

Republic of the Sudan

The National Council for Persons with Disabilities
General Secretariat

Report on

The Status of the Rights of People with
Disabilities after Ten Years of Sudan's
Ratification of the International Convention
on the Rights of Persons with Disabilities
2009 April – 2019 April



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In the name of Allah, the Merciful, the Compassionate

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To Allah is our intention.

Yasir Saleem Shalabi,
The National Consultant

i. This English version of the original report was revised, validated, and updated by a team from Tanweer Consultancy Company composed of Dr. Ahmed Taha Mohamed, Dr. Gamal Mahmoud Hamid and Engineer Shaima Abdelmageed Idrees

EXECUTIVE SUMMARY

As a notion, disability is still evolving. It has become an integral part of the factors of human life and its progress. Disability elevates the likelihood of a rise in poverty percentage in a population. On the other hand, an increase in the latter is likely to result in a rise in the former. According to available statistics, the number persons with disabilities worldwide ranges from 600 million to one billion persons, 80% of whom are in less-developed countries. Furthermore, persons living with disabilities comprise one-fifth of the global poor, and 80% of those living in less-developed countries result as unemployed. Disasters, armed conflicts and wars are important factors that increase their percentage. The United Nations' Statistical Division stressed the need to provide reliable and comparable disability statistics. This statistical deficiency makes the preparation of indicators of the social and economic costs of disability needed for preparation of strategies and policies to address disability and to monitor and evaluate it an unattainable task. There is an urgent need to restructure communities psychologically, culturally, physically and environmentally in order to satisfy the needs of persons with disabilities.¹

In the case of Sudan, this Report comes at the occasion of the passage of 10 years since Sudan adopted the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol with the objective of assessing the status of the rights of persons with disabilities through highlighting efforts being exerted, accomplishments, challenges and difficulties so as to reach conclusions and recommendations, and to identify needed measures for preparing a working strategy that takes into account the Sustainable Development Goals (SDGs). This is to ensure and protect person with disabilities' enjoyment of their rights in a par with others.

The Report is composed of three parts. The first part provides a general background to the Report, its intentions, methodology, and general information about disability in Sudan based on the 2008 population census, and the Country's institutional framework for disability that includes governmental and non-governmental institutions.

The second part deals with the rights of persons with disabilities in Sudan in the light of the CRPD. The articles of the Convention are reviewed in detail focusing on the impacts of environmental, social and legal factors on persons with disabilities' enjoyment of the rights stipulated in the CRPD and national laws, with analysis of the government's commitment to enforcing those rights – including their recognition, protection and adoption. The analysis covers also institutional capabilities in enforcing those obligations, and identifying the limitations to enjoyment of full rights by persons with disabilities. Also, to strengthen persons with disabilities' roles, and their associations' roles, in enforcing their rights and the effectiveness of their participation, and the potential of those associations in the implementation and follow-up of the CRPD. Based on that analysis, a series of recommendations related to each article has been proposed.

The third part is the Report's conclusion where recommendations have been categorized based on the CRPD articles and the situation of persons with disabilities' rights in Sudan. This is in

¹World Bank and WHO, *World Disability Report*, 2011; UN-ESCWA, *Disability in the Arab Region*, 2018; Cairo Declaration for International Conference to Support CRPD, March 2016.

order to determine the needed responses that will allow the NCPD to draft a clear plan of action intended to achieve its goals in congruence with the 2030 SDGs.

151 recommendations have been listed under nine goals that include the following:

- Equality before the law, respecting the dignity of people with disabilities, raising awareness about their well-established rights and self-independence, including freedom to decide on their own choices
- Highest health care standards.
- Access to decent employment opportunities, equal pay and privileges enjoyed by others.
- Access to quality and fair universal education, and to life-long education similar to others.
- Adequate standards of living and social protection.
- Independent living, full inclusion in the community, and universal access to the physical environment and to public services.
- Participation in political, public and cultural lives, and in recreation and sports.
- Collection, analysis and dissemination of disability-related information.
- Reinforcing implementation and monitoring mechanisms and strengthening partnerships and international cooperation.

At the end, all the references and sources on which the Report was based are listed.

LIST OF ACRONYMS AND ABBREVIATIONS

ADD International: Action on Disability and Development International

AICS: Italian Agency for Development and Cooperation

CBS: Central Bureau of Statistics

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of Persons with Disabilities

DDRC: Disarmament, Demobilization and Reintegration Commission

FGM: Female genital mutilation

ICRC: International Committee of the Red Cross

ICTs: Information and communication technologies

JICA: Japan International Cooperation Agency

MICS: Multiple Indicator Cluster Survey

NAPO: National Authority for Prosthetics and Orthotics

NCC: National Childhood Council

NCPD: National Council for Persons with Disabilities

NISS: National Intelligence and Security Service

NPDA: National Persons with Disabilities Act

SDG: Sudanese pound

SDGs: Sustainable Development Goals

SSMO: Sudanese Standards and Metrology Organization

USAID: United States Agency for International Development

UNMAS: United Nations Mine Action Service

WHO: World Health Organization

PART ONE

GENERAL BACKGROUND

1.1. Introduction

The Republic of Sudan ratified the Convention on the Rights of People with Disabilities (CRPD) on 25th April 2009. Since then, disability issues have gained prominence at the official and popular levels, where considerable efforts have been exerted in the fields of policies and by-laws, program and project implementation, establishing and strengthening institutional frameworks in order to consolidate the rights of people with disabilities in all wakes of life.

This Report is the result of fruitful collaboration between the National Council for Persons with Disabilities (NCPD) and the Italian Agency for Development and Cooperation (AICS) within the Bridging the Gap II (BtG II) Project financed by the European Union (EU).

1.2. Objectives

The Report aims to explore and study the situation of the rights of people with disabilities in Sudan after ten years of ratifying the CRPD by highlighting the exerted efforts, achievements, challenges and obstacles in order to reach conclusions needed to determine the necessary responses and recommendations for formulating a strategy with clear targets in line with the SDGs in order to consolidate, protect and ensure that persons with disabilities enjoy their full rights in a par with others.

The Report adopts the social-legal approach on which the CRPD is based, which considers disability as an outcome of the interaction between physical, sensory, mental or psychological impairments and the barriers that limit the enjoyment of the full rights in a par with every other person. Therefore, the Report focuses on the extent to which environmental, social and legal factors have bearing on the enjoyment of persons with disabilities of their rights as stipulated in the CRPD. Accordingly, the Report focuses on the following aspects:

- 1- Analysing the extent to which the state is committed to its duties towards the enforcement of the rights of persons with disabilities, including recognition, protection and enforcement of those rights. The analysis also includes the ability of government institutions to meet those obligations.
- 2- Barriers to persons with disabilities' enjoyment of their rights.
- 3- Analysing the role of persons with disabilities and their organizations in the enforcement of their rights by focusing on the extent and effect of their participation, considering the ability of persons with disabilities' organizations to contribute to the implementation and monitoring of the CRPD.

1.3 Report Methodology

A working group from the NCPD, chaired by a national expert, Dr.Yasir S. Shalabi, was assigned to prepare the Report. In consultation with the NCPD Secretariat, an action plan was prepared which included a series of meetings and various activities with all stakeholders.

Since the Report is intended to analyse implementation of the CRPD, the team adopted a qualitative data collection approach and *convenience sampling*² for easy access and data gathering. The Report also relied on an extensive participatory approach that adopted a comprehensive and profound review of legislations, policies, national strategies and related implementation plans, in addition to the collection of data and studies, focused consultative meetings, hands-on practices, personal experience in addition to in-depth case studies and various interviews. In sum, the team has exerted great efforts to produce a successful report.

The Report preparation methodology, then, can be summarized as follows:

- Adoption of the guidelines issued by the CRPD Committee as a general framework for investigation.
- Review of various national laws, policies, strategies and plans pertaining to persons with disabilities (e.g. the 2005 Interim Constitution. Health and education strategies, etc.)
- Review of annual and periodic reports and specialized studies.
- Administering a questionnaire with a specific set of questions regarding the status of the rights of persons with disabilities and the extent to which the CRPD has been implemented.
- Conducting interviews with different executing bodies, including governmental, non-governmental organizations, civil society organizations, persons with disabilities' centres, guardians and children in order to engage them and to glean their views and opinions on the status of the rights of persons with disabilities.
- Interviewing persons with disabilities on specific and specialized issues in one or more fields.
- Conducting a number of field visits to institutions and centres working in the field of disability, to assess their situation.
- Collecting investigations and reports on violations of the rights of persons with disabilities and discrimination against them.
- Drafting the initial report and discussing it with the NCPD and relevant bodies

It should be noted that focused consultative sessions were conducted with several stakeholders such as:

- Disability focal points in national government agencies.
- State councils for persons with disabilities.
- National organizations and associations of persons with disabilities.
- Centres serving children with disabilities.
- Children with disabilities.
- Guardians of children with disabilities.

²Convenience Sampling is a form of non-probability sampling in which the sample is composed of people or items that are easy to reach or access.

Some of the challenges the Report faced included lack of accurate official statistics on persons with disabilities, poor documentation of violations and discrimination against them and fuzzy harmonization of the CRPD with Sudanese culture.

1.4. Persons with Disabilities in Sudan

1.4.1. Statistics of Persons with Disabilities

Sudan is located in the north-eastern part of Africa. It is bounded from the east with Ethiopia and Eritrea, from the north with Egypt and Libya, from the west with Chad and Central Africa Republic, from the south with South Sudan. With 728,200 square miles in area, Sudan is the third largest country in Africa and in the Arab World. As shown in Figure 1, it has been divided into 18 states after the 2005 Comprehensive Peace Agreement (CPA) between Sudan and southern Sudan. The same subdivision persisted after the secession of South Sudan in 2011 as a result of a referendum based on the CPA. Sudan's population was estimated in 2017 to be 40,782,700 persons (Central Bureau of Statistics).

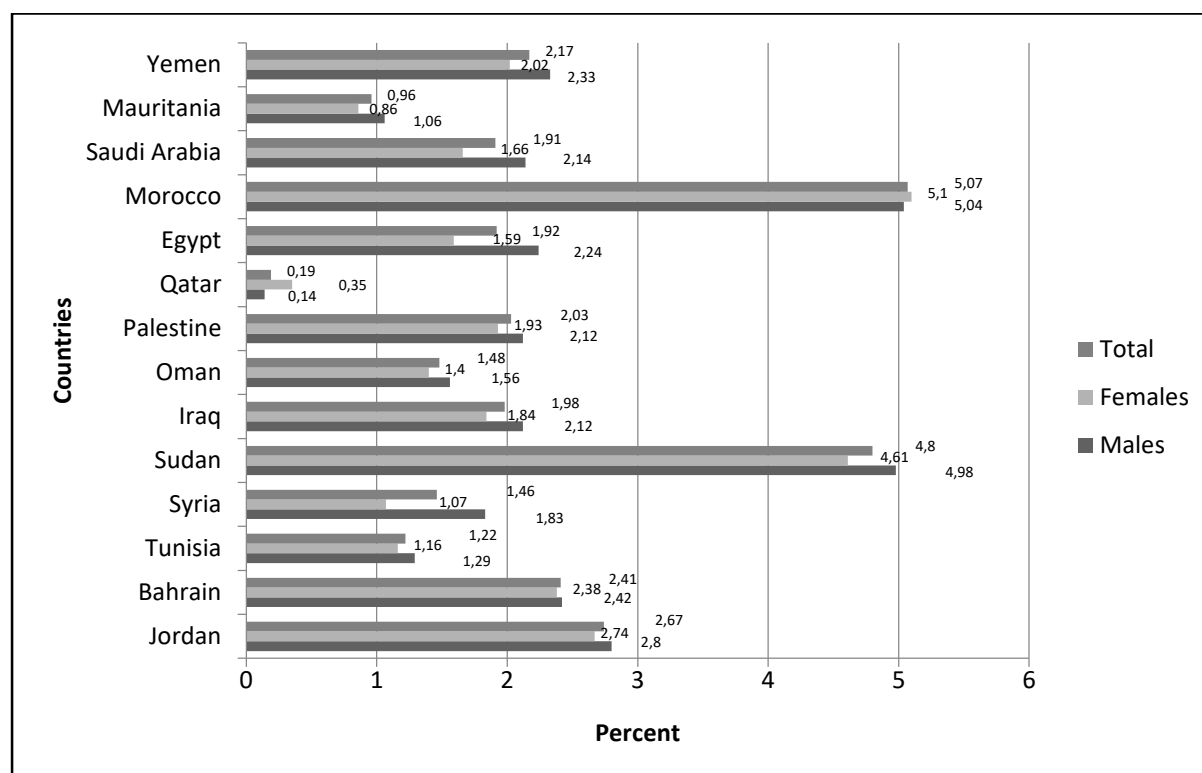
Sudan has the second highest number of persons with disabilities in Arab countries after Morocco (Report of the League of Arab States and ESCWA, 2018). According to the fifth population census, 2008, the total population number was 30,504,160, while that of persons with disabilities amounted to 1,463,034 persons constituting 4.8% of the total population.

Figure 1: Map of Sudan showing its 18 states³



³ Source: <https://www.mappr.co/counties/states-of-sudan/>

Figure 2: Percentage of Males, Females and Total Percentage of Persons with Disabilities in Arab Countries in Different Years



Source: based on UN-ESCWA, 2018. *Disability in the Arab Region*. page 15.

Table 1: Number and Percentage of Persons with Disabilities according to Mode of Living in Sudan (2008)

Urban			Rural			Nomads		
Total Pop.	Per. with Disabilities	%	Total Pop.	Per. with Disabilities	%	Total Pop.	Per. with Disabilities	%
10,038,000	428,000	4.3	17,686,000	904,000	5.1	2,778,000	129,000	4.6

Source: Salah Abdel Rahman, Eltaf Ahmed, Zeinab Alhassan, Adreana Besynsior, *Disability Analysis*. Central Bureau of Statistics, Fifth Census Conference Papers, 2011

Table 2: Number and Percentage of Disabled Persons according to Mode of Living in Sudan (2008)

Mode of Living	Number	Percentage
Urban	428,000	29 %
Rural	904,000	62 %
Nomadic	129,000	9 %
Total	1,461,000	100%

Source: Salah Abdel Rahman, Eltaf Ahmed, Zeinab Alhassan, Adreana Besynsior, *Disability Analysis*. Central Bureau of Statistics, Fifth Census Conference papers, 2011

Table 3: Disability Distribution by Gender in Sudan (2008)

Gender	Total Number	No. of Disabled	Their % of Total Pop.	Their % of Total Disabled
Male	15,413,000	767,000	2.5 %	52.5 %
Females	15,040,000	695,000	2.3 %	47.5 %
Total	30,453,000	1,462,000	4.8 %	100 %

Source: Salah Abdel Rahman, Eltaf Ahmed, Zeinab Alhassan, Adreana Besynsior, *Disability Analysis*. Central Bureau of Statistics, Fifth Census Conference Papers, 2011

Table 4: Number and Percentage of Disabled Persons in Different States of Sudan (2008)

State ⁴	Number	% of Total Disabled	% of State Pop.
Northern	46,880	3.2 %	6.8 %
River Nile	54,327	3.7 %	5.0 %
Red Sea	50,998	3.5 %	3.7 %
Kassala	80,479	5.5 %	4.5 %
Gedarf	65,771	4.5 %	4.9 %
Khartoum	211,230	14.4 %	4.1 %
Gezira	159,258	10.9 %	4.5 %
White Nile	80,795	5.5 %	4.7 %
Sennar	63,293	4.3 %	5.0 %
Blue Nile	37,154	2.5 %	4.6 %
Northern Kordofan	169,462	11.6 %	5.9 %
Southern Kordofan	81,522	5.6 %	5.9 %
Northern Darfur	104,254	7.1 %	5.0 %
Central Darfur	80,767	5.5 %	6.2 %
Southern Darfur	176,844	12.1 %	4.4 %
Total	1,463,034 ⁵	100 %	

Source: Salah Abdel Rahman, Eltaf Ahmed, Zeinab Alhassan, Adreana Besynsior, *Disability Analysis*. Central Bureau of Statistics, Fifth Census Conference Papers, 2011

Disability in rural areas, as shown in Table 2, is much higher than in urban and nomadic modes of living. On the hand, the percentage of disabled males, as shown in Table 3, is higher than that of females.

⁴In 2011, these 15 States were subdivided into 18 by adding Central Kordofan, Central and Western Darfur.

⁵Totals show some minor discrepancies due to statistical errors.

1.4.2. Institutional Framework for Disability in Sudan

In Sudan, there are many governmental and non-governmental institutions working in the field of disability, the most important ones are:

1.2.2.1. National Council for Persons with Disabilities (NCPD)

NCPD is the focal point for disability at the national level responsible for planning, coordination and follow-up with governmental, non-governmental, regional and international agencies regarding enforcement of persons with disabilities' rights at the national level. NCPD was restructured in October 2010 by presidential decree after the enactment of the Disabled Persons Act of 2009 and the ratification of the CRPD. The NCPD was chaired by the Minister of Social Welfare and included, as members, the under-secretaries of relevant ministries and representatives of persons with disabilities. Following the promulgation of the National Persons with Disabilities Act (NPDA) of 2017, the NCPD has been upgraded – under the provisions of the Act – to become under the supervision of the President of the Republic and the chairmanship of the Prime Minister and the membership of the ministers of relevant ministries, while retaining a 50% representation of various categories of persons with disabilities through their councils, associations and civil society organizations ensuring the representation of disabled women and youth, and families of disabled persons.

The most important responsibilities of the NCPD are:

1. Developing policies and plans and approving programs for persons with disabilities at the national level in coordination with relevant authorities,
2. Follow-up the implementation of the rights, privileges, facilities and exemptions of persons with disabilities stipulated in NPDA 2017, or any other law and agreements ratified by Sudan with relevant entities.

NCPD meets three times a year. It has a General Secretariat, chaired by a Secretary-General (who is also a member of and rapporteur of the Council), which has a number of specialized departments. There are also 18 state councils according to the federal system of governance in Sudan.

1.2.2.2. Focal points in ministries and government agencies

Specialized departments have been established in relevant ministries to facilitate the integration of persons with disabilities' needs in the work of government institutions. So far, a number of focal points have been established, including the Department of Women, Children and Persons with Disabilities in the Ministries of Justice and Labour; the Department of Persons with Disabilities at the Ministry of Social Security and Development; the Human Rights Department in the Ministry of Foreign Affairs; the Department of Special Education at the Ministry of Education; and a disability department in the Social Commission of the National Parliament and state legislation. These are beside the primary focal points at the National Bureau of Statistics and the National Population Council.

1.2.2.3. National Authority for Prosthetic and Orthotics (NAPO)

NAPO is one of the oldest governmental institutions dealing with persons with disabilities in Sudan. It was founded in the 1940s under the name National Authority for Artificial Limbs. Its headquarters is located in Khartoum and has 12 branches in different states and a mobile workshop to provide prostheses in remote areas. NAPO provides prosthetic and orthotics services in partnership with the International Committee of the Red Cross (ICRC).

1.2.2.4. Sudan Disarmament, Demobilization and Reintegration Commission (DDRC)

DDRC was established after the 2005 Comprehensive Peace Agreement. It has a special division for disabled demobilized staff that provides psychological support, habilitation, rehabilitation and economic empowerment services.

1.2.2.5. National Mines Action Authority (MAC)

MAC was established after Sudan ratified the Ottawa Mine Action Convention in 1998. It provides mines' victims and survivors with psychological support, habilitation, rehabilitation and economic empowerment services as well as information about mines' risk.

1.2.2.6. Zakat Chamber (at federal and state levels)

The Chamber provides social support and direct assistance to poor persons with disabilities, and small-scale enterprises to economically-active poor persons with disabilities. It also provides kinetic, audio, visual and educational aids. Moreover, the Chamber provides health insurance coverage, marriage support and direct social support for poor families, in addition to supporting medical treatment internally and abroad.

1.2.2.7. Organizations of persons with disabilities

Organizations of persons with disabilities are considered civil society organizations that promote and advocate the concerns of persons with disabilities. They have played a major role in disability-related mobilization in Sudan since the early 1970s. Their membership and management is fully composed of persons with disabilities. The most important of these organizations are the four national federations of persons with disabilities that include a federation for each of the four categories of persons with disabilities: physical, visual, auditory and intellectual/psychological. Federation members at the local level elect their representatives in state-level federations who, in turn, elect national-level federations. Furthermore, there are other national and international civil society organizations working in the field of disability that are registered with the Humanitarian Aid Commission at the national or states levels where appropriate.

Moreover, there are also many institutes and centres specialized in education and rehabilitation of persons with disabilities, such as Al-Amal Institute for the Deaf, Al-Noor Institute and the National Rehabilitation Centre for the Blind. There are also centres for education and rehabilitation of mental disabilities and centres for early intervention, habilitation and rehabilitation services, hearing and enunciation centres, physiotherapy and others. Most of these are private institutions.

PART TWO

The Status of the Rights of Persons with Disabilities in Sudan in the Light of the International Convention on the Rights of Persons with Disabilities

2.1. General Conditions (Articles 1-4)

The legal framework in Sudan provide a kind of protection for persons with disabilities starting with the 2005 Interim Constitution whose Bill of Rights stipulated the protection and promotion of human rights for all citizens, including persons with disabilities. Other articles explicitly stipulated the rights of persons with disabilities; namely, Article 12.2 provided for non-discrimination in the enjoyment of the right to work for persons with disabilities. Article 44.1 guaranteed the right to education for persons with disabilities. Article 45.1 stated that persons with disabilities shall enjoy all rights and public freedoms, including the right to public participation. Moreover, the Constitution considered the CRPD a part of its Bill of Rights. Article 27.3 of the Bill of Rights considered that all the rights and freedoms contained in international conventions, covenants and charters of human rights ratified by Sudan as integral parts of the Bill.

Sudan has revised the 2009 National Disability Act and promulgated a new one: the 2017 Persons with Disabilities Act. Extensive consultation with persons with disabilities' organizations, civil society organizations, interested parties and experts in the field were conducted before promulgation of the new Act. Joint sub-committees were formed with those organizations; workshops were also organized in cooperation with the Ministry of Justice and the National Parliament and in partnership with stakeholders from persons with disabilities' associations and organizations.

The purpose of this Act is to provide a national legal framework that ensures persons with disabilities' enjoyment of human rights and public freedoms in a par with others. It included most of the rights contained in the CRPD and stated the promotion of the NCPD⁶ to be under the supervision of the President of the Republic.

However, in spite of the efforts exerted to ensure compatibility of the Act with the CRPD, it still focuses on service delivery rather than adopting a human rights approach. For example, the definition of disability contained in the Act does not include persons with psychological/social disabilities. Furthermore, it does not prohibit discrimination on the basis of disability, nor does it consider deprivation from reasonable accommodation as a form of disability-based discrimination. In addition, the Act disregards some basic rights such as the right to equality before the law, as well as the right to independent living. The Act, in many cases, lacks the factor of obligation and penalties.

In order to determine the compatibility of national legislation, NCPD's General Secretariat has compiled 23 laws that contain articles concerning disability that need to be reviewed to ensure their compatibility with the CRPD. 13 laws have already been studied fully – including those of the Census, Elections, National Civil Service, Political Parties, Human Rights National Commission, Professional Training and Industrial Apprenticeship, Forensics, Youth and Sports Commissions, Prisons and Inmates' Treatment, Criminal Proceedings, Voluntary and

⁶The NCPD was established in 2010 after Sudan ratified the CRPD as a national mechanism responsible for coordination with relevant government agencies to enforce the rights stipulated in the CRPD and national laws.

