

SUDAN

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1 Population indicators

1.1 What is the total population of Sudan?

According to the United Nations data Sudan Demographics Profile 2020, Sudan has a total of 43.83 million residents.¹ UN estimates the average growth rate to be 2.4 percent over a period of five years.

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Sudan. What criteria are used to determine who falls within the class of persons with disabilities in Sudan?

The Sudan Demographics Profile 2018 was used to obtain data on the prevalence of disability in Sudan. The census questionnaire was used to collect data, this questionnaire had a set of questions meant to obtain information about a household that include types of disability. Types of disability were seeing, hearing, speaking, walking/climbing, learning/concentrating and other disability.²

1.3 What is the total number and percentage of people with disabilities in Sudan?

According to the fifth Sudan Population and Housing Census, 2008, 1 854 985 persons aged 5 years and above were reported to have a disability.³

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1 'Population of Sudan' <https://fanack.com/sudan/> 'Population of Sudan' <https://fanack.com/sudan/population-of-sudan/> (accessed 14 April 2021).

2 Sudan Demographics Profile 2018.

3 EA Baker Abubaker 'Sudan's experience in the measurement of disability' <https://unstats.un.org/unsd/demographic-social/meetings/2017/oman--disability-measurement-and-statistics/Session%206/Sudan.pdf> (accessed 15 August 2019).

1.4 What is the total number and percentage of women with disabilities in Sudan?

According to the Disabled Persons and Disability Rates by States: 2008 Population and Housing Census, there are 899 886 women (47.8 per cent) with disabilities in Sudan.

1.5 What is the total number and percentage of children with disabilities in Sudan?

No statistics are available on children with disabilities, the available data shows statistics of persons aged 5 years and above.

1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Sudan?

The most common type of disability in Sudan is mobility impairment, with a prevalence rate of 3 per cent among the population aged 5 and above. The other forms of disabilities with the number of residents are as follows:⁴

- Visual disability; 583 715;
- Blind: 92 468;
- Hearing impairment: 244 462;
- Deaf: 63 034;
- Speech impairment: 73 328;
- Limited use of Leg(s): 336 517;
- Loss of Leg(s): 61 476;
- Limited Use of Arm(s): 105 989;
- Mute: 43 825; and
- Mental disability: 448 451.

2 Sudan's international obligations

2.1 What is the status of the United Nation's Convention on the Rights of People with Disabilities (CRPD) in Sudan? Did Sudan sign and ratify the CRPD? Provide the date(s).

Sudan signed and ratified the UN Convention on the Rights of Persons with Disabilities on 30 March 2007 and 24 April 2009 respectively.⁵

⁴ As above.

⁵ Consideration of reports submitted by states parties under article 35 of the Convention: Initial reports of States parties due in 2011: Sudan, CRPD (9 September 2015) U Doc CRPD/C/SDN/1 (2015) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/SDN/1&Lang=en (accessed 19 August 2019)

2.2 If Sudan has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Sudan submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

The Republic of Sudan ratified the CRPD and its Optional Protocol on 25 April 2009. The committee received the report that was due in 2011, on September 2014. The National Council for Disabilities was restructured in October 2010. It is their principal authority for planning and monitoring disability policies and programmes at the national level and for coordinating the efforts of the state and civil society organisations, including organisations of persons with disabilities.⁵

2.3 While reporting under various other United Nation's instruments, or under the African Charter on Human and People's Rights, or the African Charter on the Rights and Welfare of the Child, did Sudan also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

Sudan has acceded, ratified or approved many key international and regional instruments on human rights and their additional protocols, in particular the African Charter of Human and Peoples' Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on Rights of the Child, and the United Nations Convention on Persons with Disabilities.⁶

- **International instruments**

UN Convention on the Rights of the Child

Sudan submitted the third and fourth periodic reports to the Committee in 2007. The Committee welcomed the submission of the periodic reports and the written replies to its list of issues (CRC/C/SDN/Q/3-4/Add.1) and appreciated the constructive dialogue with the state party's multi-sectoral delegation. The areas of concern and recommendations from the latest reports, in relation to persons with disabilities, however, outlined the following: (a) the committee was concerned about the lack of centralised data collection system, which is reflected in the lack of updated, disaggregated data on children with disabilities among others. In this regard, establishment of a comprehensive data collection system to ensure that data, disaggregated, inter alia by age, sex, geographical area and socio-economic background, are systematically collected and analyzed; and (b) the committee was also concerned about the absence of a comprehensive regulatory framework to

6 International Justice Resource Center 'Country Factsheet Series' (last updated on 15 September 2017) <https://ijrcenter.org/wp-content/uploads/2017/11/South-Sudan.pdf> (accessed 19 August 2019). United Nations Peacekeeping 'UNMISS welcomes ratification of international human rights covenants in South Sudan' <https://peacekeeping.un.org/en/unmiss-welcomes-ratification-of-international-human-rights-covenants-south-sudan> (accessed 19 August 2019).

