

The NEC Disability Policy (NECDiP)



ENSURING THE RIGHT TO ELECTION PARTICIPATION FOR
PERSONS WITH DISABILITIES



ELECTION PARTICIPATION FOR VOTERS WITH DISABILITIES



DFID

Department for
International
Development



Irish Aid
Department of Foreign Affairs
An Roinn Gnóthai Eachtracha



The NEC Disability Policy (NECDiP)

2015

**ENSURING THE RIGHT TO ELECTION PARTICIPATION FOR PERSONS
WITH DISABILITIES**

TABLE OF CONTENTS

CONTENT	PAGE
Mission Statement & Vision.....	IV
Guiding Principles.....	V
Foreword.....	VI
Executive Summary.....	VII
List of Abbreviations.....	IX
Definition of Key Terms.....	X
Introduction.....	XIII
1. CHAPTER – ONE: International and National Legal Frameworks	2
1.1 <i>International Legal Framework</i>	2
1.1.1 Universal Declaration of Human Rights (1948)	2
1.1.2 UN Convention on the Right of Persons with Disabilities (UNCRPD)	2
1.1.3 The African Charter	4
1.2 <i>National Legal Framework for Elections in Sierra Leone</i>	5
1.2.1 The 1991 Constitution of Sierra Leone	5
1.2.2 The Public Elections Act, 2012	6
1.2.3 The Disability Act, 2011	6
1.2.4 Local Government Act, 2004	6
2. CHAPTER-TWO: Conceptual Frameworks of Disability and Persons with Disabilities	8
2.1 Connotations on Terminologies	8
2.2 Defining Disability and a Person with Disability	9
2.3 Types of Disability	11
2.4 The Disability Model	12
3. CHAPTER-THREE: The NEC Electoral Cycle	14
3.1 Pre-election Period	14
3.2 Election Period	15
3.3 Post-election Period	16
4. CHAPTER-FOUR: Factors Affecting the Rights of Persons with Disabilities	18
4.1 Barriers	18
4.2 Electoral Challenges	19
5. CHAPTER-FIVE: Justifying the Rights of Persons with Disabilities	21
5.1 Dignity	21
5.2 Autonomy	22
5.3 Equality	23
5.4 Solidarity	23

6.	CHAPTER-SIX: Policies	24
	6.1 Recommended Policy Headlines	24
	6.2 Interpretation of Policies	25
	BIBLIOGRAPHY	30
	ANNEX	32
	The Implementation of Assistive Technology to Ensure Election Access for Persons with Disabilities	

I. NEC-SL MISSION STATEMENT

MISSION STATEMENT

The National Electoral Commission Sierra Leone (NEC-SL) is to conduct all public elections and referenda, register all eligible voters, demarcate electoral boundaries, impartially serve all stakeholders, undertake electoral education and make regulations for the efficient performance of its functions in promoting sustainable democracy and good governance.

NEC-SL VISION STATEMENT

VISION

The vision of the National Electoral Commission Sierra Leone (NEC-SL) is that of an independent, credible and well-resourced institution which promotes democracy and good governance by continually administering credible elections that meets international standards and practices.

II. GUIDING PRINCIPLES

NATIONAL ELECTORAL COMMISSION SIERRA LEONE (NEC-SL)



GUIDING PRINCIPLES

The Commission shall always be guided by the following overarching principles:

Accountability

The Commission shall take full responsibility for its activities and will always be answerable to the people of Sierra Leone and to its partners.

Credibility

The Commission shall endeavour to win the confidence and trust of all Sierra Leoneans and the international community through the quality of its services.

Independence

In all the electoral matters, the Commission shall ensure that it operates freely in its own best judgement, without taking directives from or being controlled by any person or authority.

Integrity

The Commission shall carry out its activities in an honest and truthful manner, and will take all reasonable measures to prevent wilful wrongdoing by its officials.

Impartiality

The Commission shall always be non partisan and fair in all its activities.

Professionalism and Dedication

The Commission shall endeavour to have a well trained, professionally competent and confident staff, dedicated to the delivery of trustworthy elections.

Transparency

The Commission shall be open at all times in dealing with all stakeholders in the electoral process.

III. FOREWORD

Section 32 of the 1991 Constitution establishes the National Electoral Commission (NEC) and Section 33 vests it with the principal responsibilities for the conduct and supervision of registration of voters for all public elections and referenda. The NEC is responsible for constituency delimitation, continuous voter registration, regulation of candidate nomination, civic electoral education, facilitation of observation and monitoring of elections and conduct of elections and referenda. In compliance with the provisions of the 1991 constitution, as well as international electoral best practice, the NEC has been actively working towards the enfranchisement of persons with disabilities in Sierra Leone.

In the last 2012 General elections, a Disability Desk was established as a way of creating equal electoral opportunities for persons with disabilities, in order to enhance their full participation in the electoral processes. Today, this Disability Desk has been transformed into a performing Unit within the NEC referred to as the *Gender and Disability Unit (GDU)*. The GDU is expected to take the lead in addressing electoral issues affecting persons with disabilities. This Unit seeks to address pressing issues with efforts to promote the electoral rights of persons with disabilities. Voting gives people with disabilities a stronger political voice and people with disabilities who vote in elections show the public that they are equal citizens.

However, despite repeated declarations in various publications especially in the reports of the World Health Organization (WHO) that, there are persons living with various types of disabilities the total number of whose is counted as 15% of the world population, yet persons with disabilities are often overlooked by those who design policies and implement government programs. To address this pressing issue, *NECDiP* is designed to: (1) remove barriers which prohibit the full participation of persons with disabilities as voters and candidates; (2) ensure that voters with disabilities are afforded their full rights as citizens, including their rights to vote and to be voted for; and (3) develop a pattern of electoral inclusiveness for persons with disabilities in electoral processes.

The NEC notes the important role technology can play in making election processes accessible to persons with disabilities. However new election technology does not always yield accessibility gains, and the impact of new technology on these citizens as electoral rights warrants careful consideration when and where new technologies are being considered. This policy will address such consideration.

Finally, the NEC would like to thank DFID, EU and Irish Aid for their donor support and UNDP for their supervisory role. The NEC would also like to acknowledge the support provided by *Disability-Sierra Leone (DiSiL)*, a Sierra Leonean based NGO working on disability issues, which made our research collaboration and the resulting policy possible.

CEC & Chairman

The National Electoral Commission (NEC)

IV. EXECUTIVE SUMMARY

In the 21st century where people are becoming the ultimate sources of political power, it is difficult for a country to call itself as a democracy without maintaining participatory and inclusive political environment in its polity. Active involvement of citizens as voters and candidates in elections and effective participation as members of different political parties can be seen as a commonly known manifestations of political participation and electoral inclusiveness. Therefore, ensuring that Persons with Disabilities (PWDs) can vote with little or no difficulty is fundamental to a democracy, and an important topic in public debates and policy initiatives.

The NEC Disability Policy (NECDiP) provides strategies and tools for strengthening the participation of persons with disabilities in electoral processes. Drawing on experiences from previous elections conducted by the National Electoral Commission (NEC), this policy recognizes the fundamental role political participation plays in helping persons with disabilities influence policies that affect their lives and establish a foundation for inclusion in all aspects of society. Elections provide a unique opportunity to increase participation and change public perceptions about the abilities of persons with disabilities. As a result, persons with disabilities can have a stronger political voice and be increasingly recognized as equal citizens. This sets the stage for ongoing participation in their communities and social and economic integration.