Humanitarian Work, Medical Ordinance, and General Education Planning and Organization. The review concluded that those laws contain articles that contradict the CRPD but they have not been amended yet. The one that has been amended is the 2016 National Health Insurance law where health services and aids benefitting persons with disabilities have been included in medical insurance but this provision has not been enforced yet.

Nor has any other general law been amended to bring it into conformity with the CRPD in spite of the fact that many of them are inconsistent with the Convention, foremost among which is Sudan's 2005 Interim Constitution, which did not explicitly prohibit discrimination based on disability. In addition, the Civil Transactions Act of 1984, in Articles 57 to 61, deprives certain groups of persons with disabilities of legal capacity. All of the above suggests that existing legal frameworks are insufficient to protect the rights of persons with disabilities and to remove barriers to their enjoyment of their rights on equal basis with others.

Within the framework of rights enforcement, the State has developed nine disability-related policies and strategies. Four of them – namely, the Persons with Disabilities' Education Strategy, 2013-2016; the Information Strategy, 2012-2016; Work and Economic Empowerment Strategy, and Higher Education Strategy – have been approved; while five others are still incomplete – namely, Facilitating Access to Information and Communication Technologies; Health; Social Security; Culture, Youth and Sports. It is noticeable, however, that those strategies have not been accompanied by clear implementation plans according to specific time-frames, and budgets have not been allocated to implement them.

Representatives of organizations of persons with disabilities are usually consulted and engaged regarding CRPD's implementation, and the development of legislation and policies that concern them. However, those consultations are not effective. Some observers attribute this to the weak technical capabilities of those organizations which require raising their technical abilities. The 2017 Disability Act does not contain any provision regarding the obligation to engage and consult persons with disabilities in the development, implementation and follow-up of disability legislations and policies. In addition, the definition of organizations of persons with disabilities in the Act does not set any criteria for the representation of persons with disabilities in the administration of such organizations to be considered as organizations of persons with disabilities, but only requires that the organization should be registered to work in the field of disability.

Recommendations:

- Prepare a national, long-term disability strategy in line with the SDGs.
- Revise NPDA 2017 to include psychological / social disability in the definition of disability and to prohibit clearly any discrimination based on disability and to consider denial of reasonable accommodation a form of discrimination based on disability.
- Establish a timetable for harmonizing legislations with the CRPD and other international and regional conventions and treaties that have been ratified by Sudan.
- Consult with organizations of persons with disabilities to develop plans, time frames and budgets to ensure implementation of the CRPD in the Sudan.
- Build the capacities of organizations of persons with disabilities in order to ensure effective participation and consultation of representatives of such organizations in the implementation of the CRPD action plans and policies, and ensure that their views are taken into account.

- Allocate budgets to implement disability-related strategies, plans and programs in various government departments.
- Build the technical and financial capacities of the NCPD's General Secretariat.
- Entrust the NCPD's President with authority to form a special sub-committee of the Council and, at the recommendation of the Secretary General, call for special meetings to decide upon urgent matters related to a specific sector/issue.
- Entrust the NCPD and its General Secretariat with authority to coordinate and liaise between relevant government agencies, and non-governmental organizations, with the objective of building-up their capacities and eliminating conflicts between them.

2.2. Equality and Non-Discrimination (Article 5)

In general, there is no law in Sudan that outlaws discrimination, including that based on disability, where Sudan's 2005 Constitution did not specify disability-based discrimination as a basis for prohibiting discrimination.⁷ Although the 2017 Disability Act defines disability-based discrimination in its Article 3, it does not prohibit it. Furthermore, it does not consider deprivation from reasonable accommodation as a form of disability-based discrimination. In addition, other laws do not stipulate any penalty against persons and institutions that practice disability-based discrimination.

Article 2/5C of the 2010 Child Law includes non-discrimination, where it states that "a child is eligible for protection against all forms of unjust discrimination". Furthermore, Article 2/83 states that "legal organs guarantee to all child victims of crimes prescribed in Articles 45 and 46 suitable procedures to receive, without discrimination, compensation for damages instigated upon them by persons who are legally responsible for those crimes". It is noticeable that this Act adopts a medical definition for disability when it defines a disabled child in Article 3.

Generally speaking, there is no legal framework that provides protection against disability-based discrimination. Hence, it is not possible to depend on discrimination as a basis for legal claims before courts except the Constitutional Court; where however, claims take long time to settle, and require high technical and financial capabilities. Hence, it is not accessible to the majority of persons with disabilities.

Regarding other justice instruments, the Ministry of Justice includes the Advisory Council for Human Rights (ACHR) which includes a special department for the rights of persons with disabilities. Although one of its tasks is to receive complaints against human rights violations, its mandate does not allow it to rule on them. It only authorizes it to provide guidance and advice to government agencies against which those complaints were recorded.

There is also the National Human Rights Commission (NHRC), which is an independent commission responsible for monitoring and observing human rights conditions and receiving complaints on violations. However, its role is not effective especially when the rights of persons with disabilities are concerned because of lack of technical expertise regarding disability rights and lack of participation of persons with disabilities in the work of the Commission. Furthermore, the Commission Law itself includes articles that discriminate against persons with disabilities, such as Article 1/7 which states that "the position of a

⁷Article 31 of the Constitution stated that "all people are equal before the law and have the right to enjoy protection based on the law without discrimination based on race, color, gender, language, religious belief, political opinion or ethnic origin".

Commission member shall be considered vacant because of a crippling mental or physical ailment”.

*** In its ruling on the constitutional claim number 2015/118/مذ (Al-Radhi Hassan Al-Radhi and others against the Ministry of Justice), which included a challenge against the Minister of Justice’s refusal to employ them as assistant legal councils at the Ministry, and that they have been denied their right to be employed because of their visual disability in spite of their satisfaction of all employment requirements and passing the position exams. The Constitutional Court ruled that Article 24 of the Ministry of Justice Regulation Law was not constitutional and ordered it to be abolished.**

*** A memorandum to the Minister of Justice regarding a disability-based discrimination in assuming a leading position advanced by Dr. Al-Tayeb Al-Sammami, a counsellor at the Ministry, and a resignation based on that discrimination. *Al-Watan* Newspaper, 23rd December, 2012.**

In many violation cases the NCPD, or state councils, writes to government agencies asking them to serve justice. Examples of these are the cases of the Ministries of Higher Education, Oil, and Justice, or transferring some of those cases to the Justice Assistance department of the Ministry of Justice (based on a memorandum of understanding). State disability councils also monitor violation cases and follow up on their respective responses (for example Kassala and Gedaref States).

To address compound discrimination, a National Strategy to Combat Violence against Women and Children, 2016-2031, has been legislated. The Five-Year National Plan to Combat Violence against Women, 2017-2022 has also been endorsed and the Violence against Women and Children Unit acts as coordination mechanism between relevant national ministries, states, civil society associations and United Nations’ organizations to monitor implementation of the Plan. However, none of those strategies and plans included clear reference to women and children with disabilities. Hence, they did not include special provisions to protect those groups who are most vulnerable to multi-faceted discrimination, and they contain no special provisions if they experience such discrimination.

In practice, persons with disabilities face blatant discrimination. For example, they are excluded from general education and do not receive reasonable accommodation in work places, schools and health centres. An evaluation of universities’ physical environments revealed that there are many barriers that limit persons with disabilities’ participation in a par with others. In addition, they are also excluded from reasonable accommodation⁸.

Recommendations:

- Enact a national law that ensures equality and combats all forms of discrimination, including disability-based discrimination.
- Revise Article 3 of the 2017 Disabled Persons Act to include clear abolition of disability-based discrimination and recognition of reasonable accommodation the denial of which should be considered a form of disability-based discrimination. In addition, these articles should be included in the new Constitution so as to provide a

⁸The study included a sample of 330 students from six public universities (Khartoum, Bahri, Sudan, Shendi, Red Sea and Kordofan). Prof. Ruqaya Al-Tayeb, 2018.

higher standard of legal safeguards against disability-based discrimination and multi-faceted forms of discrimination faced by persons with disabilities.

- Activate the roles of the NHRC and ACHR and expedite responses to violations faced by persons with disabilities so as to provide justice, including compensation, to persons who face disability-based discrimination, and penalize perpetrators.
- Build the capacities of legal institutions on the rights of persons with disabilities, and raise awareness on the concept of disability-based discrimination, especially that which is caused by denying them access to reasonable accommodation.
- Stipulate penalties and damages against institutions and persons that practice disability-based discrimination and set-up clear mechanisms and effective measures for legal reparations for disability-based discrimination including compensation and lifting the harms caused by it.

2.3 Women with Disabilities (Article 6)

The 2005 Sudan Constitution asserted equality and enjoyment of all civic, political, social, cultural and economic rights, and also equal pay for equal work and other benefits⁹. The 2014 amendment of the 2008 Elections Law accorded women the right to political participation, where it allocates for them 30% of seats in the National Assembly and legislative councils at the national and state levels. Accordingly, women with disabilities acquired participation and representation chances and became members of the National Assembly¹⁰.

To include the rights of women with disabilities in governmental and non-governmental institutions' programs, the NCPD formed a special unit for women with disabilities concerned with coordination with those institutions in order to empower disabled women and to ensure their human rights and essential freedoms.

The Council of Ministers adopted the National Strategy for Women's Empowerment in 2007, which has been updated, in consultation with development partners, for 2015-2016. The Strategy focuses on most marginalized Women but did not mention clearly women with disabilities and did not consider their special status with regards to development issues. The 2019 draft of the National Women in Sudan Charter included the right to work for women with disabilities.

It can be said that women in general, and disabled women in particular face discrimination and deprivation in many fronts: there are a number of laws, especially criminal and personal laws, that limit women's participation on equal footing with men; and those that do not prevent harmful practices such as female genital mutilation (FGM). A legal study has listed 26 laws that contradict the Constitution because of their blatant or hidden discrimination¹¹. In addition, there are no laws that protect women, including disabled women, from gender-based violence, particularly domestic, institutional and sexual violence – including FGM.

Disabled women in Sudan suffer from multiple discriminations because they are simultaneously female and disabled. The discrimination they face exceeds in its degree and type that faced by either non-disabled women or disabled men. Social stigma and negative

⁹ According to Article 32/1, the State guarantees to men and women equal rights to enjoy all civic, political, social, cultural and economic rights including equal pay for equal work and other employment benefits.

¹⁰ Nahed Khairi is a member of the National Assembly and Raja Yahya in Khartoum State's Legislative Council.

¹¹ Ibtisam Sanhori Al-Rayah, "Women rights in constitutional rights: questions of equality and non-discrimination". *Constitutional Guards to Human Rights in Sudan: Challenges and Future Prospects*. Faculty of Law, University of Khartoum, p.45.

trends lead to exclusion, rejection and violence inflicted upon them – hence, to their lack of enjoyment of the human rights and essential freedoms enjoyed by others. Furthermore, disabled women’s issues are not included and do not get discussed with gender and women’s issues in general. There is also lack of effective mechanisms for recording violence against disabled women and for ensuring justice to them.

Recommendations:

- Establish a legal framework for addressing multiple discriminations against women with disabilities.
- Implement effective political and operational measures for preventing human rights violations against women with disabilities, and for addressing gender-based violence, including mutilating disabled women’s genitalia. Such measures should facilitate investigating such violations, trying and penalizing their perpetrators, and enabling women victims to benefit from immediate protection and support. Taking into consideration upgrading the capacities of the Women’s Unit at the NCPD so that it can handle every form of women disability.
- Include the rights of women with disabilities in national women and gender policies and program, especially the National Women Strategy, and disseminate a gender perspective in public measures related to disability.
- Cultivate all measures necessary to increase the chances of women with disabilities to benefit from reasonable facilitative public services that could enable them to gain their rights and to access public services.
- Include organizations representing women with disabilities in developing, designing, implementing and monitoring those services.

2.4. Children with Disabilities (Article 7)

Sudan’s 2005 Constitution stipulated that the State should protect child rights ordained in international and regional treaties ratified by Sudan¹². The 2010 Child Act contains a chapter on children with disabilities¹³. Although the Act was promulgated after Sudan’s ratification of the CRPD, it is noticeable that the articles contained in this chapter are not congruent with the CRPD. Although the Act advocates integration of children with disabilities in various education levels, it specifies the type of disability in line with such integration¹⁴. The Act also permits the establishment of special schools or classes for teaching children with disabilities suited to their abilities, preparation and the conditions and specifications ordained by the responsible minister¹⁵.

Article 17(1) of the Act states that “a child who is found on the street and investigations reveal that s/he has been subjected to negligence, has no family and is suffering from a mental or psychological disorder should be lodged in one of the specialized public hospitals”. This Article contradicts the right to independent living and integration in the community stipulated in Article 19 of the CRPD and promotes lodging children with disabilities in institutions and care homes. The State’s role is to enact regulations that guarantee them a decent and healthy

¹²Sudan’s 2005 Interim Constitution, Article 32/5.

¹³Child Act, 2010, Chapter 10, articles 48-53

¹⁴ Ibid, Article 49 (1)

¹⁵ Ibid, Article 49 (3).

life, and grants them the ability to depend upon themselves and to facilitate their integration in the community.

Marked developments have been made in the field of childhood during 2010 to 2015. A legal framework that supports children's issues has been activated and bolstered and a full-fledged criminal justice system for children has been established. Special children courts and prosecutors have been formed in all states in Sudan. The Chief Justice has ordered that the senior judge in every state should be in charge of children-related cases. Furthermore, a special unit within the Supreme Court charged with reviewing cases related to children has been founded. The same period witnessed the adoption of the 2010 Child Act that seeks to support children's issues, provide and deliver services to children in conflict zones and emergency situations. In this regard, Sudan was one of the first African states that adopted, in February 2015, minimum standards for protecting children in emergency and crisis situations, and a handbook for young people in emergency situations has been published in Braille and sign language.

Furthermore, children parliaments have been formed as an acknowledgment of their right to participate, freedom of thought and expression. All categories of children with disabilities are represented in those parliaments. A section for children with disabilities has also been established within the National Centre for Children Culture charged with developing their creative abilities.

A study on the status of children with disabilities in Sudan conducted by UNICEF in collaboration with the NCPD in 2013 revealed that the social stigma and the negative social perceptions related to disability are the main disabling factors for children. Their families' level of awareness is the factor with the highest impact on the enjoyment of children with disabilities' rights in Sudan. Such social perceptions affect directly or indirectly the opinions of decision-makers and civil society associations that consider children with disabilities a separate group and deal with disability through special centres and services, which constitutes a barrier that prevents children with disabilities from enjoying their basic rights – including their rights to healthcare, education, entertainment, cultural activities and other rights that ensure their full participation and integration in the community¹⁶. The study also concluded that children with disabilities who managed to secure seats in public schools have done so based on their own efforts and those of their families to create some limited adaptation in the absence of any adaptation in the school environment. This means that, without any external assistance, children with disabilities and their families shoulder the responsibility of removing the barriers that exclude their children from public schools¹⁷.

This Report's team interviewed 22 children with disabilities who confirmed that social stigma and physical barriers in buildings, roads and transportation modes, in addition to lack of experience in dealing with children with disabilities, especially in education, is one of the main hurdles that preclude their enjoyment of the rights enjoyed by others.

In spite of all the exerted efforts, it can be said generally that there are no sufficient legal or operational measures to thwart discrimination against children with disabilities that includes isolating and hiding them because of fear or social stigma related to disability, and also because

¹⁶Maha Damaj, 2013. Analysis of children with disabilities condition in Sudan. UNICEF February.

¹⁷*Ibid.*

of the common belief that it is futile to teach and habilitate children with disabilities, or to pay attention to them¹⁸. Children with disabilities suffer from violence and from their exploitation in begging, especially those with mental disabilities who sometimes are rejected by their own families. The Family and Child Protection Unit have reported cases of disabled children who have been tied down and locked in an isolated room. Further, a man with three mentally-disable children have handed them over to the Unit because of their high maintenance costs.

Children with mental disabilities depend on special care centres which are classified as private, non-governmental, educational institutions. However, there are no approved legal criteria for those centres or for observing their work, especially in child protection and the suitability of their internal accessibility measures to the rights of children with disabilities, and currently there is no government assistance for those centres like in the past.

Moreover, there is lack of effective measures to outlaw violence against children with disabilities, including physical punishment and sexual violence. Although a police force, prosecutors and special courts have been set-up to handle child-related legal procedures, officials in those legal agencies have not received sufficient training on how to make those procedures easy for children with disabilities.

Finally, children with disabilities who are not under their parents' care (e.g. those in Al-Maigoma Children's Home) don't have many chances for adoption or foster families; hence, they continue living in such institutions for a long time until they are admitted to the Children Protection Home. It is also noticeable that they don't live long, a phenomenon that requires further investigation.

Recommendations:

- Revise the 2010 Child Act and other legislations related to children with disabilities' rights, such as the 2017 National Disability Act and the 2001 Public Education Act, so as to ensure that they are in harmony with the CRPD.
- Enact legal and operational measures to combat the social stigma, stereotypes and other forms of discrimination against children with disabilities within the family and the community, including outlawing violence, physical punishment and sexual violence in all situations and sectors, including in schools and healthcare centers; and implement a comprehensive strategy for social inclusion, in addition to implementing effective strategies to prevent abandoning children with disabilities, neglecting, isolating or lodging them in child care residences.
- Provide regular training for those working with children either in legal agencies, government institutions or as service providers on combating disability-based discrimination including deprivation from reasonable accommodation, focusing on a human rights approach.
- Establish legal criteria, in congruence with the CRPD when designing, delivering or monitoring services for children with disabilities.
- Take all legal and operational measures to integrate children with disabilities born out of wedlock with their biological families, or to encourage their adoption by foster families in order to ensure their integration in and participation with the community.

¹⁸*Ibid.*

- Formulate a strategy and allocate funds for raising awareness about children with disabilities' rights to be implemented in collaboration with the mass media, civil society organizations and community leaders.
- Adopt all measures necessary to allow children with disabilities to express themselves freely in all matters affecting them, and provide any assistance suitable to their disabilities and ages in enjoying this right.

2.5. Awareness-Raising (Article 8)

The federal Ministry of Information, in coordination with the NCPD, has developed a 2016-2018 strategy to raise awareness about the rights of persons with disabilities. Although this strategy has been approved, not enough practical measures have been taken to implement it, such as time-bound action plans and earmarked budgets that ensure regular public awareness-raising campaigns at the national, state, and local levels, as well as regular training for employees of different media institutions. State efforts to raise awareness of the rights of persons with disabilities remain sporadic and insufficient, and often not monitored and assessed to know their impact on the target audience.

A directive was issued by the Minister of Information¹⁹ to all audio, audio-visual and printed media to include the rights of persons with disabilities within their programs with a view to changing the negative perceptions, stereotypes, forms of discrimination and exclusionary practices against them. In response, some audio-visual and printed programs have been devoted to discussing disability issues.

However, it is noticeable that many of these programs continue to promote the charitable and medical views of disability by focusing on sensory / physical / mental deficiencies and not on the barriers present in the community that prevent persons with disabilities from practicing their lives on an equal basis with others. In addition to using terminologies and concepts that contribute to perpetuating the negative approach, increasing stigma and reinforcing stereotypes of disability by presenting it as a charitable issue, which emphasizes the urgent need for training programs for public and private media workers on the human rights-based approach to disability, in government agencies and the community as a whole²⁰.

¹⁹Ministerial Directive Number (1) for 2015, issued by the Minister of Information.

²⁰The Sudan Times reported on August 12, 2018: "Anger raged on social media platforms from the media broadcaster Hala Abdullah in the program (Beituna) of Sudan Channel, which advised the families of children with autism to consider earning a "*Halal*" income. The users of social media criticized the ignorance of the broadcaster who attributed the mobility, mental and auditory disability to "*Haram*" incomes. Families of children with autism asked the Channel administration to hold the broadcaster accountable for violating the rights of families of children with disabilities. Social media users urged the Channel to raise awareness among its employees about the rights and sensitivity of people with disabilities. Al-Radhi Hassan Al-Radhi, a specialist in the rights of persons with disabilities, described the broadcaster's talk as rude and an insult to the reputation of all families of persons with disabilities. He added: "Responsibility for abuse of families with disabilities goes beyond the broadcaster to the TV administration, which should be responsible for raising awareness about disability issues and should not to be a platform for offending families of children with disabilities". Al-Radhi demanded the TV administration to apologize to all Sudanese people especially to families of persons with disabilities. The broadcaster maintained her position in an intervention she made in a social media group established by people related to persons with disabilities. Abeer Suleiman said "any talk about the mother's responsibility for her child's disability will hurt her because she did not choose for his child to be autistic or any other restraining condition". She added: "Hala's talk suggests that we are criminals against our children. Does eating "*haram*" make our children autistic or is it impeding our children's healing?". She asserted that families of children with disabilities help each other with their experiences to protect their children from the negative view of society. She added: "We

The NCPD, in cooperation with organizations of persons with disabilities, organizes a number of activities to raise awareness about the rights of persons with disabilities²¹ through national festivals and celebrations. However, these efforts remain seasonal and related to the activities of persons with disabilities. It is also noticeable that these campaigns vary in intensity and effectiveness from one geographical area to another. They are mostly concentrated in Khartoum and other state capitals and do not cover all localities in Sudan.

Recommendations:

- Renew the national strategy for raising awareness about the rights of different categories of persons with disabilities.
- Develop action plans; allocate budgets and set-up time-frames and a monitoring and evaluation mechanism to measure the impact of those programs on the target bodies.
- Ensure consultation and active participation of persons with disabilities through their representative organizations in the design, implementation and follow-up of awareness-raising programs on the rights of persons with disabilities.
- Organize training programs on the human rights approach to disability and on international and national disability legislations targeting employees of different media institutions, as well as information departments in ministries and government agencies.

2.6. Accessibility (Article 9)

NPDA 2017 stipulated that the State shall adopt necessary measures to facilitate the accessibility of persons with disabilities to buildings, roads, transport means and other facilities, and to provide facilitative means to enable them to access and use electronic services and the latest information technologies²².

The accessibility Building Code²³, which specifies the criteria, technical standards and special requirements that should be provided in public buildings and service facilities so as to facilitate their use by persons with disabilities has been approved, but its implementation by-laws have not been drafted yet to render it operational.

The Land Transport Regulation Act 2018, which obliges carriers to take into account the rights of persons with disabilities²⁴ while transporting passengers and luggage, has also been approved. However, by-laws for implementing the Act and for detailing the obligations to be observed when carrying persons with disabilities have not yet been issued.

are proud of our sons and daughters when such issues are discussed some people prefer to hide their children and refuse to take them out because of fear". "If this is the way the media looks at our children, how would the view of rural people, and those who have never heard of autism in their lives be? A lot of people consider the media's point of view to be sacred and absolutely true".

²¹ Within the framework of raising awareness, the *Khaleek Wae* (Be Aware) initiative sponsored by the NCPD and the Presidency of the Republic that was initiated in 2018 by Abrar organization in collaboration with other organizations and associations of persons with disabilities and some interested parties. This initiative aims to raise awareness about the rights and issues of persons with disabilities and the need to ensure their rights and to enable them to practice their daily lives in a comfortable manner, specifically in the fields of accessibility and provision of services, and to urge various community groups to form community partnerships for creating a friendly environment for people with disabilities through the activities of *Khaleek Wae* initiative through which public facilities are adapted to the needs of persons with disabilities.