mainstream disability in town planning. In addition, the exclusion of children with disabilities in social, educational and other settings was noted. As a result, the committee recommended the mainstreaming of the rights of children with disabilities in both legislation and policy across all areas of children rights.⁷

International Covenant on Economic, Social and Cultural Rights

Sudan submitted the initial periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.41) in September 2000. The committee noted the submission that was prepared was in conformity with the revised guidelines of reporting. The concluding observations of the committee, however, does not make any reference to persons with disabilities.⁸

• Regional instruments

African Charter on Human and Peoples' Rights

Sudan ratified the African Charter on 18 February 1986. Their 4th and 5th periodic reports on African Charter on Human and People's Rights were submitted in accordance with article 62 of the Charter, in 2008 and 2012 respectively. Their reports stipulate the following regarding the rights of persons with disabilities in line with the Sudanese legislation: a convict with permanent disability threatening his/her life may be released by cancelling the remaining period of their sentence, except in special cases; article 44(1) of the Constitution spells out the rights of equal access to education for people with disabilities without discrimination; and the report also makes reference to article 12(2) of the Constitution that persons with disabilities should not be deprived the right to engage in any profession or work.⁹ In its Concluding Observations, the Committee commended Sudan for enacting the 2009 Disabled Persons Act which is intended to contribute to the overall enjoyment of civil, political, economic and social rights of the citizens of Sudan. Nevertheless, the Committee raised concerns that the report does not deal with the rights of older and disabled people. Thus, it was recommended that Sudan should outline how the rights of older and disabled are protected in the next reporting period.¹⁰

UN Universal Periodic Review (UPR)

The review of Sudan was held at the 5th meeting on 4 May 2016. The report highlighted certain important issues such as economic empowerment for persons

7 Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations: Sudan, CRC Committee (2 October 2010) CRC/C/SDN/CO/3-4 (2010) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/SDN/CO/3-4&Lang=En (accessed 19 August 2019).

8 Concluding Observations on the initial periodic report of Sudan, adopted by the Committee at its 53th session, UN Committee on Economic, Social and Cultural Rights (CESCR) (30 August 2000) UN Doc E/C.12/1/Add.48 (2000) <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=category&skip=0&category=COI&publisher=CESCR&querysi=sudan&searchin=fulltext&sort=date> (accessed 19 August 2019).

9 African Union, State Reports and Concluding Observations. The 4th and 5th periodic reports of the Republic of the Sudan in accordance with article 62 of the African Charter on Human and Peoples Rights 2008-2012 <https://www.achpr.org/statertcon> (accessed 19 August 2019).

10 As above.

with disabilities. Sudan was encouraged to strengthen state mechanisms related to the care for vulnerable groups such as women, children and persons with disabilities. It was further encouraged to continue implementing the national strategic plan for education focusing specifically on the right to education for vulnerable groups including persons with disabilities. It was also recommended that Sudan should enhance efforts for the effective implementation of the Convention on the Rights of Persons with Disabilities¹¹.

2.4 Was there any domestic effect on Sudan's legal system after ratifying the international or regional instruments in 2.2 above? Does the international or regional instrument that has been ratified require Sudan's legislature to incorporate it into the legal system before the instrument can have force in Sudan's domestic law? Have Sudan's courts ever considered this question? If so, cite the case(s).

Sudan has ratified and domesticated most of the international and regional instruments that include the Convention on the Rights of Persons with Disabilities, and its Optional Protocol. In terms of article 4(1)-(2) of the Sudan's Constitution of 2019:

(1) The Republic of Sudan is an independent, sovereign, democratic, parliamentary, pluralist, decentralized state, where rights and duties are based on citizenship without discrimination due to race, religion, culture, sex, color, gender, social or economic status, political opinion, disability, regional affiliation or any other cause. (2) The state is committed to the respect of human dignity and diversity; and is founded on justice, equality and on the guarantee of human rights and fundamental freedoms.

Article 42 of the Constitution states that:

(1) The Bill of Rights is a pact between all the people of Sudan, and between them and their governments at every level. It is in obligation on their part to respect the human rights and fundamental freedoms included in this Charter, and to work to advance them. The Bill of Rights is considered to be the cornerstone of social justice, equality and democracy in Sudan. (2) All rights and freedoms contained in international and regional human rights agreements, pacts, and charters ratified by the Republic of Sudan shall be considered an integral part of this Charter. (3) Legislation shall organize the rights and freedoms contained in this Charter but shall not confiscate them or reduce them. Legislation shall only restrict these freedoms as necessary in a democratic society.

