

MOVING FORWARD **TOGETHER**
From National Commitment to Concrete Action



Report on

**The Rights of Persons with Disabilities
in Sierra Leone**



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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List of Acronyms

CRPD	Convention on the Rights of Persons with Disabilities
DANDO	Different Abilities and Non-Discrimination Office at the HRCSL
DHRCs	District Human Rights Committees
DPOs	Organizations of Persons with Disabilities
FAO	Food and Agriculture Organization
FHC	Free Health Care programme
HRCSL	Human Rights Commission of Sierra Leone
HRS	Human Rights Section of UNIPSIL
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organization for Migration
MoH	Ministry of Health
MSWGCA	Ministry of Social Welfare, Gender and Children Affairs
NaCSA	National Commission for Social Action
NASSIT	National Social Security Insurance Trust
NEC	National Electoral Commission
NGOs	Non Governmental Organizations
PRSP II	Sierra Leone's Second Poverty Reduction Strategy Paper
SLRP	Sierra Leone Reparation Programme
SLUDI	Sierra Leone Union on Disability Issues
TRC	Truth and Reconciliation Commission
UNCT	United Nations Country Team
UNICEF	United Nations Children's Fund
UNIPSIL	United Nations Integrated Peacebuilding Office in Sierra Leone
WHO	World Health Organization

Foreword

The United Nations Charter invokes universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. The equal and inalienable rights of all human beings were further recognized by the Universal Declaration of Human Rights, and has since been the pillar of any new international human rights instruments.

It is a fact, however, that persons with disabilities face particular challenges to the enjoyment of their rights. While this for a long time had been considered an unavoidable consequence of their impairment, the international community recently recognized the need to promote and protect the human rights of all persons with disabilities and considered that a comprehensive international convention would significantly contribute to redressing the profound social disadvantage that they suffer. With the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006, disability ceased to be a “problem” of the person and became a limit imposed by society. The State, thus, has become responsible to eliminate obstacles and ensure the full enjoyment of human rights by persons with disabilities.

The Government of Sierra Leone has taken important steps in the wake of these developments and recently passed the Persons with Disability Act, which integrates many of the provisions of the CRPD into the national legal framework.

The United Nations Integrated Peace Building Office in Sierra Leone (UNIPSIL) was established by the Security Council resolution 1829 (2008) with a political and development mandate in support of the Government of Sierra Leone. In all subsequent resolutions, the Security Council has also mandated UNIPSIL to assist the Government of Sierra Leone in promoting human rights.

Concrete results in the advancement of the rights of persons with disabilities in Sierra Leone will greatly depend on the implementation of the Persons with Disability Act. In this regard, this report endeavours to assess the situation of persons with disabilities in Sierra Leone and proposes a number of recommendations to support the Government and other stakeholders in this process, with the aim of contributing to the promotion and protection of the rights of persons with disabilities in Sierra Leone.

Michael von der Schulenburg

Executive Representative of the Secretary General

Executive summary

Persons with disabilities worldwide continue to face rampant discrimination. In Sierra Leone, the rights of persons with disabilities had not been given the requisite attention for many years. Recently, the Government of Sierra Leone has shown increased commitment on disability issues, including by the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and, in March 2011, the enactment of the Persons with Disability Act. UNIPSIL Human Rights Section, in collaboration with its partners, has been instrumental in supporting the Government in this process. This report aims to promote the rights of persons with disabilities in Sierra Leone by continuing to support the Government, in particular in strategizing on the implementation of the Act.

This study is the result of research conducted between May and September 2011 by UNIPSIL Human Rights Section with a focus on analyzing the obstacles and barriers faced by persons with disabilities in Sierra Leone and identifying the means of overcoming these obstacles. It builds on existing studies, legislation and policies relevant to the rights of persons with disabilities in Sierra Leone, extensive interaction with key stakeholders as well as primary research in a limited but representative number of urban and rural communities. The study focuses on five key areas pertaining to the rights of persons with disabilities in Sierra Leone, notably customs and traditions, employment and equal opportunities, health, political participation and international cooperation.

The adoption of the CRPD marked a paradigm shift from a traditional medical or charity approach to a social and human rights approach. Thus, disability is no longer viewed as a personal condition residing in the individual but is recognized as an evolving concept resulting from the interaction between a person's impairment and the surrounding obstacles in society. The Convention reaffirms a complete list of rights while identifying specific measures that States must adopt to ensure that persons with disabilities enjoy them on an equal basis with others. The enactment of the Persons with Disability Act largely fills the gap between Sierra Leone's national legal framework and its international obligations. The Act protects persons with disabilities from discrimination in education, employment, voting access and envisages affirmative action in a number of areas to overcome obstacles and barriers, including in access to public facilities, transport, health and justice. However, findings illustrate that for these normative changes to make an impact on the lives of persons with disabilities in Sierra Leone, efforts must be made to ensure timely implementation of the Act.

In fact, stigmatization and discrimination of persons with disabilities remain strong, including within the family, and the perception of disability by communities, public officials and institutions still largely reflects a charity approach. While the Act offers an important normative instrument to fight against discrimination and promote employment of persons with disabilities, the majority of persons with disabilities still survive through begging or assistance from charity institutions, although in smaller communities they are more often involved in small scale working activities. Lack of employment is often rooted in difficulty in accessing economic and social opportunities, including development projects and credit. The Persons with Disability Act also marks an important advance in promoting inclusive education, which currently is limited by disadvantage in physical access to the facilities as well as availability of studying material and trained teachers.

Discrimination in access to health for persons with disabilities is largely indirect, including through obstacles in areas of transportation, accessibility, affordability and communication. The Act sets landmark provisions towards free medical services for persons with disabilities, although the sustainability of such a far reaching provision will ultimately depend on the allocation of sufficient resources to this purpose. Persons with mental or psychosocial disability are highly stigmatized and the vast majority does not receive treatment or makes use of traditional healers.

Persons with disabilities generally have limited opportunities to participate in decisions affecting their communities. Those of voting age have largely registered and voted in the previous elections, although they admitted facing a number of challenges to their full participation in the voting process. With few but important exceptions, active participation in political life is limited by factors such as financial constraints, stigmatization, lack of family or community support, and lack of self confidence.

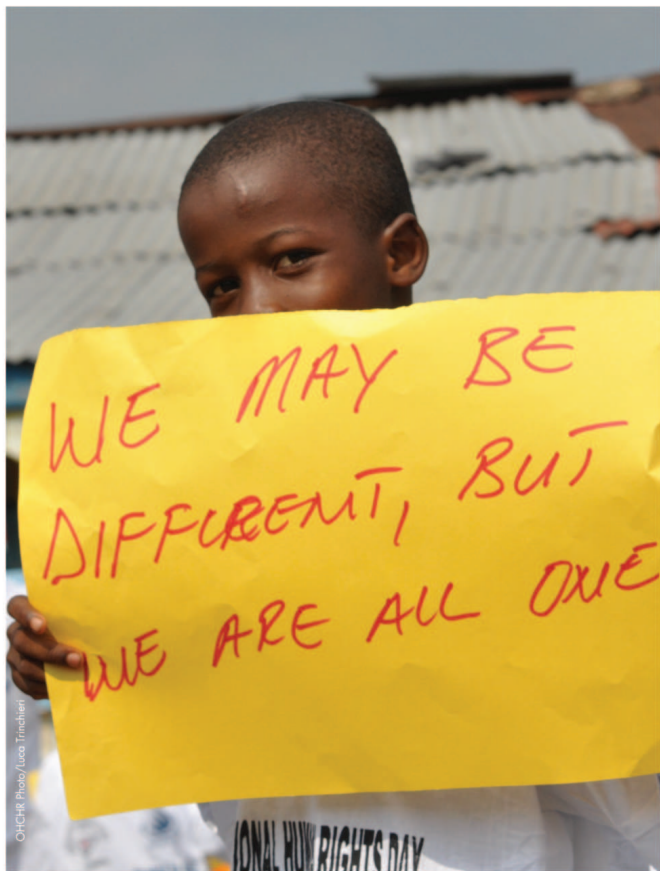
Only few United Nations Country Team (UNCT) members have programmes and projects targeting persons with disabilities, and these programmes have focused overwhelmingly on disability-specific projects. More efforts are required towards the mainstreaming of the rights of persons with disabilities among the activities of the members of the UNCT.

In this scenario, this report proposes a number of recommendations to the Government of Sierra Leone, other relevant stakeholders as well as the international community towards the implementation of the Persons with Disability Act and the promotion and protection of the rights of persons with disabilities in Sierra Leone.

The Government of Sierra Leone has a crucial role to play in mainstreaming the rights of persons with disabilities, ensuring adequate allocation of resources to this end and taking steps towards the required infrastructural adjustments for access by persons with disabilities. The Ministry of Social Welfare, Gender and Children Affairs should take the lead in ensuring the timely establishment and active role of the National Commission for Persons with Disabilities, and to strengthen the coordination of activities with other stakeholders on disability issues. The Ministry of Health should allocate adequate resources to provide free medical services to persons with disabilities and support disability related intervention as provided for by the Act. A number of other ministries should play an important part in the implementation of the Act, including by appointing representatives to be part of the National Commission for Persons with Disability. Ministries are also required to establish disability issues units.

The National Commission for Persons with Disability, once established, should monitor the process of implementation of the Persons with Disability Act, recommend measures to prevent discrimination against persons with disability, formulate and develop measures designed to achieve equal opportunities for persons with disabilities and make full use of the range of affirmative action measures established by the Act to this end. The Parliament should sustain this process by allocating sufficient resources for the functioning of the Commission. Other national institutions are essential to promote the rights of persons with disabilities, including the Human Rights Commission of Sierra Leone, the National Commission for Social Action and the National Electoral Commission, the latter to ensure the right and opportunity for persons with disabilities to vote and be elected in the forthcoming 2012 elections.

Organizations of persons with disabilities are key actors in advocating for the timely establishment of the National Commission for Persons with Disability and should actively participate in its deliberations. Finally, it is crucial that the international community, including the UN Family, support the Government of Sierra Leone in the implementation of the Persons with Disability Act, mainstream the rights of persons with disabilities in international cooperation projects and ensure that international cooperation is inclusive and accessible to persons with disabilities.



OHCHR Photo/Luca Trinchieri

Ending discrimination was a clear message during the commemoration of the International Human Rights Day 2010 in Freetown.

1. Introduction, methodology and context

Introduction

As part of its mandate to support the Government of Sierra Leone, including in the area of monitoring and promoting human rights, UNIPSIL Human Rights Section (HRS) devoted increased attention to the rights of persons with disabilities, including by establishing a disability focal point in September 2010. This study comes as a result of such increased work in this thematic area. It builds on previous engagements and activities, in particular a National Consultative Conference for Persons with Disabilities jointly organized with the Human Rights Commission of Sierra Leone (HRCSL) on 30 November and 1 December 2010. During the conference, persons with disabilities from different regions of the country and organizations representing them (DPOs) highlighted the need for better integration, involvement in decision making, empowerment and independence of persons with disabilities. The HRS also provided technical support to DPOs on advocacy for the ratification of the UN Convention for the Rights of Persons with Disabilities and its incorporation into domestic law.

In parallel and as a result of these efforts, the Government of Sierra Leone has shown renewed commitment to disability issues by the ratification of the CRPD. In March 2011, the Parliament enacted the Persons with Disability Act, seeking to prohibit discrimination against persons with disabilities and achieve equal opportunities. With this important development, support to the Government in translating the provisions of the law into concrete initiatives is crucial. A timely implementation of the Persons with Disability Act is even more important considering that the Government of Sierra Leone should submit its initial report to the Committee on the Rights of Persons with Disabilities in 2012.



This study aims to promote the rights of persons with disabilities in Sierra Leone by supporting the Government in its efforts towards the implementation of the Act. It provides recommendations on priority areas of intervention in 2012 and beyond in order to ensure the full enjoyment of all rights by everyone in Sierra Leone. It pays particular attention to the participation of persons with disabilities in the 2012 general elections, and enjoyment of economic, social and cultural rights, including through inputs to the next Poverty

Reduction Strategy, due in 2013. It also seeks to maintain the advocacy momentum on the rights of persons with disabilities by stimulating public debate on this issue.

¹ See UN Security Council resolution 1829 establishing the United Nations Integrated Peacebuilding Office in Sierra Leone, and the subsequent resolutions 1886, 1941 and 2005.

