Reply from CSOs to the List of Issues in

relation to the initial report of

the Republic of Sudan

# **INTRODUCTION**

This document is submitted to the UN Committee on the Rights of Persons with Disabilities from CSOs (See annex below) working in the field of disability in the Republic of the Sudan.

The document contains reply to the List of Issues in relation to the initial report of the Republic of the Sudan.

<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSDN%2fQ%2f1&Lang=en>) and updated information on CRPD Alternative Report, submitted to the Committee on the Rights of Persons with Disabilities in 2017.

A. Purpose and general obligations (arts. 1–4)

1. **Please provide information on efforts towards fully incorporating the Convention into domestic law, including through further revision of the Persons with Disabilities Act of 2009, and adopting a human rights-based approach to disability in all laws, policies and decisions, in consultation with representative organisations of persons with disabilities.**

The Disability Act 2009 has been reviewed and as a result it has been amended and substituted with the Disability Act 2017. Nevertheless, it is evident that the new version lacks significant improvements in terms of consistency with the UNCRPD. For instance, the new version includes no provision which prohibits discrimination on basis of disability. In addition, the definition of disability included in the law does not include psycho-social disability.

It must also be noted that none of the other general laws has been reviewed to make sure that they are consistent with the UNCRPD, even though it is known that there are other laws which are clashing with the convention. For example, in its articles (57-61), the Civil Transactions Act 1984 deprives some persons with disabilities of legal capacity.

Representatives of organizations of persons with disabilities are involved and participate in discussions pertaining to implementation of the UNCRPD and in the process of introducing legislations related to disability issues. However, such consultations are ineffective, wherein most of their opinions are not taken into account. What is more, the law doesn’t contain binding provisions that would prompt involvement of persons with disabilities in all actions pertaining to introduction and implementation of disability-related legislations and policies.

Another thing, the definition for organizations of persons with disabilities under the Disability Act 2017 has no requirements of a percentage of persons with disabilities, notably in leading positions, to be recognized as organizations of persons with disabilities. Currently, for an organization to be recognized as a disability organization, the organization is just required to work in the field of disability.

Proposed recommendations:

• Recommending to the state party to the UNCRPD to lay down a clear action plan with a clear timeline for reviewing Sudan’s legislations to ensure consistency with the UNCRPD. along with ensuring effective involvement of persons with disabilities in the review process and explicit consideration of their views. In this regard, the State must amend its legal provisions in order to ensure considering organisations of persons with disabilities those who are indeed their representative organisations.

1. **Please indicate whether a disability rights impact assessment is conducted before adopting new legislation. Please also indicate whether efforts are made towards translating the Convention into all languages spoken in the State party as well as into disseminating the text of the Convention in accessible formats.**

The Ministry of Justice normally revises all draft legislations before tabling them to the legislative institution. However, due to weak technical expertise of staffs working for the ministry about disability-related rights and non-effective involvement of persons with disabilities in the assessment render the assessment processes for identifying impact of the legislations to be adopted inaccurate. And this has been manifest in that some of the Sudanese legislations endorsed after ratifications of the UNCRPD by Sudan turned to be inconsistent with the convention. For instance, in Article (3), the Child Act 2010 adopts the medical concept for disability when defining “child with a disability”.

The state has not exerted any noteworthy effort in the aspect of translating the UNCRPD into the local languages spoken in Sudan, bearing in mind that Sudan has tens of local languages spoken at the domestic level, and the state has also failed to provide text of the UNCRPD in accessible format e.g. sign language, Braille, etc.

Proposed recommendations:

• Recommending to the State party providing staffs working at the legislations section at the Ministry of Justice with advanced training on rights of persons with disabilities to ensure that such rights will be observed when adopting legislations, and to take due steps to ensure the translation of the CRPD to the languages utilised in Sudan and in accessible formats.

B. Specific rights of the Convention

Equality and Non-Discrimination (Art 5)

1. **Please provide information on steps taken to explicitly prohibit discrimination against persons with disabilities and elaborate on the current available legal remedies available for persons with disabilities whose rights have been violated. What measures have been taken to tackle any form of discrimination against persons with disabilities by state and non-state actors including the private sector, the community and family members. Please provide additional information on the measures referred to in paragraph 26 and 27 of the initial report.**

The Sudan Constitution has not stated explicitly that disability constitutes one of the grounds on the basis of which discrimination is prohibited. And ironically, though in its Article (3), the Disability Act 2017 defined discrimination on basis of disability, it did not prohibit discrimination based on disability as well as it did not consider the denial of reasonable accommodations as a form of discrimination because of disability.

Additionally, the Disability Act or the other legislations do not provide for any penalties against individuals and agencies that exercise discrimination on basis of disability.

It must be noted that in Sudan generally there is no legislation in place for fighting discrimination and the same applies to fighting discrimination on basis of disability. Hence, there is no clear legal ground for how to fight discrimination on basis of disability. Therefore, it wouldn’t be easy to pursue a legal case on discrimination in law courts except before the constitutional court, before which a litigation would be time consuming and would require high level of technical expertise and financial capabilities, something which would render litigation before the court inaccessible for most persons with disabilities.

As for the other justice mechanisms, there is the Advisory Council on Human Rights-(ACHR) which is affiliated to the Ministry of Justice. The ACHR has a unit on the rights of persons with disabilities, and one of the council’s jurisdictions is to receive complaints related to human rights violations, yet its powers as to such cases are not extended to taking action with regard to any of the complaints. Its powers are restricted to providing the relevant government agencies against which the complaints are lodged with the necessary advice and consultation.

