, women and girls with disabilities are not given the discretion that is needed.”
-Ethiopian HRD.

Although all PWDs face barriers in accessing education, women and girls with disabilities face additional restrictions. Some interviewees mentioned that depending on the disability, families with girls with disabilities sometimes preferred to keep them at home to help out with domestic tasks such as cooking, cleaning, and taking care of the house. Parents felt more comfortable with boys with disabilities attending school.⁶⁷

“If it was not for my mother pushing for me to be educated, I would have been isolated and remained in the house. Most people in the community questioned my mother on why she enrolled me in school, they believed it was a waste of time and money, and that I would drop out before completion.”
-Ethiopian WHRD.

Risks and threats

The research found that HRDs with disabilities face risks and threats in Ethiopia. However, 71% of the HRDs interviewed indicated that they had not personally faced threats from state or non-state actors because of their work. The majority of the HRDs with disabilities noted that although efforts are insufficient, state actors made noticeable strides in fulfilling its obligation to respect disability rights. Several HRDs interviewed mentioned that disability rights are not seen as political; thus, state actors do not view HRDs with disabilities (and HRDs advocating for disability rights) as a threat.

“The government tries to enhance disability rights, and because disability rights are not viewed as political, we have not faced any risks or threats from state actors.”
- Ethiopian WHRD.

⁶⁷ DefendDefenders interview, September 2021.

However, 29% of the HRDs with disabilities noted that they face threats from state and non-state actors, including family members and their communities. For example, one WHRD, who works as a teacher, was verbally threatened by family members of a student following a disagreement she had with the student. The verbal threats nearly escalated to physical threats, leading onlookers to intervene. Eventually, she was forced to move to another school. Another HRD was verbally attacked by the Chairperson of his organisation after he challenged the nature of his job and asked to be considered for another position within his organisation that was cognisant of his disability. He was eventually issued a warning letter and has refrained from bringing up the issue again.

Several HRDs reported knowing other PWDs who have faced threats from the community at large. The research found that PWDs living in rural areas were more likely to experience verbal threats due to the lack of awareness on disability rights. Furthermore, a few interviewees mentioned that women with disabilities face threats of sexual violence.

Although many of the interviewed HRDs with disabilities faced limited risks and threats, the research found that the more vocal the HRD was, the more likely they were to face risks and threats. For instance, one HRD was arrested and detained for two days following a post he put out on social media to explain the situation of PWDs in Tigray. The authorities searched his office, confiscated his laptop, and closed his bank accounts in Tigray and Gambela. He also received anonymous phone calls threatening to harm his family. Another HRD recalled a situation where Tewodros Tsegaye, a visually impaired journalist working for Reyot Media, received online threats and insults from the community due to his activism.

“People would write comments such as ‘you cannot oppose someone with a dark heart’ and ‘God did not give snakes legs because he knew what is in their heart’ as statements to justify his visual impairment.”
– Ethiopian HRD.

One of the main concerns from the research was a lack of awareness of protection mechanisms for HRDs facing risks and threats. When risks occur, and even more so when they materialise as threats, several HRDs interviewed retreated or did nothing because they were unaware of mechanisms that would protect them. Others relied on family members or people in power to assist them, but they mentioned that they often got assistance out of mere pity. One HRD who received verbal threats from his employer reported the case to MOLSA but did not receive support. Consequently, this HRD noted that he was not as active as he used to be due to the risks and threats he and his family faced.

Requirements

Several HRDs expressed the importance of raising awareness and recognising disability as human rights issue as enshrined in the CRPD. They requested capacity building and trainings on protection needs. A few HRDs emphasised that training on disability rights was vital for PWDs to challenge governments or entities denying their rights and to publicise their grievances. They also identified awareness of and access to human rights protection mechanisms as a challenge for HRDs in Ethiopia. While protection mechanisms are available, many HRDs are unaware of how to access and use them in case of an emergency. In addition, several respondents noted that they lacked adequate laptops and computers with braille displays.

HRDs interviewed for this report noted that legislation relating to disability rights should be made publicly available, widely publicised, and translated to local dialects for easy comprehension. Several HRDs interviewed noted the need for a specific, comprehensive disability law to guarantee the promise of equality, equal rights, equality before the law, and equal protection of the law for PWDs.

HRDs raised the importance of creating networks among HRDs with disabilities, both nationally and internationally. One HRD highlighted a need to create a bridge between HRDs with disabilities in rural areas and those in urban areas. Such a platform would strengthen coordination, especially as HRDs in rural areas are often left out of unions and DPOs. This platform would serve as a space to educate and train PWDs on human rights, protection mechanisms and national legal frameworks, which would empower PWDs in rural areas. Another HRD noted the need for DPOs working across African countries to collaborate and network. This network would provide a platform for DPOs and unions to discuss best practices and create solutions that would ease some of their challenges. It would also play a vital role in bringing violations of PWDs from the national level to regional and global attention.

HRDs identified the need for campaigns to promote inclusive education and other policies to enhance access to education for PWDs, including creating awareness within families for children with disabilities and girls with disabilities to attend school.

Another unmet need participants identified is enhancing skills and vocational training for PWDs. HRDs stated that PWDs need employment opportunities based on professional skills, rather than support or charity from well-wishers.

Additionally, interviewed HRDs emphasised the need for intensive sensitisation and awareness-raising campaigns to change negative attitudes and eradicate social stigma and harmful practices towards PWDs. Furthermore, HRDs identified the need for inclusiveness in institutions, accessibility in public spaces, including in hospitals, roads, buildings, schools, hotels, and washrooms. Lastly, they emphasised the need to improve representation in all decision-making bodies, especially in Parliament.⁶⁸ Armed conflicts affect people's lives and livelihoods, cause injury, death, and destruction of property. They diminish communities' resilience, trigger displacement, and obstruct civilians' access to essential support and humanitarian services. Civilians bear the brunt of the violence.

⁶⁸ Human Rights Watch, "Somalia Events of 2019", 2021, <https://www.hrw.org/world-report/2020/country-chapters/somalia#>, Accessed 01 November 2021.

General context

Somalia has endured decades of armed conflict since the late 1970s. The ongoing conflict between the government and terrorist group Al-Shabaab, coupled with a series of natural disasters, continues to have a devastating impact on civilians. Communities living in southern and central Somalia, including in Kismayo, South Shabelle, and the Juba valley, have been particularly affected.

In 2019, Human Rights Watch found that an estimated 7,000 individuals got their disabilities from landmines and explosive remnants of war in Somalia.⁶⁹ Amnesty International found that most physically disabled people in Somalia were maimed during conflicts.⁷⁰ This research found that 26% of respondents acquired their disabilities from conflict.⁷¹ The conflict has also caused a high rate of mental health challenges.

Al-Shabaab continues to pose a grave threat to Somalia's peace, security, and stability. The militants continue to conduct indiscriminate attacks, including bombings, that affect civilians, as well as targeted attacks on and assassinations of civilians. They also continue to forcibly recruit and use children for their terrorist activities.

The humanitarian crisis in Somalia is also exacerbated by the ongoing conflicts and the increasingly recurrent drought conditions. On 20 December 2021, the UN and its humanitarian partners estimated that 7.7 million people in Somalia will require humanitarian assistance and protection in 2022.

In Somalia, there are no official statistics on the prevalence of disabilities. The last census was conducted in 1975. Consequently, the number of disabled people in Somalia is likely to be more than the global estimate of 15%, given the inadequate health care services and the conflict that has lasted for over three decades.⁷²

In 2019, the government of Somalia committed to provide disaggregated demographic data by gender, age, and other categories.⁷³ However, conducting a census remains challenging due to resources and security concerns.

⁶⁹ Ibid

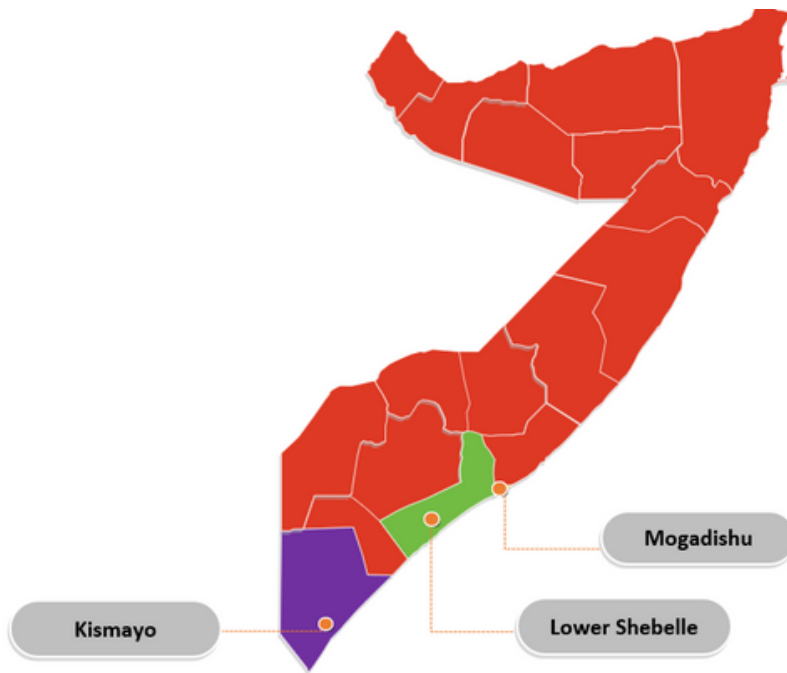
⁷⁰ Amnesty international, "Somalia: Prioritise protection for people with disabilities, 12 March 2015, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR5211662015ENGLISH.pdf> , Accessed 01 November 2021.

