



HRCSL



NCPD

OPENNING MINDS TO DISABILITY RIGHTS IN SIERRA LEONE

**THEMATIC REPORT
BY**



**The Human Rights Commission of Sierra Leone & The National Commission
for Persons With Disability**

12-3-2017

Table of Contents

LIST OF ACRONYMS.....	ii
FORWARD	iii
Executive Summary	v
CHAPTER ONE	1
INTRODUCTION, METHODOLOGY AND CONTEXT	1
Introduction	1
Methodology	1
Context	1
CHAPTER TWO	3
LEGAL AND INSTITUTIONAL FRAMEWORKS	3
International Legal Obligations	3
National Legal Framework	4
CHAPTER THREE	7
Analysis on the Situation of Persons with Disabilities in Sierra Leone in Specific Areas	7
Health	7
Education	8
Work and Employment	8
Rehabilitation and Mobility	8
Challenges	8
PART FOUR (4).....	9
CAPACITY BUILDING	9
Capacity Building of staff of NCPD and DPOs on Treaty Body Reporting	10
Construction of a Symbolic Ramp	11
Engagements on the participation of PWDs in Elections	13
Production of Jingles in three Local Languages on the Use of Tactile Ballot Guards and the Participation of Persons with Disability	13
Engagements on Challenges and Redress Mechanisms Facing Persons with Disabilities	14
CONCLUSION	16
RECOMMENDATIONS.....	16
REFERENCES.....	18

LIST OF ACRONYMS

CRPD	CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
DPOs	DISABLE PERSONS ORGANISATIONS
FHC	FREE HEALTH CARE
HRCSL	HUMAN RIGHTS COMMISSION OF SIERRA LEONE
ICCPR	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
ICESCR	INTERNATIONAL CONVENET ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
MoH	MINISTRY OF HEALTH AND SANITATION
MSWGCA	MINISTRY OF SOCIAL WELFARE, GENDER AND CHILDRENS AFFAIRS
NCPD	NATIONAL COMMISSION FOR PERSONS WITH DISABILITY
NEC	NATIONAL ELECTORAL COMMISSION
NGOs	NON-GOVERNAMENTAL ORGANISATIONS
SLUDI	SIERRA LEONE UNION ON DISABILITY ISSUES
TRC	TRUTH AND RECONCILIATION COMMISSION
WHO	WORLD HEALTH ORGANISATION

FORWARD

The year 2017 has been remarkable in the Human Rights Commission of Sierra Leone's (HRCSL) work on disability issues. In keeping with its mandate to protect and promote human rights in Sierra Leone, HRCSL has played a tremendous role in advocating for the rights of persons with disabilities. The Commission played a vital role in ensuring the enactment of the Disability Act, 2011 after a careful review of the Bill to make sure it is human rights compliant.

The Disability Act, 2011 and the subsequent establishment of the National Commission for Persons with Disability is a milestone in Sierra Leone's history in working towards promoting the respect and dignity of persons with disabilities. Notwithstanding, addressing disability issues remain fraught with a lot of challenges and warrant urgent and concerted efforts of all stakeholders.

The Human Rights Commission of Sierra Leone remain committed in its advocacy for improving the status of persons with disabilities through its persistent call on the Government of Sierra Leone to adequately fund the National Commission for Persons with Disability to effectively and efficiently carry out its functions.

In the year under review, the Human Rights Commission of Sierra Leone worked in close collaboration with the National Commission for Persons with Disability to implement activities geared towards awareness raising and advocacy for the realization of the human rights of persons with disabilities.

This report is part of the continuing advocacy drive by the Human Rights Commission of Sierra Leone and the National Commission for Persons with Disabilities. It brings to the fore, plight of persons with disabilities in Sierra Leone - the continuing problems of myth and misconception; the low educational, economic and social status of persons with disabilities as well as the political dynamics in addressing the challenges.