²² NPDA 2017, Chapter II, Article 4, paragraphs ٢, ٣.

²³ The Code has been approved by the National Council for Physical Development since 2017 then by the Council of Ministers on 8th February 2018 to be a guideline for buildings in all states of Sudan.

²⁴ The Land Transport Regulation Act of 2018, Chapter IV, Article 17/5.

The Ministry of Communications and Information Technology, represented by the National Communications Commission and the Telecommunications and Mail Regulatory Authority, in cooperation with the NCPD and the International Telecommunications Union, have prepared a strategy to facilitate access of persons with disabilities to information and communication technologies²⁵. However, this strategy is yet to be approved by the relevant authorities.

In general, it can be said that there are no effective measures to ensure that persons with disabilities have equal access to the physical environment (including the use of public roads and traffic lights), transport and communications, as well as information facilities (including ICTs), and other services provided to the public, including private sector services, in both urban and rural areas.

As a result of the absence of a comprehensive national strategy accompanied by budgets and monitoring mechanisms to implement the accessibility right of persons with disabilities, accessibility standards have not been met in many newly constructed buildings as well as in public transport vessels imported recently by Khartoum State. There is also a complete absence of sign language interpretation in public and private facilities, in addition to difficulties in accessing banking transactions (banking and financial services).

However, despite the absence of a binding legal framework, there are some initiatives to facilitate persons with disabilities' accessibility carried out by some public and private institutions, which are good practices that should be replicated. For example, the universal design specifications were taken into account in the buildings of the Civil Registry and Passports Administration of the Ministry of Interior affairs, in the National Telecommunications Commission Tower, some modern hotels, malls, banks and Automatic Teller Machines (ATMs).

The Customs Department also facilitated the importation of electronic devices that allow persons with disabilities to access information and communications by exempting these devices from customs, as well as facilitating the entry of computers suitable for people with visual disabilities. Further, the Sudanese Standards and Metrology Organization (SSMO) printed a handbook of Sudanese standards and measures in Braille.

Concerning capacity-building and awareness-raising activities on the right to accessibility, the NCPD, with the participation of organizations of persons with disabilities, held a number of workshops in a number of government institutions, including the Civil Aviation Authority, to highlight the barriers to travel services for persons with disabilities in Khartoum and Port Sudan airports. The workshops focused on creating an accessible physical environment in corridors, lounges, bathrooms, elevators, wheelchair services, sign language, a designated counter for people with disabilities, and personal assistance services.

In addition, NCPD organized a workshop, from 31/7 to 3/8/2017, in collaboration with the Japan International Cooperation Agency (JICA) and government institutions with the aim of creating an accessible physical environment. The workshop focused on accessibility for persons with disabilities through universal buildings design.

Furthermore, The Khartoum State ministries of Social Affairs and Physical Planning, in collaboration with the Arab Urban Development Institute (AUDI) and the Middle East and

²⁵The strategy was developed by two International Telecommunications Union experts after a series of activities and consultations for persons with disabilities, and was presented to partners and stakeholders in a workshop in September 2018.

North Africa Child Protection Initiative (MENA CPI), organized jointly a workshop, during 5th-8th November 2008, entitled *Towards Developing Urban Areas Suitable for Children and Persons with Disabilities*, which was intended to present principles for planning and developing urban areas suitable for *all* children, and facilitating accessibility of physically-disabled persons to all buildings, services and facilities within a comprehensive and sustainable urban development.

In order to enhance the accessibility of persons with disabilities to higher education, NCPD organized, in December 2017, in collaboration with the Ministry of Higher Education and Scientific Research, represented by its General Administration of Student Affairs, a workshop entitled *Towards a Barrier-free University Environment*. NCPD organized also a technical workshop on the accessibility of persons with disabilities to ICTs and to assistive technologies. The workshop was financed by the United States Agency for International Development (USAID) and implemented by the Disabled Persons International Development Organization.

Recommendations:

- Develop effective strategic and practical frameworks linked to specific timeframes and budgets, with monitoring and follow-up mechanisms, to ensure that persons with disabilities have access to the physical environment, information, communications and services on an equal basis with others.
- Include the accessibility Building Code with the building by-laws now in use for issuing building permits and approving plans, and impose penalties and fines in case of non-compliance.
- Establish legally-binding accessibility standards to websites, communication and information services, as well as specifications for roads and transportation means.
- Promote the design, development, production and distribution of information and communication technologies and systems accessible for persons with disabilities at minimum costs.
- Require private sector institutions that provide public services to adopt accessibility criteria for persons with disabilities.
- Provide regular training and capacity-building for entities concerned with applying accessibility measures for persons with disabilities.

2.7. Right to Life (Article 10)

The Interim 2005 Constitution of the Republic of Sudan affirmed that everyone has the inherent right to life, dignity and integrity, and that this right shall be protected by law and no one shall be unduly deprived of life²⁶. The Constitution did not differentiate between persons with disabilities and others in this regard. Nevertheless, there is no protection for persons with disabilities from certain dangerous practices that may lead to their death. These practices include forcing them, sometimes, to be treated with local medicines, especially in the case of persons with mental, psychological and social disabilities.

Recommendation:

- Enforce legislative and practical measures to eliminate dangerous practices so as to protect the right to life of persons with disabilities.

²⁶Sudan Interim Constitution, 2005, Article 28.

2.8. Situations of Risk and Humanitarian Emergencies (Article 11)

There are no legislative measures to make actions in situations of risk and humanitarian emergencies inclusive and accessible to persons with disabilities. There is also no national strategy for dealing with persons with disabilities in situations of risk, emergency and humanitarian disasters, in addition to the lack of information and statistics on the type of protection and services (water, food, adequate medical care and shelter) provided to persons with disabilities who are internally displaced, refugees or live in areas affected by conflicts and wars—namely, Darfur, Blue Nile, and South Kordofan. In addition, Sudan is considered a passage for refugees from neighbouring countries (i.e., Ethiopia, Eritrea and South Sudan). It is possible that these refugees include persons with disabilities who need special measures to protect their rights.

The National Relief Protocol does not prohibit discrimination against persons with disabilities in situations of risk and humanitarian emergencies. It is also noticeable that refugee and displaced persons camps lack humanitarian standards that ensure their enjoyment of their basic rights.

In spite of the absence of legal and practical frameworks, there are some initiatives taken by institutions such as NAPO, which provided some assistive devices to 141 refugees with disabilities from Yemen and South Sudan. The Sudanese Red Crescent also provided food and assistive devices to 246 Ethiopian and Eritrean refugees with disabilities in four camps in Kassala State.

Recommendations:

- Adopt legislative and practical measures to ensure the protection and safety of persons with disabilities in situations of armed conflict and humanitarian emergencies.
- Prepare a national strategy to deal with persons with disabilities in situations of danger and humanitarian emergencies.
- Conduct surveys and collect statistics on the number and reality of persons with disabilities in conflict areas and in displaced persons' and refugee camps and their accessibility to the services provided.

2.9. Equal recognition for Persons with Disabilities before the Law (Article 12)

The 2005 Sudan Constitution, in its Bill of Rights stated that: “all persons are equal before the law and are entitled to the protection of the law without discrimination based on race, color, gender, language, religious belief, political opinion or ethnic origin)²⁷.

Nevertheless, there are legal provisions in Sudan that do not recognize or restrict the legal capacity of persons with disabilities to make decisions affecting them. Some groups of persons with disabilities have a guardianship system imposed upon them – for example, persons with intellectual disabilities in most contractual, financial and other transactions. The 1984 Civil Transactions Act considers persons with intellectual and psychological disabilities and deaf-blind persons legally incompetent.²⁸ Hence all their contractual transactions are either invalidated or curtailed pending authorization by their guardians.

²⁷The Interim Constitution of the Republic of Sudan, 2005, Chapter II, Article 31: Equality before the Law.

²⁸Civil Transactions Act 1984, Article 22.

Similarly, the Personal Status Act of 1991 restricts the legal capacity of persons with disabilities to marry by requiring the consent of their guardians and existence of a clear benefit in marriage in order to complete the marriage contract for persons with mental and psychological disabilities²⁹. In addition, the 2017 NPDA also did not include any article pertaining to the right of persons with disabilities to equality before the law.

Due to the non-recognition of the legal capacity of some groups of persons with disabilities and the adoption of a by-proxy decision-making system, guardians of persons with disabilities may give consent for medical and therapeutic interventions to be conducted on those persons on their behalf. In other cases, the legal disqualification of persons with disabilities has deprived them of many fundamental rights, including the right to vote, the right to marry and to establish a family, reproductive rights, parental rights and the right to enter into other transactions with legal consequences³⁰.

In December 2018, the NCPD, in collaboration with the Ministry of Justice, organized a workshop on the legal capacity of persons with disabilities with a view to persuade the government to adopt legislative measures that recognize the legal capacity of persons with disabilities.

Recommendations:

- Review the 1984 Civil Transactions Act, the 1991 Personal Status Act and the 2017 NPDA in order to recognize the legal capacity of persons with disabilities and to end the restrictions or denial of their legal capacity and to adopt instead a decision-support system.
- Adopt measures, including the establishment of institutions that support persons with disabilities in making their own decisions and to help them build their self-confidence so that they may exercise their legal competences; and to issue directives for those institutions so that they could respect persons with disabilities' independence, will and preferences.
- Raise awareness among persons with disabilities, their families and the community as a whole, especially in the field of legal capacity and equality before the law.
- Build the capacities of government officials, especially those working in the judiciary, regarding persons with disabilities' equal recognition before the law, and to foster their own decision-making.

2.10. Access to Justice (Article 13)

Sudan's 2005 Interim Constitution guaranteed equal access to justice to everyone and no one may be denied this right³¹. Despite issuance of the Judicial Circular No2 for 2016 by the President of the Judiciary urging the good treatment of persons with disabilities in courts and various judiciary departments, judges were not trained on how to implement this circular and no guide has been issued to assist them in its application. There are also no effective measures to ensure that persons with disabilities have access to other justice units such as the police, prosecutors and others.

²⁹Personal Status Law of 1991, Section III

³⁰ There are cases where persons with disabilities were not recognized as equal others before the law, especially in relation to bail (The case of refusal to accept Professor Ali Farah's bail for one of his relatives due to his disability).

³¹Sudan's Constitution, Article 35, guaranteed everyone the right to litigation, and no one shall be denied his/her right to seek justice.

There is a legal aid department at the Ministry of Justice that provides gratis legal assistance to the insolvent poor in all lawsuits. In this context the Ministry of Justice, represented by the Legal Aid Department, signed a memorandum of understanding with the Khartoum State Council of Persons with Disabilities and the Bar Association to provide legal aid to persons with disabilities. In addition to legal assistance from the government, the Advocacy Law of 1983 established the principle of judicial assistance in civil, criminal and personal status cases by delegating a lawyer to provide such assistance.

In general, it can be said that access to justice for persons with disabilities is constrained by the presence of physical barriers in court complexes and police stations most of which are inaccessible to them although a large number of court complexes have been built recently after Sudan has ratified the CRPD. In addition, there is inaccessibility of information and communication means and lack of provisions that require the justice system to adopt procedural measures to enable persons with disabilities to communicate effectively during investigations, and there is no reasonable accommodation in courts for persons with mental disabilities. There is also insufficient awareness among persons with disabilities of their rights and how to protect them from abuse, in addition to financial barriers such as litigation fees, attorney fees, etc.

As an initiative of the National Deaf Union, a draft dictionary of judicial terms has been prepared in sign language to facilitate interpretation, hence, to ensure greater access to justice by the deaf. Because of the scarcity of sign language interpreters, they are not provided for the deaf by the judicial system in a timely manner; therefore, people with hearing disabilities may wait for a long time in police stations for sign language interpretation services.

One of the best practices seen in some courts is the descending of some judges to meet persons with disabilities, or changing the court room or moving the court to a disabled person's location if s/he cannot access the court house.

Recommendations:

- Enact legislations to ensure that procedural arrangements, including reasonable accommodation, are provided to persons with disabilities to ensure their access to the physical environment, to information and communications, as well as supportive and decision-making systems in all legal proceedings so as to ensure persons with disabilities' equal access to justice.
- Develop a clear strategy to ensure access to justice by persons with disabilities.
- Build the capacities of the judiciary personnel, prosecutors, police and all staff of the judicial apparatus on how to simplify judicial procedures for persons with disabilities.
- Strive to make all judicial buildings compliant with accessibility standards and universal design specifications.

2.11. Liberty and Security of the Person (Article 14)

Article 29 of the 2005 Interim Constitution stipulated that everyone has the right to liberty and security. No one may be subjected to arrest or imprisonment, and may not be deprived of his/her liberty except according to procedures established by law. Nevertheless, there are many cases of forced detention of persons with disabilities (especially those with intellectual and mental disabilities and disabled women). Such detention is usually carried out by the family of the person with disabilities since there are no state legislations to protect them from forced detention (disability-based imprisonment) by their families.

There are also no legislations that criminalize forced admission of persons with disabilities to hospitals, care homes or correction facilities. Indeed, article 49 of the Criminal Code of 1991 states that “if the court establishes beyond doubt that the accused is unconscious due to a mental or psychological illness, it should suspend the trial proceedings and order his/her admission to an institution for the treatment of psychological or mental illness. Alternatively, it could designate his guardian or any trustworthy person to care for him/her after pledging good care”. Although the Prisons Regulation and Inmates' Treatment Act stressed that inmates should be treated with dignity; nevertheless, there is neither accessibility nor facilitation measures for persons with disabilities in prisons, and if there are any, they would be obtained through personal sympathy.

Jaafar Khidir Al-Hassan (a physically-disabled person) filed a complaint against the National Intelligence and Security Service (NISS) in Gedaref State, on 3rd February 2019, through his lawyer, Mohammed Abdeljalil, regarding violation of his right to reasonable accommodation during his arrest and detention in a NISS cell.

Recommendations:

- Enact legislations that criminalize the forced detention of persons with disabilities, especially by their parents, harmonized with Sudanese social norms.
- Adopt legislative measures to criminalize the compulsory admission of persons with disabilities, in particular those with mental and psychological/social disabilities, to hospitals, especially treatment facilities run by traditional healers.
- Provide reasonable accommodation for persons with disabilities in the event of deprivation of liberty in accordance with the law.

2.12. Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment (Article 15)

Article 33 of the 2005 Sudan Constitution included clear provisions on the prevention of torture and inhuman treatment³². The Code of Criminal Procedures, the Organization of Prisons and Treatment of Inmates Law, the Law of Evidence and other laws also include similar provisions. The Criminal Procedures Law of 1991 stressed the dignified treatment of persons held in custody pending investigations and urged prevention of any physical or moral harm inflicted upon them, providing them with appropriate medical care and treating them in a decent and humane manner.

Although Article 24 of the Public Health Act of 2008 prohibits medical intervention without the patient’s consent, the same article has an exception that allows consent to be obtained from another person if s/he is authorized by law to give such consent. Since some groups of persons with disabilities are deprived of their legal capacity, their guardians may agree on their behalf to conduct medical and therapeutic operations on them without their consent, or, sometimes, even without their knowledge.

Guardians sometimes force persons with disabilities to take local medicine and accept medical interventions from unauthorized local therapists. Such practices are particularly prevalent in the case of persons with mental or psychological disabilities as there is no legislative protection or steps taken to limit these practices.

³²Article 33 states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment.

*** The Sudanese National Association for the Deaf organized awareness campaigns, including a number of theatrical plays, intended to stop corporal punishment and to use instead educational alternatives and a positive support approach in order to create a protective environment for children with hearing disabilities and to stop using violence against them.**

***JICA Volunteers implemented a project to train teachers and staff in nine children centers for intellectual disabilities in Khartoum State on the types of intellectual disabilities and the use of educational alternatives and positive support instead of insult, abuse and corporal punishment.**

Recommendations:

- Include persons with disabilities in national strategies and mechanisms to prevent torture.
- Enact legislations to ensure free and informed consent of persons with disabilities in the conduct of medical and therapeutic interventions – in particular, medical interventions by unauthorized persons.
- Train families and workers in educational and rehabilitation institutions, especially those for children with disabilities, to use educational methods and to combat all forms of violence and abuse.

2.13. Freedom from Exploitation, Violence and Abuse (Article 16)

Sudan's 2005 Constitution stated that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment."³³The Constitution also stipulated that "the State shall guarantee to persons with disabilities all rights and freedoms, in particular respect for their dignity and full participation in the community"³⁴.

The 2010 Child Act also stresses "the protection of a child, male or female, from all forms and types of violence, harm, inhumane or degrading treatment, physical, moral or sexual abuse, neglect or exploitation"³⁵. It also stipulates that none of the following penalties may be imposed upon children in schools: (a) severe penalties, (b) reprimanding with degrading words, (c) deprivation from attending a class unless his/her attendance could obstruct the course of study, (d) expulsion from school during the schooling period³⁶. It also stipulated that the Ministry of Education shall determine the appropriate penalties for those who violate these provisions in accordance with the by-laws suit issues. However, the Ministry of Education has not yet been approved the by-laws prohibiting violence and other types of punishments within educational institutions.

Among the legislations that have been passed is the Public Health Act of 2008, which stresses "the prohibition of medical intervention without the consent of the patient, unless he/she cannot give his/her consent; in which case consent shall be given by a person authorized in writing by the recipient of the medical service, or in accordance with the law, or if the delay of medical intervention exposes the patient to death or permanent disability, in

³³The Interim Constitution of the Republic of Sudan, 2005, Article 33

³⁴*Ibid.* Article 45 (1)

³⁵2010 Child Act. Article 5(2), para.ك

³⁶*Ibid.* Article 29(1).

which case the medical service provider must make the necessary effort to obtain the required consent”.³⁷

In the context of promoting and ensuring effective implementation of legislative measures to combat violence against women and children, the government has taken a number of measures and steps to protect women, including women with disabilities. At the level of legislation, the Criminal Law’s 2015 Amendment stipulated punishments for crimes that are considered as violence against women, including sexual harassment. The Anti-Human Trafficking Act 2014 also contains heavy penalties for all forms of human trafficking whose victims are women, children and persons with disabilities.

In general, it can be said that violence is a criminal offense under the above-mentioned laws; however, due to lack of recognition of the legal capacity of some groups of persons with disabilities, when they become victims of violence they face difficulties in reporting it – especially if it is inflicted upon them by their families or guardians.

Violence is practiced against people with intellectual or psychosocial disabilities, who are often flogged as part of the treatment process where flogging is thought to contribute to the treatment of psychological/social disabilities. The government has not taken any clear steps to combat such practices. Girls in Sudan, including those with disabilities, also experience some harmful practices such as FGM. There is no mechanism to treat survivors of violence in general. The same applies to persons with disabilities who are more exposed to violence, in addition to the challenges of reporting it, especially sexual violence inflicted upon women with intellectual disabilities.

As noted before³⁸, the Sudanese National Association for the Deaf has endeavoured to stop corporal punishment in all schools for people with hearing disabilities. There is also the experience of JICA Volunteers in training teachers on explaining violence and how to combat it in centres for persons with intellectual disabilities.

The study on violence against children conducted by the Ministry of Health in collaboration with the Ministry of Education, the NCPD, the Police’s Family and Child Protection Unit and UNICEF in 2017 revealed that children, especially those with disabilities, are exposed to various forms of violence on the street. In addition, they are exposed to practices and behaviors that cause distress and embarrassment or endanger some segments of children with disabilities. Although some practices are not classified as violent, they directly affect children. For example, most children with visual disabilities reported that overcrowding, stagnant water, and rugged roads can cause them to fall and be ridiculed and mocked by their peers. In addition, the study showed that teachers are less aware of the rights of children with disabilities. 72% of them reported that there are no systems to protect children with disabilities in schools, while 28% reported that they exist. The responses of those who answered yes reflect their poor knowledge of the rights of children with disabilities and the importance of integrating them in schools in their best interests. A high percentage of teachers concurred with parents and guardians that disabled children’s protection systems and mechanisms are weak.

Recommendations:

³⁷Public Health Act, 2008 Article 24.

³⁸See the practical practices for implementing Article 15 in this report.

- Adopt clear legislative measures to eliminate and criminalize violence against persons with disabilities, including violence for treatment purposes, and benefit from the experiences of some Arab laws such as the Jordanian experience³⁹.
- Establish mechanisms for the treatment of victims of violence and make them available to disabled women victims.
- The Ministry of Education should adopt by-laws that forbid the use of prohibited penalties inside educational institutions.
- Raise awareness about the compatibility of societal and environmental cultures with protection of persons with disabilities from exploitation, violence and assault.

2.14. Protection of Personal Safety (Article 17)

Article 28 of the 2005 Interim Constitution stated that “everyone has an inherent right to life, dignity and personal safety”. Article 43 of the 1991 Criminal Code criminalizes and punishes the use of any form of force against any person without his/her consent. The amendment of Article 141 of the Code which criminalizes FGM has been approved, on 22nd April 2020, by The Supreme Council and the Council of Ministers of the Transitional Government.

Four states have passed laws that criminalize FGM and set punishment for its practitioners. The government, in collaboration with UNICEF, also launched the *Salima* (wholesome) Campaign, a social and media initiative aimed at preventing FGM by focusing on transformation within the community rather than the individual so that there is social acceptance of change, and promotes education and awareness of the disadvantages of FGM. However, the 2010 Child Act does not criminalize FGM, which is still commonly practiced, especially in rural areas, and girls with disabilities are more vulnerable to this practice because their families believe that FGM protects them from sexual abuse. Additional measures to protect women and girls with disabilities are not mentioned in the 2008–2018 National Strategy for FGM Prevention. This is also the case for other initiatives intended to raise awareness about FGM.

Article 24 of the Public Health Act of 2008 prohibits medical intervention without a person's consent, including sterility and immunization. However, the same Article accepts the approval of guardians of persons with intellectual and psychological disabilities who are considered incompetent by the law. Accordingly, there are no legislative provisions that categorically criminalize infertility through medical intervention for girls and women with intellectual and mental disabilities without their consent

Recommendations:

- Enact legislations that criminalize infertility through medical intervention without explicit and unequivocal approval and stipulate punishments for those who commit it.
- Establish measures to verify that medical treatment is provided on the basis of the free, prior and informed consent of persons with disabilities.
- Provide training to medical personnel on the human rights-based approach to disability.

³⁹The Jordanian Law on the Rights of Persons with Disabilities of 2017, Article 48 stipulates that “Without prejudice to any more severe penalty in any other legislation, imprisonment for a period not exceeding one year or a fine not exceeding one thousand Jordanian Dinars or both shall be imposed upon anyone who commits any form of violence stipulated in paragraph (a) of Article (30) of this Law, which states that “any act or omission that would deprive a person with a disability of a right or freedom, or restrict his/her exercise of any of them, or inflict physical, mental or psychological harm on him/her on the basis of or due to disability can be considered as violence”.

- Prohibit treatment by unauthorized personnel and those practicing traditional medicine.
- Integration of women and girls with disabilities in all measures taken to combat FGM and other harmful practices.