Another mechanism is the National Commission on Human Rights which is an independent body with a mandate to monitor the situations of human rights and receive complaints related to violations, yet its work is not effective specially when it comes to cases involving violations of rights of persons with disabilities as suggested in paragraph (38) of this report.

Proposed recommendations:

• Recommending to the state party to explicitly provide for prohibition of discrimination on basis of disability in the upcoming constitution expected to be compiled soon. In addition to ensuring participation and involvement of persons with disabilities in the deliberations and consultations in the build up to the constitution in its final form.

• Redrafting definition of discrimination on basis of disability under Article (3) of the Disability Act 2017 to include denial of reasonable accommodations as a form of discrimination on basis of disability.

• Stipulating penalties against agencies, institutions and individuals that exercise discrimination on basis of disability, and creating mechanisms for litigations pertaining to cases of discrimination and for compensation and redressing.

1. **Please indicate what specific measures are in place to address intersectional discrimination of persons with disabilities who (a) are women; (b) are children; (c) belong to an ethnic or religious minority.**

There are no any special measures for protection of groups that face intersectional discrimination, and there is also no special action in case they are exposed to such kind of acts. Moreover, there are no enough statistics and studies conducted about their situation. However, it is notable that women with disabilities and children and people belonging to ethnic or religious minorities are more exposed to discrimination due to the act’s multifaceted nature.

Women with Disabilities (Art 6)

1. **Please provide information on concrete measures taken to mainstream the rights of women and girls with disabilities in the gender, equality as well as disability legislation and policy. Please inform about any measures taken or envisaged to achieve full equality in law and practice for women and girls with disabilities and indicate whether such measures also take into consideration the additional forms of discrimination and stigmatization faced by women and girls with disabilities in the community and at family level.**

Laws and legislations for protecting rights of persons with disabilities pay some attention to situations of women with disabilities. However, this attention remains confined to papers without any tangible effect in reality. Also issues of women and girls with disabilities are not included or addressed either as part of the gender issues or as part of women issues in general.

In fact, women and girls with disabilities face double discrimination as women and as persons with disabilities at the same time. The degree of discrimination from which they suffer is apparently bigger than the one women in general endure and the discrimination men with disabilities face.

Women and girls with disabilities continued to face stigmatization, exclusion and discrimination, something which has implications to enjoyment of their human rights and fundamental freedoms on equal basis with the other.

Proposed recommendations:

* Recommending to the state party to include issues of women and girls with disabilities in the gender programs and policies and in the programs and policies for women in general including the Sudanese National Strategy for Women.

Children with Disabilities (Art 7)

1. **Please provide information on concrete measures to prevent stigmatization and social exclusion of children with disabilities as well as them being hidden, and to implement the rights of children with disabilities, including pursuant to Article 48 of the Children’s Act 2010. Please elaborate on the measures taken to criminalize violence against children with disabilities under all circumstances**

There are no specific concrete measures for fighting such practices as stigmatization, exclusion and subjection to hiding for children with disabilities. And although the Child Act 2010 dedicated a whole chapter to children with disabilities, the provisions under that chapter have never been implemented. Not to mention that issues of children with disabilities are not included in programs dedicated to children in general.

It must be noted that children with disabilities suffer from being excluded and kept in hiding by their families in fear of the social stigma associated with disability. Families also have some prevalent misconceptions that children with disabilities will never benefit from education and rehabilitation programs. Additionally, children with disabilities in general and those with intellectual disabilities in particular suffer from violence, sexual abuse and from being exploited in such practices as begging. And even though the state has now established some special police service, prosecution sections and courts to preside over legal procedures in issues related to children in general, staffs in those institutions have not received any training on how to facilitate procedures for children with disabilities.

* Proposed recommendations:

Recommending to the state party to take clear measures for protecting children with disabilities against violence including sexual abuse and exploitation in begging. Including training for police and judiciary personnel "who are specialize in children cases" on effective investigation of cases involving violent against children with disabilities

1. **With reference to article 52 of the Children’s Act of 2010, referred to in paragraph 32 (c) (v) of the initial report, please clarify whether child labour is fully prohibited and whether any specific safeguards to ensure implementation with regards to children with disabilities are in place.**

Article (36) of the Child Act 2010 prohibits child labor for children below the age of 14. Nevertheless, the same article has some exceptions which permit child labor at any age in such harmless and less hazardous activities as ranching and agriculture according to certain regulations.

These same provisions apply to child labor in relation to children with disabilities including provisions under article (52) of the abovementioned law, in virtue of which the Minister of Labor is obliged to facilitate access to work opportunities for children with disabilities in the public sector and encourage the private sector to provide similar opportunities.

Awareness Raising (Art 8)

1. **Please provide further details on any measures to promote awareness regarding the human rights model of disability throughout the entire country.**

The state organizes communication/media campaigns with the view to raising awareness about disability issues and the UNCRPD, yet most of those campaigns are concentrated in the capital, Khartoum, and they are hardly extended to include other states of the country. What’s more, journalists or media professionals presiding over production and preparation of programs for raising awareness about disability have not received adequate training on the human rights based approach related to persons with disabilities. This has been manifest in that most of the programs focus on the sensory, physical and intellectual impairments rather than on the potentials and capabilities persons with disabilities have. Barriers that would prevent persons with disabilities from leading a normal life on equal basis with their counterparts are also overlooked in those programs. Words and concepts that reflect negative attitudes towards persons with disabilities; ones that promote stigma and stereotyping are frequently used in media outlets, and things are further compounded by that the disability issue in general is dealt with from a charity perspective.

Proposed recommendations:

• Recommending to the State party training media staffs and journalists on rights of persons with disabilities through emphasizing the human rights based approach to disability.

