

Sierra Leone UPR Third Cycle Stakeholders' Report on the Implementation of the Second Cycle Recommendations on the Human Rights Situation of Persons with Disabilities

Jointly Submitted by: OneFamilyPeople (OFP) and its Partners herein refer as OFP Partners

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BACKGROUND INFORMATION

1. OneFamilyPeople (OFP) is a Non-Governmental human rights organization established in 2008 by a group of dedicated volunteers whose mission is to break barriers and build resilience of poor and marginalized persons with disabilities (PWDs) through capacity building, advocacy, partnership development and leveraging resources. OFP is also the strategic partner organisations of Liliane Foundation currently partnering with a network of local organizations across Sierra Leone (SL). OFP implement programmes in the area of inclusive education, social inclusion, economic empowerment and comprehensive healthcare reaching over 1900 Children and Youngsters with disabilities (CYwD). We pursue a community based inclusive development formerly known as Community based rehabilitation. OFP seeks in this regard to contribute to an inclusive society where all PWDs are included, develop to their full potential, lived dignified life and thrive.

In 2016, OFP submitted its second cycle stakeholders report to the UN Human Rights Council pursuant to UNSC resolution 5(1). Among the issues raised in the second circle for the attention of the council were Discrimination, Health, Infrastructure and Housing, Education, Information and communication, work and employment. OFP applauds council for generally articulating these issues to the GoSL¹.

METHODOLOGY

2. This report was jointly prepared and submitted by OFP and its Partner Organisations (POs). These partners include the Sierra Leone Union on Disability Issues, Disability Awareness Action Group, Kono Cheshire Services, Polio Persons Development Association, Welfare Society for the disabled and Freetown Cheshire Home herein after refer to as OFP Partners. In drafting of this Shadow report, with funding from Liliane Foundation, a wide range of consultations were held with various stakeholders including organisations of persons with disabilities (OPDs). Focus group discussions, personal interviews, desk reviews were applied in the data collection phase. OFP Partners also consulted information available from its field reports submitted by field staff, volunteers and Partner Organizations (POs). Furthermore, a validation workshop was held with various stakeholders including OPDs, POs, MDAs etc. OFP Partners provided technical support for the collation and validation of the feedback received by participants.

Situation on the recommendations accepted by GoSL since the second circle on Disability

Discrimination

3. Recommendation 111.32 (Ghana), 111.88 (Madagascar) 111.90 (Pakistan)

GoSL has accepted to Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities; Take measures to raise awareness in the population with a view to eliminating stigmatization and discrimination suffered by persons with disabilities; Continue to implement laws and regulations for protection and promotion of rights of people with disabilities

Since the second circle, GoSL has taken positive steps in addressing the elimination of stigma and discrimination against PWDs in the country. For the first time PWDs were included in the national development agenda as a standalone pillar in the National Mid-Term Development Plan. For effective implementation, GoSL divided the Ministry of Social Welfare, Gender and children's Affaires into two: (1) Ministry of Social Welfare (MSW) and (2) Ministry of Gender and Children's Affairs (MGCA). GoSL has also expanded the national social protection scheme including PWDs and allocated five million dollars in funding secured from the World Bank for its

¹ Government of Sierra Leone

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effective implementation. GoSL also included PWDs in the COVID-19 response through the provision of cash and food to ease the impact.

However, The MSW still remain the list funded making difficult for the ministry to address the welfare of PWDs and the general public. GoSL has taken little or no step to ratify the optional protocol or raise public awareness to eliminate stigma and discrimination. For example, GoSL within the period purchased 50 School buses to support the GoSL flagship free education programme. All the buses procured are accessible to CYwD² especially wheelchair users. Additionally, key issues raised since the second cycle recommendation are still visible particularly discrimination in various spheres such as access to public transportation, employment, infrastructure and housing, health, education, justice and most importantly statistical data. During stakeholder's consultation meeting, it became evidently clear that the NCPD³ remains largely underfunded which makes in challenging to execute its mandate.

