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SOMALIA: PRIORITISE PROTECTION FOR PEOPLE WITH DISABILITIES

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“Most Somalis think that disabled people can’t do our own things, that we can’t do anything for ourselves. We feel disappointed. We are able to do things, but nobody gives us the opportunity. Nobody fights for our rights... We want you to pass our grievances to the world, to try and help us.”

(Hussein, disabled person, Mogadishu)

Over two decades of conflict and a lack of access to health services have left people in Somalia with various forms of disabilities. Persons living with disabilities in Somalia are discriminated against by their families, the public and the state, and do not receive any additional protection. Amnesty International delegates interviewed dozens of people with disabilities who spoke of various forms of human rights abuses they suffer, including forced marriage, violence, rape and other forms of sexual violence, forced evictions, lack of assistance and access to essential services. The Somali Federal Government has an obligation to promote, protect and respect the rights of all people, an obligation which is more pronounced with regards to people with disabilities.¹ Persons with disabilities are urging the Somali Federal Government to accept that they are active members of civil society. They want to be represented in society, with their rights recognised and realised.

There are no statistics or comprehensive information on the number and situation of people affected by disabilities in Somalia. The amount of people living with disabilities in Somalia is likely to be higher than global estimates² given the conflict which has continued for over 20 years, and a lack of access to services including health services in most of south and central Somalia. Members of disabled persons' organisations working with disabled people in Somalia told Amnesty International delegates that the number of people disabled as a result of the conflict constitute the majority of disabled people in Somalia.³ Decades of violence and military operations in Somalia have resulted in heavy civilian casualties. Civilians have been killed and wounded in crossfire during armed clashes, through improvised explosive devices (IEDs), grenade and suicide attacks, as well as airstrikes. Targeted attacks against civilians also continue.⁴ Civilians who are killed or injured during such attacks remain largely unaccounted for, invisible, and unassisted. There is still no civilian casualty tracking system in place, despite numerous recommendations by the UN Security Council, including specific calls to the African Union Mission in Somalia (AMISOM) for this to be established.⁵ The other main causes of disabilities in Somalia are said to be related to lack of access to health services, and congenital disabilities.⁶ Persons with disabilities include 'those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may

¹ The Federal Republic of Somalia, Provisional Constitution, 1 August 2012, Article 11(1, 3), Article 27 (5); can be accessed at <http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME=> (accessed 16.02.15).

² In 2011 the World Health Organisation (WHO) estimated that 15% of the world's population live with disabilities. World Health Organization (WHO), World Disabilities Report, 2011, p 29. This was the first ever written and most recent World Report on disabilities.

³ Interview, staff of disability support group, 31.01.15, notes on file with author; focus group discussion, members of disabled persons organisations, 31.01.15, notes on file with author.

⁴ United Nations High Commission for Refugees (UNHCR), International Protection Considerations with Regard to People fleeing Southern and Central Somalia, 17 January 2014, p 4 can be accessed at <http://www.refworld.org/docid/52d7fc5f4.html> (accessed 16.02.15).

⁵ See UNSC resolutions 2036, Art 17 (2012). See also UNSC resolutions 2093 (2013) and 2124 (2013), 2158 (2014) and 2182 (2014).

⁶ Interview, staff of disability support group, 31.01.15, notes on file with author; focus group discussion, members of disabled persons organisations, 31.01.15, notes on file with author.

hinder their full and effective participation in society on an equal basis with others.’⁷

During research in Somalia between 2013 and 2014, Amnesty International met people living with disabilities in internally displaced persons camps who were at increased risk of forced evictions and other human rights abuses. Amnesty International delegates travelled to Mogadishu, Somalia in February 2015 and interviewed 26 people living with disabilities, and seven representatives of different disabled persons’ organisations working with hundreds of disabled people in Mogadishu and south and central Somalia. Additionally Amnesty International spoke to representatives of two communities on behalf of 390 families who live with disabilities in Mogadishu. Delegates also spoke to government officials, as well as representatives from international organisations, and international non-governmental organisations.

Somalia’s displaced people have spent years being driven from place to place by conflict, drought and famine, facing untold hardships, mistreatment and abuse. They face daily human rights abuses such as unlawful killings, violence including rape and other forms of sexual violence, forced evictions, lack of access to health or an adequate standard of living such as housing, food, water as well as limited access to humanitarian assistance.⁸ This briefing is an introduction to some of the specific abuses suffered by internally displaced people living with disabilities, who are not only subject to the daily abuses experienced by other displaced persons, but experience additional abuse due to perceptions of their increased vulnerability as a result of being disabled. This briefing is not an in-depth analysis into the situation of persons with disabilities in Somalia. Instead it seeks to highlight some of the abuses persons with disabilities suffer, with the aim of galvanising attention to their dire situation, encouraging the Somali Federal Government to engage with persons with disabilities and ensure their protection.

Representatives of disabled persons’ organisations said that persons with disabilities are stigmatised in Somali society. The situation of children living with disabilities appears to be dismal. Many representatives of disabled persons’ organisations Amnesty International delegates spoke to related incidents directly affecting themselves or people they worked with, including how some disabled children are abused or viewed as a burden by their own families. Some reject their children completely. Yusuf⁹, a member of a disabled persons’ organisation, told Amnesty International about a number of incidents of children who have been abandoned by their families. Halima, 18, was born

⁷ Convention on the Rights of Persons with Disabilities, 2006, Article 1, can be accessed at <http://www.un.org/disabilities/convention/conventionfull.shtml> (accessed 6 March 2015).

⁸ Amnesty International has in-depth documentation of these violations and abuses. For more information see No Place Like Home: Returns and Relocations of Somalia’s Displaced, 19 February 2014, can be accessed at <https://www.amnesty.org/en/documents/AFR52/001/2014/en/> (accessed 6 March 2015); No Place for the Displaced: Forcible eviction of displaced communities, 13 September 2013, can be accessed at <https://www.amnesty.org/en/documents/AFR52/010/2013/en/> (accessed 6 March 2015); Rape and Sexual Violence in Somalia – an ongoing epidemic, 30 August 2013, can be accessed at <https://www.amnesty.org/en/documents/AFR52/009/2013/en/> (accessed 6 March 2015).

