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**SIERRA LEONE’S RESPONSE TO A QUESTIONNAIRE FROM THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS OF PERSONS WITH DISABILITIES/OLDER PERSONS WITH DISABILITIES**

**INTRODUCTION**

This response provides an overview of the progress Sierra Leone has made in improving the lives of persons with disabilities and the constitutional, legislative, judicial, administrative and other measures that the Government has taken to comply with the Convention on the Rights of Persons with Disabilities since its ratification in 2009 and subsequent domestication in the form of the Persons with Disability Act, 2011. While recognizing the successes that Sierra Leone has recorded, the response will also highlight the challenges experienced in giving effect to the provisions of the Convention.

Sierra Leone signed the UNCRPD in 2008 but has not ratified the Optional Protocol on Disability. In addition, the rights of persons with disabilities are protected by other International Human Rights Instruments that Sierra Leone has either ratified or domesticated. The UNCRPD explicitly refers to older persons with disabilities as Article 28(b) provides that states parties shall take appropriate measures to ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities to social protection programmes and poverty reduction programmes.

The Constitution of Sierra Leone, 1991 contains provisions that explicitly protect the rights of older persons and persons with disabilities in the areas of care, welfare and educational opportunities. Article 8(3) (f) of the 1991 Constitution guarantees that the state shall direct its policy towards ensuring that the care and welfare of the aged, young and disabled shall be actively promoted and safeguarded. Additionally, article 9(b) of that Constitution provides for the safeguarding of the rights of vulnerable groups, such as children, women, and the disabled in security and educational facilities. The legal framework concerning social protection programmes for persons with disabilities and the promotion and protection of their rights has improved considerably with the enactment of the Persons with Disability Act, 2011. This is a measure referred to in Article 4 of the UNCRPD. The Act provides rights and privileges to PWDs in key areas relating to dignity, autonomy, independence, non-discrimination, equality of opportunity, participation and inclusion.

1) **PLEASE PROVIDE INFORMATION ON THE LEGISLATIVE AND POLICY FRAMEWORK IN PLACE IN YOUR COUNTRY TO ENSURE THE REALIZATION OF THE RIGHTS OF OLDER PERSONS WITH DISABILITIES INCLUDING BOTH PERSONS WITH DISABILITIES WHO ARE AGEING AND OLDER PERSONS WHO ACQUIRE A DISABILITY**

Sierra Leone is a States Party to several International Human Rights instruments. With the ratification and subsequent domestication of several international human rights instruments including but not limited to the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of Older Persons at the global level, the African Union Policy Framework and Plan of Action on Ageing, the African Union Protocol to the African Charter on Human and People’s Rights on the Rights of Older Persons in Africa at the regional level, it is imperative for Sierra Leone to put in place national, legislative and policy frameworks, and institutional frameworks that promote and protect the rights, well-being and dignity of all persons with disabilities. These aforementioned legal frameworks are binding international commitments to adhere to the provisions and standards laid down in universal human rights documents.

In order to ensure the realization of the rights of persons with disabilities including older persons with disabilities and those who acquire a disability, the supreme law of the land i.e the Constitution of Sierra Leone, 1991 serves as the bedrock that can be referenced in case of violation of their rights. Article 8(3) (f) of the Constitution of Sierra Leone,1991 guarantees that the state shall direct its policy towards ensuring that the care and welfare of the aged, young and disabled shall be actively promoted and safeguarded.

In compliance with overarching provisions of the supreme law of the land, the country has embarked on efforts to incorporate those obligations of the Constitution in national legislations, policies, acts, structures and programmes. In that light, Sierra Leone has put in place the following legislative and policy framework to ensure the realization of the rights of persons with disabilities. Sierra Leone domesticated the United Nations Convention on the Rights of Persons with Disabilities in the form of the Persons with Disability Act, 2011.

The Persons with Disability Act, 2011 seeks to prohibit discrimination against persons with disabilities, achieve equalization of opportunities, establish the National Commission for Persons with Disabilities and to provide for other related matters.

Since the enactment of the Persons with Disability Act, 2011, there has been a significant progress in mainstreaming disability issues at all levels. As a prototype of the United Nations Convention on the Rights of Persons with Disabilities, the Persons with Disability Act, 2011 wholly encompasses the general principles of respect of disability as part of human diversity, dignity of the individual, participation as equal citizens, elimination of all forms of discrimination and stigma on grounds of disability, full inclusion of persons with disabilities in national development processes and programmes, and the promotion of positive attitudes towards persons with disabilities.