2.15. Freedom of Movement and Nationality (Article 18)

Article 42 of the 2005 Interim Constitution stipulated that every citizen has the right to freedom of movement and to choose his/her place of residence, as well as the right to leave the country and return to it in accordance with the law. The Constitution also recognized the right of citizenship and nationality. Article 7 stipulated that citizenship is the basis of equal rights and duties for all Sudanese and that every child born to a Sudanese father or mother has the full right of enjoyment of the Sudanese nationality and citizenship. The Sudanese nationality that has been acquired through naturalization cannot be revoked without a law stating so, and Sudanese nationals have the right to acquire the nationality of any other country as regulated by law. Every newborn child shall be registered without any discrimination in accordance with the Child Act 2010, the Civil Registry Act and the Central Bureau of Statistics' (CBS) regulations.

There is some discrimination, however, against persons with disabilities in the exercise of their right to freedom of travel by air through airports. People with mobility or intellectual disabilities are sometimes asked to bring a medical report on their health status as a condition to be allowed to travel by plane or, otherwise, to have a travel companion.

Recommendation

- Adopt practical steps to combat discrimination in the exercise of freedom of movement through airports for persons with disabilities.

2.16. Living independently and being included in the Community (Article 19)

The NPDA 2017 stresses that persons with disabilities shall have all rights, facilities and exemptions in accordance with international treaties and conventions ratified by Sudan, and that all government agencies shall abide by them, including the right to rehabilitation, capacity building, integration, training, provision of reasonable accommodation and inclusion in health insurance and social security. However, it does not explicitly state the right of persons with disabilities to live independently and to be included in the community, which requires provision of a personal assistance and support system, and social protection programs that ensure them independent living within the community.

In Sudan there are a number of institutions and foster care houses where children without parental care or homeless children are accommodated. There are also institutions and foster homes for elderly persons who do not have family members to stay with. Often there are children with disabilities in those houses. The State has a policy of encouraging the provision of alternative families for those children by encouraging families to adopt/support children in foster care through a program called *Usar Badila* (Alternative Families). However, children with disabilities placed in these houses often do not find alternative families because they are disabled. Families are worried about the additional cost of disability when they adopt a child with a disability.

The team that prepared this Report paid field visits to child care homes in the capital Khartoum to assess the situation of children with disabilities in them. The field visits and questionnaires revealed the following:

Child Care Home (Al-Maigoma): This home provides care and accommodation for children without parental care under the age of four. In 2018, there were 24 children with different disabilities in Al-Maigoma where they are provided with care services, nutrition, suitable alternative families, medical treatment and massage. However, assistive devices such as wheelchairs are not provided to them. There are also no specialized services such as a communication specialist. The team noted that some children with disabilities over the age of four are staying at the home because they are not accepted in other homes for children over the age of four because of their disabilities.

Child Protection Home: This home provides shelter and rehabilitation services for male children over the age of four who lack parental care. In May 2019, there were 15 children with disabilities in it, one of whom passed away. During the previous year (2018) there were 19 children with disabilities in the Home who were transferred from Al-Maigoma, three of whom passed away. Those children are provided with food, health care, clothing, psychological and social rehabilitation services. However, there is no qualified medical staff in the Home to provide them with medical care. In addition, there is no vehicle to transport patients to hospitals.

Al-Mustagbal Home for Girls: This home provides shelter and rehabilitation for female children over the age of four who lack parental care. In February 2019, there were 15 children with intellectual, visual, auditory and motor disabilities in the Home. The Home provides general rehabilitation and behavior modification services; however, there is no special unit for rehabilitation sessions and there is no vehicle to transport girls to rehabilitation sessions outside the Home. Means and aids are not provided in all programs for children with disabilities.

Dar Bashayer for girls: In this *Dar* (house), shelter and rehabilitation are provided for vagrant girls. There are currently no services provided for children with disabilities in it.

Dar Taibah: In this *Dar*, vagrant children are accommodated and rehabilitated. In 2018, there was only one child with auditory disability, while in 2017 there were three children with disabilities (one with motor disability and two with auditory disability). Disabled children receive the same services offered to other children and there is no special program that satisfies their requirements and no specialized cadre.

This information underscores the lack of strategies and plans to abolish care institutions and continued investment in them. It also suggests that social barriers such as negative attitudes and social stigma prevent many children with disabilities from integrating into the community and accessing available assistance. Moreover, lack of legislative frameworks and budgets needed to provide persons with disabilities with personal support systems, lack of accessible public services and facilities, such as transportation means, medical care, schools, public spaces, housing, theatres, entertainment houses, goods, services and public buildings are all impediments hindering persons with disabilities from achieving independent living and integration within the community.

Recommendations:

- Adopt legal and political measures necessary to ensure the right of all persons with disabilities to live independently and to be included in the community – the right to choose their places of residence, where? with whom? and how to live?
- Recognize the legal capacity of persons with disabilities and establish the legal framework that protects and guarantees the enjoyment of this right and prohibits all

forms of guardianship, and replace the by-proxy decision-making systems with alternatives that support decision-making.

- Stop immediately the placement of persons with disabilities in care institutions, and to stop establishing new ones or refurbishing existing ones, except for urgent and necessary actions needed to protect residents of existing institutions.
- Provide social service packages, including personal support services, to enable persons with disability to live independently.
- Adopt measures to facilitate full enjoyment of persons with disabilities of their rights, and their full integration and participation in the community, and to ensure that they have access to support services at home, in their places of residence and, other community services, including the personal assistance needed to facilitate their livelihood and social integration.
- Ensure that persons with disabilities have access, on equal basis with others, to community services and facilities available to the general public and that these services are responsive to their needs.
- Adopt necessary measures to ensure that persons with disabilities have a legal right to an adequate personal budget (in the form of direct financial support) for independent living taking into account additional expenses associated with disability.
- Redirect resources from services related to placement in care homes to wider community services.

2.17. Personal Mobility (Article 20)

The 2003 Dealing with Blind Persons on the Street Code contains necessary instructions for drivers to deal with blind persons on public streets. New drivers applying for driver licenses are trained on how to deal with blind persons on the street as a condition for obtaining a license. In addition, police officers, in particular traffic police, are also trained on the same.

NAPO has been established to contribute to ensuring that persons with disabilities have access to prostheses. NAPO provides prostheses and motor aids at cost in coordination with the International Committee of the Red Cross (ICRC), while the *Zakat* Chamber pays for the equipment of those who cannot afford them. During the period 2014-2016, kinetic aids were provided to 8,504 disabled persons. These included wheelchairs, sticks and walkers. NAPO also has a mobile workshop to provide prosthetic services to people with disabilities in their places or close to their areas of residence. In addition, medical aids have been included in health insurance services in accordance with the Health Insurance Law of 2016, but this has not yet been implemented despite preparation of a study⁴⁰ on the type of aids required and the their costs.

Despite contributions from the *Zakat* Chamber and others, the cost of assistive devices and prostheses for persons with disabilities remains higher than the ability of the majority of them who complain about its high prices, and even with financial support obtaining it requires a long waiting time.

⁴⁰The study *Medical Aids for Persons with Disabilities - Statistics and Costs*, was prepared in 2017 by a committee from the National Health Insurance Fund, the NCPD, the Medical Supplies Fund and representatives of the Ministry of Finance and the *Zakat* Chamber. The study was submitted to the Council of Ministers at the Ministry of Social Security and Social Development's celebration of the International Day of Persons with Disabilities, which was held at NAPO headquarters in December 2018.

In March 2016, the federal Ministry of Social Welfare collaborated with GIAD Motor Company on localizing the manufacturing of motor bikes that carry people with motor disabilities, to ensure that they would be of quality and specifications suitable for the Sudanese environment, and to cover all the states of Sudan in terms of manufacturing, distribution and maintenance. On the other hand, there is no obligation for transport companies to adjust public and private transport mean to ensure their accessibility to persons with disabilities to travel on them with ease.

Training on mobility skills and the use of assistive devices is available, but on a very limited and inadequate scale. It also does not meet the needs of persons with disabilities for advanced training associated with rehabilitation and physical therapy. In addition, there is insufficient support for people with disabilities to access and benefit from technology or assistive devices except in rare cases, and also they are not available in the market at affordable prices.

Recommendations:

- Facilitate access by persons with disabilities to quality mobility aids, devices, assistive technologies, and forms of human assistance and intermediaries, including making them financially affordable.
- Provide training for persons with disabilities and specialists working with them on mobility skills.
- Encourage public and private sector institutions that produce or import mobility means and devices, including public transport, equipment and assistive technologies to take into account all aspects of the mobility of persons with disabilities.
- Adopt measures to ensure that mobility equipment, assistive and prosthetic devices, including assistive technologies, are made available at affordable costs to persons with disabilities

2.18. Freedom of Expression, Opinion and Access to Information (Article 21)

Sudan's 2005 Constitution⁴¹ emphasized the right to freedom of expression and gave every citizen an unrestricted right to it, to receive and disseminate information and publications, and to have access to the press without impeding order, safety and public morals, as defined by law. It also guaranteed freedom of the press and other media types in accordance with the law in a democratic society. It also obliged all media to adhere to professional ethics and not to incite religious, racial or ethnic hatred or to advocate violence or war.

The NPDA 2017⁴² guaranteed them access to the mass media, and a guide to Sudanese standards and specifications has been published by SSMO in Braille and sign language.

The State has not yet recognized the national sign language as an official language. Sign language is also not used in government institutions and service facilities; in addition, there is also scarcity in sign language interpreters and no access to audio-visual aids that could enable persons with hearing disabilities to interact with official agencies. Furthermore, information is not provided in simplified ways that are easily accessible to persons with intellectual

⁴¹ Sudan Interim Constitution 2005 Article 39 (1/2/3)

⁴² The NPDA 2017, Article 4 (ع) states that “the media shall allocate special broadcasting time for persons with disabilities and shall document their activities in their various visual, audio and printed media, and shall use sign language accompanied by sound to pronounce writings on the screen in all programs where possible”.

disabilities. Information is also not available in Braille and alternative writing methods that blind people could access.

In general, there are no policies or regulations to facilitate easy access to information by persons with disabilities. Persons with visual and auditory disabilities suffer from lack of publicly available information in Braille and sign languages. For instance, most TV stations – including public ones – do not provide sign language interpretation except in rare cases. Therefore, persons with disabilities rely on themselves, and on some civil society organizations, to gain access to information in accessible manners.

Recommendations:

- Develop a time-bound plan to make communications in government institutions and service facilities accessible to persons with disabilities.
- Recognize the Sudanese sign language as an official language and facilitate its teaching in schools; train qualified sign language interpreters and instructors who are able to communicate using touch, Braille and other easy-to-read forms of communication.
- Ensure that TV stations provide news and other programs in accessible formats.
- Amend the Access to Information Act by removing all restrictions on persons with disabilities' exercise of their freedom to seek, receive and impart information and ideas on an equal basis with others, including by ensuring that website owners and designers provide access to their sites to persons with disabilities, especially those with visual disabilities.
- Amend laws that limit persons with disabilities' easy access to publications.

2.19. Respect for Privacy (Article 22)

The 2005 Constitution⁴³ urged respect for privacy by stating that “no one's privacy shall be violated, and no interference in a person's private or family life, in his/her home or correspondences, is permissible except in accordance with the law”. Sudan has ratified the African Charter on the Rights and Welfare of the Child, but it has registered its reservations on Article 10, which concerns the protection of private life by stating that “no child shall be subjected to abusive or unlawful interference with his/her privacy in his/her family, at home, in his/her correspondences or in violation of his/her honor and reputation; however, parents and legal guardians shall have the right to exercise reasonable supervision on the conduct of children, and the child has the right to be legally protected against such interference or infringements”.

Within the framework of general legislation, there are legislations that protect the privacy of persons with disabilities. However, failure to recognize the legal capacity of some groups puts them at risk of their privacy being violated by their guardians.

The NCPD, in collaboration with civil society organizations and organizations of persons with disabilities, works to raise awareness among all citizens, including awareness of the need to respect the privacy of persons with disabilities.

Recommendations:

- Continue to raise awareness regarding protection of the privacy of persons with disabilities and not to subject them to abusive or unlawful interference with their

⁴³Sudan Interim Constitution 2005, Article 37.

privacy, family affairs, home, correspondence or any other means of communication that they use, nor to defame their honor and reputation.

- Strengthen legal protection for persons with disabilities to protect them from any violation of privacy and set penalties for violators.
- Strive to protect the privacy of information concerning the personal affairs, health and rehabilitation of persons with disabilities on an equal basis with others.
- Lift Sudan's reservation on Article 10 on the protection of private life in the African Charter on the Rights and Welfare of the Child.

2.20. Respect for Home and the Family (Article 23)

Sudan has taken many measures to ensure that people exercise the right to marry and to form families. Article 15.1 of the Interim Constitution asserted that the family is the natural and fundamental unit of society and has the right to be protected by law. This article gave men and women the right to marry and to form a family in accordance with the personal status law applicable to them; however, this marriage is contingent upon voluntary and full acceptance by both parties of the marriage.

There are no legal barriers under the Constitution or the law that restrict or prevent persons with disabilities from marrying. The Personal Status Law of 1991 does not mention disability as an impediment to the validity of marriage, its pillars or conditions, but the same Law requires that marriage contracts for persons with intellectual or psychological disabilities be completed with the consent of their guardians, and that there should be an apparent advantage in that marriage.

There are significant social constraints facing persons with disabilities who marry, especially women with disabilities. These are due to social stigma and a negative viewpoint towards disability, where many people still doubt the ability of women with disabilities to manage marital life and to perform household chores, including childcare.

In order to facilitate marriage and family formation for persons with disabilities, the NCPD, in collaboration with civil society organizations specialized in family counseling, and organizations of persons with disabilities, organizes festivals of collective marriages and contribute to marriage expenses by providing some in-kind requisites for marriage seekers and training them on the management of marital life. Furthermore, it has raised awareness among all citizens of the right of persons with disabilities to marry and to have a family on an equal basis with others.

Parents of children with disabilities are not adequately supported by government and non-government institutions to carry out their childcare responsibilities; the same is true for parents with disabilities who also receive no support to enable them carry out their parental responsibilities. The lack of recognition of the legal capacity of some groups of persons with disabilities deprives them of their right to take custody of their children, considering that those persons themselves are under guardianship.

Recommendations:

- Develop a campaign to combat the social stigma that affects persons with disabilities' enjoyment of their right to form families and remove restrictions that prevent them from getting married.

- Review the Personal Status Act 1991 to enable persons with disabilities exercise their rights with regard to marriage, family, parenthood and relations on a par with others, and on the basis of their free and informed consent.
- Provide adequate support to parents of children with disabilities to carry out their responsibilities to care for their children, and also provide support to parents with disabilities to exercise their parental rights at home.

2.21. Education (Article 24)

Sudan's 2005 Interim Constitution stated that “education is a right for every citizen and the government shall ensure access to it without discrimination on the basis of religion, race, ethnicity, gender, or disability⁴⁴”. It also stipulated the compulsory and free nature of basic education⁴⁵. The General Education Planning and Regulation Act of 2001 also stresses the compulsory education of children⁴⁶ as it states that “every Sudanese child aged six shall have the right to receive basic education⁴⁷.” Although these provisions emphasize the right of persons with disabilities to education, they do not explicitly state the right to inclusive education.

The NPDA 2017 also stipulates that persons with disabilities have the right to education without discrimination based on course or scientific discipline commensurate with the type of disability in order to achieve the purpose of integration. It also calls for the rehabilitation and development of the capabilities of persons with severe or double disability, where appropriate, through the establishment of special institutions. The Act also states: “integrate students with disabilities with their non-disabled peers in various forms of education and achieve that through general and higher education institutions, scientific research institutes, vocational training centers, adult education and lifelong education through the adoption of designated programs”⁴⁸.

The Child Act 2010 also calls for the child's right to free, compulsory basic education⁴⁹. It also provides for free education in public secondary schools for persons with disabilities⁵⁰. The Act also advocates the inclusion of children with disabilities in different levels of education according to disability. It also states that “special schools or classrooms may be established to educate children with disabilities in accordance with their abilities and readiness according to the conditions and specifications prescribed by the responsible minister of education⁵¹”.

Although both Acts explicitly stipulate the right to inclusive and comprehensive education, they require that the type of disability be appropriate to achieve such inclusion. Both of them did not include provisions that criminalize the exclusion of children with disabilities from the general education system. Nor did they recognize that the denial of reasonable accommodation constitutes a basis for disability-based discrimination. This leads to continuous exclusion of students with disabilities from public schools. Those who have not been excluded cannot receive the required support through the public education system itself. In addition, these Acts maintain a separate schooling system for persons with severe or double disabilities by allowing the establishment of private educational institutions, which leads to their exclusion from the

⁴⁴Sudan's Interim Constitution 2005, Article 44(1).

⁴⁵*Ibid.* Article 13(1)(i) and Article 44(2).

⁴⁶*Ibid.* Article 13 (1) (a), and article 44 (2).

⁴⁷ General Education Planning and Organization Act 2001, art.13

⁴⁸NPDA 2017 , Chapter II, Article 4 (i), (j) and (k).

⁴⁹The Child Act 2010, Article 28 (1) and (2).

⁵⁰*Ibid.* Article 28 (3).

⁵¹*Ibid.* Article 49 (1), (2) and (3).

general education system because of their disability. Although the Acts provide for free education for students with disabilities, many schools require tuition fees from them.

Based on these provisions, the government has established special schools for children with intellectual disabilities in Khartoum State (in Karari, Umbadda, Khartoum and Khartoum North), as well as in other state capitals such as Medani, Sennar, Dongola, Kassala and Port Sudan, in a clear violation of the CRPD, which obliges governments to invest all available resources in the progressive realization of the right to inclusive education, including for persons with disabilities by making the necessary changes in laws, policies, cultures, institutional practices and in the infrastructure of educational institutions so that they become accessible for children with various disabilities.

Consequently, the right to inclusive education is not legally and administratively enforceable and allows discrimination and exclusion based on the type and degree of disability, especially since all Sudanese legislations, notably the 2005 Interim Constitution, did not prohibit discrimination on the basis of disability and did not stipulate that denial of reasonable accommodation is a form of disability-based discrimination. This indicates that the legal framework does not satisfy Sudan's obligations with regard to the right to inclusive education as stated in the CRPD, nor does it facilitate achievement of Sustainable Development Goal number four pertaining to achieving inclusive and equitable education for all – including persons with disabilities.

The National Strategy for Education of Children with Disabilities, 2012-2016, was approved through coordination and cooperation between the Ministry of Education (the Special Education Department), UNICEF and the NCPD. The Strategy aimed to raise awareness about the right of persons with disabilities to inclusive education and to achieve inclusion in the public education system through the revision of the General Education Act of 2001, the curriculum, teaching methods, assessment and evaluation methods, and teachers training. However, the Strategy did not achieve its objectives because it was not accompanied by allocation of the financial and human resources necessary to implement it, and also because the task of implementing the Strategy was assigned to the Special Education Department because the common belief is that persons with disabilities' education is the responsibility of that department. Hence, the objectives and activities of the Strategy were not included in the programs of other Ministry of Education departments, nor were they adopted at the state and local levels. In addition, effective participation of persons with disabilities in the formulation, implementation and monitoring of the Strategy was absent.

It is noticeable that persons with disabilities are frequently excluded from public education schools due to their disabilities⁵². Those who receive education usually do so through exclusive

⁵² The case of expulsion of the student Tasneem Hussein Al-Taher from a private school because of motor disability in the Khartoum region of Jabra: The grandfather of the student, Hussein Taher Wagee 'Allah, notified *Alsayha* Newspaper that his granddaughter was dismissed from school after registration at the beginning of the new year because of disability under the pretext that the decision was issued by the Chairman of the Board of Directors, which was headed by a former minister. Apparently Tasneem's was not the only case, it was preceded by several cases of expulsion of disabled students on the pretext that the school administration issued an order that prompted Tasneem's grandfather to write a proclamation with the Family and Child Protection Court, noting that his granddaughter has been awarded a degree of excellence, and was honored in the previous year by the school administration, pointing out that the decision was not based on clear reasons, and indicated that the last three years his granddaughter faced no problem. Wagee 'Allah described how the child was in a bad psychological state from the school's behavior, and said that he went to the headmaster with the head of the People's Committee, but the headmaster refused to meet them. Wagee 'Allah feared that the student would be stigmatized as a result of her dismissal from school due to motor disability. (*Alsayha* Newspaper, 18 July 2018).

schools and institutes that are mostly private ones that receive no government support. Students with intellectual and psychological disabilities face even greater difficulty in accessing educational services where they get completely excluded from public schools and depend instead on private ones which are very costly and their establishment and operation are not governed by any physical, environmental or service standards or control from government agencies. As a result, there is a decrease in enrollment rates for children with disabilities in schools and in their continuation in schooling.

Although some children with visual and auditory disabilities can access education in Braille and sign language through their specialized schools⁵³, alternative and enhanced methods such as assistive technologies are not available and difficult to obtain. In addition, there are physical barriers that hinder these students from accessing those schools, as well as the absence of aids and reasonable assistive arrangements. For example, in the schools for children with hearing disabilities, there is a disparity in the level of training of teachers in sign language since most of them are unskilled in it. Educational aids are also weak and are not available in many of their institutions. In addition, the capacity of these schools is limited and confined to a narrow geographical area.

The Sudanese National Association for the Deaf, in collaboration with Save the Children Sweden, conducted a field research in Khartoum State schools, in February 2014, on the integration of deaf children in public schools. The research revealed that the most important problems and difficulties that encountered integration of deaf students in these schools was the absence of designated 'resource rooms' where short-term tutoring could be provided to them when they face learning difficulties, and the poor preparation of teachers and special education supervisors in schools and localities due to lack of specialized training on the education of students with hearing disabilities; in addition there was lack of assistive devices and medical services supportive of academic integration that include medical examination and hearing devices for students with hearing disabilities. Furthermore, there was weak monitoring and follow-up of the integration policy by local authorities and the Khartoum State Ministry of Education. The study proved that these problems led to weaker academic performance by students with hearing disabilities compared to their non-disabled peers, and that success of the policy of integrating students with hearing disabilities is contingent upon finding urgent solutions to these problems.

Complaints have been received by the Sudanese National Association for the Deaf from some students with hearing disabilities who have joined universities, particularly Sudan University of Science and Technology that refused to allow interpretation into sign language in the Fine Arts Faculty claiming that such interpretation distracts students without disabilities and inhibits their attention and understanding. Thus, exclusion is not limited to primary and secondary education, but also includes exclusion of students with disabilities from higher education institutions because of their disability and on the pretext that the educational system in the

⁵³ Specialized schools for educating blind persons exist only in seven states at the basic education level; 15 institutes and schools of *Al-Amal* Institute for teaching the deaf exist in eight states.

concerned institutions is unable to meet the requirements of their education⁵⁴. A recent study on the situation of students with disabilities in public universities⁵⁵ concluded the following:

- Students with disabilities suffer from discrimination. They are denied entry to a large number of colleges and scientific departments; for example, people with visual disabilities are admitted only in some theoretical sections that are presumed not to require visual ability; hence, they are mostly concentrated in the faculties of Arts and Law.
- The unavailability of scientific materials, books and references in Braille, or recorded on an audio medium. Students with disabilities often convert the scientific material from printed format to material imprinted in Braille or as an audio-book; in addition to the cynicism, ridicule and reluctance of some teachers when they find a student with a visual impairment recording lecture.
- There are difficulties faced by students with visual disabilities during examinations. Sometimes they do not find someone to write the exam answers for them. At other times they find someone to write for them, but their answers are affected by the lack of clarity of those assistants' handwriting.
- Librarians do not know how to deal properly with persons with visual impairment, nor do they guide them properly.
- Absence of sign language and assistive technologies in addition to the physical barriers that hinder the accessibility of these students to classrooms, libraries and limit their mobility within universities, as well as their denial of reasonable assistive measures.

