

In the Name of Allah, the Gracious, the Merciful

The Persons with Disability National Act, 2017

Be it hereby approved, by the National Assembly, and assented to ,
by the President of the Republic, in accordance with the provisions of
the Interim National Constitution of the Republic of the Sudan, 2005 the
following Act :-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the " Persons with Disability National Act, 2017", and shall come into force, as of the date of signature.

Repeal and saving

2. There shall be repealed the "Persons with Disability Act," 2009, and the regulations, orders and procedure made thereunder, shall remain in force, until amended or revoked under to the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires:-
"Competent minister", means the minister appointed by the President of the Republic;
"Person with disability", means any person who was born or sustained deficiency partially or totally affected his physical, mental or sensory capacity permanently that may completely prevent him from dealing with various barriers;

"Organizations of persons with disability",	mean associations of persons with characterized disability and other disability institutions registered in accordance with the provisions of the law governing the same, such as an institute, center, organization, association, society, leagues or entity working on the right of persons with disability, protecting or rehabilitating the same academically, professionally, culturally, socially, psychologically or healthily;
"Council",	means the National Council for Persons with Disability established under the provisions of section 5;
"Chairman",	means the chairman of the National council for Persons with Disability appointed under the provisions of section 6;
"Secretary General",	means the Secretary General of the Council, appointed under the provisions of section 11;
"General Secretariat",	means the General Secretariat of the Council established under the provisions of the Section 10(1);
"Authorities having connection",	mean the ministries, governmental bodies and units, civil society organizations and private sector units related to organizations of persons with disability;

- "Habilitation and rehabilitation",** mean multi-component programs and services aimed at enabling persons with disabilities to achieve and restore their physical, mental, psychological, professional, social or economical capabilities to the highest possible level;
- "Inclusion",** means the measures, programs, plans and policies aimed at securing a full participation of the person with disability in community and the effective engagement in various aspects of life thereof;
- "Means of facilitation",** means every means that helps the persons with disability to practice their lives on an equal footing with others, and this is to include all technical, compensatory, electronic, electrical, mechanical equipment, the vehicles and organizations thereof, in accordance with the disclosure determined by the Council with the authorities having connection;
- "Protection",** means the necessary measures for reducing and preventing the occurrence of disability;
- " Fund",** means the fund established to implement the programs of persons with disability in accordance with section 8 (2);

"Discrimination on basis of disability";

Means discrimination, exclusion or restriction on basis of disability which its purpose or effect is to weaken or frustrate the recognition, enjoyment or equal exercise of all human rights and fundamental freedoms, equally with others in civil, political, economic, social and cultural rights.

Chapter II

Rights, privileges, facilities and exemptions of persons with disability and the implementation thereof

4. The persons with disability shall have the rights, privileges, facilities and exemptions in accordance with the international treaties and conventions ratified by the Sudan, and all the State organs shall be committed to implement the same, and without prejudice, to the generality thereof, they shall have their rights, privileges, facilities and exemptions as following:-
 - (a) an education without discrimination by course or scientific disciplines to match with the type of disability in order to achieve the purposes of integration;
 - (b) rehabilitating and developing the capabilities of persons with severe, or double disability as the interest requires thereof, through establishment private institutions;
 - (c) learning Braille method, sign language and other forms of non-verbal languages, alternative writing types, technical aids and necessary teaching techniques;
 - (d) integrating students of persons with disability, with their peers of persons with non-disability, in different educational areas and implement the same through public, higher education, scientific research, vocational training institutes and centers,

adult education and life through education, by adopting the allocated programs thereat;

- (e) preserving the rights of persons with disability in recruitment at various State organs and private sector, including the productive and cooperative projects, self-employment and employment of graduates in poverty alleviation programs and such others;
- (f) training persons with disability in coordination with technical and technological training institutes and centers by determining the ratio thereof;
- (g) enabling the environment of educational institutions and facilitate the access thereto;
- (h) motivating the outstanding persons with disability in all fields and not to exclude any qualified person because of his disability from joining any profession that suits him;
- (i) rehabilitating the worker who sustained disability at work and transfer him to a job that matches his abilities and capabilities according to the conditions of his disability and in accordance with the provisions of the regulations;
- (j) enabling children and women with disabilities by providing them with programs and schemes in the policies of bodies having connection with;
- (k) conducting early check on children with disabilities and pregnant women to reduce the disability rate and its effects, and preventing the occurrence of further disability;
- (l) providing reasonable means of facilitation which the situation of persons with different disabilities at workplace;
- (m) introducing the persons with disability under the umbrella of health insurance and introducing the private health and therapeutic services of mobility, audio, visual and mental disability in the health insurance umbrella;
- (n) introducing the persons with disability who are totally unable to earn in the umbrella of social security and protection programs;

