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The situation of persons with disabilities in Sudan and South Sudan

In 2010, an extensive analysis of disability occurrence in Sudan was made. This research is presented on the website of the Central Bureau of Statistics of Sudan, and was done in the time when the Republic of Sudan and South Sudan were still united. According to this research disability prevalence in Sudan was 4.8% and in South Sudan 5.1%.

However, considering that global estimates of people with disabilities range from 10-15 per cent, and the likelihood of under reporting, this figure is probably more than double. This means that there are between 1.9 and 3.8 million persons with disabilities in Sudan and 0.6 to 1.2 million in South Sudan. The armed conflict, poverty and lack of health services contribute to increased numbers of persons with disability. While Sudan has taken a range of policy steps to promote the rights of persons with disabilities, South Sudan is yet to develop its policies.

The major challenges in Sudan are lack of awareness among decision makers and the public, negative social attitudes and as a consequence structural discrimination. Persons with disabilities have limited access to basic services such as education, health, water, information and communication. The situation in South Sudan is worsened by the general extreme poverty, lack of basic health services and low school completion rates. Maternal mortality is the highest in sub-Saharan Africa and disabilities due to complications during pregnancy and delivery are common. New cases of disabilities are also occurring as a consequence of landmines, widespread violence, sexual abuse and displacement of thousands of people.

Both Sudan and South Sudan have included disability rights in their respective constitutions.

Interesting steps were taken in South Sudan when the referendum for independence took place in 2011. The state Referendum Commission gave certain attention to accessibility of persons with disability to take part in the voting.

As in many other countries, women with disabilities are invisible both among those promoting the rights of persons with disabilities, and those promoting gender equality and the advancement of women's rights.

The legal and policy frameworks

Sudan and South Sudan have taken some legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. The concern for war veterans has been a driving force in recognising the rights of persons with disabilities in both countries. In terms of **international instruments**, the following steps have been taken:

- Sudan has signed and ratified the UN Convention on the Rights of People with Disabilities (CRPD) and the optional protocol (2009). CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The Convention is available at www.un.org/disabilities/convention/conventionfull.shtml. Sudan submitted its initial report to the Commission, but so far it is not available in English.
- Sudan has also signed and ratified the Landmine Ban Treaty, the Convention against Torture and the Convention on the Rights of the Child – but not CEDAW.
- South Sudan has not yet signed or ratified any UN or international treaties.

The African Commission on Human and Peoples' Rights has drafted a Protocol on the Rights of Persons with Disabilities. It was released for comment in April 2014 and once finalised, is likely

to become part of Sudan and South Sudan policy framework for advancing disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities in **Sudan**:

The 1998 Constitution of Sudan recognises the rights of persons with disabilities. *'The Republic of Sudan shall guard justice and prompt social solidarity to establish a basic structure of society that provides the highest standard of living for every citizen and fairly distributes the national income, curtailing excesses and preventing the exploitation of the vulnerable, elderly and handicapped'*. A process has started to review this old Constitution to make it more human rights based. It is anticipated that there will be a consultative process that also includes disability organisations.

The 1992 General Education Act provides for equal opportunity in education for persons with disabilities. After effective lobbying by disabled people's organisations, the Government decided that all children with disabilities would be entitled to free education from 2002.

There is also a law concerning the Privilege of War Disabled, from 1998.

A new Disability Act was passed in 2009. It is a revised/updated version of the 1984 *Act on Welfare and Rehabilitation of Disabled Persons*. The Act provides for the setting up of a National Council for Persons with Disabilities to oversee and coordinate its implementation and outlines a range of rights. There is also a disability policy which includes a situational analysis followed by policy objectives, a policy statement including its principles and action areas; the last section covers the proposed five year national strategy for disability.

There is also an Advisory Council for Human Rights in Sudan (National Human Rights Commission Act 2008), which is an advisory unit

to the government. It includes different committees, and one of them is the Committee on the Rights of Persons with Disabilities. Its role is to raise awareness of the rights of persons with disabilities, make recommendations on existing laws and their suitability to persons with disabilities, and to provide research and studies on laws related to the group.

The Committee has achieved inclusion of persons with disabilities in the Health Insurance Law, the Civil Rights Law, and the Child Welfare law, as well as the passing of the Prosthetics and orthotics law. It has also been able to force the Sudanese government to guarantee a 2 per cent quota of positions in the public sector to PWD.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities in **South Sudan**:

The rights of persons with disabilities are incorporated in the South Sudanese Constitution. Under Article 29(I), the *Right to Education*, it states that "Education is a right for every citizen and all levels of government shall provide access to education without discrimination as to religion, race, ethnicity, health status including HIV/AIDS, gender of disability". Then, under Article 139 (1)(d), the *Basic Values and Guidelines for Civil Service*, it states that "The Civil Service shall be governed by, inter alia, the following values and principles: services shall be provided to all persons impartially, fairly, equitably and without bias or discrimination on the basis of religion, ethnicity, region, gender, health status or physical disability."

