

Tipsheet



Disability Inclusive Safeguarding for CSOs in South Sudan

This tip sheet highlights some key tips for non-government organisations (NGOs) and civil society organisations (CSOs) in South Sudan on how they can ensure that their organisational safeguarding measures are disability-inclusive. This tip sheet focuses on disability-inclusive, safe programming. This tip sheet does not discuss disability-inclusive safeguarding in the workplace. This tip sheet was informed by consultations with NGOs who are working with persons with disabilities in South Sudan.

Background: Disability in South Sudan

In South Sudan, persons with a disability are estimated to be approximately 5.1% of the total population according to the 2008 national census. This statistic remains controversial due to the fact that there are discrepancies in the definition of disability and also the stigma surrounding disability in the country.¹

The South Sudan legal framework (the Transitional Constitution, 2011 as amended and Labor Act, 2017) recognises the rights of persons with disabilities. However, there is lack of policy guidance and clarity on its implementation, making the rights of persons with disabilities difficult to be achieved within the overarching needs of the persons with disabilities and humanitarian challenges of the country. South Sudan has not ratified the United Nations Convention on the Rights of Persons with Disability (UNCRPD). Organisations for and of persons with disabilities are advocating with Parliamentarians and the Ministry of Gender, Child and Social Welfare for the ratification of the UNCRPD.

The armed conflicts (December 2013 and July 2016) brought a lot of challenges to persons with disabilities, for example persons with disability who were unable to flee safety because of their respective disabilities were killed, tortured, or burned alive in their homes². The humanitarian response falls short of being accessible and inclusive as persons with disabilities continue to face numerous challenges to access services such as, shelter, health, education, and/or generating incomes or sustaining livelihoods. Moreso, access to psychosocial services remains a major challenge in the country especially to persons with disability.³

The 2019 Security Council Resolution which renewed the mandate of the peacekeeping mission in the country has expressed serious concerns relating to the situation of persons with disabilities in the country. While these are encouraging signs, RSH consultations suggested that, in general, NGO policies and programmes, including their safeguarding measures are not disability inclusive. However, donors, the United Nations agencies in South Sudan and implementing partners have initiated a process to acknowledge the experiences of and involvement of persons with disabilities in programmes.

¹ Accessibility Audit Report, Skillmax, (2022)

² Protecting Older People and People with Disabilities in South Sudan. Available at:

<https://www.hrw.org/news/2019/06/05/protecting-older-people-and-people-disabilities-south-sudan#:~:text=It%20is%20encouraging%20that%20the%20UN%20has%20committed,behind.%20But%20there%20is%20>

³ Ibid

Understanding Disability and Safeguarding in South Sudan

Disability

According to the United Nations Convention on the Rights of Persons with Disability (UNCRPD), persons with disabilities include “those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others”. When combined with these impairments, barriers that exist in society can hinder effective participation in society.

Impairment + barriers = disability⁴

In this tip sheet for South Sudan, RSH considers five different types of disabilities: physical disability, hearing impairments, intellectual disability, mental health conditions and psychological disability and visual impairments. Definitions of the different disabilities can be found in the *RSH Pocket Guide: Safeguarding persons with disabilities and / or mental health conditions in CSO programmes*. [Click here](#) to access the Pocket Guide.

Remember! Not all disabilities are obvious. Persons with disabilities that cannot be seen may face stigma and discrimination, including people not believing that they have a disability.

Safeguarding:

Safeguarding means taking all reasonable steps to prevent Sexual Exploitation, Abuse and Sexual Harassment (SEAH) from occurring; to protect people, especially vulnerable adults, and children, from that harm; and to respond appropriately when harm does occur. RSH uses the following international definitions for related concepts, particularly those of the UN:⁵

- **Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. Includes profiting monetarily, socially, or politically from sexual exploitation of another. Under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationship.
- **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It includes sexual assault (attempted rape, kissing / touching, forcing someone to perform oral sex / touching) as well as rape. Under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse, regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence.
- **Sexual Harassment:** A continuum of unacceptable and unwelcome behaviours and practices of a sexual nature that may include, but are not limited to, sexual suggestions or demands, requests for sexual favours and sexual, verbal, or physical conduct or gestures, which are or might reasonably be perceived as offensive or humiliating.