Methodology of the study

This study builds on existing work and materials relating to persons with disabilities in Sierra Leone as well as primary research, with a focus on analyzing the obstacles and barriers faced by persons with disabilities in Sierra Leone and identifying the means for overcoming these obstacles. It reflects the human rights approach encapsulated in the CRPD and considers disability as an evolving concept resulting from the interaction between a person's impairment and the surrounding obstacles in society.

The study focuses on five key areas pertaining to the rights of persons with disabilities in Sierra Leone, notably customs and traditions, employment and equal opportunities, health, political participation and international cooperation. It is the result of research conducted between May and September 2011 by UNIPSIL HRS using both legal and social science techniques to analyze the data. Review of existing studies, legislation and policies relevant to the rights of persons with disabilities in Sierra Leone, as well as of UN Country Team (UNCT) policies and programmes was conducted. Primary research in a limited but representative number of urban and rural communities was also done. The HRS organized a total of 32 focus group discussions in 8 different districts covering the four regions of the country and targeting 247 participants. 16 focus groups targeted persons with disabilities in as many communities, half urban and half rural. The composition of the groups ensured a balanced participation in terms of gender, age and type of disability. In the same communities, focus groups were conducted with persons without disabilities of different gender and age to reflect their perception towards persons with disabilities and to use the data as control information. Also at community level, HRS interviewed key stakeholders, including local councilors, traditional leaders, representatives of the Ministries of Social Welfare, Gender and Children's Affairs (MSWGCA) and Health (MoH), representatives of the National Electoral Commission (NEC), the police, as well as health officers, teachers and DPOs members.

In Freetown, preliminary findings were shared with the MSWGCA, MoH, a Member of the Parliament, NEC, the HRCSL, the Sierra Leone Union on Disability Issues (SLUDI) as well as Handicap International and Leonard Cheshire Disability. From inception to the end of this study, persons with disabilities and their representative organizations were consulted and involved to the extent practicable.

Context

Persons with disabilities worldwide continue to face rampant discrimination in areas related to their employment, healthcare and education. They also face challenge of participate in political, social and cultural life. In Sierra Leone, the rights of persons with disabilities had not been given the requisite attention for many years. Their situation was compounded during the civil war (1991-2002), which swelled the population of disabled persons following the widespread amputation of limbs of civilians by warring factions². Today, persons with disabilities face serious challenges affecting their lives, dignity and inclusion in society. Traditional beliefs negatively shape public perception and attitude towards persons with disabilities, thus breeding discrimination and abuse, sometimes within their own families.

Although the economy of Sierra Leone is recovering from the effects of the global economic downturn, poverty and youth unemployment remain extremely high and are particularly felt by persons with disabilities³.

² According to Handicap International, the conflict caused 20,000 people with disability. Handicap International, "Representation and perception of disability by senior public officials and local authorities", February 2010, p. 10.

³ See Seventh Report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, UN document S/2011/554. Sierra Leone currently ranks 158 in the Human Development Index, see <http://hdrstats.undp.org/en/countries/profiles/SLE.html> (accessed 29 September 2011).

The situation of persons with disabilities also seems to be quite heterogeneous depending on the type of disability, thus while some groups are better organized and represented, others – especially persons with psychosocial disability – have their voices hardly heard.

Recent global estimates raise the number of people living with disability to about 15% of the world's population⁴. Unfortunately, figures about the prevalence of persons with disabilities in Sierra Leone are incomplete and contradictory to say the least, and range from 2.4% to more than 20%⁵. This limits the understanding of the phenomenon, shows a lack of attention to disability in previous statistical exercises and confirms the urgent need for more comprehensive data.

2. Legal and Institutional Framework: International and National legal standards, policies and institutional arrangements to support the implementation of the Convention on the Rights of Persons with Disabilities

International legal obligations

Sierra Leone ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 4 October 2010 and has signed but not ratified the Optional Protocol. In addition, the rights of persons with disabilities are protected by the other international human rights instruments the country is party to, which apply to all individuals without discrimination⁶. The Convention on the Rights of the Child explicitly refers to persons with disabilities. Article 2 includes disability in its non-discrimination clause, while article 23 specifically focuses on the rights of mentally or physically disabled children, recognizing that the child should enjoy a full and decent life in conditions that facilitate the child's active participation in the community. It also recognizes the right of the disabled child to special care and assistance free of charge, whenever possible. Other instruments, although without a direct mention, have been interpreted as covering the rights of persons with disabilities, and United Nations Human Rights Treaty Bodies have repeatedly supported this concept in their general comments⁷.

Although the core international human rights instruments recognize the rights of all, including persons with disabilities, persons with disabilities and their representative organizations have fought for over two decades to have disability fully recognized as a human rights issue. This process, which begun in 1981 with the International Year of Disabled Persons and the adoption of the World Programme of Action Concerning Disabled Persons, climaxed with the adoption of the CRPD in 2006 and its entry into force in 2008⁸. Although the CRPD does not create any new rights for persons with disabilities,

⁴ World Health Organization (WHO), World Report on Disability 2011, p. 29. Previous estimates from WHO were indicating around 650 million or about 10% of the world's population.

⁵ The 2004 Census indicates a prevalence of 2.4%, although there is a wide agreement that the figure is underestimated. The Food and Agriculture Organization (FAO) put the number at 4% in "Disabled in Sierra Leone Prove Disability is not Inability." FAO Newsroom, December 2004. Data from the HRCSL suggest that the number could be around 450,000, or just less than 10%. The UNICEF Multiple Indicator Cluster Survey data for Sierra Leone shows that 24% of children were identified as disabled countrywide.

⁶ International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1967; International Covenant on Economic, Social and Cultural Rights (ICESCR), 1996; International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol (ICCPR-OP1), 1996; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1988, Convention on the Rights of the Child (CRC), 1990, and its two Optional Protocols (OPSC), 2001, (OPAC), 2002, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 2001.

⁷ Among others: Human Rights Committee, General Comment No.25, Committee on Economic, Social and Cultural Rights, General Comment No.5, Committee on the Elimination of Discrimination against Women, General Recommendation No.18 and No.24, and Committee on the Rights of the Child, General Recommendation No.9.

⁸ In the World Programme of Action Concerning Disabled Persons a United Nations Decade of Persons with Disabilities (1983-1992) was proclaimed. For a summary account of the process see OHCHR, Monitoring the Convention on the Rights of Persons with Disabilities, Professional training series No. 17, 2010. Also available on line at http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf [accessed 26 September 2011]

it recognizes “that, despite various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violation of their human rights in all parts of the world” and that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities was needed to redress the profound social disadvantage of persons with disabilities⁹.

The CRPD marks a paradigm shift from a traditional medical or charity approach to a social and human rights approach. Before, disability was generally viewed as a personal condition residing in the individual, who should be either healed (medical approach) or cared for (charity approach). The CRPD, instead, recognizes disability as an evolving concept resulting from the interaction between persons with impairments and an environment that does not accommodate these persons’ differences and limits or hinders their participation in society on an equal basis with others (social approach)¹⁰. In other words, persons with disabilities are no longer considered to be recipients of charity or objects of others’ decisions but holders of rights (human rights approach), no longer “handicapped” but part of human diversity¹¹.

Non discrimination, respect for the inherent dignity, individual autonomy and independence of persons, including the freedom to make one’s own choices, full participation and inclusion in society, equality of opportunity, and accessibility and equality between men and women are among the general principles at the heart of the CRPD¹². The Convention reaffirms a complete list of rights – civil and political as well as economic, social and cultural – while identifying specific measures that States must adopt to ensure that persons with disabilities enjoy them on an equal basis with others. Among them, an innovative concept is that of “reasonable accommodation” that States are required to provide. This means that States are obliged to make necessary and appropriate modification and adjustments where needed in a particular case when it does not impose a disproportionate or undue burden, which also substantiates the principle of accessibility¹³.

While this chapter does not include a systematic analysis of the provisions contained in the CRPD, reference to the articles of the Convention is extensive throughout this study, and particularly in the areas of customs and traditions, equal opportunities and employment, health and political participation.

National legal framework

The 1991 Constitution of Sierra Leone contains provisions explicitly protecting the rights of persons with disabilities in the areas of care and welfare and educational opportunities¹⁴. However, the Constitution does not mention disability as a prohibited ground for discrimination, implicitly allowing for violations of a key principle of the CRPD¹⁵. Also, Section 27(d) of the Constitution still avails of discriminatory practices with respect to adoption, marriage, divorce, burial, devolution of property on death or other personal law issues, thus limiting in fact the general principle of non-discrimination.

⁹ CRPD, Preamble, sections (k) and (y).

¹⁰ CRPD, Preamble, section (e). The Convention recognizes this shift also by offering a broad categorization of persons with disabilities as reflected in Article 1.

¹¹ CRPD, Article 3(d).

¹² CRPD, Article 3.

¹³ CRPD, Article 2.

¹⁴ The Constitution of Sierra Leone, 1991, Section 8 (3)f “The care and welfare of the aged, young and disabled shall be actively promoted and safeguarded”, and Section 9 (1)b “The Government shall direct its policy towards ensuring that there are equal rights and adequate educational opportunities for all citizens at all levels by...safeguarding the rights of vulnerable groups, such as children, women and the disabled in security educational facilities”.

¹⁵ CRPD, Article 3 and 5.

The legal framework for the protection and promotion of the rights of persons with disabilities has improved considerably with the enactment of the Persons with Disability Act, 2011, which should be seen as a measure referred to in article 4 of the CRPD¹⁶. The Act provides rights and privileges for persons with disability in key areas relating to dignity, autonomy, independence, non-discrimination, equality of opportunity, participation and inclusion. The law clarifies the concept of discrimination on the ground of disability, although it only prohibits discrimination in specific circumstances (education, employment, access to public premises, services and amenities) rather than as a general clause¹⁷.

In line with the provisions on national implementation and monitoring contained in article 33 (1) of the CRPD¹⁸, the Act seeks to establish a National Commission for Persons with Disability to ensure the well-being of persons with disabilities¹⁹. The Commission, not yet in place, will be composed of representatives of relevant Ministries, organizations of persons with disabilities and non-governmental organizations dealing with disability issues. Once established, the Commission will, among other things, formulate and develop measures designed to achieve equal opportunities for persons with disabilities, recommend measures to prevent discrimination against persons with disabilities and investigate on any allegation or complaint of discrimination, coordinate services provided for the welfare and rehabilitation of persons with disabilities, register and maintain a database of persons with disabilities, their organizations and public and private services for their welfare and rehabilitation²⁰.

The Act makes provision for the Commission, on the recommendation of a medical board, to issue a valid Permanent Disability Certificate to persons with disabilities to make them eligible for all the rights and privileges provided for under the Act²¹. While the registration of persons with disabilities could contribute to the collection of information, including statistical data, as established by article 31 of the CRPD, this provision reveals a medical approach that may be discriminatory. Linking the benefit of the rights and privileges provided for under the Act to the possession of a medical certificate, in fact, means that persons with disabilities who do not have the certificate may be denied those rights. The National Commission for Persons with Disability should therefore ensure that no discrimination arises from the application of this norm. Also, the Act provides for the establishment of a National Development Fund for persons with disability to contribute to the expenses of DPOs, organizations supporting persons with disabilities, institutions that train carers of persons with disabilities, and governmental projects for the benefit of persons with disabilities²². The Fund should also provide or contribute to the cost of assistive devices and service. The Act, furthermore, requires the Government to establish and maintain a disability issues units in every Ministry²³.

In terms of substantive rights, the Act confers the right to free tertiary education to every person with disabilities and commits the Government to ensure the structural adaptation of educational institutions²⁴. The Government is also required to provide auxiliary services to enhance the learning process of persons

¹⁶ [...] States Parties undertake: (a) to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention; (b) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

¹⁷ The Persons with Disability Act, No. 3, 2011, Sections 1, 15, 20 and 27.

¹⁸ Article 33 (1) states, *inter alia*, that States Parties "shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels".

¹⁹ The Persons with Disability Act, No. 3, 2011, Sections 2-8.

²⁰ The Persons with Disability Act, No. 3, 2011, Section 6.

²¹ The Persons with Disability Act, No. 3, 2011, Section 7.

²² The Persons with Disability Act, No. 3, 2011, Section 31.

²³ The CRPD requires States to designate one or more focal points within government for matters relating to the implementation of the convention, see Article 33 (1).