Since the above human right treaties are ratified, they legally oblige Sudan to promote and protect the rights of its people; these rights are not optional but are mandated by international law. Although the Constitution of Sudan makes provisions for courts to uphold these rights, they depend upon pressure by governments and international agencies for implementation as it is failing to promote the rights of most citizens.¹²

11 United Nations General Assembly 'Report of the Working Group on the Universal Periodic Review' (11 July 2016) <https://www.refworld.org/topic,50ffbce51b1,50ffbce5208,57cd5ebf4,0,,SDN.html> (accessed 19 August 2019).

12 Reliefweb 'Sudan: Human rights denied in the South' Report from Refugees International (3 May 2006) <https://reliefweb.int/report/sudan/sudan-human-rights-denied-south> (accessed 19 August 2019).

2.5 With reference to 2.3 above, has the United Nation's CRPD or any other ratified international instrument been domesticated? Provide details.

As per article 42(2) relating to the legal status of treaties in the Sudanese Transitional Constitutional Charter 2019, international or regional human rights treaties that are ratified by Sudan are domesticated and given effect to by enacting legislations that organises the rights and freedoms contained in them.

In particular, the CRPD has been domesticated with the promulgation of the National Persons with Disabilities Act 2017 on 24 February 2017, which is fully consistent with the CRPD and covers the rights enshrined therein. Provisions from the Convention have also been incorporated into other laws: 23 pieces of legislation were identified, 12 of which were examined and brought into line with the provisions of the Convention.¹³ The Convention on the Rights of the Child (CRC) in particular children with disabilities, was domesticated through the adoption of the Children's Act 2010. Article 36 of this Act prohibits the employment of children including those with disabilities who are under the age of 14.¹⁴

3 Constitution

3.1 Does the Constitution of Sudan contain provisions that directly address disability? If so, list the provision, and explain how each provision addresses disability.

Yes, the Sudan Constitution contains provisions that directly address disability.

Article 62(1) provides: 'Education is a right for every citizen. The state guarantees access thereto without discrimination on the basis of religion, race, ethnicity, gender or disability'.¹⁵

Article 64 provides:

The state guarantees for handicapped [people with disabilities] persons all the rights and freedoms set forth in this Charter, in particular respect for their human dignity. It makes available appropriate education and work for them, and guarantee their full participation in society.¹⁶

13 Consideration of reports submitted by parties to the Convention under article 35: List of issues in relation to the initial report of the Sudan: Addendum: Replies of the Sudan to the list of issues, CRPD Committee 6 December 2017) UN Doc CRPD/C/SDN/Q/1/Add.1 (2017) <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsshFWwYHBqp81ht8%2F0NCH4mTt14CE6mOmlWWh3RvewBVEBdyccjuVygmNU0o%2Bw%2BzsHxxLv9dMGXSq9GpV%2BH4bftL12YODU%2FgumtkgrWWvpwBNxqvSV61vKFgFHBovlIrIg%3D%3D> (accessed 14 April 2021).

14 As above.

15 Sudan's Constitution of 2019 <https://www.constitute.org> (accessed 14 April 2021).

16 Sec 18 of Sudan's Constitution of 2019.

3.2 Does the Constitution of Sudan contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

The Constitution of Sudan contains provisions that indirectly address disability with reference to persons with special needs, right to life, life and human dignity, etcetera, in Chapter 14, namely The Bill of Rights and Freedoms. These provisions indirectly address disability in the following ways: article 43 states that:

The State undertakes to protect and strengthen the rights contained in this Charter and to guarantee them for all without discrimination on the basis of race, color, gender, language, religion, political opinion, social status, or other reason.

Article 44 mentions that '[e]very person has a fundamental right to life, dignity, and personal safety, which shall be protected by law. No person may be deprived of life arbitrarily'.

4 Legislation

4.1 Does Sudan have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

Sudan has enacted two laws specifically in favour of persons with disabilities: the National Persons with Disabilities Act 2017, and a Law concerning the Privileges of War concerning Persons with Disabilities of 1998. Sudan's Constitution of 2019 also makes provision for persons with disabilities. Furthermore, the General Education Act of 1992 provides for equal opportunities in education for persons with disabilities.¹⁷ Sudan also established an Advisory Council for Human Rights in Sudan (National Human Rights Commission Act 2008)¹⁸ as well as the National Council for Persons with Disabilities.

- **The National Persons with Disabilities Act 2017**

This Act replaced the Persons with Disabilities Act of 2009, and the regulations, orders and procedure made thereunder.¹⁹ The National Persons with Disabilities Act 2017 provides for the rights, privileges, facilities and exemptions of persons with disabilities and the implementation thereof. It also provides for amongst others: the establishment of the National Council for Persons with Disabilities, formations and supervision of the General Secretariat.²⁰

17 International Labour Office 'Sudan Country Profile: Employment of People with Disabilities: The Impact of Legislation (East Africa)' (March 2004) http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_107841.pdf (accessed 19 August 2019).

18 Sida 'Disability Rights in Sudan and South Sudan' (2004) <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/disability/rights-of-persons-with-disabilities-sudan-and-south-sudan.pdf> (accessed 19 August 2019).