⁹ All names used in this document have been changed to protect the identity of the person interviewed.

blind. Her mother rejected her when she was one year old, on the basis that she would be difficult to cope with. Halima's grandmother disposed of her in the nearby rubbish-tip, but her father found her, close to death, a number of hours later. Halima is now studying in a school in Mogadishu.¹⁰

Amnesty International delegates were told by multiple representatives of disabled persons' organisations that children with disabilities who stay with their families often remain invisible, not allowed to attend school, join public forums or participate in public life. For example, Abbas, who works with a disabled persons organisation said: "*the attitudes of parents are still very difficult. They keep their children at home, they don't allow them to go to school. If they have a boy, they can allow him to learn only the Qur'an. If they have a girl, they wait and marry her as soon as they can. Since most parents are not educated themselves, they think that if you come to collect them and take them to school, that you are using them to collect alms (beg). Generally there is a lot of neglect, separation and discrimination. We need to challenge these perceptions.*"

FORCED MARRIAGE AND DOMESTIC VIOLENCE

Domestic violence is held to be widespread, common and even accepted throughout Somalia. In 2012, the UN Special Rapporteur on violence against women stated: 'domestic violence remains the most pervasive manifestation of violence against women and girls in the country...Unless it resulted in serious injury or death, domestic violence was not perceived as a problem necessitating legal intervention or other assistance.'¹¹ She indicated that 'early and/or forced marriages still persist, particularly in rural areas,'¹² though referenced the difficulty of quantifying the issue: 'as with the issue of domestic violence, the lack of data makes it impossible to ascertain the extent of the practice of rape and early and/or forced marriages.'¹³ Despite the lack of reliable data on the prevalence of domestic violence and forced marriage, surveys that have been carried out suggest that it is widespread.¹⁴

¹⁰ Interview, staff of disability support group, 31.01.15. Notes on file with author.

¹¹ Manjoo R 2012, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Addendum (Mission to Somalia), United Nations General Assembly Human Rights Council, Twentieth Session, paragraph 17, can be accessed at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/134/84/PDF/G1213484.pdf?OpenElement> (accessed 3 March 2015).

¹² Manjoo R 2012, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Addendum (Mission to Somalia), United Nations General Assembly Human Rights Council, Twentieth Session, paragraph 23, can be accessed at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/134/84/PDF/G1213484.pdf?OpenElement> (accessed 3 March 2015).

¹³ Manjoo R 2012, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Addendum (Mission to Somalia), United Nations General Assembly Human Rights Council, Twentieth Session, paragraph 24, can be accessed at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/134/84/PDF/G1213484.pdf?OpenElement> (accessed 3 March 2015).

¹⁴ Human Rights Watch, "Here, Rape is Normal" A five point plan to curtail sexual violence in Somalia, February 2014, p 40, can be accessed at http://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf

Amnesty International delegates found that in a number of instances, the families of women and girls with disabilities force them into marriage, often to older and/or abusive men, in a bid to rid themselves of the perceived burden of having a disabled child.

Sadho, walks with the assistance of a replacement leg. She told Amnesty International: *“My parents forced me to marry an old man, they told me no-one would want me because of my disability. I was 28 when I was married. He was old, maybe 80. Since my parents forced me to live with him, I realised how crazy he was. He used to beat me, shout at me, and hurt me. He would do what he wanted. Each time he beat me I used to escape to my parents for help. They said “you have a disability, go back to your husband.” They wouldn’t help. I sometimes refused, and would find another place to go, but they used to find me and take me back to him. He used to try to kill me all the time, he would punch and kick me, hold my throat until my eyes were red and popping from my head, he beat me with everything he would see in the house. He beat me so much and I could not run. If I asked for help from his family, they would say “don’t ask anything from my brother, you are disabled. If you divorce him, what will you do? It is good that you have him.” Sadho left her husband with her two daughters, and resorted to begging to survive. “I am still recovering from the problems of my husband,” she added.*

Hannan, became disabled when she was a baby. Her mother had epilepsy, and had a fit when she was on her mother’s lap, causing them both to fall into the fire. Her mother died as a result. Hannan’s foot was injured, leaving her disabled. *“I was 13 years old. My family decided to give me to this man, I refused and ran away. My family sent strong men after me. They caught me, tied my arms and legs and threw me in a room with the man. He beat me since the beginning. His family would say that I was disabled, that I shouldn’t complain. He beats, slaps, kicks and throttles me. When people try to stop him, he beats them too. He beats with his hands, legs, anything he can find. He even beats the children. He doesn’t bring anything back so I provide for the family by begging. If I don’t beg, he will beat and insult me. When I escape and go home, my aunt says that I am disabled, and returns me back.”*

Mariam is blind and suffers from epilepsy. She describes being married off by her parents when she was 14 years old. *“When my parents brought me a man to marry, I rejected him. I had a man who was my age-mate who I loved, but my parents rejected him. He was chased away. My parents told me to choose between marriage and being cursed. If I chose not to marry, I would have faced so many difficulties. I couldn’t refuse, I have to do what my parents say. I didn’t know his name when we married. They brought him after two weeks. I don’t know his age but he was roughly 60 years old.”* Mariam said that she is forbidden to leave her house, or to meet with other people living with disabilities *“they don’t want me to join a (disabled persons) group as I may get the idea to run against my husband. They don’t want me to know of my rights.”*

Domestic violence and forced marriage are widespread amongst the population, however women and girls with disabilities seem to face an increased risk due to perceptions that their disability is a burden to the family, or that women and girls with disabilities are of less value and can therefore be

abused. In Somalia, there are no laws criminalising domestic violence, spousal rape or forced marriage. Due to the weak legal framework, violence against women and girls is often addressed through Shari'a or customary law. The apparent acceptance of domestic violence and forced marriage within the society, means that most incidents go unreported and un-investigated, perpetuating a culture of impunity surrounding domestic violence in Somalia.