While aiming at promoting the rights of persons with disabilities in Sierra Leone, the report calls on the Government of Sierra Leone and other stakeholders to increase efforts towards the full implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and the Persons with Disability Act 2011. It further provides recommendations on priority areas for intervention in 2017 and beyond, in order to ensure the full enjoyment of all rights by PWDs in Sierra Leone. In particular, as we approach another electioneering period, the report calls on the National Electoral Commission and all relevant stakeholders for inclusion and full and active participation of persons with disabilities in the 2018 general elections.

It is my fervent hope that in the coming years the partnership between the two Commissions will be strengthened through collaborative efforts in engaging government and other stakeholders on the protection and promotion of the rights of persons with disabilities.

Finally, I would like to thank: the Office of the High Commissioner for Human Rights for the financial support provided to the Human Rights Commission of Sierra Leone for implementation of the activities and the Chief Commissioner, Executive Secretary and staff of the National Commission for Persons with Disability. My special appreciation goes to Commissioner Rashid Dumbuya, the Executive Secretary, the Director and staff of the Directorate of Monitoring and Research of the Human Rights Commission of Sierra Leone, for their commitment and dedication throughout the year.



.....
Rev. Dr. Usman Jesse Fornah
Chairperson
Human Rights Commission of Sierra Leone

Executive Summary

This report is jointly done by the National Commission of Persons with Disabilities (NCPD) and the Human Rights Commission of Sierra Leone (HRCSL) to unearth and delineate on the issues affecting Persons with disability in Sierra Leone in particular and to help government to put mechanisms in place to implement the Persons with Disability Act 2011.

The rights of persons with disabilities continue to be faced with challenges due to inadequate attention from stakeholders, communities and the government. Irrespective of the fact that 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 the enactment of the persons with Disability Act in March 2011, the situation of persons with disabilities is still challenged by many factors.

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 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.¹

The enactment of the Persons with Disability Act 2011 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 access to public facilities, transport, health care 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.

The National Commission of Persons with Disabilities (NCPD) and the Human Rights Commission of Sierra Leone (HRCSL), in the year under review has been instrumental in supporting the Government of Sierra Leone (GoSL) so as to enhance the rights of persons with disabilities. Through funding from the Office of the High Commissioner for Human Rights, these institutions piloted different capacity building activities and engagements all geared towards promoting and protecting the rights of PWDs.

The report builds on existing studies, legislation and policies relevant to the Rights of Persons with Disabilities in Sierra Leone, extensive interaction with key stakeholders and Disable Persons Organizations (DPOs) in the four regions in Sierra Leone.

The report is divided in five chapters:

¹ See Art. 14(2) and Art. 2 of the Convention on the Rights of Persons with Disability.

Chapter One looks at the introduction, methodology and context, Chapter Two analyses the Legal and Institutional Framework: International and Legal Standards, Policies and Institutional arrangements to support the implementation of the CRPD. Chapter three critically looks at the situation of persons with disabilities in Sierra Leone in specific areas; Chapter Four entails the capacity building activities and engagements undertaken by HRCSL and NCPD on the rights of persons with disabilities and Chapter Five makes conclusions and recommendations.

CHAPTER ONE

INTRODUCTION, METHODOLOGY AND CONTEXT

Introduction

As part of their mandates to support the Government of Sierra Leone, in the area of protecting and promoting the rights of PWDs, the HRCSL and NCPD devoted increased attention to the rights of persons with disabilities by engaging stakeholders, institutions and Disable Persons Organizations (DPOs) on several activities ranging from awareness raising, complaints handling and redress mechanisms for PWDs.

It is good to note that persons with disabilities deserve every rights and responsibilities as other members of the society to participate in the social, cultural, economic and political life of their communities. However, the situation of persons with disabilities in Sierra Leone is serious and warrants immediate attention. There is a wide and strong consensus within communities of persons with disabilities in Sierra Leone that, they are treated as second-class citizens and suffer tremendous discrimination in many areas-including but not limited to accessibility, education, healthcare and political inclusion.² This perception by persons with disabilities is made owning to the lack of implementation of the Persons with Disability Act, 2011 and the CRPD.