19 International Labour Office (n 17).

20 Sida (n 18).

- **The General Education Act 1992**

This Act provides for equal education opportunities for disabled people. Under this Act, all children with disabilities are/were entitled to free education from 2002.²¹

- **The National Human Rights Commission Act 2008**

This Act provides for the establishment of the Advisory Council for Human Rights in Sudan, which is an advisory unit to the Sudan government. The unit involves various committees including the Committee on the Rights of Persons with Disabilities. The role of this particular Committee is to raise awareness of the rights of disabled people, make recommendations on existing laws and their suitability to persons with disabilities, as well as conduct research relating to disability policies.²²

4.2 Does Sudan have legislation that indirectly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

According to the Sudanese Transitional Charter 2019, all people are subject to the rule of law.²³ Furthermore, article 3 of the Charter provides that ‘rights and duties are based on citizenship without discrimination due to race, religion, culture, sex, color, gender, social or economic status, political opinion, disability, regional affiliation or any other cause’. Thus, we can say that since all people – including persons with disabilities – fall under the rule of law, they are therefore, affected by all general laws that are applicable to the Sudanese citizens.

5 Decisions of courts and tribunals

5.1 Have the courts (or tribunals) in Sudan ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.

Courts and Tribunals play an important role in the promotion and the protection of human rights through rendered judgments. In Sudan, a number of laws, including articles 4, 41 and 62 of the Constitution of 2019 as well as the National Disability Act, promotes participation in society for persons with disabilities. Some cases relating to disability particularly in employment have been reported in literature. The case of *Adam Mohamed* presented below is an example of how public bodies may be ignoring their obligations under the Constitution, National Disability Act and the Civil Service Act.

- ***Adam Mohamed Hamid v National Civil Service Recruitment Board & Ministry of Electricity and Dams***²⁴

Adam Mohamed Hamid graduated from the Faculty of Business Administration at the University of Khartoum in 2006. On 27 March 2009, he applied for one of a

21 As above.

22 As above.

23 Art 4 of the Sudanese Transitional Constitutional Charter of 2019 (STCC).

24 The Equal Rights Trust Country Report Series: 4 ‘In search of confluence: Addressing discrimination and inequality in Sudan’ (October 2014) <https://www.equalrightstrust.org/ertdocumentbank/Sudan%20-%20In%20Search%20of%20Confluence%20-%20Full%20Report.pdf> (accessed 19 August 2019).

number of administrative vacancies advertised by the Ministry of Electricity and Dams (the Ministry). His name appeared in the list of shortlisted applicants prepared by the National Civil Service Recruitment Board (the Board). The Ministry and the Board held an exam for all shortlisted applicants, which Mr Hamid passed.

At the subsequent interview, Mr Hamid was subjected to a number of questions focused on his disability. For example, he was asked whether he is able to use a computer with his disabled hand; he replied that he could. When the list of successful applicants was published, Mr Hamid's name was not included. Mr Hamid concluded that, given the questions he had been asked, his disability could have been one of the factors in the decision not to select him and therefore decided to launch a legal challenge.

On 24 July 2011, Mr Hamid filed a lawsuit before the Constitutional Court against the Board and the Ministry, claiming to have been denied the right to work due to his disability. He based his claim on article 45(1) of the Constitution, which provides that persons with disabilities shall enjoy all the rights and freedoms set out in the Constitution, including, in particular, the right to respect for their human dignity, access to suitable education and employment and full participation in society. Mr Hamid argued that the decision not to appoint him also violated section 24(7) of the National Civil Service Act 2007, which obliges all state bodies to allocate a percentage of not less than 2 per cent of all approved positions to persons with disabilities, taking into consideration the nature and requirements of work and the nature of the disability.

He further argued that the decision violated section 4(2) of the National Disability Act 2009, which obligates the concerned authorities to implement a number of specified rights, privileges, facilities and exemptions, including the right of persons with disabilities to be appointed to jobs in public institutions (section 4(2)(e)) and the right to reasonable accommodation in the work place to respond to the needs of persons with disabilities (section 4(2)(h)).

As of March 2014, the case was pending; the Equal Rights Trust has not been informed of the outcome at the time of publication.

• **Case Law under the National Civil Service Act 2007**

In *Alsier Mustafa Khalfalah v Civil Service Recruitment Committee of Khartoum State*²⁵ the claimant argued that the Civil Service Recruitment Committee of the State of Khartoum had failed to discharge its obligations under the National Civil Service Act 2007. In 2010, the Committee announced a number of vacancies for teachers at the Ministry of General Education. This was followed shortly afterwards by an Order issued by the Governor of the State of Khartoum, also published in newspapers, instructing the Recruitment Committee to ensure that 5 per cent of the vacancies were filled by persons with disabilities who were otherwise qualified and who met the conditions of recruitment. The Recruitment Committee selected 18 persons with disabilities out of 1 050 persons recruited in total. The claimants, who were unsuccessful in their applications, appealed against the decision of the Recruitment Committee to reject their applications despite the fact that persons with disabilities were allotted 5 per cent of vacancies in the Governor's Order. They argued that the 1.8 per cent of selected candidates with disabilities was far less than the 5 per cent required by the Order.