NECDiP identifies the challenges persons with disabilities face in electoral processes and provides ways to mitigate them. This Policy also recognizes that – alongside these unique barriers – persons with disabilities confront the same challenges affecting citizens in new and emerging democracies. Therefore, this policy is expected to be useful to assist Persons with Disabilities, the NEC officers, Legislative and Executive Bodies as well as other electoral stakeholders both locally and internationally to ensure full participation for persons with disabilities in accessible and non-discriminated public elections.

Many of the approaches outlined in this policy emphasize partnerships with a range of stakeholders, such as electoral officers, political parties, disabled persons' organizations (DPOs) and other civil society organizations. However, regardless of the approach used to increase electoral inclusion, it is important to engage persons with disabilities from the outset of program design. This ensures that persons with disabilities are also equal partners who have a voice in decisions that affect their lives.

The United Nations *Convention on the Rights of Persons with Disabilities (CRPD)*, the *Sierra Leone Disability Act, 2011* and the *Public Elections Act, 2012* serve as the guiding framework for this policy document and provide the legal basis and a set of standards for the full and equal participation of persons with disabilities in public elections. Articles 29 and 12 of CRPD are particularly relevant for election-related activities. Also Section 29 of the Sierra Leone Disability Act emphasises voting right access for Persons with Disabilities.

NECDiP begins with a review of disability concepts and terminology, highlighting the diversity of the disability community and the best practice of consulting the local disability community on their preferred terms. Also election preparedness activities undertaken by the NEC to ensure the right to election participation for persons with disabilities, have been discussed with reference to international and local advocacy instruments for the protection of the electoral rights of persons with disabilities. The central part of the policy is organized around the electoral cycle, highlighting how electoral programs can address barriers and increase the ability of persons with disabilities to exercise power and influence at various stages throughout the electoral processes. NECDiP then

ends with recommendations together with interpretation strategies of the various NEC Disability Policies.

Executive Secretary (ES)

The National Electoral Commission (NEC)

V. LIST OF ABBREVIATIONS

ADA	Americans with Disabilities Act
AEC	Australian Electoral Commission
BVR	Biometric Voter Registration
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organization
DFID	Department for International Development
DPO	Disabled Persons' Organization
DRC	Disability Right Commission
EMB	Election management body
EU	European Union
EVM	Election Voting Machine
GDU	Gender and Disability Unit
ICCPR	International Covenant on Civil and Political Rights
IDC	International Disability Caucus
IFES	International Foundation for Electoral Systems
INGO	International non-governmental organization
NECDiP	NEC Disability Policy
NEC	National Electoral Commission
NDI	National Democratic Institute
NGO	Nongovernmental organization
NRS	National Relay Service
PWDs	Persons with Disabilities
PEA	Public Elections Act
SLAB	Sierra Leone Association for the Blind
TTY	Tele-type/Telephone typewriter
UN	United Nations
UDHR	Universal Declaration of Human Rights
USAID	United States Agency for International Development
UNDP	United Nations Development Program
WHO	World Health Organization

VI. DEFINITION OF KEY TERMS

Throughout this policy document, the terms listed below are frequently mentioned. Figure 1 defines how the word is used in this context and provides an example for additional guidance.

Figure 1: Definition of Key Terms

	Term	Definition	Example
1.	Accessibility	A centre, facility, work environment, service or program that is easy to approach, enter, operate, participate in and/or use safely, independently and with dignity by persons with disabilities	A polling station where a voter who uses a wheelchair can manoeuvre unaided
2.	Accessibility formats	Print, audio or visual information that is accessible to persons with disabilities	Braille, tactile, large print, sign language, easy-to-read
3.	Assistive tool	A device that aids completion of a task or other function that might otherwise be difficult or impossible	Tactile ballot guide or magnifying glass
4.	Braille	Writing system that comprises raised dots used by people who are blind or have low vision	
5.	Cross-disability organization	An organization that is comprised of people with different types of disabilities	Disabled People's International is a network of national disabled persons' organizations ¹
6.	Disabled Persons' Organization (DPO)	A civil society organization that is run by and for persons with disabilities	Sierra Leone Association for the Blind (SLAB) is comprised of blind Sierra Leoneans and works to promote and protect their rights
7.	Easy-to-read	Text where the content, language, illustrations and graphic layout are simplified for ease of use by persons with intellectual disabilities and/or non-native speaker of a language	Inclusion Europe's Recommendations for Accessible Elections in Europe ²
8.	Inclusion	Persons with disabilities are involved in all electoral activities on an equal basis with other citizens, including leadership position, rather than just having	The Polling station should be accessible in such a way that voter with disabilities can vote in the

¹ Disabled People's International. <http://www.dpi.org/>.

² Inclusion Europe. "Recommendations for Accessible Elections in Europe." European Union. http://www.inclusioneuropa.org/images/stories/documents/Project_ADAP/ETR_Policy_Recommendations_N.pdf.

		accommodations that might segregate persons with disabilities from other citizens	same vicinity as other citizens
9.	Intellectual disability	Term used when there are limits to a person's ability to learn at an expected level and function in daily life.	Down syndrome or autism
10.	Mainstreaming	Process whereby persons with disabilities are integrated as equal participants and leaders in assistance programs and society	Developing a public service announcement that includes actors with disabilities in the TV spot, as was done in Guatemala ³
11.	Psychosocial accommodation	Conditions that affect cognitive, emotion and behaviour	Depression or schizophrenia
12.	Reasonable accommodation	Provision of materials or environment that allows persons with disabilities to participate and contribute on an equal basis with others	A tactile ballot guide is a reasonable accommodation because it gives voters who are blind or have low vision the same opportunity to vote in secret and without assistance
13.	Tactile Ballot Guide (TBG)	Raised symbols that can be used in contexts where persons are not fluent in Braille	
14.	Twin-track approach	Includes mainstreaming disability throughout activities and policies, as well as providing disability-specific programming. This is USAIDS's preferred approach to disability inclusive development	Featuring persons with disabilities in voter education materials, as well as developing voter education materials targeted solely at persons with disabilities
15.	Umbrella group	A disabled persons' organization that is comprises member organizations that focus on a specific type of disability or group of persons with disabilities	The Sierra Leone Union on Disability Issues (SLUDI) includes DPOs actively working around disability issues e.g. Sierra Leone Union of Polio Victims
16.	Universal design	All buildings, materials and processes are designed to be accessible for both persons with and without disabilities from their inception	A new building that is constructed with access ramps and elevators rather than adding these features after the building is completed
17.	Electoral Centre	A location operated/manned by NEC in which electoral activities are carried out	A designated building or location for voting

³ Guatemala's Supreme Electoral Tribunal. Ahora todos somos del mismo equipo, Votando vamos por Guate. *Guatemala's Supreme Electoral Tribunal, 2011.*

18.	Biometric Voter Registration (BVR)	The Biometric Voter Registration entails the use of a mobile registration kit comprised of a laptop, a camera and a finger print scanner. The use of biometric system of registration enabled the NEC to capture a photo and finger print of each voter. This will help eliminate multiple registrations	The Biometric technology for registration of voters used in 2012 by the NEC
19.	Universal Design	All buildings, materials and processes are designed to be accessible for both persons with and without disabilities from their inception	A new building that is constructed with access ramps and elevators rather than adding these features after the building is completed
20.	Tele-type (TTY)	A Tele-type device is a telephone typewriter voice-activated software	A device used by the Australian Electoral Commission (AEC) to distribute general voting information in audio format through the National Relay Service (NRS) so that persons who are deaf or hard of hearing can contact the AEC by telephone

VII. INTRODUCTION

Effective democratic growth involves making sure the most marginalized and the poorest have a meaningful voice in decisions affecting their welfare. Yet persons with disabilities, often the poorest of the poor, are frequently overlooked and struggle to achieve a better quality of life. Persons with disabilities in Sierra Leone are a marginalized and disadvantaged group. Their conditions are mired in a physical environment which is largely inaccessible and predominately lethargic and indifferent to recognising their constitutional rights. There is little attempted to ensure that persons with disabilities have access to electoral related information and processes such as information about candidates, campaign publicity materials such as manifestos of political parties, and voter registration information dissemination in a disability friendly access manner. Lacking full participation, they remain largely disenfranchised and unable to participate in the electoral processes of the country.

