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Employment of People with Disabilities: The Impact of Legislation (East Africa)

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Skills, Knowledge and Employability
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1. Introduction

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983). Policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Some countries in Africa have made progress in introducing disability-related legislation, but many of these laws have not yet been implemented. In other African countries, existing national laws need to be reviewed in order to achieve equalization of opportunities for persons with disabilities. Improving legislation and implementation strategies has been identified as one of the main issues to be tackled in the African Decade of Disabled Persons 1999-2009.

The effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation or anti-discrimination legislation – is central, not only in terms of the economic rights of disabled people, but also their broader social and political rights, which are closely linked to economic empowerment.

The country study for Sudan is part of the ILO project '*Employment of People with Disabilities – the Impact of Legislation*', funded by the Government of Ireland, which aims to enhance the capacity of national governments in selected countries of East Africa and Asia to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in the selected countries of each region,¹ the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

This country study outlines the main provisions of the laws in place in Sudan concerning the employment of people with disabilities. An initial review of the implementation of the legislation is also provided, based on a survey of documentary sources and feedback from delegates from the Sudan to a Technical Consultation held in Addis Ababa, 20-22 May 2002. It may be read in conjunction with the regional overview for this Consultation *Employment of People with Disabilities - The Impact of Legislation (East Africa), Technical Consultation Report, Addis Ababa, 20-22 May 2002, ILO 2002.*

¹ East Africa: Ethiopia, Kenya, Mauritius, Sudan, Sudan, Uganda and United Republic of Tanzania; and Asia and the Pacific: Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand.

2. Context

Located between Egypt and Eritrea and bordering the Red Sea, Sudan is the largest country in Africa, with more than 300 tribes. The country is divided into 26 states. The main religion is Islam (60 per cent of the population), while Arabic is the official language. In the dry north and west, most people are pastoralists and often live a nomadic lifestyle. In the south, where rainfall is sufficient, more people are settled farmers. Sudan was ruled as an Anglo-Egyptian condominium from 1889 to 1956, when it gained independence and became a parliamentary republic. By that time, Sudan had been torn by civil war between the north and the south. The war ended in 1972 with an accord ensuring southerners more economic and political autonomy. Eleven years of peace followed. In 1983, however, hostilities recommenced. Since that date, the war and its related effects have led to more than 2 million deaths and more than 4 million people have been displaced. Peace talks with the signing of several accords, including a cease-fire agreement took place in 2002.

With an estimated population of 36,080,373 in 2001, Sudan is ranked 138 out of 162 on the 2001 UNDP Human Development Index (HDI). The four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 54.2 years for men and 57.0 for women;
- Educational attainment, measured as the gross enrolment ratio, was 36 per cent among boys and 31 per cent among girls; and
- The standard of living, measured as per capita GDP, was US\$664 in 1999;
- The adult literacy rate was 56.9 per cent with a higher rate recorded for men (68.9 per cent) than women (44.9 per cent).

In 1998, the labour force participation rate for women was 33 per cent and significantly higher for men, at 86 per cent.² The service sector yielded 42.6 per cent of total GDP, with 39.3 per cent coming from the agricultural sector and 18.2 per cent from the industrial sector.³ In 1996, the majority of the labour force was employed in agriculture (62 per cent), a quarter was employed in services and the remaining tenth worked in industry.⁴

2.1 People with disabilities

In Sudan, some statistics on the population of people with disabilities are available. According to the Population Census of Sudan 1993,⁵ there were about 406,600 disabled persons in Sudan (1.6 per cent of the population) in 1993. It is generally agreed that these figures do not give an accurate picture of the actual prevalence rate, which is assumed to be higher.

² The World's Women 2000: Trends and Statistics

³ Human Development Report, 2001

⁴ African Development Report 2000, African Development Bank

⁵ United Nations Statistics Division, Disability Statistics: esa.un.org/unsd/disability

3. Legislative framework

Sudan has enacted two specific instruments in favour of disabled persons: the Act on Welfare and Rehabilitation of Disabled Persons, 1984 and a Law Concerning the Privilege of War Disabled, 1998. A disability provision is also included in the 1998 Constitution of the Republic of Sudan,⁶ while the 1992 General Education Act provides for equal opportunity in education for people with disabilities.

In Sudan, a disabled person is defined as '*...a person who is permanently unable due to physical or motional or visual or hearing defect to perform action done by healthy persons of their age*'.