In general, it can be said that what has been achieved through the Education Strategy for Persons with Disabilities, 2012-2016, only was the training of 520 teachers in the field of education and rehabilitation of persons with disabilities through training courses inside Sudan, in addition to external training for 82 special education teachers in Saudi Arabia, Egypt, Lebanon, Yemen and the UAE.

One of the practical measures taken in the context of promoting and protecting the right of persons with disabilities to inclusive education is the issuance of a ministerial decree in 2009 to allocate a special financial allowance (a 20% salary increase for teachers and 5% for teaching assistants) for the special education personnel to motivate them to work in this field. In addition, a ministerial decree was issued in 2015 to upgrade the Department of Special Education to a general department instead of a small division within the General Directorate of Basic Education, and to provide it with qualified personnel to lead implementation of the inclusive education policy, as well as instructing all states to adopt this decision; hence, the Department of Special Education became under the direct supervision of the Undersecretary of the Ministry of Education.

In addition, special education was introduced as a basic subject in the faculties of education, with a qualifying training period for teachers graduating from faculties of education in institutes

⁵⁴Among the documented cases are the refusal to accept the visually impaired student Sujood Abdulsalam in the French Department of the Faculty of Arts, University of Khartoum, because of her disability despite her fulfillment of all admission conditions (*Al-Sudani* Newspaper, 6th December 2012); student Tahani Haroun in the Faculty of Education, Geography Department, and student Ahmad Abdelazimin in the French Department of the Faculty of Arts, University of Khartoum (*Sudan Times*, 27th November, 2018), and other cases.

⁵⁵A study by Prof. Ruqaya Al-Tayeb, 2018, on assessing the university environment for students with disabilities in public universities included six public universities: Khartoum, Bahri, Sudan, Shendi, Red Sea, and Kordofan. The respondents sample included 330 students.

and schools for persons with disabilities. Qualified persons with disabilities have also been employed.

The Department of Special Education has prepared an indicative guide, approved by the Ministry of Education, on the education of hearing-impaired persons. It also prepared a technical guide for the basic school certificate examinations for the year 2018, which included guidelines for dealing with students with various kinds of disabilities at the basic school level. Furthermore, a committee of specialists and experts was formed to study adaptation of the basic school curricula to take into account the individual differences between students, including students with disabilities. In addition, training sessions on the requirements for achieving universal education were implemented in River Nile, Gedaref and Sennar states, in which 254 teachers participated. Three training manuals for training teachers on how to integrate students with disabilities into the general education system were developed.

One of the few experiments carried out in the field of inclusive education for persons with disabilities was that of Action on Disability and Development International (ADD International), funded by the European Union, which implemented a project in Gedaref State, during 2016 – 2018, aimed at integrating children with disabilities into general education. The project aimed to prepare 12 public schools in three localities (Al-Quraisha, Qal'a al-Nahal and Al-Qallabat Al-Sharqiya) with the aim of integrating and enrolling 150 children with disabilities.

Another initiative, led by the Italian Agency for Development Cooperation (AICS), in collaboration with UNESCO, the Ministry of Education and NCPD, seeks to review the National Education Strategy approved by the Ministry in 2018, which unfortunately did not include education for persons with disabilities. The initiative aims to address this gap by assessing the situation of persons with disabilities' education in Sudan. Based on the results of this study, an operational plan will be appended to the Strategy to ensure the inclusion of persons with disabilities in its implementation. The initiative includes also awareness-raising, capacity building and teacher training activities.

As part of the measures taken to implement the urgent recommendations of the International Committee on the Rights of Persons with Disabilities contained in its concluding observations on Sudan's Interim Report on the implementation of the CRPD (paragraph 48 ⁵⁶), on the prohibition of excluding students with disabilities from public schools because of their disabilities⁵⁶, the NCPD, in collaboration with the Ministry of Education, relevant authorities, and with funding from AICS, through *Tadhmeen* (inclusion) Project, organized a workshop entitled *Compliance of the General Education Act, 2001, with the CRPD*. With effective partnership of relevant actors, and wide consultation of stakeholders – especially children with disabilities – the workshop aimed to discuss the requirements for inclusion of persons with disabilities in public education in accordance with Article 24 of the CRPD, which should be included in the upcoming education act.

The educational statistics issued by the Ministry of Education on special education institutions, pupils and teachers showed the following:

Table 5: Statistics of Special Education Institutions, Students and Teachers

⁵⁶Concluding remarks on Sudan's Interim Report that have been adopted by the Committee in its 19th session, 2018. Paragraph 69 states: "the Committee requests the State party to provide, within 12 months of the adoption of these concluding remarks, in accordance with Article 35(2) of the CRPD, information on the measures taken to implement the Committee's recommendations listed in paragraph 48 (–) on the prohibition of exclusion of students with disabilities from public schools due to their disabilities".

Teachers		Number of pupils with disabilities										Institutions							
246	Total	77	Other	52	Sign Language	99	Sociology	21	Psychology	28,482	Total	Total for both Genders	Learning difficulties	Mobility	Audio	Visual	Total	non-governmental	Governmental
	F										M								

Source: General Directorate of Policy, Planning and Research, Ministry of Education, Educational Statistics Book, 2016-2017, p. 52

One of the important observations about special education institutions (exclusionary institutions) is that about 57% of them are non-governmental, high-cost private institutions that cannot be accessed by the majority of people with disabilities; and that 52% of them are located in the capital Khartoum. This affirms the need to accelerate implementation of an inclusive education policy that allows all persons with disabilities to access educational services at the lowest possible cost.

It is also noticeable that there is a dearth of special education teachers working in these institutions, which amounts approximately to two teachers per institution, which is very low compared to the number of pupils in them; indicating the deficiency of training and aptitude in the field of education for persons with disabilities. Some statistics on the number of students with disabilities in public schools are included in Sudan's 2017 report on implementation of the Convention of the Rights of the Child (CRC), which indicated that they represent only 2% of the total number of students.

Recommendations:

- Adopt immediate measures to prohibit discrimination, in addition to other measures to ensure that all children with disabilities have inclusive, quality and free education at all levels (pre-school, basic and secondary), and that reasonable accommodation should be provided to them to ensure their full participation, without discrimination, and access to their rights.
- Review other legislations relevant to implementation of the right to education to ensure their conformity with the CRPD, these include the General Education Planning Act 2001, the Higher Education Act 1990 and the NPDA 2017, these laws must explicitly stress the right to inclusive education and that all forms of disability-based discrimination, including denial of reasonable accommodation, must be prohibited.
- Prepare a clear, time-bound and measurable plan, and allocate sufficient budgets for implementation of the right to inclusive education, with penalties in cases of violation.
- Take all practical, administrative and other measures to realize the right to inclusive education at all levels, including the right to higher education and vocational training.
- Include the principles of non-discrimination and accessibility in all education-related legislations, policies, strategies, plans, programs and budgets.

- Establish practical measures, monitoring and follow-up systems to ensure free and compulsory education, with penalties for all those who violate the right of children with disabilities to education, exclude or expel them.
- Remove all barriers to the enjoyment of children with psychological, social and intellectual disabilities to their right to inclusive education and adopt necessary measures to ensure that they stay in school by removing legal and social barriers; in addition to developing continuous training program for teachers, curriculum revision; development of teaching, assessment and evaluation tools and methods, and provision of assistive aids and reasonable accommodation.
- Implement public-private partnerships and initiatives to design technologies and assistive devices that allow students with disabilities to access educational services.

2.22. Health (Article 25)

Sudan's 2005 Interim Constitution stated: "the government shall develop public health and establish, develop and rehabilitate basic therapeutic and diagnostic institutions and shall provide free primary health care and emergency services to all citizens⁵⁷". Nevertheless, public health legislations do not protect persons with disabilities from discrimination in access to health services, including reproductive health services; nor do they consider the denial of reasonable accommodation a form of disability-based discrimination. Furthermore, legislations do not guarantee that persons with disabilities, in particular persons with intellectual or psychosocial disabilities, receive medical treatment on the basis of their free will and cognition, and they do not prohibit forced treatment where consent in the case of mental or psychological disability is taken from their guardians. There are also no legislative guarantees that preclude inappropriate medical intervention or drugs that interfere with the development of children with disabilities, especially in the area of mental and psychological health.

In December 2013, a national strategy on health promotion for persons with disabilities (2014 - 2019) was developed as an outcome of a joint effort between the NCPD and the Federal Ministry of Health with support from the World Health Organization (WHO) Sudan Office and its Eastern Mediterranean Regional Office. However, the Strategy has not achieved any progress so far in the accessibility of persons with disabilities to health services. The same was true with the education strategy and others for which no financial resources have been allocated for implementation, in addition to lack of expertise and technical knowledge of the rights of persons with disabilities.

In recent years, the Ministry of Health has begun to introduce disability services into the primary health care system, specifically immunization, nutrition, school health, pregnant women care, midwives training, and hearing tests conducted in some centres. At the beginning of 2016, the Department of Disease Control asked WHO to recruit a disability expert to explain the concept of disability and strategies of action to control it, its early detection, the role of primary health care and the community in its early detection and treatment, disability rehabilitation and support services at the second and tertiary levels of health care and social inclusion of persons with disabilities. The expert held two workshops on disability for the departments of the Ministry of Health at the federal and state levels. Held in July 2016, the first workshop targeted 25 directorate managers and heads of departments in the federal General Directorate of Basic Health Care. The workshop main topic was disability and the range of work strategies in the various sectors. The second workshop targeted 36 primary health care

⁵⁷Sudan's 2005 Interim Constitution, Article 46.

and health centres' managers in the state ministries of health in the fields of disability prevention, early detection and rehabilitation services.

In July 2016, another WHO expert specialized in early detection and treatment of disability at the primary health care level developed a training curriculum on early detection of disability and the design of standard detection forms to track different types of disabilities in different age groups, intended for staff in primary health care facilities (paramedics, immunization technicians, nutrition advisors, midwives, etc.). The training curriculum and the accompanying detection forms were approved by the Department of Disease Control and relevant departments in the maternal and child health departments of the Ministry of Health.

Continuing the capacity building efforts for medical personnel, the Ministry of Health and WHO conducted, in 2018a training of trainers' workshop on early detection and intervention for disability. 126 doctors and health workers were trained on the rights of persons with disabilities. However, there is still a lack of training for health personnel and doctors on the concept, categories, characteristics and diagnosis of disability. In addition, there is lack of awareness among supporting medical staff of the rights of persons with disabilities and how to deal and communicate with them through alternative communication means, which has a negative impact on the quality of health care services provided to them.

A number of health awareness campaigns have been launched targeting all segments of society through various media outlets on the causes of disability, early detection and prevention methods. However, those campaigns were not designed to be accessible to persons with disabilities. Only campaigns designed and run by organizations of persons with disabilities or organizations working in the field of disability respect the standards of access for all.

The Sudanese National Association for the Deaf, in collaboration with the Swedish Save the Children Organization and coordination with the NCPD, has also exerted appreciable efforts in training health field workers on early detection of hearing disability in obstetric centres such as *Al-Dayat* (Midwives) Hospital and Soba Hospital.

The inclusion of medical aids for persons with disabilities under the umbrella of health insurance in accordance with the Health Insurance Law passed in 2016 was adopted and its implementation was coordinated through a committee composed of the National Health Insurance Fund, the Federal Ministry of Health and the Ministry of Finance and Economic Planning. The Committee⁵⁸ prepared a study that calculated the average cost of assistive devices for persons with disabilities according to the type of disability and then calculated the cost for each category according to disability statistics for 2017. Consequently, four different cost scenarios were developed and phased financing proposals were conceptualized.

In July 2017, Sudan, coordinated by the Ministry of Health, completed WHO's Rapid Assessment of Assistive Technology Needs in the Eastern Mediterranean Region. The purpose of this questionnaire was to assess rapidly the provision of assistive technology in those countries in light of WHO's recent adoption of the list of priority assistive technologies⁵⁹. As a summary of the questionnaire, it was pointed out that there were many agencies dealing with

⁵⁸ The committee was formed by a decree of the Minister of Social Security and Development consisting of the National Health Insurance Fund, the NCPD, the Medical Supplies Fund and representatives of the Ministry of Finance and the *Zakat* Chamber. The study was submitted to the Council of Ministers at the Ministry of Social Security and Social Development's celebration of the International Day of Persons with Disabilities, which was held at the headquarters of NAPO in December 2018.

⁵⁹ Available at: http://www.who.int/phi/implementation/assistive_technology/EMP_PHI_2016.01/en/

the issues of assistive technology but there is no coordination between them. Information and research issues do not receive sufficient attention, as well as the high cost of the majority of products and the scarcity of specialized cadres in the field.

Despite efforts to establish early detection and intervention centres for mental disability (e.g. in Dongola, Merowe and Al-Burgaig localities in the Northern State), there is still significant lack and low quality of most specialized disability-related services, such as early detection. There are insufficient centres for diagnosis, early intervention and follow-up after the onset of disability, and persons with disabilities with special medical requirements have access to the required medical services only at exorbitant prices. Such services are available in a limited geographical area and may not be available in Sudan sometimes.

In general, the health sector suffers from a complete lack of accessibility criteria (sign language, access to information through alternative means such as Braille, simplified languages, etc.), and there is no information on sexual and reproductive health in formats accessible to persons with disabilities, including women and girls. There are also obstacles and barriers faced by pregnant women with disabilities at birth in hospitals, and there are no reasonable accommodation measures to overcome those barriers. Barriers faced by persons with disabilities in accessing health services in rural areas are exacerbated by their distant locations and the physical barriers hampering access to them.

***One of Sudan's major achievements in the health field is the eradication of polio through concerted immunization campaigns at the federal and local levels.**

***During the past decade Sudan witnessed marked progress in maternal health care whether delivered in hospitals, local health centers, or by community health workers and midwives.**

Recommendations:

- Amend public health legislations to include the prohibition of disability-based discrimination, including the recognition of and obligation to provide reasonable accommodation that could enable persons with disabilities to access their rights in satisfaction of the CRPD's principles of promoting, protecting and ensuring full and equal enjoyment of health rights.
- Include the rights of persons with disabilities in the national health strategy and allocate adequate budgets for their implementation, with follow-up and monitoring indicators, and mechanisms for receiving complaints and addressing violations.
- Allocate sufficient budgets to enforce the inclusion of prosthetic devices in health insurance services.
- Provide free or affordable health care programs for persons with disabilities, including sexual and reproductive health services and public health programs.
- Provide health, prevention, early detection and intervention services aimed at minimizing disabilities, and preventing the occurrence of new cases, in the nearest places to local communities – including rural areas – covering also children and the elderly.
- Train health practitioners in providing good health care to persons with disabilities similar to what they provide to others, taking into account the provision of such care on the basis of free and informed consent.
- Provide training and awareness-raising programs for persons with disabilities on their health rights.

- Train medical personnel (doctors and assistants) on the rights of persons with disabilities, and the human rights-based approach to disability and alternative means of communication, and adhere to ethical standards related to health care in the public and private sectors.
- Build the capacities of health care providers and school health staff on early detection of disabilities in school health programs.
- Adopt health protocols aimed at ensuring the realization of the rights of persons with disabilities to express their free and informed consent with regard to any medical treatment provided to them.
- Disseminate information on sexual and reproductive health rights in formats that are accessible to all persons with disabilities, and provide gender and age-sensitive services in urban and rural areas.
- Ensure availability of specialized health care services related to disability at affordable prices.
- Ensure that emergency plans include persons with disabilities in various emergency situations.
- Allocate appropriate resources, including financial budgets and human resources, to ensure implementation of the rights of persons with disabilities to access supportive technologies and equipment.
- Reassign NAPO to be under the authority of the Ministry of Health and provide it with specialized health and medical cadres so as to improve its services.

2.23. Habilitation and Rehabilitation (Article 26)

The Child Act of 2010 stipulates the need to integrate children with disabilities in the various education levels according to their disability, and to develop and encourage vocational training and rehabilitation institutions for persons with disabilities and to rehabilitate the existing centres. The Act also advocated establishing special schools or classrooms to educate children with disabilities commensurate with their abilities and readiness in accordance with the conditions and standards set by relevant authorities⁶⁰. Each qualified child with a disability shall be granted a certificate stating the profession that s/he has been qualified to practice when s/he reaches the legal age to work; in addition to any other information the relevant authority may wish to add⁶¹. The Act also stresses that compensatory and assistive devices and transport means used by children with disabilities should be exempted from all customs with the approval of the Minister of Finance and National Economy upon the recommendation of the relevant minister⁶².

In order to expand the habilitation and rehabilitation services for persons with disabilities, the name and specialization of the Prosthetics Centre has been amended to become a public agency under the name NAPO⁶³. A new organizational structure has been approved whereby NAPO became the government agency responsible for manufacturing and provision of prosthetics, orthotics and assistive devices for persons with disabilities.

With funding from the Ministry of Welfare and Social Security, NAPO established prosthetics centers in Kassala, Al-Gadaref, Al-Damazin, Al-Obayyed, Kadugli, Nyala and Dongola and

⁶⁰Children's Act 2010, Article 49 (1), (2) and (3)

⁶¹*Ibid.*Article 50.

⁶²*Ibid.*Article 53.

⁶³Decision of the Council of Ministers No. 243 for 2014 concerning the restructuring of the Prosthetics Center.

trained their technical cadres. Other centres are under construction in Al-Jinaina, Medani, Sinja, Atbara and Port Sudan.

A tripartite framework agreement has been signed in February 2018 between the Ministry of Social Security and Development, ICRC and NAPO as part of the localization of the prosthetics industry in Sudan. And with support and contribution of the *Zakat* Chamber, NAPO has established a mobile workshop and clinic for prosthetics that travel periodically to remote areas lacking a prosthetic centre. This has contributed to shortening the list of persons with disabilities waiting to receive prosthetic services from 6000 to 420. However, there are still complaints from persons with disabilities about the long waiting list to receive prosthetics due to lack of financial and human resources, raw materials, etc.

During the period 2014-2017, NAPO headquarters provided its services to 41,679 persons. From the following table it can be seen that the number of centre users has declined after inauguration of six centres in the states and introduction of the mobile workshop.

Table 6: Number of Users of NAPO Headquarters during 2014-2017

Service	2014	2015	2016	2017	Total
Clinic (medical check-up)	8,320	6,540	1,800	2,886	19,546
Treatment	5,908	4,216	6,749	1,308	18,181
Paralysis	1,048	1,849	490	565	3,952
Total services provided during the period 2014-2017					41,679

However, it is noticeable that most rehabilitation services provided by NAPO are focused on persons with motor disabilities. In addition, there are many complaints about the high fees it charges the recipients of its services, which inhibits many of them from accessing those services.

In the field of rehabilitation of persons with intellectual disabilities, three centres were inaugurated in the states of Gezira, West Darfur and the Northern state during January-February 2017.

In order to fill the shortage of technical staff, a public college of physiotherapy and medical rehabilitation has been established, in December 2015, at Al-Nilein University by NAPO in partnership with the ICRC; furthermore, a technical training centre for prosthetics was established at NAPO also in 2015. In the same context, several meetings and preparatory steps for the establishment of a technical school for prosthetics in Khartoum State were organized during March 2019 by the Ministry of Social Development in collaboration with NAPO. According to the Ministry's plan the school was to be established in the locality of Umbadda within the Integrated Centre for People with Disabilities.

100 specialists and staff who provide habilitation and rehabilitation services have been trained by the Ministry of Welfare and Social Security in the fields of self-development, management of social institutions, training on appropriate individualized crafts, measurement and diagnosis of autism. In addition, 40 prosthetics technicians and three batches of the three-year prosthetics diploma have graduated and were funded by the Red Cross under the technical supervision of Al-Jeraif Technical College. Additionally, 11 technicians have been trained in India, Tanzania and Vietnam.

International organizations play a major role in the rehabilitation of persons with disabilities, especially physical rehabilitation. For example, the ICRC provides substantial support in the field of physical rehabilitation for persons with disabilities. In 2015, the Committee established a prosthetic centre in Nyala that can accommodate 20 beds. The centre was able to provide physical rehabilitation services to 989 persons with disabilities. The ICRC also supports 20 students who were selected to study in the Sudanese College of Prosthetics and Orthotics hoping that they will contribute to bolstering prosthetics manufacturing in Sudan after graduation. The ICRC also renovated one of NAPO's buildings, in addition to many ongoing contributions to rehabilitation of persons with disabilities.

Dar(house) Cheshire for Rehabilitation of Children with Disabilities, Khartoum, is also involved in the physical rehabilitation of children with disabilities. During 2010 to 2016 the *Dar* provided its services to 42,868 children from all over Sudan. These services included club foot surgery, clinics and physiotherapy, in addition to manufacturing paralysis equipment, locally- manufactured three axes chairs, splints and medical shoes. There is also a workshop for maintenance of mobility aids and housing for those coming from other states. In addition, the *Dar* provides community-based rehabilitation services. All of that has enabled many children with motor disabilities to continue their education and rehabilitation.

The Sudanese *Usratuna* (our family) Association for the rehabilitation of children with disabilities provided during the period 2015-2016 its services to 5,733 children, including physiotherapy, speech and enunciation therapy.

The National Centre for the Rehabilitation of the Blind based in Khartoum and six sub-centres in four states provided during the period 2014-2016 440 persons with vision disabilities with rehabilitation services that included using the white stick and daily life skills, such as mobility and housekeeping skills. There are also some private institutions that provide rehabilitation and physiotherapy, hearing, speech and enunciation services especially for children who undergo a cochlear implant operation, in which the State contributes through the *Zakat* Chamber.

Despite the above-mentioned efforts and achievements, persons with disabilities in Sudan still face many challenges in receiving habilitation and rehabilitation services. They still do not have access to a wide range of such services in their communities, in addition to the high cost of these services, even those provided by government agencies such as NAPO. They also cannot access peer support as there is no national strategy and a clear government program to provide habilitation and rehabilitation services. Most of the services provided are limited to medical rehabilitation of persons with physical disabilities. There is also a weakness in the medical rehabilitation of persons with disabilities, especially people with intellectual disabilities and hearing impairment. Audio rehabilitation, communication, motor balance, etc. are weak and unavailable in most areas of Sudan. Another challenge is the lack of an electronic network between prosthetic centres.

Networking and peer support of persons with disabilities' councils in some states has resulted in affirming the right to habilitation and rehabilitation services. A good example is Kassala council and allied NGOs that managed, in December 2017, to cancel an increase in prosthetics fees. The secretary general of the Council, Mr. Al-Safi Mohamed Fadhlallah, publicly refused the increase and threatened to resign if the state legislative council approves the 800% increase. *Al-Tagheer* Newspaper, 18th December 2017.

Recommendations:

- Adopt a comprehensive plan for the habilitation and rehabilitation of persons with disabilities, through which comprehensive services and programs are provided, strengthened and expanded, and involve persons with disabilities in the design and implementation of those programs.
- Expand habilitation and rehabilitation programs, including community-based rehabilitation at all levels, and make them available to persons with disabilities in accordance with their free and informed will, and in close proximity to local communities, including in rural areas.
- Initiate primary and continuous training programs for specialists and staff working in the fields of habilitation and rehabilitation services.
- Provide persons with disabilities with assistive devices and technologies related to habilitation and rehabilitation and train them on their use, and strive to localize their production.

