

# SIERRA LEONE

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## 1 Population indicators

### 1.1 What is the total population of Sierra Leone?

The last population census in Sierra Leone was conducted in 2004. At the time, the total population of persons with or without disabilities of all ages in Sierra Leone was placed at 4 928 578.<sup>1</sup> Of this figure, the total number of persons with disabilities was placed at 119 260. The final results of the 2004 Population Census of Sierra Leone embargoed until 2006 placed the total population of persons in Sierra Leone at 4 976 871.<sup>2</sup> The next population census will be conducted in 2015. However, according to the World Bank, the total population of Sierra Leone as at 2013 is estimated to be 6.092 million.<sup>3</sup>

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Sierra Leone. What criteria are used to determine who falls within the class of persons with disabilities in Sierra Leone?

This report utilised the 2004 Population Census<sup>4</sup> figures in obtaining the statistical data on the prevalence of disability in Sierra Leone.

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1 M Ovadiya & G Zampaglione *Escaping stigma and neglect: People with disabilities in Sierra Leone* (2009) 7; AC Thomas '2004 population and housing census of Sierra Leone: Population profile of Sierra Leone' *Sierra Leone Union for Population Studies: 2004 Census Population Series 1* (2010) 85 [http://www.statistics.sl/reports\\_to\\_publish\\_2010/population\\_profile\\_of\\_sierra\\_leone\\_2010.pdf](http://www.statistics.sl/reports_to_publish_2010/population_profile_of_sierra_leone_2010.pdf) (accessed 25 June 2015).

2 Statistics Sierra Leone 'Final results: 2004 population and housing census' (2006) [http://www.sierra-leone.org/Census/ssl\\_final\\_results.pdf](http://www.sierra-leone.org/Census/ssl_final_results.pdf) (accessed 6 April 2015).

3 World Bank 'Sierra Leone' <http://data.worldbank.org/country/sierra-leone> (accessed 6 April 2015).

4 See Thomas (n 1 above).

### 1.3 What is the total number and percentage of persons with disabilities in Sierra Leone?

The 2004 population census indicates that about 119 260 persons with disabilities are in Sierra Leone,<sup>5</sup> which is about 2,4 per cent of Sierra Leone's of the population recorded in the 2004 population census.<sup>6</sup>

### 1.4 What is the total number and percentage of women with disabilities in Sierra Leone?

In line with the 2004 Population Census figures, the total number of women with disabilities in Sierra Leone is 56 530. This accounts for 2,2 per cent of the total female population of 2 481 071.<sup>7</sup>

### 1.5 What is the total number and percentage of children with disabilities in Sierra Leone?

According to the United Nations Children's Fund's Multiple Indicator Cluster Survey of 2005, about 23,8 per cent of children between the ages of 2 to 9 years were reported to have one form of disability.<sup>8</sup> Estimated to around 24 per cent, the Advocacy Movement Network suggests that there are about 625 000 children with disabilities in Sierra Leone.<sup>9</sup>

### 1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Sierra Leone?

In light of the 2004 Population Census, there are about:<sup>10</sup>

- 31 550 persons with a visual impairment;
- 11 344 with a hearing impairment; and
- 44 371 with physical impairments (from the use of legs, arms and back spine); and about 5 803 persons with a speech impairment.

5 Thomas (n 1 above) 85.

6 Although this figure has been criticised as being 'underestimated' and statistical projections suggest that an estimate of about 526000 PWDs are in Sierra Leone, the 2004 Population Census figure of 119, 260 is the official statistical data. Ovadiya & Zampaglione (n 1 above) 6-7; United Nations Integrated Peace Building Office in Sierra Leone & United Nations Human Rights Office of the High Commissioner 'Moving forward together: From national commitment to concrete action' *Report on the rights of persons with disabilities in Sierra Leone* (2011) 11 <http://unipsil.unmissions.org/LinkClick.aspx?fileticket=HNvCvCysVLQ%3D&tabid=9611&language=en-US> (accessed 6 April 2015); United Nations Economic Commission for Africa 'Africa Regional Report: Main findings and recommendations' African Regional Conference on Population and Development, Addis Ababa, Ethiopia, UN Doc ECA/ICPD/MIN/2013/2 (3 September 2013) 13.

7 Ovadiya & Zampaglione (n 1 above) 7.

8 United Nations Children's Fund 'Multiple indicator cluster survey 2005' T68 [http://www.childinfo.org/files/MICS3\\_SierraLeone\\_FinalReport\\_2005\\_Eng.zip](http://www.childinfo.org/files/MICS3_SierraLeone_FinalReport_2005_Eng.zip) (accessed 6 April 2015).

9 Advocacy Movement Network 'The effect of armed conflict on people living with disabilities in Africa: Case study – Sierra Leone' (2012) [http://www.csoforum.info/wp-content/uploads/2012/07/people\\_living\\_with\\_disability\\_\\_2012.ppt](http://www.csoforum.info/wp-content/uploads/2012/07/people_living_with_disability__2012.ppt) (accessed 6 April 2015).

10 Thomas (n 1 above) 88.

## 2 Sierra Leone's international obligations

### 2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Sierra Leone? Did Sierra Leone sign and ratify the CRPD? Provide the date(s).

Sierra Leone signed the CRPD and its Optional Protocol on 30 March 2007.<sup>11</sup> On 4 October 2010, Sierra Leone ratified the CRPD.<sup>12</sup> However, Sierra Leone has not ratified the Optional Protocol.<sup>13</sup>

### 2.2 If Sierra Leone has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Sierra Leone submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

The government department in charge of issues around disability rights is the Ministry of Social Welfare, Gender and Children's Affairs.<sup>14</sup> The state report of Sierra Leone to the CRPD Committee was due on 4 November 2012.<sup>15</sup> However, at the date of concluding the country report in June 2015, Sierra Leone had yet to submit its report to the CRPD committee.<sup>16</sup>

### 2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Sierra Leone also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in Sierra Leone's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

While reporting under the UN Convention on the Rights of the Child (CRC),<sup>17</sup> Sierra Leone has reported on the rights of persons with disabilities. On 8 September 2006, Sierra Leone submitted its second periodic report on the CRC to the UN

11 United Nations Enable 'Convention & Optional Protocol signatures and ratification' <http://www.un.org/disabilities/countries.asp?navid=12&pid=166> (accessed 6 April 2015).

12 As above.

13 As above.

14 United Nations Integrated Peacebuilding Office in Sierra Leone & United Nations Human Rights Office of the High Commissioner (n 6 above) 15; Permanent Mission of the Republic of Sierra Leone to the United Nations Statement by HE Mr Shekou Momodu Touray, Ambassador & Permanent Representative at the Fourth session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities, New York (8 September 2011) [http://www.un.org/disabilities/documents/COP/cosp4\\_statement\\_sierra\\_leone.doc](http://www.un.org/disabilities/documents/COP/cosp4_statement_sierra_leone.doc) (accessed 6 April 2015).

15 Reporting status for Sierra Leone [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/countries.aspx?CountryCode=SLE&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=SLE&Lang=EN) (accessed 25 June 2015).