²⁴ The Persons with Disability Act, No. 3, 2011, Section 14-16.

with disabilities. Prohibition of discrimination at all levels of education on the basis of disability is also explicitly mentioned in the Education Act 2004, which provides for free primary education²⁵. The Persons with Disability Act, however, does not address the gaps regarding free secondary education, currently including only the girl child. Although the 2004 Act made no reference to affirmative action to prevent discrimination from occurring, the Government has been providing financial support to schools in order to promote inclusive education as provided by article 24 of the CRPD. The Persons with Disability Act adds consistency in ensuring an inclusive education system at all levels through sponsoring students who specialize in courses for instruction of persons with disability.

The Persons with Disability Act provides for free medical services in public health institutions and for compulsory screening of children for early detection of disability. It also protects from discrimination in employment, criminalizes denial of access to employment opportunities or unequal conditions of service based solely on the grounds of disability and takes affirmative action to promote employment of persons with disabilities. The Act also requires the National Electoral Commission (NEC) to ensure that all electoral processes are made accessible to persons with disabilities. The legal framework in the areas of health, employment, equal opportunities and political participation is further discussed in the relevant chapters of this study.

In line with Article 9 (1) of the CRPD²⁶, the Persons with Disability Act calls for infrastructural adjustments within five years of public buildings and public transport to ensure access by persons with disabilities. Benefits such as tax deductions are provided for private employers who undertake adjustments in order to provide reasonable accommodation. Interestingly, the National Commission for Persons with Disability has the power to issue an adjustment order enforceable by court where it considers that any public premises are inaccessible to persons with disabilities by reason of any structural, physical or other impediment stipulating a maximum period for the implementation²⁷.

With regard to equality before the law and access to justice²⁸, the Persons with Disability Act stipulates that the Attorney-General may make regulations providing for free legal services for persons with disabilities²⁹. The scope of such a provision is yet to be measured. Section 23 (5)e of the Constitution already provides that “every person charged with a criminal offence shall be permitted without payment the assistance of an interpreter if she cannot understand the language used at the trial of the charge”. If applied correctly, this would include making sign language interpretation available for deaf persons to be able to play an effective role in legal proceedings, as provided for

Mr. A., a deaf person, was assaulted by his neighbors. The case was taken to court. Due to the lack of trained interpreters in sign language, he could neither testify in court nor submit to cross examination by the defendant's lawyer. This factor caused the case to be adjourned on several occasions by the Police Prosecutors. When Mr. A hired a lawyer to represent him, the accused sought and obtained an out of court settlement. On the one hand, this spared Mr. A. the uncomfortable experience of standing in court without interpretation. On the other hand, he still expressed disappointment that justice had not been done because he felt the accused had not been properly punished.

²⁵ The Education Act, 2004, Section 4 (1) and (2).

²⁶ The article imposes on State parties to “take appropriate measures to ensure to persons with disabilities access, on an equal basis with others to the physical environment, to transportation and communications, including information and communications technologies and systems and to facilities and services open or provided to the public, both urban and rural areas...”

²⁷ The Persons with Disability Act, No. 3, 2011, Section 26. The Section also stipulates that the proprietor can appeal to the court against the issuance on the ground that the accommodation is unreasonable.

²⁸ CRPD, Article 12 and 13.

²⁹ The Persons with Disability Act, No. 3, 2011, Section 41. In this regard, Section 8 (2)c of the Constitution of Sierra Leone states that “the Government (...) shall ensure that the operation of the legal system promotes justice on the basis of equal opportunity, and that opportunities for securing justice are not denied any citizen by reason of economic or other disability”.

by article 13 of the CRPD. However, this is unlikely to happen where capacity constraints make even trained local language interpreters hardly available in courts. Full participation of persons with disabilities, therefore, remains challenging.

While the Persons with Disability Act makes important steps forward in the protection the rights of persons with disabilities in Sierra Leone, the definition of disability contained therein falls short of embracing the human rights-based perspective established by the CRPD. In fact, it follows a medical approach by considering disability “a physical, sensory, mental or other impairment which has a substantial long-term adverse effect on a person’s ability to carry out normal day-to-day activities”³⁰. The Act is also silent on specific sub-categories of persons with disabilities and their needs, such as women and children with disabilities.

Women with disabilities are recognized by CRPD to be subject to multiple discrimination³¹, and yet the three Gender Laws of 2007³² make no mention of their situation. A sexual offences bill was at the drafting stage at the time of writing this report. Persons with disabilities and their representative organizations are currently lobbying to include a specific clause regarding women with disabilities in line with article 16 of the CRPD³³. The Child Rights Act (2007) instead, makes reference to children with disabilities³⁴ stating that no person shall treat a disabled child in an undignified manner and granting the disabled child the right to special care, education and training wherever possible to develop his maximum potential and become self-reliant³⁵.

The Persons with Disability Act is also silent on the right for persons with disabilities to own or inherit property on equal basis with others as guaranteed by article 12 of the CRPD³⁶. In the national legal framework there are no limitations imposed on persons with disabilities in this regard, although the Devolution of Estates Act (2007) does not explicitly mention persons with disabilities in terms of their right to inherit property or to act as administrators. Also, Section 27(d) of the Constitution still avails discriminatory practices with respect to devolution of property on death.

Institutional framework

Under article 4 of the CRPD, States pledge to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes. Even before the entry into force of the Convention, persons with disabilities were mentioned in the Report of the Sierra Leone Truth and Reconciliation Commission (TRC) and in its recommendations, including the issue of reparations. The decade-long (1991-2002) war in Sierra Leone had led to a drastic increase in number of persons with disabilities, mostly because atrocities committed by fighters often involved the amputation of victims’ limbs. In this regard, the scope of the TRC recommendations was limited to victims who have become temporarily or permanently physically disabled as a consequence of the conflict³⁷. The report indicated the need for education and medical support for persons with disabilities, in particular

³⁰ The Persons with Disability Act, No. 3, 2011, Section 1.

³¹ CRPD, Article 6.

³² The Domestic Violence Act, No. 20 of 2007, the Registration of Customary Marriages and Divorce Act, No. 24 of 2007, the Devolution of Estates Act, No. 21 of 2007.

³³ CRPD, Article 16.

³⁴ CRPD, Article 7.

³⁵ The Child Rights Act, 2007, Section 30 (1) and (2).

³⁶ CRPD, art. 12 [5].

³⁷ WITNESS TO TRUTH: Report of the Sierra Leone Truth and Reconciliation Commission, 2004, Volume 2, chapters 3 and 4.

children, and their full involvement in the reconciliation process³⁸, and included persons with disabilities (specifically “amputees” and “other war wounded³⁹”) among the beneficiaries of the reparation programme⁴⁰. The Government launched the Sierra Leone Reparation Programme (SLRP) in 2008 and mandated the National Commission for Social Action (NaCSA) to implement reparations in the areas of health, education and economic empowerment programmes⁴¹. Progress includes the establishment of a referral system for medical care for victims requiring emergency medical treatment and the launch of the War Victims Trust Fund. The partial delivery of benefits to war victims by the SLRP has created high yet unfulfilled expectations among victims and their families. Many victims have yet to benefit from this programme due to funding limitations.

The Parliamentary Human Rights Committee is tasked with reviewing human rights legislation. The Committee has benefited from several capacity building programmes on national and international instruments relating to disability including international disability standards. As a result of these interventions the Committee was very supportive and instrumental in the enactment of the Persons with Disability Act by the Parliament of Sierra Leone⁴².

Disability issues fall under the mandate of the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), and specifically under the Deputy Minister of Social Welfare. The Ministry has a Directorate of Social Welfare for Disability and is also the lead agency for the establishment of the National Commission for Persons with Disability as provided for by the Persons with Disability Act, which is currently in the planning process. The Ministry also chairs the Disability Committee, formerly called National Rehabilitation Committee on Persons with Disability, which coordinates activities and resources and gathers NGOs working on disability and representatives of beneficiaries. However, the level of coordination between the members of the committee remains poor and the implementation of activities lacks a comprehensive framework to ensure consistency and avoid overlaps. Insufficient funding is the most serious challenge, as is the case with most governmental activities. While the Government has made specific budgetary allocations for activities in the area of disabilities for the year 2011, at the time of writing this report nothing had yet been disbursed⁴³ and the implementation of the Act remains at its initial stage.

In the Agenda for Change 2008-2012, which is Sierra Leone’s Second Poverty Reduction Strategy Paper (PRSP II), the rights of persons with disabilities are barely mentioned. Persons with disabilities are referred to only in the context of promoting equity in access to financial resources and services through the establishment of a national Enterprise and Skills Development and Training Fund⁴⁴. They are also mentioned in the PRSP section about social protection, because the National Social Security Insurance Trust (NaSSIT) provides a social security scheme for persons with disabilities employed or formerly employed in the formal sector⁴⁵.

Inadequate and inappropriate schools “to address the special needs” of children with disabilities is

³⁸ See in particular WITNESS TO TRUTH: Report of the Sierra Leone Truth and Reconciliation Commission, 2004, Volume 2, chapters 3, paragraphs 91, 488, 494 and 517.

³⁹ Other War-Wounded’ are defined as victims who have become temporarily or permanently physically disabled, either totally or partially, as a consequence of the conflict, other than through an amputation, particular WITNESS TO TRUTH: Report of the Sierra Leone Truth and Reconciliation Commission, 2004, Volume 2, Chapter 3, footnote 165.

⁴⁰ See in particular WITNESS TO TRUTH: Report of the Sierra Leone Truth and Reconciliation Commission, 2004 Volume 2, chapters 4, paragraphs 60, 67, 92, 107, 123, 126, 168 and 182.

⁴¹ The International Organisation for Migration (IOM) was appointed as UN recipient agency for the initial Peace Building Fund grant.

⁴² For instance, on 15 December 2010 the Human Rights Commission of Sierra Leone in collaboration with the Parliamentary Human Rights Committee and UNIPSIL HRS organized a pre-legislative engagement on the Persons with Disability Bill.

⁴⁴ An Agenda for Change, 2008, p. 97.

⁴⁵ An Agenda for Change, 2008, p. 92. However, most persons with disabilities are excluded from this scheme as only 2.6% of persons with disabilities are paid employees.

highlighted in the Agenda for Change as one of the challenges faced by the education sector in providing universal access to primary education⁴⁶. The Ministry of Education, Science and Technology has produced an Education Sector Plan (ESP) for 2007-15 that includes among its objectives that children with disabilities enroll and stay in school⁴⁷. The actions envisaged by the ESP, however, are more directed to protect children with disabilities from abuses than focused on their participation and achievement within the school system, and the educational outcomes are not sufficiently emphasized⁴⁸. Also, while the Plan includes the accommodation of senior secondary schools to the needs of persons with disabilities, it favours the construction of special schools at primary level for the “mentally challenged”, which is against the principle of inclusive education promoted by the CRPD. On a different note, the Government has provided grants to schools for children with disabilities, although the information available does not allow a full assessment of the impact of this measure⁴⁹.

In terms of health, challenges are acknowledged by the Agenda for Change in providing quality health care to vulnerable populations. Mental health is indicated as one of the strategic priorities⁵⁰. While initially persons with disabilities were expected to be among the beneficiaries of the Free Health Care scheme launched in 2010, only pregnant women, lactating mothers and children under five years old were eventually included. With the enactment of the Persons with Disability Act this gap would be filled. The Directorate of Primary Health Care at the Ministry of Health includes a disability department. Three National Rehabilitation Centres, equipped and supported by Handicap International since 1996, provide treatment free of charge to persons with disabilities in Freetown, Bo and Koidu. While the Ministry of Health is expected to take over full control of these centres by January 2012, the Government has not budgeted appropriate financial allocation to this end. In the absence of new developments, this would seriously challenge the possibility to continue offering treatment⁵¹. Handicap International has also supported the Ministry of Health to develop a Physical Rehabilitation Policy Guideline, not yet launched at the time of writing.



Pupils of the Milton Margai School for the Blind performing at Human Rights Day, 10 December 2010

⁴⁶ An Agenda for Change, 2008, p. 79.

⁴⁷ See “Sierra Leone Education Sector Plan, A road map to a better future 2007 – 2015”. Specific objectives include to ensure that children with special needs enroll and stay in primary school [p.29], to “ensure provision for the mentally challenged at the primary level” [p.33] and to expand enrolments of children with disabilities in the senior secondary school [54].

⁴⁸ Sierra Leone Education Sector Plan, p. 29.