2.24. Work and Employment (Article 27)

Sudan's Interim Constitution of 2005 stipulated that “the State shall formulate strategies and policies to ensure social justice among all the people of Sudan, by securing livelihoods and employment opportunities and promoting solidarity, self-help, cooperation and charitable work⁶⁴”. It also stated that “no qualified person shall be denied access to any profession or work because of disability, and all persons with special needs and the elderly shall have the right to participate in social, professional, creative or entertaining activities”⁶⁵.

The government has taken some measures to enforce Article 12 of the Constitution to promote employment opportunities for persons with disabilities in the public sector. The National Civil Service Act 2007 stipulates that “agencies shall allocate at least 2% of their approved jobs to recruit persons with disabilities, taking into account the nature and requirements of the job and the nature of disability⁶⁶”. However, this Article is inconsistent with the CRPD and discriminates on the basis of disability, as it requires that the nature and requirements of the job and the type of disability be taken into account, which leads to the exclusion of persons with disabilities from some jobs on the grounds that the nature of the job is not appropriate for the type of disability. This is in addition to the absence of regulations that explain how to achieve this percentage and what it requires to meet the criteria of accessibility of persons with disabilities to the available job opportunities, and application, selection and appointment procedures. Furthermore, other employment laws in some public institutions constrict the general nature of the text of this law. Consequently, there is no mandatory quota for recruiting persons with disabilities in certain institutions, such as unconstitutional positions, the armed forces, the national police force, security and intelligence service, judges and legal advisors in the Attorney General's Office.

The NPDA 2017 also stipulates that “the rights of persons with disabilities to be employed in various government organs and in the private sector, including productive and cooperative projects, self-employment, graduates’ employment, poverty alleviation programs, etc. should be respected⁶⁷”.

⁶⁴ Sudan’s Interim Constitution 2005, Social Justice, Article 12 (1)

⁶⁵ *Ibid.* Article 12 (2).

⁶⁶ National Civil Service Act 2007, Article 24, paragraph 7.

⁶⁷ NPDA 2017, art. 4 (هـ)

The definition of discrimination in NPDA 2017 does not consider the denial of reasonable accommodation to be a form of discrimination on the basis of disability; therefore, it does not ensure protection against discrimination. Hence, persons with disabilities suffer clear discrimination in access to decent work. Even those who gain access to work do not have reasonable accommodation to enable them perform their work efficiently. There are also no penalties for government agencies that do not commit to achieving the prescribed percentage of employment of persons with disabilities, or those that do not provide appropriate conditions to enable them perform their job duties and to advance in their positions.

There is no article in the Sudanese Labour Law 1997 or the Individual Labour Relations Act 1982 that oblige private sector organizations to employ persons with disabilities, and there is no information available regarding the number of persons with disabilities employed in the public and private sectors. This is in addition to the discrimination faced by persons with disabilities in the apprenticeship program, which stipulates in its regulations that applicants for its three-year vocational training programs should be medically fit, especially since it is the basic professional development program that enables its graduates to enter the job market at the national and state levels.

Among the measures adopted by the government to enforce the right to work for persons with disabilities, a special department for women, children and persons with disabilities has been established at the Ministry of Labour, Administrative Reform and Human Resource Development (MLARHRD). A special section for the employment of persons with disabilities has been designated within the Department as a focal point for the promotion of the right of persons with disabilities to work in the public and private sectors. In collaboration with MLARHRD and relevant authorities, NCPD organized periodic sessions and workshops to raise awareness about the right to work and the challenges facing employment of persons with disabilities. One of those workshops was organized in collaboration with JICA, in March 2015, entitled 'How to Achieve the Quota: Employment of Persons with Disabilities in the Public Sector'.

As a result of these efforts, a strategy for economic empowerment and decent work for persons with disabilities, 2017-2020, has been prepared and approved by the Council of Ministers; however, little progress in furthering persons with disabilities' employment opportunities has been achieved over two years of the strategy's duration. The reasons, as related by the person in charge of the disability file at MLARHRD is due to lack of funding and technical expertise, in addition to absence of an implementation plan with a specified timeframe.

In order to implement the employment percentage of persons with disabilities stipulated in the Public Service Law, NCPD requested MLARHRD's Undersecretary to form a committee in which persons with disabilities themselves would participate in formulating by-laws for achieving the stated percentage. The committee did not finish its task until the drafting of this report. Generally speaking, there is no database that shows the percentage of persons with disabilities in public employment. Most reports indicate that public sector agencies did not satisfy the 2% yet.

In 2014, a study on the labour market for persons with disabilities in Khartoum State conducted by the state's Council for Persons with Disabilities showed that their employment percentage in the formal economy was low. The study recommended establishment of a fund within *Al-Uusra* (the Family) Bank, which, in conformity with the national poverty reduction strategy, is specialized in micro-financing of disadvantaged groups that cannot obtain funding through the conventional banking system to enable them develop micro-enterprises. As a result of this study,

the NCPD and organizations of persons with disabilities have been active in promoting self-employment by facilitating access for persons with disabilities to microfinance institutions at the state and local levels. In some states (viz. Khartoum, Gezira, Kassala, Gedaref and Red Sea), localities have allotted some outlets for the sale of fruits, vegetables, footwear, garments, etc. for people with disabilities.

There are also some initiatives by some governmental and non-governmental bodies in the field of vocational training for persons with disabilities. During 2011-2013, the Higher Council for Vocational Training and Apprenticeship, funded by JICA, implemented the 'Strengthening and Developing the Vocational Training System in Sudan, Version One' project, which aimed to rehabilitate vocational training centres in Khartoum starting with the vocational training centre in Khartoum 2. Within this project 200 persons with disabilities were trained in the fields of air conditioning and refrigeration, electricity, welding, maintenance of electronic devices and computers.

Additionally, ADD International, funded by Zain Telecom Company, trained 90 males with disabilities on carpentry, upholstery and decoration, and 30 women with disabilities in food processing (meat and dairy products). The Sudanese Foundation for Persons with Disabilities, funded by AICS, through the *TADMEEN* (Inclusion) project, has trained 300 persons with disabilities in the fields of electricity, blacksmithing, carpentry and handicrafts. However, there are some complaints from the trainees regarding the short period of training which they claim is not enough to equip them with the required skills that qualify them to compete in the job market, and that some training institutions do not give them certificates for the training periods they have undertaken.

It is noticeable that most vocational training programs do not include persons with intellectual, psychological and social disabilities. In addition, vocational training centres in Sudan lack the requirements for inclusion of persons with various disabilities. They often lack the appropriate environment, adapted curricula, facilitated training methods and qualified trainers. There are also no plans and strategies for rehabilitating those centres.

One of the successful private sector initiatives in employing persons with disabilities is the experience of DAL Food Industries whose percentage of disabled employees to the total number of employees reached 12%. It started in 2001 by employing 34 persons with hearing disabilities in its factories. Another program targeted 200 persons with disabilities who were allocated Coca Cola sales outlets within bus stations in Khartoum State. In collaboration with Sudan Autism Organization and NCPD, DAL organized, in August 2017, a forum on employment of persons with disabilities to facilitate their employment by other employers. These initiatives reflect the obligation of private sector enterprises vis-à-vis the community they operate in, especially that of persons with disabilities.

In collaboration with ADD International, Ahfad University for Women conducted, in 2013, a study on the socio-economic status of persons with disabilities in Sudan. The sample included 1,130 of them from seven states. The study revealed that 66% of the sample didn't receive any training and that most of the training programs were concentrated in Khartoum and Gezira states. International organizations assisted in 58% of those programs. 53% of the sample was found to be out of work. Regarding assistive devices, 45% bought them from their own funds, while 35% were financed by organizations. The contribution of *Zakat* Chamber and social welfare ministries in purchasing those devices were negligible (6% for each). Only 1% of the sample could afford to buy advanced devices.

Recommendations:

- Prohibit discrimination on the basis of disability in the workplace and amend or repeal existing laws, regulations and practices that constitute discrimination against persons with disabilities. Prohibition of discrimination must include employment laws and practices, including:
 - Employment criteria to eliminate indirect discrimination that persons with disabilities may face;
 - Recruitment procedures such as advertisements, interviews, etc;
 - Appointment decisions;
 - Terms and conditions of employment, such as wages, working hours and leaves;
 - Promotion, transfers, training and other employment-related benefits;
 - Job termination benefits;
 - Abuse and harassment;
 - Safe and healthy working conditions.
- Adopt all appropriate measures (legislative, administrative, etc.) to implement the right of persons with disabilities to work and employment in order to achieve the 2% prescribed in the Public Service Law, in addition to other related rights, in order to ensure fair and appropriate conditions of work, on an equal basis with others.
- Recognize the right of persons with disabilities to reasonable accommodation and take effective steps, including enacting a legislation that considers denial of it a form of disability-based discrimination.
- Promote employment opportunities for persons with disabilities in the private sector through measures and incentives for private sector institutions.
- Establish penalties for employers who discriminate against persons with disabilities and those who do not adhere to the 2% prescribed for their employment.
- Allocate a fixed percentage of soft loans to finance productive projects for persons with disabilities and their families based on soft collateral conditions and mechanisms.
- Improve the environment, curricula and services in vocational training programs, and provide them in accessible formats so that persons with disabilities can benefit from them.
- Prohibit stipulation of freedom from disability in all jobs, employment advertisements and application forms.
- Protect persons with disabilities' chances in job opportunities and promotion in both the public and private sectors and assist them in their job search.
- Conduct studies and research that contribute to solving disability problems in general and problems of vocational training and employment of persons with disabilities in particular.
- Increase budgets for employment of persons with disabilities and provision of reasonable accommodation.
- Activate partnership arrangements with regional and international organizations and development agencies that support disability issues, especially those concerned with vocational training of persons with disabilities so as to increase their participation in the labour market.

2.25. Adequate Standards of Living and Social Protection (Article 28)

The NPDA 2017 stresses the inclusion of persons with disabilities under the umbrella of health insurance⁶⁸, as well as the inclusion of special motor, audio, visual and mental health, and therapeutic services under the umbrella of health insurance. It also stipulates coverage of persons with disabilities who are unable to earn their living with social security and protection programs⁶⁹. The same Act stipulates designating a percentage of public housing schemes and popular housing projects for persons with disabilities to compete on⁷⁰.

Persons with disabilities' applications for popular housing are handled by a special committee within the Housing and Reconstruction Fund, which waives the usual long waiting time for those applicants. However, no resources have been allocated to implement the rest of the provisions of the NPDA regarding adequate standards of living and social protection, and no plans, programs or timetables have been adopted to ensure their implementation.

The Ministry of Welfare and Social Security launched in 2013 the Social Initiative Program to alleviate poverty through eight channels among which disability was listed. Two million vulnerable people, including persons with disabilities, have been included in direct social support programs in all states of Sudan, but there are no accurate statistics on the number of persons with disabilities' beneficiaries.

Although the State provides some persons with disabilities direct cash support within the Direct Cash Support for the Poor Program funded by the Federal Ministry of Finance, and the Social Support Program funded by the *Zakat* Chamber nationwide, the amounts paid are insufficient to meet the high costs of disability needs. They are also disbursed intermittently and not when they are badly needed.

Within the Social Initiative Program, the Interest-Free Loan for People with Disabilities Project was launched to bolster their economic empowerment. The Project financed small income-generating schemes with SDG 1,800,000 each and was managed by the Savings Bank for Social Development. The Project targeted 1,200 people with different disabilities in 18 states and was implemented in two phases: The first phase was started in 2013 in six states (Khartoum, Gedaref, White Nile, South Kordofan, Northern state and North Darfur) with a total funding of SDG 600,000 for 779 beneficiaries. The second phase was started in 2016 in 12 states (Red Sea, Gezira, Blue Nile, South Darfur, Sennar, East Darfur, North Kordofan, West Kordofan, West Darfur, Kassala, Central Darfur, and River Nile). The total funding for this phase was SDG 1,200,000 benefitting 561 persons with disabilities. Although this project assisted many persons with disabilities, its support was limited and inadequate and did not lead to their economic independence nor did it finance their basic needs given the high inflation rate and escalating prices.

Within the framework of social support programs for persons with disabilities, a memorandum of understanding was signed between *Al-Usra* (the Family) Bank and the National Federation of Physically Disabled Persons for financing Federation members nationwide with small loans

⁶⁸NPDA 2017, Chapter II, Article 4, paragraph (أ)

⁶⁹*Ibid.*, paragraph (ب)

⁷⁰*Ibid.*, paragraph (ج)

in various sectors. Hence, 109 projects were financed in 2017 with a total of SDG 2,415,500. The funding covered mobility means and various service and commercial projects.

Within the same context, *Al-Usra* Bank signed a partnership agreement with the Khartoum State Council for Persons with Disabilities to set-up an interest-free loan portfolio to finance persons with disabilities in the state. The portfolio amounted to SDG 484,000 pounds to finance 48 projects. The portfolio was a revolving fund with a total capital of SDG 3,000,000 established as a partnership between *Al-Usra* Bank, the Council and the Khartoum State Ministry of Social Development. The projects included livestock rearing, brick manufacturing, ice cream machines, building scaffolding, goat breeding, wood furniture, stationeries, shoe works, deep freezers, confectionery manufacturing, fabrics and sewing, perfume preparation, poultry raising, kindergartens, preparation of herbal medicines, carpentry workshops, car maintenance and carwash shops.

The *Zakat* Chamber has given poor people with disabilities productive projects with non-refundable financing in order to contribute to their economic empowerment and social integration according to specific guidelines. Emphasis has been placed on collective projects that are jointly managed and implemented by a partnership of several people. The total value of these projects was estimated at SDG 27 billion targeting 6,000 persons with disabilities' families in all states.

Within the Ministry of Welfare and Social Security's strategy to reduce poverty among persons with disabilities, training was provided on income-generating projects with economic and social dimensions. Financed by the Higher Institute of *Zakat* Sciences, those projects included blacksmithing, commerce, electric works, refrigeration, computers, ceramic works, glass, perfumes and leather industries. The training program targeted 403 persons with disabilities. A total of 112 persons with disabilities have been trained in Gezira State including 80 trainees on dairy products and 32 trainees on welding. This was accomplished in July 2017 through a comprehensive social safety project in coordination with the Continuous National Industrial Project.

The Disability Unit of the Disarmament, Demobilization and Reintegration Commission, which is concerned with the socio-economic reintegration of demobilized segments of persons with disabilities, provided economic projects to all demobilized persons with disabilities, who were injured during their involvement in hostilities, to enable them shift from military to civilian life and to create income-generating opportunities for them after being demobilized from the armed forces or from armed movements and forces that signed peace agreements with the government. The Commission's disability program also provides communal projects, namely, provision of basic services for people with disabilities in conflict areas, which will benefit demobilized persons, in addition to disabled civilians and the community at large.

The Victim Assistance Department at the National Mine Action Centre (NMAC) has been providing support to people in emergency cases who have been injured by mines or unexploded ordnances left over from war, as well as ongoing care, economic, social and psychological support to them and their families. It also works to raise awareness to protect communities in danger zones from mines and unexploded ordnances so as to reduce disability.

One of the ongoing programs is the inclusion of persons with disabilities in health insurance. The Ministry of Finance, through the Direct Support Program and the *Zakat* Chamber, pays the annual insurance premium to the Health Insurance Fund on behalf of targeted persons with disabilities. However, no precise statistics are available on the number of beneficiaries. Specialized disability services are not yet covered by such insurance.

As part of social support initiatives, *Tawasul Al-Amal* (Hope Linkage) Charitable Organization for Caring for the Sick and Rehabilitating the Disabled graduated in September 2010 200 apprentices with motor disabilities and provided them with productive means and financial support to help them with their lives. The Organization offered, in May 2013, a training course for rehabilitation of mines' victims and people with motor disabilities in cooperation with the Fund for Supporting Humanitarian Assistance within the framework of integration of disabled people in the community and unproductive work. The training targeted 150 persons with disabilities. In November 2017 it graduated, in *Al-Amal* (Hope) City, Khartoum North, 200 students in the fields of trade, electricity, sewing, leather, mechanics, iron filing and metal forming.

Recommendations:

- Adopt a legal framework and practical measures to promote the right of persons with disabilities to social protection and take effective steps to increase and expand social support for them so as to ensure their independence and attainment of a decent standard of living.
- Effectively involve persons with disabilities in the design and implementation of social protection programs.
- Ensure that persons with disabilities, especially women and the elderly, benefit from social protection and poverty reduction programs and from the assistance provided by the State to cover disability-related expenses, including appropriate training, counselling, financial assistance and temporary care.
- Ensure that persons with disabilities benefit from public housing schemes and popular housing programs initiated by state housing funds and institutions.
- Make the most out of the resources available to the Savings and Social Development Bank and *Al-Usra* Bank in financing persons with disabilities in various states, and in providing them with means of production, and helping them improve their standards of living and those of their families.
- Strive to raise the abilities of persons with disabilities and to furnish them with skills commensurate with their abilities so as to qualify them to join the labour market and to rely on themselves in creating self-employment opportunities appropriate to their abilities.
- Review social protection and poverty alleviation plans to ensure adequate standards of living for persons with disabilities, including compensation schemes in the form of allowances, so as to enable them cover disability-related expenses.
- Allocate adequate budgets to implementing the provisions of the NPDA 2017 regarding decent living standards and social protection for persons with disabilities.

2.26. Participation in Political and Public Lives (Article 29)

The 2005 Interim Constitution guaranteed for every person “the right to peaceful assembly, to freedom of association with others, to form or to join political parties, associations, trade unions and professional associations so as to protect his/her interests⁷¹”. It also stated that “every citizen shall have the right to participate in public affairs through voting as prescribed by law⁷²”.

Nevertheless, the general election laws deprive persons with intellectual and psychological disabilities from the right to run for office or to vote because they stipulate mental and intellectual capability as a basis for eligibility and exercise of the right to run for office and to vote. Furthermore, some legislations prohibit persons with disabilities from holding public office. For example, the 2014 South Kordofan State Popular (Governance) System Act requires that every person who assumes office in the popular administration must be a healthy person⁷³. Similarly, the Gedaref State Constitution stipulates that the position of the Governor shall be considered vacant if s/he is affected by a physically disabling condition. Among the legislations that discriminate against persons with disabilities is the 2009 Sudanese National Human Rights Commission Act, which stipulates sanity among the criteria for selecting commissioners⁷⁴. It also states that “the seat of a commissioner shall be considered vacant in the event of a mental or physically disabling condition”⁷⁵.

The Organization of Humanitarian Voluntary Work Act 2006 states that "civil society organizations with common purposes, geographic spread and inclusive objectives may form a federation for that common purpose⁷⁶". It also states that "organizations of persons with special needs may establish a federation to cater for their common affairs and to defend their causes⁷⁷".

The National Elections Law 2008 also stipulates the "exclusion of persons with disabilities from standing in lines and to give them priority at registration and voting; according persons with visual disabilities assistants to help them in the voting process, as well as employing a number of sign language interpreters to assist persons with hearing disabilities.⁷⁸"

The Electoral Commission issued Administrative Circular 30 of 2014, which included the participation of persons with disabilities in electoral training and education programs, and their representation in the states' election committees. As well it advocated arrangement of the environment in polling stations to facilitate the participation of persons with disabilities by choosing accessible sites. However, the reality is that the majority of polling stations are inaccessible and most electoral campaigns are not accessible to persons with disabilities, especially those with visual and hearing disabilities. Furthermore, training for election officials was not provided so as to enhance accessibility requirements for persons with disabilities in polling stations.

31 persons with disabilities participated in the 2015 elections as candidates for parliamentary seats in different tracks (geographical districts, women, political parties) at the national and

⁷¹ Sudan's Interim Constitution 2005, Article 40

⁷² *Ibid.* Article 41

⁷³ South Kordofan State Popular Governance Act 2014

⁷⁴ Sudan National Human Rights Commission Act 2009, Article 6 (1) (i)

⁷⁵ *Ibid.* Article 7 (1) (i).

⁷⁶ The Organization of Humanitarian Voluntary Work Act 2006. Article 17 (1)

⁷⁷ *Ibid.* Article 17 (2).

⁷⁸ National Elections Law 2008. Article 73 (1) (1).

state levels. Seven of those candidates won the elections and one of them became the speaker of the Northern State's legislature.

Within the framework of training programs implemented by the National Elections Commission in 2015, persons with disabilities were trained to participate in the management of the electoral process and were recruited to work in polling stations.¹³² persons with disabilities participated in the committees that supervised the voting process, and ten members of families of persons with intellectual disabilities participated as observers in polling committees; but there are no statistics on the number of persons with disabilities who voted.

In coordination with the author of drama programs within the National Elections Commission, a play intended to raise awareness of persons with disabilities about their participation in the elections was written and produced. It was broadcasted via a number of television and radio channels in conjunction with the April 2015 election period.

Nevertheless, many complaints reached the Commission through persons with disability organizations and NCPD regarding barriers faced by persons with disabilities during their participation in the 2015 elections, such as physical barriers impeding their access to polling stations, absence of sign language interpretation during electoral campaigns and within polling stations, lack of awareness among polling stations' staff in dealing with persons with disabilities some of whom were denied the right to choose their personal assistants and, in some cases, employees were imposed upon them as assistants. Added to that was the inaccessibility of some electoral information. Some disappointed guardians of people with intellectual disabilities complained that their children were excluded from participation in the process.

People with disabilities participated actively in the December 2019 revolution that toppled the regime of former President Omar al-Bashir. Their participation was evident in the mobilization campaigns organized in the social media; in addition to their participation in processions, demonstrations, sit-ins and their accompanying awareness forums some of which were devoted for the issues of persons with disabilities. Use of sign language interpretation was common in most of these activities.

Recommendations:

- Revise all laws governing elections and holding public office, such as the Political Parties Act, South Kordofan State Popular (Governance) System Act 2014, Gedaref State Constitution, and Sudanese National Commission on Human Rights Act, in order to remove restrictions on persons with disabilities' rights to be nominated, to vote and to assume public office.
- Revise laws that deprive persons with disabilities from the legal capacity to exercise their right to participate in political life, and provide support mechanisms for those persons to make voting decisions.
- Ensure accessibility of all polling stations and election campaigns to persons with disabilities and ensure that electoral materials and information are accessible to them.
- Train electoral officials on the rights of persons with disabilities at all stages of the electoral process, to ensure their effective participation in electoral and political processes.
- Provide adequate support to persons with intellectual or psychological disabilities to enable them exercise their right to vote and to run for public office whenever possible.
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2.27. Participation in Cultural life, Recreation, Leisure and Sport (Article 30)

A focal point on the Rights of Persons with Disabilities has been established within the Ministry of Culture and Information. It coordinates with NCPD in promoting their right to participate in cultural life, recreation and sports. Thus, a comprehensive strategy has been developed in the field of youth and sports aimed at implementing their programs and discovering their talents. However, it is noticeable that insufficient resources have been allocated for this strategy, and the few activities that were carried out were not based on the principles of inclusion or integration. On the contrary, they promoted establishment of cultural and sports centres and activities exclusively for people with disabilities.