16 As above.

17 UN Convention on the Rights of the Child 1989 (CRC).

Committee on the Rights of the Child (CRC Committee).<sup>18</sup> In this report, Sierra Leone stated that a National Policy for the Protection of Persons with Disabilities was being developed.<sup>19</sup> While noting the development of the National Policy for the Protection of Persons with Disabilities, the CRC Committee in its concluding observation on Sierra Leone's second periodic report expressed concern about the absence of a legislative framework 'to cover the needs and protection of persons with disabilities'.<sup>20</sup> The CRC Committee further made mention of the absence of information in respect of the inclusion of children with disabilities within the society.<sup>21</sup>

On 2 September 2013, Sierra Leone submitted its third to fifth periodic report on the CRC in which it stated some of the steps it had taken in light of the CRC Committee's concluding observation.<sup>22</sup> In this report, Sierra Leone emphasised that in 2011, it passed legislation on disability rights.<sup>23</sup> It further stated that it has complementary legislations in which it protects the rights of children with disabilities including the Child Rights Act<sup>24</sup> and the National Youth Commission Act.<sup>25</sup>

Sierra Leone further emphasised in its report that the Special Needs Education Unit for the establishment of Special Schools in the Ministry of Education, Science and Technology with the support of Leonard Cheshire Home 'prepared a six-module curriculum for the training of teachers in teaching pupils with disabilities, set up a computer and braille training centre, and provided quarterly subventions to 12 Special Schools'.<sup>26</sup> The CRC Committee will consider this report in 2016.<sup>27</sup>

In the concluding observation of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) on the sixth periodic report of Sierra Leone,<sup>28</sup> the CEDAW Committee expressed concern in relation to the absence of information on the 'situation of elderly women and women with disabilities who suffer multiple forms of discrimination and are less likely to have access to basic services, including education, employment and health care'.<sup>29</sup> The CEDAW Committee recommended that specific policy measures be

18 Consideration of reports submitted by state parties under article 44 of the Convention: Second periodic report of states parties due in 1997: Sierra Leone, UN Doc CRC/C/SLE/2 (8 September 2006) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2f2&Lang=en) (accessed 6 April 2015).

19 CRC/C/SLE/2 (n 18 above) para 231.

20 Consideration of reports submitted by state parties under article 44 of the Convention: Concluding observations: Sierra Leone, adopted by the UN Committee on the Rights of the Child, UN Doc CRC/C/SLE/CO/2 (20 June 2008) para 49 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2fCO%2f2&Lang=en) (accessed 6 April 2015).

21 CRC/C/SLE/CO/2 (n 20 above).

22 Consideration of reports submitted by states parties under article 44 of the Convention: Combined third, fourth and fifth periodic reports of states parties due in 2012: Sierra Leone, UN Doc CRC/C/SLE/3-5 (27 January 2015) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLE%2f3-5&Lang=en) (accessed 6 April 2015).

23 The Persons with Disability Act 22 of 2011 (Disability Act).

24 The Child Right Act 43 of 2007.

25 The National Youth Commission Act 11 of 2009; See CRC/C/SLE/3-5 (n 22 above) para 104(i).

26 CRC/C/SLE/3-5 (n 22 above) para 104(ii).

27 Ratification, reporting & documentation for Sierra Leone [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx) (accessed 6 April 2015).

28 Consideration of reports submitted by state parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against women: Sixth periodic reports of states parties due in 2009: Sierra Leone, UN Doc CEDAW/C/SLE/6 (1 November 2012) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSLE%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSLE%2f6&Lang=en) (accessed 6 April 2015).

29 Concluding observations on the sixth periodic report of Sierra Leone, adopted by the UN Committee on the Elimination of Discrimination against Women, UN Doc CEDAW/C/SLE/CO/6 (10 March 2014) para 38 [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSLE%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSLE%2fCO%2f6&Lang=en) (accessed 6 April 2015).

adopted in addressing this concern.<sup>30</sup> In 2013, the Ministry of Social Welfare, Gender and Children's Affairs developed a strategic plan for 2014-2018 in which it seeks to protect all persons including the elderly and persons with disabilities in the realisation of a Sierra Leonean society where everyone lives in dignity and where rights are protected.<sup>31</sup> The next due date of Sierra Leone's state report to the CEDAW Committee is 1 February 2018. In its report to the Committee against Torture, Sierra Leone mentioned that it had ratified the CRPD.<sup>32</sup> The Committee against Torture welcomed the ratification of the CRPD.<sup>33</sup>

In its national report submitted for the Universal Periodic Review process in 2011, Sierra Leone made mention of the fact that it was developing a 'Draft Disability Policy and Bill' which made provision for the creation of a Disability Commission.<sup>34</sup> Sierra Leone emphasised that it was committed to the protection of the rights of vulnerable group.<sup>35</sup> Spain recommended that Sierra Leone should ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities and strengthen efforts for the protection of children with disabilities.<sup>36</sup> Cuba further recommended that Sierra Leone should continue with efforts to ensure the protection of PWDs. These recommendations enjoyed the support of Sierra Leone.<sup>37</sup>

In its initial and combined report to the African Commission on Human and Peoples' Rights (African Commission) with respect to the African Charter on Human and Peoples' Rights (African Charter),<sup>38</sup> Sierra Leone made mention of the fact that it has a Disability Act.<sup>39</sup> However, the report does not indicate specific measures taken to protect PWDs in terms of the legislation.<sup>40</sup> The report only highlights the fact that although there are laws ensuring protection of all persons against discrimination, acts of discrimination against PWDs and women still persist in terms of employment. However, the report indicates that with the enactment of the Disability Act and the creation of the Industrial Court to handle such issues, 'there is hope for improvement'.<sup>41</sup> No concluding observation is available in respect of this report.<sup>42</sup>

30 CEDAW/C/SLE/CO/6 (n 29 above) para 39.

31 Ministry of Social Welfare, Gender and Children's Affairs 'Strategic Plan 2014-2018' (2013) para 2.2 <http://mswgca.gov.sl/attachments/Documents/MSWGCA%202014-2018%20Strategic%20Plan.pdf> (accessed 6 April 2015).

32 Consideration of reports submitted by states parties under article 19 of the Convention, initial reports of states parties due in 2002: Sierra Leone, para 11(i), UN Doc CAT/C/SLE/1 (9 September 2013) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSLE%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSLE%2f1&Lang=en) (accessed 6 April 2015).

33 Concluding observations on the initial report of Sierra Leone, adopted by the UN Committee against Torture, UN Doc CAT/C/SLE/CO/1 (20 June 2014) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSLE%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSLE%2fCO%2f1&Lang=en) (accessed 6 April 2015).

34 National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1: Sierra Leone, UN Doc A/HRC/WG.6/11/SLE/1 (14 February 2011) para 36.

35 A/HRC/WG.6/11/SLE/1 (n 34 above) para 37.

36 Report of the Working Group on the Universal Periodic Review: Sierra Leone, UN Doc A/HRC/18/10, paras 80.1; 80.23

37 A/HRC/18/10 (n 36 above) para 81.17.

38 African Charter on Human and Peoples' Rights 1981 (African Charter).

39 Disability Act (n 23 above).

40 African Charter on Human and Peoples' Rights: Initial to date following article of the Charter report submitted by Sierra Leone (2013) [http://www.achpr.org/files/sessions/53rd/state-reports/1st-1983-2013/statrep\\_1983\\_2013\\_eng.pdf](http://www.achpr.org/files/sessions/53rd/state-reports/1st-1983-2013/statrep_1983_2013_eng.pdf) (accessed 6 April 2015).

41 African Charter on Human and Peoples' Rights (n 40 above)19.

42 African Commission on Human and Peoples' Rights 'Sierra Leone' <http://www.achpr.org/states/sierra-leone/> (accessed 6 April 2015).