• Laying down a communication/media strategy and policy based on a human rights based approach for raising awareness about disability and disability issues consistent with the UNCRPD and ensure that the strategy and policy will extend to cover the whole country.

Accessibility (Art 9)

1. Please inform about efforts being undertaken towards extending accessibility standards to all areas with legally enforceable sanctions as well as towards removing existing barriers. Please elaborate on any plans aimed at ensuring provision of information in accessible formats across all sectors (education, justice, health, development, etc.).

There is no legislation that would make it obligatory to provide buildings and public facilities which are accessible for persons with disabilities. Additionally, there is no national plan with clear timeline and specific budget in place to remove barriers and provide accessibility.

The state has introduced clear accessibility standards for buildings (universal code). However, the code is not legally binding and failure to observe it will result in no penalties. What’s more, the code included no accessibility standards for website based materials, telecommunication services, professional sign language interpretation, technical devices and alternative communication methods.

There is also no strategic plan in place for providing materials in accessible format. Alternative communication facilities and information in accessible format do not exist in such state run public service facilities as health, education and justice institutions, etc.

Proposed recommendations:

* Recommending to the state party to endorse the universal code as a binding legislation against the breach of which penalties can be imposed, in addition to setting and endorsing legally binding accessibility standards for information and telecommunication services.
* Setting up a clear plan with a clear time line and indicators for removing barriers and making already existing buildings more accessible.

Right to life (Art 10)

1. **Please indicate whether any person with disabilities has been sentenced to death. Please provide information on the measures being taken towards abolishing the death penalty.**

There is no information that suggest infliction of capital punishment against a person with disability.

Situations of Risk and Humanitarian Emergencies (Art 11)

1. **Please indicate the steps taken to address and improve access to food, adequate medical care and shelter for persons with disabilities in the conflict affected regions of the State party.**
2. **Please elaborate on measures taken in order to protect the rights of persons with disabilities who are internally displaced, refugees or asylum seekers.**

There are no information showing that the state provides protection to persons with disabilities in cases of emergency, e.g. (refugees and Internally Displaced People-IDPs) in camps and other urban areas. Similarly There is no information which indicate that the State has provided such services as food, adequate health care and shelter for persons with disabilities in conflict affected zones. However there is concern about the situation of persons with disabilities in conflict affected zones. Given that Sudan is still under civil war which result in displacement of many persons with disabilities. Moreover it should be mentioned that Sudan is transit point for refugees coming from Eritrea and South Sudan. Most likely some of those refugees are persons with disabilities who require measures to protect their rights.

Equal Recognition before the law (Art 12)

1. **Please provide information on any steps taken towards achieving full compliance with article 12 and General Comment 1 (2014).**

There some legal provisions which do not recognize legal capacity for persons with disabilities when it comes to making decisions related to their own affairs. Some legislations acknowledge the practice of decision making in behalf for some disability groups.

In its Articles (57-61), the Civil Transactions Act 1984 deems persons with “mental” disability, the deaf and the blind as people who have no legal capacity, thus all the transactions they perform are invalid or their enforcement is dependent on approval of their guardians, yet no legislative measures have been taken by the state to recognize full legal capacity for some groups of persons with disabilities as of now.

Proposed recommendations:

• Recommending to the State party to repeal its legislations that deprive persons with disabilities of legal capacity or that reduce its scope, and thus abolish the system of substituted decision making and replace it with the supported decision making system.

Access to Justice (Art 13)

1. **Please provide information on tribal courts and whether any regulations and monitoring mechanisms are in place to ensure that they abide by the State party’s obligations under the Convention. Tribal courts constitute part of the judiciary and they fall under its admin jurisdiction and supervision. And the same legislations and regulations for governing and organizing work of ordinary courts apply to tribal courts.**
2. **Please provide information on measures to ensure that all persons with disabilities benefit from access to justice, including legal aid, procedural accommodations and information and communication in accessible formats, including sign language, Braille and Easy Read formats.**

Head of the judiciary issued a circulation in 2016 in virtue of which courts are required to take measures that would facilitate trial procedures for persons with disabilities. However, judges have not been trained on implementation of the circulation and no guide book has been issued so that judges can use when it comes to implementation. In addition, there are no measures that would ensure access to the other justice services as police and prosecution offices. Access to justice for persons with disabilities is not facilitated due to the lack of accessibility features in court compounds and police offices, beside the lack of methods of alternative communication and information in accessible format.

What’s more, persons with disabilities themselves lack awareness about their rights and how those rights can be protected against violation, not to mention the financial barriers such as litigation fees and defense service payments, etc.

Additionally, persons with disabilities lack means of communication and information in accessible format, e.g. information in braille or in other format such as simple language format for people with mental disabilities do not exist. Paid professional sign language interpretation service is also lacked except in legal cases with criminal nature and even in such cases, interpreters are poorly paid (less than four Dollars). Not to mention that sign language interpretation service at the level of judicial bodies exists in only limited geographical areas and even arrangement of such service is a time-consuming process resulting in that deaf people involved must wait for long before they can get it.

Proposed recommendations:

* Recommending to the state party to put in a clear strategy to ensure access to justice for persons with disabilities.

1. **Please provide information on the number of cases of violence against persons with disabilities, especially women, girls and boys with disabilities that have been successfully prosecuted since 2010.**

There are no accurate information and statistics about cases of violence against persons with disabilities in which prosecution has been successfully pursued. Yet, it must be noted that cases of violence against persons with psychosocial disabilities particularly constitute a very little portion of the cases in which the perpetrators face prosecution. According to testimonies of lawyers, that the justice mechanisms, specially the judiciary won’t accept statements of victims with psychosocial disability when claiming exposure to violence. This apparently makes them more vulnerable to violence and makes perpetrators feel safe and far from punishment paving the way for more violence.