⁴⁹ Committee on the Rights of the Child, written replies by the Government of Sierra Leone concerning the List of Issues, CRC/C/SLE/Q/2/Add.1, paragraph 7, table 4.

⁵⁰ An Agenda for Change, 2008, p. 85-87.

⁵¹ Information received from Handicap International, 27 October 2011.

⁵² Article 33 (2) requires States parties “to maintain, strengthen, designate or establish [...] a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation” of the Convention”.

In 2008 the Human Rights Commission of Sierra Leone (HRCSL) established the Different abilities and Non-discrimination Office (DANDO) tasked to promote, protect and monitor the implementation of the CRPD in line with article 33 (2) of the CRPD⁵². Specific functions of DANDO include creating awareness on the rights of persons with disabilities, developing programmes to promote the principle of equality and non discrimination and supporting the government in implementing policies for persons with disabilities.

The National Youth Commission, established in December 2009 as a body corporate to empower the youth to develop their potential, creativity and skills, does not have specifically disability-oriented activities. Integrating young persons with disabilities in the scope of its action would be, therefore, an opportunity for their empowerment and for mainstreaming the rights of persons with disabilities.

The Office of the Ombudsman, established in 1997 with the core function to serve as an independent complaint agency to deal with cases against public administration, has received a number of complaints from persons with disabilities. However, disability does not form part of the analysis of a client's general profile and is not recorded in a client's file. In the Office's Strategic Plan 2009-2013, improving accessibility to disadvantaged and marginalized groups as well as advocate for the rights of marginalized and vulnerable groups, including persons with disabilities, are indicated among the key activities. During sensitization activities, the Office has raised attention on the rights of persons with disabilities and emphasized that the Ombudsman is open to receive complaints from persons with disabilities.

3. Analysis: the situation of persons with disabilities in Sierra Leone in selected areas

This chapter analyses the findings of the primary research conducted in 16 communities in 9 different district of the country in June 2011⁵³. It focuses on four of the eight thematic areas that were highlighted during the National Consultative Conference in November-December 2010 and evaluates the findings using the international and national legal framework discussed in the second chapter.

The Conference identified traditional practices as often discriminatory towards persons with disabilities. This study looks at *customs and traditions* and explores how they might be an obstacle to moving from a charity/medical approach to a social/human rights approach to disability.

With regard to *employment and other economic and social opportunities*, in particular among the youth, immense challenges remain and effective improvement may only come through the implementation of the far reaching provisions of the Persons with Disability Act.

A recent report suggests that persons with disabilities are more likely to be excluded from accessing *health* care while those that do access health services carry higher financial burdens⁵⁴. This study identifies the barriers facing persons with disabilities from accessing health facilities, goods and services on an equal basis with others.

⁵² Article 33 (2) requires States parties "to maintain, strengthen, designate or establish [...] a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation" of the Convention".

⁵³ Western Area Urban (Freetown, Grafton), Western Area Rural (Waterloo, Tombo), Bombali (Makeni, Mabolleh), Koinadugu (Kabala, Fadugu), Bo (Bo, Ngelehun Badjia), Bonthe (Bonthe, Talia Yarbeka), Kono (Koidu, Ngo Town), Kenema (Kenema), Kailahun (Bunumbu).

⁵⁴ Leonard Cheshire Disability, "Disability In and Around Urban Areas of Sierra Leone, 2009, p.33-37.

Finally, with the 2012 upcoming elections less than one year away at the time of writing, the study identifies the capacity of persons with disabilities to *participate in political life* as well as barriers to their participation in elections.

At the time of undertaking the survey, the Persons with Disability Act was too recent to assess progress directly linked to its enactment. Nevertheless, findings helped identifying priority areas for the implementation of the Act.

Impact of Customs and traditions

As enunciated in article 3 of the CRPD, respect for the inherent dignity of the person, non-discrimination, participation and inclusion in society as well as respect for difference and acceptance of persons with disabilities as part of human diversity and humanity are core principles at the basis of the rights of persons with disabilities. However, customs and beliefs in highly traditional societies such as in Sierra Leone may negatively impact on these very principles. Negative traditional beliefs about persons with disabilities are still strong, especially in rural areas. Findings from focus

group discussions showed that persons with disabilities are at times considered not fully human and a product of witchcraft. Stigma is rooted in the language itself. In *Krio*, persons with physical disabilities are generally called *cripple* or *die fut, die ahn* (dead feet, dead hands), children with severe disabilities are known as *debul pikin* (devil or demon child) while those with mental disability are also referred to as *craseman* or *ful ful*. In *Temne*, the term *gbenkilenki* (meaning crooked or not upright) is used to deride persons with physical disability, while those with hearing impairment are mockingly called *boo-boo*. Negative stereotyping is common also in *Mende*, where

persons with disabilities are called *nunemugue* (person with fault) or *nugbalegue* (person in pain). Among the *Korankor* and *Madingo*, some people mockingly refer to amputees as *sainkelain* (one leg) or *bolokundu* (short hand).

In this regard, article 8 of the CRPD establishes a clear obligation for the State to adopt immediate, effective and appropriate measures to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for their dignity and rights. States are required to combat stereotypes, prejudices and harmful practices relating to persons with disabilities and promote awareness of their capabilities. The CRPD indicates a number of measures to this end, including initiating and maintaining effective public awareness campaigns to promote positive perceptions and greater social awareness towards persons with disabilities, fostering an attitude of respect for the rights of persons with disabilities in the education system and in the media and promoting awareness-raising programmes regarding persons with disabilities and their rights⁵⁵.

The Government of Sierra Leone has demonstrated increased attention to the rights of persons with disabilities, which culminated in the adoption of the Persons with Disability Act in 2011. According to the Act, the National Commission for persons with disability will be responsible for recommending measures to prevent discrimination against persons with disability and carry out measures for public

Relevant articles from the CRPD

- Art. 3 General principles
- Art. 8 Awareness-raising
- Art. 12 Equal recognition before the law
- Art. 19 Living independently and being included in the community
- Art. 23 Respect for home and the family

⁵⁵ CRPD, article 8.

information on the rights of persons with disability⁵⁶. In the light of the definition of discrimination contained in the Act⁵⁷, this provision opens the room for implementation of article 8 of the CRPD.

Findings from primary research show that sensitization can be instrumental in changing the community perception towards persons with disabilities. Public campaigns in this regard would therefore be appropriate, as so far awareness-raising has been promoted largely by NGOs and DPOs⁵⁸. All stakeholders interviewed by HRS share the view that the widespread negative perception towards persons with disabilities confirms the need for the Government of Sierra Leone to fulfill its obligations under article 8 of the CRPD. This is even more necessary considering that recent research on public perception of disability by government executives and local authorities confirms that senior public officials still keep in mind the traditional representation of persons with disabilities as expressed by the different ethnic terms⁵⁹. This contributes to reinforce the same charity approach that the HRS has observed in many interviews with stakeholders at community level, where the focus is on the impairment of persons with disabilities with little regard to social, behavioural and environmental barriers that constitute obstacles for them.



A focus group with persons with disabilities in Grafton, Western Area

Families largely consider members with disabilities as a burden. Children with disabilities are often neglected and even abandoned based on the assumption that they will never succeed in life, in clear violation of article 23 of the CRPD. Discrimination is recurrent in particular in distribution of family properties and inheritance. For instance, a blind man, C. B., residing in Bonthe Island, informed HRS during a focus group discussion that he had been denied the right to inherit family properties and that his brothers and sisters forced him away from the house built by his parents. Nevertheless, there are

⁵⁶ The Persons with Disability Act, No. 3, 2011, Section 6 (d) and (e).

⁵⁷ The Persons with Disability Act, No. 3, 2011, Section 1: "discrimination means treatment of a person with disability less favourably solely or mainly on the ground of that person's disability and includes using words, gestures or caricatures that demean, scandalize or embarrass a person with disability".

⁵⁸ Among advocacy campaigns, Leonard Chesire Disability has supported the Young Voices programme in Sierra Leone which gathered young people with disabilities promoting the CRPD through various artistic performances.

⁵⁹ Handicap International, "Representation and perception of disability by senior public officials and local authorities", February 2010, p.29.

A blind man in Freetown said: "I had a bitter experience when my mother died. I told my family members that I wanted to pay my last respect to her by attending her funeral. I left Freetown for our home and kept calling to inform them of where I was even as I travelled that day. I arrived only to be told that my mother had been buried about an hour before. Family members argued that there was no point waiting for me because even if I arrived in time, I would not have seen the body due to my blindness. That treatment hurt me more than the death of my mother. On that day, I really felt the pains of blindness".

positive exceptions. A person with polio in Waterloo explained that his father built a house for him precisely because among his siblings he was the most vulnerable. Findings from the focus group discussions also show that prejudice and discrimination are very common in the area of marriage. Traditional customs and beliefs often impose a double discrimination on women with disabilities. In line with article 23 of the CRPD the State must take action to eliminate such discrimination.

Similarly, urgent action is required to realize the full inclusion and participation of persons with disabilities

in their communities, as established by article 19 of the CRPD. At community level, discrimination, isolation and negative perception (persons with disabilities are seen as failure) is recurrent, although there are positive exceptions. Most of the participants in the focus groups complained that their views are not taken into account and that their involvement in traditional and community events is often limited to mere observers or to specific roles assigned to them, such as pouring of libation and appeal for help from the dead. Community support, when it exists, reflects the charity approach rather than one of genuine inclusion. Interestingly, *secret societies*⁶⁰ were referred by many respondents as the only place where they felt treated on an equal basis and protected. As reported by a Paramount Chief (traditional authority) in Kenema: "members of *secret societies* with disabilities viewed the membership as an avenue to establish socio-cultural connections; given the fact that there are certain disputes that can only be settled in the "bush", not being a member of the society reduces the chances of decision taking in one's favour"⁶¹. However, Persons with disabilities expressed an overall lack of confidence and lamented discrimination by traditional authorities which handle their complaints. Findings from focus groups, nonetheless, show that in rural communities trust towards traditional authorities is higher and that persons with disabilities therefore still resort to them.

Employment and other economic and social opportunities

While in the area of employment, in particular among the youth, immense challenges are faced by all, discrimination against persons with disabilities appears to be more evident. The Convention underlines equality of opportunity as a key principle under Article 3 and requires state parties under article 27 to recognize, safeguard and promote the right to work for persons with disabilities, including those who become disabled during the course of employment.

Findings from the focus group discussions show that the majority of persons with disabilities survive through begging or goodwill donations and assistance from

Relevant articles from the CRPD

- Art. 3 General principles
- Art. 5 Equality and non-discrimination
- Art. 9 Accessibility
- Art. 12 Equal recognition before the law
- Art. 24 Education
- Art. 26 Habilitation and Rehabilitation
- Art. 27 Work and employment
- Art. 32 International cooperation

⁶⁰ *Secret societies* are traditional institutions, different for men and women, present all around the country and very influential especially in rural areas. The two main societies are the Bondo, for women, and the Poro, for men. Membership to *secret societies* is subject to initiation rites, which in the case of Bondo also entails practices of female genital mutilation.

⁶¹ Interview to P.C. Amara Bonyah Yangahun, Hanga Town, Kenema, 16 June 2011.

charitable institutions. This reinforces the negative public perception towards them and presents charity as the only available approach to disability. Persons with disabilities expressed the need to change the public perception as their own responsibility, and indicated hard work, paying taxes and stopping street begging as means to achieve it. Dependence on family economic support remains common, notwithstanding the instances of discrimination within the household discussed above. In smaller communities and rural areas, persons with disabilities are more often involved in small scale business, petty trading, farming, fishing or manual jobs (tailoring, crafting, blacksmithing). The Persons with Disability Act includes for reaching provisions to protect persons with disabilities from discrimination in employment and makes it an offence by employers to discriminate in terms of compensation, privileges, benefits, incentives or allowances⁶². Also, if the employee acquired the disability while working in the establishment, the employer shall retain or redeploy him or her. In line with article 27 (h) of the CRPD, which commits the State to take affirmative action to promote the employment of persons with disabilities in the private sector, the Act provides for tax deductions up to 25% for employers who employ persons with disabilities. Similar deductions are foreseen for employers who modify facilities or ensure special services in order to provide reasonable accommodation for employees with disability⁶³.