Despite what the electoral legal framework point out with regards ensuring the right to election participation for persons with disabilities, research in recent years disclosed numerous barriers hindering the access of persons with disabilities to the electoral processes. These barriers include attitudinal barriers in failing to recognise the rights of persons with disabilities to be included in electoral processes, the inadequate information dissemination on the part of Election Management Bodies (EMBs) towards the needs of persons with disabilities, the inaccessibility of suitable campaign materials and physical inaccessibility of polling stations.

However, the recently adopted Convention on the Rights of Persons with Disabilities (CRPD) codifies existing international law regarding the right to participate in electoral processes. It provides States with specific guidance as to their obligation to introduce positive measures to ensure that persons with disabilities do indeed have effective access to electoral processes. Article 29 (a) states that the state should: “Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representative, including the right and opportunity for persons with disabilities to vote and be elected...”⁴

Therefore, persons with disabilities should have the same rights and opportunities to electoral participation as all other members of society. The right to electoral participation is a fundamental right in all democratic societies and electoral participation is not just about infrastructure, rules, procedures and voting techniques, but also a culture of electoral democracy, with access to public sphere, public tolerance attitude and policies, creating the conditions for free and fair elections which are inclusive with diverse interest. Democracy assistance programs can empower persons with disabilities to engage politically and become mainstream members of society with the rights, responsibilities and respect afforded to all citizens. People with disabilities represent various ethnic, religious, socioeconomic and gender groups. When such a large, cross-cutting portion of society is not participating in elections, it prevents democracy from deepening and allowing all citizens a voice in the way they are governed.

Therefore, the purpose of this policy document is to provide information to election organizers both at the national and local levels, regarding various barriers faced by persons with disabilities during

⁴ United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted by General Assembly Resolution A/RES/61/106 of 13 December 2006.

public elections in Sierra Leone. The purpose will focus on three main objectives: (1) to increase the Election Stakeholders understanding and awareness of election access for persons with disabilities, to ensure that future public elections are more accessible; (2) to promote electoral laws and policies that advance the right to electoral participation for persons with disabilities; (3) to increase awareness among persons with disabilities to better advocate for their right to electoral participation.

CHAPTER-ONE

International and National Legal Frameworks

This chapter provides an overview of international and national legal frameworks that protect and promote the rights of persons with disabilities to full access and participation in electoral processes. Accordingly, the whole content that will be reflected in this chapter is based on a strong perception that whatever rights recognized in these instruments are equally applicable to all human beings with no exception to Persons with Disabilities. Most importantly, the majority of international human rights instruments protect the rights of Persons with Disabilities through the golden principles of “equality” and “non-discrimination” which are the pillars in the “status quo” of every human being in the enjoyment of the rights prescribed in these instruments. The chapter will further discuss the national legal frameworks for elections in Sierra Leone, ensuring the right to election participation for Persons with Disabilities. Elections in Sierra Leone are guided by the 1991 Constitution, the Public Elections Act of 2012, the Political Parties Act of 2002, the Local Government Act of 2004, and regulations and codes issued by the NEC.

1. 1 International Legal Frame work

1.1.1 Universal Declaration of Human Rights (1948)

The Universal Declaration of Human Rights (UDHR) has served for decades as a basic human right instrument exerting a moral and political influence on states. Even today, many understand the instrument as the constitution of the entire human rights movement and more specifically numbers of its provisions to have gained the status of becoming customary international law¹ Accordingly, being an antecedent for the existing international, regional or national human rights norms, the UDHR and its substantive norms are of a great important while invoking the various issues concerning Persons with Disabilities out of which the issue of inclusion and equal participation in the political and electoral environment of the country is the core agenda. The value of the document begins from its preamble. The paragraphs are full of words and phrases like “the recognition of the inherent dignity, equal and inalienable rights of all members of the human family, reaffirming the faith in fundamental human rights ...”²

Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

1.1.2 The UN Convention on the Rights for Persons with Disabilities (CRPD)

The recently adopted Convention on the Rights of Persons with Disabilities (CRPD) is the First Internationally Binding Instrument Exclusive to the Human Rights of Persons with Disabilities. It codifies existing international law regarding the rights to participate in political and public life and applies those rights to the situation of persons with disabilities to political and electoral participation. It provides States with specific guidance as to their obligation to introduce positive

¹ C. Heyns and M. Killander, *International Human Rights Law in Global Context; FG Isa and K' de Feyter(eds) the African Regional Human Rights System*, 2009, 855.

² See UDHR paragraphs 1, 2, 5 and 6.

measures to ensure that Persons with Disabilities do indeed have effective access to political and electoral processes.

What is new about the Convention that marked the beginning of a new era in the efforts of realising the full and equal enjoyment of human rights to Persons with Disabilities is mainly on the reason of the following facts:

- It is the first binding document on the rights of PWDs which recognize their inherent dignity in comprehensive and detailed arrangements.
- It is the great reflection of the emerging social and human rights approach to disability.
- It has made explicit directions and obligations to state parties to enforce the previously ratified international instruments in the way of making them sensitive to PWDs
- It recognized the full spectrum of civil, cultural, political, economic and social rights as if they are equally and inclusively applicable to the benefits of PWDs³

Accordingly, the main purpose of the Convention is promoting, protecting and ensuring of full and equal enjoyment of all human rights and fundamental freedoms by all Persons with Disabilities. It gives much emphasis for the respect of the inherent dignity of these people.⁴ It further recognizes that disability represents human diversity and it is an evolving concept.⁵

Article 29:

Participation in Political and Public Life States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums, without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

³ Report of the UN High Commissioner for Human Rights on Progresses in the Implementation of the Recommendations Contained in the Study on the Human Rights of Persons with Disabilities, A/HRC/14/75.para.19

⁴ See articles 12 and 17, CRPD Convention.

⁵ This is the fundamental principle of the convention as clearly indicated under article 3(d).

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

1.1.3 The African Charter on Democracy, Elections and Governance (The Democracy Charter)

This document⁶ was a historical response to various inconveniences in the human rights discourse in the continent. Apartheid in South Africa, the struggle for a new international economic order, dictatorship and authoritarian system of governments in most countries of the continent were few among others.⁷ The values of the Charter in the promotion and effective implementation of the political rights of Persons with Disabilities can be acknowledged from different angles. First, the preamble of the Charter espouses freedom, equality, justice and dignity to which these people are highly in need of.⁸ Secondly, the Charter unequivocally compels the need to root out all forms of discrimination based on non exhaustive lists of grounds like race, colour, sex, language, religion or political opinion.

The document is relevant to the electoral rights of Persons with Disabilities living in the continent in many ways. For one thing, the Charter emphasizes respect for human rights and democratic principles.⁹ It also provides for the promotion of representative system of government with effective citizen participation in the democratic, development and governance issues recognizing universal suffrage as inalienable rights.¹⁰ Therefore, the Charter openly acknowledged that Person with Disabilities is part of the democratic and governance process and hence the rights enumerated in the document are equally applicable to them with the same value. *Article 6* also provides that, state parties shall ensure that citizens enjoy fundamental freedoms and human rights taking in to account their universality, interdependence and indivisibility nature of the rights. *Article 17* of the same Charter also requires states to hold regular, transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa.