This report is therefore aimed at promoting the rights of persons with disabilities in Sierra Leone and urging GoSL and other stakeholders to increase efforts towards the implementation of the CRPD and the Persons with Disability Act 2011. It provides recommendations on priority areas for intervention in 2017 and beyond, in order to ensure the full enjoyment of all rights by PWDs in Sierra Leone. In particular, it calls for the full participation of persons with disabilities in the 2018 general elections, and enjoyment of economic, social and cultural rights. It also seeks to increase the advocacy momentum on the rights of persons with disabilities by stimulating public debate on the issue.

Methodology

To compile this report the two institutions undertook series of engagements and capacity building activities with stakeholders and DPOs across the country. This report also builds on existing work and materials relating to persons with disabilities in Sierra Leone, 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 interactions between a person's impairment and the surrounding obstacles in society.

Context

Persons with disabilities in Sierra Leone continue to face discrimination in areas related to their employment, healthcare and education, accessibility. Even with the post conflict reconstruction strategies which took into account signing of the CRPD and enacting of the Persons with

² Interview with the disability communities in Freetown, Makeni, Bo and Kenema

Disability Act 2011, and eventually the establishment of the NCPD, the situation of the Persons with Disability still remains worrisome.

Today, persons with disabilities face serious challenges affecting their participation in political, social and cultural life lives, dignity and inclusion in society. Issues of needs and misconceptions, inadequate political commitment and consultations and traditional beliefs negatively shape public perception and attitude towards persons with disabilities, thus breeding discrimination and abuse, sometimes within their own families.

Irrespective of the fact that the economy of Sierra Leone is still recovering from the effects of the global economic downturn, poverty and youth unemployment remain extremely high and are particularly felt by persons with disabilities. 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 – seldom have their voices heard.

The CRPD came into being as a response to an overwhelmed developmental challenge among person with disabilities. According to the 2007 United Nations Human Development Index on PWDS, there are approximately 10% (over 650 million persons) of the world's population live with disabilities, and approximately 80% of them live in developing countries. Unfortunately, concise figures of persons with disabilities in Sierra Leone are incomplete and contradictory to a very large extent; and range from 2.4% to more than 20%. This limits the understanding of the phenomenon, shows a lack of attention to disability in current statistical exercises and confirms the urgent need for more comprehensive data.³

³ See report during the adoption of the CRPD by the UN General Assembly on 21 December, AC/C3/65/L.5

CHAPTER TWO

LEGAL AND INSTITUTIONAL FRAMEWORKS

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

Although the core international human rights instruments recognize the rights of everyone, including persons with disabilities, this potential was not being tapped for PWDs. Persons with disabilities continued being denied their human rights and kept on the margins of society. Thus persons with disabilities and their representative organizations fought for over two decades to have disability fully recognized as a human rights issue. This process for development of a document which encapsulates the rights of persons with disabilities began in 1981 with the International Year of Disabled persons, the adoption of the CRPD in 2006 and its entry into force in 2008. Although the CRPD does not create any new rights for persons with disabilities 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 needed to redress the profound social disadvantage of persons with disabilities. The CRPD sets out the legal obligations on States to promote and protect the rights of persons with disabilities.⁴

Sierra Leone ratified the Convention on the Rights of persons with Disabilities (CRPD) on 4th October 2010 and has signed but not ratified its 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 discrimination. The Convention on the Right of the Child explicitly takes cognisance 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 comments.

⁴ See report during the adoption of the CRPD by the UN General Assembly on 21 December, AC/C3/67/L.7

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). In other words, persons with disabilities should no longer be considered recipients of charity or incapable of making decisions but holders of rights (human rights approach), no longer "handicapped" but part of human diversity.

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 CRPD. 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 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 accessibility.

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 opportunities. However, the constitution does not mention disability as a prohibited ground for discrimination, implicitly allowing for violations of a key principle of the CRPD. 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.

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 CRPD. The Act provides rights and privileges for persons with disability in key area relating to dignity, autonomy, independence, non-discrimination, equality of opportunity, participation and inclusion. It 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 clause.