⁷¹ DefendDefenders, Interview, Somalia, October 2021.

⁷² SIDA, "Disability Rights in Somalia", 2014, <https://cdn.sida.se/app/uploads/2021/05/07125817/rights-of-persons-with-disabilities-somalia.pdf> , Accessed 14 November 2021.

⁷³ The Ministry of Women and Human Rights Development Federal Republic of Somalia, Inclusion of Persons With Disabilities and Disability Rights in Somalia, September 2020, <https://mwhrd.gov.so/en/wp-content/uploads/2020/09/Disability-Roadmap-2020-2023-1.pdf>, Accessed 14 November 2021.

Figure 2: Map of Somalia showing conflict areas



Legal and Policy framework

National and regional framework

Somalia lacks a specific law to protect the rights of PWDs. However, the government has committed to developing legislation and policies to protect PWDs. Article 11(1) of the Constitution of the Federal Republic of Somalia states; “All citizens, regardless of sex, religion, social or economic status, political opinion, clan, disability, occupation, birth or dialect shall have equal rights and duties before the law.”⁷⁴ Article 11(3) stipulates that the “government must not discriminate against any person on the basis of age, race, colour, tribe, ethnicity, culture, dialect, gender, birth, disability, religion, political opinion, occupation, or wealth.”

In December 2018, the President of Somalia signed a Bill establishing the National Disability Agency into law.⁷⁵ The agency is mandated to facilitate access to assistive devices and technology for PWDs and provide skills training for PWDs to access economic opportunities. Somalia’s Ministry of Women and Human Rights Development (MoWHRD) developed a Road Map (2020-2023) for the Inclusion of Persons with Disabilities and Disability Rights in Governance and Development Processes.⁷⁶

⁷⁴ DefendDefenders interview, Ethiopia, September 2021.

⁷⁵ DefendDefenders interview, Ethiopia, September 2021.

⁷⁶ DefendDefenders interview, Ethiopia, September 2021.

Although the government has made attempts towards advancing the rights of PWDs, policies remain unimplemented. HRDs interviewed for this report attributed the reluctance of implementation to a lack of political will, as well as to corruption and impunity.⁷⁷ HRDs noted that the constitutional review process presents an opportunity for PWDs to be better included in policies, planning, and budgeting.

International legal framework

Somalia acceded to the CRPD on 12 October 2018 and ratified it in August 2019.⁷⁸ Respondents interviewed in this report however noted that although Somalia has ratified the Convention, the lives of PWDs in Somalia had not improved.⁷⁹ PWDs continue to face challenges and discrimination from a social, political, and economical perspective.

Armed conflict

PWDs in Somalia are left behind during conflict, as it is difficult for them to flee without assistance.⁸⁰ Several HRDs noted that during conflict, able-bodied people occupy most of the transport options available. HRDs interviewed reported that PWDs who flee might get injured in the process, and some even die. Moreover, PWDs often leave their assistive devices behind when fleeing conflict, including wheelchairs and crutches, while those left behind encounter challenges in accessing food and water.

*"If PWDs ask for assistance when fleeing, the community members tell them that disabled people are not targets."
- Somali HRD.*

A few HRDs interviewed noted that PWDs who live in conflict areas are psychologically affected as they live in constant fear that they will be left behind when conflict erupts.⁸¹ An HRD recalled a situation where a visually impaired person was abandoned in Gedo region following an attack. Respondents also highlighted that people with hearing disabilities risk dying during conflicts.⁸² Several HRDs recalled a situation where a soldier shot a man with a hearing impairment at a security checkpoint because he could not hear repeated calls for him to stop moving.

*"People with hearing impairments sometimes go in the direction of danger because they cannot hear the bullets."
- Somali HRD.*

⁷⁷ DefendDefenders, Interview, Somalia, October 2021.

⁷⁸ OHCHR, "STATUS OF RATIFICATION INTERACTIVE DASHBOARD", <https://indicators.ohchr.org>, Accessed 14 November 2021.

⁷⁹ DefendDefenders, Interview, Somalia, October 2021.

⁸⁰ DefendDefenders, Interview, Somalia, October 2021.

⁸¹ DefendDefenders, Interview, Somalia, October 2021.

⁸² DefendDefenders, Interview, Somalia, October 2021.

Nearly all HRDs interviewed reported that PWDs face difficulties in accessing humanitarian aid because humanitarian actors and agencies often do not provide aid with PWDs in mind.⁸³ There are no priority queues at food distribution sites, and PWDs experience difficulties getting their rations home because containers are unsuitable and often stolen by others on the way or at home.⁸⁴

"It is first come, first served and requires scrambling. People who have strength will take most items."

- Somali HRD

Several HRDs noted that distribution processes do not have mobile alternatives for persons who have difficulties moving around.⁸⁵ The distribution points are usually in central locations, and for people with physical or visual disabilities, it is challenging to walk to those centres. A WHRD pointed out that mothers with disabilities face challenges accessing aid because of the lack of alternative distribution processes.

"A mother with a physical disability will have children, and they will line up to get food aid. However, she is unable to carry the aid and her children. So, she will sit there with her kids for three hours or four hours and hope a good Samaritan will help."

- Somali WHRD.

Interviewees however pointed out some exceptions. Most noted that some humanitarian organisations such as USAID, Humanity & Inclusion, the International Committee of the Red Cross (ICRC), Save the Children, and local religious organisations accommodate PWDs when distributing aid.⁸⁶ Interviewees pointed out that some of the above organisations provide food vouchers to DPOs to distribute to PWDs. Even in such cases, HRDs noted that some government officials, especially at the district level, complicate the process for PWDs to receive provided aid through bureaucratic procedures and corruption,⁸⁷ making the process sometimes cumbersome, stressful, and frustrating.

Additionally, a few HRDs claimed that some district commissioners responsible for distributing aid prioritise aid based on clan affiliation, with clan membership, a primary marker of identity in Somalia.⁸⁸

⁸⁴ DefendDefenders, Interview, Somalia, October 2021.

⁸⁵ DefendDefenders, Interview, Somalia, October 2021.

⁸⁶ DefendDefenders, Interview, Somalia, October 2021.

⁸⁷ DefendDefenders, Interview, Somalia, October 2021.

⁸⁸ Minority clan members may be denied meaningful participation in governing institutions and face discrimination in employment, legal procedures, and access to government services.

⁸⁹ Amnesty International, "Somalia: Prioritise protection for people with disabilities", 12 March 2015, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR5211662015ENGLISH.pdf>, Accessed 04 February 2022.

"The government aid process is distributed from the federal, regional, and district level. So, sometimes the allocation does not get to PWDs because the district commissioner prioritises his closest people and then the rest can scramble for what is left."- Somali HRD.

Challenges

PWDs in Somalia face environmental, attitudinal, and institutional barriers. In addition to these challenges, HRDs with disabilities in Somalia face acute land grabbing and forced evictions for which state and non-state actors are responsible. Amnesty International reports that displaced people in Somalia are subject to exploitation often by powerful gatekeepers, including district commissioners or other local level authorities or militia, who present as landowners.⁸⁹ Several HRDs noted that the current government and private actors had been attempting to grab land from PWDs.⁹⁰

PWDs gave a wide range of responses concerning the challenges faced by disability unions and DPOs. Although the registration process is bureaucratic, HRDs with disabilities noted that government agents frustrated DPOs and unions by requesting bribes and extensive documentation.⁹¹ Additionally, HRDs reported that within the DPOs and unions, they experienced animosity and competition. This is due to the scarce resources that they receive, and so it creates competition and friction within the movement. An HRD in Somalia detailed an experience where they were threatened while lobbying for disability rights. Another union felt he was competing with them and threatened him verbally, saying that if he did not stop, "something would happen" to him.

Attitudinal barriers

PWDs in Somalia are ostracised and neglected by their communities due to the negative perceptions and assumptions associated with disability. Several interviewees indicated that disability is regarded as a punishment from Allah. Such perceptions contribute to discriminatory attitudes toward PWDs and create barriers to their full participation in society. Negative attitudes and stigma about disabilities impact PWDs' lives, including their capacity to access education, employment, and interact within the community as equal members.

⁸⁹ Amnesty International, "Somalia: Prioritise protection for people with disabilities", 12 March 2015, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR5211662015ENGLISH.pdf>, Accessed 04 February 2022.

⁹⁰ DefendDefenders, Interview, Somalia, October 2021.

⁹¹ DefendDefenders, Interview, Somalia, October 2021.