In fact, the reality is grim. A benchmarking exercise conducted by Leonard Cheshire Disability in 2011 on 63 employing institutions shows that out of 1,286 employees only 1% were reported to be persons with disabilities (mainly with physical disability), of which only 3 were women⁶⁴. Furthermore, 89% of the employing institutions admitted lacking completely disabled-friendly facilities. Interestingly, the perceptions of employing institutions on the ability of persons with disabilities to carry out tasks in the offices were positive, with almost all employers expressing their extreme satisfaction and many acknowledging that persons with disabilities perform better if given the opportunity (reasonable accommodation) to do so. The good performance of persons with disabilities was confirmed by the evidence that the majority of persons with disabilities who were recruited in formal employment held senior positions in their respective organizations. These findings demonstrate that implementation of the Persons with Disability Act in this area is as urgent as it is economically sensible. The National Commission for persons with disability, once established, will need to speedily formulate and develop measures designed to achieve equal opportunities and access to employment as set out in Section 6 (2)a and f of the Act⁶⁵.

A.C. is a 31 year old blind woman from Rotifunk, Moyamba District. She was sent to school because she could not work on the family farm. After primary and secondary school, she obtained a teachers' certificate and taught in a primary school in Makeni, where she also obtained a tertiary education certificate. Throughout her studies, she used Braille, a type writer and sometimes a tape recorder to take notes. A. became a disabled activist and joined various organisations campaigning to promote disability rights. She has just been proposed to contest in the forthcoming local council elections in Makeni to represent persons

The primary research conducted by HRS shows that persons with disabilities have very limited access to public employment. Findings from focus group discussions indicate that teaching is the most common exception from exclusion from public employment. Sometimes this even entails management responsibilities. In Tombo, Western Area, a blind teacher is acting head teacher in his school. A recent study from Handicap International also confirms that there is blatant absence of persons with disabilities in public work and that public officials make the recruitment of persons with disabilities

⁶² The Persons with Disability Act, No. 3, 2011, Section 19 and 20.

⁶³ The Persons with Disability Act, No. 3, 2011, Section 23. See also CRPD article 5 (3), 9 and 27 (1.i).

⁶⁴ Leonard Cheshire Disability, "Disability Benchmarking Exercise Results for Informed Decision-making Activities at Local and National Levels in Sierra Leone", fall 2011.

⁶⁵ See also Article 27 (1)e of the CRPD.

depend on their physical and intellectual aptitude, without sufficient consideration of modifications to enable people with disabilities to operate under optimum conditions⁶⁶. The same study demonstrates that those who want to recruit persons with disabilities largely do so out of pity for them, thinking first of their deficiencies and limitations rather than a person's worth. The Persons with Disability Act is silent about public employment, although this is an area explicitly mentioned by the CRPD⁶⁷. It is imperative that the future National Commission for persons with disability takes this into consideration while developing measures according to Section 6 (2)a of the Act. Affirmative action in promoting employment in the public sector for persons with disabilities is a recurrent demand from DPOs and emerged clearly during the National Consultative Conference organized by HRS in 2010.



A. C. chairing a meeting of her organisation in Moyamba District

For most of the participants in the focus group discussions, lack of employment is rooted in the difficulty to access other existing economic and social opportunities. Although in some cases persons with disabilities were beneficiaries of micro-finance projects, there is widespread difficulty to access credit, mostly because they are not considered trustworthy. Article 12 of the CRPD stipulates that State parties shall take all appropriate and effective measures to ensure that persons with disabilities have equal access to bank loans, mortgages and other forms of financial credit. The Persons with Disability Act does not foresee anything in this regard. Considering that such opportunities are mainly offered by international NGOs and development agencies, it will be their responsibility to ensure that international cooperation is inclusive and accessible to persons with disabilities as stated in article 32 of the CRPD. In some cases persons with disabilities lamented that opportunities are monopolized by certain DPOs, thus preventing access by other groups. In rural communities shares of community opportunities and resources are more accessible.

A. S., a blacksmith with a physical disability, is a successful entrepreneur and a stakeholder in Talia, Yawboko Chiefdom, Bonthe District. He owns a training workshop in which he has over ten employees as tutors and managers. He has over 50 trainees, a good number of them with disabilities. He is a key member of the Chiefdom Management Committee and is a force within the chiefdom to reckon with.

⁶⁶ Handicap International, "Representation and perception of disability by senior public officials and local authorities", February 2010, p.22 and 35-37.

⁶⁷ Article 27 (1)g indicates the employment of persons with disabilities in the public sector among the measures States need to take to promote the realization of the right to work of persons with disabilities.

Participants in focus groups indicated lack of education, discrimination, negative perception and lack of trust among the obstacles to equal access to economic and social opportunities. Unsuitable infrastructure and in some cases physical inability were also mentioned.

Persons with disabilities in different areas of the country benefitted from skills training, although rural communities are disadvantaged in this regard. However, even where training is conducted, very few opportunities exist to put the acquired skills into practice. Teaching, again, was indicated as one of the few chances to apply education or training received. Most of the stakeholders interviewed gave a similar account. Sustainability of empowerment programmes for persons with disabilities was underlined as a major challenge by representatives of the MSWGCA and DPOs. The chairman of SLUDI in Koidu, for instance, said: "if those who went through training were certified and given the requisite start up kits, they would have been self reliant by now. This would have also contributed to change the perception that persons with disabilities cannot fend for themselves"⁶⁸. The few good practices encountered, such as the case of the successful blacksmith in Talia reported in the box, confirm that the follow up to training is extremely important to make the intervention worthwhile.

Article 27 (1)d of the CRPD explicitly commits the State to take action to enable persons with disabilities to have effective access to general and vocational guidance programmes, placement services and vocational and continuing training. In this regard the Persons with Disability Act does not foresee specific action, but affirmative measures should be applied by the National Commission for persons with disability, also by utilizing the National Development Fund established by Section 31 of the Persons with Disability Act⁶⁹.

School aged children with disabilities tend to attend school – often with good results - although they often suffer provocation and mockery. While there is no discrimination in enrollment in schools, and in some cases they receive scholarships or support such as tuition, persons with disabilities remain highly disadvantaged in their physical access to the facilities as well as to studying material. Teachers are often supportive to their situation but they largely lack training, especially in dealing with deaf and deaf-mute students. A case of direct discrimination, notably banning blind pupils from school in Koidu, was recorded in the monitoring activities of HRS and resolved after appropriate intervention.

There are a number of specialized schools in the country that offer more appropriate material and better trained personnel. There are 6 schools for the blind in the country (Freetown, Bo, Kenema, Koidu, Makeni, Kabala) and a school for the deaf in Freetown. Serious abuses in the Bo school for the blind were reported in May 2011 and closely monitored by the HRS. Student were reportedly flogged and severely punished, and in some cases sexually abused, by relatives of the proprietor of the school who occupy most of the quarters in the school compound. HRS intervention ensured that the case of a student who was beaten and admitted to hospital with fractured bones, initially settled through informal resolution, was taken to court. Students also lamented lack of water supply and inadequate provision of food and accommodation.

The CRPD is very clear in promoting inclusive education and prefers it against special institutions in order to avoid segregation⁷⁰. In this regard, specialized schools in Sierra Leone only provide primary education, while students with disabilities receive secondary education in normal schools. Leonard Cheshire Disability also has "Cheshire homes" in different parts of the country where children with

⁶⁸ Interview with Komba Charles Kapuwa, SLUDI Chairman, Koidu, 20th June 2011.

⁶⁹ In particular, see Section 31 (4)c of the Persons with Disability Act.

⁷⁰ CRPD article 24.

disabilities are hosted, although they attend normal schools outside the structure. The Persons with Disability Act also favours inclusive education. It establishes that the Government shall ensure the structural adaptation of educational institutions to make them easily accessible to persons with disability and that schools provide facilities for learning for persons with disabilities. It also states that educational institutions shall endeavour to introduce in their institutions sign language and Braille, while the National Commission for persons with disability shall assist the Government in the formulation of suitable curricula for teacher training institutions⁷¹. The Persons with Disability Act also confers to the National Commission for persons with disability the role to consult with the Government about the provision of suitable and affordable housing for persons with disability. This function is particularly relevant in the light of recent incidents monitored by the HRS. In May 2011 around 300 persons with disabilities in Freetown were violently evicted by the police from the building where they were living. The police intervention also damaged structures such as workshops which were set up by NGOs in support of training projects. The strong mobilization in support of those evicted led the Government to reconsider the action and start an investigation. Pending the publication of the report on the events to indicate alternative solutions, the residents were permitted to continue living in the building.

Health

Recent studies suggest that persons with disabilities in Sierra Leone are more likely to be excluded from accessing health care while those that do access health services carry higher financial burdens⁷². Article 25 of the CRPD recognizes the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. It requires States Parties to take all appropriate measures to ensure access for persons with disabilities to the same range, quality and standard of free or affordable health care and programmes as provided to other persons. It also requires health professionals to provide care of the same quality to persons with disabilities as to others.

Findings from focus group discussions and interviews with health professionals at community level indicate that in most cases there is no deliberate discrimination at the health centres and persons with disabilities receive treatment on conditions similar to others. While cases of mistreatment and humiliation were reported⁷³, so were examples of good practices. For instance, participants from Ngo Town, Kono District, reported that medical personnel pay home visits when persons with disabilities are unable to reach the health centre and try to find drugs even when these are not available in town. Awareness raising programmes and training to medical personnel on the human rights, dignity, autonomy and needs of persons with disabilities as prescribed by article 25 of the CRPD are nonetheless needed to avoid similar discrepancies in treatment.

Relevant articles from the CRPD

- Art. 3 General principles
- Art. 9 Accessibility
- Art. 14 Liberty and security of the person
- Art. 17 Protecting the integrity of the person
- Art. 19 Living independently and being included in the community
- Art. 25 Health
- Art. 26 Habilitation and rehabilitation
- Art. 28 Adequate standard of living and social protection

In the majority of cases, however, discrimination is indirect. The type and quality of treatment largely depends on the price paid for it. For example, orthopedic materials are mostly imported and are thus

⁷¹ The Persons with Disability Act, No. 3, 2011, Section 6 (2)(k).

⁷² Jean-Francois Trani, Disability in and around urban areas of Sierra Leone, Leonard Cheshire Disability, 2009.

⁷³ Discriminatory denial of health care or health services on the basis of disability is explicitly prohibited by the CRPD, article 25 (1) f.

very expensive. The attention given to one's views and opinions by the medical personnel and the professionalism with which one is treated often depends on the amount of money the patient can afford to pay. Also, decisions in terms of medical treatment are beyond the mere control of medical personnel, and ultimately lie with the person treated or on his/her family. While these conditions apply to both persons with and without disabilities, persons with disabilities generally seem to have fewer resources to access quality health care.

Affordability of more advanced health care remains a problem. Persons with disabilities were originally included in the Free Health Care (FHC) programme by the government, which was eventually restricted to pregnant women, lactating mothers and children under five years old. Persons with disabilities qualify for treatment at cost recovery price, although this is restricted to National Rehabilitation Centres and depends upon availability of drugs. Whereas many respondents said they can afford the cost of medication for minor treatments, more serious health issues and cases of referral are beyond the reach of most of them. In those cases, persons with disabilities either borrow money or resort to family or charity support. While some respondents said they benefitted from the FHC scheme, others complained that since it entered into force, attention and resources were taken away from persons with disabilities. Similarly, there were instances in which they received treatment at cost recovery price, but the practice is inconsistent and uneven. In this light, the implementation of the Persons with Disability Act, which provides for free medical services in public health institutions, will contribute to stabilizing the situation. Interviews with health personnel also confirmed that there is a widespread agreement among medical practitioners that persons with disabilities should be involved in the FHC, or some form of cost recovery package. However, the sustainability of such a far reaching provision will ultimately depend on the allocation of sufficient resources to this purpose, which has already proven challenging⁷⁴.

Decisions in terms of medical treatment are beyond the mere control of medical personnel, and ultimately lie with the person treated or on his/her family. S.L. is a 35-year old woman from Bunumbu, Kailahun District. She has a physical disability that makes pregnancy and delivery extremely difficult and dangerous. While giving birth to her seventh child, her condition was so critical that she had to undergo an emergency operation to save both her and the child. After this incident, the community nurse advised her to be sterilized. She refused after her husband threatened to desert her and the children if she opted for such a surgery.



Rehabilitation technicians working in an upper limb prosthesis in Koidu Government Hospital rehabilitation unit, centre supported by Handicap International

⁷⁴ See World Bank, Escaping stigma and neglect, People with disabilities in Sierra Leone, January 2009, p. 23.