Liberty and Security of the Person (Art 14)

1. Please inform about any measures to prevent and prohibit the confinement of persons with disabilities based on their impairment, including forced hospitalization and institutionalization.

There are no legislations that would criminalize putting persons with disabilities in hospitals or care institutions against their will, even though such practice is very common. And in some cases, persons with psychosocial disabilities get admitted to treatment institutions run by traditional healers and they stay in those institutions for long times and their period of stay there could span to years in some cases and in some other cases, they may stay for good.

Proposed recommendations:

• Recommending to the State party taking legislative measures that would criminalize putting persons with disabilities, particularly those with intellectual and psychosocial disabilities into hospitals and specially into treatment institutions run by traditional healers.

Freedom from Torture or cruel, inhuman or degrading treatment or punishment (Art. 15)

1. **Please provide information on any safeguards against practices of torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities including at the provincial level. Please provide specific information on any measures taken towards prohibition of treatment without free and informed consent, including any form of medical treatment as well as treatment by traditional healers, seclusion and the use of chemical and physical restraints for persons with disabilities, especially those with psychosocial and/or intellectual disabilities.**

Article (28) of the Public Health Act 2008 prohibits medical intervention without approval of the patient. Nevertheless, the same article has some exceptions which endorse taking permission from another person if that person is entitled by law to give such permission. And as we included in paragraph (13) of this report, some disability groups are deprived of legal capacity and due to non-recognition of that legal capacity, the guardian can give approval for conducting treatment and medical operations in behalf of the person with disability without his consent and even without his knowledge in some cases.

Guardians also sometimes force persons with disabilities to use traditional medications and medical interventions by traditional healers who are not licensed to practice medicine, and this happens a lot for persons with intellectual disabilities and for persons with psychosocial disabilities, for whom there is no special legal protection or measures taken to reduce such practices.

There is also no legal protection for persons with disabilities, most notably persons with intellectual disabilities and persons with psychosocial disabilities against practices of segregation’ and physically chaining them under the pretext of protecting them from harming themselves and protecting the others from them.

Proposed recommendations:

• Recommending to the State party taking legislative measures that would protect persons with disabilities against forced medical interventions specially by traditional healers, and uphold the principle of the free, prior and informed consent by the person concerned.

1. **Please elaborate on the measures to criminalize and prevent genital mutilation of women and girls in law and in practice in the entire country, and whether such measures include particular safeguards for women and girls with disabilities.**

The state has set up a national strategy for fighting Female Genital Mutilation-FGM, (2008-2018), and the state has exerted noteworthy efforts for raising awareness about FGM and its health risks, wherein an awareness raising communication campaign was organized (Salimah campaign), and the campaign contributed significantly to raising awareness. However, there are no legal provisions that would criminalize FGM and there are no punishments against perpetrators of it.

It is worth mentioning that the practice of FGM is still observed in society especially in rural areas.

As for women and girls with disabilities, they are more vulnerable to such practice, for reasons of that many families believe that subjecting their girls with disabilities, especially ones with intellectual disabilities to FGM would protect them against sexual assaults.

Freedom from exploitation, violence and abuse (art. 16)

1. **Please provide information on the prevalence and trends of different forms of violence against persons with disabilities, including violence applied to “cure” persons with intellectual and/or psychosocial disabilities, and on mechanisms to provide redress for persons with disabilities exposed to violence according to their sex and age. Please indicate the measures in place to fully criminalize the use of violence in all settings.**

In general, violence is criminalized under criminal law. However, for reasons of that legal capacity for some groups of persons with disabilities is not recognized, victims of violence among persons with disabilities face many challenges when it comes to reporting acts of violence they are subjected to, especially if such acts of violence are committed by family members or guardians.

In fact, persons with intellectual disabilities are more vulnerable to acts of systematic violence, wherein in many cases they are subjected to beating as a kind of treatment procedure against the backdrop of the prevalent belief that beating can contribute to treatment of mental health issues. Yet, the state has not taken any concrete action regarding such kind of practice.

What’s more, there are no support mechanisms in general for victims of violence and the same applies to victims with disabilities.

Proposed recommendations:

• Recommending to the state party to take the necessary measures including legal provisions to eliminate the phenomenon of violence against persons with disabilities for treatment purposes.

1. **Please elaborate on measures taken to protect women and girls with disabilities against violence, including sexual violence, ensure that this violence is criminalized and reported and ensure the access by persons with disabilities exposed to violence to accessible measures of redress and rehabilitation and adequately punish perpetrators, including in conflict affected regions.**

As mentioned in the previous paragraph, violence is generally outlawed including violence against women and sexual violence. However, there are many challenges to do with reporting the crime, especially sexual violence.

Some evidence indicates that women with psychosocial disabilities are subjected to sexual abuse and violence as well as rape and the same applies to children with disabilities and here many perpetrators of such acts have been prosecuted. However, many got away with their crimes for passivity of families of victims in attempts to keep such crimes undisclosed and avoid reporting them in fear of the social stigma associated with matters related to sexual issues. Not to mention the denial of legal capacity for some of the groups of persons with disabilities, something which would negatively impact access to justice for those groups, and as we mentioned before, justice agencies never accept and acknowledge statements by members belonging to such groups in many cases as suggested in paragraph (16) of this report.

Proposed recommendations:

• Recommending to the state party to set up mechanisms for supporting victims of violence and making the support services provided accessible for women with disabilities.