In respect of the African Charter on the Rights and Welfare of the Child (African Children's Charter),<sup>43</sup> Sierra Leone became a state party in 2002.<sup>44</sup> As at 2014, it had not submitted its report to the African Committee of Experts on the Rights and Welfare of the Child.<sup>45</sup>

**2.4 Was there any domestic effect on Sierra Leone's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Sierra Leone's legislature to incorporate it into the legal system before the instrument can have force in Sierra Leone's domestic law? Have Sierra Leone's courts ever considered this question? If so, cite the case(s).**

As with other international human rights law instruments, state parties to the CRC,<sup>46</sup> the African Charter,<sup>47</sup> the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>48</sup> the African Children's Charter,<sup>49</sup> and the CRPD are enjoined to incorporate treaty provisions into their national laws.

By virtue of section 40 of the Constitution of Sierra Leone 1991, Sierra Leone is a dualist system and as such international law instruments have to be domesticated by parliament. Sierra Leone enacted a Child Rights Act in 2007,<sup>50</sup> which aims at protecting the rights of the child in a manner 'compatible with the Convention on the Rights of the Child, its Optional Protocol ... and the African Charter on the Rights and Welfare of the Child'.<sup>51</sup> Sierra Leone has not domesticated CEDAW. However, through statements of senior state officials, it has pledged to do so.<sup>52</sup> In its state report to the African Commission on the African Charter, Sierra Leone analysed the provisions of its Constitution in relation to the African Charter.<sup>53</sup> However, there is no specific act of parliament as in the case of Nigeria that specifically domesticates the African Charter.<sup>54</sup>

With respect to court cases, Marrah notes that due to the fact that 'a large portion of legal practitioners in Sierra Leone are unfamiliar especially with regional human rights instruments, it has been immensely difficult for human rights litigation ... to be undertaken'.<sup>55</sup> Consequently, Marrah observes that 'case law in

43 African Charter on the Rights and Welfare of the Child 1990 (African Children's Charter).

44 African Committee of Experts on the Rights and Welfare of the Child: Table of ratification of the African Charter on the Rights and Welfare of the Child and submission of reports on the implementation of the Charter <http://acerwc.org/wp-content/uploads/2013/12/Ratification-and-reports-submission-table-of-the-African-Childrens-Charter-.pdf> (accessed 6 April 2015).

45 As above.

46 CRC (n 17 above) art 4.

47 African Charter (n 38 above) art 1.

48 The Convention on the Elimination of All Forms of Discrimination against Women (1979) art 2(a).

49 African Children's Charter (n 43 above) art 1(1).

50 Child Rights Act (n 24 above).

51 As above.

52 JS Margai 'Sierra Leone prepares to report on CEDAW' *Premier Media Group Ltd* 5 February 2014 <http://premiermedia.sl/content/sierra-leone-prepares-report-cedaw> (accessed 6 April 2015); A Samba 'Sierra Leone news: First Lady assures women on CEDAW domestication' *Awareness Times* 15 May 2014 [http://news.sl/drwebsite/publish/article\\_200525395.shtml](http://news.sl/drwebsite/publish/article_200525395.shtml) (accessed 6 April 2015).

53 African Charter on Human and Peoples' Rights: Initial to date following article of the Charter report submitted by Sierra Leone (n 40 above).

54 A Marrah 'Sierra Leone' in *The impact of the African Charter and Women's Protocol in selected African states* (2012) 153.

55 Marrah (n 54 above) 156.

regards to the African Charter ... are few and far between if not virtually non-existent'.<sup>56</sup>

**2.5 With reference to 2.4 above, has the CRPD or any other ratified international instrument been domesticated? Provide details.**

The CRPD has been domesticated through the 2011 Disability Act. As earlier stated, the 2007 Child Right Act of Sierra Leone domesticates the African Children's Charter and the CRC.

### 3 Constitution

**3.1 Does the Constitution of Sierra Leone contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.**

The Constitution of Sierra Leone does not specifically or explicitly prohibit discrimination on account of disability.<sup>57</sup> Article 27(3) of the Constitution, which lists discriminatory grounds provides that:<sup>58</sup>

In this section the expression 'discriminatory' means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.

Although the section mentions the word 'disabilities', the word is used in a different context and not in the context of the prohibition of discrimination on account of disabilities.

**3.2 Does the Constitution of Sierra Leone contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

Article 8(2)(a) in Chapter II of the Sierra Leone Constitution provides that in the realisation of the Social Order of the state, the government should ensure 'that opportunities for securing justice are not denied any citizen by reason of economic or other disability'.<sup>59</sup>

<sup>56</sup> As above.

<sup>57</sup> See United Nations Integrated Peacebuilding Office in Sierra Leone & United Nations Human Rights Office of the High Commissioner (n 6 above) 12; Constitution of Sierra Leone, 1991.

<sup>58</sup> Constitution of Sierra Leone (n 57 above).

<sup>59</sup> Constitution of Sierra Leone (n 57 above) art 8(2)(a).

## 4 Legislation

### 4.1 Does Sierra Leone have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

Sierra Leone does have national legislation that directly addresses the issue of disability.<sup>60</sup> Significantly, the Disability Act<sup>61</sup> establishes a national commission<sup>62</sup> with the mandate of ensuring 'the well-being of persons with disability'.<sup>63</sup> The Disability Act further provides for the rights of PWDs inclusive amongst which are: (a) the right of a person to free education for persons with disabilities; (b) protection from discrimination in employment; and (c) the right to access public buildings.

### 4.2 Does Sierra Leone have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.

Sierra Leone has several pieces of legislation that indirectly addresses the issues of disability. Amongst others are the Sexual Offences Act<sup>64</sup> and the Right to Access Information Act.<sup>65</sup> Article 4(2) of the Education Act recognises disability as a prohibited ground of discrimination.<sup>66</sup> Article 8(1) of the Sexual Offences Act provides '[a] person who intentionally causes, incites, threatens or deceives another person with a mental disability to engage in a sexual activity commits an offence'.<sup>67</sup> Such an offender is liable to imprisonment for a term 'not less than five years and not exceeding fifteen years'.<sup>68</sup> Article 74(1)(i) of the Public Election Act 2012 provides for the process which a visual or physically impaired voter may employ in order to vote. In light of this provision, a visually or physically impaired voter is required to make an application to the Presiding Officer who will provide assistance in the case for a physically impaired voter or inform the visually impaired voter that he can append his 'fingerprint mark in the square corresponding to the name of the candidate'<sup>69</sup> he seeks to vote for. Article 11(3) of the Access to Information Act provides that materials should be disseminated taking into account the needs of PWDs.

60 Disability Act (n 23 above).

61 As above.

62 Disability Act (n 23 above) art2(1).

63 Disability Act (n 23 above) art 6(1).

64 Sexual Offences Act 60 of 2012.

65 Right to Access Information Act 62 of 2013.

66 Education Act 19 of 2004, art 4(2).

67 The Sexual Offences Act (n 64 above) art 8(1).

68 As above.

69 Public Election Act 26 of 2012, art 74(1)(i).



## 5 Decisions of courts and tribunals

- 5.1 Have the courts (or tribunals) in Sierra Leone ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.**

The researcher did not come across any court case relating to the rights of persons with disabilities in Sierra Leone.

## 6 Policies and programmes

- 6.1 Does Sierra Leone have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.**

Sierra Leone has a specific Disability Act,<sup>70</sup> which addresses disability. Sierra Leone also has several policies that indirectly include PWDs. Some of these policies will be discussed in the next section 6.2.