3.1 The Act on the Welfare and Rehabilitation of Disabled Persons 1984

Article 12 of the Act on the Welfare and Rehabilitation of Disabled Persons of 1984 provides for the establishment of a fund for the welfare and rehabilitation of disabled persons to finance the activities undertaken in this field. It also provides for the setting up of a National Council to lay down general policy for the welfare of disabled persons and supervise regional councils in Sudan.

The Act makes provision for measures to promote employment for disabled persons. Specifically it states that, on the basis of a recommendation from the National Council for the Welfare and Rehabilitation of Disabled Persons, once this body has been established, disabled persons may benefit from fiscal exemption measures when purchasing equipment for their work, as well as exemption from income tax. In addition, the Act provides for financial benefits and facilities in such fields as education, hobbies, communications and medicaments.

The General Secretariat of the National Council for Welfare and Rehabilitation of Disabled Persons provided for in the Act on Welfare and Rehabilitation 1984 has not yet been established. Regional Councils have not been established either as provided for in law.

The 1984 Act delegates authority to the Ministers' Council to lay down regulations on the employment of persons with disabilities.

3.1.1 Disability Regulations

The following bylaws have been approved by the Ministers' Council:

- Regulations governing the special exemptions and facilities accorded to disabled persons of 1991
- Regulations for establishing and organizing centres for the rehabilitation of disabled persons 1991
- Regulations concerning the fund of disabled persons' welfare and rehabilitation of 1991
- Regulations concerning the organization of the National Council of Disabled Persons.

⁶ Other acts which concern disabled persons: (i) the Act of Associations' Registration of 1957 by virtue of which all cultural and social associations, including disabled persons' associations, are registered; (ii) the Act of Sportive and Youth Organization of 1990 which provides under Article 12 that a sportive federation for disabled persons shall be constituted by virtue of a decree issued by the Youth and Sport Minister in order to allow them to exercise the different sportive disciplines; (iii) the Act of the National Council for Literature and Arts Welfare of 1977 which regulates cultural and literary activities for all, including disabled persons.

3.2 Constitution of the Republic of Sudan 1998

Article 11 of the 1998 Constitution of the Republic of Sudan lays down general principles of justice and social solidarity, including specific mention of people 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'.

3.3 Labour Act 1997

Article 3 of Labour Act 1997 states that: *'every person desiring recruitment and capable to work is entitled to get registered for this purpose'*. While people with disabilities are not mentioned specifically in this provision, the Labour Act could be interpreted as implicitly including them.

3.4 Law concerning Privileges of War Disabled, 1998

Sudan is reported to have passed a Law of Privileges of War in 1998 concerning persons with disabilities, but no further details could be obtained in the review of literature for this country study.

3.5 International commitments

Sudan refers to institutional difficulties as the reason for not having ratified ILO Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) No. 159 (1983).⁷

⁷ International Labour Conference, Vocational Rehabilitation and Employment of Disabled Persons, ILO, 1998.

4. Implementation

4.1 Institutional framework

4.1.1 Ministry of Social Planning

The Ministry of Social Planning is responsible for matters concerning people with disabilities, reflected in its objectives and policies in the framework of a national comprehensive strategy, as well as in the 'Rehabilitation and Integration of Special Categories in Society Programme 1992-2000'. It collaborates with the Ministry of Education in formulating activities for persons with disabilities.

4.2 Policy and programmes

Recently, Sudan opted for institutional arrangements to promote social integration of disabled persons. The Government has established an Office on Disability - most probably under the Ministry of Social Planning, also this could not be confirmed - and organized a forum on disability, with participants from governmental and non-governmental organizations and the private sector.

A Community-Based Rehabilitation programme (CBR) for persons with physical disabilities started in 1991, in cooperation with the UNDP and the ILO. In the first stage, it covered six states in Sudan. In early 1996, the community-based rehabilitation programme was initiated for persons with all types of disability. The purpose of the CBR programme in Sudan is to develop effective measures for the rehabilitation of people with disabilities, to achieve the goal of full participation and equality, and to make full use of local potential in the area of vocational rehabilitation in terms of training and employment.

The Government of Sudan has established a Production Plant for people with disabilities, with the assistance of the Islamic Rehabilitation Agency, UNDP. It aims to provide employment for qualified disabled persons in a number of trades.