NCPD, in cooperation with the Union of Sudanese Universities' Libraries, in the presence of stakeholders from the Ministry of Justice, the Intellectual Property Authority, the Publishers' Union and other relevant authorities, organized workshop on the Marrakesh Convention on Access to Manuscripts and Publications for Persons with Visual Disabilities and other disabilities related to printed materials, which Sudan has signed in 2013. The workshop recommended ratification of the Convention, which was deposited with the Council of Ministers for ratification and has already been ratified in 2018.

To promote participation of persons with disabilities in cultural and artistic lives, the NCPD formed many partnerships with concerned entities. These included partnerships with the Higher Council for Culture and Arts, and the Child Culture Centre. Furthermore, in collaboration with the Faculty of Music and Drama, Sudan University, two training workshops on music and drama were conducted during November 2015. The participants included 40 persons with disabilities from eight states. The workshops were funded by the Sudan Centre for Strategic Studies. There is also a partnership between SSMO and the National Childhood Council (NCC) to set standards for children's play and recreation centres so that they can become friendly to children with disabilities.

The Sudanese Disabled Persons' Sports Federation was formed in 1994 under the umbrella of the Ministry of Youth and Sports Law. In 2006, the international trend changed by changing the name from disabled persons' sports to the International Paralympic Committee. Hence, the name of the Sudanese Paralympic Committee for Persons with Disabilities' Sports for all categories has been coined. The Committee contributed incapacity development and exposure by orchestrating active participation at national and international levels and won many medals. Despite these efforts, states' participation remained limited.

Following the promulgation of the Youth and Sports Law 2016, the Paralympic Committee was reconstituted in accordance with Article 15, and the Ministry of Youth and Sports has granted the Committee a vehicle for administrative tasks. The Sports Administration in the Ministry organized a number of workshops, in collaboration with NCPD, which culminated in publication of a leaflet for regulating persons with disabilities' sports. In accordance with the law, a number of delegations from the Ministry, accompanied by members of the Sudanese Paralympic Committee, visited several states to restructure their sports federations so as to form federations of the Paralympic Committee.

The National Federation for Intellectual Disability has made great efforts that culminated in Sudan's accession to the International Special Olympics after many years of isolation and non-participation in activities related to intellectual disabilities. This has enabled Sudan to participate successfully for the first time in the Special Olympics Games held in Abu Dhabi in February 2019, where Sudanese children with intellectual disabilities won 26 gold, 12 silver

and 4 bronze medals, despite the team's small number compared to other participating countries and the limited number of games they competed in.

In coordination with NCPD, and in cooperation with JICA, Coach Ahmed Adam Faza'a, from *Mutahadie Al-I'aa* (Disability Challengers) Organization has been seconded to disability sports where he is currently training the seated basketball team, and is developing a plan to train trainers in athletics, swimming and volleyball. Also, in partnership with AICS and the Olympic Committee, the Swimming Federation has trained 20 trainers to train children with disabilities in swimming. This is in addition to the efforts made by the Rowing Federation in training the team of disabled rowers.

The organizations of persons with disabilities organize periodically cultural programs for their members as well as festivals and public programs in which persons with disabilities participate with their various skills and talents. The State supports these activities. The National Fund for Student Support supported cultural and sports participation of persons with disabilities in competitions between universities and colleges. The Students' Activities Department of the Ministry of Education supports the participation of students with disabilities in cultural and sports sessions. Nonetheless, there are complaints from persons with disabilities' organizations regarding the inadequate support allocated for such participation. Most of them are sporadic efforts at festivals that are not governed by time-bound plans and programs, and there are no resources or budgets allotted for these activities.

As indicated in Article 9 of this Report, there is no national accessibility strategy for persons with disabilities; hence, there is no marked progress in reducing obstacles and barriers that limit participation of persons with disabilities in cultural, creative, recreational and sports activities. Theatres, cultural, entertainment and sports centres do not adhere to accessibility standards and are not adapted for persons with disabilities. Furthermore, public cultural and sports programs do not include persons with disabilities.

Recommendations:

- Finalize strategies that support and encourage the participation of persons with disabilities, including children, in cultural life, recreation, leisure and sports.
- Finalize procedures following ratification of the Marrakesh Convention by the Council of Ministers, including its deposit with the World Intellectual Property Organization (WIPO), and other legislative and administrative arrangements to ensure its entry into force.
- Ensure accessibility of all theatres, centres of culture, sports and entertainment and habilitate them for people with disabilities.
- Provide resources and budgets to ensure the participation of persons with disabilities in cultural life, recreation and leisure activities.
- Provide cultural materials, television programs, films, theatrical performances and other cultural activities in formats that are accessible to persons with disabilities.
- Ensure participation of children with disabilities in play, recreation, leisure and sports, including those practiced within schools, on an equal basis with other children.

2.28. Statistics and Data Collection (Article 31)

According to its mandate, CBS collects data and statistics through population censuses, specialized surveys, or supervision of administrative records of government agencies. The last (fifth) population census was conducted in 2008 which showed that persons with disabilities represented 4.8% of the total population. The census results have been disaggregated by disability, gender, age and geographical spread (see 1.2.1 above). However, there were some shortcomings associated with the census itself, which compromised the accuracy of the disability information.

According to Sudan's Interim Report on implementation of the CRPD, there is no comparable disaggregated data on persons with disabilities in all government sectors, which affects the type and quality of the services provided to them. This requires further work on disability data and statistics so as to achieve robust planning to ensure that disabled people enjoy their rights, and to establish monitoring and evaluation indicators based on more accurate data.

A focal point has been designated within CBS to manage disability data and statistics. NCPD has been added to the membership of the Higher Technical Committee of the upcoming sixth census. Participation of NCPD and persons with disabilities' organizations in the Committee contributed to rectifying the deficiencies that plagued the 2008 census and added disability concerns to the census forms by including the short questions of the Washington Group for Disability Statistics within the census methodology. This is expected to result in more accurate data on the situation of persons with disabilities disaggregated by gender, age, geographical spread and type of disability.

In the same context, NCPD organized a number of coordination meetings with CBS, NCC, UNICEF, and in collaboration with AICS through Bridging the Gap II project, to include the Washington Group's short questions in the Multiple Indicator Cluster Survey (MICS). MICS is an international program initiated by UNICEF for conducting household surveys that will produce accurate and internationally comparable statistical estimates of key indicators. It is used to assess the situation of children and women vis-à-vis health, education, child protection and HIV/AIDS. MICS can also be used as a tool to collect data for monitoring progress towards achieving the 2030 SDGs.

As part of its efforts to build the capacity of government institutions in the field of disability data and statistics, NCPD, in collaboration with CBS and AICS within the Bridging the Gap II project funded by the European Union, organized two training workshops on disability data collection using the Washington Group questions. The workshops targeted disability officials at national governmental focal points and were aimed to train participants on the importance of disability statistics in planning, monitoring and evaluation of disability policies and how to include the Washington Group's questions on disability in administrative records and specialized surveys. In addition, NCPD, in collaboration with JICA, prepared and published, in October 2017, a handbook of organizations working in the field of disability in Sudan.

Recommendations:

- Assess and categorize disabilities in Sudan according to international criteria.
- Ensure that CBS spearheads preparation of data sheets for administrative records and specialized surveys so as to attain comprehensive disability statistics.
- Ensure that the Washington Group Questions on Disability Statistics are included in the sixth census forms.

- Develop a national strategic plan to collect disaggregated disability-based information through administrative records in all service delivery agencies.
- Include disability-related issues in the SDGs implementation-monitoring indicators.
- Promote and support capacity-building on disability statistics for statisticians and information officials in various government departments. The National Population Council, in particular, has to include in its work plans demographic statistics for persons with disabilities.
- Facilitate cooperation in research and access to scientific and technical knowledge on disability statistics.

2.29. International cooperation (Article 32)

Sudan has several partnerships and international cooperation programs with many UN agencies, international development agencies, embassies and international organizations working in the field of development and humanitarian action in Sudan. UN agencies include UNDP, UNHCR, WFP, UNFPA, UN-Women and specialized agencies such as the World Bank, WHO, UNESCO, ILO, FAO, ITU, UNIDO, and the United Nations Mine Action Service (UNMAS). Some of these agencies have some contributions with regards to the rights of persons with disabilities. UNICEF, for instance, in collaboration with the NCPD, conducted in 2013a study on the situation of children with disabilities in Sudan. Based on the results of the study, the National Strategy for the Education of Persons with Disabilities 2013-2016 was developed.

Through DDRC, UNDP, in collaboration with some national organizations involved with persons with disabilities, implemented a number of programs related to demobilized disabled persons in Khartoum, South Kordofan, Blue Nile, Kassala, Red Sea and Darfur States. UNMAS, in cooperation with the National Mine Action Centre, and through victim assistance organizations, also implemented projects to assist victims and survivors of mines and unexploded ordnance in war-affected zones.

During 2015 to 2017, UNICEF participated with UNESCO and WHO in implementing the Facilitating Persons with Disabilities' Access to Education project, which was funded by the United Nations Partnership for the Rights of Persons with Disabilities (UNPRPD). The project aimed to enhance policymakers and Ministry of Education staff and teachers 'knowledge and skills on inclusive education. During 2019 to 2020 UNIDO also implemented a project on Employment and Entrepreneurship Development for Migrant Youth, Refugees, Asylum Seekers and Host Communities in Khartoum State (EEDK-RDPP). The project aims to train 1,500 young people in Khartoum State, 10% of which were allocated to youth with disabilities. To achieve further coordination of international cooperation in the field of disability, UNIDO and AICS agreed to review and evaluate accessibility conditions and standards within vocational training centres where the training was held to identify the barriers and obstacles that can limit the equal participation of persons with disabilities and to strive to remove them.

In general, however, these agencies are making significant efforts in various fields such as education, poverty reduction, support for sustainable development programs, emergency and humanitarian assistance, delivering development and humanitarian assistance to children and mothers and other fields, but most of their programs do not include persons with disabilities and they have no direct partnerships with persons with disabilities' organizations or through NCPD. For example, the World Bank implemented the Basic Education Development Project in Sudan, in collaboration with the Ministry of Education, during 2014 to 2019, which aimed

to improve the educational environment in 16 states in Sudan; in addition to providing textbooks, and strengthening educational planning and management mechanisms in Sudan. However, the project did not include the educational requirements of persons with disabilities, nor did it involve them in its design, implementation, monitoring and evaluation stages.

Regarding international development agencies, some of them have implemented direct projects for persons with disabilities, such as AICS, which is currently implementing the Bridging the Gap II Project during the period 2017-2020, funded by the European Union, in partnership with NCPD. The Project aims to promote the right of persons with disabilities to work and employment, in addition to *TADMEEN* (Inclusion) Project, which aims to support and to achieve inclusion in enforcing the rights and social protection of vulnerable and marginalized groups within migrant and host communities in the states of Khartoum and the Red Sea. This was in addition to including persons with disabilities in other programs funded by AICS, such as health programs through *Dictorna (our Doctor)* Project, gender and humanitarian services.

The Italian Embassy in Khartoum, through its Ambassador and AICS, has launched a unique initiative, the Group of Friends of Persons with Disabilities, which aims to promote the rights of persons with disabilities by including disability concerns in the work of UN agencies, diplomatic missions, government development agencies, public agencies, civil society organizations – especially persons with disabilities’ organizations – and the private sector.

JICA, in partnership with the National Training Council, provides practical training and capacity-building opportunities for officials working with persons with disabilities in government agencies and organizations of persons with disabilities. 15 trainees have been sent to Japan since 2013. The training includes special education, work, sports, accessibility, independent living, inclusion in the community, development and inclusion of disability policies. In addition, Japanese volunteers from JICA Overseas Volunteers program do voluntary work in persons with disabilities’ centres and institutions in Sudan.

USAID also allocates some projects for persons with disabilities. From 2015-2019, it financed a project to expand the participation of persons with disabilities implemented by ADD International and organizations of persons with disabilities in Khartoum, Kassala, Gedaref, Blue Nile and South Kordofan. This project was implemented in two phases. The aim of the first phase was to build the capacity of organizations of persons with disabilities and to unify their voices through formation of a general federation comprising all categories of disability and equipping them with advocacy, networking and coalition building skills. The second phase of the project, which continued from October 2018 to September 2020 aimed to promote the right to accessibility for persons with disabilities.

In addition, some organizations of persons with disabilities and other organizations working in the field of disability receive direct funding for their projects from international cooperation agencies and foreign embassies. For example, some of them have implemented projects funded by the European Union, AICS, JICA; the French, Swiss and Dutch Embassies, the League of Arab States and regional and international organizations of persons with disabilities, such as the Arab Organization for Persons with Disabilities.

In contrast, there are no policies that oblige international development agencies, organizations and donors to make their programs inclusive of disability rights, or to involve and consult persons with disabilities in the design, implementation and monitoring of such programs. Not all groups of persons with disabilities, in particular persons with intellectual and psychological/social disability, are equally included in all fields of international cooperation.

The Ministry of Finance oversees SDGs implementation in Sudan, which had been handled by the National Population Council up to December 2018. As part of its SDGs monitoring, NPC had included disability issues, for which it dedicated a disability focal point. NCPD had been invited to join a committee formed by NPC to implement population strategies. There is no data to determine the extent to which disability issues have been included in the implementation of the SDGs in Sudan and their assessment indicators.

Recommendations:

- The State should adopt necessary measures to make all international cooperation programs inclusive of persons with disabilities.
- Develop a clear strategy to ensure effective participation of persons with disabilities in the design, implementation and monitoring of international cooperation programs, and maximize their benefits from such programs.
- Oblige the Ministry of Finance to include disability issues in its follow-up of SDGs' implementation.
- Adopt effective measures to strengthen partnerships between relevant international and regional organizations and civil society organizations, especially those of persons with disabilities.

2.30. National Implementation and Monitoring (Article 33)

Following Sudan's ratification of the CRPD in April 2009, the NCPD was reconstituted, in October 2010, by a presidential decree to be chaired by the Minister of Social Welfare and to include a number of ministerial under-secretaries and representatives of persons with disabilities' federations and organizations. NCPD was intended to be the government mechanism responsible for coordination between various government agencies to promote and ensure implementation of the rights of persons with disabilities. Following the promulgation of the NPDA2017, NCPD was reconstituted to be under the supervision of the President of the Republic, chaired by the Prime Minister and includes ministers of relevant ministries and representatives of persons with disabilities and civil society organizations, representing at least 50% of its membership, in order to fulfil the right of active participation of persons with disabilities in policy formulation and decision-making. In addition, a person with disability is to be appointed as Secretary-General and Rapporteur of the Council.

This was followed by establishment of councils for persons with disabilities in all 18 states of Sudan during 2011-2014, and a council has been established in Abyei Area in 2018. However, the administrative structures of most councils at the national and state levels have not been completed yet; in addition, they are besieged by insufficient financial resources and weak technical personnel that are necessary to enable these councils to perform their work effectively. In addition, focal points have been established within government departments at the national level to ensure that the rights of persons with disabilities are included in the programs and budgets of different institutions to facilitate implementation of the rights of persons with disabilities.

As for the establishment and operationalization of an independent national mechanism to ensure the promotion, protection and monitoring of the implementation of the rights of persons with disabilities, the National Human Rights Commission was established in 2012 by presidential decree and in accordance with the National Human Rights Commission Act of 2009 and the Interim Constitution of Sudan 2005. There are 15 commissioners and 11

committees each of which is assigned to monitor a particular human rights convention, but they do not have a unit to monitor implementation of the CRPD. This prompted NCPD to hold several meetings to introduce the Council and to coordinate with the Commission to carry out its role in monitoring implementation of the CRPD, including the identification of a complaints mechanism to include persons with disabilities. As a result, a memorandum of understanding was signed to cover these and other areas of training and awareness-raising.

In general, the Commission remains ineffective in promoting, protecting and monitoring the enforcement of human rights in Sudan, in particular the rights of persons with disabilities. This is due to lack of independence in appointing its members. Article 6 of the National Human Rights Commission Act 2009 stipulates that "the Commission shall be formed by the President of the Republic after consultation with his presidential team." In addition, Article 15 of the same Act entrusts the President with the authority to determine the financial remunerations for members of the Commission. These two stipulations negatively affect the Commission's independence, as the executive authority has the upper hand over the Commission members in terms of their selection and financial allocations, which negatively affect the independence of this institution, in addition to lack of technical expertise and adequate funding that preclude comprehensive and effective monitoring of human Rights in Sudan. This is in addition to total absence of participation of persons with disabilities in the work of the Commission, whose law discriminates against persons with disabilities as it includes sanity within the selection criteria for commissioners. It also stipulates that "the position of a member of the Commission shall be considered vacant in the event of a disabling mental or physical condition". In addition, persons with disabilities' organizations have not received any training within the Commission's training programs on monitoring and evaluation, which resulted in their inadequate role in monitoring and documenting violations that occur in the implementation of the CRPD.

Established in 1994, ACHR monitors the human rights situation in Sudan in accordance with the conventions ratified by Sudan, including the CRPD, to ensure that all of its provisions are met and to advise the Government on weaknesses and deficiencies in adhering to those conventions.

Within its mandate of coordinating between national mechanisms to facilitate implementation of the rights of persons with disabilities, NCPD holds periodic meetings for all the secretaries of state councils of persons with disabilities to build their capacities through exchange of experiences in advocacy, and on how to include the rights of persons with disabilities in governmental and non-governmental programs. These meetings began in 2012 and were held once a year until 2017. Thereafter, they became bi-annual, with one dedicated to discussing a specific disability issue, while the other devoted to administrative tasks of the councils such as plans, reports, etc. The NCPD also conducts periodic visits to state councils to check on their field work or to participate in some of their activities.

In the same context, NCPD organized monthly consultative forums with organizations of persons with disabilities and other civil society organizations, ministerial focal points and other bodies during 2015-2016. The aim was to discuss inclusion of disability rights in ministerial plans and programs, which culminated in a conference in November 2016, the recommendations of which were submitted to the President of the Republic in the celebration of the International Day of Persons with Disabilities on 3rd December 2016. One of the most important results of this mobilization was the adoption of the NPDA 2017.

The work of these forums evolved in 2017 with the formation of specialized ministerial committees, such as the Committee for Adapting Curricula and Examinations for Persons with

Disabilities at the Primary School Level, within the Ministry of Education; the Committee for Reviewing Admission Policy for Persons with Disabilities to Universities and Higher Institutes, within the Ministry of Higher Education; the Committee for Facilitating Access by Persons with Disabilities to Information and Communication Technology at the Ministry of Communications; The Committee for Including People with Disabilities' Means in Medical Insurance, within the Ministry of Welfare and Social Security. Nevertheless, there are no by-laws to regulate coordination between persons with disabilities' councils and other government units responsible for implementation of certain rights at national and state levels.

Federations of persons with disabilities, their various organizations and civil society organizations working in the field of disability participate in several ministerial committees that promote the rights of persons with disabilities. In addition, these organizations and federations participated in the preparation of Sudan's report on the status of implementation of the rights of persons with disabilities, which was presented to the UN Committee on the Rights of Persons with Disabilities in February 2018. Concurrently, persons with disabilities' organizations prepared and presented their shadow report.

Within the framework of supporting the effective participation of organizations of persons with disabilities in decision-making concerning them, the Ministry of Welfare and Social Security, in coordination with the Ministry of Finance, provided during 2009-2011 financial support to organizations of persons with disabilities to carry out their activities. The recipients included the National Centre for Rehabilitation of the Blind, the National Federation of Blind Persons, the National Federation of the Physically-Disabled and the National Association of the Deaf with amounts exceeding one billion Sudanese pounds. Persons with disabilities' centres were supported and rehabilitated with 45 million Sudanese pounds. This was in addition to the support provided by the Ministry of Finance to a number of organizations, including federations.

The UN Committee on the Rights of Persons with Disabilities reviewed Sudan's Interim Report (CRPD/C/SDN/1) in its sessions no. 371 and 372 held on 21st -22nd February 2018 (CRPD/C/SR 371, 372), and approved it in its session no. 385 held on 2nd March 2018. The Committee commended the Report, which has been prepared in accordance with the report preparation guidelines formulated by the Committee, and thanked Sudan for the written communications it has presented to the Committee (CRPD/C/SDN/Q/1/Add. 1) on it queries (CRPD/C/SDN/Q/1). The Committee also expressed its gratitude for the frank dialogue it conducted during report discussion with Sudan's high-level delegation, which included the Minister of Justice and the NCPD Secretary General.

Recommendations:

- Amend NCPD's responsibilities stated in NPDA 2017, which includes "the development of policies and plans and approval of programs intended for persons with disabilities at the national level, in coordination with relevant authorities"⁷⁹, so that the main task of the Council becomes coordination with government agencies and facilitation of inclusion of the rights of persons with disabilities in legislations, strategies, policies, plans and budgets.
- Complete the administrative structures of persons with disabilities' councils at all levels of government; and allocate sufficient financial resources and technical personnel so that they can perform their work effectively.

⁷⁹ NPDA 2017, Chapter III, Article 8 (1)

- Build the capacities of persons with disabilities' councils at the national and state levels.
- Include monitoring the rights of persons with disabilities in the work of the National Commission for Human Rights and ensure the involvement of organizations of persons with disabilities in the monitoring process.
- Amend the provisions that discriminate against persons with disabilities and deny them the right to be appointed as commissioners.
- Activate the role of the Consultative Human Rights Council in following-up implementation of the CRPD.
- Activate the role of persons with disabilities' organizations and federation in following-up and monitoring implementation of their rights and train them on that.

PART THREE

Conclusions and Recommendations Proposed for Planning Purposes

3.1. Conclusions

- There is some progress that has been achieved in the implementation of the CRPD in Sudan. In spite of the efforts exerted to adopt a rights-based approach to disability issues, the needs-charity approach still persists. This translates into weak response mechanisms to violations that impinge upon persons with disabilities, and lack of strong penalties for violators of disability-related legislations.
- Strategies and plans to implement persons with disabilities' rights have been approved but their implementation is still weak because of lack of budget allocations, by-laws and implementation mechanisms; hence, most of them are reassigned from one year to the following one.
- There is dearth of data and information concerning disability. It is often difficult to obtain, outdated and doesn't reflect the situation of persons with disabilities accurately.
- There are many studies regarding persons with disabilities and their situation but they are not used in pressure and advocacy campaigns in order to improve their situation.
- Those working for the rights of persons with disabilities, including council secretaries, government and ministerial focal points, persons with disabilities' organizations and unions, are highly enthusiastic about improving the situation of persons with disabilities; however, most of them lack adequate training that could enable them to perform better.

We have discussed so far the CRPD articles and assessed the situation of the rights of persons with disabilities in Sudan after 10 years of ratification of the CRPD and its optional protocol by highlighting the progress achieved so far, the challenges, difficulties and recommendations. In this part we intend to propose general recommendations (for general goals) so as to identify the essential responses needed for formulation of a clear action plan for achieving the strategic goal of promoting, protecting and ensuring persons with disabilities' enjoyment of all human rights and basic freedoms, on a par with others, and respecting their entrenched dignity.

3.2. Recommendations Proposed for Planning Purposes

3.2.1. GOAL 1: Ensure equality before the law, respect the dignity of persons with disabilities and raise awareness about their entrenched rights and self-independence, including freedom to make their own decisions.