In addition to financial constraints, transportation, distance, accessibility of medical facilities, long queuing, and communication barriers are major challenges in accessing health care by persons with disabilities. Distance, cost and the availability of transport are indeed considerations at the basis of the choice of medical facilities by persons with disabilities. In this regard article 25 of the CRPD requires the State to provide health services as close as possible to people's own communities, including in rural areas. Article 9 also obliges the State to identify and eliminate obstacles and barriers to accessibility to medical facilities. DPOs have repeatedly called for affirmative action by the State in this regard. In Sierra Leone, this will require a huge effort of adaptation which should be guided by the provision of the right to a barrier-free environment and the consequent adjustment orders envisaged by the Persons with Disability Act⁷⁵.

Article 25 also requires the State to provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities. Although the 2002 National Health Strategy indicates that disability is one of the priority health problems in Sierra Leone, there is no specific allocation within the Ministry of Health to support disability related intervention, with the exception of small pilot programmes on community rehabilitation⁷⁶. Lack of sufficient attention to disability also emerged in the most recent demographic and health survey conducted by Statistic Sierra Leone and the Ministry of Health in 2008, where no disaggregated data was collected about persons with disabilities⁷⁷. At community level, interviews with health personnel also confirmed that most health facilities do not keep records of persons with disabilities attended to and treated. In the implementation of one of the TRC recommendations, a referral system for medical care was created in 2009 for victims of the conflict requiring emergency medical treatment⁷⁸. This system is to be decentralized in 2011 with the availability of more funds from NaCSA. Due to the ministry's very limited resources, most of the rehabilitation services are provided by partners such as development agencies and NGOs, including Handicap International, Prosthetic Outreach Foundation (POF), Mercy Ships and Cure International⁷⁹.

There is modest knowledge about mental health issues and official data may extremely underestimate the prevalence of mental health cases in Sierra Leone. The 2004 census reported only 3,300 cases of mental disability, but other studies estimate the prevalence above 250,000⁸⁰ or even as high as 420,000 people⁸¹. This reflects little regard for mental health issues among government officials, medical personnel as well as the general population. In fact, widespread misconception about this issue makes persons with mental or psychosocial disability to be subject to even higher degree of stigma and discrimination from their family and community.

There are no community mental health services or psychiatric services in general hospitals in Sierra Leone, thus the vast majority of persons suffering from mental or psychosocial disability either do not receive treatment or resort to traditional healers. Informal community care is offered by NGOs and faith based organizations. There is only one psychiatric hospital in Sierra Leone, in Kissy, Freetown. HRS paid a monitoring visit to the Kissy Psychiatric Hospital in July 2011 and continues following up since then. At the time of the visit, there were 104 patients out of a capacity of 200, 75% of which were men. Most of them, however, were suffering from drug induced psychotic disorder, thus qualifying for other forms of rehabilitation rather than for a psychiatric hospital. Across the country, persons suffering from mental and psychosocial disability are largely kept hidden within private homes

⁷⁵ The Persons with Disability Act, No. 3, 2011, Sections 24 and 26.

⁷⁶ World Bank, *Escaping stigma and neglect, People with disabilities in Sierra Leone*, January 2009, p. 13 and 23-24.

⁷⁷ Statistics Sierra Leone (SSL) and ICF Macro. 2009. *Sierra Leone Demographic and Health Survey 2008*.



by their families and are brought for medical treatment only when they become violent or difficult to manage. However, article 17 of the CRPD protects persons with disabilities from non consensual treatment.

Article 19 of the CRPD requires States to ensure that persons with disabilities are not obliged to live in a particular living arrangement and article 14 protects the right not to be deprived of liberty unlawfully or arbitrarily. In fact, patients of the psychiatric hospital are generally brought there by their families and their consent is not systematically sought. Patients are discharged once treatment has been judged effective of sufficient and in any case after a maximum of 12 weeks, although re-admission for renewed treatment is possible. However, in some cases persons stay well beyond this limit, often because the family neglects them and they do not have an alternative place to stay. Mr. S., for instance, was taken to the hospital as a result of depression after being deprived of all his inheritance more than thirty years ago, in 1980. Since then, he has been abandoned by all his relatives, including his son. He has been discharged on several occasions but he always went back to the hospital to escape ill treatment from his family.

The conditions observed by HRS give reason for serious concern. Many patients – especially drug addicts undergoing the initial phase of detoxification – are chained to their beds and have to defecate in a bucket (which some claim they had to pay for). They also reported not being able to wash themselves due to the limitation of mobility. Staff of the hospital explained that they have no other option than chaining them due to their violence and the potential threat to the security of the personnel working in the hospital.

⁷⁸ WITNESS TO TRUTH: Report of the Sierra Leone Truth and Reconciliation Commission, 2004, Volume 2, chapters 3, paragraph 91.

⁷⁹ See also chapter 2 about the challenges for the Ministry of Health to take over full control of the National Rehabilitation Centres.

⁸⁰ Reported in World Bank, Escaping stigma and neglect, People with disabilities in Sierra Leone, January 2009, p.7.

⁸¹ The World Mental Health Survey (2004), reported in International Medical Corps, Mental Health in Sierra Leone: Assessment of DFID Project Opportunity, IMC, September 2010.

The hospital lacks resources and drugs. Patients reported shortage of food, which according to the management is due to inadequate food supply, which is determined on an annual basis. Additional food is normally brought by family members or bought by patients in the immediate surroundings of the hospital. Shortage of fuel constantly leaves the hospital in complete darkness after midnight. As a result, nurses do not enter the wards at night for fear of assault and patients are left unattended. Lack of water supply creates serious problems of hygiene and sanitation. The hospital has no rehabilitation services available such as occupational therapy, vocational training or educational opportunities as provided for by article 26 of the CRPD. Most importantly, shortage of both specific and generic drugs in most cases jeopardizes the efficacy of the treatment.

The management of the hospital deplored the number of staff working in the hospital, which is inadequate. Out of the total 108 personnel working in the hospital, there is only one psychiatrist (the only one in Sierra Leone), one mental health specialist and two psychiatric nurses. 56 others are nurses, while the rest are support staff. In particular, there are no social workers to follow up with patients upon their release. In this regard, coordination between the MoH and the MSWGCA is urgent. Funding of the hospital comes from MoH and NGOs, which have been instrumental in the donation of drugs. However, it has been reported that resources allocated to the hospital by the Government often do not reach it.

Conditions and treatment observed in the hospital are contrary to a number of basic human rights, including liberty and security of person, freedom from cruel, inhuman or degrading treatment, health and adequate standard of living. The Persons with Disability Act does not explicitly mention psychosocial disability. It is important, therefore, that the National Commission for persons with disabilities, once established, includes mental health into the scope of its activities, including with regard to rehabilitation⁸². In the meantime, independent authorities such as the HRCSL should incorporate the Sierra Leone Psychiatric Hospital into their monitoring activities as mandated by article 16 of the CRPD. A draft Mental Health Policy, which would prioritize the integration of mental health into general health services, was waiting for approval by the Cabinet at the time of writing this report. Similar to many other areas, effective improvement and sustainability will only be triggered by adequate allocation of funding.

Political Participation

Full and effective political participation and inclusion on an equal basis with others is considered a general principle of the convention under article 3. Article 4 sets a general obligation for the State to closely consult with and actively involve persons with disabilities and DPOs in all decision-making processes concerning issues relating to them⁸³. The importance of participation was at the basis of the adoption of the CRPD itself. During the negotiation of the Convention, persons with disabilities were not only represented by their governments and organizations or institutions, but were themselves personally represented and played an influential role in the entire process.

Relevant articles from the CRPD

- Art. 3 General principles
- Art. 4 General obligations
- Art. 9 Accessibility
- Art. 29 Participation in political and public life

⁸² The Persons with Disability Act, No. 3, 2011, Section 6 [2] g.

⁸³ CRPD, article 4 [3].

Persons with disabilities have generally limited opportunities to participate in decisions affecting their communities. When this happens, normally through public meetings, their views are often not taken into account. DPOs are one of the few alternatives that persons with disabilities have to make their voices heard. There are important exceptions to this situation, especially in rural communities. In Talia, for instance, a 63 years old blind man is a tribal authority and member of the Chieftdom council of elders, while a 48 years old man with physical disability has served as ward councilor. They have been able to influence the decisions of the community in areas affecting them, as well as represent other persons with disabilities.

Local authorities interviewed confirmed that persons with disabilities are not involved in decision making at community level, often because people consider them neither trustworthy nor relevant to decision making affecting the community. However, good practices exist occasionally: for instance, in a bid to promote their inclusion a seat reserved for a representative of persons with disabilities was created in the District Council Committee in Kenema⁸⁴. The Persons with Disability Act does not include any provision for involvement of persons with disabilities and DPOs in decision making at the local level. There are some positive examples: Handicap International, for instance, is implementing activities together with DPOs to promote inclusive local development in Freetown and Koidu. Among the stakeholders interviewed, some proposed the enactment of community by-laws to make provision for the inclusion of persons with disabilities in all community affairs. At the national level, the composition of the National Commission for persons with disability will be extremely important in ensuring meaningful participation of persons with disabilities in the implementation of the Persons with Disability Act⁸⁵.



A Forum on political participation for person with disabilities organized by the Human Rights Commission in Freetown prior to the Local Council Elections in 2008

Many participants in the focus group discussions did not consider disability as an impediment to leadership; however they felt they are forced to accept that society believes this to be true. Interviews conducted by HRS with traditional authorities confirm that in the view of many, disability negatively

⁸⁴ Interview with Esther Kaisambo, Councilor and Chairperson of the Committee on Social Welfare, Kenema Town Council.

⁸⁵ Section 3 of the Persons with Disability Act states that the Commission shall consist of a Chairman (who shall be a person with knowledge on disability issues, representatives from 8 different Ministries, four representatives of SLUDI and other DPOs, two representatives from NGOs dealing with disability issues and an executive secretary.

affects performance and remains an obstacle to leadership. It would appear that local authorities are more open to recognizing leadership capacities in persons with disabilities.

Article 29 of the CRPD requires State parties to guarantee the effective and full participation in political and public life for persons with disabilities by ensuring appropriate and accessible voting procedures, facilities and materials, protecting the right to vote and contest, to effectively hold office and perform functions of government without intimidation. These provisions, including the guarantee of the free expression of the will of persons with disabilities as voters and the promotion of an environment conducive to effective and full participation, become particularly relevant in view of the local, parliamentary and presidential elections that will be held in Sierra Leone in 2012.

Findings from focus group discussions show that there is widespread awareness about the upcoming elections. Persons with disabilities of voting age have largely registered and voted in the previous elections, although they admitted to facing a number of challenges. Long queues, excessive distance from the polling stations, difficulty in accessing the facilities, and respect for secrecy for those who need assistance were among the most recurrent obstacles to the full participation of persons with disabilities in the voting process mentioned in the focus groups. They also reported feeling more vulnerable to intimidation and violence when tensions around the polling stations arise.

While confirming the existence of these challenges, local representatives from NEC mentioned a number of measures that were put in place to meet the needs of persons with disabilities in casting the ballot. Voters with disabilities were allowed to queue in priority lines for vulnerable persons (although in some instances participants in focus groups contended that this was not effectively enforced) and in urban settings tactile ballots were made available. With the enactment of the Persons with Disability Act, NEC is required to ensure that during elections, polling stations are made accessible to persons with disabilities and provide such persons with the necessary assistive devices and services to facilitate the exercise of their right to vote⁸⁶. In this regard, some steps have already been taken in preparation of the 2012 elections. NEC's operational plan for the upcoming elections provides for making tactile ballots available countrywide. Also, NEC has decided that all polling stations must be on the ground floor, and in Kono, for instance, it has increased the number of polling stations to be fully accessible for persons with disabilities in the 2012 elections. A senior NEC official explained to UNIPSIL HRS that the Commission's view is to promote the recruitment of persons with disabilities to work during the electoral process. Persons with disabilities are also beneficiaries of training. In Grafton, for instance, a blind woman completed the training provided by the Institute of Electoral Administration and Civic Education and now qualifies to be a presiding officer at the polling station, as well as to train others. Currently, in the training for registration and polling stations officers there is no specific module on how to ensure the right to vote for persons with disabilities on an equal basis with others; NEC officials at both the national and the local level expressed the need to include the rights of persons with disabilities in the training ahead of the 2012 elections. Finally, NEC intends to engage persons with disabilities in the sensitization efforts and ensure their participation in the local electoral sensitization committees. Work is ongoing to produce an electoral guide for persons with disabilities.