- 6.2 Does Sierra Leone have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.**

In 2011, Sierra Leone adopted a National Social Protection Policy, which aims at providing social protection for vulnerable groups within the Sierra Leonean society including PWDs.<sup>71</sup> In 2012, the First Lady of Sierra Leone launched the Mental Health Policy.<sup>72</sup> One of the objectives of this policy is to 'promote the quality of life (e.g. good health status, social inclusion) of all people with mental disability and their families in Sierra Leone'.<sup>73</sup>

In 2013, the President of Sierra Leone launched the Agenda for Prosperity,<sup>74</sup>

<sup>70</sup> Disability Act (n 23 above).

<sup>71</sup> The Republic of Sierra Leone 'National Draft Policy Framework for Social Protection in Sierra Leone' (2009) [http://www.fao.org/docs/up/easypol/forum/31/31\\_National\\_Draft\\_Policy\\_for\\_Social\\_Protection\\_in\\_Sierra\\_Leone.pdf](http://www.fao.org/docs/up/easypol/forum/31/31_National_Draft_Policy_for_Social_Protection_in_Sierra_Leone.pdf) (accessed 8 April 2015); The Government of Sierra Leone 'The Agenda for prosperity: Road to middle income status' (2013) 107 (Agenda for Prosperity) [http://www.undp.org/content/dam/sierraleone/docs/projectdocuments/povreduction/undp\\_sle\\_The%20Agenda%20for%20Prosperity%20.pdf](http://www.undp.org/content/dam/sierraleone/docs/projectdocuments/povreduction/undp_sle_The%20Agenda%20for%20Prosperity%20.pdf) (accessed 8 April 2015).

<sup>72</sup> Mental Health Coalition in Sierra Leone 'Sierra Leone Mental Health Policy launched by first lady' 15 October 2012.

<sup>73</sup> Ministry of Health and Sanitation, Republic of Sierra Leone 'Mental Health Policy' 9 [http://www.whosierraleone.org/1\\_docs/mohspartnersdocs/mental\\_health\\_policy.pdf](http://www.whosierraleone.org/1_docs/mohspartnersdocs/mental_health_policy.pdf) (accessed 8 April 2015).

<sup>74</sup> Agenda for Prosperity (n 71 above).

which is Sierra Leone's Third Generation Poverty Reduction Strategy Paper (2013-2018).<sup>75</sup> This Strategy Paper indirectly addresses disability. Part of the health sector objectives is to provide '[f]ree Health Care at the point of delivery for people with disability' and '[s]trengthen services aimed at providing rehabilitation equipment for people with disability'.<sup>76</sup> Part of its Labour Market Objectives is to '[d]evelop a comprehensive package of innovative market-oriented entrepreneurship programmes' that focuses on training and building the capacities of youths including PWDs.<sup>77</sup>

The Strategic Plan (2014-2018) developed by the Ministry of Social Welfare, Gender and Children's Affairs also addresses disability. Significantly, the vision statement of the Strategic Plan is a 'Sierra Leonean society where women, men, children, the elderly and people with disability live a life of dignity ... and their human rights are fully protected'.<sup>78</sup> One of the core values of the Strategic Plan is 'equity and equality'. In this section, 'equal opportunities' for all persons including PWDs is emphasised.<sup>79</sup> The realisation of these goals entail social, political, economic and technological ramifications.<sup>80</sup> On a social level, one of the strategic highlights is to ensure the harmonisation of customary and national laws with national instruments protecting the rights of PWDs. On the political level, one of the strategic highlights is to utilise existing mechanisms in drawing attention to the issues of PWDs. On an economic level, one of the strategic highlights is to enhance the capacities of local leaders in protecting and promoting the rights of PWDs. With the use of technology, awareness and advocacy will be furthered. One of the areas in which awareness will be raised is in relation to harmful traditional practices for women, children and PWDs.<sup>81</sup>

## 7 Disability bodies

### 7.1 Other than the ordinary courts and tribunals, does Sierra Leone have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.

The Disability Act establishes a National Commission for Persons with Disability (National Commission).<sup>82</sup> The National Commission is to be constituted of a Chairperson,<sup>83</sup> representatives from government Ministries of '(i) social welfare; (ii) finance; (iii) youth and sports; (iv) health; (v) education; (vi) employment;

75 This policy builds on Sierra Leone's Second Poverty Reduction Strategy titled 'Agenda for Change'. See The Republic of Sierra Leone 'Agenda for change: Second poverty reduction strategy (PRSP II): 2009-2012' (Agenda for Change) [http://unipsil.unmissions.org/portals/unipsil/media/publications/agenda\\_for\\_change.pdf](http://unipsil.unmissions.org/portals/unipsil/media/publications/agenda_for_change.pdf) (accessed 8 April 2015); 'Agenda for prosperity road to middle income status' *Mysier Leoneonline.com* 12 April 2013 [http://mysierleoneonline.com/sl\\_portal/site/news/detail/1553](http://mysierleoneonline.com/sl_portal/site/news/detail/1553) (accessed 8 April 2015); the REDD desk 'The Agenda for Prosperity: Third generation poverty reduction strategy paper (2013-2018)' <http://thereddesk.org/countries/plans/agenda-prosperity-sierra-leones-third-generation-poverty-reduction-strategy-paper> (accessed 8 April 2015).

76 Agenda for Prosperity (n 71 above) 67.

77 Agenda for Prosperity (n 71 above) 101.

78 Ministry of Social Welfare, Gender and Children's Affairs (n 31 above) para 2.2.

79 Ministry of Social Welfare, Gender and Children's Affairs (n 31 above) para 2.3.

80 Ministry of Social Welfare, Gender and Children's Affairs (n 31 above) para 3.1.

81 Ministry of Social Welfare, Gender and Children's Affairs (n 31 above) 35.

82 Disability Act (n 23 above) art 2(1).

83 Disability Act (n 23 above) art 2(3)(a).

(vii) transport; (viii) tourism and culture';<sup>84</sup> four representatives of the Sierra Leone Union on Disability Issues and other Disabled Peoples Organisations 'including at least one female';<sup>85</sup> two representatives from civil society handling disability issues<sup>86</sup> and an Executive Secretary.<sup>87</sup>

The functions of the National Commission are provided in article 6 of the Disability Act. In line with article 6(1) of the Disability Act, the National Commission is created to 'ensure the well-being of persons with disability'.<sup>88</sup>

Article 6(2) of the Disability Act sets out specific functions in its sub-articles (a)-(p). In accordance with article 6(2)(a)-(p) of the Disability Act, the National Commission may engage in policy formulation for the protection of PWDs; collaborate with government during national census to ensure 'that accurate figures of persons with disability are obtained in the country';<sup>89</sup> advise the Minister responsible for social affairs on international treaty provisions that relate to PWDs; proffer means of ensuring that discrimination against PWDs are prevented; investigate allegations of discriminations against PWDs and produce a report on its investigation; implement programmes aimed at employment or income generation for PWDs in partnership with the Ministry responsible for social affairs; assist with rehabilitation of PWDs within their communities in Sierra Leone; direct services geared towards the welfare of PWDs in Sierra Leone and carry out counselling programmes and vocational guidance; maintain a database on PWDs, institutions providing welfare services including rehabilitation and employment; provide assistive mechanisms and access to information on technological mechanisms to organisations and institutions concerned with PWDs; support the government in the development of curriculum for 'teacher training institutions, vocational rehabilitation centres and other facilities' for PWDs;<sup>90</sup> appraise and report to the ministry in charge of social affairs on the welfare of PWDs and areas of priority; 'issue adjustment orders' in terms of article 26;<sup>91</sup> engage in consultation with government in relation to the provision of housing for PWDs; implement measures for public information on the rights of PWDs; and carry out such other functions in relation to the welfare of PWDs as it deems fit.