Additionally, several interviewees highlighted that the community continues to treat PWDs with pity, in line with the “charity” approach to disability. An interviewee noted that PWDs are seen as a burden because they rely on assistance from other people. However, even the PWDs that are independent or require minimal help are not granted equal opportunities. An interviewee stated that when disabled people work with able-bodied people, they are not listened to or respected.

"They do not respect disabled people; they point out your disability and question what value you can add as a disabled person. I was once told: 'What can you do to help when you have a disability?'"
- Somali HRD.

"Disabled people have no agency; they do not look at us as people. Most people will speak to your caretaker or will need your family members to make decisions on your behalf."
-Somali WHRD.

Although all PWDs face discrimination and stigma in Somalia, people with hearing impairments, intellectual, and learning disabilities are disproportionately discriminated against. Most people associate disability with only physical and visual impairment. Intellectual disability is taboo and rarely discussed.⁹² As a result, HRDs interviewed noted that many PWDs are hidden and isolated from society. In the most extreme circumstances, PWDs with mental disabilities are sometimes chained and locked away. Most families justify this action by claiming that they protect the PWD from ridicule. However, interviewees noted that some families hide PWDs because culturally, it is viewed as shameful.

"Some people in Somalia hide disabled people from their relatives and the community because they are ashamed."- Somali HRD.

HRDs face hostile societal attitudes and stigma from the Somali community at large.⁹³ In particular, HRDs working on disability rights noted that they are accused of “going against God” and “tarnishing the culture” when advocating for disability rights, especially in remote areas.⁹⁴

⁹² DefendDefenders, Interview, Somalia, October 2021.

⁹³ DefendDefenders, Interview, Somalia, October 2021.

⁹⁴ DefendDefenders, Interview, Somalia, October 2021.

Additionally, HRDs interviewed for this report noted that since a visually impaired suicide bomber was implicated in a suicide attack in 2019,⁹⁵ PWDs have reportedly faced more harassment and discrimination within the community. Since the attack, the community has been extremely suspicious of PWDs; with their movements increasingly restricted as they go through long and invasive security checks. According to the Somali Disability Empowerment Network (SODEN), security controls remove most of their clothes when conducting security searches.⁹⁶ An HRD stated that a security guard refused him entry into a hotel following the incident.

*"Since the bombing incident, a security guard refused me to enter the hotel due to my disability {visual impairment}, and when I questioned his decision, he asked me to leave before he forcefully makes me leave."
- Somali HRD.*

Environmental barriers

Environmental barriers impede access to services and limit PWDs' social, economic, and political participation.⁹⁷ All the HRDs interviewed in Somalia for this report noted that public and private infrastructure and communication are inaccessible to PWDs. According to the respondents, public buildings, including government offices, health institutions, and schools, are not accommodative of PWDs. HRDs noted that even hotels do not consider PWDs in their architecture. A few HRDs pointed out that elevators in hotels are often too narrow to accommodate wheelchair users.

*"Getting access to hotels is very challenging for physically impaired people. The distance between the security check and the hotel is very long, and the hotels do not accept tuk-tuks or any public transportation inside."
- Somali HRD.*

Additionally, several HRDs indicated that most of the country's roads are uneven, which creates significant challenges for PWDs to move around freely. Public transport was particularly singled out, with HRDs reporting that bus and *tuk-tuk* drivers are hesitant to pick up people with disabilities because they assume that they will not pay. They noted that because PWDs are economically vulnerable, they are all perceived as beggars, hence the reluctance of bus and *tuk-tuk* drivers to allow PWDs access to their vehicles.

⁹⁵ See details: Reuters, "Somalia says blind female suicide bomber killed Mogadishu mayor", 9 August 2019, <https://www.reuters.com/article/us-somalia-security-bomber-idUSKCN1UZ1D0>, Accessed 14 November 2021.

⁹⁶ Somali Disability Empowerment Network, "SODEN organized one day productively meeting which was discussed recent Somalia disability development and challenges", 21 September 2021, <https://www.somalidisability.org/soden-organized-one-day-productively-meeting-which-was-discussed-recent-somalia-disability-development-and-challenges/>, 26 November 2021.

⁹⁷ DefendDefenders interview, Somalia, October 2021.

"Able-bodied people take over most public transportation means. Some drivers are too impatient to wait for PWDs to enter the bus, and others do not trust that PWDs will pay."

- Somali HRDs.

PWDs also face communication barriers that limit their participation in society. Respondents noted that public information was largely inaccessible to PWDs due to the lack of sign language, braille, and infographics. Furthermore, an HRD noted that people with hearing impairments face additional challenges and barriers to communication because Somalia does not have a common sign language, and hearing aids are expensive and rare to find.

"Communicating is extremely challenging for people with speech impairment. When you visit the doctors for example, some of them get impatient with people who have speech impairment."

- Somali HRD.

Institutional barriers

PWDs experience systemic barriers that limit their participation. Education of PWDs is not prioritised in Somalia, as children with disabilities have limited access to educational opportunities, with the available ones mostly located in Mogadishu.⁹⁸ A few HRDs noted that there is only one accredited school for PWDs particularly for the visually impaired named *Al Nur School of the Blind*, funded by the telecommunication company *Hormuud Agency*.⁹⁹

Schools are usually inaccessible due to the long distance coupled with limited transportation options. This restricts the ability of children with disabilities to attend school. Furthermore, teachers in otherwise inclusive schools lack adequate communication skills and materials such as braille to teach students with disabilities.

"Teachers in inclusive schools are not trained to teach students with disabilities. They may not understand that children with disabilities have specific needs. "

- Somali WHRD.

⁹⁸ DefendDefenders interview, Somalia, October 2021.

⁹⁹ DefendDefenders interview, Somalia, October 2021.

The Federal Government of Somalia has committed to inclusive and participatory governance, which is critical to ensuring the interests of PWDs are represented.¹⁰⁰ However, the government has failed to act on its commitment. The legal framework does not explicitly provide for free and equal access of PWDs to the electoral process.¹⁰¹ HRDs interviewed for this report noted that they face significant barriers in participating in elections, with particularly no braille or tactile ballots for people with visual impairments.

Furthermore, PWDs lack representation in Parliament and other decision-making bodies.¹⁰² Somalia has what is known as the “4.5” clan system, a structure where major positions are split between the four main clans (the remaining 0.5 share is given to a grouping of smaller clans, sometimes called the fifth clan).¹⁰³ Under the discretion of clan leaders, disabled people are usually placed on the periphery.

*"I wanted to run for a political seat in Galmudug, but when I went to the clan elders, they discouraged me and told me this is not the right time to run for a parliamentary seat."
- Somali HRD.*

Although there are no PWD representatives in Parliament, the majority of the HRDs interviewed mentioned that PWDs were consulted in the constitutional reform process and asked to provide their views. Several participants interviewed were among the chosen HRDs that represented the disability community at large.¹⁰⁴

Women and girls with disability

Structural gender inequality and discrimination against women and girls is rooted in unequal power relations between women and men. Women in Somalia face gender-based violence, gender stereotypes, and harmful traditional practices such as child, early and forced marriage, female genital mutilation (FGM), and forced sterilisation. They also face sexual violence, including CRSV. Women and girls with disabilities are disproportionately affected due to intersecting challenges on the basis of both gender and disability.

¹⁰⁰ Disability Rights Funds, “One Year On: Somalia’s Commitments to Persons with Disabilities Signify a Return to the International Human Rights System”, <https://disabilityrightsfund.org/one-year-somalias-commitments-persons-disabilities-signify-return-international-human-rights-system/>, Accessed 14 November 2021.

¹⁰¹ Somalia Disability Empowerment Network, “Persons with Disabilities (PWDs) are Very Much Saddened About the Exclusion of PWDs from the Current Ongoing Political Process in Somalia”, 31 January 2021, <https://www.somalidisability.org/persons-with-disabilities-pwds-are-very-much-saddened-about-the-exclusion-of-pwds-from-the-current-ongoing-political-process-in-somalia/>, Accessed 14 November 2021.

¹⁰² DefendDefenders interview, South Sudan, September 2021

¹⁰³ Reuters, “FACTBOX - Clan structure key to understanding Somalia”, 5 December 2007, <https://www.reuters.com/article/idUSL05364051>, Accessed 01 November 2021.

¹⁰⁴ DefendDefenders, interview, Somalia, October 2021.

Somali culture is deeply rooted in patriarchy. Gender roles are stereotypical. Society operates on the idea that women and men belong in two separate spheres, with women belonging in the private sphere (in the house) and men belonging in the public sphere (outside). Although these stereotypes apply to all women, HRDs interviewed for this report noted that women and girls with disabilities face multiple and intersecting forms of discrimination. Several interviewees associated these challenges with the gender norms ascribed to women with disabilities, who are often seen as timid and shy. A WHRD mentioned that as she was coming for the interview, the “tuktuk” driver questioned why she needed to leave the house and that people should instead come to see her in the home.