Recently, the Government of Sudan has put forward resolutions for:

- Exemption of disabled persons from all study fees;
- Conducting of a comprehensive survey of all persons with disabilities and of elderly persons in Sudan, in collaboration with the Islamic World Council on Disability and Rehabilitation;
- Establishment of a city called Alamal in Khartoum, to be equipped by the most advanced instruments for the care and rehabilitation of disabled persons, and;
- A review of current disability rules in Sudan.

After effective lobbying by disabled people's organizations, the Government decided that all children with disabilities would be entitled to free education from 2002. In Sudan, there are various special institutions catering to persons with disabilities. Education in these institutions has been supported by public efforts and voluntary organizations, and is encouraged by the government. The curriculum is geared to the needs and abilities of children with disabilities. It aims to integrate disabled persons into the society and to

provide them with the necessary skills. In 1994, the total enrolment stood at 976 students in 7 institutions with 110 teachers.⁸

The available information did not cover guidance services, vocational training or job placement.

4.3 Consultative mechanisms

In the sources consulted for this overview, there was no indication that consultations took place with the social partners or organizations of people with disabilities in drafting legislation concerning people with disabilities.

4.4 Enforcement

As already indicated, the institutional framework called for in the 1984 Act on the Welfare and Rehabilitation of Disabled Persons appears not yet to have been established and the Act is not being enforced.

4.5 Associations/institutions providing training to disabled persons

4.5.1 *People with visual disability*

Rejaf Education Centre for the Blind, Al-Nour Institute, the Project for the Rehabilitation of Blind People and Sudanese National Association of the Blind provide training for persons with disabilities in Sudan. In the preparation of this report, no further information was found on these agencies.

Al-Nour Institute provides basic education to people with visual disability. When vocational training is required before the continuation of education, the person concerned is directed towards the national training project for blind people run by the National Union for the Training of the Blind (an association working for the training of visually impaired people), or the Pilot Institute for the Training of Disabled Persons.

The Pilot Institute provides training, education and vocational apprenticeship, supplemented by courses in private workshops or in industries and also helps trainees to find jobs after training.

The Project for the Rehabilitation of Blind People provides training to blind people on areas such as handicrafts, poultry raising, Braille writing, movement and guidance.

4.5.2 *People with hearing disability*

The associations providing vocational rehabilitation and training programmes for persons with hearing disability in Sudan include: the Sudanese Association for the Welfare of the Deaf and Dumb (Al-Amal Institute for the Education of the Deaf and Dumb), Sudanese National Society for the Deaf and the Al-Salmaby Institute for Deaf and Dumb Children.

⁸ Sudan's report to the International Conference on Education, Ministry of General Education, 1996.

The Al-Salmaby Institute was established in 1978 and began its activities in 1980. It provides primary level education for deaf and dumb children. These children are then enrolled in the Institute for the Vocational Training of Disabled Persons, if they wish.

No detailed information was found on the Sudanese Association for the Welfare of the Deaf and Dumb or the Sudanese National Society for the Deaf, in the preparation of this country profile.

4.5.3 Persons with physical disability

The Sudanese Association for the Welfare and Training of Physically Disabled Persons provides training for persons with physical disabilities.

4.5.4 Persons with mental disability

The Wide Prospective Institute in Atbara provides education and rehabilitation to persons with intellectual disability.

The Sakhena Institute for the Rehabilitation of Persons with Mental Disabilities located in Omdurman provides medical, educational and rehabilitation services to persons with intellectual disability

4.5.5 Other organizations

The following organizations also provide services for persons with disabilities:

- The South Sudan Disabled Persons Association (SSDPA); and,
- The Model Institute for Vocational Training for People with Disabilities.

5. Concluding comment

Measures to guarantee the right of people with disabilities to compete for jobs on an equal basis with other workers are provided for in Sudan through the Act of 1984 on the Welfare and Rehabilitation of Disabled Persons that established a fund for the welfare and rehabilitation of disabled persons. The General Secretariat of the National Council for Welfare and Rehabilitation of Disabled Persons, provided for in the 1984 Act, has not yet been established, however, nor have financial resources been allocated to implement the Act.

Sudanese legislation concerning persons with disabilities is primarily welfare-oriented, referring more to the obligation of the State to support disabled persons through State provisions, than to the promotion of employment opportunities.

A firm policy commitment is required on the part of the Government before the training and employment prospects of Sudanese disabled persons can improve.