Therefore, if this instrument is interpreted and implemented in its full content with disability contextual meaning, no doubt it is an innovative instrument of the continent in the 21st century and

⁶ African Charter on Human and Peoples' Rights (ACHPR), Adopted 27 June 1981, Nairobi, Entered in to force: 21 October 1986 in accordance with article 63.

⁷ E Kodjo, *The African Charter on Human and Peoples' Rights*, 1990. P.11.

⁸ See ACHPR, the preamble, paragraphs 3, 6, 8 and 10.

⁹ Ibid, at article 3(1).

¹⁰ See article 3(3), 3(7) and 4.

it can contribute a lot in the move towards the inclusion of Persons with Disabilities in the political and electoral system of their country.

Article 13:

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representative in accordance with the provisions of the law.

1.2 National Legal Framework for Elections in Sierra Leone.

1.2.1 The 1991 Constitution of Sierra Leone

The Constitution of Sierra Leone¹¹ in its *Sections 15-28* recognise and guarantees fundamental rights and freedoms of all Sierra Leoneans. These include the rights to vote and to be voted for (franchise), freedom of assembly, movement, expression, and association, it also provides for protection from slavery and the right to life. The Constitution also provides for Universal Adult Suffrage in public elections which are by secret ballot and the right to be registered as a voter to all persons of sound mind aged 18 years and above. *Section 31* of the Constitution states that:

Section 31:

Every citizen of Sierra Leone being eighteen years of age and above of sound mind shall have the right to vote, and accordingly shall be entitled to be registered as a voter for the purpose of public elections and referenda.

Section 32 of the Constitution establishes the NEC and *Section 33* vest it with the principal responsibilities for the conduct and supervision of registration of voters for all public elections and referenda.

Section 32: (1) There shall be an Electoral Commission for Sierra Leone.

Section 33:

Subject to the provisions of the Constitution, the Electoral Commission shall be responsible for the conduct and supervision of the registration of voters for, and of, all public elections and referenda; and for that purpose shall have powers to make regulations by statutory instrument for the registration of voters, the conduct of Presidential, Parliamentary of Local Government elections and referenda, and other matters connected therewith, including regulations for voting by proxy.

1.2.2 The Public Elections Act, 2012

¹¹ The Constitution of Sierra Leone, 1991, Date of commencement 1st October 1991.

The Public Elections Act¹² of 2012 came into existence after the 2007 elections. At the end of the 2007 General elections, there were proposals for electoral reform which included the consolidation of election related legislations. This led to the passage of the Public Elections Act in May 2012, being an Act to consolidate and amend the law on public elections, to make provision supplementary to sections 32 and 33 of the Constitution of Sierra Leone with regards to the Electoral Commission and for other related matters.

Section 15(1):

Subject to section 16, every person who –

(a) has attained the age of eighteen years or who will on the date of the holding of the next elections have attained the age of eighteen years; and

(b) is ordinarily resident in a ward,

Is entitled to be registered as a voter in that ward and, when so registered, to vote at an election in that ward.

1.2.3 The Disability Act, 2011

The 1991 Constitution of Sierra Leone establishes in general, equality of opportunity for all. Through frequent engagements on contemporary disability-right legislation, Sierra Leonean legislators have specifically addressed the equality of access for persons with disabilities in the context of elections. The Persons with Disability Act, 2011¹³ is the most recent national legal instrument that speaks loud and clear on the electoral rights of persons with disabilities.

Section 29: Voting access

The National Electoral Commission shall ensure that during elections, polling stations are made accessible to persons with disabilities and shall provide such persons with the necessary assistive devices and services to facilitate the exercise of their right to vote.

1.2.4 Local Government Act, 2004

The Local Government Act¹⁴ was passed in 2004 to restore local governance in Sierra Leone. It stipulates the number of localities and empowers the President to establish a Local Council on the recommendation of the Ministry for Finance, Ministry for Local Government and the National Elections Commission (Section 2). Each Local Council consists of a Chairperson, elected councillors from the locality and a specified number of Paramount Chiefs in the locality. The Chairperson and Councillors are elected through Universal Suffrage and they serve for a period of four years. Section 4(3) of the Act provides that each Local Council shall consist of not less than twelve Councillors.

¹² The Public Elections Act, 2012; Being an Act to consolidate and amend the laws on public elections, to make provision supplementary to section 32 and 33 of the Constitution of Sierra Leone with respect to the Electoral Commission and for other related matters enacted by the President and Members of Parliament in 2012.

¹³ The Persons with Disability Act, 2011: Being an Act to establish the National Commission for Persons with Disabilities, to prohibit discrimination against persons with disabilities, achieve equalization of opportunities for persons with disability and to provide for other related matter enacted by the President and Members of Parliament in 2011.

¹⁴ The Local Government Act, 2004: Restored local governance in Sierra Leone enacted by the President and Members of Parliament in 2004.

CHAPTER-TWO

Conceptual Frameworks of Disability and Persons with Disabilities

In this chapter, some of the conceptual issues about disability and Persons with Disabilities will be addressed. Accordingly, contents inter alia terminological dialogues, evolving perceptions on disability, justifications for invoking the rights of Persons with Disabilities, definitional issues and types of disabilities are covered. The chapter is meant to introduce the reader to these fundamental and more general concepts that are deemed to be essential ingredients in any disability issue. Before allotting to the substantive elements on the rights of these people, one needs to have a clear understanding on the proper terms to be used. It is also required to have a clear image on how to approach the needs of these people. If one has a proper conceptual and philosophical back ground on these general concepts, it may not be difficult to react on the subsequent agendas of Persons with Disabilities. One of which may be the electoral participation of these people as what the whole portion of this policy is focusing on. It is with this objective the NEC found it necessary to introduce general conceptual frameworks on some of the frequently asked questions about disability and the persons there of.

2.1 Terminologies and Connotations

In every aspect of disability issues, the first point that must be noted is “the terminology” that we use in describing the targeted groups. Historically and practically¹⁵, we were using terms like “handicapped”, disabled person, mentally retarded, crippled, defect, wheelchair bound, invalid and the like. Even in our country the words we use in referring to Persons with Disabilities are more derogatory and such terminologies are not psychologically and morally proper. For one thing, it is important to remember that Persons with Disabilities are different individuals who do not all act, think or move alike. Therefore group references like “*the disabled*” and “*handicapped*” are not appropriate words. Some of the terms we use are also degrading since these words tend to reflect an intention of disrespect and a feeling of lateness to these people. On top of this, individual’s identity and personality should not be determined by his/her disability. It must be emphasized that, everyone wants to be treated as a person with unique identity, with equal human values, feelings, experiences and should not be called up on his/her disability.

Therefore, we have to use terms with appropriate connotations and in this policy document, we recommend that making reference to them as “Persons/People with Disabilities” is the correct approach. It reflects positive approach by putting people first not “disability”. Other more positive examples includes: “boy who has epilepsy, a woman who use a walker, a person with visual impairment, man with Down’s syndrome” and the like’.¹⁶ Hence, in every dialogue on the issue concerning Persons with Disabilities, we have to pay attention to the terms we use. Be reminded that, each communications we made and its wordings can affect the psychological set up of these persons. Such positive efforts shall begin from the respect given to the personality and dignified identity of the persons themselves. It is then; our ideas, findings and advocacies on the rights and privileges for Persons with Disabilities will be credited and can influence all stakeholders and duty bearers including the state.

¹⁵ Not only in practical daily communications, even some binding instruments uses the term “handicapped” see et; al article 13, African charter on the Rights and Welfare of the Child, OAU Doc CAB/LEG/24.9/49 (1990), entered in to force Nov. 29 1999.