Interviewees pointed out that women with disabilities face cultural challenges, including forced marriages to older men or men from different clans.¹⁰⁵ Culturally, marrying someone from a different clan can be perceived as degrading or otherwise inappropriate in Somalia. While able-bodied women often have a say on which clan they marry into, women with disabilities are not given the same opportunity. This is because families view them as a burden and are often desperate to marry them off to relieve further responsibility. Moreover, several HRDs noted that women with disabilities face stigma and discrimination in marriage. For example, women with disabilities tend to attract lower bride price than able-bodied women. Additionally, a few HRDs noted that girls with disabilities are at risk of forced marriage and domestic violence. Once a girl with disability reaches adolescent age, they are forced to marry any available man. According to the interviewed HRDs, some are forced to marry older men who mistreat them.

“An able-bodied man married a lady with a disability and refused to provide for her because he saw it as a favour.”
- Somali HRD.

¹⁰⁵ Culturally, it is preferable for people in Somalia to marry within their clans. Marriages between the major Somali clans and those considered low-caste or outcast are rare. A family may disown a son or daughter who marries without permission or marry a clan they disapprove of.

Generally, women and girls with disabilities have fewer opportunities to make their own informed decisions over their sexual and reproductive health.¹⁰⁶ An interviewee recalled a case of a young woman who was 22 with a double disability a hearing impairment and mental disability. The woman was repeatedly raped by street youths when her father went away on business. After she became pregnant, her father took her to the hospital, where she was forcibly sterilised.

All the HRDs interviewed also stated that women and girls with disabilities face a heightened risk of SGBV.¹⁰⁷ Often, the community does not believe women who report SGBV incidents or when they do, they prefer to keep these 'secrets' within the family. Women and girls with hearing, visual, and psychosocial disabilities were particularly reported to face a heightened risk of SGBV.

*"The SGBV rates are high for women with disabilities, and when they report, no one believes them."-
Somali WHRD.*

While all women and girls generally face barriers when accessing education in Somalia, with most families prioritising the education of their sons because men are traditionally the breadwinners, women and girls with disabilities fare relegated even further when it comes to education.

*"If a family has a choice between educating a disabled boy or a girl, they will choose the boy because when a boy learns they believe, he will later provide for his family."
- Somali HRD.*

*"Girls with disability do not get any education; they do not even get the opportunity to learn the Quran."
- Somali WHRD*

Risks and threats

36% of interviewees stated that they had not personally faced any risks or threats related to their work. A few HRDs interviewed noted that less vocal HRDs with disabilities do not face direct threats. However, an interviewee noted that most HRDs with disabilities face indirect risks. They experience hostility due to the negative stigma attached to disabled people.

¹⁰⁶ Culturally, it is preferable for people in Somalia to marry within their clans. Marriages between the major Somali clans and those considered low-caste or outcast are rare. A family may disown a son or daughter who marries without permission or marry a clan they disapprove of.

¹⁰⁷ DefendDefenders interview, South Sudan, September 2021.

“The community does not like vocal HRDs with disabilities. They question why those HRDs voice their grievances.”

- Somali HRD.

However, 64% of the interviewees indicated that they face risks and threats, the sources being both state and non-state actors, including state authorities, families, and their communities. Several HRDs reported that both known and unknown assailants verbally threatened them. One WHRD received a phone call after attending a conference on disability rights at Jazeera Hotel, one of the main hotels in Mogadishu, and an unidentified person told her to stop her advocacy or else they would kill her. The WHRD received three such threatening calls. Another HRD mentioned that he was verbally threatened after he spoke out in the media on disability rights, where he criticised the government for not doing enough to create an inclusive society for PWDs.

HRDs interviewed in Somalia noted that the more vocal HRDs with disabilities are, the more likely they are to face threats from state agents. Two interviewees were arrested in relation to their activism, and soldiers physically attacked two other interviewees. One of them stated that a soldier pointed a gun at him and threatened to shoot him.¹⁰⁸

Most HRDs interviewed lacked the awareness of protection mechanisms when faced with risks and threats. HRDs noted that they do not have confidence in the legal system, so they do not report to the authorities. Others, when threatened, refrained from engaging in the activity for which they were threatened altogether. Several HRDs noted that they mitigated risks through spiritual solace.

“There is nothing you can do. You cannot take legal action because the courts will not hear you.”

- Somali HRD.

“In situations where I face risks, I trust that God will protect me, and this pushes me to keep doing my job.”

- Somali HRD.

¹⁰⁸ DefendDefenders interview, Somalia, October 2021

Requirements

HRDs interviewed in the context of this report identified the need for economic empowerment. They suggested vocational training for PWDs to learn a skill that will earn them money. They also suggested a microfinancing scheme to improve the economic status of PWDs by enabling them to be independent and provide for themselves rather than waiting on well-wishers.

“PWDs should be economically empowered to provide for themselves instead of depending on family members, the government, and humanitarian organisations.”

- Somali HRD.

Another unmet need the participants highlighted is inclusive, affordable, and accommodative health care services. Interviewees noted that hospitals lack ramps and elevators, the waiting times are too long, and for people with hearing impairments, communication is a challenge as there are no sign language interpreters. Additionally, HRDs highlighted the need for assistive devices, including hearing aids, prosthetics, wheelchairs, and white canes.

“When you go to the hospital, you have to join a long queue, and we are not strong enough like those who are able-bodied.”

- Somali HRD.

HRDs interviewed expressed the need for DPOs in urban and rural regions to collaborate and strengthen coordination. HRDs noted that PWDs in rural areas are left behind, and it is necessary to bridge the gap between the two to find solutions to some of the challenges PWDs face in rural areas.

Additionally, interviewed HRDs emphasised the need for inclusive education for children with disabilities. Separately, PWDs identified an urgent need for intensive awareness-raising campaigns to reduce the stigma attached to PWDs. An HRD noted that it is vital to sensitise the community on disability rights and experiences. This will hopefully lessen the attitudinal barriers that PWDs face.

“I wish everyone could understand the issues of PWDs and accept them as they are so we can all be equal.”- Somali HRD.

General context

South Sudan is mired in one of the most complicated and multifaceted conflicts in the East and Horn of Africa, going back decades. In 2011, following a referendum, the people of Southern Sudan decided to secede from Sudan's Khartoum-based government to become an independent nation, following decades of marginalisation, armed conflict, and systemic human rights violations and abuses. Unfortunately, the period of peace was brief. President Salva Kiir fired First Vice-President Riek Machar in December 2013, sparking a civil conflict that killed over 400,000 people and displaced over four million people.¹⁰⁹

Fighting continues in parts of the country to date, including with opposition groups who refuse to sign the 2018 Revitalised Peace Agreement for Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), in Yei and in other parts of the Equatorias. At the local level, intercommunal violence remains widespread. The conflict has resulted in grave human rights violations and abuses by all parties involved. The AU Commission of Inquiry on South Sudan and the UN Commission on Human Rights in South Sudan (CHRSS) created by the UN Human Rights Council (HRC) have collected evidence of violations and abuses. The CHRSS also has a mandate to identify perpetrators.

After the breakdown of the 2015 peace agreement and resumption of conflict in 2016, a R-ARCSS was signed on 12 September 2018. It remains the most promising basis for improving human rights and building sustainable peace. It comprehensively addresses issues such as governance, ceasefire and security arrangements, humanitarian assistance, resource management, and transitional justice.¹¹⁰

After several extensions, former warring factions, including President Salva Kiir's government and the South Sudan People's Defence Forces on the one hand, and the Sudan People's Liberation Movement-in-Opposition (SPLM-IO), on the other hand, formed a transitional government of national unity in February 2020.¹¹¹

As intended in the R-ARCSS, South Sudan's cabinet approved the process of establishing a Commission for Truth, Reconciliation, and Healing, a Hybrid Court for South Sudan, and a Compensation and Reparation Authority on 29 January 2021.¹¹²

¹⁰⁹ DefendDefenders, "Targeted But Not Deterred: Human Rights Defenders Fighting for Justice and Peace in South Sudan", May 2020, <https://defenddefenders.org/wp-content/uploads/2020/05/South-Sudan-report.pdf>, Accessed 16 November 2021.

¹¹⁰ Ibid

¹¹¹ DefendDefenders, "Report submitted to the 66th Ordinary Session of the African Commission on Human and Peoples' Rights", 5 May 2020, <https://defenddefenders.org/wp-content/uploads/2020/05/Bi-annual-report-toACHPR66.pdf>, Accessed 16 November 2021.

¹¹² Jurist, "South Sudan to begin establishing hybrid court, institutions for transitional justice" 2 February 2021, <https://www.jurist.org/news/2021/02/south-sudan-to-begin-establishing-hybrid-court-institutions-fortransitional-justice/>, Accessed 16 November 2021.

However, concrete actions are required to operationalise these institutions.¹¹³ At the time of completing this report, uncertainty remains high over implementation of the R-ARCSS within the transitional period and elections, which are set to take place in 2023. Early 2022, violence intensified in the northern states of Unity and Upper Nile, threatening peace.