Protecting the Integrity of the Person (Art 17)

1. **Please clarify whether sterilization without the free and informed consent of women and girls with disabilities is explicitly prohibited.**

There are no legal provisions that clearly outlaw sterilization of women and girls with disability without their consent. As we suggested before in paragraph (19) of this report, while article (24) of the Public Health Act prohibits medical intervention without consent, the article still allows obtaining approval of the guardians of persons with disabilities deemed by the law to be lacking legal capacity. This apparently has enabled some families to subject female members with disabilities to sterilization. Such kind of practice is usually observed by families in fear of the social stigma in case their girls with mental disabilities get pregnant.

Proposed recommendations:

• Recommending to the state party to clearly outlaw the practice of sterilization of women and girls with disabilities without their free, prior and informed consent, including those currently deprived of their legal capacity, and making such practice punishable by law.

Living independently and being included in the community (Art 19)

1. **Please elaborate on the measures to build up community support services to ensure independent living in the community. Do persons with disabilities, who so require, have access to personal assistance and if so, based on which criteria?**

The state doesn’t provide persons with disabilities with the necessary social services thanks to which they will be able to live decent lives and in which they enjoy independence and feel included in their communities. This is basically due to lack of the suitable personal assistance services that would facilitate such thing.

Persons with disabilities rely mainly on the support they get from their families in terms of access to personal assistance services, something which results in that they become less independent and more reliant on other people.

Proposed recommendations:

• Recommending to the state party to introduce social service packages which include personal assistance services to facilitate the aspect of living independent lives.

Personal Mobility (Art 20)

1. **Please elaborate on efforts to provide all persons with disabilities with access to affordable assistive devices.**

There have been some endeavors made to facilitate access to assistive technologies and assistive devices for persons with disabilities at affordable prices. However, it must be noted that things are different in reality: assistive devices and prosthetic limps, hearing aids, visual aids and aids for persons with intellectual disabilities are very expensive and only few people with disabilities can afford them. It must also be noted that such devices and aids are not subsidized by the state.

As for personal mobility and freedom to move, transport companies are not obliged to make sure that their transport means are accessible and easy to use to facilitate movement of persons with disabilities.

Proposed recommendations:

* Recommending to the state party to take the necessary actions and measures that would facilitate access to assistive devices and aids for persons with disabilities at affordable prices.

Freedom of expression and opinion and access to information (Art 21)

1. **Please inform about policies and regulations to ensure access to information by persons with visual and hearing disabilities. Please also provide information on the legislative and policy efforts made towards providing access to information in accessible and usable formats, such as Braille, sign language and Easy Read formats.**

There is a lack of general policies or regulations necessary for making it obligatory to provide information in accessible format for persons with disabilities. The blind and the deaf find it difficult to have access to information available for the public in such accessible format as Braille or sign language.

Sudanese local TV channels including state run ones do not provide sign language interpretation service except for very short periods of time of their transmission. The state also doesn’t recognize Sudanese sign language as an official language.

It can be said that persons with disabilities in general rely on their own resources and support provided by organizations of civil society in terms of having access to information in accessible format.

Proposed recommendations:

* Recommending to the state party to recognize Sudanese sign language as an official language.

Respect for home and the family (Art 23)

1. **Please elaborate on measures taken to remove any legal obstacles to marriage and family foundation for persons with disabilities.**

Against the backdrop of that some of the groups of persons with disabilities are not recognized to be having legal capacity, the Family Affairs Act 1991 restricts marriage for persons with intellectual psychosocial disabilities, given that the law stipulates legal capacity as a prerequisite for completion of marriage, not to mention the tremendous social restrictions persons with disabilities face when it comes to marriage and things are even worse for women with disabilities. These restrictions are due to the social stigma and the negative attitude towards persons with disabilities. However, no measures have been taken by the state to remove such legal and social barriers.

Proposed recommendations:

* Recommending to the state party to take the necessary measures to remove the barriers and restrictions that bar marriage for persons with disabilities.

Education (Art 24)

1. Please indicate how the State party is working towards ensuring access to education for children with disabilities, with a view to implementing inclusive education, in law and in practice. Please provide information on the status of inclusive education in the National Education Strategy 2013 - 2016, and indicate whether a new strategy has been developed, and the progress of its implementation.

There is a lack of legislations or general inclination from the state to switch from segregated to inclusive education. The General Education Act does not guarantee access by children with disabilities to all stages of inclusive education. There is a lack of legal provisions that prohibits denial of inclusive education for children with disabilities. Furthermore, the law doesn’t consider denial of reasonable accommodations constitutes a form of discrimination on basis of disability, and this leads to that children with disabilities continue to get excluded from public schools. And for those who do not get excluded, support services are hardly there for them at the level of the general education system.

Availability of support services is restricted to students enrolled in segregated institutions of education.

In fact, education for persons with disabilities in Sudan is very poor and most of them get excluded from education on basis of their disabilities. The lack of legislations for protecting rights of students with disabilities to inclusive education apparently has led to prevalence of such kind of practice. And this has been because of social and physical barriers that bar their inclusion in mainstream schools against the backdrop of that they pump into prejudice and stigmatization along with stereotyping in addition to the lack of accessible physical environments and curriculums compounded by the lack of the necessary support services, not to mention the lack of accessible transportation and other similar barriers.

What’s more, teachers in mainstream schools never receive the necessary training to ensure that students with disabilities will get the same level of schooling on equal basis with their counterparts. And even if such training is provided, it tends to be very weak.

In the meantime, while there are no improvements towards inclusive educations, segregated schools and institutes also do not receive much of the necessary support. Pupils with intellectual disabilities for example in such institutions hardly have access to materials they can easily deal with, and the physical environments again in those schools are inaccessible.