Discrimination is a major challenge faces by persons with disabilities in Sierra Leone and over the period, there is no significant effort by the GoSL to address it. Protection from discrimination is provided in the ICSP⁴R and in Section 27 of the 1991 constitution of Sierra Leone. Also the person with Disabilities Act 2011 also clearly articulates the prohibition of discrimination against PWDs and guarantees equality for all . However, Persons with Disabilities continue to face significant challenges in the areas of access to universal health, right to education as well as in the administration of Justice and environmental challenges.

Recommendations:

4. OFP Partners call on council to urge GoSL to:

- *ensure that the MSW and NCPD are adequately funded to effectively carry out their statutory mandate.*
- *ensure that MDAs and local government establish disability unit and allocate budget to address disability issues in their plans.*
- *promulgate policy that ensures an affirmative action for PWDs to for uncontested membership to parliament aimed at seeking the welfare of PWDs.*
- *establish guidelines for access to transportation services, including school buses to ensure all public transportation are disabled friendly and enact laws that guarantees non-discrimination in public transportation.*
- *Take necessary steps to raise awareness on elimination of stigma and discrimination against PWDs.*

Right to Health

5. Recommendation 111.184 (Madagascar)

GoSL has accepted to take necessary steps to ensure that free health care can be perpetually made accessible to vulnerable populations enabling them to enjoy high health coverage.

OFP Partners note some positive steps taken by GoSL to ensure universal health coverage as articulated in article 12 of the ICESR⁵ and Article 16 of the PWD Act 2011. In 2020, GoSL budgetary allocations to the health sector was 674.2 billion, representing 11 percent of the total budget which shows a slight increment of 1 percent from 2019, the sector received Le549 billion representing 10 percent of the total budget. Notably, an additional budgetary allocation amounting to Le308.8 billion as added to the health budget to respond to corona virus outbreak in the country. OFP Partners also applauds the government for continuing the implementation of the free health care policy which benefit women and children with disabilities (CwDs) as well as for rehabilitating and staffing the Kissy mental hospital. Another outstanding development is the declaration of Sierra Leone a polio free country which depicts significant steps taken to eradicate the disease that have over decades contributed to the increased rate of disability in the country. Furthermore, the National Rehabilitation services managed by the MoHS⁶ witnessed some form of expansion with branches established in Bo, Port Loko and the mini outpost in

² Children and Youngsters with disabilities

³ National Commission for Persons with disabilities

⁴ International Covenant on Civil and Political rights

⁵ International Covenant of Economic Social and cultural Rights

⁶ Ministry of Health and Sanitation

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the Kenema government hospital. In this sector, the government has commenced an artistic technology programme as well as establishing a technical working group on rehabilitation. In all of these, significant challenges that particularly hinders the enjoyment of fundamental rights by PWDs is glaring.

In the health sector, PWDs face high rate of discriminations particularly in the implementation of Health policies and programmes. PWDs are still paying for medication. One of our POs that took a CWDs to the hospital for medical examination, they told them the child is not qualified for free healthcare, the has passed the age. Currently, Sierra Leone has limited number of mental health professionals thus making it difficult for health services to be provided for people with mental disabilities. The hospital has limited resources with limited provision of essential drugs. There is only one government owned psychiatric hospital in the country which is located in the capital Freetown staffed with one psychiatric doctor in active service. These pose a major challenge in providing the require support for persons with mental disability. Similarly, PWDs encounter discrimination in the implementation of the free health care policy.