At the moment, there is no disability specific legislation and no clear general national policy in regards to disability in South Sudan.

Implementing agencies

The Sudanese Ministry of Social, Women and Children Affairs is the responsible governmental body for disability policy, monitoring, institutional capacity building and training and implementing on state level.

There is also the National Council for Persons with Disabilities which became functional in 2013. It

was established to support the realisation of existing laws and legislation, including the CRPD and the 2009 Disability Act.

In June 2013, a Situation Analysis on the Rights of Children with Disabilities was launched by the National Council of Persons with Disabilities with UNICEF support, outlining the major challenges facing the realisation of rights of and providing strong recommendations to ensuring rights are achieved. In November 2013, the Federal Ministry of Education, with support from UNICEF, launched the National Strategy on Education for Children with Disabilities for the period of 2013–2016, which was followed by the first National Conference on Education of Children with Disabilities, jointly supported by UNESCO, UNICEF, and Plan International.

The Federal Ministry of Health in collaboration with WHO is currently developing a national disability strategic plan (2014-2016) based on the health component of the Strategic Plan of the National Council of Persons with Disabilities (2012-2016) and in line with the National Health Strategic Plan (2012-2016). One of the main components of this preliminary strategic plan is the collaboration with the Ministry of Education in the detection and provision of medical and rehabilitation services to children with disabilities enrolled in the education system through mainstreaming disability in the current existing services and programs of the Ministry of Health.

There have also been efforts to establish community based rehabilitation programmes, but they have been scattered and NGO driven. Sudan is one of the countries targeted by the UN partnership to promote the rights of persons with disabilities.

In **South Sudan**, the ministries responsible for issues concerning disability are the Ministry of Health and the Ministry of Gender, Child and Social Welfare. The Ministry of Health, according to its mission statement, aims to improve the health status of the population and ensure a sector wide quality health care to all the people of Southern Sudan, especially the most vulnerable,

women and children. The Ministry of Gender, Child and Social Welfare strives to promote gender equality and equity. The Ministry is committed to, among others, protect the rights of all people without any discrimination on the bases of gender, ethnicity, political or religious affiliation. It is also to monitor any violation of women, children and persons with disability rights.

In addition to these two ministries, a separate independent commission has been appointed named Southern Sudan National Commission for War Disabled, Widows and Orphans. This Commission exists to:

- Build and empower a society that respects human rights and participation of War Disabled, Widows and Orphans in the development.
- Establish and promote accessibility of War Disabled, Widows and Orphans to social services.

No reports have been written on the results and the effectiveness of this commission.

On the website of the Ministry of Gender, Child, Social Welfare, a number of activities are listed which can be regarded helpful in regards to disability. The list includes projects such as the planning of a Physical Rehabilitation Centre; a Rejab School of the Blind and Hearing Impaired Persons; a Gender Empowerment Project; and Drop-In Centres for Street Children. There are no reports on actual implementation.

Following a meeting in August 2010, the Khartoum Governor approved support to three national unions in Sudan: the Khartoum National Union of Deaf (KNUD), the Khartoum National Union of Physically Disabled (KNUPD) and the Khartoum National Union of the Blind (KNUB). The support includes means of transportation, monthly donations for activities and maintenance, provision of 300 income generating projects through the Ministry of Social Development, an increase from 2 per cent to 5 per cent of employment opportunities available to persons with disabilities, inclusion of 3,000 families with a family member with a disability in the current health insurance

provision, allocation of 300 community houses for members of disabled people's organisations and their families, and finally direction to the Ministry of Education to include El-Nour Institute for Blind Education in its 2011 budget. There are no reports on the implementation of these commitments.

Most disability related programmes are however implemented with support of donors such as ADD, Handicap International and UNICEF.

Accountability mechanisms

The Sudan National Human Rights Commission (SNHRC) was established by a presidential decree in 2012. It has been supported by UNDP to strengthen its capacity and to develop a National Human Rights Action Plan, especially in regards to responses to UPR recommendations. So far disability rights have not been on the agenda. The National Council for persons with disabilities also plays a monitoring role.

The South Sudan National Human Rights commission (SSHRC) is also in existence although its role and mandate is not clear. So far disability rights have not been on the agenda.

Main Civil Society Actors

DPOs in both Sudan and South Sudan seem to have taken a rather active advocacy role. In South Sudan DPOs engaged with accessibility of the election process and raised the claim that a 5 per cent representation of persons with disabilities in decision-making bodies should be part of the Constitution. A network of all DPOs across the ten states of South Sudan, the South Sudan Network for Persons with Disabilities, was also formed in November 2011. The South Sudan Association of the visually impaired (SSAVI) seems to be a very active organisation and has among other things involved in the fight against HIV/AIDS.