At the level of schools for the deaf, teaching staffs vary in terms of level of sign language proficiency, and most of them lack the necessary training and qualification. What’s more, teaching aids tend to be weak and are not obtainable in most of those institutions. Not to mention that those institutions are small in numbers and restricted to limited geographical areas, namely they are based in the capital, Khartoum and other four cities.

Even though free education for pupils with disabilities is legally provided for, the principle of free education has not been observed for there are still schools that require from pupils with disabilities payment of tuition fees at the level of the basic school stage, most notably in schools for education of pupils with intellectual disabilities, which are in most of the cases established through popular grassroot efforts and which receive no financial support from the state. Hence attendance of those schools is basically at the pupils’ family’s expense.

Proposed recommendations:

* Recommending to the state party develop a clear plan towards an inclusive education system and to observe immediately a policy for non-exclusion for pupils with disabilities from regular education and holding anyone who does so accountable before the law. In addition to providing the necessary reasonable accommodations.
* Providing flexible curriculums and teaching and assessment methods that would take into account individual differences for students.

Health (Art 25)

1. **Please provide information on access to healthcare, including for persons with psychosocial and/or intellectual disabilities. Which specific services are in place for women and girls with disabilities in relation to access to sexual and reproductive health services and rights?**

Public health legislations do not protect persons with disabilities against discrimination in terms of access to health care services including reproductive health. Additionally, those legislations do not consider denial of reasonable accommodations to be a base for discrimination on basis of disability. For instance, there are barriers and obstacles which pregnant women with disabilities face when it comes to giving birth in public hospitals and there are no reasonable accommodations to overcome such barriers.

Another thing is that those legislations do not guarantee willful receipt of medical treatment for persons with psychosocial disabilities, wherein they may get forced to receive medical treatment against their will. And the approval required in such cases is given by their guardians. In this way, the principle of the prior, free and informed concerned of the person concerned is not at all respected.

There are no centers for disability-related early support provision and follow-up processes. And there are no legal guarantees that would prevent inappropriate medical interventions and use of growth enhancing drugs for children with disabilities, most notably when it comes to ones with psychosocial disabilities.

Prospects for inappropriate medical interventions are high due to that in hospitals there are no sign language interpretation services and other communication methods for the deaf, the blind and for ones with intellectual disabilities. And this is compounded by that medical staffs in general lack the necessary awareness about rights of persons with disabilities.

Persons with disabilities who have medical needs related to their impairments have no access to the health care services they need at affordable rates. And even availability of such health care services is restricted to limited geographical areas and sometimes the facilities and equipment required are not obtainable in Sudan. Besides, health care service providing points have no respect for rights of persons with disabilities, for instance there is a lack of accessibility facilities, e.g. (sign language; information in accessible format like braille and simple language, etc.).

Proposed recommendations:

* Recommending to the state party to provide facilitated early intervention and reproductive health services in remote areas and make sure that those services are obtainable for persons with disabilities.

Adoption of clear legislations and legal measures to make sure that assistive devices and aids are included in the health insurance services along with providing the necessary funds for implementation of that.

Habilitation and Rehabilitation (Art 26)

1. **With reference to paragraph 100 of the initial report, please elaborate on the achievements with regards to access to habilitation and rehabilitation for persons with disabilities.**

One of the major obstacles into which persons with disabilities pump is access to rehabilitation services. The state has no programs for provision of such services to enable them to live better lives. And there are no general standards at the national level for rehabilitation programs for persons with disabilities and which can be observed by the centers and institutions that provide diagnoses, guidance and rehabilitation services. Environments in those rehabilitation institutions are hardly developed and provided with advanced technologies.

And as it is always the case with rights of persons with disabilities, concentration of rehabilitation centers is restricted to limited geographical areas and remote areas are never covered. Not to mention the low quality of services provided in those centers along with the poor skills of cadre working in the field of rehabilitation for persons with disabilities.

Proposed recommendations:

* Recommending to the state party to have a clear plan that would ensure provision of habilitation and rehabilitation services for persons with disabilities.

Work and Employment (Art 27)

1. **With reference to paragraph 101 of the initial report, please inform about the measures to enforce Article 12 of the Constitution with regards to persons with disabilities being able to have access to all types of employment. Please provide statistics on the number of persons with disabilities – disaggregated by disability, sex, ethnicity, impairment, age and type of employment, – employed in the public and private sector.**

Public labor laws provide no protection for persons with disabilities against discrimination. Not to mention that the definition for discrimination included under the other laws doesn’t recognize denial of reasonable accommodations constitutes a base for discrimination on basis of disability. Hence persons with disabilities suffer from clear discrimination when it comes to employment. And even for those who get work, they are not provided with the reasonable accommodations that would allow them to perform their work properly. Information on the number of persons with disabilities who have been employed in the public and the private sectors is lacked.

The state has taken some positive measures to enhance employment prospects for persons with disabilities in the public sector. Article (24), paragraph (7) of the National Public Civil Service Act 2007 provides for that “government departments shall allocate not less than 2% of the employment opportunities for adsorption of persons with disabilities taking into consideration nature of the job and the nature of disability”, nevertheless these measures are not consistent with the UNCRPD as they include discrimination by setting the nature of the job and the nature of disability as condition for implementation of the employment quota. This apparently results in that some jobs are not included under the quota system.

Under the pretext of that the job is not suitable for the nature of disability, many government institutions refused to hire many persons with disabilities. For instance, in 2014 the Ministry of Justice excluded many persons with disabilities who applied for jobs of legal counsels and the ministry argued that it is not obliged or bound to implement the employment quota system. Additionally, practical implementation of this article would reinforce the stereotype associated with disability, namely that persons with disabilities are not fit to perform certain jobs. For example, most blind persons in Sudan are primarily employed with the ministry of education. And even though the employment quota system is deemed to be a tangible progress in its own right and thanks to which now persons with disabilities in a better position in terms of access to work opportunities, however this article requires adoption of special regulations for determining the standards for specifying the quota percentage and consulting with persons with disabilities in the stages of applying for jobs, interviews and the selection process.