In line with provisions on national implementation and monitoring contained in article 33 (1) of the CRPD, the Act establishes a National Commission for Persons with Disability to ensure the

well-being of persons with disabilities. The Commission among other things, should 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 rehabilitation.

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 Act. 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, 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 with career training programmes for persons with disabilities, and government projects for the benefit of persons with disabilities. The Fund should also provide or contribute to the cost of assistive devices and service. The Act, furthermore, requires the GoSL to establish and maintain a disability issue units in every Ministry.

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 institutions. The Government is also required to provide auxiliary services to enhance the learning process of persons 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 education. The Persons with Disability Act, however, do not address the gaps regarding free secondary education, currently including only the girl child. Although the 2004 Act makes 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 wish to specialize in courses that promote education of persons with disability. The Persons with Disability 2011 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 services 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.

In line with Article 9 (1) of the CRPD, the Persons with Disability Act 2011 calls for infrastructural adjustment of building and transport to ensure access by persons with disabilities within the five years from date of enactment. Benefits such as tax deductions are provided for private employers who undertake adjustments in order to provide reasonable accommodation. Interestingly, the NCPD 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 structure, physical or other impediment stipulating a maximum period for the implementation.

With regard to equality before the law and access to justice, the Persons with Disability Act 2011 stipulates that the Attorney- General may make regulations providing for free legal services for persons with disabilities. The scope of such a provision is yet to be measured. Section 23 (5)(e) of the 1991 Constitution already provides that “every persons 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 hearing impaired persons to be able to play an effective role in legal proceedings, as provided for 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. Therefore, full participation of, and access to justice for persons with disabilities, remains challenging.

Under Article 4 of CRPD, the state pledges to take into account the protection and promotion of the human right 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.

CHAPTER THREE

Analysis on the Situation of Persons with Disabilities in Sierra Leone in Specific Areas

This chapter looks at the current situation of persons with disabilities in Sierra Leone, challenges faced in the year under review and recommendations that will help address the challenges. It specifically looks at health, education services, access to justice, socio-political inclusion, work/employment and accessibility.

The limitations of persons with disability sometime affect their ability to report abuses or violation. Approximately one in ten people living with disability suffer extreme poverty on the margins of society, and their rights are all too often violated (Lord et al, 2007).

The Persons with Disability Act 2011 gives power to the NCPD to investigate and report the violation of the rights of persons with disability in Sierra Leone. Section 40 provides for the Commission to take legal action against those who discriminate and violate the rights of persons with disability.

The NCPD had intervened in series of cases of violation of the rights of persons with disabilities. The Commission succeeded in negotiating compensation for a 16 year boy who lost one of his legs due to reckless attitude of a bus driver. The Commission also intervened and took a group of persons to police for assaulting a female living with disability at the Hill Station Community.

Health

People with disabilities require more health care and medical attention. According to the approaches to disability outlined in the CRPD, medical approach seems to be the factual approach to disability especially to those disabilities that required constant medical attention. According to the 2016 Housing and Population Census conducted by Statistics Sierra Leone, a little over 91,000 people are living with disability in Sierra Leone. With this in mind and pursuant to section 17 of the PWD Act 2011, which provides for right to free health care services and Section 18 which deals with compulsory screening of children, the NCPD engaged the Ministry of Health and Sanitation (MoH) on the establishment of the medical board as provided for in section 7(1)a. Meanwhile, even though the medical board has not been established, the Chief Medical Officer at the MoH last year issued a Directive to all District Medical Officials (DMOs) to give medical services to persons with disability free of charge. Few success stories have been recorded, but sad enough that disabled persons still face challenges like of affordability and availability of drugs. Engagement with PWDs on their monitoring of health centers revealed that there is free medical (in terms of treatment costs), but no free medicines.