In Sudan, disability activists participated in development of the CRPD and there are several active national disabled people's organisations working 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 there is a need for a national umbrella organisation/federation to take on the responsibility of coordination between local and national organisations. Such an initiative is supported by ADD.

DPOs included in the ADD support in Sudan and South Sudan are:

- National Union of the Blind
- River Nile Union of the Blind
- Kassala Union of the Blind
- Khartoum Union of the Blind
- National 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
- River Nile Union of the Disabled

Other organisations specifically working in South Sudan (with web pages) are:

- Wao Cheshire service
- South Sudan Association of the Visually Impaired (SSAVI)
- [Deng Foundation](#)

Among international organisations involved in promoting disability rights are Save the Children Sweden, Plan International, Action on Disability and Development (ADD International), Handicap International, Light for the World, CBM, Ecumenical Disability Advocates Network (EDAN) and International Council for Education of People with Visual Impairment (ICEVI). The Swedish Red Cross is also active in Sudan, as well as the Red Crescent. An important initiative is the Victim Assistance for

Mine/ERW Survivors and persons with disabilities in Sudan. There is also EU support to the project “*Building the Capacities of Disability Rights Movement in Sudan for inclusive participation in development*” and the UN partnership to promote the rights of persons with disabilities.

What Sweden can do – 8 questions to discuss

Within the broader context of the Swedish cooperation with Sudan and South Sudan with focus on increasing the knowledge of human rights, gender equality, SRHR and increasing the capability of civil society to work for human rights, Sweden has a great opportunity to include issues related to the rights of persons with disabilities.

Questions to discuss include:

- Could Sweden do more to keep up-dated with the developments within the area of disability rights in Sudan and South Sudan?
- Could Sweden do more to include disability organisations in social and professional events and networks?
- Could Sweden do more to include disability organisations in capacity building programmes/funding modalities for civil society/human rights organisations?
- Could Sweden do more to support development of accountability mechanisms in the area of disability (e.g. law reforms, access to legal aid, capacitating of HR institutions)? Monitoring tools can be downloaded [here](#).
- Could Sweden do more to include women with disabilities in women networks, economic empowerment and in SRHR/GBV initiatives?
- Could Sweden do more to ensure accessibility for persons with various disabilities to economic empowerment programmes such as micro-credits, loans, vocational/skills training, agricultural and rural livelihood programmes and literacy programs - particularly for women

and youth with disabilities? Examples of tools can be found [here](#).

- Could Sweden do more to ensure that persons with disabilities are included in humanitarian, reconstruction and peace building efforts? E.g. using tools as:
 - ✓ Manual on the design and building of barrier-free emergency shelters [here](#)
 - ✓ Manual on mainstreaming disability in disaster risk reduction [here](#)
 - ✓ Disability and the post-conflict agenda [here](#)
 - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
 - ✓ Disability Inclusive Disaster Risk Management: Voice from the Field and Good Practices [here](#)
- Could Sweden be more active in seeking strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support would staff need to take such initiative? Guide to Disability in development is available [here](#).

References

Action on Disability and Development (ADD International): <http://www.add.org.uk/sudan>

Arab Organization of Disabled People (AODP), a coalition of organisations of disabled people in the Arab world. AODP is a member of Disabled Peoples' International (DPI).

Arab Resource Collective is a regional NGO that produces development resources in Arabic, provides capacity building to community workers & facilitates networking among Arab countries.

Disability and Rehabilitation Program Team of the World Health Organization works to enhance the quality of living and equal opportunities for all persons with disabilities.

Forum for Community Change and Development (FOFCOD) in South Sudan: <http://www.fofcod.org/>

Handicap International http://www.handicap-international.us/south_sudan

Light for the World <http://www.light-for-the-world.org/south-sudan/>

Red Crescent: <http://www.ifrc.org/en/what-we-do/where-we-work/>

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Save the Children: <http://www.savethechildren.org/site/c.8rKLIXMGIpl4E/b.6150471/>

Sida's tools on disability: Disability as a human rights issue – conducting dialogue:

http://www.sida.se/contentassets/2fa1801f528c450c95c953e86acb9d5b/disability-as-a-human-rights-issue-conducting-a-dialogue_3326.pdf

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Sudan Central bureau of statistics <http://www.cbs.gov.sd/en/node/15>

UN partnership to promote the rights of persons with disabilities – project application

<http://mptf.undp.org/factsheet/project/00091323>

Victim Assistance for Mine/ERW Survivors and PWDs in Sudan:

<http://maic.jmu.edu/journal/15.2/focus/hobeika/hobeika1.htm>

The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.