Although the Persons with Disability Act, 2011 has been used as the national legal framework on disability in the country, it is worthwhile to note that some schools of thoughts especially members of Disabled Persons Organizations and Partners working on Disability Issues hold the view that there are key provisions that are yet to be implemented.

Consequent to the implementation of some of the provisions of the Persons with Disability Act, 2011 and positively responding to a clarion call by persons with disabilities, the National Commission was established by the Government of Sierra Leone in 2012. The Commission is a body corporate with perpetual succession and capable of acquiring, holding and disposing of movable and immovable property, suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform. It was established to seek the general well-being of persons with disabilities. The Commission consists of a Chairman who shall be a person with knowledge on disability issues. In our case the Chairman is a person with disability. In addition to the Chairman who is usually appointed by the Government, the Commission has four persons with disabilities representing the disabled community in the country. Eight Key Government Ministries are also represented and two partners; one local and another international form the board of the commission.

In addition to the Persons with Disability Act and its corresponding institutional framework, the National Commission for Persons with Disabilities (NCPD), there are other legislative and policy frameworks in the country to ensure the realization of the rights of older persons with disabilities including but not limited to the draft National Ageing Policy, the National Social Protection Policy and the National Employment Policy.

**2) PLEASE PROVIDE INFORMATION ON DISCRIMINATION AGAINST OLDER PERSONS WITH DISABILITIES IN LAW AND PRACTICE**

Persons with disabilities in Sierra Leone continue to face rampant discrimination in areas related to their health, employment, transportation, education to name but a few. Inequality, stigma and neglect remain the key challenges which most older persons with disabilities are faced with in Sierra Leone though the Constitution prohibits discrimination in all its forms based on disability. Section **6** (2) provides that the State shall promote national integration and unity and discourage discrimination on the grounds of place of origin, circumstance of birth, sex, religion, status, ethnic or linguistic association or ties. Section 23 of the Constitution recognizes that every person is equal before the law and has the right to equal protection and equal benefit of the law.

Perception of disability by communities, public officials and institutions still largely reflects a charity approach. While the Persons with Disability Act, 2011 and other national legislations offer an important normative instrument to fight against discrimination and promote access to social services, the majority of older persons with disabilities still survive through begging or assistance from charity institutions. Their lack of employment is often rooted in their difficulty to access economic and social opportunities including development projects and credits.

Discrimination in access to health for persons with disabilities is largely indirect including through obstacles in areas of transportation, accessibility, affordability and communication. The Persons with Disability Act, 2011 sets landmark provisions towards free medical services for persons with disabilities though the implementation and sustainability of that far reaching provision will ultimately depend on the allocation of sufficient resources for this purpose.

It is worthnoting that older persons with disabilities are mainly discriminated because of their disability and sometimes suffer double discrimination for being disabled and elderly.

Older persons with mental or psychological disabilities are highly stigmatized and the vast majority hardly receive any form of treatment or make use of traditional healers.

Older persons with disabilities generally have limited opportunities to participate in decisions affecting their lives and communities. In the electoral process, they usually largely register and vote in elections but advance facing numerous challenges to their full participation in the voting process.

Traditional beliefs negatively shape public perception and attitude towards persons with disabilities, thus breeding discrimination and abuse, sometimes within their families and communities.

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 those with mental and psychological disability have their voices and views hardly heard

The Free Health Care services were not inclusive of persons with disabilities at its inception but robust advocacy from disability stakeholders has resulted to their inclusion in the package.

Although the situation looks gloomy for persons with disabilities, it is prudent to mention that the just concluded Mid Term National Development Plan 2019-2023 calls for all new Government buildings to be accessible to persons with disabilities.

3) **PLEASE PROVIDE INFORMATION AND STATISTICAL DATA (INCLUDING SURVEYS, CENSUSES, ADMINISTRATIVE DATA, LITERATURE, REPORTS AND STUDIES) RELATED TO THE REALIZATION OF THE RIGHTS OF OLDER PERSONS WITH DISABILITIES IN GENERAL AS WELL AS WITH PARTICULAR FOCUS IN THE FOLLOWING AREAS**

Sierra Leone has made significant strides in data collection on persons with disabilities. With the establishment of Statistics Sierra Leone by the Government of Sierra Leone; the statutory body for the collation and analysis of data, two population and housing censuses conducted by this body in 2004 and 2015 respectively recorded data on disability. However that data was limited to the extent of not covering information on the indicators that the question seeks to address.

