**SIERRA LEONE’S RESPONSE TO QUESTIONS FROM THE SECRETARIAT OF THE UNITED NATIONS HUMAN RIGHTS**

Question 1

Please provide information in relation to the existence of Legislations and Policies concerning mainstream and/or specific social protection programmes with regards to persons with disabilities including:

-Institutional Framework in charge of implementation:

-Legislative, administrative, judiciary and/or measures aiming to ensure access of persons with disabilities to mainstream social protection programmes

- Creation of disability-specific programmes (such as disability pensions, mobility grants or others)

Fiscal adjustments or other similar measures

Sierra Leone domesticated the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2011 in the form of the Sierra Leone Persons with Disability Act. It has also signed but 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 Convention on the Rights of Persons with Disabilities explicitly refers to persons with disabilities as Article 2 includes disability in its non-discriminatory clause, while article 23 specifically focuses on the rights of mentally or physically disabled children recognizing that the child should enjoy a full and decent life.

The 1991 Constitution of Sierra Leone contains provisions explicitly protecting the rights of Persons with disabilities in the areas of care, welfare and educational opportunities. These variables are certainly social protection related. The legal framework concerning social protection programmes for disabled persons 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 persons with disabilities in key areas relating to dignity, autonomy, independence, non-discrimination, equality of opportunity, participation and inclusion. The law clarifies the concept of discrimination on the ground of disability, although it only prohibits discrimination in specific circumstances such as education, employment, access to public premises, services and amenities. In line with the provisions on national implementation and monitoring contained in article 33(1) of the UNCRPD, the Act seeks to establish a National Commission for Persons with Disability (NCPD) to ensure the general well-being of persons with disabilities.

In terms of substantive rights, social protection related issues; the Act confers the right to free tertiary education to every person with disability and commits the Government to ensure the structural adjustment of educational institutions.

The Agenda for Prosperity which builds on the successes of the Agenda for Change, poverty reduction strategy11; government’s initial development roadmap, lays the foundation for the country’s journey to achieving sustainable future for all Sierra Leoneans including persons with disabilities. In that development roadmap, government expressed its unflinching commitment to provide a social safety net for the vulnerable population; promote good governance; ensure that the public sector is capacitated to deliver; empower our women and ensure equal opportunities for both men and women; and above all.

As part of Government’s commitment to address the plight of vulnerable groups, t was created. The AfP stresses implementation of the 2011 National Social Protection Policy, to complement the effects of economic growth in building resilience. Strategies will develop social protection policies, institutions and programmes, building capacity of relevant agencies and their staff; extending social insurance interventions; providing basic social protection packages for the vulnerable; strengthening support for nutrition, health care, education and housing.

However these existing national legislations and policies do not specifically address disability as it is mostly couched and subsumed within the category of vulnerability.

- Institutional arrangement for implementation of the Social Protection Strategy

To ensure the effective implementation of the SP strategy a range of structures have been built or strengthened across all levels of government. This has put in place strengthened leadership, coordination and implementation by government and partners as well as build capacity at all levels. Detailed implementation plans are always developed in line with the Social Protection Strategy and Implementation Plan 2013-2018.

The social protection institutional set up is anchored in three pillars. They are Policy and authority, coordination and implementation.

Policy and authority

This Pillar comprises the following levels: Office of the President, sector ministries and the district councils (below which are the Chieftaincies, wards and villages).

The Institutional set-up provides for the Inter Agency Forum (IAF) which comprises relevant ministries, department and agencies

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The sector ministries that sit on the Inter Agency Forum will provide the policy guidance for social protection programmes under their ministries as well as be custodians of their respective sector norms and standards.

The Local Councils will provide policy and administrative guidance to their respective districts, wards and villages and chair the Local Technical Planning Committee (LTPC).

-Creation of disability-specific programmes such as disability pensions, mobility grants or others

It is interesting to note that immediately after the civil war, the Truth and Reconciliation Commission which was set in order to critically assess the causes of the civil war to prevent a relapse into conflict recommended that all victims of the war including persons with disabilities benefit from social protection programmes in order to facilitate their rehabilitation, resettlement and inclusion.. This recommendation of the TRC was acted upon giving birth to the roll out of short term programmes such as the war reparation programme, the housing scheme, educational support for their children, provision of assistive devices and the like.

Until now however, no disability specific programmes have been designed although issues of disability are captured within existing social protection interventions for vulnerable groups such as the Social Safety Net and more recently the Rapid Ebola Social Safety Net (RE-SSN).

-Fiscal adjustments and other similar measures

The Disability Act of 2011 has key financial adjustment provisions such as duty waiver to all individuals and organizations importing assistive devices and other items for the use of persons with disabilities, or as in section 23(1) wherein an employer may apply to the National Revenue Authority for a deduction from his taxable income of an amount equivalent to twenty five percent of the total amount paid as salary or wages to the employee. The Disability Act also provides for a National Development Fund to support programmes addressing disability issues.