Regarding the private sector, the Disability Act provided for encouragement of the private sector to hire persons with disabilities. However, the state hasn’t provided any packages of incentives for private companies. The state also failed to provide support for entrepreneurship projects for persons with disabilities and the disabled haven’t received any training on that aspect.

Proposed recommendations:

Recommending to the state party amendment of article (24/7) of the National Public Civil Service Act 2007 by removing the paragraphs “taking into consideration nature of the job and the nature of disability” which restricting the quota system under the law.

* Adoption of incentive packages for encouraging the private sector to hire persons with disabilities.

1. **With reference to paragraph 35 of the initial report, please elaborate on how labour legislation supports and promotes employment of women with disabilities.**

Labor laws do not provide for any special measures for promoting employment of women with disabilities and for protecting them against acts of discrimination and harassment at work. And despite the lack of accurate data and information about employment among women with disabilities, it is noticeable that they are more vulnerable to discrimination in terms of their right to work in comparison with men with disabilities and in comparison, with women with no disabilities. Not to mention that labor legislations and regulations won’t oblige business owners to provide reasonable accommodations for women with disabilities in their work places, including measures necessary for ensuring safety of pregnant workers with disabilities.

Adequate Standard of Living and social protection (Art 28)

1. **Please provide detailed information on the implementation and the resources allocated to the implementation of the provisions of Part II of the Persons with Disabilities Act of 2009 referred to in paragraph 111 of the initial report. Has the State party carried out any national study on the incidence and prevalence of poverty among persons with disabilities, and if so, what measures have been taken to implement the recommendations from this study?**

The state has not conducted any studies and surveys to identify poverty rates among persons with disabilities, however, it is noticeable that poverty is very common among this population.

The state provides some social security “incapacity” benefits to persons with disabilities under the poverty reduction packages and assistances for underprivileged families. Nevertheless, the benefits they get are inadequate and fall short of their basic needs and won’t let them live independent lives. What’s more, the provisions included under the Disability Act have not been allocated resources necessary for their implementation. And no plans, programs and timelines for their gradual implementation have been put in place.

Proposed recommendations:

* Recommending to the state party taking measures for covering extra costs incurred by disability.
* Recommending to the state party to take the necessary measures to increase social security benefits and expand their coverage for persons with disabilities to ensure that they can live independently.

Participation in political and public life (Art 29)

1. **Please inform the Committee about measures to make all voting procedures accessible, ensure the exercise of all political rights in law and in practice by persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities.**

General elections laws deny persons with intellectual and psychosocial disabilities the right to run for election and voting. Those laws set mental capacity as a prerequisite and a basis for the right to the practice of running for election and for voting. Not to mention that there are some legislations that bar persons with disabilities from holding some public posts. For instance, the law for indigenous admin system for the year 2014 in South Kordofan State setts physical and sensory fitness as a prerequisite for holding any of the indigenous admin posts.

Most voting centers are not accessible, however persons with disabilities can bring persons whom they personally select and trust to help them with completion of the voting process. What’s more, most of the election campaigns are not accessible for persons with disabilities especially for the blind and the deaf.

Proposed recommendations:

* Recommending to the state party to review all laws for organizing and regulating elections and holding public posts with the view to removing all the barriers that bar persons with disabilities from exercising their right to running for election, voting and holding public posts.

Participation in cultural life, recreation, leisure and sport (Art 30)

1. Please provide information on any progress towards the ratification of the Marrakesh Treaty to facilitate Access to published works for persons who are blind, visually impaired, or otherwise print disabled.

Sudan has signed the Marrakesh Treaty on June 28 2013.[[1]](#footnote-2) However, while slow steps have been allegedly taken to deposit the instrument of ratification to the relevant agencies with the view to completing the ratification process, this process has now taken five years ever since the signature and Sudan has still not formally ratified nor accessed the Treaty.

Proposed recommendations:

• Recommending to the state party speeding up procedures for ratification of the Marrakesh Convention.

C. Specific obligations (arts. 31-33)

Statistics and Data Collection (Art 31)

1. **What efforts have been undertaken by the State party in light of the upcoming national housing and population census 2018 to ensure availability of data on the situation of persons with disabilities disaggregated by sex, age, ethnicity and disability? Please inform about measures adopted to include the Washington Group Short Set of Questions on Disability in the upcoming census.**

The National Disability Council now has representation in the higher technical committee put in charge of overseeing the Census to be held in 2018, and the council has put forward a proposal to include the Washington Group Short Set of Disability Questions in the census form.

However, the council suggested inclusion of an additional question on the cause of disability in the form, something which is more likely to negatively impact the census results. Directly asking about the cause of disability may cause the respondent to feel stigmatized, and this apparently clashes with the objectives of the Washington Disability Statistics Group.

Proposed recommendations:

• Recommending to the state party to include the Washington Group Short Set of Disability Questions in the Census to be held in 2018 and to exclude questions on the cause of disability.

International Cooperation (Art 32)

1. Please inform about any mechanisms to consult and involve Sudanese organisations of persons with disabilities in the design and implementation of international cooperation projects and programmes. Please inform on the extent to which Sustainable Development Goals are being implemented in the State party with respect to persons with disabilities.