Article 7 of the Disability Act sets out the powers of the National Commission. Article 7(1) of the Disability Act provides that the National Commission 'shall have power to do such things as are necessary or convenient to be done for or in connection with the performance of its functions'. Articles 7(1)(a)-(f) of the Disability Act specifically provide for certain powers the National Commission may exercise inclusive amongst which are: to issue Permanent Disability Certificates; carry out inquiries into matters concerning the welfare of PWDs; choose an officer(s) and empower such to make investigations and report to the National Commission on infringements of the Disability Act; create committees which will be constituted of the members and non-members of the National Commission and where necessary may include experts; vest functions to the committee it creates as it may determine; and conduct research or employ the services of individuals in conducting research on the rehabilitation of PWDs.<sup>92</sup>

84 Disability Act (n 23 above) art 2(3)(b).

85 Disability Act (n 23 above) art 2(3)(c).

86 Disability Act (n 23 above) art 2(3)(d).

87 Disability Act (n 23 above) art 2(3)(e).

88 Disability Act (n 23 above) art 6(1).

89 Disability Act (n 23 above) art 6(2)(b).

90 Disability Act (n 23 above) art 6(k).

91 Disability Act (n 23 above) art 6(m); article 26 of the Disability Act empowers the National Commission to issue adjustment orders where it 'considers that any public premises are inaccessible to persons with disability by reason of any structural, physical or other impediment'. Disability Act (n 23 above) art 26(1).

92 Disability Act (n 23 above) art 7(2)(a)-(f).

Article 7(2) of the Disability Act empowers the National Commission to refer an individual who 'without justifiable cause' does not comply with its orders to the court for contempt. Article 7(3) of the Disability Act mandates the National Commission to 'submit a report of any investigation' to the Minister in charge of social affairs. In its report, the National Commission may give recommendations on compensation payments for 'victims of discrimination'.<sup>93</sup> In line with article 7(4) of the Disability Act, persons who are aggrieved by the recommendations of the National Commission in its report 'may appeal to the court'.<sup>94</sup>

The National Commission was 'constituted by Presidential appointments, which were endorsed by Parliament in July 2012'. The Chairperson of the National Commission appointed in 2012 is Fredrick Kamara.<sup>95</sup>

**7.2 Other than the ordinary courts or tribunals, does Sierra Leone have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.**

Sierra Leone has a Human Rights Commission (HRC) with a mandate of promoting and protecting human rights in Sierra Leone.<sup>96</sup> In discharging its function, the HRC has the power, amongst other things, to investigate allegations of human rights violations, raise public awareness on human rights and issue guidelines on the obligation of public officers in relation to the protection of human rights.<sup>97</sup> For the purpose of investigation, article 8(1)(a) of the Human Rights Commission Act vests the HRC with 'such powers, rights and privileges as are vested in the High Court of Justice or a judge'<sup>98</sup> in relation to summoning a witness; requiring document production; and issuing a request for the examination of a witness. Upon investigation of a matter, the HRC is mandated to issue a report<sup>99</sup> and make orders with regards to compensation.<sup>100</sup> By virtue of article 13, the government is mandated to 'respond publicly and within 21 days to the specific case'.<sup>101</sup> As the principal institution specifically created to protect human rights, the HRC has the mandate of protecting the rights of all persons in Sierra Leone including PWDs.

93 Disability Act (n 23 above) art 7(3).

94 Disability Act (n 23 above) art 7(4).

95 State House Communication Unit 'I will promote the interest of persons with disability' (2012) <http://www.statehouse.gov.sl/index.php/component/content/article/529-qi-will-promote-the-interest-of-persons-with-disability> (accessed 25 June 2015); 'Disability Commissioner urges President Koroma' *African Young Voices* 6 August 2012 <http://africayoungvoices.com/2012/08/disability-commissioner-urges-president-koroma/> (accessed 8 April 2015); Statement delivered by Frederick JM Kamara, Chairman and Chief Commissioner of Sierra Leone National Commission for Persons with Disability at the 6th Conference of State Parties to the United Nations Convention on the Rights of Persons with Disabilities held in New York on 19 July 2013 <http://news.sl/drwebsite/exec/view.cgi?archive=9&num=23297> (accessed 8 April 2015).

96 The Human Rights Commission of Sierra Leone Act, 2004, art 2(1) (HRC Act) <http://www.sierra-leone.org/Laws/2004-9p.pdf> (accessed 9 April 2015).

97 HRC Act (n 96 above) art 7(2).

98 HRC Act (n 96 above) art 8(1)(a).

99 HRC Act (n 96 above) art 10(b).

100 HRC Act (n 96 above) art 11.

101 HRC Act (n 96 above) art 13.

## 8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

- 8.2 Does Sierra Leone have a Human Rights Commission, an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, the Ombudsman or Public Protector of Sierra Leone has ever addressed issues relating to the rights of persons with disabilities.**

By virtue of the Human Rights Commission Act of 2004, Sierra Leone established the Human Rights Commission (HRC).<sup>102</sup> In 2008, the HRC appointed a Different Abilities and Non-Discrimination Officer (DANDO) for the purpose of addressing issues relating to the rights of PWDs.<sup>103</sup> In 2012 when the Sierra Leonean government scrapped the tactile voting system, the DANDO, Patrick James Taylor, expressed disappointment over this action.<sup>104</sup> However, tactile ballots 'were regrettably not available for the 2012 elections.'<sup>105</sup>

## 9 Disabled peoples organisations (DPOs) and other civil society organisations

- 9.1 Does Sierra Leone have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.**

Sierra Leone has Disabled Peoples Organisations (DPOs) that advocate for the rights of PWDs in Sierra Leone. These DPOs include: Sierra Leone Union of Disability Issues (SLUDI); Handicap International; Sierra Leone Association of the Blind (SLAB); Sierra Leone Association of the Deaf (SLAD); United Polio Brothers and Sisters Association (UPBSA); Sierra Leone Union of Polio Persons (SLUPP); and Leonard Cheshire Disability and Sightsavers International.

<sup>102</sup> HRC Act (n 96 above).

<sup>103</sup> Human Rights Commission of Sierra Leone 'Comments and advice on the letter from UNHRC to National human rights institutions in relation to Human Rights Council 7/9 title "Human rights of persons with disabilities"' <http://www2.ohchr.org/english/issues/disability/docs/consultation/NHRIs/SierraLeoneHumanRightsCommission16092008.doc> (accessed 9 April 2015); Office of the UN High Commissioner for Human Rights 'Report of the United Nations High Commissioner for Human Rights – Resolution 10/7 on the human rights of persons with disabilities: National frameworks for the protection and promotion of the human rights of persons with disabilities' [http://www2.ohchr.org/english/issues/disability/docs/Sierra\\_Leone\\_HumanRightsCommission.doc](http://www2.ohchr.org/english/issues/disability/docs/Sierra_Leone_HumanRightsCommission.doc) (accessed 9 April 2015); United Nations Integrated Peacebuilding Office in Sierra Leone & United Nations Human Rights Office of the High Commissioner (n 6 above) 18.