Education

The educational opportunities of persons with disabilities in primary, secondary, tertiary and vocational institutions is fairly increasing in terms of enrollment. The government has a Free Primary School Policy and the Persons with Disability Act that promotes inclusive education opportunities and protect persons with disabilities from all forms of discrimination in educational institutions. Section 14 of the Act says every person with disability shall have right to free tertiary education in tertiary institutions. In 2016/2017 academic year alone, about 30 students with disability had Government Grant -in –aid at Fourah Bay College (FBC), 40 at the Institute of Public Administration and Management (IPAM), and over 100 in the polytechnic and other colleges. In compliance with section 15 and 16, the NCPD had engaged the Deputy Vice Chancellor of FBC on the need for the DABEA Project to make the new structures accessible and disable friendly. The Commission also engaged school authorities on accessibility of school infrastructure but this is yet to be realized as most of them hinge modification of the buildings to on funding constraints.

The Commission in collaboration with Sight Savers International developed an inclusive education policy which is yet to be adopted.

Work and Employment

The NCPD has established committees including the Committee on Employment It also started collecting data on the employed disabled persons who approach the Commission in compliance with Section 20 (3) The Commission has been able to employ two disabled persons at the end of 2016. It has also recommended two disabled persons for the Sierra Leone Police and the Correctional Centre Services. It negotiated/ mediated a number of employment complaints bothering on PWDs. It is however important to note that, PWDs nationwide continue to face serious challenges in accessing employment sometimes due to their disabilities.

Rehabilitation and Mobility

The rehabilitation services continue to be farfetched and facilities remain underequipped. Meanwhile the Commission in September 2017 wrote a letter to Bollore Transport Company at the Queen Elizabeth Quay the second for a duty free waver for assistive devices imported by Mobility, Sierra Leone. Mobility Sierra Leone distributed these devices in the Bo District and over 500 disabled persons benefited from wheel chairs, clutches and other assistive devices.

Challenges

- ❖ Inadequate implementation of Sections 7 (1)(a), 17 and 18 of the Persons with Disability Act 2011 by the MoH
- ❖ Sluggish political will by GoSL through the Ministry of Social Welfare, Gender and Children's Affairs to promote disability issues
- ❖ Lack of awareness on the Persons with Disability Act 2011
- ❖ Educational institutions still remain inaccessible for persons with disabilities
- ❖ Access to public information in an accessible format for persons with disability.

PART FOUR (4)

CAPACITY BUILDING

Capacity Building activities and engagements on the rights of persons with disabilities

Capacity building of Commissioners and staff of HRCSL, NCPD and DPOs on the CRPD and Disability Act 2011 and Complaint Handling

Training of trainers training was conducted for Commissioners and Staff of the HRCSL and National Commission for Persons with Disabilities (NCPD) in January 2017. The training provided needed knowledge and empowered the two Commissions in Monitoring and Implementation of CRPD and the Persons with Disability Act, 2011, and on complaints handling procedure.

HRCSL replicated the training by capacitating 60 participants (31 male & 28 female) of NCPD regional staff and DPOs from the 5 districts in the north and Western Area on the 14th March, and 67 participants (39 male & 28 female) drawn from the NCPD regional offices and DPOs from 7 districts in the South & East on 16th March. The training was also geared towards enhancing knowledge and empowering the two institutions in Monitoring and Implementation of CRPD and the Persons with Disability Act, 2011, and on complaints handling procedures and also the rights of persons with disabilities in elections.



Participants on the training of CRPD, Disability Act-2011 & Complaints Handling

Feedbacks from the trainings conducted indicate that staff of HRCSL, NCPD and DPOs who benefited from the training were conveniently able to roll out the training to other staff and DPOs in the regions, who in turn cascaded the skills and experiences gained to members of their communities.

Capacity Building of staff of NCPD and DPOs on Treaty Body Reporting

On the 24th July and 14th-16th August 2017 HRCSL conducted training for NCPD and DPOs in two regions Western Area and Kenema respectively with participants drawn from other regions and districts specifically. The training targeted sixty (60) participants with 30 in Western Area and the Northern Region and 30 from the Eastern and Southern Regions.