Due to decades of conflict, there are no reliable statistics on disability prevalence in the country. A 2008 census, conducted before South Sudan's independence in 2011 estimated that 421,285 people have a disability.¹¹⁴ This amounts to 5.1% of the country's population. Another household survey conducted in 2016 by the Food Security and Livelihood Cluster, a special operation under the Office for the Coordination of Humanitarian Affairs (OCHA), indicates that 15% of households have at least one person with a disability.¹¹⁵ According to a UNICEF report, 4% of children have a disability in South Sudan.¹¹⁶

However, the census statistics are likely to be underestimates due to the narrow definition of disability used. The census defines disability as an impairment "that hampers or reduces a person's ability to carry out his or her day-to-day activities."¹¹⁷ This definition is in line with the medical model of disability. Additionally, the negative stigma attached to disability can lead to underreporting by families.

Compared to DPOs in Ethiopia and Somalia, DPOs in South Sudan are strongly organised. They are actively involved in advocacy, awareness rising, and sensitising the public on disability rights. On 16 September 2020, South Sudan launched a national umbrella body for people with disabilities.¹¹⁸ Eight organisations make up the National Union of Disabled Peoples Organisations including; South Sudan Association for the Visually Impaired (SAVI); Central Equatoria Union for the Visually Impaired; Union of Physical Disabilities (UPD); Equatoria State Association for the Deaf (ESAD); South Sudan National Association for the Deaf & Dumb (SNADD); South Sudan wheel chair Basketball; Association of people affected with leprosy; and South Sudan Women Network.¹¹⁹

¹¹³ DefendDefenders, "Extend the mandate of the UN Commission on Human Rights in South Sudan", 10 February 2022, <https://defenddefenders.org/wp-content/uploads/2022/02/HRC49-Civil-society-letter-regarding-SOUTH-SUDAN.pdf>, Accessed 14 February 2022.

¹¹⁴ Ministry of gender, child, social welfare, humanitarian affairs and disaster management, "South Sudan national disability & inclusion policy" 2013, https://www.apminebanconvention.org/fileadmin/APMBC/Victim_Assistance_Docs/South-Sudan-National-Disability-and-Inclusion-Policy.pdf, Accessed 17 November 2021.

¹¹⁵ B Rohwerder, 'Disability in South Sudan', Institute of Development Studies, 16 March 2021, https://assets.publishing.service.gov.uk/media/5af96f2fe5274a25dbface4c/Disability_in_South_Sudan.pdf, Accessed 17 November 2021.

¹¹⁶ UNICEF, "Situation assessment of children and women in South Sudan", 2015, <https://www.adry.up.ac.za/country-reports-2019/south-sudan#pgfid-1103605>, Accessed 17 November 2021.

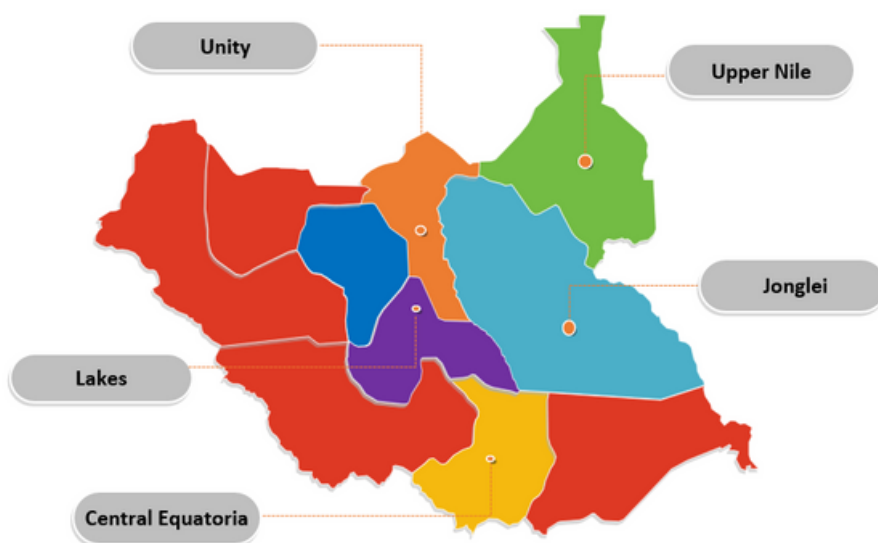
¹¹⁷ B Rohwerder, 'Disability in South Sudan', Institute of Development Studies, 16 March 2018, https://assets.publishing.service.gov.uk/media/5af96f2fe5274a25dbface4c/Disability_in_South_Sudan.pdf, Accessed 17 November 2021.

¹¹⁸ Light for the world, "A first for South Sudan's disability movement", 2020, <https://www.light-for-the-world.org/news/a-first-for-south-sudans-disability-movement/>, Accessed 17 November 2021.

¹¹⁹ DefendDefenders interview, South Sudan, September 2021.

Although the umbrella union and DPOs do their best to advocate for the rights of PWDs, a wide range of responses were given concerning the challenges faced by DPOs. HRDs with disabilities noted that the government frustrates DPOs and unions in the process of registration. They request for bribes, extensive documentation, and the entire process of registration is very bureaucratic.

Figure 3: Map of South Sudan showing conflict areas



Legal and Policy framework

National and regional framework

The Transitional Constitution contains provisions that directly address disability. These include Article 30(1) and (2), which set out the rights of what it refers to as 'persons with special' needs and the elderly.¹²⁰ These provisions require government sectors at all levels to ensure that PWDs enjoy their freedoms and rights equally with others. The article charges the state with the responsibility of ensuring persons with disabilities have access to education, employment and public services including adequate medical care.

¹²⁰ Constitute, "South Sudan's Constitution of 2011", https://www.constituteproject.org/constitution/South_Sudan_2011.pdf, Accessed 16 November 2021.

The Labor Act of 2017 sets out the legal framework for labor conditions, employment, labor institutions, dispute resolution, and safety in the workplace.¹²¹

Section 6 of the Act contains a non-discrimination clause that requires the state to ensure PWDs in the workplace do not suffer discrimination because of their condition. Section 34 requires the state to prepare reports and provide information on the assistance given to PWDs in the workplace. Section 70 protects employees with special needs. The Act further states that “the Minister may promulgate regulations governing employment of apprentices, PWDs and any other category of employees he/she may deem necessary to be protected under this Act.”

The Ministry of Gender, Child, and Social Welfare is responsible for protecting and promoting the rights and welfare of PWDs.¹²² The ministry promotes equality of marginalised groups and monitors respect for the rights of women, children, and PWDs. It is responsible for the development of social welfare, protection, disability programmes, and mainstreaming disability issues in public and private institutions.

The Ministry has collaborated with DPOs in the development and implementation of the 2013 National Disability and Inclusive Education Policy. The 2017-2022 General Education Strategic Plan aims to provide staff with special training on inclusive education and to prioritise the provision of inclusive learning material and assistive devices.¹²³ The Transitional Constitution mandates the government to provide access to education to all citizens.

The goal of the Ministry of Health – providing equitable healthcare to all people – faces several challenges, including accessibility and affordability of the health services for PWDs as the facilities lack critical technology and are expensive. The Ministry is also involved in promoting the rights of PWDs with the goal of improving the health conditions of all people and ensuring quality healthcare for the vulnerable. The Ministry aims to provide equitable healthcare to South Sudanese citizens who face challenges, including accessibility and affordability of the health services. However, HRDs interviewed for this report mentioned that South Sudan lacks assistive devices for PWDs. Several interviewees noted that white canes are not available in the country, which forces PWDs to obtain them from Uganda or Kenya. Additionally, HRDs with disabilities noted that assistive devices are expensive, and that many PWDs cannot afford them.

¹²¹ Constitute, “South Sudan’s Constitution of 2011”, https://www.constituteproject.org/constitution/South_Sudan_2011.pdf, Accessed 16 November 2021.

¹²² Ministry of gender, child, social welfare, humanitarian affairs and disaster management, “South Sudan national disability & inclusion policy” 2013, https://www.apminebanconvention.org/fileadmin/APMBC/Victim_Assistance_Docs/South-Sudan-National-Disability-and-Inclusion-Policy.pdf, Accessed 17 November 2021.

“The price of white canes averages between 25 USD to 70 USD. This is very expensive for many of us.”- South Sudanese HRD.

Several HRDs noted that while the national legal framework for PWDs is progressive and inclusive, the lack of political will results in failure to implement the law. The government also lacks, or does not allocate, funds to enforce the laws and policies.¹²⁴ HRDs also criticised the government for lacking a specific law to recognise and protect the rights of PWDs. Interviewees condemned using the word “special needs” in the Constitution. They believe it is vital to include “disability” and define it according to the social model, and in line with the CRPD.¹²⁵

*“One of the challenges we face is the lack of a law to enforce the dissemination and implementation of the National disability inclusion policy (2016).”
- South Sudanese HRD*

International legal framework

Although South Sudan has not ratified the CRPD, it has ratified the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) together with its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Rights of the Child (CRC) and its Optional Protocols which have some provisions on PWDs.¹²⁶ Women and girls with disabilities and children with disabilities in South Sudan are protected by the general provisions of CEDAW and CRC.