<sup>104</sup> S Banugra & L Powell 'Sierra Leone scraps tactile voting system for elections' *The Guardian* 16 November 2012 <http://www.theguardian.com/global-development/2012/nov/16/sierra-leone-tac-tile-voting-elections> (accessed 9 April 2015).

<sup>105</sup> The Carter Center 'Observing Sierra Leone's November 2012 national elections: final report' (2013) 31-32 [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/sierra-leone-final-101613.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/sierra-leone-final-101613.pdf) (accessed 9 April 2015).

SLUDI is the national umbrella body which advocates for the rights of PWDs in Sierra Leone.<sup>106</sup> In a press conference held on 31 March 2012, it urged the government to set up the Disability Commission.<sup>107</sup> On 11 November 2014, it urged the National Commission to perform its responsibility.<sup>108</sup> On 2 April 2015, SLUDI monitored 15 homes of PWDs to assess how the stay-at-home national policy in combatting Ebola in Sierra Leone has affected them.<sup>109</sup>

Handicap International also works to promote the rights of PWDs in Sierra Leone. The projects of Handicap International 'promote better access to jobs and education for persons with disabilities and support care providers to recognize and understand the needs of disabled people'.<sup>110</sup>

The SLAB, which was formerly the Sierra Leone Youth Society for the Blind (SLYSB),<sup>111</sup> promotes the rights of persons with visual impairment in Sierra Leone. SLAD, established in 1965, promotes the rights of persons with hearing impairment in Sierra Leone.<sup>112</sup> UPBSA is a DPO that advocates for the rights of persons with polio.<sup>113</sup> It is registered with SLUPP,<sup>114</sup> which is an umbrella body for the promotion the rights of persons with polio in Sierra Leone.<sup>115</sup>

Through the Young Voices project, Leonard Cheshire Disability advocates for the rights of young persons with disabilities in Sierra Leone.<sup>116</sup> Sightsavers International has also been involved in helping persons with visual impairment.<sup>117</sup>

106 'SLUDI gets new president' *Cotton Tree News* 12 December 2008 <http://www.cottontreenews.org/home-mainmenu-1/1-latest/1516-sludi-gets-new-president> (accessed 9 April 2015); CO O'Sullivan & M MacLachlan 'Childhood disability in Burkina Faso and Sierra Leone: An exploratory analysis' in M MacLachlan & L Swartz *Disability & international development: Towards inclusive global health* (2009) 168.

107 MT Kamara 'In Sierra Leone, SLUDI urges government to set up commission' *Awareness Times* 2 April 2012 <http://news.sl/drwebsite/exec/view.cgi?archive=8&num=19983> (accessed 9 April 2015).

108 I Mansaray 'SLUDI accuses disability commission' *The New Citizen* 11 November 2014 <http://www.newctzen.com/index.php/politics/11-news/1190-sludi-accuses-disability-commission> (accessed 9 April 2015).

109 I Mansaray 'SLUDI monitors 15 disabled homes' *The New Citizen* 2 April 2015 <http://www.newctzen.com/index.php/11-news/2397-sludi-monitors-15-disabled-homes> (accessed 9 April 2015).

110 Handicap International 'Sierra Leone' [http://www.handicap-international.org.uk/where\\_we\\_work/africa/sierra\\_leone](http://www.handicap-international.org.uk/where_we_work/africa/sierra_leone) (accessed 9 April 2015).

111 'New York: SLDC chairman addresses UN body' *The Patriotic Vanguard* 24 July 2013 <http://www.thepatrioticvanguard.com/new-york-slde-chairman-addresses-un-body> (accessed 9 April 2015).

112 Sierra Leone Association of the Deaf [http://www.deafchildworldwide.info/applications/dcw/idcs\\_input/view/organisations/view\\_organisation.idcs?Organisation\\_id=1398](http://www.deafchildworldwide.info/applications/dcw/idcs_input/view/organisations/view_organisation.idcs?Organisation_id=1398) (accessed 13 April 2015).

113 R Alamo & GT Diagne 'Sierra Leone: getting involved in electoral processes – From local to national' in International Disability Alliance (IDA) Human Rights Publication Series Issue 1 – The right to vote and stand for elections (March 2013) [http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/HI\\_Sierra%20Leone\\_%20Getting%20involved%20in%20electoral%20processes,%20from%20local%20to%20national.pdf](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/HI_Sierra%20Leone_%20Getting%20involved%20in%20electoral%20processes,%20from%20local%20to%20national.pdf) (accessed 13 April 2015).

114 Alamo & Diagne (n 113 above).

115 J Hollet & AB Munu 'Government discussion turns to issues of the disabled in Sierra Leone' *Premier News (Freetown)* 29 July 2010 <http://www.jhr.ca/success/2010/07/government-discussion-turns-to-issues-of-the-disabled-in-sierra-leone/> (accessed 13 April 2015); R Horvath et al 'Omega initiative: Sierra Leone trip report' (2002) 7 [http://pdf.usaid.gov/pdf\\_docs/PNACR257.pdf](http://pdf.usaid.gov/pdf_docs/PNACR257.pdf) (accessed 13 April 2015).

116 'Human rights and democracy: Bringing to life the UN Convention on rights of persons with disabilities in Sierra Leone' [http://ec.europa.eu/europeaid/documents/case-studies/sierra-leone-human-rights\\_uncrpd\\_en.pdf](http://ec.europa.eu/europeaid/documents/case-studies/sierra-leone-human-rights_uncrpd_en.pdf) (accessed 13 April 2015); Leonard Cheshire Disability 'Young voices: Speaking out for the rights of people with disabilities' <http://youngvoices.leonardcheshire.org/category/sierra-leone/> (accessed 13 April 2015).

117 Sightsavers 'A chance to shine' [http://www.sightsavers.net/our\\_work/around\\_the\\_world/west\\_africa/sierra\\_leone/11027.html](http://www.sightsavers.net/our_work/around_the_world/west_africa/sierra_leone/11027.html) (accessed 13 April 2015).

**9.2 In the countries in Sierra Leone's region (West Africa) are DPOs organised/coordinated at national and/or regional level?**

DPOs are usually organised at the national level. In Sierra Leone, SLUDI and SLUPP are national bodies for PWDs in Sierra Leone. In Nigeria, the Joint National Association of Persons with Disabilities (JONAPWD) is the umbrella body for PWDs in Nigeria.<sup>118</sup> In Liberia, the National Union of the Disabled (NUOD), an umbrella DPO, protects the rights of PWDs in Liberia.<sup>119</sup> In Senegal, there is the Senegalese Federation of Associations of Persons with Disabilities (FESAPH); in Togo, there is a Togolese Federation of Associations of Persons with Disabilities (FETAPH); in Benin, there is the Benin Federation of Associations of Persons with Disabilities (FAPHB); in Niger, there is the Niger Federation of Persons with Disabilities; and also in Mali there is a Malian Federation of Associations of Persons with Disabilities (FEMAPH).<sup>120</sup> Ghana has a Ghana Federation of the Disabled (GFD), which is a national umbrella organisation for PWDs in Ghana.<sup>121</sup>

**9.3 If Sierra Leone has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?**

In the development of the Disability Act, which mirrors the CRPD, DPOs were involved.<sup>122</sup> One of the ways through which Sierra Leone has ensured the involvement of PWDs in the implementation process is through the specific provision for DPOs involvement in the National Commission. Article 3(1)(c) & (d) of the Disability Act specifically provides for representatives of DPOs as part of the National Commission.