¹⁶ See more on terminologies “*types of disabilities*”, California state park at p. 4 available at <http://www.washear.org>

Figure-1: Disability-friendly Used Language.

Term Now used	Term no longer in Use
Persons with disabilities or People with disabilities	The Disabled
Uses a wheelchair	Wheel chair-bound
Wheelchair user	Confined to a wheelchair
Intellectually disabled	Mental handicapped
Non-disabled	Normal person
Persons/people with disabilities	Special needs, PWDs, handicapped
Voters without disabilities	Normal/healthy people/able-bodied
She has a physical disability	She is crippled
She is deaf/She is hard-of-hearing	She is hearing impaired
He has autism	He is autistic
She has an intellectual/psychosocial disability	She is mentally retarded
A child with Down syndrome	Down's child

2.2 Defining Disability and a Person with Disability

Up till now, we don't as yet have commonly accepted definitions concerning the terms "disability" and a "person with disability". The ordinary dictionaries define disability as "the condition of being unable to perform as a consequence of physical or mental unfitness."¹⁷ This approach does not match with the current overriding doctrine of the socially constructed model which tends to emphasize the inability to perform due to the social and environmental inconveniences in the society not as a result of the person's disability. Black's law dictionary also define the term stating that "the inability to perform some function; an objectively measurable condition of impairment, physical or mental."¹⁸ This approach also seems to understand disability being dictated by the medical and biological approach to the issue which focuses on the disability only to the extent that it can be subject to medical treatment.

According to the Americans with Disabilities Act, an individual with disability is a person who: "Has physical or mental impairment that substantially limits a major life activity or has a record of such impairment or is regarded as having such impairment."¹⁹ This definition does not seem clear in addressing the exact targeted persons. Again, the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities also contains a definition stating that: "the term "disability" means a physical, mental, or sensory impairment, whether permanent or temporary, that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment."²⁰ This approach seems more updated and it admits the role of the society and the environment either as a cause or extra challenges in the daily life of Persons with Disabilities.

¹⁷ Elizabeth A. Martin (eds.) *Oxford Dictionary*, 5th edition, Oxford University Press, 2001. P. 80

¹⁸ Bryan A. Garner (eds.) *Black's Law Dictionary*, 8th edition, Thomson West, USA, 2004, P.516.

¹⁹ *Supra note*, no.9 at pp.3.

²⁰ The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, 1999, can be found at: <http://www1.umn.edu/humanrts/instree/disabilitytreaty.html>.

For the International Disability Caucus (IDC), A person with disability is “an individual whose ability to lead an inclusive life in the community of his/her own choice is limited by the separate or concomitant impact of physical, economic, social and cultural environments and/or personal factors that interact with physical, sensory, psychosocial, neurological, medical, intellectual or other conditions that may be permanent, temporary, intermittent or imputed.”²¹ Here also, the most valuable current understandings and conceptual perceptions are clearly reflected. Most importantly, the definition is innovative in a sense it tries to approach the persons not the disability. However, its scope seems very wide and it makes it difficult to identify the subjects themselves.

With regard to the international instruments, the UN Declaration on the Rights of Persons with Disabilities stipulated that, “disabled person means any person unable to ensure by himself/herself, wholly or partly, the necessities of a normal, individual and/or social life as a result of deficiency rather congenital or not, in his/her physical or mental capabilities.”²² This approach is defective in many ways; for one thing improper term “disabled person” is used in describing the persons. Secondly, a person is treated as a disabled not because the society and the environment are inconvenient to him/her, but on the ground of his/her physical or mental inability to conduct the daily life in the unfairly settled world that cannot accommodate his/her factual circumstances.

The recently adopted UN Convention on the Rights of Persons with Disability²³ (here in after the CRPD) does not include a definition for the term. Simply, it provides some guidance on the concept of disability by recognizing that; “disability is an evolving concept and that disability results from interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in the society on an equal basis with others.”²⁴ This approach tends to move away from notions that equated disability to the existence of functional limitations and focuses on the barriers that are hindering the normal interaction of these people with the society and the environment. *Article 1* of the Convention also tries to elaborate the term “persons with disabilities” stating as; “those who have a long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others.” From this approach, one can infer that, the rights of these persons and their participation in the society is limited or excluded not because of their having impairment but because of various barriers which might include physical, legislative and policy disregards and ignorance. In fact, still some pose a critique against this statement alleging that the expression is limited in the sense it includes only those who have “long term” physical, mental... impairments. What about those who have “temporary” total or partial impairment?²⁵ Of course, this may not be a big deal since the statement is not framed in an exhaustive manner.

²¹ Marianne Schulze, *Hand Book on the Human Rights of Persons with Disabilities, Understanding the UN Convention on the Rights of Persons with Disabilities* (2009), at p. 24.

²² UN Resolution no. 3447(xxx) of December 1975.

²³ General Assembly Resolution no. 61/106 of December 2006

²⁴ See, preamble of the CRPD, paragraph (e).

²⁵ See Marianne Schulze, *supra note* no. 14, at p. 27.

2.3 Types of Disability

Before dealing with various types of disabilities, it must be clear on the issue of “why is it for?” The main purpose of this classification is not to create a particular category, level, inferiority or priority of individuals by their characteristics so that expecting some one that his/her actions to be in conformity with the perceived images of the group. The sole intent is to increase knowledge and understanding of various types of disabilities so that whole inclusive attitudinal, societal, environmental, legal and cultural transformations will be attained effectively. Having in mind of this objective, many writings²⁶ classify disabilities by employing variety of criteria. For the sake of this policy, the NEC prefers the classification that takes into consideration of the type of impairment that the person is faced with. Accordingly, we may have about six types of disabilities which include:

2.3.1 Developmental disability: which is to imply conditions that affects or appear to affect the mental and or physical development of individuals like mental retardation, epilepsy, autism, cerebral palsy and head traumas.

2.3.2 Hearing impairment: this problem relates to the hard of hearing which includes from the moderate hearing loss, mild hearing loss to those of deaf muted persons. These persons are highly dependent on visual cues for communication relatively with the degree of the impairment.

2.3.3 Visual impairments: these includes many degrees of visual loss which may be low vision, legally blind and total blind persons the cause of which might be either congenital or accidental.

2.3.4 Mobility impairments: this includes numerous disabling conditions which affect movement and ambulation which may be caused by accidents, chronic events or other conditions that proceeds slowly from birth.

2.3.5 Learning disabilities: these are neurological disorders that interfere with a person’s ability to store, process, produce information and it creates a gap between a person’s ability and performance.

2.3.6 Older adults: these are not in fact strictly persons with disabilities. But many of old adults may experience mobility and sensory changes and difficulties. It is also clear that, one cause for either of the above disabilities like hearing, visual or mobility problems may relate to the senility and infirmity of the person.²⁷

Generally, having a clear understanding on various categories of disabilities will enable us especially of lawyers, to make a clear and whole inclusive interpretation of the laws concerning these people. This will be helpful mainly in redressing the claims of Persons with Disabilities through genuine interpretation of scope of application of legal guarantees. It is also important to invoke some legislative, executive and policy directions, to expand the protections, respects and assurance for the well-being of these groups.

²⁶ Vera Hendriks, *Vision on Mainstreaming Disability in Development, Intern mainstreaming Disability Program*, Dark and Light Blind Care, veenendaal, the Netherlands. (2009), Pp. 14-15.

²⁷ See the details on various Types of Disabilities, California state park *Supra note* no. 12, pp. 5-36.