The government through the Ministry of Health and Sanitation provides free drugs for patients under the entitled category. However, specific drugs that will support the medical needs of PWDs such as epileptic drugs are not available in the free health care medical scheme. This portrays a discriminatory approach in the provision of services as PWDs with special medical needs are not catered for in the implementation. Also, the PWD Act 2011 provides free health care services for PWDs. However, the implementation continues to face serious challenges. Majority of health care workers do not comply with the provisions provided in the PWDs Act 2011 as Women with disabilities are often required to pay the full cost of their medical services. The infrastructure in majority of the medical facilities lack assistive devices to support PWDS when in the facilities. Despite the National Rehabilitation Centre managed by MoHS continues to gradually expand, it centers remains poorly equipped, under staffed and inadequately funded thus making it difficult to meet the growing demand for rehabilitation services. PWDs continue to rely on traditionally improvised rehabilitation support in their communities which mostly create additional challenges in supporting their environmental independence and adaptability.

The reproductive health rights of PWDs also face significant challenges and normally clouded with stigma. Medical practitioners in the SRHR⁷ often stigmatize PWDs which limit their access to the services. Many people hold the notion that Women with disabilities should not be sexually active due to their disability. A young lady with disability reported her ordeal to OFP that derogatory remarks by a medical staff of a government referral hospital about her engaging in active sexual relationship despite her disability. She noted that such prompted her to discontinue the services.

Recommendations:

6. OFP Partners calls on GoSL to

- *include PWDs as beneficiaries in the Free health care, promulgate a free health care Act and ensure it is adequately funded for effective implementation and monitoring.*
- *ensure the National rehabilitation services is adequately resourced and fully decentralization to effectively provide the required services.*
- *fully implement all provisions in the PWD Act and raise public awareness among duty bearers aimed at ensuring its applicability.*
- *urge government to ensure all health facilities are disabled friendly and resourced with assistive devices especially couches gynaecological chairs with the controls, ramps and elevators.*
- *Provide permanent disability certificates to PWDs to support and guarantee the realization of all fundamental rights and privileges without discrimination as provided by law*
- *provide more incentives to retain doctors, nurses and other health care personnel in the government health service, more especially in remote peripheral health units.*

⁷ Sexual Reproductive Health Rights

Infrastructure and Housing

7. Unfortunately, HRC⁸ did not make any specific recommendation on infrastructure and housing which is a key concern and challenge facing PWDs in Sierra Leone. PWDs in Sierra Leone faced barriers and discrimination in this sector on a daily basis. Housing remains a major challenge despite a strategic component of the social protection mechanism. The real-estate industry is private sector led and as such, landlords are very sceptical in renting houses to PWDs particularly with the notion that they are incapable of paying rents or they are trouble makers. Majority of PWDs are homeless as they do not have stable income and largely earn their living through street begging, so they often get evicted by tenants. There is also no policy regulation or deter real-estate owner from discriminating against PWDs and making it hard to secure a home even if they can afford the cost. Stigmatization in this sector is also glaring as PWDs are perceived trouble makers or associated with witchcrafts. However, in Makeni and Freetown, PWDs received support from humanitarian organizations and philanthropist to become home owners. In many occasions, homeless PWDs die of cold and sometimes from hit and run drivers. For example, on 4th September 2020, homeless adult male disabled sleeping in the street was hit by a vehicle, he was rush to hospital but sadly lost his life due to delays in receiving medical care.

Also, challenges in infrastructural design of public buildings in the country which in many cases tends to exclude PWDs from effective participation in national development. During the period under review, the government did not make effort to implement laws, policies or programs to provide access to public buildings in the country. The NCPD⁹ conducted an accessibility audit survey of public buildings. However, it remains largely unclear if recommendation will be implemented. It is worth noting that despite several disability focused organization including OFP have supported government efforts to transform public buildings particularly educational institution into disabled friendly structures, there are still huge challenges remaining in this sector. The lack of sustained implementation of government policies in ensuring all public buildings are disability compliant and mechanism to ensure the functioning of elevators also remain a challenge. This had in itself contributed to the barriers in supporting the effective and independent participation of PWDs. However, a government chief Architect in the ministry of Works and Public Asset noted that government through their Ministry which provides the architecture design for all upcoming public building will ensure that such structures adhere to disability standards as articulated in the PWD Act 2011.