- (o) providing quality community health awareness aimed at combating bad habits and practices which cause the disability, or increase the same, specially there programs related to marriage of relatives, pregnant women and newborn children;**
- (p) for media, to allocate special spaces for persons with disability, and to work on documenting their activities; in the various seen, heard and read means thereof; and to use sign language, accompanied by sound to be written on the screen, in all the programs if possible;**
- (q) allocating special places for persons with disability at sport centers and other cultural, sports and touristic activities; and to specify special parking areas for their vehicles in public facilities;**
- (r) taking the necessary measures to facilitate the access of persons with disability to buildings, roads, transport means and other facilities;**
- (s) providing means of facilities in the engineering designs of buildings that enable persons with disability to access electronic services and to use renewable technological information;**
- (t) providing medical mobility, auditory, visual and mental prosthetic devices and encourage private sector to provide and localize such aids;**
- (u) determining a percentage of the lands of public housing plan and popular housing for persons with disability to compete thereon;**
- (v) introducing traffic signs and special parking areas for persons with disability as part of driving license test for the drivers, and to put signboards in sign language to enable them of understanding the requirements;**

- (w) the Government shall bear all tuition fees of public education and at university levels for persons with disabilities and their children in case of financial hardship;
- (x) exempting medical and electronic prosthetic devices and labour, mobility and educational aids pertaining to persons with disabilities from taxes, other fees and customs duties upon the approval of the Minister of Finance and Economic Planning;
- (y) exempting national industries pertaining to means of facilitation facilities from all production duties and any taxes or other fees imposed thereon; thereupon the recommendation of the council.

Chapter III

Establishment of the Council

Establishment of the Council and the Supervision thereof

- 5.(1) There shall be established a council, to be known as the, "National Council for Persons with Disability", having a corporate personality, common seal and the right to litigate, in common its own name.
- (2) The head quarters, of the Council shall be in the national capital and it may establish branches in all states of the Sudan.
- (3) Term of office of the Council shall be four years.
- (4) The Council shall be under the supervision of the President of the Republic or whoever he delegates.

constitution of the Council

6. The Council, upon recommendation of the competent Minister, shall be constituted by an order of the council of Ministers, of a chairman and a number of members of Minister of the Ministries having connection, a number of persons with disability, not less than 50% of the total number of members, persons

concerned in the disability and the civil society organizations; and the secretary general shall be a member and rapporteur.

Objectives of the Council

7. The Council shall aim to achieve the following the :

- (a) Integration of persons with disability in the society and enabling them to show their abilities in a manner that ensure their effective participation in all activities of the society;
- (b) promotion of respect, dignity, abilities and contributions of persons with disability in addition combating the stereotyped behaviours towards persons with disabilities, discrimination, bias and bad practices.

Competencies and Powers of the Council

8.(1) In order for the council to achieve their objectives, they shall have the competencies and powers, to:-

- (a) layout the policies and plans, approval of the programmes pertaining to person with disability at the national level, in coordination with the bodies having connection;
- (b) follow up the implementation of rights, privileges, facilities and exemptions of the persons with disability, provided for in this Act, any other act and the agreements which the Sudan ratified with the bodies having connection ;
- (c) approve the annual budget of the Council and raise it to competent authorities for the endorsement thereof ;
- (d) supervise the General Secretariat;
- (e) refer the violations of the bodies having connection relevant to the implementation of the provisions of this Act, to the council of Ministers, to decide what it may deem appropriate;
- (f) endorse the organizational and functional structure of the General Secretariat staff and raise it to the competent authorities for approval;

- (g) approve the organizational structure of the General Secretariat staff and endorse the staff appointment in accordance with the provisions of the Civil Service Act and the regulations organizing the same;**
 - (h) Supervise the organizations of persons with disability;**
 - (i) form permanent and ad hoc committees to help in the performance of the Council;**
 - (j) lay out foundations and safe guards that regulate disposal of Fund money, in a manner that achieve objectives of the Council and the activities and the programmes of the persons with disability;**
 - (k) own, fixed and movable assets and the, disposal of the same, in accordance with the adopted financial and accountancy rules;**
 - (l) sign contracts and agreements that achieve the objectives thereof;**
 - (m) supervise implementation of regional and international agreements pertaining to persons with disability ratified by the Sudan;**
 - (n) raise public awareness of issues of persons with disability and initiate the means for achieving the same, in coordination with the bodies having connection;**
 - (o) prepare and present initiatives pertaining to the persons with disability;**
 - (p) endeavour to find solutions for issues facing the persons with disability;**
 - (q) issue of internal regulations that organize the work and meetings thereof; ;**
 - (r) require the bodies having connection, to coordinate with the Council for establish institutions of persons with disability according to relevant laws and regulations regulating the same.**
- (2) The Council may:**
- (a) establish a fund regarding the programs and issues of persons with disability;**

- (b) delegate any of its powers to the chairman, the Secretary General, any of the members thereof or form a committee according to the conditions and safeguards specified by the Council.