2.4 The Disability Model:

Before the emerging human rights perception to disability which is the emerging attitude towards disability and Persons with Disabilities since the last two decades, the international community has been approaching the various concerns of these people from different sensing. These include the *medical approaches, the charity model approaches and the social approach* which is currently acceptable conception together with the *human rights approach*.

The earlier understanding of disability was what we call the **Medical model approach** to disability. This is perhaps the most irrational widespread myth believing that disability is a medical problem that needs to be solved or an illness that needs to be cured.²⁸ A person with disability is somehow “Broken” or “sick” with the need for fixing or healing. It defines disability as a problem and medical intervention as a solution by leaving the duty of fixing it to the medical and the health profession.

The other major misperception is the **Charity approach** of acknowledging disability which puts Persons with Disabilities as if they are unfortunate and helpless and need to be cared for.²⁹ This is to be done only on the good will of the society often encouraged by religious institutions to get forgiveness for their sins. This approach totally presupposes the absolute dependency of these people and considers them as burdens to the society.³⁰ It was during this perception that most of human rights instruments were framed providing special needs (instead of equal opportunities) to these people assuming that they cannot cope up with the needs and capacity of the community at large. In the recent movements, the medical and charity conceptions to disability have given way to the emerging notions of the **Social approach to disability**. This concept understands “disability” as being the social consequence of having impairment.³¹

Accordingly, the focus of this approach is eliminating the barriers created by the social and the physical environment that suppress the ability of Persons with Disabilities not to exercise their human rights. Generally, this perception stresses on the fact of recognizing disability as a consequence of the interaction of the individual with an environment that does not accommodate individual’s difference and hence impedes the individual’s participation in the society.³² Coming to the **Human Rights approach** to disability, as a current concept of incorporating the needs of Persons with Disabilities into the human rights discourse, it is a step forwarded understanding the root of which is the social conception to disability.³³ According to this conception:

²⁸ Human Rights yes!, *Action and Advocacy on the Rights of Persons with Disabilities*, 2009, Discussion Paper, available at <http://www.dpi.org>

²⁹ Bob Ranson, *Missing Voice, An Overview of the Situation and Rights of Children with Disabilities in Africa*, African Child Forum, 2000, p.7.

³⁰ Gerison Lansdown, *A Guide to Using the Convention on the Rights of Persons with Disabilities with the Convention on the Rights of the Child*, Save the Children, 2008, p.5.

³¹ *Ibid* at p.7.

³² OHCHR, *Monitoring the Convention on the Rights of Persons with Disabilities; A guidance for Human Rights Monitors*, New York and Geneva, 2010.

³³ *Ibid* at p. 9.

- Persons with Disabilities are subjects of human rights law and they are right holders on an equal basis with all people.
- Disability is recognized as a natural consequence of human diversity and addresses the disability specific prejudices, attitudes and other barriers to the enjoyment of human rights.
- It is the responsibility of the society and governments to ensure that political, legal, physical and social environments support the human rights, full inclusion and participation of Persons with Disabilities.³⁴

It is then with this modern conception that the whole issues to be raised in this policy document regarding the political and electoral life of Persons with Disabilities will be highly incumbent on.

Sara Longwe. "Women's Empowerment Framework."

The model or tool kit is based on gender, especially the empowerment of women and can be used for any marginalized groups of society, such as, the youth, children and persons with disability.

The tool highlights the ascending levels of gender equality, although the levels are not linear in nature, but rather are conceptualized as reinforcing in nature. The path can be used as a frame of reference for progressive steps towards increasing equality, starting from meeting basic welfare needs to equality in the control over the means of production.

The five "levels of equality" in the Women's Empowerment Framework include:

1. **Welfare**, meaning improvement in socioeconomic status, such as income, better nutrition, etc. This level produces nothing to empower women.
2. **Access**, meaning increased access to resources. This is the first step in empowerment as women increase their access relative to men. Likewise, as persons with disability increase their access relative to non- disabled persons.
3. **Conscientisation/ education**, involving the recognition of structural forces that disadvantage and discriminate against women coupled with the collective aim to address these discriminations.
4. **Mobilization, participation** (active rather than passive) in implementing actions related to the conscientization of marginalized groups.
5. **Control**, involving the level of access reached and control of resources that have shifted as a result of collective claim making and action.

The model is explicitly political, linking women's inequality and poverty to structural oppression. As such, in order to secure equality and empowerment, both materially and financially, marginalized groups such as, women; children and persons with disability must be empowered. The tool examines a program, such as a health or education intervention, to assess how it influences the five levels of empowerment, i.e., negatively, positively, or neutrally. It postulates an ascending level of equality impacts that can be tracked and assessed over time to see if progression or regression is taking place.

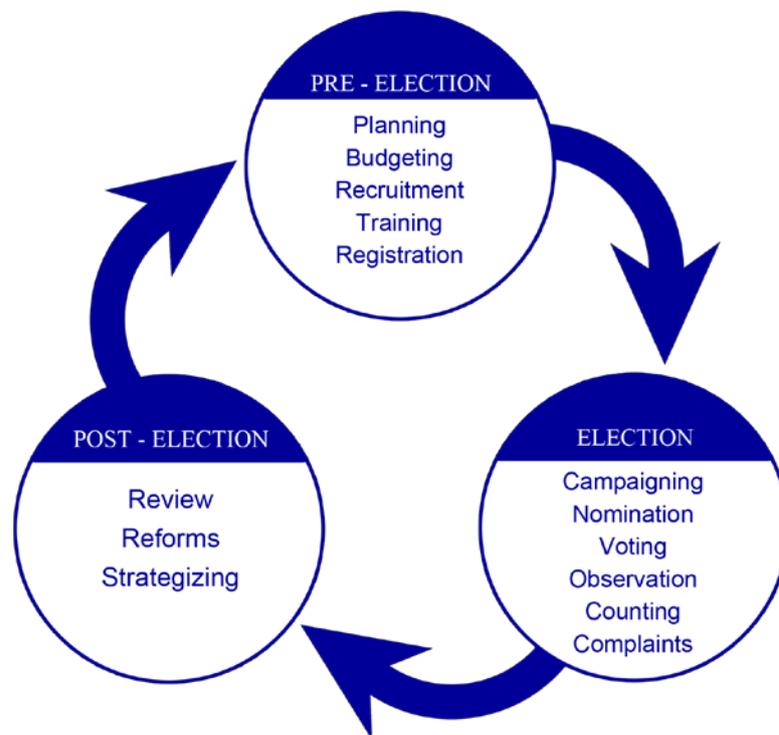
³⁴ *Supra note*, no. 22, at p. 21.

CHAPTER-THREE

The NEC Electoral Cycle

To better envision the interrelated components of an electoral process, as well as the development needs and opportunities for inclusion of Persons with Disabilities, the National Electoral Commission (NEC) has organized election activities around the electoral cycle. The Electoral Cycle provides a framework for analysis and developing assistance strategies that support more open, inclusive and credible electoral processes. The NEC Electoral Cycle is divided into three overlapping periods: *pre-election*, *election* and *post-election*. The beginning and end points of the cycle are not fixed and each period is organized around different fundamental aspects that help ensure more sustainable electoral processes for Persons with Disabilities.