Recommendation

8. OFP Partners call of the HRC to urge GoSL to:

- *develop polices and implements legal frameworks that will guaranty equality and non-discrimination in the real-estate industry.*
- *government to construction low income housing to support the housing needs of PWDs as part of a major social protection drive.*
- *enforce laws to guarantees provision of the 2011 Disability act that support disability friendly public buildings. Such laws must also guide private sector infrastructure particularly those meant for public use.*

⁸ Human Rights Council

⁹ National Commission for Persons with Disabilities

Right to Education

9. Recommendation 111.198(Madagascar)” 111.87 (Israel)”

GoSL accepted to “strengthen all policies to bolster basic education, including education for girls, adult literacy and education for persons with disabilities and implement measures to ensure the full enjoyment of rights by PwDs, especially regarding inclusive education.

Since the second cycle GoSL has shown increased commitment on disability issues by highlights free, quality and inclusive primary and secondary school education a top priority in the Medium-Term National Development Plan (MTNDP) titled Education for Development. To ensure effective implementation, GoSL allocated 21% of the national budget for 2019 -2020 budget and divided the Ministry of Education, Science and Technology into two: (1) Ministry of Basic and Senior Secondary Education (MBSSE) and (2) Ministry of Technical and Higher Education (THE). The MBSSE with the driving force of “Radical Inclusion” established a Technical Committee on Special Needs Education with a mandate to monitor, advise and make recommendations on matters affecting the establishment, development, and delivery of special needs education programmes and services across the country. The Freetown Cheshire home is running an inclusive education school encouraging child with disabilities and those without to learn in the same environment. This has increased the social ties between them as they both understand each other’s challenges.

The Freetown City Council also launched the Transform Freetown Strategy which includes a pillar on inclusive education.

In spite of all these efforts, GoSL is yet to adopt the Inclusive Education Policy as recommended in the second cycle. Most existing learning institutions are not accessible especially those in remote areas, there are still limited number of special needs teachers, learning materials/assistive devices and persistent stigma and discrimination. As a result, many CwDs are not able to go to school particularly those with autism, cerebral palsy, down syndrome, speech and hearing impairment, albinism and little people. And the few that have access to education often dropout just to find themselves trapped in the vicious cycle of poverty, child labor, and other kinds of exploitation.

For example, majority of children with speech and hearing impairment dropout of school after completing primary education due to lack of trained sign langue teachers in mainstream secondary schools. There is only one special need secondary school in the whole country owned by the Catholic Church in Makeni with limited space. The school does not encourage the use of sign language but place more emphasis on lips reading which is causing a serious communication challenge for those who have speech impairment to communicate back.

Existing educational policies and teacher training syllabus are not yet adapted to the needs of individual CwDs. This translates into the implementation of activities with outcomes that violate their right to inclusive education confining into isolated special schools. The absence of rehabilitation services also limits CwDs’ access to education, especially at the post-primary level.

During the stakeholders consultative meeting conducted by OFP in October 2020, in Kono, Makeni, Kambia and Western Area, it was reported that CwDs often experience stigmatization regarding their ability to attend schools and perform like their peers. Heads of special need schools also reported that they are not receiving their subventions on time which is normally used to pay salaries for teachers, feed the children and support other needs of the schools. For example, in September 2019, when school reopened, Special Needs schools were closed for two weeks because they did not receive their quarterly remittance on time which they use pay teachers, feed the children and manage the day to day running of the schools. They however reopened immediately after the Minister of MBSSE gave them the assurance to follow-up with the Ministry of Finance for urgent release of funding.