RAPE AND OTHER FORMS OF SEXUAL VIOLENCE

Rape and other forms of sexual violence are pervasive in Somalia, particularly in camps and settlements for displaced people. In 2012, the Special Rapporteur on violence against women noted that she was aware of 'alarming reports of sexual violence, especially against women in displaced settlements and camps in some areas of Somalia.'¹⁵ Amnesty International and numerous other organisations have documented high levels of rape and other forms of sexual violence, particularly among displaced women and girls.¹⁶

Women and girls with disabilities do not only suffer violence including rape and other forms of sexual violence in the context of domestic and family life. Their disability can often lead perpetrators to view them as vulnerable targets, increasing the risk of being raped or other forms of sexual violence.

Amran has been raped twice. She told Amnesty International delegates that she was shot in the leg the first time she was raped, and has never regained full mobility. Amran was raped again, two years later, because her attacker knew about her disability. *"I woke up in the night, and found that someone had already entered my buul (shelter). The attacker put a knife to my neck, and told me to keep silent. He told me he would kill me if I shouted. I was crying as I knew I couldn't do anything. He knew everything [about my disability], so he raped me repeatedly because he knew I was disabled and couldn't defend myself."* Amran said *"I wanted to die and told him to finish me...but I keep living for my children."*

Amnesty International spoke to several women whose attackers targeted them specifically because

¹⁵ Manjoo R 2012, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences: Addendum (Mission to Somalia), United Nations General Assembly Human Rights Council, Twentieth Session, paragraph 26, can be accessed at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/134/84/PDF/G1213484.pdf?OpenElement> (accessed 3 March 2015).

¹⁶ For more information see Amnesty International, Rape and sexual violence in Somalia, an ongoing epidemic, 30 August 2013, can be accessed at <https://www.amnesty.org/en/documents/AFR52/009/2013/en/> (accessed 6 March 2015); see also Human Rights Watch, "Here, Rape is Normal" A five point plan to curtail sexual violence in Somalia, February 2014, p 40, can be accessed at http://www.hrw.org/sites/default/files/reports/somalia0214_ForUpload.pdf (accessed 6 March 2015); and Human Rights Watch, Hostages of the gatekeepers, March 2013, can be accessed at http://www.hrw.org/sites/default/files/reports/somalia0313_ForUpload.pdf (accessed 6 March 2015).

they were disabled, and therefore more vulnerable. Ayaan told Amnesty International that her attackers called her a dog, and told her that she was worthless because of her disabilities.

Farhiya works with a disabled persons' organisation. She said "*The problem with disabled women is that if they are raped, the community don't help. They say it is nothing. They don't react as they would if it was a normal girl. They do nothing and say nothing. If someone comes to rape a girl with a disability, no-one says anything. She has no value.*"

Many women and girls that are forced into marriage when they are young,¹⁷ or to older or abusive men, are later discarded. Aisha said "*I have no children. I've been married to three men and was last divorced five years ago. I didn't ever give birth, and they divorced me. My last husband told me "you are disabled, you're no good, how I can take care of you – just stay the way you are. "I was married to him for three years. When he divorced me, he made me leave with nothing, not even my mattress. He said "you are disabled, no-one needs you. Go away from me."*"

Amran said "*I have three children from different fathers. They come, say they love me and court me. When they find I am pregnant they divorce me. They leave as they don't want the child of a disabled woman.*" Amran's youngest child is five months old.

Avenues for justice are extremely limited. Most survivors of rape that Amnesty International spoke to did not report their attacks to the police, often because they feared stigmatisation, had little confidence in the ability or will of the authorities to either investigate or protect them from retaliation, or had no family support. Police practices compound the stigma surrounding sexual violence within Somali society, and discourage victims from reporting their cases. Some women who report rape are treated as criminals.¹⁸

States have a responsibility to investigate and prosecute such crimes whether committed by members of their security forces or others. When state authorities know, or ought to know, of human rights abuses committed by non-state actors, yet fail to take the necessary steps to prevent, investigate and hold perpetrators accountable for the crimes, the state, as much as the perpetrators, bears responsibility for human rights violations.

¹⁷ This is interpreted as girls from the age of 13 years old.

¹⁸ For example see joint press release, Amnesty International, Human Rights Watch, Committee to Protect Journalists, Free journalist, others unlawfully detained, 23 January 2013, can be accessed at <http://www.hrw.org/news/2013/01/22/somalia-free-journalist-others-unlawfully-detained> (accessed 6 March 2015).

FORCED EVICTIONS, EXPLOITATION AND ACCESS TO ASSISTANCE



UNHCR/R. Gangale

Many people with disabilities are living in internally displaced persons settlements. Most of those staying in Mogadishu come from the conflict affected areas of south Somalia, particularly the regions of Bay, Bakool, Lower and Middle Shebelle.¹⁹ Others join internally displaced persons settlements in order to escape abusive situations as described above.

The threat of evictions hangs over all internally displaced people in Mogadishu and other parts of Somalia. In the last years tens of thousands of internally displaced people were forcibly evicted in Mogadishu from both public and private land.²⁰ Displaced people in Somalia are subject to exploitation, often by 'gatekeepers', who are powerful individuals and groups, often with links to district commissioners and other local level authorities or militia, who present themselves to internally displaced people as landowners. Gatekeepers take on an informal role of camp managers for profit, in the absence of formal camp management in Somalia throughout the years due to insecurity. Their access to land gives them the ability to exert power and control over displaced people, and to divert humanitarian aid. Access to humanitarian aid by populations in need of

¹⁹ Interview, staff of disability support group, 31.01.15. Notes on file with author.

²⁰ Forced evictions have been taking place since at least 2012 in Mogadishu. For more information see Amnesty International, No Place Like Home: Returns and Relocations of Somalia's Displaced, 19 February 2014, can be accessed at <https://www.amnesty.org/en/documents/AFR52/001/2014/en/> (accessed 6 March 2015); No Place for the Displaced: Forcible eviction of displaced communities, 13 September 2013, can be accessed at <https://www.amnesty.org/en/documents/AFR52/010/2013/en/> (accessed 6 March 2015).

assistance remains extremely limited in south and central Somalia. Reasons for this include aid diversion, insecurity and ensuing restrictions on access, and attacks on humanitarian personnel and operations.²¹

People with disabilities are also subject to forced evictions and are at an increased risk of abuse such as exploitation and violence. In addition they face further limitations in accessing humanitarian assistance. Amnesty International delegates met with two communities of disabled persons in Mogadishu who were living close-by and supporting each other.