The claimants' case was dismissed at first instance and on appeal by the High Court (Administrative Circuit). The High Court upheld the decision of the lower

25 As above.

court on the basis that the Governor's Order contradicted the National Civil Service Act 2007 which only requires a quota of 2 per cent for persons with disabilities. Thus, the defendant was not bound by the 5 per cent quota set out in the Governor's Order.

Some have argued that the court wrongly interpreted the National Civil Service Act 2007, which states that 'all units of the states shall allocate not less than 2% of the approved announced vacancies for persons with disabilities'. The 2 per cent figure in the 2007 Act was therefore a minimum and the Governor's Order was not inconsistent with the Act, but instead an attempt to implement the positive action clause in the Act. Additionally, neither the claimants, nor the court, made reference to article 136 of the Constitution, which concerns inclusiveness in the civil service and, in particular, the requirement, set down in article 136(e) of the 'application of affirmative action and job training to achieve targets for equitable representation within a specified time frame'.

6 Policies and programmes

6.1 Does Sudan have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability

Yes, it does.

- **Five-year higher education disability strategy 2018-2022**

The Sudanese Council of Ministers approved this strategy aimed at empowering persons with disabilities in higher learning institutions and scientific research institutes in 2018. The purpose of the programme is to allow students with disabilities to qualify, integrate into society and play a role in sustainable development. If properly implemented, the strategy will increase access to education and remove other barriers of learning.²⁶

- **Social Initiative Programme**

This initiative, which was adopted in 2012 and implemented by the Ministry of Welfare and Social Security and its agencies, including the National Council for the Disabled, aims to reduce poverty. This is an extensive programme and includes support to special groups like rural woman and persons with disabilities.²⁷

26 W Sawahel 'Five-year higher education disability strategy approved' *University World News* 19 September 2018 <https://www.universityworldnews.com/post.php?story=20180919111107210> (accessed 19 August 2019).

27 FMA Hassan 'The Sudan Interim Poverty Reduction Strategy Paper Status Report' The World Bank (November 2016) <https://www.researchgate.net/publication/311651834> (accessed 19 August 2019). For materials on law reform in Sudan, see Redress.org <http://www.redress.org/africa/sudan>

6.2 Does Sudan have policies or programmes that indirectly address disability? If so, list each policy and explain how the policy addresses disability.

- **National Action Plan for the Protection of Human Rights**

This action plan was launched in June 2013, its content, objectives, human and financial resources are aimed at promoting human rights of Sudanese citizens including people with disabilities. This Action Plan is promulgated on the Constitutional and Legal Framework Article 2.

- **Right to life and prohibition of torture and cruel, inhuman or degrading treatment (article 6 & 7)**

This is a constitutional right that seeks to protect all citizens' right to life.

- **Rights of Persons with Special Needs and the Elderly (article 45)**

This article provides:

The State shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in this Constitution; especially respect for their human dignity, access to suitable education, employment and full participation in society. The elderly shall have the right to the respect of their dignity. The State shall provide them with the necessary care and medical services as shall be regulated by law.

- **Khartoum Public Order Act of 1998, the Trade Union Act of 2010, the Press and Publication Act of 2009 and the Voluntary and Humanitarian Work (Organisation) Act of 2006**

These Acts retain provisions that are incompatible with or raise concerns regarding their compatibility with the rights guaranteed under the Covenant, including the right to non-discrimination, the right to form and join trade unions, and the right to health.

7 Disability bodies

7.1 Other than the ordinary courts and tribunals, does Sudan have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.

The National Council for Persons with Disabilities that was restructured in October 2010 has the principal authority for planning and monitoring disability policies and programmes at the national level and for coordinating the efforts of the state and civil society organisations, including organisations of persons with disabilities. By so doing, the Council addresses the violations of the policies on rights of people with disability.

7.2 Other than the ordinary courts or tribunals, does Sudan have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

An institution that deals indirectly with persons with disabilities is the National Human Rights Commission that is mandated to promote and protect human rights (including disability rights).

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

8.1 Does Sudan have a Human Rights Commission, Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, Ombudsman or Public Protector has ever addressed issues relating to the rights of persons with disabilities.

According to the National Commission for Human Rights Act 2009, article 9(1), the National Human Rights Commission is mandated with the task to protect and publicise human rights and monitor the implementation of the rights and freedoms contained in the rights and freedoms charter, including the rights of persons with disabilities.