In view of 1 above, it is prudent to mention that with support from DfID and UNFPA, Statistics SL is proposing to undertake a disability specific survey in a bid to address critical concerns raised by the community of persons with disabilities regarding the unreliability of the data presented in the 2015 census. It is expected that the Ministry of Social Welfare, Gender and Children’s Affairs, the National Commission for Persons with Disabilities, the Sierra Leone Union on Disability Issues and other key stakeholders especially partners on disability will play a key role in designing the questionnaire for that survey.

In the event that is done, we believe that adequate information on the indicators in question 3 will be provided.

**4) PLEASE PROVIDE INFORMATION ON THE EXISTENCE OF LONG-TERM CARE SERVICES IN YOUR COUNTRY AND DESCRIBE TO WHAT EXTENT THEY PROMOTE THE AUTONOMY AND INDEPENDENCE OF OLDER PERSONS WITH DISABILITIES.**

Although the provision of long term care is an integral part of the life of older persons with disabilities, it must be noted that it is an extremely cumbersome and expensive initiative for a developing country with competing priorities like ours**.**

It is no gainsaying thatmost long-term care in the country is provided at home by unpaid family members and other relatives. This is because of our traditional belief that our older members of society deserve utmost respect and care.

Additionally while older persons with disabilities whose families are affluent and capable of settling medical bills can access long term care in hospital, long term care in our country is largely provided by the King George VI Memorial Home for the elderly. This is the only existing residential nursing home in the country that provides comprehensive long term care services that are indispensable for human existence. These services include but not limited to feeding them, bathing them, helping them to use the toilet, helping them to use assistive devices such as wheel chairs and crutches, dressing them, helping them to walk around, transporting them to recreational facilities, fixing their beds, helping them to get in and out of bed, helping them to sit on chairs, transfer them from wheel chair to chair and teaching them to stay together.

With the establishment of the free health care initiative covering persons with disabilities, older persons with disabilities can access long term care from all public hospitals provided their family members can offset their transportation to and from the hospital. Coupled with this is the existence of five rehabilitation centres in the country for the provision of rehabilitation services to persons with disabilities which includes Physiotherapy, Prosthetic, Orthotic and assistive device services like crutches, walking frames, white canes for the blind and wheelchairs for older persons with physical impairment in the country. These rehabilitation centres also provide pain management and gait training for persons with disabilities.

These services have to a very large extent promoted the autonomy and independence of older persons with disabilities who can access them. .

The Government of Sierra Leone through the Ministry of Health and Sanitation now have a National Rehabilitation Programme and has recently created the Directorate of Science, Technology and Innovation to effectively and efficiently “deliver on its national development plan” Additionally, it appointed a Director of innovation with ample experience in healthcare and disability.

Currently, there are existing Sustainable Development projects under the Post Ebola Recovery Programme specifically targeting the older Persons with Disabilities in (4) four districts in Sierra Leone (Kailahun, Kabala, Kambia, Makeni) supported by UNDP through a Local Non-Governmental Organization, One Family People supervised by a steering committees comprising local authorities, the Ministry of Social Welfare, the Local Councils, and Traditional Leaders.

**5) PLEASE DESCRIBE HOW ACCESS TO JUSTICE FOR OLDER PERSONS WITH DISABILITIES IS GUARANTEED. PLEASE PROVIDE INFORMATION ON JURISPRUDENCE, COMPLAINTS OR INVESTIGATIONS IN RELATION TO VIOLENCE, ABUSE AND NEGLECT AGAINST OLDER PERSONS WITH DISABILITIES**

Sierra Leone’s Constitution and other national legislations recognize that every person is equal before the law and has the right to equal protection and equal benefit of the law; that justice must be served to all generally irrespective of status; that justice shall not be delayed and that justice should be administered in public and without undue regard to procedural technicalities; and every citizen must have access to a lawyer to conduct his case and must be informed of the nature of the case against him.

In support of that provision, Sections 41 (1) (a) and (b), and Section 41 (2) (a) of the Persons with Disability Act, 2011 provides for free legal services to persons with disabilities in matters affecting the violation or deprivation of their rights or the deprivation of their property, and the exemption of persons with disabilities with respect to the payment of court fees in matters concerning the violation or deprivation of their rights.