The NCPD and Disable Persons Organizations (DPOs) played a crucial role in the treaty body process which entails, verification of information that has been collected on the status of disability in Sierra Leone, participate in the national consultations held by the State under Review, Lobby members of the Working Group, and make the floor at the Human Rights Council during the adoption of the report, monitor and participate in the implementation of recommendations proffered by the treaty bodies.

The HRCSL realizing the unique role of the NCPD and DPOs in the United Nations Treaty Body System and its impact thereon, particularly in reporting on the Convention on Rights of Persons with disability (CRPD), decided to roll out the training.



Awarding of Certificates to Participants

The training was to ensure that the NCPD and DPOs participate efficiently in the treaty body processes, ensure continued consistency of treaty body jurisprudence in individual communications, ensure that NCPD and DPOs are knowledgeable on the treaty body systems

and how they operate, and capacitate NCPD and DPOs to effectively prepare their shadow reports and meet reporting deadlines.

As part of the training HRCSL and NCPD signed an MoU to further strengthen the working relationship of the two Commissions with particular focus on collaboration in the area of **Complaints Handling Mechanism and Production of Joint Thematic Report on issues relating to disability yearly.**



Signing of the MoU by Dr. Frederick Kamara & Rev. Dr. Usman Jesse Fornah of NCPD and HRCSL Respectively

Construction of a Symbolic Ramp

Accessibility refers to the design of products, devices, services, or environments for people who experience disabilities. The concept of accessible design and practice of accessible development ensures both "direct access" (i.e. unassisted) and "indirect access" meaning compatibility with a person's assistive technology (for example, computer screening readers).

Accessibility can be viewed as the "ability to access" and benefit from some system or entity. The concept focuses on enabling access for people with disabilities, or special needs

Sierra Leone has ratified the Convention on the Rights of Persons with Disabilities (CRPD) on the 28th July 2009 and domesticated it by the passing of the Persons with Disability Act - 2011 as legal frame work to enhance the implementation of the said Convention.

Article 9 of the CRPD hinges on ‘Accessibility’ which obligates State Parties to take appropriate measures to ensure accessibility to PWDs on an equal basis with others, to the physical environment, to transportation, information and communication, including information and communication technologies.

Section 27 of the Persons with Disability Act -2011 made provisions to accessibility to both private and public premises.



Launching of the Symbolic Ramp at the Central Police Station

The HRCSL and NCPD decided to construct a ramp at the Central Police Station to remind government and other stakeholders of their obligation under international treaties specifically the CRPD to ensure the rights of PWDs are respected with regards accessibility. It will also open the floor for debate on the issues and advocacy for structural change. The Commissions also piloted this project because of the view that persons with disabilities:

- Are human beings and they have right to access public areas.
- They do not need permanent assistance because they can live independently especially in public areas;
- They are our clients, partners, sometimes our counterparts, friends, brothers, sisters, relatives, etc;
- Once planned and installed, the cost is worthy as the facilities increase the value of the building after construction;
- These facilities are provided not only for PWDs as clients, or customers that may have economic impact, but also for aged persons or, pregnant women, and children, etc, they are just provided to make easy access for all.

Engagements on the participation of PWDs in Elections

Persons with disabilities deserve every rights and responsibilities as other members of the society to participate in the societal, cultural, economic and political life of their communities. As Sierra Leone prepares for the 2018 Presidential, Parliamentary and Local Council elections, the need to put corrective measures for the equal and fair participation in the electoral process constitutes fundamentals in enhancing citizens with disabilities democratic rights.

Sierra Leone has ratified the Convention on the Rights of Persons with Disabilities (CRPD) and domesticated it by enacting the Persons with Disability Act 2011. Article 29 of the CRPD prescribed that state parties to guarantee persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.

In this regard, a roundtable stakeholder's engagement was conducted in May 2017 for full participation of PwDs in Elections. The engagement brought 30 stakeholders together who agreed to take affirmative action to ensure that PwDs fully participate in the forthcoming elections as prescribed by international and local standards. The engagement was tailored specifically to raise awareness of other stakeholders around issues affecting the full participation of PwDs in an electioneering process, discuss the way forward for the provision of the tactile ballot guide for visually impaired persons to enjoy the right to vote in secret and without restriction and encourage political parties to include PwDs in all of their programmes including awarding symbols.