The National Human Rights Commission (NHRC) oversees the implementation of Office of the Ombudsman which is also an independent institution established by the Constitution. Functions of the office of the Ombudsman are to prevent and fight against injustice, corruption, offences related to public and private administration. Furthermore, this office conducts sensitisation and public awareness activities in various institutions to urge them to find solutions to complaints from the population, including petitions lodged by persons with disabilities.²⁸

9 Disabled peoples organisations (DPOs) and other civil society organisations

9.1 Does Sudan have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.

There are various DPOs included in the Action on Disability Development (ADD) international support in Sudan. These include National Union of the Blind, River

Nile Union of the Blind, Kassala Union of the Blind, Khartoum Union of the Blind, Nyala Union of the Blind, National Union of the Deaf, Kassala Union of the Deaf, Wad Medani Union of the Deaf, Red Sea Union of the Deaf, Gadarif Union of the Deaf, Khartoum Union of the Deaf, Juba Union of the Deaf, Nyala Union of the Deaf, National Union of the Disabled, Mayo Union of the Disabled, Gash: Aroma Union of the Disabled, and River Nile Union of the Disabled. Other organisations are discussed below:

- **National Council for Persons with Disabilities in Sudan**

The NCPD is tasked with designing the Strategic Plan for Persons with Disabilities in Sudan. The strategy they develop will be mainstreamed to all government ministries.²⁹

- **The Organisation of Women with Disabilities in Sudan**

OWD includes all women with disabilities regardless of their nature of disability. Their goal is to promote social inclusion of women with disabilities in their communities, share best practices in self-development and strengthen their supportive networks.³⁰

- **Action on Disability and Development (ADD)**

ADD is an international organisation that works in Sudan and other countries. Its mandate is to partner with disability activists in Africa and Asia to facilitate access to tools, resources and support in order to facilitate quality and sustainable lives for people with disabilities.³¹

9.2 In the countries in Sudan's region (Africa) are DPOs organised/coordinated at national and/or regional level?

While there is some level of coordination between DPOs at the national level. However, there is no umbrella organisation of DPOs. National Council for Persons with Disabilities (NCPD) was formed to serve as a civil entity for the national mobilisation of persons with disabilities in Sudan.³² NCPD's key activity is to ensure that no one is discriminated based on their disability.³³ They also promote the right to education and development opportunity for persons with disabilities.

9.3 If Sudan has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

Sudan signed the Convention on the Rights of Persons with Disabilities in 2007 and ratified it in 2009. Sudan also ratified but not signed the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Ratifying the protocols allows the government to develop the implementation of CRPD at the local level.

29 'Sudan: National Council for Persons with Disabilities underlines importance of integration of disabled persons in community' *AllAfrica* 27 November 2017 <https://allafrica.com/stories/201711280362.html> (accessed 26 August 2019).

30 A Omar 'Women with disabilities, united for their rights in Sudan' <https://bridgingthegap-project.eu/women-disabilities-united-rights-sudan/> (accessed 25 August 2019).

31 ADD 'Empowering disability activists in Africa and Asia' (2019) <https://www.add.org.uk/> (accessed 21 August 2019).

32 NCPD 'National Council for Persons with Disabilities of Sudan' <https://www.sudanvision.net/2019/02/18/person-with-disabilities-organizations-workshop-to-align-sudan-national-general-education-act-with-the-international-convention-on-the-rights-of-persons-with-disabilities/> (accessed 27 August 2019).

33 As above.

This also facilitates alternative decision-making rather than supported decision-making, appropriate care for girls and women with disabilities, forced sexual reproductive health medical interventions, reasonable accommodation, status and use of sign language, and other inclusive approaches towards Sustainable Development Goals.³⁴ Although Sudan has made attempts to involve DPOs in the implementation process through the establishment of the National Council for Persons with Disabilities to coordinate the efforts of the state and civil society organisations, including organisations of persons with disabilities, it appears that on the ground, DPOs do not have a meaningful involvement.

9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

The National Council of Persons with Disabilities was created by the Constitution of 3 June 2003 as amended to date, determining its responsibilities, organisation and functioning. It is the forum for advocacy and social mobilisation on issues affecting persons with disabilities in order to build their capacity and ensure their participation in national development. The NCPD has been calling for the Minister of Education to curb the discrimination of disabled teachers.

In Sudan, disability activists are also involved in developing the CRPD together with other several active national disabled people's organisations to promote disability rights. Most organisations are funded by individuals and charity organisations. There is limited governmental funding of disabled people's organisations. Sudanese disabled people's organisations claim that a national umbrella organisation/federation to take on the responsibility of coordination between local and national organisations is necessary.³⁵

9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?