BLIND PERSONS COMMUNITY

Amnesty International met with a group of blind people who had previously been living among other internally displaced persons in Mogadishu during the Horn of Africa crisis from 2010.²² Hussein, a member of this community said: *“the problem with living with others is that when people get assistance, no-one gives anything to us blind. We stay in the house, so everyone would go and get for themselves and for their family. No one would help us.”*

Jibril described how difficult it was for the family to try and obtain assistance: *“Mostly, when assistance came, our wives weren't able to grab anything, people used force, and our wives weren't strong enough and our children were young. We were also never sure when the assistance would come. So our wives and children would go early to look for something, we blind people are left in the houses alone. If some aid comes, others rush and there is nothing left for us.”*

The food and other assistance blind people were able to get was also regularly stolen. It was for this reason that in 2011, this group of blind people came together in one settlement. Hussein said: *“The reasons [we formed our own settlement] are the needs of us blind people, and the many problems we got from people who are not blind. So during the drought we decided to come together to get help. Blind people can't live with those who are not blind, as these people don't help, they don't care, and they look after their own interest. Since we're blind, we help each other, we don't disturb each other, and we are good to each other and try to help each other in a good way. We represent the general needs of the blind people in this country. So we went to Wadajir district and paid rent*

²¹ For more information, see Amnesty International, No Place Like Home: Returns and Relocations of Somalia's Displaced, 19 February 2014, can be accessed at <https://www.amnesty.org/en/documents/AFR52/001/2014/en/> (accessed 6 March 2015); No Place for the Displaced: Forcible eviction of displaced communities, 13 September 2013, can be accessed at <https://www.amnesty.org/en/documents/AFR52/010/2013/en/> (accessed 6 March 2015)

²² The Horn of Africa has suffered periodic droughts and ensuing food insecurity. On 20 July 2011, the UN declared a famine due to the severity of the crisis. However warning signs had been there from at least 2010, and displacement as a result of the drought began in 2010. Over 13 million people were affected, displacing roughly a third of the Somali population. For more information see the International Federation of the Red Cross, Drought in the Horn of Africa: Preventing the next disaster, 2011, can be accessed at <http://www.ifrc.org/PageFiles/90410/1203800-Drought%20in%20the%20Horn%20of%20Africa-Preventing%20the%20next%20disaster-EN-LR.pdf> (accessed 03.03.15).

for that land. Each month we needed to pay money.”

As is frequently the situation with people in internally displaced settlements, the community were regularly exploited. In 2011 they negotiated with a gatekeeper in Wadajir district, Mogadishu, to occupy a piece of land which they would live on together. Members of the community told Amnesty International that they would pay between \$100 and \$150 per month between them to stay on the land if they had no food aid to donate to the gatekeeper. Jibril said *“we paid rent in two ways. When we got [food] assistance, we gave half of it. When we got nothing, the owner made us give her money. We were 50 families at that time, which later ended up as 120 families. When others heard there was a camp for the blind people, they came.”*

The community, by coming together, felt they were better able to support each other. However they said they were at first neglected by aid agencies and the government, as they initially did not get any food aid. They also remained extremely vulnerable to external threats. Jibril said: *“Security was difficult in our camp. Sometimes we would have gangs and thugs come, they would loot and take whatever we had. Sometimes, when construction would take place [for example toilets or shelters], the gangs and thugs would tell us “if you don't pay something we will destroy it.” The robbing was constant, every time they would come and take something – sometimes phones, they would say they hadn't eaten so would ask for payment for them to leave us alone. In one week we may be robbed two or three times. If aid came, they would hijack it and say “give us something so you can reach them”. They used to use force and guns. Sometimes they fired their guns.”*

Osman described a violent incident he experienced in 2013: *“One night they [a group of gangs and thugs] came and used knives to rob us. We lost our clothes, everything. They said nothing as they knew we were blind. They held me down and then threw me to the ground. They took mine and many other people's clothes.”*

Members of the camp said that people had attempted to rape blind women in the settlement many times, but that they would protect each other, and come together to defend themselves. In 2013, after one particularly violent incident, a member of the local government offered to provide security for members of the camp. He deployed some of his militia to patrol the settlement three times a day. Members of the settlement reported that incidents of robbery had gone down, and that while the militia was deployed they felt protected, relaxed and at peace. However the militia stopped providing additional security from the time that the community moved to a new piece of land in July 2014.

During the first half of 2013, the gatekeeper of the land they were renting told the community members to move. Anisa said: *“By this time we were getting no assistance. She (the gatekeeper) said to us “since you don't get anything, just move. We can't give you land if you give us nothing.” She came with her militia, and told us they would kick us out. We asked to stay if we could find money to pay rent for the land. She said no.”*

Throughout 2013, the same gatekeeper continued to put pressure on the community members, bringing militia, telling them to move, and intimidating them. This led some families to move to other areas, including towards the Afgooye corridor, an area north-west of the city centre where thousands of internally displaced people have been moving to after having been evicted from their settlements. In November 2013, the then Ministry of Interior and National Security, and the Police

Commissioner successfully intervened to suspend the imminent forced eviction. However the gatekeeper continued to put pressure on the community to move.²³

In 2013, the blind community tried unsuccessfully to get assistance from a humanitarian organisation to buy some land, before deciding to make family contributions of \$50 to buy land in another area in the same district. Some people used part of the cash grants received as livelihoods assistance to make their contribution. Hussein said: *"We collected together and found some land we could occupy, it is our own. Our people reduced as not all people could afford to contribute to the land. Around 70 families contributed."* They bought the land from a different gatekeeper for \$1500, and used the balance to install latrines, prepare the site and move their belongings.