SLUDI President making statement

The engagement raised awareness on issues affecting PwDs during elections, NEC Committed to provide TBG for the visually impaired to cast their votes on the forthcoming Elections in 2018 and stakeholders agreed to take affirmative action in ensuring the full participation of persons with disabilities in decision making processes at the national level.

Production of Jingles in three Local Languages on the Use of Tactile Ballot Guards and the Participation of Persons with Disability in Decision Making

The low level of political participation of persons with disabilities in Sierra Leone is serious and warrant immediate attention. There is a wide and strong consensus within communities of

persons with disabilities in Sierra Leone that, they are treated as second-class citizens and suffer tremendous discrimination in many areas-including the voting process. This perception by persons with disabilities is made owing to the lack of provisions that would enhance the realization of their franchise. This is due to the non-adherence to international and regional electoral standards particularly Article 29(a) (ii) of the CRPD which calls for protecting the rights of persons with disabilities to vote by secret ballot in elections and public referendum without intimidation.

Furthermore, the Sierra Leone's Electoral Laws Act 2012, and the 1991 Constitution provides for secrecy in voting and the processes to be followed. However, among the many challenges faced by persons with disabilities, the visually impaired do not enjoy the right to secret and unaided voting due to the fact that the material needed are not provided.

Sierra Leone was the first country in Africa to use the Tactile Ballot Guide (TBG), during which a provision was made for 810 polling stations for the 2002 general elections as a pilot project. Today the TBG is used throughout the developing and developed world to protect the electoral rights of the blind and visually impaired.

In 2007 and 2012 general elections, the NEC did not make provision for the TBG this warranted disability rights groups, including associations for the visually impaired and National Commission for Persons with Disability to call the NEC to provide TBG to enable the visually impaired voters to mark their ballot papers in secret and without assistance. The NEC response was based on budget implications and late appeal for its use in the elections.

It is HRCSL's position that the National Electoral Commission, Democratic Institutions and Political Parties should ensure that persons with disabilities fully participate in the upcoming Presidential and Parliamentary and local council Elections in 2018 through the provision of enabling environment and assistive material during the electioneering process.

Based on the above, HRCSL decided to develop jingles in three local languages to raise awareness on the rights of vulnerable groups with particular reference to the rights of persons with disability to participate fully without hindrance in the 2018 elections and other decision making processes as guaranteed by domestic, regional and international human rights instruments. The jingles were aired on television and radio stations across the country.

The purpose of the jingles is to enhance the full participation of citizens with disabilities and particularly the visual impairment in the 2018 Presidential, Parliamentary and Local Council's Elections, ensure that PwDs and visually impaired persons are fully aware of the electioneering process, raise awareness of other stakeholders around issues affecting the full participation of PwDs in an electioneering process, and advocate for the provision of the tactile ballot guide for visually impaired persons to enjoy the right to vote in secret and without restriction.

Engagements on Challenges and Redress Mechanisms Facing Persons with Disabilities

HRCSL has observed that the majority of complaints received every year are those who fall within the category of disadvantaged, low income and vulnerable persons who are either afraid

or unwilling to file a complaint against alleged violators of human rights. The Commission also notes that persons with disabilities, especially the visual and hearing impaired, have challenges in making their complaints redressed by the law enforcement agencies for lack of sign language interpreter and training in handling complainants of this category.

The coming into operations of the National Commission for Persons with Disability in 2012 makes it possible for persons with disabilities to file their complaints to the Commission. NCPD under Section 6 (1) of the persons with disability Act, 2011 is mandated “to ensure the well-being of persons with disability”, and one of its functions as stated in Section 6 (2) (e) of the Act is to “investigate or inquire into on its own or, on complaint by any person, any allegation of discrimination against a person with disability and issue a report on it”.



Participant making his contribution during the engagement

The ability of NCPD to provide remedies for the violation of human rights and discrimination is desirable and necessary in order to encourage disable persons complainants to submit a complaint. The absence of such a mechanism can undermine the effectiveness of the Commission. The complaint mechanism should be simple, accessible, inexpensive and expeditious.