⁴ RSH, - <https://safeguardingsupporthub.org/documents/pocket-guide-safeguarding-persons-disabilities-and-or-mental-health-conditions-cso-0>

⁵ RSH website - <https://safeguardingsupporthub.org/what-safeguarding>

Why are persons with disabilities at risk of SEAH and other forms of harm in South Sudan?

The below points were outlined by the consultations in South Sudan. A detailed but general outline of risks faced by persons with different disabilities can be found in the *RSH Pocket Guide: Safeguarding persons with disabilities and / or mental health conditions in CSO programmes*. [Click here](#) to access the Pocket Guide.

- Persons with disabilities are commonly excluded when designing and delivering programmes/activities. This exclusion can mean that persons with disabilities do not receive the services on offer and/or do not participate in general programme activities. This general exclusion from services and lack of participation in activities can cause harm to persons with disabilities in and of itself. It is less likely that this harm will be SEAH. Situations like this may turn into SEAH as persons with disabilities can be sexually exploited, abused or harassed by NGO staff in order to get onto the service recipient or to join an activity participant list.
- For programmes and activities that do include persons with disabilities, it is common that persons with disabilities are not consulted at the design phase and that their specific needs are not appropriately taken into consideration (for example, special equipment, accessible communications considerations or materials are often not included or have not been budgeted for). Information on what to expect from staff behaviour, what abuse is, what to report and how to report is often not shared in a way that can be accessed by persons with disabilities. Also, reporting procedures are often not accessible and, due to embedded discrimination and stereotypes, a report by a person with a disability is often not taken seriously or responded to appropriately. This all leads to increased risks of SEAH and other forms of harm, like discrimination, caused by the NGO.
- The specific risks of SEAH and other forms of harm that persons with disabilities face will vary based on a range of factors including their form of disability, their other personal characteristics, like their gender, age or ethnicity, and the type of programme or service. Some general risks faced by persons with disabilities include but are not limited to:
 - There can be an assumption that persons with disabilities are not aware of what is happening to them so the abuse is not as harmful.
 - Some persons with disabilities may be less able to understand or recognise signs of SEAH and may be less able to defend themselves from abuse. Some people may feel that it is not worth educating persons with disabilities about SEAH because they may not understand.
 - Persons with disabilities are often bullied, negatively spoken about and made fun of, simply because of their disabilities. This damages their self-esteem and decreases their confidence, which may cause depression or subject them to more abuse.
 - People with disabilities can be seen as a curse or "deserving" of harm and abuse.
 - Negative societal perceptions of persons with disabilities promotes a ground for SEAH and other forms of harm, including by organisations that provide support to them. This may decrease the confidence of persons with disability and could even force some to accommodate sexually abusive behaviour from staff.
 - Financial constraints or a lack of a social network may make persons with disability more vulnerable to SEAH. Persons with disabilities often have to rely on others for support (caregivers, health professionals, other programme participants etc.), this can put them at increased risk. Also, persons with disabilities may be more likely to be negatively impacted by other factors which may increase vulnerability, such as natural disasters or conflict.
 - Due to the need for support, they give in to sexual abuses from staff, volunteers, contractors of NGOs and fail to report due to fears that no one will believe them, and fears that they may lose the support given to them by the NGO.

- Persons with intellectual disabilities, especially children, could be at risk of SEAH and other forms of harm by NGO staff, volunteers, and contractors. There may be a belief that persons with disabilities won't report or accessible reporting mechanisms may not even be in place. This may lead to emotional trauma, depression and more abuse.

What can organisations do to safeguard persons with disabilities?