Figure-2: *The NEC Electoral Cycle*



3.1 Pre-election Period:

Pre-election period is the time for *planning, budgeting, recruitment, training and registration*. This period is purely the preparatory phase of the electoral processes. To support the pre-election period for an accessible election, the NEC staff do their best by making preparations that will improve the process in the election period for Persons with Disabilities. Below are the roles and responsibilities of the NEC during this critical pre-election timeframe, with focus on the following activities:

Activities:

- i. Mapping out the disability community and the identification of Disabled Persons Organizations (DPOs)
- ii. Establish a data base of electors with disabilities at regional and district levels, and liaise with disabled communities.
- iii. Setting up of working committees in disabled communities
- iv. Planning for inclusion and participation of Persons with Disabilities during staff recruitment, logistics and security of Persons with Disabilities.
- v. Planning for the involvement of qualified Persons With Disabilities in the voter registration process
- vi. Ensure participation of Persons with Disabilities in stakeholders meetings to discuss vital electoral matters.
- vii. Develop user friendly Persons with Disabilities procedures, operational training for Persons with Disabilities serving as ad hoc staff
- viii. Conduct specialised training for Persons With Disabilities who are recruited as ad hoc election staff
- ix. Accreditation of Disable Persons Organizations (DPOs) as observers
- x. Sensitization of Persons With Disabilities with regards their role in the elections through TV/Radio discussions, production/airing of jingles
- xi. Procurement of election assistive materials for Persons with Disabilities. Ensure the accessibility of voter registration and polling centre locations
- xii. Conduct civic/voter education in accessible formats
- xiii. Develop policy on priority voting for Persons With Disabilities
- xiv. Include persons with disabilities in voter education efforts
- xv. Design layout of polling centres in an accessible manner

3.2 Election Period:

The Election Period consists of much more than just Election Day. It is a period in which the NEC makes voting facilities accessible to Persons with Disabilities and enhances their participation in the nomination process either as nominees or nominators. During this period, Persons with Disabilities also work with the NEC in designing codes of conducts for political parties in order to enhance the inclusion and participation of electors with disabilities in the election process. Special needs assistance for Persons with Disabilities in order to enhance their participation through the use of tactile ballot, Braille and sign-language is also catered for. Planning in the pre-election phase sets the stage for an accessible and inclusive Election Day. Major events include: *Campaigns, Nomination, Voting/Polling, Observation, Election dispute resolution, Counting & Result transmission.*

Nomination:

- i. During election period, NEC encourages Persons with disabilities to participate in the nomination process either as nominees or nominators

Campaigns:

- I. The NEC prepares a campaign calendar
- II. Adherence to the campaign calendar is monitored by the NEC
- III. Campaigns are regulated by the Code of Election Campaign Ethics 2012
- IV. This code is enforceable under the Public Elections Act, 2012
- V. Campaign calendar offences or violations can be prosecuted by the Electoral Court

Voting/Polling:

- I. Polling is conducted on Election Day and planning in the pre-election phase sets the stage for an accessible and inclusive Election Day
- II. The NEC creates an opportunity for Persons with Disabilities to access polling centres/stations with priority given to Persons with Disabilities to vote early
- III. The NEC also provides special needs assistance for Persons with Disabilities in order to enhance their participation through the use of Assistive Tools

Observation:

- I. The NEC accredited interested observer groups including Disabled Persons Organizations
- II. The NEC can provide briefing on electoral activities

Election Dispute Resolution:

- I. The NEC has created the opportunity to include Persons with Disabilities in the election complaints adjudication process.
- II. The NEC conducts voter education campaigns for Persons with Disabilities describing how to file a complaint in accessible formats; develop case management systems that incorporate accessibility features.

Counting & Results Management:

Because of inaccessible media, voters with disabilities are sometimes the last to know the results of the election. To counter this trend,

- I. The NEC will collaborate with the Sierra Leone Broadcasting Corporation (SLBC), television, print and other electronic media to provide sign language interpretation in the process of announcing the election results.
- II. The NEC will also collaborate with the print and electronic media.

3.3 Post-election Period:

The Post-election period gives stakeholders a chance to assess the implementation of the election. It is a period that is geared towards reviewing the previous two electoral cycle periods (Pre-election & Election) and capturing lessons learned. A review is conducted from the perspective of the Election Management Bodies (EMB), DPOs and observers. The review evaluates the impact of actions taken to increase access. Attempt is made to answer questions like: Were there improvements from the last election? What could stakeholders do to have more inclusive elections in the future? The NEC and EMBs evaluate the effectiveness of tools like tactile ballot guides developed earlier in the electoral cycle. The NEC also encourages stakeholders to use this time to determine if their outreach efforts to Persons with Disabilities were sufficient and to develop strategies for the future. At the same time, Civil Society Organizations (CSOs) are also encouraged to assess whether their observation and civic education methods could be improved to increase accessibility and be more inclusive of Persons with Disabilities.

DPOs are also given the opportunity during the post-election period to create concrete recommendations for policy reform to address challenges. This NEC post election review includes analysis of reforms that can be implemented in both the short and long-term. DPOs are involved in electoral law reform efforts that may take place in the post-election period. DPOs actively maintain the relationships formed with political actors during the election period. If the NEC prepares DPOs to conduct election access observation, the post election period is the time to draft recommendations

to the EMB based on their findings. During the NEC Post-election period, key activities that should be viewed with a disability inclusion lens are:

Activities:

- i. Post election Retreat
- ii. Political Parties Liaison Committee Meetings (PPLC)
- iii. Consultation with PWDs and their stakeholders
- iv. Develop relationship between EMB and DPOs
- v. Conducting capacity building activities for electoral staff, CSOs and political parties
- vi. Advocating for and the implementation of legal and administrative reforms

CHAPTER-FOUR

Factors Affecting the Rights of Persons with Disabilities

Accordingly, this chapter is intended to forward some highlights on the many challenges to implementing inclusive democracy and governance programming for Persons with Disabilities. There is no consensus on how best to overcome some of these challenges and the situation may vary in different countries. Therefore, the challenges identified in this chapter are Sierra Leonean country-oriented.

4.1 Barriers

The Barriers to participation by Persons with Disabilities in society can be summarized as attitudinal, technical and infrastructural factors.

4.1.1 Attitudinal Barriers

Persons with Disabilities experience attitudinal social impediments as a challenge in public elections. These problems are both from the inside; to mean that Persons with Disabilities have a low self esteem on their ability to participate in the political sphere of the nation due to the deep rooted social neglect of these people, and from the outside, i.e., the community in which these people live. This is the result of long historical perception of the society on these people. In Sierra Leone, there is a general public opinion tendency to think of Persons with Disabilities as weak, hopeless and dependents for life. Our society view disability as a “terminal” expression of one’s survival and existence. This impression and thinking of the society is agitating these people to develop a misleading assertion that they have no more “say” in the general affairs. Accordingly, their electoral interest is corrupted by the sceptical attitude of the society towards these people and they are sensitizing the feeling as if they are not qualified to participate in national activities like elections.

The psychological influence is not only from the external community. Most frequently, the challenge begins from the family of Persons with Disabilities. Instead of assisting the person in his/her daily career including the participation in politics and elections, the family prefer to hide and prevent him/her from the public scene. Because, there is a fear that the social interaction of the family will be endangered, since the cause of the disability is presented to be the sin of the whole family. Therefore, the consequence of such influence is multi dimensional. On the one hand, the society is not accepting these people as actors in the electoral process. This psychological makeup has worsened the disregard of these people by the responsible personalities since the authorities themselves are individuals from the community itself. These stigmatizations and the different stereotypes are influencing them to feel the sense of “otherness” and to restrict themselves from participating in the electoral processes.

4.1.2 Environmental Barriers

The environmental barriers cover areas like the inaccessible entry into public transports, housing, public buildings, Government offices, public toilets and recreational facilities.

4.1.3 Institutional Barriers

Under the institutional barriers, persons with Disabilities are exempted from taking part in the following; employment, education, health services and social services.