However, there are yet no disability specific policies including any relating to fiscal adjustments and all related interventions are largely adhoc.

Question 2

Please provide information on how persons with disabilities are consulted and actively involved in the design, implementation and monitoring of Social Protection programmes.

There is limited consultation of Persons with disabilities in the design, implementation and monitoring of SP programmes. Disability issues are mainly projected by the Ministry of Social Welfare, Gender and Children’s Affairs in processes around policy formulation, programme development and implementation including monitoring of SP programmes. Such structures as the Technical Steering Committee and the Inter Agency Forum which provide direction for social protection programmes in the country accommodate Civil Society Organizations but provide no space for Disabled Persons Organizations (DPOs).

Question 3

Please provide information in relation to difficulties and good practices on the design, implementation and monitoring of mainstream and/ or specific SP programmes with regard PWDs.

DIFFICULTIES:

* The design process is not inclusive enough as in most cases representative views of poor communities are hardly captured at the design stage.
* The community targeting tools used to determine vulnerability do not capture disability specific questions.
* Policy makers and Implementing partners are less aware of disability issues, thus specific needs of disabled persons are usually not captured in the design process.
* Most social protection programmes only reach and benefit a low percentage of disabled persons in need. This is usually due to policy gaps,limited funds and resources and national government’s often depend on assistance and funding from donors and development partners. For example the Rapid Ebola Social Safety Net (RE-SSN) currently implemented in the country only rolled out in six out of the fourteen districts in the country.
* There is usually no existing information on how eligibility for disability pensions assessed in most social protection programmes
* Social protection criteria in policies are usually not translated in practice.
* The general knowledge of SP programmes are limited
* Community participation in the SP programmes are negligible or ineffective
* SP programmes are largely uncoordinated leading to difficulties and duplication of efforts
* Monitoring of SP intervention is relatively uncoordinated

GOOD PRACTICES:

* The institutional arrangement of SP programmmes meaning the involvement of key players is a laudable initiative.
* The existence of vulnerability targeting tools is a step in the right direction
* The involvement of the Anti Corruption Commission to ensure judicious use of SP resources.
* Use of community representatives to verify information of beneficiaries
* The flexibility of SP programmes to include RE-SSN in response to emergencies and outbreak
* Cash transfer to beneficiaries is done electronically

In the Sierra Leone situation, SP programmes do not make any specific provisions to address the special needs of persons with disabilities, thus there is no consideration for their accessibility and other related provisions.

-Difficulties Experience by persons with disabilities and their families

Key social protection eligibility criteria such as size of household, age of recipient of grant and prioritizing women within the process could prevent persons with disabilities from accessing the scheme.

-Allocation of Grants

Similarly, there is little or no capacity building supports including disability sensitive training and personal grants.

Existence of Complaints

The existence of the Office of the Ombudsman, Family Support Unit (FSU), Anti-Corruption Commission among others provide mechanism for persons with disabilities to seek redress. However there is little awareness among persons with disabilities on the existence of these structures.

Question 4

Please provide any Information or data available, disaggregated by impairment, sex age or ethnic origin.

Though persons with disabilities are benefitting from SP interventions, there is no existing data as required above. Since SP programmes do not specifically target this group, there is no specific information on coverage, rate of poverty or additional costs or expenses related to disability.

Question 5

Please provide information in relation to the eligibility criteria used for accessing mainstream and/or specific SP Programmes with regard to pwds including…

The national SP programme uses the following key criteria to identify and support target beneficiaries:

* The age of the household head
* Number of people above eighteen (18) year in the household
* Number of children between the ages of ten (10) to seventeen (17) years
* Number of children below ten (10) year
* The physical structure of the building/house
* Sanitary condition in the home
* Livestock availability
* Means of economic livelihood
* Ebola assessment and orphan status

PWDs are not specifically targeted by SP interventions. However, the vast majority of them fulfil the aforementioned criteria and therefore mostly benefit from such intervention.

-Definition of Disability and disability assessment used for eligibility determination

The National Social Protection Policy, 2011 does not give a clear cut definition of disability and disability assessment. Such a gap in the Social Protection Policy helps to explain the absence of disability specific programmes and interventions.

-Consistency of the eligibility criteria among different social protection programmes

There is little consistency in the eligibility criteria on Social Protection. The National Technical Steering Committee on SP has only been recently established and yet to regulate and coordinate the activities that are implemented by numerous social protection actors.

-Use of income and/or poverty threshold

This is difficult to ascertain as social protection programmes do not specifically target persons with disabilities. However, the sum of $15 is the stipulated national threshold for social safety net programmes.

-Consideration of disability related extra costs in means tested thresholds

In the absence of disability specific programmes, there is no consideration of disability related extra costs.