Some of the international development agencies operating in Sudan provide funding and assistance for projects and programs aimed at promoting rights of persons with disabilities. However, those agencies do that out of their own good will, whilst there are no any legislations or policies or mechanisms that would oblige those agencies to make their programs inclusive of disability issues along with obliging them to involve persons with disabilities in the process of designing and executing such programs.

The National Population Council presides over implementation of the Sustainable Development Goals in Sudan. However, it has so far failed to include disability issues as part of their work at the level of the development goals implementation process. Hence, there is a lack of data and information necessary for identifying to what extent the sustainable development goals are being fulfilled in Sudan with regard to disability issues.

Proposed recommendations:

• Recommending to the state party to lay down a clear strategy to ensure that persons with disabilities will be involved and that they will benefit from programs of international cooperation.

• Obliging the National Population Council to include disability issues as part of its activities and work on the aspect of implementing the sustainable development goals.

National Implementation and monitoring (Art 33)

1. **With reference to paragraph 16 of the initial report, please elaborate on coordination between the mechanisms in charge of implementing the rights of persons with disabilities. With reference to paragraph 128 of the initial report, please provide additional information on the National Council for Disabilities and the resources allocated to it.**

The State has established a Disability Council at the national level and similar ones at the federal states level with the view to implementing the UNCRPD, nevertheless those councils lack the necessary technical cadres with the necessary technical expertise on how the UNCRPD can be implemented. In addition to poor financial resources allocated combined with the lack of admin structures for most of the councils in the states. It must also be noted that there are no councils at the local governance levels in most of the localities; not to mention that there is no clear coordination mechanisms between those councils and the other government departments expected to implement some of the rights of persons with disabilities, e.g. the department of Special Needs at the Ministry of Education, wherein there are no regulations for organizing coordination and managing crosscutting issues between those departments and those councils.

Proposed recommendations:

Recommending to the State party to complete admin structures for the disability councils at all levels of governance and providing the necessary financial resources and the necessary technical cadre to ensure that those council would perform their role effectively.

1. **With reference to the Committee’s Guidelines on Independent Monitoring Frameworks and their participation in the work of the Committee (2016), please provide information on measures adopted to ensure that the monitoring mechanism is independent and in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).**

The State has commissioned the National Human Rights Commission to function as the body required to monitor and check on implementation of the human rights instruments. And it must also be noted that there are sections within the National Human Rights Commission assigned to monitoring specific human rights pacts, **yet there is no one specially assigned to monitoring the UNCRPD**. What’s more, there is no concrete action by the commission for monitoring human rights violations inflicted on persons with disabilities. Another thing is that organizations of civil society and organizations of persons with disabilities specifically have not been involved in the process of monitoring implementation of the UNCRPD and have received no training on this aspect.

According to Article (6) of the National Human Rights Commission Act 2009, formation of the commission is the responsibility of the President of the Republic after consultation with his presidential work team. Additionally, Article (15) of the same law, gives president of the republic the powers to determine financial provisions for members of the commission. These two things apparently jeopardize independence of the commission, wherein the executive authority has an upper hand over members of the commission in terms of their selection and determining their financial provisions.

Proposed recommendations:

• Amending the National Human Rights Commission Act 2009, Articles (6 and 15) with the view to ensuring independence of the commission.

• Acting upon increasing effectiveness of the commission with regard to monitoring implementation of the UNCRPD and involvement of the disability organizations in the monitoring process and training them on that.

**ANNEX.**

National disability organizations involved in preparation of the report include:

* ADD International Sudan Programme, is a branch of ADD International which is a disability rights organsation with 30 years of experience in supporting disability activist groups in Africa and Asia to bring social change, [www.add.org.uk/sudan](http://www.add.org.uk/sudan)
* Working as an ally of the global disability movement, we tackle discrimination to ensure every disabled person gets a fighting chance at living their best life.
* The Sudanese National Union of the Disabled is a national body for persons with physical disability in the country. It has branches in 18 of the country’s states and it endeavors to promote rights of persons with physical disability as well as it promotes independent living for this population in a society which is human rights conscious and free of barriers.
* The Cross Disability Federation, Blue Nile State: It is a cross-disability federation which comprises 4 associations representing the four disability categories (physical, visual, hearing and mental), in addition to the Association for Women with Disabilities. The Federation strives to integrate the disabled into society and help them get all their rights.
* Sudan Autism Organization: An organization that works to provide rehabilitation services for people with autism through inclusive education and through vocational rehabilitation so that they would be ready for the job market.
* The Association of Women with Disabilities, Blue Nile State: is a voluntary organization established for the purpose of providing welfare services for women with disabilities in the state. It endeavors to strike partnerships with all relevant organizations and institutions.
* The Cross Disability Federation, South Kordofan State: It is a cross-disability organization which functions as an umbrella organization for all the disability groups in South Kordofan State. It comprises 21 sub-organizations and associations working in the field of disability.
* Association for Development of Women with Disabilities, South Kordofan State: the association seeks to promote rights of women with disabilities in South Kordofan State and it endeavors to promote their integration into society.
* Association for Women with Disabilities, Gedaref State: A voluntary organization, which comprises all women with disabilities of all categories (physical - hearing - visual - mental). The association also aims to empower women with disabilities and promote their human rights.
* Usratana Society for Children with Disabilities: It is an organization for the rehabilitation of children with disabilities. It works in the field of vocational training for children and youth with disabilities and has established a kindergarten with inclusive education. The organization also provides such services as rehabilitation, physiotherapy and speech therapy.
* Cripple Defiant Organization: A voluntary, non-profit organization. It works to promote human rights for persons with physical disabilities. It also promotes awareness about rights of persons with disabilities in general through publicity and awareness raising campaigns.

1. See http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty\_id=843 [↑](#footnote-ref-2)