The community is aware that the land they purchased did not legally belong to the gatekeeper who sold it to them. However they feel that they are more secure having purchased property, than they did while they were paying rent and constantly facing the risk of being forcibly evicted. Additionally they feel more secure because the land is on the outskirts of the previous settlements so leaves them less open to robberies and violent crime. Jibril said: *"The land is temporary, until it is needed by the true owners then we will stay. Then we will leave. We have no documents, but we have paid for the land. We won't leave for anyone else other than to the rightful owner."* The community moved into this land in July 2014, one year after they began saving: *"We get no assistance now, it is a new land like before. In our new place, we built our own latrines and water which we constructed for ourselves and pay to the owner. The main issue is that the land is small and very congested."* The land measures 35 metres by 15 metres.

SETTLEMENTS FOR WOMEN WITH DISABILITIES

A group of women²⁴ with disabilities have also spent years moving from place to place after being forcibly evicted on multiple occasions. They moved from the Afgooye corridor to Hodan district, Mogadishu, in 2009 after being forcibly evicted. The women had developed the land in the Afgooye corridor, installing toilets and other amenities, after which the owner told them he no longer needed their money, and wanted them to move. In Hodan district, they again developed the property, paying for latrines to be built, but the rent kept increasing. Sadho said *"we were told to move from there (Hodan) because the people that control the place want to use the land. We were paying rent and were unable to buy the land, so we moved."* Some women who are capable of paying the high rent have stayed, but are under constant threat of eviction: Aisha, said *"I cry when it is the end of the month and I don't have money. I have been threatened with evictions several times by the owner of the land. He tells me 'if you don't pay, we will remove you, throw you outside of the compound.' He has no mercy about disabilities. Every month he threatens to evict me."*

Many women were forcibly evicted from Hodan in 2012 because they could no longer pay the high rent being demanded. Leyla does not have full use of her hands. She said: *"The businessmen wanted to build houses there, five of them came with guns while one started measuring the land. They told me "even if you take your house by your mouth, just move." They told me "you are*

²³ Email communication, UNHCR staff, Somalia, 01.08.2014.

²⁴ The group of women with disabilities represent 270 families living in different areas and supporting each other

disabled, we don't want to see you near us, just move." They just arrived one morning while I was cooking. The morning they came, they threatened us and destroyed several houses. That night, I slept with no shelter, and then I moved the next day. They showed no mercy to disabled women and fired bullets in the air. Some people used to move on their hands. We were told "you disabled, don't ask me for any mercy, go; you disabled people, you don't have any luck here. Go, move."

After being forcibly evicted from Hodan, the women made contributions to rent land in Daynille district, Mogadishu. Farhiya told Amnesty International: *"We rented the land, put latrines, our shelters, everything. But again the gatekeeper told us to move [in 2014]. We are mainly single disabled women trying to bring up our families alone. It is very difficult for us."* Hannan said that the rent in Daynille had increased from \$5 per family to \$20, and that people are slowly moving away as a result. Farhiya added that it is very difficult for the women to move, because their disabilities restrict their ability to take all of their belongings with them.

Some women have been violently evicted. Fatima reported that the militia of the gatekeeper in Daynille *"...come and threaten us, demanding for their rent. They crushed my tent three times and I rebuilt it. They just come and do it without telling us."*

Zamzam said that in July 2014 *"...he [the gatekeeper] came with many militia. He used to take the livelihood grants we got every month. When we stopped receiving them, he said he didn't care, and started destroying our things."*

Safiya said *"at first they threatened us, they said "if you do not remove everything this night you will see." They went away after this, but then came again that night and they did these terrible things. Four men came with their faces covered. They wanted to rape my daughters. My husband shouted and tried to defend them, so they shot and killed him. I was shocked when I saw the body of my husband. My daughter was crying, they had taken her and raped her. After this these men ran. Early the next morning they came back and destroyed our buuls [shelters]. I don't know if they were the same people in the day and the night, as they had their face covered during the night. I was so upset by what was happening that I cannot remember how many came and destroyed my shelter the following day. But I remember how they told me to move. All my shelters were destroyed. They were destroyed to the ground."* Zamzam added that the owners did not destroy all the shelters, but that other people living nearby quickly took down their shelters when they saw what was happening: *"we decided that we should go, that he would come again and destroy all of our things, so we had to go."*

Sadho said: *"We were last told to move in December 2014. I have been going to fetch alms [beg] and I am preparing to move. Since we are women with disabilities, they [the gatekeepers] don't care. If the place is nice, they just move us. They say to us "women with disabilities do nothing. We won't benefit from you, you can't do anything, so you should move." They abuse us, and tell us to move when we find some support or find a way to move. They always use the militia to give the message. The last time they came there were four or five of them. They carry AK47 guns. They didn't beat or kill us, but they threaten us. They come month by month, and ask us why we're still here, telling us we have to go."*

Both government and private actors continue to forcibly evict people from land. Amnesty International is not aware of the state intervening in any forced eviction, other than with the community of blind persons. The Somali Federal Government is said to have adopted an Internally

Displaced People's policy in 2014, which sets out protections for displaced persons in Somalia, including protection against forced evictions.²⁵ While this is a positive measure, the government is yet to ensure that all forced evictions are stopped, and that people are protected against forced evictions. In addition, measures to safeguard against forced evictions must be institutionalised and implemented.

Leyla told Amnesty International delegates that she was moving back to the Afgooye corridor where security is a concern. *"I will move to the outskirts of Mogadishu, I am worried about security there, women can be raped. Where I am now going to live, I fear how my life can be. To move to that area, I fear to be raped."* Leyla said that she had survived an attempted rape while in the area to build her new shelter: *"There was a day that I went to get firewood, when I was building my house there. One man tried to rape me, but he didn't succeed. Two other men saw him and chased him away. It was in the last two months [December 2014], when I was preparing to move."* Safiya referred to the fear they experience in their new location: *"when we go outside our area [for example to collect water], we go as a group. We already feel fear. We take knives and big sticks with us for protection."*

Displaced people in Mogadishu and other parts of Somalia face extreme limitations in accessing services such as water, sanitation and health services.²⁶ Persons with disabilities face increased limitations in accessing services than the general displaced people population, including restrictions in their ability to move around to access services and their livelihoods. The state has a responsibility to ensure people have access to an adequate standard of living, including through the provision of adequate sanitation.²⁷ Additionally states have a special obligation to provide necessary water and water facilities to those who do not have sufficient means or are otherwise unable for reasons beyond their control to realise the right to water themselves.²⁸

The displaced women living with disabilities that Amnesty International talked to explained that their land in the Afgooye corridor has only one toilet for use by over 100 families now occupying the area, and that they are walking long distances to collect water.²⁹ Its location over 15km from Mogadishu means that these women, who face greater challenges in moving from place to place than others, are now even further challenged due to their location away from Mogadishu. Leyla said:

²⁵ Interview, representative of international organisation, 30 January 2015.