**9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?**

DPOs have taken several actions in ensuring that they are involved in the implementation process of the CRPD through lobbying, advocacy and providing assistance to the government on disability issues. For instance, in January 2012 prior to the National Elections in Sierra Leone, SLUDI issued a 90-day ultimatum to the government to set up the National Commission in line with the Disability Act which mirrors the CRPD, failing which it threatened to boycott the voters' registration in preparation for the election.<sup>123</sup> The ultimatum was eventually withdrawn when the government set up a Technical Committee for the establishment of the National Commission.<sup>124</sup>

118 UN Enable 'List of non-governmental organization accredited to the Conference of States Parties' <http://www.un.org/disabilities/default.asp?id=1482> (accessed 13 April 2015).

119 C Brooks 'NUOD elects new officials for 4-year term' *Liberia News Agency* 10 April 2015 <http://www.liberianewsagency.org/pagesnews.php?nid=4522> (accessed 13 April 2015).

120 West African regional portal on the rights of people with disabilities <http://proadiph.org/-Les-partenaires-.html?lang=en> (accessed 13 April 2015).

121 Ghana Federation of the Disabled 'Overview of GFD' <http://www.gfdgh.org/> (accessed 13 April 2015).

122 Office of the UN High Commissioner for Human Rights (n 103 above).

123 Alamo & Diagne (n 113 above).

124 As above.

**9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

One of the barriers faced by DPOs in engaging in the implementation relates to finances. In March 2015, the president of SLUDI noted the need for financial assistance in order for the organisation to carry out 'advocacy activities across the country'.<sup>125</sup>

**9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?**

One relevant good practice from Sierra Leone in ensuring the proper involvement of DPOs relates to the provision for the involvement of civil society organisations in the composition of the National Commission. The Disability Act specifically requires that four representatives of SLUDI and organisations of PWDs should form part of the National Commission.<sup>126</sup> The Disability Act further provides that two representatives from NGOs dealing with issues of PWDs should be included on the National Commission.<sup>127</sup>

**9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

There are successful outcomes that resulted from the engagement of DPOs in the implementation process of the Disability Act, which mirrors the CRPD. One of such outcomes is the setting up of the National Commission, which has helped 'tremendously in making the voices of PWDs in Sierra Leone heard nationally and globally'.<sup>128</sup>

**9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

One of the areas for research support in ensuring that DPOs engage in the implementation process of the Disability Act, which mirrors the CRPD, is in respect of the 2015 Population Census. DPOs need to be supported in this exercise in order to ensure that the true figures on PWDs are reflected in the 2015 Population Census results.

125 AB Barrie 'S/Leone Union on Disability Issues needs Le150m to build secretariat' *Premier Media Group Ltd* 17 March 2015 <http://premiermedia.sl/content/sleone-union-disability-issues-needs-le150m-build-secretariat> (accessed 13 April 2015).

126 Disability Act (n 23 above) art 3(1)(c).

127 Disability Act (n 23 above) art 3(1)(d).

128 Awareness Times 'Sierra Leone making headway on disability issues – NCPWD Executive Secretary' *Mysieraleoneonline.com* 27 July 2013 [http://mysieraleoneonline.com/sl\\_portal/site/news/detail/1696](http://mysieraleoneonline.com/sl_portal/site/news/detail/1696) (accessed 13 April 2015).



**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

Although the government of Sierra Leone is taking significant strides in protecting PWDs nationally, it is important that PWDs are given a quota representation in the national parliament. In 2014, the African Youth with Disabilities Network (AYWDN) Sierra Leone 'demanded that the Constitutional Review Process considers allocating a representative quota in Parliament and other key national institutions for persons with disability'.<sup>129</sup> As at April 2015, the Constitutional Review Process was still on-going in Sierra Leone.<sup>130</sup> This report recommends that this process should be supported in order to ensure that PWDs assume lead roles in implementing international and regional instruments in Sierra Leone.

**9.10 Are there specific research institutes in the region where Sierra Leone is situated (West Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

Most of the advocacy and research on the rights of PWDs have been done by DPOs and academics involved in research on the rights of PWDs. However, on an institutional basis, there is an Educational Centre for the Blind and Visually Impaired (ECBVI), which caters for 'over [a] hundred students' with hearing and visual impairments.<sup>131</sup> The ECBVI has also been involved in providing educational materials to visually impaired persons in the fight against Ebola.<sup>132</sup>

## 10 Government departments

**10.1 Does Sierra Leone have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).**

The Directorate of Social Welfare within the Ministry of Social Welfare, Gender and Children Affairs is saddled with the responsibility of ensuring that socially marginalised groups including PWDs are protected and that services are provided

129 KM Jaward 'Sierra Leone news: AYWDN-SL demands representation quota for persons with disability' *Awoko* 30 June 2014 <http://awoko.org/2014/06/30/sierra-leone-news-aywdn-sl-demands-representation-quota-for-persons-with-disability/> (accessed 13 April 2015).

130 P Sama 'Sierra Leone news: NCD translates constitutional review materials in local languages' *Awoko* 10 April 2015 <http://awoko.org/2015/04/11/sierra-leone-news-ncd-translates-constitutional-review-materials-in-local-languages/> (accessed 13 April 2015).

131 Executive director of the Educational Centre for the Blind and Visually Impaired Thomas Allieu calls on government and humanitarian organisations to support them with transportation *Sierra Leone Broadcasting Corporation* 8 April 2015 <http://www.slbc.sl/executive-director-of-the-educational-centre-for-the-blind-and-visually-impaired-thomas-allieu-calls-on-government-and-humanitarian-organisations-to-support-them-with-transportation/> (accessed 13 April 2015).

132 'The challenges faced by the visually impaired fighting ebola in Sierra Leone' *ActionAid* 20 February 2015 <http://www.actionaid.org/2015/02/challenges-faced-visually-impaired-fighting-ebola-sierra-leone> (accessed 13 April 2015).

to these groups.<sup>133</sup>The Ministry of Labour and Employment is mandated to 'support rehabilitation programs' including 'employment for people with mental disabilities'.<sup>134</sup>

## 11 Main human rights concerns of people with disabilities in Sierra Leone

### 11.1 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

A contemporary challenge of PWDs affecting the right to adequate standard of living, food and access to information is the Ebola crisis. The Executive Director of the ECBVI observed that the 'National Ebola Response Centre ... and other organisations responding are neglecting the visually impaired section of the society'.<sup>135</sup> PWDs have raised concerns about hunger and social isolation within society.<sup>136</sup> With regards to information on the Ebola crisis to PWDs, Kamara notes that due to the fact that

people with disability and their families were not represented in planning meetings on the Ebola response, the awareness raising programs do not target persons with disability and therefore, do not reach them.<sup>137</sup>

Huebner further notes that '[b]lanket Ebola awareness messages have been ineffective at reaching people with disabilities due to their geographic and social isolation'.<sup>138</sup> Responses to the situation have largely come from civil society organisations working to provide food, water, assistive devices, and shelter to assist PWDs in the face of the Ebola crisis.<sup>139</sup> However, Kamara notes that 'food and access to clean water is required, especially for those with young children'.<sup>140</sup> Kamara further emphasises the need for 'medical attention; ideally, a specific medical team for persons with disabilities, as they are 10 times more vulnerable to the virus than others'.<sup>141</sup>

133 Ministry of Social Welfare, Gender and Children's Affairs (n 31 above) 45.

134 Ministry of Health and Sanitation, Republic of Sierra Leone (n 73 above) 17.

135 ActionAid (n 132 above).

136 Disabled most at risk as Sierra Leone fights Ebola *Channel 4 News* 26 September 2014 <http://www.channel4.com/news/ebola-sierra-leone-disabled-elderly-vulnerable-lockdown> (accessed 13 April 2015).