Armed conflict

PWDs in South Sudan are disproportionately affected by armed conflict and insecurity. According to Human Rights Watch,¹²⁷ PWDs and older people are left behind during armed attacks. They face a higher risk of starvation, SGBV, and death. HRDs reported that PWDs were shot, hacked to death, or burned alive in their homes.

¹²⁴ DefendDefenders interview, South Sudan, September 2021.

¹²⁵ DefendDefenders interview, South Sudan, September 2021.

¹²⁶ OHCHR, “UN Treaty Body Database”, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SSD&Lang=EN, Accessed 01 November 2021.

For instance, On 16 August 2021, four people were killed in an ambush along the Juba-Nimule highway.¹²⁸ According to two HRDs interviewed, one of the victims attacked and killed was a PWD with physical impairment.¹²⁹ Several HRDs reported that PWDs are left behind when violence breaks out, as it is difficult for them to flee. Those left behind experience challenges in accessing food, water, and sanitation.

"PWDs in conflict have no way of getting food, water or medicine. PWDs left behind in conflict cannot fetch water, so they suffer. "
- South Sudanese HRD.

In South Sudan, humanitarian needs are primarily driven by the effects of years of conflict and climate change.¹³⁰ Armed militias have looted humanitarian supplies, attacked UN agencies' staff, and blocked aid.¹³¹ Yet, according to the CHRSS, eight million South Sudanese are currently dependent on aid.¹³²

Several HRDs stated that humanitarian organisations typically respond with the general population in mind during periods of conflict.¹³³ PWDs have to line up in long queues with able-bodied people, and since aid centres are centralised, some PWDs miss out on aid because they cannot walk long distances.¹³⁴ One HRD stated that those humanitarian organisations that airdrop food are inconsiderate of PWDs, as this method results in advantaging able-bodied people.

"It is survival of the fittest." - South Sudanese HRD.

"Some humanitarian actors do not come with translators, and a majority of PWDs in South Sudan speak Arabic, and they do not come with interpreters for the deaf. They only come with people who speak English."
- South Sudanese HRD.

¹²⁸ Radio Tamazuj, "4 people, including Catholic nun, killed in ambush along Juba-Nimule highway", 16 August 2021, <https://radiotamazuj.org/en/news/article/4-people-including-catholic-nun-killed-in-ambush-along-juba-nimule-highway>, Accessed 16 November 2021

¹²⁹ DefendDefenders interview, South Sudan, September 2021.

¹³⁰ United Nations Office for the Coordination of Humanitarian Affairs, "Humanitarian needs overview South Sudan", January 2021, <https://cdn.sida.se/app/uploads/2021/05/07125818/rights-of-persons-with-disabilities-sudan-and-south-sudan.pdf>, Accessed 11 November 2021.

¹³¹ UN, "Deteriorating Humanitarian Situation in South Sudan, Rising Attacks on Aid Workers 'Worrying' Special Representative Tells Security Council", 15 September 2021, <https://www.un.org/press/en/2021/sc14636.doc.htm>, Accessed 16 November 2021.

¹³² OHCHR, "Ten years after gaining independence, civilians in South Sudan still longing for sustainable peace, national cohesion, and accountability – UN experts note," 9 July 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27292&LangID=E>, Accessed 14 February 2022..

¹³³ DefendDefenders interview, South Sudan, September 2021.

¹³⁴ DefendDefenders interview, South Sudan, September 2021.

However, several HRDs noted that a number of humanitarian organisations, including the International Organisation for Migration (IOM), Light for the World, the Italian Volunteer Organisation for International Cooperation (OVCI), HI, and the ICRC, were inclusive of and responsive to PWDs in their work.¹³⁵ According to an interviewee, some organisations tailor their aid programmes to the needs of PWDs. For example, OVCI offers protection to children with disabilities in conflict areas. An HRD highlighted that although some humanitarian organisations are inclusive of PWDs, they still have a lot to learn.¹³⁶ He maintained that humanitarian actors must ensure their programmes include PWDs needs.

"Due to the nature of humanitarian work, you cannot always anticipate what will happen. In addition, some organisations use volunteers in cases of emergencies and conflict, and these people may lack knowledge on how they can be inclusive in their response."
– South Sudanese HRD.

Challenges

Conflict, both before and after independence, has contributed to poverty, lack of access to services, and increased prevalence of disability in South Sudan. PWDs face significant social and political marginalisation as well as multiple challenges. These can be categorised as attitudinal, environmental, and institutional.

Attitudinal barriers

Negative attitudes toward PWDs prevent them from fully engaging in South Sudan's social, cultural, and economic life. The main reasons for discrimination against PWDs and barriers to their equal participation are the misconceptions about disability as resulting from "curses" or "witchcraft," and viewing disability solely as a medical condition, in line with the "medical" approach to disability.¹³⁷ Several interviewees noted that South Sudanese people consider disability to be a curse. As a result, some families keep their children with disabilities indoors, either for a very long time, or even throughout their lives in extreme cases.

¹³⁵ DefendDefenders interview, South Sudan, September 2021.

¹³⁶ DefendDefenders interview, South Sudan, September 2021.

¹³⁷ DefendDefenders interview, South Sudan, September 2021.

“Parents hide their children because of the stigma attached to disabilities.”
- South Sudanese WHRD.

In Juba, DPOs’ awareness-raising efforts have positively shifted attitudes towards PWDs in the communities. DPOs use radio stations and television networks to advocate and create awareness for disability rights. Consequently, the stigma is not as severe as in other areas of the country.¹³⁸ An HRD claimed that in Warrap, some families kill disabled children.¹³⁹

Although people’s attitudes towards disability are improving in Juba, the HRDs continue to experience discrimination in their activism.¹⁴⁰ Several HRDs noted that most people assume that PWDs are beggars. This mentality extends to the interpretation of their advocacy which is viewed in line with the charity model, as asking for help rather than advocating for their rights.

“I work as a disability inclusive facilitator, and my role is to build relationships, provide services for PWDs inclusion in society, lobby for reasonable accommodation, carry out training, and monitor inclusion. But sometimes, the people I work with think I am a beggar at first. So, they resist cooperating until we have lengthy discussions where I convince them otherwise.”
- South Sudanese HRD.

A few HRDs reported that attitudinal barriers restrict PWDs from accessing justice. For instance, an HRD pointed out that traditional courts dealing with marriage disputes often side with able-bodied people because they feel like the able-bodied person did a favour to the PWD by marrying them which is another indicator of the charity model.¹⁴¹ Another HRD pointed out that police officers sometimes do not take reporting from PWDs seriously.¹⁴² For example, a WHRD was robbed while house-sitting her brother’s house, and when she reported it to the police station, the authorities questioned her on whether it was indeed her brother’s house and why he left her responsible for it.

¹³⁸ DefendDefenders interview, South Sudan, September 2021.

¹³⁹ DefendDefenders interview, South Sudan, September 2021.

¹⁴⁰ DefendDefenders interview, South Sudan, September 2021.

¹⁴¹ DefendDefenders interview, South Sudan, September 2021.

¹⁴² DefendDefenders interview, South Sudan, September 2021.

Environmental barriers

In South Sudan, environmental barriers make it more difficult for PWDs to access services. The majority of educational, health, and sporting facilities, as well as places of business, courts, and hotels and other physical infrastructure are inaccessible due to the lack of ramps and elevators.¹⁴³ In addition, HRDs noted that most public facilities are not reasonably accommodative to PWDs, contributing to social exclusion, as PWDs cannot access buildings.

“There are no ramps in most places, let alone elevators. Hospitals did not have ramps until recently.”

- South Sudanese WHRD.

“Courts have structures with stairs, narrow doorways, and inaccessible restrooms, and this creates numerous barriers to persons with physical impairments.”

- South Sudanese HRD.

Several HRDs pointed out that access to water and sanitation for PWDs is sometimes restricted. For example, the proximity of water points and water wells are too far and are physically inaccessible for PWDs, especially wheelchair users. Latrines and toilets are often inaccessible for those with physical disabilities.¹⁴⁴

Furthermore, the transportation system in South Sudan is often inaccessible for PWDs. The poor road infrastructure, rough terrain, inadequate public transportation, and public transport expenses are all barriers for PWDs, not to mention the prevailing insecurity on the country’s roads.¹⁴⁵ HRDs noted that most people with disabilities need an assistant while travelling, and often, transportation costs are doubled for PWDs, who are among the poorest South Sudanese. In addition, several visually impaired HRDs noted that movement on the road is strenuous.

“Roads are inaccessible, and sometimes drivers are reckless on the road, and they destroy our white canes.”- South Sudanese HRD.

¹⁴³ DefendDefenders interview, South Sudan, September 2021.

¹⁴⁴ DefendDefenders interview, South Sudan, September 2021.

¹⁴⁵ DefendDefenders interview, South Sudan, September 2021.