DPOs have also started to raise awareness in this regard. In September 2011, regional consultations were organized with the support from the International Foundation for Electoral Systems (IFES) to identify critical issues for the active participation of persons with disabilities in the 2012 elections.

⁸⁶ The Persons with Disability Act, Section 29.

Recommendations included the need to speed up the establishment of the National Commission for persons with disability, forge cooperation between NEC and DPOs, recruit persons with disabilities to work during the electoral process, train NEC and police personnel on participation of persons with disabilities, and keep the needs of persons with disabilities in mind when identifying polling stations, including by increasing their number. An electoral guide for persons with disabilities is also expected to be produced as a result of these consultations.

With regard to limitations imposed upon persons with disabilities to exercise their right to vote, the Electoral Laws 2002 place limits on persons with mental or intellectual disability by prohibiting voter registration and casting of a ballot of “a lunatic within the meaning of any law in force in Sierra Leone⁸⁷. In principle, such a prohibition needs to be certified by a psychiatrist, but the fact that in Sierra Leone there is only one psychiatrist, makes this provision rarely applied. However, although not imposed in practice, the denial of the right to vote on the basis of disability is a *de jure* discrimination and contrary to the CRPD. Also, persons with mental or intellectual disability are more likely to be subject to discrimination and stigma at family or community level with regard to participation in elections.

There is a general knowledge of political parties among persons with disabilities. In most cases, they are mere supporters and see their role limited to the electoral period, by campaigning and voting. There are however important exceptions and examples of active roles, which have even influenced the internal decision making of political parties at the local level. For instance, mobilization of groups of persons with disabilities in the Western Area contributed to exerting pressure on one of the political parties to accept the candidature of a person with disabilities in the last parliamentary elections. Ensuring disabled-friendly internal policies, furthermore, was one of the demands that emerged from the regional consultations on political participation by persons with disabilities mentioned above.

There are cases of persons with disabilities who ran – and in some cases won, including one Member of Parliament – in local or general elections, more often in urban communities than in rural ones. However, active participation of persons with disabilities in political life is limited by factors such as financial constraints, stigmatization, lack of family or community support, lack of self confidence, and lack of education. Some of these challenges were also mentioned by non disabled respondents.

Hon. Julius Cuffie was elected as a Member of Parliament (MP) in 2007. He is the first MP with a disability. He said: “you need to build your own respectability, and at the same time you need the opportunity to do so. I am one of eight siblings. I had no special preference, but I was not treated unfairly. My parents gave me the best they could, like to any of my brothers and sisters. I was succeeding in school, and that was what encouraged them.

Finally, full and effective participation in political and public life needs to be supported by access to information as guaranteed by article 9 of the CRPD. In this regard, the Persons with Disability Act states that every television station shall provide a sign language inset or subtitles in all newscasts and educational programmes, and in all programmes covering events of national significance. Access to information, however, needs to be systematically taken into account in all documentation related to the elections.

⁸⁷ Electoral Laws (Amendment Act) 2002, Section 7.

4. Measures taken by the Government and other relevant stakeholders to protect and promote the rights of persons with disabilities in Sierra Leone

In the previous sections of this report, specific measures taken by the Government and other relevant stakeholders to protect and promote the rights of persons with disabilities have already been mentioned. This chapter offers the opportunity to recap them and put them in context.

The most important recent development in this regard is the enactment of the Persons with Disability Act, which is expected to address many of the challenges analyzed above. However, the timely and effective establishment of the National Commission for persons with disability and the National Development Fund for persons with disability is essential. The full implementation of the Act also entails a number of affirmative actions by the State. UNIPSIL HRS/OHCHR will continue providing support and technical assistance to relevant stakeholders to this end.

In several areas, challenges are structural and related to the condition of Sierra Leone as a developing country. In this regard, article 4 of the CRPD incorporates in the Convention the principle of progressive realization of economic, social and cultural rights. Accordingly, “each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights”⁸⁸. While this does not exempt the State from those obligations that are immediately applicable, it allows putting other ones into context. Some of the measures envisaged by the Act, such as the extension of free health care to persons with disabilities, represent indeed important steps to mark gradual improvement in the area of economic, social and cultural rights of persons with disabilities.



The then Minister of Social Welfare, Dr. Soccoh Kabbia, flagging the Persons with Disability Bill on the IDD 2010, three months before its enactment

⁸⁸ CRPD, Article 4 (2).

In 2011, the Government made specific budgetary allocations for activities in the area of disabilities, although at the time of writing, nothing has been disbursed yet. A number of policies, plans and strategies included persons with disabilities as beneficiaries in the area of education, health, and social security. Measures directed to persons with disabilities were also included in the Sierra Leone Reparation Programme (SLRP), launched in 2008, although their implementation is not completed.

In addition, a number of governmental agencies, institutions and other stakeholders have a role to play in the protection and promotion of the rights of persons with disabilities. Among them, the National Electoral Commission has already put in place a number of measures to meet the needs of persons with disabilities in casting the ballot and has started preparations to increase the number of polling stations accessible for persons with disabilities in the 2012 elections.

In 2008 the Human Rights Commission of Sierra Leone (HRCSL) established a Different Abilities and Non-discrimination Office (DANDO). DANDO is tasked with monitoring the implementation of the CRPD, create awareness on the rights of persons with disabilities, develop programmes to promote equality and non discrimination and support the government in implementing policies for persons with disabilities. The HRCSL played an important advocacy role in the ratification of the CRPD by the Government and was instrumental in the review of the Persons with Disability Bill that led to its enactment. In 2009, DANDO conducted a rights of persons with disabilities assessment survey in the Western Area. Action based on the findings included a dialogue session between DPOs and authorities on access to justice for persons with disabilities as well as outreach activities in the Western Area on the rights of persons with disabilities. In its latest "State of Human Rights in Sierra Leone" report for 2010, the HRCSL reports findings concerning access to justice, shelter, education, health and employment and highlights a number of recommendations in line with the findings of this report⁸⁹. As in previous years, a Braille version of the report was also produced.



Leonard Cheshire's Young Voices in Kabala, Koinadugu District

⁸⁹ The State of Human Rights in Sierra Leone 2010, Annual Report of the Human Rights Commission of Sierra Leone, p. 57-59.

The HRCSL has been receiving complaints on human rights violations since its inception. While complaints have included discrimination on the grounds of disability, proper disaggregation has not been undertaken. The Commission has also a quasi-judicial mandate. In June 2011, the HRCSL delivered its first decision concerning 235 Republic of Sierra Leone Armed Forces ex servicemen who were compulsorily retired having been categorized as “chronically ill” and “mentally imbalanced”.

Among other violations, the Commission’s tribunal established a violation of the right to freedom from discrimination. The two terminologies ‘chronically ill’ and ‘mentally imbalanced’ which were used as a justification to retire the officers implied discrimination on the grounds of disability, although the word ‘disability’ was not used. The HRCSL found that the complainants were discriminated against on the basis of ‘other status’, which violated their rights contrary to Article 26 of the ICCPR⁹⁰. While the decision extensively applied the constitution, the ICCPR and other critical precedents, significant CRPD provisions were not invoked. Applying the CRPD in its future tribunal decisions would further strengthen the critical role the HRCSL can play to protect the rights of persons with disabilities.

District Human Rights Committees (DHRC) have also taken repeated actions in monitoring and protecting the rights of persons with disabilities. In a case reported in March 2011, the intervention of the Kono DHRC was instrumental in engaging the deputy Director of Schools in the district, which led to the overturning of his decision to ban seven blind pupils from school.

The Sierra Leone Union on Disability Issues (SLUDI), in the capacity as umbrella organization of DPOs, has been active in advocacy, awareness raising and coordination of activities relating to the rights of persons with disabilities. A broad range of DPOs participates in SLUDI in representation of different type of disabilities, but currently mental and psychosocial disability is not represented. SLUDI has a crucial role in fostering the implementation of the Persons with Disability Act, also considering that the Act explicitly mentions this organization among the components of the future National Commission for persons with disability. A Braille version of the Act is being produced by the Sierra Leone Association for the Blind, member of SLUDI, with the support of Handicap International.

5. Measures taken by the United Nations to protect and promote the rights of persons with disabilities, with particular attention to the provisions on international cooperation contained in article 32 CRPD

Article 32 of the CRPD recognizes the importance of international cooperation in support of national efforts for the realization of the objectives of the Convention and commits States Parties to undertake appropriate and effective measures in this regard, including in partnership with relevant international and regional organizations. According to this provision, international cooperation, including international development programmes, should be inclusive and accessible to persons with disabilities.

A recent OHCHR study⁹¹ on the role of international cooperation in realizing the rights of persons with disabilities found that in spite of the significant amount of international assistance in the field of persons with disabilities challenges remain. In particular, efforts so far have focused overwhelmingly on disability-specific projects and less on mainstreaming disability rights.

⁹⁰ Human Rights Commission of Sierra Leone, Complaint HRCSL 65-09, Tribunal Decision on the 27th June 2011, p. 8.

⁹¹ Thematic study by the Office of the United Nations High Commissioner for Human Rights on the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities, UN document A/HRC/16/38.

The UN organizations, agencies and programmes working in Sierra Leone agreed in May 2009 to combine efforts and resources behind the UN Joint Vision for Sierra Leone, which establishes a general framework for UN cooperation and defines the organization's contribution to implementing the Government's Agenda for Change. In fact, the review of UNCT programmes and projects conducted by HRS to assess the extent to which disability rights are mainstreamed according to article 32 of the CRPD confirms the findings mentioned above and indicates the need to increase awareness about role that the UN Family can play in mainstreaming the rights of persons with disabilities⁹².

In terms of CRPD specific activities, UNICEF, WHO and UNIPSIL HRS/OHCHR supported the Government in ratifying the CRPD and developing and enacting the Persons with Disability Act. Several awareness raising activities on the rights of persons with disabilities were also conducted. WHO also supports the MoH in coordinating activities related to the rights of persons with disabilities, while UNIPSIL HRS/OHCHR organized, among other activities, a National Consultative Conference for Persons with Disabilities. Awareness raising was also done through periodic programmes on community radios (Human Rights Hour). In addition, UNIPSIL HRS jointly with HRCSL provided financial and technical support for a pre-legislative forum on the Persons with Disability Bill for members of the Legislative and Human Rights Parliamentary Committees.

A number of activities specifically targeting persons with disabilities were conducted by the UN Family. IOM has been the lead agency in implementing the Sierra Leone Reparations Programme in the framework of the UN Joint Vision, in which OHCHR also participated. IOM is also implementing the Amputee Sports, Advocacy and Development project in support of the Sierra Leone Amputees Sports Club. The project was launched following the visit of the UN Secretary General Ban Ki Moon to Sierra Leone in 2010, when he met with an amputee football team and announced the intention of the UN Peace Building Fund to support their training and education. UNIPSIL HRS/OHCHR is planning a number of activities aimed at ensuring effective and full participation of persons with disabilities in the 2012 electoral process and building the capacity of the Government on the rights of persons with disabilities, including by supporting the implementation of the Persons with Disability Act. UNICEF supports the NGO Peace Project in its effort to provide wheelchairs and crutches to persons with physical disabilities in Sierra Leone. Massive distribution of materials, together with a series of communication and artistic activities in order to fight prejudice and discrimination, was conducted on 20 September 2011 to mark the International Peace Day.

In terms of mainstreaming disability rights into general international cooperation, however, only UNICEF has reported having done so to a certain extent. Persons with disabilities are included in the organization's three main programmes in Sierra Leone. In framework of the Child Protection programme, the Vulnerable and Excluded Children project, which served as bedrock for the system approach to child protection, was built on inclusion, including children with disabilities. The Child Survival and Development programme also focuses on immunization to prevent polio. Finally, the organization is promoting child friendly schooling which includes standards for children with disabilities. Thus, the Education programme has ensured the provision of ramps and handrails to some schools to facilitate physical access of persons with disabilities to school buildings and latrines. UNICEF also advocated for a study to be undertaken to assess opportunities for inclusive education in Sierra Leone and guide the education sector plan in this regard. All UNCT members should consider undertaking a review of their activities to examine the extent to which they take into account persons with disabilities and their rights.

⁹² In July 2010 a guidance note for United Nations Country Teams and implementing partners was issued on "Including the rights of persons with disabilities in United Nations programming at country level", available at www.un.org/disabilities.