In addition to lack of information and limited accessibility, in which DPOs are seldom involved or consulted, the following barriers are also present:

- Lack of disability related expertise and skills among DPOs;
- Lack of locally established initiatives;
- Little knowledge of project management amongst the groups;
- Paucity of awareness amongst people with disabilities of their rights; hence the dire need to capacitate DPOs on the knowledge of human rights;
- There is a need for grass roots level-based initiatives on promoting the rights and abilities of people with disabilities; and
- There is minimal monitoring and evaluation of disability related initiatives in both urban and rural areas.

34 M Awad 'Person with Disabilities organizations workshop to align Sudan National General Education Act with the International Convention on the Rights of Persons with Disabilities' (2019). <https://www.sudanvision.net/2019/02/18/person-with-disabilities-organizations-workshop-to-align-sudan-national-general-education-act-with-the-international-convention-on-the-rights-of-persons-with-disabilities/> (accessed 27 August 2019).

35 Sida (n 18).

9.6 Are there specific instances that provide ‘best-practice models’ for ensuring proper involvement³⁶ of DPOs?

The establishment of the National Council of Persons with Disabilities provided the DPOs a platform for advocacy, promotion of the rights of the persons with disabilities and involvement in the formulation and implementation of laws. The presence of the NCPD members at grassroots and national level also offers the civil society organisations, like National Union of the Blind, River Nile Union of the Blind, Kassala Union of the Blind, and Khartoum Union of the Blind an opportunity to collaborate and relate with them at different levels to advocate for the rights of persons with disabilities.

9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?

There are some success stories resulting from the work of the organisation that seeks to ensure recognition of the rights of women and girls with disabilities together with the National Council of Persons with Disabilities. A concrete example is the case of a woman who asked for help to access the University because the Faculty of Education refused her entry, arguing that she could not be a teacher because her disability prevented her from hearing the students. Faced to this situation, the organisation went to the University to solve the problem and woman was allowed to continue studying.³⁷

9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?

The research has shown that there is a need for capacity building and support for DPOs. See question 9.4 above where areas of potential research are identified.

9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?

The Sudanese Government should ensure the meaningful involvement of DPOs in the designing, planning and implementation of policies and strategies that address persons with disabilities issues. Some strategies including, inter alia, the following can be adopted:

- Development of implementation strategies to ensure that policies are operationalised;
- Research capacity building for DPOs so they can evaluate the effectiveness of interventions (No research about us, without us);
- DPOs should be capacitated on meaningful collaborations and networks;
- Build capacity to interpret legislation; and

36 Sida (n 18).

37 Omar (n 30).

- Create accessible platforms for DPOs and persons with disabilities in general.

9.10 Are there specific research institutes in the region where Sudan is situated (North Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?

No.

10 Government departments

10.1 Does Sudan have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

The Minister of Education and Public Education committed to promote and protect the rights and welfare of persons with disabilities through implementing the inclusive education policy. The Minister of State at the Ministry of Security Social Development committed to supporting projects and issues that aim at improving the livelihood of persons with disabilities in Sudan.

11 Main human rights concerns of people with disabilities in Sudan

11.1 Contemporary challenges of persons with disabilities in Sudan (for example, in some parts of Africa ritual killing of certain classes of PWDs, such as people with albinism, occurs).

There have not been any reported killings of people with albinism in Sudan. Though the People with Disabilities Council has reported use of derogatory terms about disability, lack of active public and political participation of persons with disabilities, inadequate access to justice and legal assistance, freedom to marry, voting rights and preparation for independent living.³⁸

11.2 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

- **Adoption of the human rights-based approach to disability**

Sudan made noticeable progress by enacting the amended Persons with Disabilities Act of 2017 which replaced the medical approach-based Persons with Disabilities

38 Awad (n 34).

Act of 2009.³⁹ Twenty-three other laws were identified to be aligned with the CRPD. The Medical Insurance Act was studied together with 12 other laws for any human and disability rights violation.⁴⁰

- **Access to all the rights and freedoms in the Constitution**

The Constitution of the Republic of Sudan, article 45 guarantees persons with disabilities all the right and freedoms set out in the Sudanese Constitution; especially respect of their human dignity, access to suitable education, employment and full participation in society.⁴¹

11.3 Do people with disabilities have a right to participation in political life (political representation and leadership) in Sudan?

Although the Constitution of Sudan attempts to grant every citizen the right to participate in political life, this right is not fully legalised, practiced or implemented. This was evident when looking at the 2015 elections that were held in which persons with disabilities were not able to fully participate as accessibility was a major obstacle. This was partly because persons with psycho-social disabilities were not able to participate in the process at all because of the legal capacity issue. In the Concluding Observations to Sudan's report to the CRPD, certain principal areas of concern were identified. These included the omission of psychosocial disability from the definition of disability in national legislation, in particular in the Persons with Disabilities Act of 2017. The committee raised concerns about the exclusion of persons with intellectual and/or psychosocial disabilities from the election process by establishing 'mental capacity' as a prerequisite for the right to vote. Furthermore, issues of inaccessible voting environment and lack of capacity of election officials to address the needs of voters with disabilities were raised.