²⁶ For more information, see Amnesty International, No Place Like Home: Returns and Relocations of Somalia's Displaced, 19 February 2014, can be accessed at <https://www.amnesty.org/en/documents/AFR52/001/2014/en/> (accessed 6 March 2015); No Place for the Displaced: Forcible eviction of displaced communities, 13 September 2013, can be accessed at <https://www.amnesty.org/en/documents/AFR52/010/2013/en/> (accessed 6 March 2015)

²⁷ See UN General Assembly, Human Rights Council, 12th sess., agenda item 3, Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Report of the Independent Expert on the Issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation, Catarina de Albuquerque, UN Doc.A/HRC/12/24 (2009), 13-54.

²⁸ Committee on Economic, Social and Cultural Rights, General Comment 15, 25.

²⁹ Women told delegates of having to walk up to two hours to collect water.

"I worry so much about moving, and how I will sustain my life. Moving from one place is difficult for me, but no-one cares about that." Hannan told Amnesty International delegates: "I used to beg in Hamar Weyn. I came in the morning, begged for the bus, looked for alms [begging], bought food and returned home. The journey takes up to 30 minutes by bus now. It was much closer from Daynille." Zamzam said "when we lived in Daynille it was nearer for us to sell our things. Now we are so far, it is very difficult for us."

Farhiya told Amnesty International that the women are afraid that they will be forcibly evicted from their new location in the Afgooye corridor. She said *"there are no rights for a person with disabilities, and no place for us. So we keep moving up and down."*

People living with disabilities described how it is often difficult to get a bus, because the drivers think that disabled people cannot pay, or that they take too long to board and alight from the bus. Musa said *"Everywhere we go people say bad words about us. We are treated as beggars when we want to go and buy from the shop. If we want to board a matatu [bus], they don't stop as they think we want a free lift. When we were evicted the owner said: 'if you don't evacuate, I will burn the place, so you can burn all together you disabled people.' Some people had their buuls destroyed by them. They say "we hate these disabled people.""* This has implications for the women who have now moved further out of town, in their ability to retain their livelihoods.

Forced evictions have long been threatened and taken place for displaced people, while persons with disabilities seem to face an increased risk. The right to adequate housing is recognised in Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Somalia is a state party. In order to fulfil their obligations under the right to adequate housing, at the minimum, governments must prioritize access to a basic level of housing for everyone, for example by preventing and addressing homelessness. Governments and public officials, while carrying out their functions, should also prioritize the most disadvantaged groups when allocating resources, and guarantee, without discrimination, the right of people to participate in and be consulted on decisions that will affect their lives. Effective remedy must be provided if any of these rights are violated. Governments and those acting on their behalf must refrain from, and prevent forced evictions, and meet certain safeguards. These include, genuine consultation with those due to be evicted on all possible alternatives, reasonable advance notice of the eviction, the right to appeal against the eviction³⁰ and the provision of adequate alternative housing, including access to essential services such as water and sanitation, for those who cannot provide for themselves. Any eviction should always be a last resort and nobody should be rendered homeless as a result.³¹

SOLDIERS WOUNDED IN COMBAT

Amnesty International is concerned about some reports that the Ministry of Defence has been discharging soldiers who were injured and disabled in the line of duty. Amnesty International

³⁰ Committee on Economic, Social and Cultural Rights, General Comment 7 (Forced Evictions and the Right to adequate housing), paragraph 16.

³¹ Committee on Economic, Social and Cultural Rights, General Comment 7, (Forced Evictions and the Right to adequate housing), paragraph 17.

delegates interviewed four soldiers, who were discharged by the Ministry in early 2014. They spoke of how they had continued working in the military following their injuries, in capacities other than frontline fighting, for example by training others. Isaac was a commander in the Somali National Armed Forces [SNAF] and in the militaries of previous governments. He said: *“When we were fighting al-Shabaab in 2011, I broke my leg [in Mogadishu]. Following that I still worked in the army, as a member of a group for people with disabilities. We were all called to Mogadishu and were told that they didn’t need people with disabilities. That they need people who can fight, not disabled people. From that day, we don’t have any rights in Somalia. We have no salary, we have no rights. Hundreds of people were affected, with no salary, no food.”*

Ali joined the army in 1974, and became disabled while engaged in frontline fighting in 1994. He told delegates: *“When Abdullahi Yusuf came to power,³² I came back to the military as a military trainer. We were all thrown out of the army in 2014. We were told that they [SNAF] need to fight al-Shabaab, so we weren’t needed anymore. They refused me because I am damaged.”*

Hussein spoke of his feelings on being discharged by the government: *“I’m a captain, what is called a soldier 77.³³ I came back to join the army when Abdullahi Yusuf came to power. I got my injury when al-Shabaab came to power in Mogadishu (2009). At the time I was a commander of the group. I was leading 95 soldiers. There was an explosion in our fight with al-Shabaab and my leg was amputated. Now the government just left me. At the moment I’m insecure. I was a captain and my number is known. Al-Shabaab retaliation is a real concern for us. We’re requesting the Somali government, but there is nothing to do. We request support, but there is nothing to do.”*

The former soldiers told Amnesty International that hundreds of soldiers and army veterans had staged a demonstration in front of State House on 8 February 2014, roughly two weeks after they were discharged.³⁴ *“We demonstrated in front of State House. We talked to the government. They said they had no chance to help us at the moment. We were told they would give us \$100 monthly if they get it, but without food. We used to get \$200 a month as well as food.”* They added that they intermittently receive \$100 every few months, and that they continue to live without food

³² Abdullahi Yusuf Ahmed was a founding officer of the Somali National Army (SNA) following Somalia’s independence in 1960. He commanded troops in the 1977 Ogaden war, and later played a key role in the formation of Somalia’s first rebel group that became known as the Somali Salvation Democratic Front (SSDF) in opposition to the Siad Barre administration. In 1992 he became the President of Puntland, and in 2004 was elected as the President of the Transitional Federal Government (TFG), an interim federal administrative body which he had helped to establish.