PWDs in South Sudan face significant challenges in accessing employment and remain some of the poorest people in the country. According to a 2012 National Disability Assessment, 89.3% of individuals with impairments were unemployed.¹⁴⁶ One HRD noted that visually impaired people are employed primarily in schools because they face discrimination everywhere else.¹⁴⁷ A few interviewees remarked that some job advertisements specify “physically fit” as a requirement, which automatically disqualifies PWDs.¹⁴⁸ Others noted that those with hearing disabilities face even more challenges in getting employment as they require a sign language interpreter.

*"Even though a PWD is qualified for a job, it is difficult for them to be employed. Employers give fake excuses such as the toilets are not accommodative for PWDs when they meet the qualifications."
-South Sudanese HRD.*

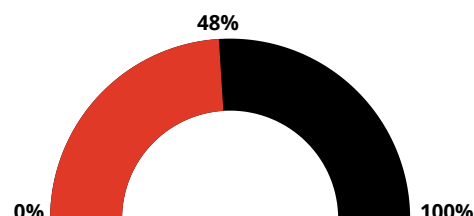
*"In 2020, a colleague of ours studied law and graduated from college. He applied for a counsel position at the Ministry of Legal Affairs and Constitutional Development. Even though he passed the interview, the Ministry rejected him because they said the offices were not accessible."
-South Sudanese HRD.*

These institutional challenges affect children with disabilities. According to the 2011 disability assessment report, the school attendance rate for children with disabilities varied from 21.9% to 24.3%. The rate for girls was 17.6%.¹⁴⁹ significant difference between male and female students, suggesting that girls are disproportionately impacted. 48% of children with disabilities drop out of school.

Figure 4: The rate of girls school attendance



Figure 5: Percentage of school drop outs.



¹⁴⁶ Ministry of gender, child, social welfare, humanitarian affairs and disaster management, “South Sudan national disability & inclusion policy” 2013, https://www.apminebanconvention.org/fileadmin/APMBC/Victim_Assistance_Docs/South-Sudan-National-Disability-and-Inclusion-Policy.pdf, Accessed 17 November 2021.

¹⁴⁷ DefendDefenders interview, South Sudan, September 2021.

¹⁴⁸ DefendDefenders interview, South Sudan, September 2021.

¹⁴⁹ Ministry of gender, child, social welfare, humanitarian affairs and disaster management, “South Sudan national disability & inclusion policy” 2013,

Students with disabilities face multiple barriers, including limited educational facilities. There is only one school that caters to children with disabilities in Juba, namely the Rajaf School for the Blind, and it can only accept a limited number of students.¹⁵⁰ In addition, three youth HRDs noted that there is only one sign language interpreter in their school.

*"It is hard for one interpreter to cater to all students with hearing impairments. We have to copy notes from the blackboard, and sometimes we do not understand some things, but it is hard to ask for assistance immediately because we need the interpreter to communicate."
- Student HRD.*

Several HRDs noted that while a few students with disabilities can join mainstream schools, the teachers are not well trained, and there are no available assistive devices to facilitate learning for students with disabilities. As a result, many students with disabilities drop out. Other factors that hinder students with disabilities from accessing schools include the need to travel long distances to attend school, poverty, lack of special needs schools and trained teachers. Others are inaccessible infrastructure in schools, including lack of ramps, proper pathways, and toilets for PWDs.

Most electronic and print media is unavailable in accessible formats, making it difficult for PWDs to obtain information.¹⁵¹ Several interviewees mentioned that they sometimes feel socially excluded due to the reduced access to information. Some initiatives aim to address these issues, though. For instance, on 23 September 2021, Light for the World, the National Association of the Deaf, and the Ministry of Gender, Child and Social Welfare launched South Sudan's sign language dictionary. This was a breakthrough for deaf and hard-of-hearing people in the country.¹⁵²

PWDs face multiple obstacles including communicational and attitudinal barriers in their attempts to access justice from the courts. The judicial system fails to include PWDs, especially those with hearing impairments.¹⁵³ For example, an HRD with a hearing impairment recalled when the courts refused her permission to communicate using sign language. The HRD noted that the magistrates complained about the back and forth of signing and responding, taking a lot of their time.

¹⁵⁰ DefendDefenders interview, South Sudan, September 2021.

¹⁵¹ DefendDefenders interview, South Sudan, September 2021.

¹⁵² Light for the world, "South Sudan: sign language as a game changer", 23 September 2021, <https://www.light-for-the-world.org/news/south-sudan-sign-language-as-a-game-changer/>, Accessed 12 December 2021.

¹⁵³ DefendDefenders interview, South Sudan, September 2021.

"The Court refused my interpreter to sign on my behalf, claiming that the words of the interpreter are not my words. The court told me to come back with a letter of introduction detailing my disability and explaining that I require an interpreter."

- South Sudanese WHRD

Additionally, PWDs lack political representation. While the Constitution provides for women quotas (at least 25% representation at all levels of government),¹⁵⁴ it does not set out any percentage for PWDs or for women with disabilities. As a result, PWDs needs are not fully considered.

HRDs interviewed for this report provided conflicting information regarding whether a disabled person represents them in Parliament. This is attributable to the fact that within the disabled community in South Sudan, there is a clear distinction between "wounded heroes" (namely, soldiers who became disabled because of active fighting for the liberation of the country) and PWDs who acquired their disability due to a health condition, accident, or environmental factors.¹⁵⁵ Several HRDs stated that there is a wounded hero PWD representative in Parliament. However, they do not believe that he advocates for the interest of PWDs. They expressed that, wounded heroes do not represent the interests of all PWDs, but rather the interest of the army and the government.

Interviewees noted that DPOs continue to advocate for a Disability Act to guarantee full protection for PWDs. One female interviewee mentioned that she and other members of DPOs petitioned the Parliament in 2011, as the Sudanese Interim Constitution was being modified prior to the Republic of South Sudan's declaration of independence.¹⁵⁶ Several HRDs mentioned that the government appointed a representative with a disability to the National Constitutional Review Commission. Unfortunately, the efforts are yet to materialise as none of the demands made thus far have been considered.¹⁵⁷

Women and girls with disabilities

Interviewees noted that women and girls with disabilities are particularly vulnerable to human rights violations. They reported that women and girls with disabilities face double discrimination, linked to patriarchal stereotypes of being a woman and because they have a disability. Women and girls in South Sudan face exclusion from decision-making processes and general marginalisation within society.

¹⁵⁴ Constitute, "South Sudan's Constitution of 2011", https://www.constituteproject.org/constitution/South_Sudan_2011.pdf, Accessed 16 November 2021.

¹⁵⁵ DefendDefenders interview, South Sudan, September 2021.

¹⁵⁶ DefendDefenders interview, South Sudan, September 2021.

¹⁵⁷ DefendDefenders interview, South Sudan, September 2021.

Women and girls with disabilities are especially vulnerable to SGBV. This is because of lack of protection, their inability to report, and the perpetrators' belief that women with disabilities have no way to hold them to account. For example, women and girls with intellectual disabilities and psychosocial disabilities are more likely to experience multiple instances of rape and abuse.

"A young woman once told me of an incident where someone posed as an assistant for a visually impaired woman and took her to an unknown location. The perpetrator threatened to kill and rape her. However, I cannot confirm if she was harmed."

- South Sudanese HRD.

Furthermore, women with disabilities have limited political representation or access to decision-making processes. They are marginalised in the mainstream women's rights and disability groups. This impedes their opportunity to develop leadership capacity or advocate for their rights.

"Women with disabilities are left out either in the framework of promoting the right of PWDs, or the rights of women."

- South Sudanese HRD.

Another challenge that emerges among women and girls with disabilities relates to access to schools, jobs, or vocational training. Girls with disabilities are excluded from education as some parents believe it is a waste of time. The few schools available for PWDs are inaccessible as well as facilities provided. This, coupled with the lack of access to sanitary products, creates a challenge for women and girls with disabilities as they cannot attend classes during menstruation.

"Taking girls with disabilities to school is challenging; parents have difficulty understanding or allowing their girls to go to school. Personally, my mother took me to school, but it was not easy for her because people used to be negative and discourage her as they believed it was a waste of time."

- South Sudanese WHRD.

However, HRDs noted that in other instances, girls with disabilities are at risk of early and forced marriage. "Most family members may not send girls to school because they have a disability. They are forced to marry early because they are girls. This person is uneducable, and they cannot learn, so she should get married as early as possible."

- South Sudanese HRD

Culturally, women are seen as inferior to men in South Sudan. As a result, they experience social, economic, and political discrimination. As mentioned above, disabilities are viewed as a curse and result in stigma. Therefore, family members discourage able-bodied people from marrying PWDs, in particular women with disabilities. Several WHRDs with disabilities said that society believes they will automatically bear a child with a disability.

"Some families accept the first man that is interested in a girl or a woman with disabilities. After that, they do not let you negotiate, and they are likely to accept any offer."

- South Sudanese WHRD.

Risks and threats

Several interviewees in South Sudan stated that they face threats, intimidation, and harassment from both state and non-state actors. 18% of them indicated that they had faced physical and verbal threats from state agents, namely police officers and army officials. In addition, the more vocal an HRD is, the more likely they are to be threatened or intimidated by the authorities. Two HRDs noted that the authorities are intolerant of vocal HRDs, as they associate them with political dissent and consequently target them for harassment.