- 3.2.1.1 Include articles that prohibit disability-based discrimination in the upcoming national constitution in order to ensure the highest preventive level of legal protection against discrimination and multi-faceted discrimination faced by persons with disabilities.
- 3.2.1.2 Revise Article 3 of the NPDA 2017 to prohibit clearly disability-based discrimination and to permit reasonable accommodation, the denial of which should be considered a form of disability-based discrimination, and to include

psychological, social exclusion, environmental and culturally-related disabilities within the definition of disability.

- 3.2.1.3 Revise the Civic Transactions Act 1984, the Personal Status Act 1991 and the NPDA 2017 so as to assent the legal capacity of persons with disabilities, eliminate any restrictions on or denial thereof, and replace that with a mechanism to support their decision-making.
- 3.2.1.4 Stipulate penalties and punishments against entities, institutions and persons who practice disability-based discrimination, and establish mechanisms and procedures for legal reprisal, compensation and reparation against disability-based discrimination.
- 3.2.1.5 Enact legal and operational procedures to combat dangerous practices to protect the right to life for persons with disabilities, and to ensure the protection and safety of those in armed conflict and humanitarian emergency zones.
- 3.2.1.6 Prepare a national strategy to deal with persons with disabilities in risk and humanitarian emergency situations.
- 3.2.1.7 Conduct surveys and population counts on the number and situation of persons with disabilities in conflict zones and in refugee and internally-displaced people's camps and their access to services.
- 3.2.1.8 Introduce procedures and measures – including establishment of institutions – that support persons with disabilities in making their own decisions, and in bolstering their self-confidence, so that they can practice their legal capacity; and establish rules for those institutions so that they can respect the independence, preferences and resolve of persons with disabilities.
- 3.2.1.9 Raise awareness among persons with disabilities, their families and the community at large regarding their legal capacity and equality before the law.
- 3.2.1.10 Build the capacities of government employees, especially those in the judiciary, regarding acknowledging the equality of persons with disabilities on a par with others before the law, and set up measures to support their decision-making.
- 3.2.1.11 Enact legislations that ensure persons with disabilities' access to procedural arrangements, including reasonable accommodation, in all legal procedures to enable them achieve justice on an equal footing with others.
- 3.2.1.12 Prepare a clear strategy to ensure persons with disabilities' easy access to justice that includes an accessible physical environment, information and communication means and decision-support systems.
- 3.2.1.13 Build the capacities of judges, legal counsels, the police and all personnel in legal entities on how to simplify legal procedures for persons with disabilities.
- 3.2.1.14 Adopt legal measures that criminalize forceful admission of persons with disabilities, especially those with mental, psychological and social disabilities, to hospitals, especially to treatment centres operated by traditional healers.
- 3.2.1.15 Provide persons with disabilities who have been imprisoned following a legal decision with reasonable accommodation.
- 3.2.1.16 Include persons with disabilities in national strategies and mechanisms to combat torture.
- 3.2.1.17 Implement the criminalization of FGM at the federal and state levels and recruit females with disabilities in all adopted procedures to combat and forbid this practice.

- 3.2.1.18 Adopt laws and measures that ensure soliciting the free and informed consent of persons with disabilities before subjecting them to medical and curative interventions – especially by persons who have been authorized to work in the medical fields.
- 3.2.1.19 Train staff of educational and rehabilitation institutions and families on using educational procedures and opposing all forms of violence and maltreatment to children with disabilities.
- 3.2.1.20 Adopt clear legal measures for ending and criminalizing violence against children with disabilities – including violence for treatment purposes.
- 3.2.1.21 Establish mechanisms to treat violence victims and make them available to women with disabilities who are victims thereof.
- 3.2.1.22 Adopt practical measures to combat discrimination in exercising the right of persons with disabilities to travel, especially in airports and public transport means.
- 3.2.1.23 Strengthen legal protection for persons with disabilities from any violation of privacy and specify penalties for violators.
- 3.2.1.24 Raise communal awareness about protecting the privacy of persons with disabilities, and do not subject them to abusive or illegal intervention in their privacy, family or home affairs, correspondences or any form of communication they use.
- 3.2.1.25 Strive to protect the privacy of persons with disabilities' personal information and their health and rehabilitate them on a par with others.
- 3.2.1.26 Prepare a plan to eliminate the social stigma that limits persons with disabilities' enjoyment of their right to form families and remove the constraints that prevent them from doing so.
- 3.2.1.27 Revise the Personal Status Act 1991 to enable persons with disabilities access their rights concerning marriage, family, parenthood and relationships on a par with others and according to their free and informed will.
- 3.2.1.28 Provide adequate support to parents of disabled children to enable them shoulder their responsibilities in caring for their children, and also to parents with disabilities to assume their parental rights in their homes.
- 3.2.1.29 Provide a legal framework to tackle multi-faceted discrimination against women with disabilities, and include their rights in national gender strategies and programs – especially the national women strategy – and propagate the gender perspective in public procedures related to disability.
- 3.2.1.30 Prepare a clear, time-bound plan to combat multiple discrimination and exclusion faced by women with disabilities and provide them with a high level of protection from all forms of violence and exploitation.
- 3.2.1.31 Implement effective political and operational measures to prevent violations of women with disabilities' rights and to address gender-based violence – including FGM – and facilitate investigating such violations, trying their perpetrators and penalizing them; provide victims with prompt protection and support services.
- 3.2.1.32 Adopt all necessary measures for increasing women with disabilities' chances to benefit from public services and reasonable accommodation to access public facilities.

- 3.2.1.33 Ensure the participation of women with disabilities' organizations in the planning, development, provision and monitoring of services.
- 3.2.1.34 Revise the Child Act 2010 and other legislations concerning children with disabilities' rights, such as the NPDA 2017 and General Education Planning and Regulation Act 2001 to ensure their conformity with the CRPD.
- 3.2.1.35 Ensure the inclusion of children with disabilities' rights in all strategies, policies, programs and budgets related to children's rights.
- 3.2.1.36 Adopt legal and operational measures to combat the stigma, stereotypes and other forms of discrimination against children with disabilities within the family and the community, including criminalizing violence, physical punishment and sexual violence, in all situations and settings – including schools and health facilities.
- 3.2.1.37 Implement effective strategies to prevent abandoning, neglecting and isolating children with disabilities, and accommodating them in foster homes, by adopting a comprehensive social inclusion strategy.
- 3.2.1.38 Enact legal and operational measures to assist disabled children born out of wedlock by attaching them to their biological families, or to encourage their sponsorship by foster families, so as to ensure their integration and participation in the community.
- 3.2.1.39 Ensure access of children with disabilities to a fair share of basic services, including education and health, and speed up establishment of disability early detection services, and other services, in the capital and the states.
- 3.2.1.40 Adopt legal standards commensurate with CRPD and CRC principles when designing, providing and monitoring services designated for children with disabilities.
- 3.2.1.41 Ensure regular training for those working with children in general, and those working in legal departments, government institutions and service providers, on combating disability-based discrimination and reasonable accommodation, focusing on a human-rights approach.
- 3.2.1.42 Build the capacities of legal entities vis-à-vis persons with disabilities' rights and raise their awareness regarding disability-based discrimination, including denial of reasonable accommodation.
- 3.2.1.43 Adopt a strategy and allocate funds for raising awareness about children with disabilities' rights to be implemented with the assistance of media sources, civil society organizations and community leaders.
- 3.2.1.44 Adopt all measures that could enable various groups of children with disabilities to express their views freely on all issues affecting them, and accord them assistance appropriate to their disability and age in practicing this right.
- 3.2.1.45 Approve a national strategy or policy to raise awareness about disability with the aim of preventing and tackling disability-based discrimination, stigma and stereotyping, and cherish the value and dignity of persons with disabilities.
- 3.2.1.46 Prepare implementation plans, allocate budgets and set-up timeframes for awareness-raising programs; include a monitoring and evaluation mechanism to assess the impact of such programs on the targeted populations.

- 3.2.1.47 Implement training programs on the rights-based approach to disability, and on international and local legislations regarding disability targeting various media personnel and also those in ministries, government departments and elsewhere.
- 3.2.1.48 Ensure consultation and active participation of persons with disabilities, through their organizations, in the design, implementation and follow-up of awareness-raising programs concerning their rights.

3.2.2. GOAL 2: Ensure persons with disabilities' access to the highest health care standards

- 3.2.2.1 Amend public health legislations to include the prohibition of disability-based discrimination in order to protect and ensure full and equal enjoyment of health rights.
- 3.2.2.2 Include the rights of persons with disabilities in the national health strategy and allocate adequate budgets for their implementation, with follow-up and monitoring indicators and mechanisms for receiving complaints and addressing violations.
- 3.2.2.3 Provide public and primary health care programs, including sexual and reproductive health services, in simplified ways and in remote areas, and make them within reach of persons with disabilities.
- 3.2.2.4 Provide early detection and intervention services aimed at minimizing disabilities, and preventing the occurrence of new cases, and ensure coverage of children and the elderly.
- 3.2.2.5 Include disability early detection among pupils in school health programs, and build the capacities of health care providers and school health staff on disability early detection.
- 3.2.2.6 Provide training on the human rights-based approach to disability to medical personnel.
- 3.2.2.7 Train health practitioners in the public and private sectors on providing good health care to persons with disabilities similar to what they provide to others, adhering to ethical standards, and on the basis of free and informed consent.
- 3.2.2.8 Allocate appropriate resources, including financial budgets and human resources, to ensure implementation of the health rights of persons with disabilities including access to supportive technologies and equipment.
- 3.2.2.9 Adopt health protocols aimed at ensuring the realization of the rights of persons with disabilities to express their free and informed consent with regard to any medical treatment provided to them.
- 3.2.2.10 Disseminate medical information, including those related to sexual and reproductive health rights, in formats that are accessible to all persons with disabilities, and provide gender and age-sensitive services, covering also rural areas.
- 3.2.2.11 Provide training and awareness-raising programs to persons with disabilities regarding their health rights.
- 3.2.2.12 Expand habilitation and rehabilitation programs, including community-based rehabilitation, at all levels, and make them available to persons with disabilities according to their free and informed will, and in locations close to local communities, including those in rural areas.
- 3.2.2.13 Reassign NAPO to be under the authority of the Ministry of Health and provide it with specialized health and medical cadres so as to improve its services.

- 3.2.2.14 Allocate sufficient budgets to enforce the inclusion of prosthetic and supportive devices in health insurance services.
- 3.2.2.15 Prepare and provide basic and continuous training to habilitation and rehabilitation specialists and officials.
- 3.2.2.16 Provide assistive devices and technologies designed for persons with disabilities, used in habilitation and rehabilitation, explain their usage, and strive to nationalize their manufacturing.
- 3.2.2.17 Involve persons with disabilities in the design and implementation of habilitation and rehabilitation programs.

3.2.3. GOAL 3: Ensure that persons with disabilities have equal opportunities to access decent employment, equal pay and privileges enjoyed by others

- 3.2.3.1 Prohibit discrimination on the basis of disability in the workplace and amend or repeal existing laws, regulations and practices that constitute discrimination against persons with disabilities. Discrimination prohibition, in laws and practices, must include all employment and recruitment conditions, including:
 - Employment criteria to eliminate indirect discrimination that persons with disabilities may face;
 - Recruitment procedures such as advertisements, interviews, etc.
 - Appointment decisions;
 - Terms and conditions of employment, such as wages, working hours and leaves;
 - Promotion, transfers, training and other employment-related benefits;
 - Abuse and harassment;
 - Safe and healthy working conditions.
 - Job termination benefits.
- 3.2.3.2 Adopt all appropriate measures (legislative, administrative, etc.) to implement the right of persons with disabilities to work and employment, and other related rights, in order to ensure fair and appropriate work conditions on an equal basis with others, including provision of reasonable accommodation, and set penalties for institutions that discriminate against them, or those that do not abide by the minimum percentage of persons with disabilities in their labour force.
- 3.2.3.3 Promote employment and advancement opportunities for persons with disabilities in the public and private sectors, and assist them with job search services, and provide incentives to private sector institutions to enable them achieve that.
- 3.2.3.4 Allocate a fixed percentage of soft loans to finance productive projects for persons with disabilities and their families based on easy collateral conditions and mechanisms.
- 3.2.3.5 Improve the environment and curricula in vocational training programs, and provide them in accessible formats to persons with disabilities and train their instructors on how to deal with them, so that they can benefit from vocational training and other programs.
- 3.2.3.6 Adopt a comprehensive plan for the habilitation and rehabilitation of persons with disabilities in employment and social services through which comprehensive habilitation and rehabilitation services and programs are provided, strengthened and expanded.
- 3.2.3.7 Provide employment, micro-finance and income-generating schemes for women with disabilities and those supporting families.

- 3.2.3.8 Conduct studies and research that contribute to solving persons with disabilities' problems in entering the job market, vocational training and employment.
- 3.2.3.9 Activate partnership arrangements with regional and international organizations and development agencies that support disability issues, especially those concerned with employment provision and skills development.

3.2.4. GOAL 4: Ensure that persons with disabilities have access to quality and fair universal education, at all levels, and increase their chances to access life-long education similar to others.

- 3.2.4.1 Adopt prompt measures to prohibit disability-based discrimination to ensure that all children with disabilities have inclusive, quality and free basic and secondary education, and reasonable accommodations to ensure their access to their right to education without discrimination.
- 3.2.4.2 Review other legislations relevant to implementation of the right to education to ensure their conformity with the CRPD, these include the General Education Planning Act 2001, the Higher Education Act 1990 and the NPDA 2017. These acts must explicitly stress the right to inclusive education and that all forms of disability-based discrimination, including denial of reasonable accommodation, must be prohibited.
- 3.2.4.3 Strive to provide inclusive education at all levels, including pre-school, basic, secondary higher education and vocational training, without discrimination and on equal footing.
- 3.2.4.4 Prepare a clear, time-bound plan, with measurable indicators, and allocate sufficient budgets to facilitate implementation of the right to inclusive education.
- 3.2.4.5 Establish practical measures, monitoring and follow-up systems that ensure free and compulsory education, with penalties for those who violate children with disabilities' right to education, exclude or expel them.
- 3.2.4.6 Remove all barriers that preclude enjoyment of children with psychological and intellectual disabilities of their right to inclusive education, and adopt all necessary measures to ensure their continuation in school by removing legal and social barriers.
- 3.2.4.7 Introduce programs that promote inclusive education, including teachers' continuous training, review and adapt curricula, develop teaching and evaluation methods and tools, provide supportive measures and reasonable accommodation.
- 3.2.4.8 Implement public-private partnerships and initiatives to design technologies and assistive devices that would allow students with disabilities to access educational services.

3.2.5. GOAL 5: Ensure that persons with disabilities enjoy adequate standards of living and social protection.

- 3.2.5.1 Adopt a legal framework and practical measures to ensure the right of persons with disabilities to social protection and take effective steps to increase and expand social support for them so as to ensure their independence.
- 3.2.5.2 Ensure that persons with disabilities, especially children, women and the elderly, benefit from social protection programs (health insurance, social insurance and pensions, *zakat*).
- 3.2.5.3 Ensure that poor persons with disabilities, and their families, benefit from the assistance provided by the state to cover disability-related expenses, including appropriate training, counselling, financial assistance and temporary care.

- 3.2.5.4 Ensure that persons with disabilities benefit from public housing schemes and popular housing programs initiated by state housing funds and institutions.
- 3.2.5.5 Make the most out of the resources available to the Savings and Social Development Bank and *Al-Usra* Bank in financing persons with disabilities in various states, and provide them with means of production, and help them improve their standards of living and those of their families.
- 3.2.5.6 Strive to raise the abilities of persons with disabilities and to entrust them with skills commensurate with their abilities so as to qualify them to join the labour market and to rely on themselves in creating self-employment opportunities appropriate to their abilities.
- 3.2.5.7 Review social protection and poverty alleviation plans to ensure adequate standards of living for persons with disabilities, including compensation schemes in the form of allowances, that could enable them cover disability-related expenses.
- 3.2.5.8 Allocate adequate budgets to implement the NPDA 2017 provisions regarding decent living standards and social protection for persons with disabilities.

3.2.6. GOAL 6: Ensure that persons with disabilities could live independently, be included in the community and have universal access to the physical environment and to public services

- 3.2.6.1 Recognize the legal capacity of persons with disabilities and establish the legal framework, legal, political and social measures that guarantee their enjoyment of the right to live independently and to be included in the community, and prohibit all forms of guardianship, and replace the agency in decision-making system with alternatives that support and promote their own decision-making.
- 3.2.6.2 Revise the laws, and establish legally-binding standards for easy access of persons with disabilities to websites, information and communication services and publications.
- 3.2.6.3 Enact a law to stop immediately the placement of persons with disabilities in care institutions, and to stop establishing new institutions or refurbishing existing ones, except urgent and necessary measures needed to protect residents of those institutions. Encourage adoption of measures to ensure access of persons with disabilities to support services where they live.
- 3.2.6.4 Adopt necessary measures to ensure that persons with disabilities have a legal right to an adequate personal budget (in the form of direct financial support), and provide them with a bundle of social services that include personal support services necessary for their independent living, taking into account the additional costs associated with disability,
- 3.2.6.5 Include the accessibility Building Code with the building by-laws now used for issuing building permits and approving plans; set specifications for roads and public transport means, and implement fines and penalties in cases of non-conformity; adopt a clear, time-bound plan for making access to government and non-government service centres easy for persons with disabilities at the lowest costs, and refine the plan to ensure that they have access to the physical environment, and to information and services on an equal basis with others.
- 3.2.6.6 Accept the Sudanese sign language as an official language and facilitate its teaching in schools and universities, and provide information in all public buildings and facilities, including television stations, in accessible and usable formats.

- 3.2.6.7 Ensure that website owners and designers facilitate persons with disabilities' access to them, including people with visual disabilities.
- 3.2.6.8 Provide training on communication methods by oral interpreters who are competent in sign language, and instructors who are capable of communicating through touch, Braille and other accessible formats.
- 3.2.6.9 Provide regular training and capacity-building for entities concerned with applying accessibility measures for persons with disabilities.
- 3.2.6.10 Train persons with disabilities and specialists working with them on mobility skills.
- 3.2.6.11 Enforce measures to ensure provision of mobility means and assistive devices, including assistive technologies, at costs that are affordable to persons with disabilities.
- 3.2.6.12 Encourage private sector entities that produce persons with disabilities' assistive mobility means, devices and technologies, taking into account all aspects related to persons with disabilities' mobility.

3.2.7. GOAL 7: Ensure that persons with disabilities could participate in political, public and cultural lives, and in recreation, leisure and sports.

- 3.2.7.1 Revise all laws that govern elections and holding public office, such as the Political Parties Act, in order to remove obstacles that limit persons with disabilities' right to be nominated, to vote and to assume public office.
- 3.2.7.2 Ensure accessibility of all polling stations and election campaigns to persons with disabilities and ensure that electoral materials and information are accessible to them.
- 3.2.7.3 Train electoral officials and political parties on the rights of persons with disabilities and how to deal with them to ensure their effective participation in electoral and political processes.
- 3.2.7.4 Provide adequate support to persons with intellectual or psychological disabilities to enable them exercise their right to vote and to run for public offices whenever possible.
- 3.2.7.5 Finalize the strategies that support and encourage the participation of persons with disabilities, including children, and increase their accessibility to cultural life, theatre, recreation, leisure, tourism and sports.
- 3.2.7.6 Provide resources and budgets to ensure the participation of persons with disabilities in cultural life, recreation and leisure activities.
- 3.2.7.7 Finalize the necessary legislative and administrative procedures following ratification of the Marrakesh Convention on Access to Manuscripts and Publications.
- 3.2.7.8 Provide cultural materials, television programs, films, theatrical performances and other cultural activities in formats that are accessible to persons with disabilities.
- 3.2.7.9 Ensure participation of children with disabilities, on an equal basis with others, in play, recreation, leisure and sports, including those practiced within the schools.

3.2.8. GOAL 8: Collect, analyse and disseminate disability-related information so as to plan and monitor implementation of policies, by-laws and services.

- 3.2.8.1 Assess and categorize disabilities in Sudan according to international criteria.
- 3.2.8.2 Ensure that CBS spearheads preparation of data sheets for administrative records and specialized surveys so as to guarantee attainment of comprehensive disability statistics. As well, NPC should be equipped to provide migration, fertility and mortality data on persons with disabilities at notational and state levels.
- 3.2.8.3 Ensure that the Washington Group Questions on Disability Statistics are included in the sixth census forms planned for 2022.
- 3.2.8.4 Develop a national strategic plan to collect disaggregated disability-based information in all service delivery agencies, through administrative records and specialized surveys.
- 3.2.8.5 Include disability-related issues in the monitoring indicators of SDGs implementation.
- 3.2.8.6 Promote and support capacity-building on disability statistics for statisticians and information officials in various government departments.
- 3.2.8.7 Facilitate cooperation in access to scientific and technical knowledge on disability statistics that can be used in related research and studies.
- 3.2.8.8 Disseminate information in general, and on disability in particular – including its different types, geographic distribution, gender, age, housing conditions whether formal or informal – in formats that are accessible to persons with disabilities.

3.2.9. GOAL 9: Reinforce implementation and monitoring mechanisms and strengthen partnerships and international cooperation.

- 3.2.9.1 Prepare a long-term national disability strategy in line with the SDGs.
- 3.2.9.2 Prepare a time-line for aligning other legislations mentioned in this Report, with the CRPD, in consultation with persons with disabilities' organizations.
- 3.2.9.3 Mobilize and marshal support for allocating sufficient budgets in various government departments to implement disability-related strategies and plans.
- 3.2.9.4 Amend the responsibilities of the NCPD stated in the NPDA 2017, which includes "the development of policies and plans and approval of programs intended for persons with disabilities at the national level in coordination with relevant authorities", so that they include, instead, coordination with government agencies and facilitation of inclusion of the rights of persons with disabilities in legislations, strategies, policies, plans and budgets.
- 3.2.9.5 Complete the administrative structures of persons with disabilities' councils at all levels of government and allocate the necessary financial resources and technical cadres so that they can perform their work effectively.
- 3.2.9.6 Establish and strengthen the disability focal points in government departments and assign NCPD to coordinate between them.
- 3.2.9.7 Build the capacities of persons with disabilities' organizations to ensure their effective participation and consultation in the CRPD implementation, action plans and policies and take their views into account.
- 3.2.9.8 Adopt urgent measures to bolster the effectiveness of the National Human Rights Commission in following-up CRPD implementation, so as to achieve justice for those facing disability-based discrimination.

- 3.2.9.9 Establish clear legal mechanisms for disability-based litigation, compensation and reparations.
- 3.2.9.10 Activate the role of the Consultative Human Rights Council in following-up implementation of the CRPD.
- 3.2.9.11 Ensure participation of persons with disabilities' organizations in the monitoring, follow-up and evaluation and build their capacities on monitoring CRPD implementation and preparation of shadow reports.
- 3.2.9.12 Oblige the Ministry of Finance to include disability issues in its follow-up of SDGs implementation.
- 3.2.9.13 The State should adopt necessary measures to make all international cooperation programs inclusive of persons with disabilities' concerns.
- 3.2.9.14 Adopt effective measures to strengthen partnerships between relevant international and regional organizations and civil society organizations, especially those of persons with disabilities.
- 3.2.9.15 Develop a clear strategy to ensure effective participation of persons with disabilities in the design, implementation and monitoring of international and regional cooperation programs and maximize their benefits from such programs.

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