³³ The 77 Soldiers is a reference to the 1977 conflict between Somalia and Ethiopia over the Ogaden region in Ethiopia (also known as the Ogaden war). The Somali soldiers that took part are respected within Somalia for their role in the conflict, and have come to be known as the 77 soldiers. For more information on the Ogaden conflict, see Ken Menkhaus, *Conflict in Somalia: Drivers and Dynamics*, January 2005, p 9. Can be accessed at <http://siteresources.worldbank.org/INTSOMALIA/Resources/conflictinsomalia.pdf> (accessed 21.02.2015).

³⁴ For more information see Zegabi East Africa News, *Discharged Somali Soldiers demonstrate in Mogadishu*, 10 February 2014, can be accessed at <http://www.zegabi.com/articles/7324> (accessed 16.02.15).

assistance.

The former soldiers wrote a letter on behalf of 270 discharged soldiers to the High Court of Benadir on 24 January 2015, complaining about their treatment by the Ministry of Defence, though they did not file a legal case as they said they do not have the finances to do so: *"We don't expect a response. We're hundreds of people. The military has killed us. When we can fight, they need us; when we're disabled, we are left behind."* According to the soldiers, they have never received any official notice of discharge from the government.

In February and March 2015, Amnesty International sought a response from the Ministry of Defence as to the allegations that have been raised. Amnesty International had not received a response by the time of publication, and hopes to establish a dialogue on the same.

MOBILISING TO CLAIM THEIR RIGHTS

Different groups of people with disabilities have mobilised to engage with the Government and claim their rights. Some have staged demonstrations a number of times in an attempt to claim their rights. Amnesty International was told about two demonstrations on 8 and 22 December 2014 protesting against the lack of attention from the Somali Federal Government (SFG) towards persons with disabilities.³⁵ Yusuf³⁶ told Amnesty International delegates that some people with disabilities had been in touch with the government about the problems they face, and that they were promised assistance by the Ministry of the Interior, which was still pending at the time of writing.³⁷ They demonstrated to voice their frustration and disappointment at the government's lack of care towards persons with disabilities.³⁸

The Somali Federal Government has an obligation to promote, protect and respect the rights of all people. The obligation to promote and protect is more pronounced with regards to people with disabilities. The provisional federal constitution guarantees equal rights before the law for those with disabilities, and explicitly prohibits state discrimination against people with disabilities.³⁹ There is an additional provision to ensure that 'the disabled...who have long suffered discrimination get the necessary support to realize their socio-economic rights.'⁴⁰ The Somali Federal Government has also

³⁵ For more information see <http://www.unsom.org/2014/12/08/december-8-2014-daily-monitoring-report/> (accessed 16.02.15).

³⁶ Member of disabled persons organisation, referenced above, p 2.

³⁷ Interview: member of disabled persons organisation, 31.01.15. Notes on file with author.

³⁸ For more information see <http://www.unsom.org/2014/12/08/december-8-2014-daily-monitoring-report/> (accessed 16.02.15).

³⁹ The Federal Republic of Somalia, Provisional Constitution, 1 August 2012, Article 11(1, 3); can be accessed at <http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME=> (accessed 16.02.15).

⁴⁰ The Federal Republic of Somalia, Provisional Constitution, 1 August 2012, Article 27; can be accessed at <http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME=> (accessed 16.02.15).

committed to inclusive and participatory governance, which is critical to ensuring disabled persons' interests are represented.⁴¹

However these guarantees and commitments have neither been implemented nor enforced. Instead, people's additional vulnerabilities lead to further abuses and discrimination. There is no specific national legal or policy framework regarding persons with disabilities. Subsequently there is no framework which deliberates discrimination by non-state actors, or differentiates between different types of disabilities. There are no provisions allowing for access to services, buildings, information and communication for people with disabilities. Consequently, the rights of most people with disabilities continue to be excluded, and their particular needs and concerns forgotten. Mohamud is a member of a disabled persons' organisation. He told Amnesty International delegates: "*People with disabilities are totally neglected. The country is not prepared for disabled people. The streets aren't made for them to use, there are no ramps. They suffer problems associated to the conflict. There is no place for disabled people in the country.*"⁴²

The Somali Federal Government has made multiple commitments to finalise the constitution by December 2015, before the national elections scheduled for 2016. The first commitment was made as part of the Somalia Compact, adopted in Brussels on 16 September 2013.⁴³ The Federal Government reaffirmed the commitment in their 'Vision 2016' in February 2014,⁴⁴ and again in the High Level Partnership Forum held in Copenhagen in November 2014.⁴⁵ Though the government is behind its commitments in reviewing the provisional constitution, the constitutional review process presents an opportunity to ensure the participation of people with disabilities; and that additional provisions for the protection of people with disabilities are included in the new constitution.

Rights of persons with disabilities are protected under international human rights law, including in

⁴¹ For example: The Federal Republic of Somalia, Provisional Constitution, 1 August 2012, Article 1(1), Article 3(3), Article 11B(4); can be accessed at <http://unpos.unmissions.org/LinkClick.aspx?fileticket=RkJTOSpoMME=> (accessed 16.02.15); also see commitments under The Somali Compact, Peace and State Building Goal 1: Inclusive Politics, p 5. Can be accessed at <http://www.pbsdialogue.org/The%20Somali%20Compact.pdf> (accessed 16.02.15).

⁴² Interview: member of disabled person's organisation, 31.01.15. Notes on file with author.

⁴³ Somalia committed to this in the first peace and state-building goal (PSG1) as Priority 2: Finalize and adopt a Federal Constitution by December 2015. See Somali Federal Government, 'The Somali Compact', p 5. Can be accessed at <http://www.pbsdialogue.org/The%20Somali%20Compact.pdf> (accessed 16.02.15). For more information see COMMUNIQUÉ A NEW DEAL FOR SOMALIA, BRUSSELS CONFERENCE, 16 SEPTEMBER 2013, can be accessed at <http://www.pbsdialogue.org/Somali%20New%20Deal%20Conference%20-%20Communique.pdf> (accessed 16.02.15).