As part of the free quality education package, GoSL provided core text books to primary and secondary schools pupils in mainstream schools. GoSL also provided English Language Braille text books to 5 secondary schools for the blinds, discriminating against children in primary schools for the blinds, children with speech and hearing impaired, autism, and down syndrome in both primary and secondary school. It still continues to struggle to get children with visual impairment to take their Mathematics exams due to lack of trained teachers and Braille Mathematics books.

In 2019, in order to promote safe learning for girls and retention in school, the MBSSE launched a broad-based Sexual and Reproductive Health (SRH) Taskforce, after the President made a public pronouncement requesting its establishment. The taskforce is mandated to commission and undertake relevant research, develop whitepaper, draft policy document, and serve as a platform for engaging civil society and the community on government policies affecting the right to access education by all girls. However, the taskforces did not include organization of PwDs.

Recommendation(s).

10 OFP Partners calls on the Council to urge GoSL to:

- *take necessary steps to adopt and implement the disability-Inclusive Education Policy which align with the general comment on Article 24 of the UNCRPD (2016) and which respond appropriately to the scale and diverse needs of learners with disabilities. And put in place indicators to measure progress, accountability mechanisms and a coordination mechanism for multi-sectoral collaboration.*
- *review the Education Act and recognize the right of PwDs to education without discrimination and on the basis of equal opportunity. The Act should include the right to free education for CwDs at secondary level and prohibit discrimination at all levels of education on the basis of disability.*
- *engage in strategic partnerships with NGOs, organisations of Persons with Disabilities (OPDs) and parent support organisations to overcome gaps and in developing policies, plans, budgeting and implementation.*
- *prioritize early childhood development for CwDs, including developing skills and strengthen community-based approaches to early detection and intervention to eliminate or reduce disabling effects of impairment.*
- *invest in improving data and evidence on disability-inclusive education by using the Washington Group/UNICEF Module on Child Functioning for population surveys and the UNICEF Inclusive Education Management and Information Systems guide.*
- *Include OPDs in the SRH Taskforce and target girls with disabilities in the whitepaper and draft policy document.*

Information and Communication

11. Recommendation 111.89 (Mexico).

GoSL accepted to Foster policies and strategies to guarantee the rights of persons with disabilities

Since the second cycle GoSL took positive steps towards guaranteeing the rights of PwDs particularly in area of information and communication. During the 2018 elections, National Electoral Commission (NEC) disseminated information and documentation related to the elections in accessible formats such as braille. The GoSL through NEC provided tactile ballots for persons with visual impairment to process information by themselves and vote their choice independently. In 2019, NEC launched a Disability Policy 2018 and “a gender assessment policy”. The Disability Policy provides opportunity for PwDs to access electoral processes, facilities and implement its obligation to the PwDs 2011. The gender assessment policy also provides a space for women including those with disabilities to participate in all electoral processes irrespective of their ability.

In response to the global pandemic, the Ministry of Health and Sanitation (MoHS) with support from UNDP, LF, OFP and OPDs produced COVID-19 IEC materials in accessible formats (braille, infographic and visual information in sign language), trained and employed 140 young people with different categories of disability as Social Mobilisation offices to educate their communities on COVID-19 prevention and response and government regulations. A sign language interpreter is also attached to MoHS to provide translation during the daily update of COVID-19 in sign language.

Section 2 of the Right to Access to Information Act provides that every person has the right to access information held by public or private entities. Moreover, the Act makes provision for appeals with stiff penalties in the event of denial. A draft Freedom of Information Bill, is currently with the Law Officers Department for vetting, which when passed into law, will ensure access to information, communication and technology for all PwDs.

With support from Liliane Foundation (LF) and UNDP, there are currently two sign language interpreters providing translation of TV news on SLBC and AYW. However, both institutions do not have the requisite equipment and are yet to integrate the interpreters. As a result, the sign language translation during news hour is not done regularly making news inaccessible to the speech and hearing impaired.

Recommendation 111.32, GoSL accepted to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Ghana). However, GoSL has not taken any necessary step to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Ghana).

Recommendation(s).