However, HRCSL identified complaints handling procedure as one of the challenges faced by the NCPD in its effort to manage the many complaints received from persons with disabilities.

In this regard, on 24th July, HRCSL and NCPD signed a Memorandum of Understanding to further strengthen the working relationship between the two Commissions with particular focus on collaboration in the area of **Complaints Handling Mechanism and Production of Joint Thematic Report** on disability issues.

In order to build the confidence and trust of the disable people on the operations of the NCPD, its complaints handling procedure should be able to provide remedies after an investigation for a violation of human rights. The remedies available as described by its legal framework, range from reporting and referring the matter to a higher authority such as Parliament, the Attorney-General or other government MDAs for appropriate action to be taken by that body, awarding compensation or damages to the complainant, making an order for a reversal of the action complained.

In order to properly inform the development of a Complaints Handling Procedure and Manual, the two Commissions held consultation with NCPD and DPOs in the four regions so as to get first-hand information to help design a Complaints Handling Procedure and Manual which will enable NCPD together with its partners handle complaint effectively and efficiently.

The manual is expected to standardize complaints handling procedures with a view to enhancing the NCPD's capacity to address human rights violations more efficiently. The Manual will also be educative as it will explain the human rights standards and the provisions of rights and privileges for persons with disabilities in the Disability Act 2011 that is applicable in the work of the NCPD.

CONCLUSION

In Sierra Leone, the rights of persons with disabilities- whose situation was compounded by the civil war (1991-2002) is still not being given greater attention; hence PWDs are still faced with daunting challenges in several sphere of life. There is no doubt that the government is now part of the CRPD, and has moved on to enact the Persons with Disability Act 2011, and the subsequent establishment of the NCPD. Despite this development, PWDs are still faced with challenges due to ineffective implementation of the aforementioned documents.

The HRCSL and NCPD has gone ahead to roll out series of trainings and engagements with the NCPD, DPOs and communities of PWDs all geared towards protecting and promoting the rights of PWDs, and the this report has highlighted few recommendations which if implemented will help address some of the issues facing PWDs in Sierra Leone.

RECOMMENDATIONS

To the Government of Sierra Leone

- ❖ Take all necessary steps towards the implementation of the persons with disability Act, and in particular:
 - Provide adequate funding for the operations of the National Commission for Persons with Disability (NCPD)
 - Establish the national development fund for persons with disability and contribute to it with adequate annual subvention;
 - Promote inclusive education by ensuring the structural adaptations 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;
 - The ministry of health and Sanitation should provide for free medical services in public health institutions and allocate adequate resources to this end;

- The Attorney General should establish regulations providing for free legal services for persons with disability, ensuring that this includes use of interpreters where necessary.

To Parliament

- ❖ The Parliament should review the Disability Act of 2011 to factor women and children's issues

The 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 electoral processes.

To the Organization of Persons with Disabilities

- Continue to advocate, to 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'

- Ensure mainstreaming of the rights of persons with disabilities in international cooperation's projects and programs; including United Nations programmes; promote employment of persons with disabilities and ensure that UN offices and facilities are fully accessible to persons with disabilities.
- Directly support the operations of the National Commission for Persons with Disability to enhance its effectiveness.

REFERENCES

- 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. 16-30
- See Seventh report of the Secretary-General on the United Nations Peace Building 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).
- 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.
- 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
- Among others: Human Rights Committee, General Comment no. 25, committee on economic, social and cultural rights, general comment no. 5, committee on the *elimination on the discrimination against women, general comment no.18 and no.24*.
- 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.
- CRPR , preamble, section (k) and (y)
- CRPD, preamble, section (e). the convention recognizes this section also by offering a broad categorization of persons with disabilities as reflected in article 1
 - The Constitution of Sierra Leone, 1991, section 8 (3) f “the core and welfare of the aged, young and disabled shall be actively promoted and safeguarded”, and section 9(1b).