⁴⁴ Vision 2016: Framework for Action, Mogadishu, Somalia, February 2014, p2.

⁴⁵ High Level Partnership Forum, Communique, Copenhagen, 19-20 November 2014, Article 8, can be accessed at http://www.hlpcopenhagen.dk/files/media/cph_communique-2014.pdf (accessed 16.02.15).

the International Covenant on Civil and Political Rights,⁴⁶ the International Covenant on Economic, Social and Cultural Rights,⁴⁷ and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.⁴⁸ Somalia is a state party to these conventions and as such duty bound to promote, protect and respect the rights of people living with disabilities. In January 2015, Somalia ratified the Convention on the Rights of the Child, which sets out strong provisions for persons with disabilities. In addition, Somalia, as a UN General Assembly member, has adopted the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities (UN Standard Rules).⁴⁹ Although the UN Standard Rules are not legally binding, they represent a strong moral and political commitment to take action to realise equal opportunities for persons with disabilities. Unfortunately these standards have not been met.

The Convention on the Rights of Persons with Disabilities sets out provisions which determine persons with disabilities as equals, and active members of society.⁵⁰ It reaffirms that all human rights apply equally to all people with all types of disabilities.⁵¹ Somalia is not a state party to the convention or its' Optional Protocol, and should prioritise ratification to this as well as other relevant conventions such as the Convention on the Elimination of All Forms of Discrimination against Women.

The Convention on the Rights of Persons with Disabilities promotes positive perceptions around people living with disabilities. It affirms the position of persons living with disabilities as agents of change, and active members of civil society, and not as objects of charity. Many of the people with disabilities that Amnesty International spoke to confirmed that this is exactly what they are seeking in their own lives. Anisa said: *"Having a disability is not a curse, but people say bad things because of our disabilities."* Hussein stated: *"Most Somalis think that disabled people can't do our own things, that we can't do anything for ourselves. We feel disappointed. We are able to do things, but nobody gives us the opportunity. Nobody fights for our rights."* He added: *"We want you to pass our grievances to the world, to try and help us."*

Other regions of Somalia, notably Somaliland and Puntland, have made progress on the matter of persons with disabilities, and are in the process of developing policies on persons with disabilities.

The Somali Federal Government has an opportunity to demonstrate its commitment to improving the lives of people with disabilities, and taking steps to ensure persons with disabilities can fully enjoy

⁴⁶ International Covenant on Civil and Political Rights, 1966, can be accessed at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed 16.02.15).

⁴⁷ International Covenant on Economic, Social and Cultural Rights, 1966, can be accessed at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed 16.02.15).

⁴⁸ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, can be accessed at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (accessed 16.02.15).

⁴⁹ UN General Assembly, Standard Rules on the Equalization of Opportunities for Persons with Disabilities, resolution 48/96, annex, 20 December 1993.

⁵⁰ The Convention on the Rights of Persons with Disabilities entered into force on 3 May 2008.

⁵¹ See <http://www.un.org/disabilities/default.asp?id=150> for more information (accessed 16.02.15).

their rights.

RECOMMENDATIONS:

TO THE SOMALI FEDERAL GOVERNMENT:

- Ensure internally displaced persons, particularly displaced persons with disabilities, receive protection from the state, in line with obligations under international human rights law, and commitments under the internally displaced persons' policy;
- Ensure persons with disabilities are given the opportunity to participate and actively engage with decision-making processes, particularly those that affect them, including in the ongoing constitutional review process and in drafting legal and policy frameworks, service provision, and government approaches regarding persons with disabilities, in line with international commitments;⁵²
- Develop national laws that guarantee increased protection for persons with disabilities in line with international standards, and a national policy to ensure these guarantees are put into practice;
- Prioritise the provision of appropriate and accessible services for persons with disabilities in line with the Somali government's commitment to provide equal access to economic, social and cultural rights without discrimination. Use maximum available resources, including through international cooperation, to fulfil the right to adequate housing, prioritising persons with disabilities and others who are vulnerable to discrimination.
- Carry out substantive baseline information gathering on the demographics and rights situation of persons with disabilities, including in any ongoing or future profiling or census exercises, to inform effective and appropriate legislative and policy responses;
- Ensure immediate and concrete steps are taken to prevent all forced evictions including those of persons with disabilities;
- Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- Ensure there are specific focal points relevant ministries including the Prime Ministers' Office to ensure disabled people can access their rights;
- Ensure there is a focal point within the future human rights commission to ensure disabled people can access their rights;
- Extend an open invitation to UN and African Commission on Human and Peoples' Rights

⁵² The Somali Compact, Peace and State Building Goal 1: Inclusive Politics, p 5. Can be accessed at <http://www.pbsdialogue.org/The%20Somali%20Compact.pdf> (accessed 16.02.15).

Special Rapporteurs;

TO THE AFRICAN UNION MISSION IN SOMALIA (AMISOM)

- Prioritise the establishment of a civilian casualty tracking system, in line with UN Security Council resolutions 2093 (2013) and 2124 (2013) and reiterated in resolutions 2158 (2014) and 2182 (2014), disaggregating by disability.

TO THE INTERNATIONAL COMMUNITY:

- Work alongside the Somali Federal Government to take steps towards ratifying the Convention on the Rights of Persons with Disabilities;
- Support the Somali Federal Government in developing a national legal and policy framework to ensure promotion and the respect for the equal rights of persons with disabilities;
- Facilitate disabled persons' organisations to actively engage with the Somali Federal Government, and in decision making processes, particularly those that affect them, for example, the development of laws, policies, service provision and government approaches regarding persons with disabilities.

TO THE HUMANITARIAN COMMUNITY:

- Ensure that their humanitarian services are equally accessible to men and women, boys and girls with different types of disabilities, and rehabilitation related assistance is provided to those in need of it;
- Support the Somali Federal Government's capacity development on disabilities;
- Ensure equal protection of persons with disabilities from harm or violence.