"When you vocally speak out on platforms or question if the government is doing enough for disability rights; the government thinks you want to overthrow them."

- South Sudanese HRD.

Two HRDs mentioned a situation where police officers harassed a group of 75 PWDs on their way to present a petition to the legislative assistant on PWD rights. An HRD with a disability reported that police officers intimidate HRDs with disabilities to get some money. Other respondents reported self-censorship practiced among HRDs themselves, usually due to security concerns.

"Police officers intimidate you and demand money. So, you must give them the little you have got."

- South Sudanese HRD.

A WHRD detailed two cases where she and her colleagues were arrested, detained, beaten, and harassed for using sign language. The authorities believed they were pretending to be deaf and continued to beat them throughout their detention period. The same WHRD was arrested in a separate incident while advocating for PWD rights.

39% of the HRDs interviewed for this report confirmed receiving verbal threats and suffering physical attacks from non-state actors, including community members and family members. For example, one WHRD received a phone threat from an unknown person. The threat was related to her disability activism. In another incident, an unknown person threatened an HRD on the phone after he spoke out on PWDs' political rights in a radio station. These threats are often aimed at intimidating them.

Other HRDs reported that thieves target visually impaired people, break their white canes, and rob them. One student HRD noted that other children in the neighbourhood tease and threaten to attack them.

While the majority – 57% of all interviewed HRDs claimed facing threats from both state and non-state actors, the other 43% indicated that they had not personally faced threats in relation to their work. One interviewee noted that most PWDs do not experience risks because they promote disability rights at the community and family level. Others mentioned that while direct threats are limited, HRDs face challenges in the form of biased attitudes within the community and authorities.

Due to knowledge gaps, HRDs are often unable to access protection mechanisms. Consequently, in the event of risk and threats, nearly all HRDs interviewed for this report refrained from the activity that led to these risks and threats, for fear of the consequences. Several respondents noted that they lacked the capacity to publicise their grievances. Many did not have confidence that the authorities would act, if they reported threats. For example, a visually impaired HRD noted he could not report to the police station because he has no way of describing the suspect, making it pointless.

“The challenge is with the attitudes of the authorities. They take reported issues very lightly and do not do anything about it.”

- South Sudanese HRD.

HRDs identified awareness of and access to human rights protection mechanisms as a challenge. However, a few HRDs indicated that they were aware of protection mechanisms, including international mechanisms such as the Universal Periodic Review (UPR) to report violations against disability rights. A few HRDs interviewed took part in the 2016 UPR.

Requirements

Interviewees identified the need for representation of PWDs at all levels of power: legislative, executive, and judicial, including at the state and county level. Several expressed the need for closer engagement and dialogue with local and national government representatives, humanitarian workers, and all relevant actors to ensure awareness of PWD rights and needs. Additionally, HRDs with disabilities stressed the need for the government to collect data to ensure that the national budget, policies, laws, and services are responsive to PWDs' needs.

Interviewees also mentioned the need for additional forums for disabled HRDs to speak and network in Juba and throughout the country. Given that the situation of PWDs outside of Juba is more dire, these forums could increase the sharing of best practices among HRDs with disabilities and serve as a means for advocacy and improving the situation of PWDs.

Interviewees also lamented over the lack of financial resources, equipment, skills, and capacity in DPOs to support their activism.

They requested training in digital and physical security, as well as in navigating the country's legal system, ideally tailored to the needs of PWDs. However, any capacity building services would have to factor in PWDs' needs, including ensuring that the facilities and materials are all accessible, which can be a challenge in South Sudan. Capacity building will further empower HRDs to continue their work with a higher degree of operational safety, and with processes and strategies to mitigate risks.

Nearly all respondents noted the need for sensitisation to help communities destigmatise PWDs and address the negative attitudes associated with disability. They also requested an inclusive educational curriculum that would provide assistive devices such as braille and hearing aids. Many HRDs emphasised the need for all teachers to train in sign language to teach inclusive classes.

CONCLUSION

All HRDs in the East and Horn of Africa face challenges in effectively carrying out their work. However, HRDs with disabilities experience specific challenges in their work as activists due to the barriers they face in their daily lives. Their efforts of human rights promotion are often overlooked.

Conflict and violence in Ethiopia, Somalia, and South Sudan have a disproportionate impact on PWDs in multiple ways. They create a devastating humanitarian situation and are a leading cause of disability among large numbers of civilians. PWDs in the three countries are confronted with immense challenges that are difficult to overcome. Many PWDs face additional obstacles in seeking safety and fleeing conflict.

PWDs in the focus countries face attitudinal, institutional, and environmental challenges and barriers. In all three countries, society mostly has a negative attitude towards PWDs. The latter experience stigma, prejudice, and discrimination. This is especially prevalent in the rural areas, where people are less aware of disability rights and inclusive approaches to disability.

Additionally, services, infrastructure, and communications are often inaccessible. Public buildings, health facilities, government offices, roads, transportation, and shops are often inaccessible for PWDs. Furthermore, communication and information lack reasonable accommodation for persons with hearing or visual impairments in all three countries.

Institutional barriers deny PWDs reasonable accommodation to participate in public and political life, education, health, recreation, and business. Despite employment policies and laws being inclusive of PWDs, most remain unemployed. PWDs struggle to access and afford healthcare, including assistive devices, and are among those most vulnerable to health risks. Furthermore, statistics or comprehensive information on the number and situation of PWDs in Ethiopia, Somalia, and South Sudan is lacking.

These pervasive challenges significantly affect the work of HRDs with disabilities. Their efforts are often frustrated by the opposition they face from state and non-state actors, and their vulnerabilities are often compounded by difficulties in navigating everyday life, as well as lacking awareness of human rights protection mechanisms. Humanitarian organisations and governments should take measures to address the specific needs of PWDs including those who are exposed to conflict.

RECOMMENDATIONS

Considering these findings, DefendDefenders respectfully submits the following recommendations.

To the government of Ethiopia

- Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and
- Accelerate the implementation of the Developmental Social Welfare Policy (1997) and the National Plan of Action for the Inclusion of Persons with Disabilities.
- To the government of Somalia
- Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities;
- Finalise and implement the 2020-2023 RoadMap for the Inclusion of persons with disabilities and disability rights in Somalia: and
- Streamline the aid distribution process at the district level and ensure it is inclusive.

To the government of South Sudan

- Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and
- Disseminate and implement the National Disability and Inclusion Policy.

To the governments of Ethiopia, Somalia, and South Sudan:

- Ratify and domesticate the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;
- Develop domestic legislation to address disability rights from a comprehensive perspective and guarantee equal protection for persons with disabilities;
- Review, revise, and implement existing legislation to respect, protect and effectively fulfill the rights of persons with disabilities;
- Adopt national legislation that recognises and protects human rights defenders including defenders with disabilities; ideally, this should be in the form of a national law on human rights defenders that includes a section on defenders with disabilities, including women defenders;
- Conduct public awareness campaigns to sensitise the public and promote the rights of persons with disabilities, especially in rural areas;
- Promote affirmative action for employment of persons with disabilities;
- Ensure that reasonable accommodation and accessibility is provided to persons with disabilities in the workplace;
- Promote inclusive education by providing education in braille and sign language interpreters;

- Conduct national census and collect statistics including on persons with disabilities, ensuring that biases, such as under-reporting, are addressed;
- Ensure access to justice for persons with disabilities; including for women and girls with disabilities; and
- Guarantee representation for persons with disabilities at parliamentary and executive level.

To disabled people's organisations

- Continue to promote and work for the protection of the rights of all persons living with a disability, including women and girls; and
- Strengthen networks between urban and rural disabled people's organisations.

To development partners, humanitarian organisations, and NGOs

- Mainstream disability inclusion in all programmes and aid provision;
- Strengthen awareness-raising, training and advocacy efforts for staff dealing with disabilities;
- Provide capacity building to protection actors on how disabilities shape the risks that defenders face;
- Provide capacity building on protection mechanisms;
- Enhance support to projects aimed at improving the lives of persons with disabilities;
- Revise definitions of risk used by protection actors to ensure that they include the indirect and institutional risks that defenders with disability face; and
- Increase funding for DPOs to conduct their activities.

To the African Commission on Human and Peoples' Rights

- Call on Ethiopia, Somalia, and South Sudan to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;
- In line with Resolution 143 of the 45th ordinary session, collect data on persons with disabilities to ensure proper mainstreaming of their rights in policies and development programmes of state parties to the African Charter on Human and Peoples' Rights; and
- Identify good practices on protection and promotion of the rights of persons with disabilities to be replicated in member states.

Defenddefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the subregion by reducing their vulnerability to risks of persecution and by enhancing their capacity to efficiently defend human rights.

Defenddefenders is the secretariat of EHAHRD--Net, a network of 78 human rights organisations in the eleven countries of the East and Horn of Africa subregion. Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.



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