The Sierra Leone Amputee Football Team during an international tournament in Ghana

Only UNIPSIL HRS/OHCHR has been involved in the celebration of the International Day of Persons with Disabilities. As far as participation of persons with disabilities in UN programming is concerned, IOM reported that persons with disabilities are involved in the planning and monitoring of their programmes, especially those that have a direct impact on their lives. UNICEF has not directly involved persons with disabilities in programme development, though has kept their needs in mind during consultations and dialogue with Government, implementing partners and communities. In preparing, conducting and reviewing this report, UNIPSIL HRS/OHCHR extensively consulted with persons with disabilities and DPOs. UNIPSIL HRS/OHCHR maintains a fruitful collaboration with SLUDI and other DPOs which has resulted in the joint planning of activities and programmes.

Finally, only UNICEF has reported to have built barrier-free office premises by constructing a wheel chair ramp and limiting the number of stairways. UNIPSIL has employed a number of persons with disabilities, including one as focal point on disability in the Human Rights Section.

On a different note, UN Treaty Bodies have looked into the rights of persons with disabilities in Sierra Leone in their interaction with the Government. In particular, the Committee on the Rights of the Child has encouraged the Government of Sierra Leone to strengthen its data collection system to include disaggregate data on vulnerable groups, including children with disabilities, and in doing so, to seek technical assistance from, inter alia, UNICEF⁹³.

⁹³ Committee on the Rights of the Child, Forty-eight session, Concluding observations: Sierra Leone, UN document CRC/C/SLE/CO/2, paragraph 20. The Committee also addresses the rights of persons with disabilities in paragraphs 25, 49 and 50.

6. Conclusions and recommendations

In Sierra Leone, the rights of persons with disabilities – whose situation was compounded during the civil war (1991-2002) – had not been given the requisite attention for many years. Recently, the Government of Sierra Leone has shown increased commitment on disability issues by the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and, in March 2011, the enactment of the Persons with Disability Act. The Act largely fills the gap between Sierra Leone's national legal framework and its international obligations. However, findings of this report show that the timely implementation of the Act is essential for an effective impact on the lives of persons with disabilities in Sierra Leone, who still face serious challenges affecting their lives, dignity and inclusion in society.

The key findings and recommendations listed below aim to help the Government of Sierra Leone and other relevant stakeholders to implement the Persons with Disability Act.

Findings and recommendations are also meant to provide guidance to the international community to ensure that international cooperation is inclusive and accessible to persons with disabilities.

Key findings

- Overall, the perception of disability by families, communities, public officials and institutions still responds to a charity approach rather than a social and human rights approach.
- The legal framework for the protection and promotion of the rights of persons with disabilities has improved considerably with the enactment of the Persons with Disability Act. The impact of these provisions, however, will ultimately depend on the pace and degree of implementation of the Act.
- Negative traditional stereotypes about persons with disabilities are strong, especially in rural areas. Discrimination of persons with disabilities begins within the family and continues at the community level, although there are positive exceptions. Sensitization is instrumental in changing the community perception towards persons with disabilities. Public campaigns in this regard are urgent, as so far awareness-raising has been promoted largely by NGOs and DPOs.
- The majority of persons with disabilities survive through begging or assistance from charity institutions, although in smaller communities and rural areas they are more often involved in small scale economic activities. Persons with disabilities have very limited access to public employment. The newly introduced Persons with Disability Act constitutes an important normative instrument to fight against discrimination and promote employment of persons with disabilities.
- Lack of employment is often rooted in difficulty in accessing other existing economic and social opportunities, including development projects and loans. Where skills trainings are conducted, very few opportunities exist to put the skills learned in practice, due to lack of follow up or because the trainings neglect sustainability issues.
- The Persons with Disability Act marks an important advance in promoting inclusive education, which currently is limited by physical obstacles in accessing the facilities as well as studying material. Secondary education, however, remains outside the scope of free education. Teachers are often supportive to persons with disabilities but largely lack training.

- In most cases there is no deliberate discrimination in access to health and persons with disabilities receive treatment under similar conditions to others. However, discrimination is largely indirect, including through obstacles in areas of transportation, accessibility, affordability and communication.
- The Persons with Disability Act sets landmark provisions towards free medical services for persons with disabilities, who currently have fewer resources to access quality health care. It will also settle the present inconsistency in cost and quality of medical services provided to persons with disabilities. Most of the rehabilitation services are still provided by partners such as development agencies and NGOs, although the Ministry of Health is expected to take over full control of three National Rehabilitation Centres by January 2012. However, the sustainability of such far reaching provisions will ultimately depend on the allocation of sufficient resources to this purpose.
- There is modest knowledge, widespread misconception and high stigmatization of mental or psychosocial disability. The lack of decentralized mental health services determines that the vast majority of persons with a psychosocial disability or mental disability either does not receive treatment or resorts to traditional healers. The only psychiatric hospital in Sierra Leone is extremely under-resourced and patients live in bare and dire conditions.
- Persons with disabilities generally have limited opportunities to participate in decisions affecting their communities, although there are important exceptions especially in smaller scale communities. DPOs are one of the few alternatives they have to make their voices heard. At the national level, the future National Commission for persons with disability will be extremely important in ensuring meaningful participation of persons with disabilities in the implementation of the Persons with Disability Act.
- There is widespread awareness about the upcoming 2012 elections. Persons of voting age with disabilities have largely registered and voted in the previous elections, although they admitted facing a number of challenges to their full participation in the voting process, including difficulty in accessing voter registration and polling stations, higher vulnerability to intimidation and respect of secrecy for those who need assistance. NEC has already put in place a number of measures to accommodate the needs of persons with disabilities. Its role in ensuring access to vote is reiterated by the Persons with Disability Act.
- In most cases, persons with disabilities are mere supporters of political parties, although there are important exceptions and examples of active roles taken at the local level, as well as cases of persons with disabilities who contested. However, active participation in political life is limited by factors such as financial constraints, stigmatization, lack of family or community support, and lack of self-confidence.
- Women with disabilities suffer double discrimination in many areas, including access to employment and political participation.
- Only few UNCT members have programmes and projects targeting persons with disabilities, and these programmes have focused overwhelmingly on disability-specific projects. More efforts are required towards the mainstreaming of the rights of persons with disabilities among the activities of the members of the UNCT. Persons with disabilities were involved in programming to a limited extent, and only few are employed by UNCT members. Most of the UN offices and premises are not fully accessible to persons with disabilities.

Recommendations

To the Government of Sierra Leone

Ensure that as a result of the constitutional review process disability is included as a prohibited ground for discrimination in the Constitution

Complete the implementation of the Truth and Reconciliation Commission recommendations relevant to persons with disabilities

Mainstream the rights of persons with disabilities in the preparation of the next Poverty Reduction Strategy

Strengthen coordination between the Ministry of Social Welfare, Gender and Children Affairs and the Ministry of Health in order to combine medical assistance to persons with mental and psychosocial disability with the work of social workers

Ensure an active participation of persons with disabilities in the 2012 elections by disseminating information and documentation related to the elections in ways accessible to persons with disabilities

Repeal legislation denying the right to vote and to be elected on the basis of mental or intellectual or any other disability

Take all necessary steps towards the implementation of the Persons with Disability Act, and in particular:

- establish the National Development Fund for Persons with Disability and contribute to it with adequate annual subventions;
- promote inclusive education by ensuring the structural adaptation of educational institutions and providing facilities for learning by persons with disabilities, and consider extending free education to persons with disabilities at the secondary level;
- take steps towards ensuring infrastructural adjustments of public buildings and public transport for access by persons with disabilities;
- ensure adequate allocation of funds to relevant Ministries for the respective activities in promoting the rights of persons with disabilities in line with the principle of progressive realization in the CRPD, including adequate allocation of funds in the area of mental health, and ensure timely disbursement of such funds;
- establish a disability issues unit in each Ministry for the purpose of facilitating the implementation of and compliance with the Persons with Disability Act;
- the Ministry of Social Welfare, Gender and Children Affairs should take the lead in ensuring the timely establishment of the National Commission for Persons with Disability;
- the Ministry of Health should provide for free medical services in public health institutions and allocate adequate resources to this end, ensure sufficient financial allocation to run the three National Rehabilitation Centres from January 2012, and train personnel on the rights of persons with disabilities;
- the Attorney General should establish regulations providing for free legal services for persons with disability, ensuring that this includes use of interpreters where needed.

To the Parliament of Sierra Leone

Allocate sufficient resources for the functioning of the National Commission for Persons with Disabilities

Ensure that the Sexual Offences Bill, in drafting stage, include a specific clause regarding women with disabilities in line with article 16 of the CRPD.

To independent national institutions

The Human Rights Commission of Sierra Leone (HRCSL) should:

- promote and monitor respect for the rights of persons with disabilities in Sierra Leone and the process of implementation of the Persons with Disability Act;
- disaggregate information regarding persons with disabilities in the complaints received, and apply the CRPD in its future tribunal decisions related to discrimination on grounds of disability
- conduct periodic monitoring visits to the facilities designed to serve persons with disabilities, including the Kissy Psychiatric Hospital.

The National Commission for Social Action should ensure delivery of benefits to all beneficiaries of the Sierra Leone Reparation Programme, including persons with disabilities, and particularly ensure adequate allocation of resources for decentralization of the referral system for medical treatment.

The Office of the Ombudsman should keep record of cases brought by persons with disabilities and take further steps to improving accessibility to persons with disabilities as indicated in its Strategic Plan 2009-2013

The National Electoral Commission (NEC) should:

- ensure that during elections, polling stations are made accessible to persons with disability and provide such persons with the necessary assistive devices and services to facilitate the exercise of their right to vote, including in rural areas;
- consider training its staff on how to ensure the right to vote to persons with disabilities on an equal basis with others;
- recruit persons with disabilities to work during the electoral process.

To the organizations of persons with disabilities (DPOs)

Continue to advocate, including through the umbrella organization for persons with disabilities in Sierra Leone, for the timely establishment of National Commission for Persons with Disability and actively participate in its deliberations

Ensure inclusiveness of all persons with disabilities in decision making and implementation of projects.

To the international community, including United Nations organizations, agencies and programmes

Support the Government in the implementation of the Persons with Disability Act, including through capacity building activities and technical assistance

Support the process of establishment of the National Commission for Persons with Disability and, once established, provide technical assistance where required to support its operations

Take all appropriate and effective measures to ensure that international cooperation is inclusive and accessible to persons with disabilities, including development projects and micro-credit; and ensure sustainability of skills training programmes, including by providing follow up

Ensure mainstreaming of the rights of persons with disabilities in international cooperation projects and programmes, including United Nations programmes; promote employment of persons with disabilities and ensure that UN offices and facilities are fully accessible to persons with disabilities.

To the National Commission for Persons with Disability (once established)

Perform its functions and powers as enumerated in Section 6 and 7 of the Persons with Disability Act and take action in the following priority areas:

- ensure the fruitful participation of persons with disabilities in the composition of the Commission and in the implementation of the Persons with Disability Act;
- carry out measures for public information on the rights of persons with disability, including by public awareness campaigns to foster respect for their rights and dignity;
- recommend measures to prevent discrimination against persons with disability, including in the distribution of family properties and inheritance and in the area of marriage;
- formulate and develop measures, in collaboration with the Ministry of Social Welfare, Gender and Children Affairs, designed to achieve equal opportunities for persons with disabilities, in particular in education and employment, including by promoting public employment of persons with disabilities;
- monitor the implementation of the provisions of the Act relating to protection from discrimination in employment;
- take affirmative action, by utilizing the National Development Fund for persons with disabilities, to enable persons with disabilities to have effective access to general and vocational guidance programmes, placement services and vocational and continuing training;
- assist the Government in the formulation of suitable curricula for teacher training institutions as well as interpreters and health personnel;
- include mental health into the scope of its activities, including with regard to rehabilitation;
- issue adjustment orders where it considers that any public premises are inaccessible to persons with disabilities, in particular schools and medical facilities;
- consider promoting by-laws to ensure participation of persons with disabilities in the decision making process at community and district level;

- ensure that in the next national census, accurate figures of persons with disabilities are obtained
- ensure a non discriminatory application of the Act, in particular to persons with disabilities who do not have a Permanent Disability Certificate.

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On the front page: Joshua, a blind child, between his two best friends, who both have partial visual impairment. Walking together is their strength. © UNIPSIL photo