12. OFP calls on the Council to urge GoSL to:

- *take necessary steps to ratify the optional protocol on the rights of PwDs before the fourth cycle.*
- *take necessary steps to formulate a policy to ensure that PwDs can exercise their right to freedom of expression, opinion and access to information on an equal basis with others and through all forms of communication of their choice as define.*
- *accept and facilitate the use of sign language, braille and all other accessible means, modes and formats of communication of choice by PwDs in official interaction.*
- *provide information intended for the general public to PwDs in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost*
- *encourage service providers to the general public including through internet, to provide information and services in accessible and usable formats for PwDs*

Access to Justice

13. Recommendation 111.127(Israel), 111.90 (Pakistan).

GoSL accepted to adopt measures to prevent, punish and eradicate violence against women and to continue to implement laws and regulations for protection and promotion of rights of people with disabilities.

In 2019 GoSL through the President passed an emergency regulation for the prohibition of rape and other forms of abuse against girls and women in the country. The Emergency regulation clearly states that anyone who commits rape or other forms of abuse on adolescent girls and women will face the full penalty of the laws of the country. However, the emergency regulation did not make mention of girls and women with disabilities. If women and girls with disabilities are not explicitly mentioned in policies and programmes, they will be forgotten during implementation and they will not enjoy the benefit. The emergency regulation led to the amendment of the Sexual Offences Act in 2019. The Act protects only one category of PwDs (mental disorder) from sexual abuse as an aggravating factor with maximum sentence of life imprisonment.

In order to prevent, punish and eradicate violence against women, the country has enacted two strong gender laws¹⁰. The Family Support Unity (FSU) established under the Sierra Leone Police and the Ministry of Social Welfare (MSW) is responsible to investigate and prosecute violence against women. In 2020, GoSL established a special court to punish all perpetrators of violence against women and launched a one stop center to provide psychosocial counseling, and medical treatment for survivors of SGBV.

With all these efforts, women and girls with disabilities continue suffer from violence because these laws and policies do not specifically target them. For instance, FSU does not have sign language interpreters or braille machines, in the whole country the court has only one sign language interpreter. SL is still operating under customary law, so women with disabilities continue to face enormous barriers in accessing justice in both systems. In the Customary system, which is largely used in the rural settings, stereotyping remains a big challenge for them. Some local chiefs continue to inflict cruel treatment to PwDs, particularly women. A video of a young woman with disability tied on a tree by the order of a chief in Kabala district as punishment was circulated in social media in 2016.

¹⁰ Domestic Violence Act 2007 and Sexual Offences Act amended in 2019.

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The formal courts system, notwithstanding the establishment of a legal aid system to support vulnerable persons like PwDs to access justice, the judicial system does not have the appropriate mechanism to ensure certain categories of PwDs access justice. The Lack of accommodation to facilitate communication by PwDs, especially persons who are visually impaired, speech and hearing impaired intellectual disabilities for instance, lack of trained signed language professionals to support access to Justice for PwDs, physical barriers to police stations, courthouses are all pointers to the numerous challenges preventing PwDs from accessing justice . This have greatly impacted women and girls with disabilities who are victims of SGBV to suffer in silence.

Recommendation(s).

14. OFP calls on the Council to urge GoSL to:

- *include women and girls with disabilities in the rollout plan of the Sexual Offences Act 2019.*
- *ensure effective access to justice for PwDs on equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role in all proceedings, including investigative and other preliminary.*
- *provide appropriate training for those working in the field of administration of justice, including police and prison staff.*
- *provide sign language translators to ensure access to justice*

Conclusion:

15. It is the string believe of OneFamilyPeople and its partners that if all issues and recommendations heightened above are addressed by the Council and accepted by the GoSL, the human rights challenges faced by PwDs will be possibly eradicated thus ensuring a full realization their rights and participation in everyday life complementing the UN agenda of “Leave no One Behind”.

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