Council Meetings

- 9.(1) The Council shall annually convene at least three times; and the chairman may call them for an emergent meeting, upon request by one third of the members.
- (2) The Quorum for the council meetings shall be constituted by the attendance of the majority of members; provided that where the quorum is not constituted, the meeting shall be adjourned for a term not exceeding one week, and the quorum for the adjourned meeting shall be constituted by the attendance of one-third of the members.
- (3) Decisions of the Council shall be passed by the majority of members present; and in case of equality of votes, the chairman shall have a casting vote.

Chapter IV

General Secretariat

Establishment, formation and supervision

of the General Secretariat

- 10.(1) A General Secretariat shall be established headed by a Secretary General, to run the executive, administrative and financial business of the Council;
- (2) The General Secretariat shall be formed of a number of administrations, according to the approved organizational structure.

Appointment of the Secretary General

11. The Secretary General shall be appointed by a decision of the Council of Ministers, upon a recommendation of the competent minister; and the decision shall specify the remunerations and privileges thereof.

Functions and Powers of the Secretary General

12. The Secretary General shall be the chief executive, administrative and financial official of the General Secretariat; and without prejudice to the generality of the forgoing, the Secretary General shall have the following functions and powers, to:-
 - (a) follow up the implantation of decisions issued by the Council;
 - (b) prepare of the Council meetings;
 - (c) prepare the proposals of the annual budget, raise the same to the Council and follow up the implementation and performance thereof;
 - (d) prepare the proposal of the organizational and functional structure of the General Secretariat and raise the same to the Council;
 - (e) follow up the works of the committees established by the Council;
 - (f) coordinate with the bodies having connection, to implement the rights of persons with disability and serve their issues;
 - (g) sign, on behalf of the Council, the contracts and agreements made thereby;
 - (h) represent the Council, upon the consent thereof, before all the Sudan internal and external bodies and speaking on its behalf;
 - (i) prepare the Sudan periodical reports of persons with disability to the regional and international organizations, in coordination with the bodies having connection and raise the same to the Council;

- (j) prepare reports on the administrative and financial performance of the General Secretariat and raise the same to the Council;
- (k) issue the disability certificate;
- (l) to any other tasks assigned by the Council.

Chapter V

Financial Provisions

Financial Resources of the Council

13. The Council financial resources shall consist of the following:-
- (a) such appropriations as may be allocated thereto by the State;
 - (b) donations grants and subsidies accepted by the Council.

Annual Budget

- 14.(1) The Council shall have an independent annual budget to be prepared according to the standards adopted by the State;
- (2) The Secretary General shall prepare the annual budget for the Council, for approval and submit the same to the competent authorities.

Accounts and Book Keeping

- 15.(1) The Council shall keep accurate and satisfying accounts of the work thereof, according to the sound accountancy basis;
- (2) Monies of the Council shall be deposited in current or investment bank accounts; providing that dealings in such accounts shall be accordance to the basis and controls of the Financial and Accounting Procedures Act, 2007.

Auditing

16. The National Audit Chambers, or whoever has been authorized to audit Council accounts by the end of every financial year; shall submit his report along with the final report, and the annual

budget to the Council, for endorsement and submit the same to the competent authorities.

Chapter VI

General Provisions

Disability Certificate

17. The Secretary General shall issue a disability certificate to the person with disability according to the percentage of disability determined by the Medical Commission in accordance with the provisions of the Medical Commission Act, 2008.

The Disability Certificate

- 18.(1) Every person with disability shall have a Disability Certificate, to be considered an official document before the competent authorities.
- (2) The regulations shall specify ways of issuance of Disability Certificate of each category of persons with disability based on the disability certificate.

Crimes and penalties

- 19.(1) There shall be deemed to commit a crime, whoever uses or exploits a person as if he is of disability or claims the same and obtains an exemption, concession or privilege in accordance with the provisions of this Act, any other Act or the regulations made thereunder; and shall be punished with imprisonment, for a term, not exceeding two years, or with fine to be determined by the court or with both; the court may award compensation or the benefit recovery, which he obtained in favor of the fund.
- (2) Any of the organizations of the persons with disability, any other organization or other bodies that exploit any of the persons with disability, their conditions or gaining profit from them, shall be deemed to have committed a crime and shall be punished with

imprisonment for a period not exceeding three years, or with fine to be determined by the court or with both.

Power to make regulations

The Council, upon the approval of the competent Minister may make such regulations as may be necessary for the implementation of the provisions of this Act.

Certification

I, hereby certify, that the National Assembly has approved in its (41) session of the forth cycle on 12 Rabee Althani, 1438 AH, being the 10 of January 2017, "the Persons with Disabilities Act, 2017" and the Joint Standing Committee of the Council at its (13) meeting on 3rd. Jamadi alawal 1438, A.H. being the 1st. of February, 2017 has also decided that this Act does not affect the interests of the states.

Signed by:-

**Ibrahim Ahmed Omer,
The speaker of the National Assembly,
Chairperson of Joint Standing Committee**

**Approved by: -
Marshal, Omer Hassan Ahmed Al-Bashir,
The President of the Republic
Date: 17/5/1438 AH, Being 24/02/2017**

Signed and Sealed