137 'Joseph Kamara – Sierra Leone – Ebola, another setback for people with disability' *Children in Crisis* 13 October 2015 <https://childrenincrisis.wordpress.com/2014/10/13/joseph-kamara-sierra-leone-another-setback-for-people-with-disability/> (accessed 13 April 2015).

138 A Huebner 'Ebola's forgotten victims' *Huffington Post* 11 November 2014 [http://www.huffingtonpost.com/adam-huebner/ebolas-forgotten-victims\\_b\\_6171810.html](http://www.huffingtonpost.com/adam-huebner/ebolas-forgotten-victims_b_6171810.html) (accessed 13 April 2015).

139 As above; Children in Crisis (n 137 above); L Pelton 'Food and health education in fight against Ebola' *Global Giving* 23 February 2015 <http://www.globalgiving.org/projects/ebola-healthcare-crisis-epidemic-in-sierra-leone/updates/?subid=54986> (accessed 13 April 2015); K Mansaray 'People with disabilities in Sierra Leone are more vulnerable to Ebola' *Ebola Deeply* 5 March 2015 <http://www.eboladeeply.org/articles/2015/03/7465/people-disabilities-sierra-leone-vulnerable-ebola/> (accessed 13 April 2015).

140 K Mansaray (n 139 above).

141 As above.

### 11.2 Do people with disabilities have a right to participation in political life (political representation and leadership) in Sierra Leone?

Although the Disability Act does not specifically provide for the right to political participation for PWDs, the Disability Act mandates the National Election Commission to 'ensure that during elections, polling stations are made accessible to persons with disability and ... provide such persons with the necessary assistive devices and services'.<sup>142</sup> By virtue of the Constitution of Sierra Leone, PWDs, as others in the society, can participate in the politics of Sierra Leone. In 2007, Julius Nye Cuffie became the first physically challenged person elected as a member of parliament.<sup>143</sup> Following re-election in November 2012, President Koroma appointed a visually impaired person as Deputy Minister of Social Welfare, Gender and Children's Affairs.<sup>144</sup>

### 11.3 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in your country?

Article 17(1) of the Disability Act provides that '[e]very person with disability shall be provided with free medical services in public health institutions'.<sup>145</sup> Article 14(1) of the Disability Act also provides that '[e]very person with disability shall have a right to free education in tertiary institutions'.<sup>146</sup> Article 15(1) of the Disability Act further provides that '[a] person with disability shall not be denied admission to or expelled from an educational institution by reason only of his disability'.<sup>147</sup> In realising the right to health, the Agenda for Prosperity launched by the President of Sierra Leone for 2013-2018 emphasises free Health Care for PWDs.<sup>148</sup> Sierra Leone also has a Social Insurance Trust run by the National Social Security and Insurance Trust which 'operates a contributory scheme that caters for the security of contributors at old age or in the case of disability'.<sup>149</sup> In 2007, Sierra Leone developed a Social Safety Net system which seeks to provide for the vulnerable including PWDs.<sup>150</sup> In 2014, the World Bank 'approved support' for the Social Safety Net system developed by Sierra Leone.<sup>151</sup>

### 11.4 Case studies of specific vulnerable groups

Children with disabilities have little to no access to education. Foday-Musa notes that '[m]ost of the Children who have attained the age of going to school have become street beggars, roaming about to fend for their daily bread'.<sup>152</sup> Children,

142 Disability Act (n 23 above) art 29.

143 AK Kabia 'Hon Julius Nye Cuffie (APC)' *Awareness Times* 20 June 2008 <http://news.sl/drwebsite/exec/view.cgi?archive=5&num=8872> (accessed 13 April 2015).

144 'Interview: Sierra Leone's first blind minister' *Politico* 31 January 2013 <http://politicosl.com/2013/02/interview-sierra-leone%E2%80%99s-first-blind-minister/> (accessed 13 April 2015).

145 Disability Act (n 23 above) art 17(1).

146 Disability Act (n 23 above) art 14(1).

147 Disability Act (n 23 above) art 15(1).

148 Agenda for Prosperity (n 71 above) 67.

149 Agenda for Change (n 75 above) 92.

150 F Oddsdottir 'Social protection programmes for people with disabilities' (2014) 11 <http://www.gsdc.org/docs/open/HDQ1137.pdf> (accessed 13 April 2015).

151 'World Bank to help Sierra Leone build social safety net' *The World Bank* 25 March 2014 <http://www.worldbank.org/en/news/press-release/2014/03/25/world-bank-sierra-leone-social-safety-net> (accessed 13 April 2015).

152 T Foday-Musa 'The plight of people with disabilities in post-conflict Sierra Leone' *The Patriotic Vanguard* 19 October 2010 <http://www.thepatrioticvanguard.com/the-plight-of-people-with-disabilities-in-post-conflict-sierra-leone> (accessed 13 April 2015).

particularly girls with disabilities also face sexual and physical abuse.<sup>153</sup> These abuses are often at the hand of family, community members and traditional healers. According to Banjura '[s]exual abuse of young disabled girls is common'.<sup>154</sup> Banjura notes that there are occasions where traditional healers engage in sexual relations with girls as part of the healing process. Coe notes that '[i]n Sierra Leone, children who are deaf and not able to speak were described as the group most vulnerable to abuse, as they could not easily tell of their abuse'.<sup>155</sup> In one case, a child with cerebral palsy was buried alive due to the belief that the child was bewitched.<sup>156</sup> Powell notes that '[c]onfused and frustrated by the child's inability to talk or walk', it was 'proclaimed that child must be bewitched'. According to Kumar '[i]n Sierra Leone, it is common for children who are blind or suffering polio to be branded a "devil"'.<sup>157</sup>

## 12 Future perspective

### 12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Sierra Leone at the moment?

Sierra Leone is currently undergoing a Constitution Review Process. In a 2014 public consultation with SLUDI, one of the issues raised was that there should be a Ministry on Disability Issues reflected in the Constitution. The AYWDN Sierra Leone has also demanded for the allocation of a quota for PWDs in parliament and other important national institutions.<sup>158</sup>

### 12.2 What legal reforms would you like to see in Sierra Leone? Why?

One significant legal reform that the author would like to see in Sierra Leone is the revision of the discrimination provision in the Constitution. Article 27(3) of the Constitution of Sierra Leone list grounds on which discrimination is prohibited but does not mention disability. This legal reform is important for the adequate protection of PWDs and also in line with the obligation of Sierra Leone under article 4(1)(a) & (b) of the CRPD which mandate states take steps towards protecting the rights of PWDs.

153 L Powell 'Beyond beliefs' *The Guardian* 19 November 2010 <http://www.theguardian.com/journalismcompetition/sierra-leone-street-children> (accessed 13 April 2015).

154 As above.

155 S Coe 'Outside the circle: A research initiative of Plan International into the rights of children with disabilities to education and protection in West Africa' (2013) 26 <http://www.plan-uk.org/assets/Documents/pdf/26374/outside-the-circle> (accessed 13 April 2015).

156 Powell (n 153 above).

157 D Kumar 'Africa's disabled cursed by apathy and abuse' *Al Jazeera* 23 September 2013 <http://www.aljazeera.com/indepth/features/2013/09/2013922121017135639.html> (accessed 13 April 2015).

158 Jaward (n 129 above).