11.4 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in your country?

The Constitution of Sudan, article 19 states: 'The State shall promote public health and guarantee equal access and free primary health care to all citizens'.⁴²

The Constitution of Sudan, article 12 stipulates that:

The State shall develop policies and strategies to ensure social justice among all people of the Sudan, through ensuring means of livelihood and opportunities of employment. The State shall also encourage mutual assistance, self-help, co-operation and charity. No qualified person shall be denied access to a profession or employment on the basis of disability; persons with special needs and the elderly shall have the right to participate in social, vocational, creative or recreational activities.⁴³

The Constitution of Sudan, article 45 states that:

39 As above.

40 As above.

41 Sudan's Constitution of 2005 [https://www.policinglaw.info/assets/downloads/Constitution_of_Sudan_\(2005\).pdf](https://www.policinglaw.info/assets/downloads/Constitution_of_Sudan_(2005).pdf) (accessed 26 August 2019).

42 As above.

43 Art 12 of Sudan's Constitution of 2019 [https://www.policinglaw.info/assets/downloads/Constitution_of_Sudan_\(2005\).pdf](https://www.policinglaw.info/assets/downloads/Constitution_of_Sudan_(2005).pdf) (accessed 26 August 2019).

The State shall guarantee to persons with special needs the enjoyment of all the right and freedoms set out in this Constitution; especially respect for their human dignity, access to suitable education, employment and full participation in society. The elderly shall have the right to the respect of their dignity. The State shall provide them with the necessary care and medical services as shall be regulated by law.⁴⁴

As shown in the court cases presented in 5.1 above, which involved *Alsier Mustafa Khalfalah v Civil Service Recruitment Committee of Khartoum State*, the claimant argued that the Civil Service Recruitment Committee of the State of Khartoum had failed to discharge its obligations under the National Civil Service Act 2007. Thus, these rights are not adequately implemented in practice. Furthermore, the exclusion of persons with disabilities in the national legislature (see 11.4) is contradictory of the equal right clause.

11.5 Specific categories experiencing particular issues/vulnerability.

- **Persons with disabilities**

The Constitution of Sudan, article 87(a) stipulates that a person with ‘physical incapacity’ cannot be a member of National Legislature. This clause deliberately excludes people with disabilities as they are physically incapacitated by disability.

- **Women with disabilities**

Women and girls with disabilities are excluded based on their disability status. They experience barriers of legal, physical, health, employment, skills development and attitudinal nature.⁴⁵

- **Children with disabilities**

Sudan is characterised by displacement, 65 per cent of these are child refugees.⁴⁶ The UNICEF report states that 2.6 million of children are in need of assistance. Due to most children suffering acute malnourishment and not receiving adequate healthcare; they tend to acquire different types of disabilities.⁴⁷ Sudan has several laws about the rights of children, and children with disabilities. The Constitution of Sudan, article 50 states that: ‘The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan’⁴⁸. Although the Constitution grants these rights, we recommend that national DPOs be consulted to gain grassroots perspectives.

12 Future perspective

12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in your country at the moment?

Sudan is striving to adopt the human rights approach instead of the medical approach to disability. So, there is a need to address the use of derogatory terms in their reports, for example terminologies like ‘hard of hearing’ instead of ‘hearing impairment’. Sudan needs to adopt internationally acceptable terms in the

44 As above.

45 As above.

46 UNICEF ‘Children in Sudan: An overview of the situation of children in Sudan’ <https://www.unicef.org/sudan/children-sudan> (accessed 28 August 2019).

47 As above.

48 Art 12 of Sudan’s Constitution of 2005.

disability sector. There is also a need for Sudan to prioritise disability as a research area.⁴⁹

Persons with disabilities are encouraged to cast their votes to exercise their right to vote, access free primary education, and the parents who deny them the right to access education and hide them might be charged by the state.

12.2 What legal reforms are being raised? Which legal reforms would you like to see in Sudan? Why?

Sudan needs to adopt a law to enforce the domestication of the Convention. There is a need to adjust laws so that they allow for the persons with disabilities to participate politically. Existing laws which allow for persons with disabilities to be institutionalised indefinitely need to be reviewed. The Constitution of Sudan and the Persons with Disabilities Act should be comprehensive in a manner that is inclusive of all. That is, by defining disability in a holistic way that excludes none. The Sudan Ministry of Education needs to ensure that inclusive education is properly implemented and monitored so that no child with a disability face stigma and discrimination.

49 N Leon 'Understanding disability in Sudan' thesis submitted to the Faculty of Graduate Studies of the University of Manitoba in partial fulfillment of the requirement of the degree of Master of Arts Interdisciplinary Masters Program in Disability Studies, University of Manitoba, 2012. https://mspace.lib.umanitoba.ca/jspui_org/bitstream/1993/5223/1/Nyerere_Leon.pdf (accessed 28 August 2019).