Unfortunately, several occurrences have proved that persons with disabilities are not treated equally before the law as there exists a wide range of barriers preventing them from accessing justice on equal terms with their abled counterparts. The provision of a conducive and enviable environment to facilitate the involvement of persons with disabilities i.e accessible architectural design, still remains a challenge. Relevant information in the justice system is yet to be put in accessible format, training of justice sector workers on disability is hard to come by, legal assistance for the speech and hearing impaired is greatly challenged due to the absence of sign language interpreters. Those with mental impairment have very little or no access to justice.

Inspite of the aforementioned challenges, the creation of the Legal Aid Board supervised by the Ministry of Justice has increased access to justice for persons with disabilities as it has taken steps to investigate, prosecute, and punish citizens who commit violations, neglect and abuse against older persons with disabilities but impunity still exists.

**6) PLEASE DESCRIBE TO WHAT EXTENT AND HOW OLDER PERSONS WITH DISABILITIES ARE INVOLVED IN THE DESIGN, PLANNING, IMPLEMENTATION AND EVALUATION OF POLICIES RELATED TO AGEING AND /OR DISABILITY**

Although persons with disabilities continue to face enormous challenges in several areas, it is worthy to mention the considerable improvement in their involvement in the design, planning, implementation and evaluation of policies and programmes related to them. It is an incredible privilege for persons with disabilities to be a part of the launching of Sierra Leone’s new Medium Term National Development Plan, *Education for Development*. Suffice it to say that the involvement of persons with disabilities reached historical levels during the preparation process of that plan. That involvement gave birth to the visibility of disability in the national medium term development plan as envisaged in a sub-cluster dedicated to addressing the issues facing persons with disabilities. This is because the nation is gradually realizing that empowering persons with disabilities is imperative for national development.

The consultation process of this Medium Term Plan can truly be described as inclusive and the principle of ‘Leave No One Behind’ was fully displayed throughout the process. It is indeed an unprecedented level of engagement which would continue throughout the implementation of the *Education for Development* plan. The New Direction Government has viewed persons with disabilities as equal partners in our country’s journey towards sustainable development, His Excellency, the President stated in the launch of the plan.

An implementation plan for the National Development Plan has been developed capturing the role of the National Commission for Persons with Disabilities, the Sierra Leone Union on Disability Issues, Disabled Persons Organization and the supervising Ministry; Ministry of Social Welfare, Gender and Children’s Affairs in rolling out the plan.

Similar involvement in the design, planning, implementation and evaluation of policies related to ageing and /or disability have been manifested in the drafting of the Disability Act, 2011, the draft National Ageing Policy, the conduct of the 2018 elections, the Transform Freetown Plan and ongoing discussions on the expansion of the Social Safety Net Programme to cover persons with disabilities.

At Local level, all the local councils in the country have Social Welfare Departments that work with persons with disabilities in all programmes and activities related to them.

**7) PLEASE PROVIDE INFORMATION ON ANY INNOVATIVE INITIATIVE THAT HAVE BEEN TAKEN AT THE LOCAL, REGIONAL OR NATIONAL LEVEL TO PROMOTE AND ENSURE THE RIGHTS OF OLDER PERSONS WITH DISABILITIES AND IDENTIFY LESSONS LEARNED FROM THESE.**

Sierra Leone has recently demonstrated tangible strides to empower persons with disabilities through instituting a couple of innovative initiatives. Some of those innovative initiatives include:

At the Local Level- Sierra Leone is in advanced stage to expand the existing Social Safety Net Programme to cover PWDs,

-the development of the Transform Freetown Plan which seeks to combat disabled street begging and provide accommodation for them.

-the visibility of disability in the Medium Term National Development Plan 2019-2023 as envisaged in sub-cluster 5- Empowering Persons with Disabilities. The first time ever in the history of the country

recruitment of persons with disabilities to serve in the security sector,

the involvement of UNDP, DfID, WHO and other non-traditional partners in addressing issues on disability

At the Regional Level- Sierra Leone has jointly developed and signed a Memorandum of Understanding with the republic of Guinea under the South South Cooperation for the empowerment of persons with disabilities in both countries. This MOU when implemented would immensely contribute to addressing the challenges faced by persons with disabilities in both countries. Expertise and other required knowledge would be shared and transported between persons with disabilities in both countries.

**Lessons learnt from the involvement of persons with disabilities in the design, planning, implementation and evaluation of policies related to ageing and/ or disability**

**Some of the lessons learnt are:**

-programme ideas are turned into meaningful experience for persons with disabilities

-contributions of persons with disabilities is imperative for the success of national programme

-society is gradually acknowledging that national development can only be enhanced with the involvement of beneficiaries