Considering the risks, some actions to mitigate the risks of SEAH for persons with disabilities and/or mental health conditions in NGO programmes and activities are listed below.

Reporting channels

NGOs should establish safe and inclusive safeguarding reporting and complaints mechanisms. Such mechanisms should consider the needs and different factors that affect persons with disabilities, for instance accessibility, stigma from reporting, financial constraints among others. Below are various reporting strategies to consider.

Remember! A range of reporting channels is ideal to ensure access, safety, and comfort for all intended users, this includes travel to the reporting location.

- **Physical disabilities:** reporting done through email, phone calls, Short Message Service (SMS) and suggestion Box (lower to the ground).
- **Hearing Impairments:** reporting done through email, SMS, and suggestion Box
- **Visual impairments:** they report safeguarding issues through brails and phone calls and emails for only those who are trained on that.
- **Intellectual disabilities:** they report safeguarding by establishing a focal person for an organisation, establish contact with family member, community leader and having clear reporting channels.
- **Mental health conditions/psychosocial disabilities:** they report safeguarding via a focal person for an organisation contact a family member, community leaders and having clear reporting channels.

Awareness raising

Ensure that the needs of persons with disabilities are included when planning and delivering community awareness sessions on what SEAH is and how to report incidents. Provide information more than once and in multiple formats. Challenge negative stereotypes where appropriate. Raise awareness of disability rights. Represent persons with disabilities in information awareness materials and ensure that they are presented in an empowering way.

Programme activity locations and facilities

Ensure that locations and facilities chosen for programme activities are accessible for persons with disabilities. Where possible, avoid over dependence on other participants for support to reduce risks of SEAH and other harms. Hold "environment walks" and checks prior to activities to ensure the facilities are appropriate. This can be done with / advised by persons with disabilities.

For more practical suggestions, please read the table on page 13 of *the RSH Pocket Guide: Safeguarding persons with disabilities and / or mental health conditions in CSO programmes*. [Click here](#) to access the Pocket Guide for more detail.

Challenges faced when implementing disability-inclusive safeguarding and possible solutions

Challenges	Suggestions to overcome the challenge
<p>Limited budget for training staff on disability rights and on safeguarding</p>	<p>Identify relevant training providers and include training on disability rights as well as safeguarding in your programme budget.</p> <p>Speak to donors /INGOs about your desire to strengthen disability-inclusive safeguarding and ask for their support, advice or additional resources.</p> <p>Visit the RSH Website for resources. Click here to access the South Sudan hub.</p> <p>Submit a request to RSH using our “Ask an expert” service. Click here to send an email to RSH in South Sudan.</p> <p>Complete the RSH safeguarding e-learning course. Click here to access the course.</p> <p>Engage with mentors and other consultants from RSH through visiting the RSH consultants’ directory. Click here to access the directory.</p>
<p>Project design does not budget appropriately for safeguarding activities</p>	<p>Integrate disability-inclusive safeguarding activities and critical services to persons with disabilities who may be victims or survivors of SEAH (medical services, legal aid and psychosocial services) into project activity budgets.</p> <p>Distribute safeguarding roles to project staff and to the board for oversight.</p> <p>Highlight gaps in budget and related risks of SEAH. Use this as evidence and speak to the donor to consider retrospectively including disability-inclusive safeguarding into the budget.</p>
<p>Culture and social norms affect quality of disability-inclusive safeguarding as persons with disabilities are commonly seen as “unproductive and a burden”</p>	<p>Affirmative action in employing persons with disabilities in programs.</p> <p>Consider behaviour change communication:</p> <ul style="list-style-type: none"> • Hold disability-rights training and awareness sessions with staff and people in communities or programmes, including community leaders. • Deliver regular awareness raising to highlight the different types of disabilities, the different risks that persons with disabilities face and the ways to ensure safeguarding measures are disability inclusive. • Continuous reaffirming by and to staff that disability is not inability.

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