4.2 Electoral Challenges

There are many challenges faced by the National Electoral Commission (NEC) in ensuring voter participation of persons with disabilities. Figure-4 below identifies major electoral challenges.

Figure-3: Electoral Challenges

No	Issue	Challenge	Solution
1	Inadequate Data on the number and location of persons with disabilities	The NEC and Stakeholders lack reliable and comprehensive data regarding the number of persons with disabilities in Sierra Leone and their location. PWDs are either not counted in our national censuses or counted but proper note not taken with regards data recording of them.	National Census Counting: Also PWDs should be counted in our national censuses with proper note taken with regards data recording of them. Need for institutional collaboration with the National Commission for Persons with Disability to put in place accurate data as a mandate of the Commission
2	Updating Data of Voters and Making the List of Voters with Disabilities	Voters who are deaf are not registered properly; and they do not receive the same treatment as other voters.	Voter education in sign language for the deaf.
3	Nomination of Candidates with Disabilities	To announce the nomination of election contestant in print and electronic media.	For persons who are deaf: a sign language interpretation on the lower left or right corner of the TV screen or subtitles. For persons who are blind: <ul style="list-style-type: none"> ▪ Making information/announcement available in Braille. ▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message. ▪ Information on website equipped with screen-reading technology for persons who are blind.
4	Announcement of Elections Result	The election result announcement is made in the printed and electronic media such as on TV and Radio but it is not accessible to persons who are deaf or blind. So this exercise is not disability friendly.	For persons who are deaf: a sign language interpretation on the lower left or right corner of the TV screen or subtitles. For persons who are blind: <ul style="list-style-type: none"> ▪ Making information/announcement available in Braille. ▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message. ▪ Information on website equipped with screen-reading technology for persons who are blind.

5	Negative Attitude of Some Election Officers	Negative attitude of some election officers towards PWDs during elections, which creates apathy and non-participation of PWDs.	Training and sensitization required for elections officers for a change in their negative attitude.
6.	Lack of Disabled friendly Tools	Lack of training for the NEC officers in the field of election management and use of sign language for the deaf.	More training required
7.	Assistive Tools	Insufficient provision of Braille ballot and non-Braille tactile guide at all polling stations or in selected locations.	Procurement of more Assistive tools
8.	Access to Polling Stations	There is difficulty for PWDs to access polling stations because of long distances to be covered and no transportation available. And many people with “medium” and “severe” intellectual disabilities do not vote in our elections. Some polling stations were not accessible to voters who use wheelchairs.	Pooling centres should be disability-friendly situated.
9	Priority for Persons with Disabilities to Register and Vote	Standing in the queues for longer periods during voter registration and on election day before voting.	Priority to register and to vote earlier should be given to persons with disabilities.
10	Electoral Education	Inadequate electoral education for Persons With Disabilities.	More electoral education sessions should be conducted considering outreach programs to enhance it.
11	Campaign Period	Election campaign procedures are communicated to candidates and their political parties through the print media and electronic media like TV and Radio, but it was not accessible to persons who are deaf or blind.	<p>For persons who are deaf: a sign language interpretation on the lower left or right corner of the TV screen or subtitles.</p> <p>For persons who are blind:</p> <ul style="list-style-type: none"> ▪ Making information/announcement available in Braille. ▪ Information on radio provided in alternate format for persons who are deaf. One solution is making this information via text message. ▪ Information on website equipped with screen-reading technology for persons who are blind.

CHAPTER-FIVE

Justifying the Rights of Persons with Disabilities

Throughout the long history of the world community, Persons with Disabilities were tended to be viewed as objects rather than subjects in their own rights. The legal protections normally associated with the rule of law were either not applied at all or severely curtailed.³⁵ It is in the recent eras, that the human rights perspective on disability came in to the mind of the international polity. Bengt Lindquist's speech is a clear reflection of the earlier images of the disabled community. He said:

Those of us who happened to have a disability are fed up being treated by the society and our fellow citizens as if we did not exist or as if we are aliens from outer space while we are human beings with equal value, claiming equal rights...disability is a human rights issue! I repeat it is a human rights issue...!.³⁶

This shows how the tendency of perceiving Persons with Disabilities as problems prevailed instead of viewing them in terms of their rights. This conception has accelerated the invisibility of these persons in all common affairs and the denial of their membership in the community as equal holders of the world history. Then, the point to be addressed is what essential values and rationales can we invoke to make the issue of disability as the primary concern of the international human rights law so as to bring a positive change? Perceiving Persons with Disabilities as subjects rather than objects entails giving them access to the full benefits of basic freedoms that most people take for granted and doing so in a way that is respectful and accommodating of their difference. This notion of human value which presupposes human beings as subjects and not objects so that persons with disabilities too, invokes four basic values that creates a space for the development of human spirit. These include; *dignity, autonomy, equality and solidarity* both in the general human rights and in the context of disability.³⁷

5.1 Dignity

As an anchor norm of human rights, the value of dignity stresses on the fact that, each individual is deemed to be of an inestimable value and nobody is unimportant. The value of an individual is to be tested not because he/she is economically, physically or otherwise useful, but because of his/her inherent self worth. Thus, Persons with Disabilities have a stake in and a claim on society that must be honoured.³⁸ This value should not be dependent on considerations of social or economic utility but on the sole reason that all human beings are ends themselves not the means to the ends of others. We cannot rank people in terms of their usefulness and to screen out those with significant differences.³⁹

³⁵ Gerard Quinn et; al, *Human Rights & Disability, the Current Use and Future Potential of the UN Human Rights Instruments*, 2002.

³⁶ Speech made by Bent Lindquist, Special Reporter on disability of the UN Commission for Social Development, at the 19th Congress of Rehabilitation International, Rio De Jenerio, 25-30 August 2000, Gererd Quinn, *ibid* p. 14

³⁷ *Ibid*, pp, 24-29.

³⁸ Gerard Quinn, *Supra* note, no.29.p.24.

³⁹ *Ibid* at p.24.

It is this value on the issue of disability which is serving as a root for human rights approach and the interrelated social constructed conception to disability. Here, it is the result of lack of responsiveness by the state and the society to the difference that disability represents.⁴⁰ The focus should not be on what is wrong with the person but the consequence of the interaction of the individual with an environment that failed to accommodate individual's differences and limits or impedes his/her participation in the society. Therefore, it should be the social, economic, cultural, legal, political and environmental conditions that act as barriers to the full exercise of the rights of Persons with Disabilities that need to be identified and corrected.⁴¹

Generally, the value of dignity highly dictates that, recognition to everyone as a person should not be conditioned up on the physical and economical usefulness of the person. He/she is a holder of all rights and should have access to enjoy the rights. Therefore, the state and all sectors of the society have to be reminded that Persons with Disabilities are no longer recipients of charity but they are holders of rights and not objects. This is the approach that the new convention is based upon.

5.2 Autonomy

The notion of autonomy is based on the idea of opening up a free and unforced space for voluntary action based on the person's conscious. It presumes the capacity for self directed action and behaviour. This value intends to imagine a morally free person.⁴² A person with his/her own independence and liberty is the one who is at freedom and un coerced for a self-directed action and behaviour. In the context of disability, there seem to be some imperfections if the notion of autonomy is to be understood as a means of relieving the duty of assisting Persons with Disabilities. For one thing, it is not whole inclusive in a sense that we may not always expect a morally free person since we might have persons with mental or intellectual disability who need intervention and control by others just for their own security.⁴³ This may lead the society to be reluctant in protecting the interest of those legally proclaimed incompetent.

On the other hand, it is not hidden that the life choices of Persons with Disabilities are not perceived as worthy of social support as those of the non-disabled on the fact that societies have not done enough to "enable" those with disabilities having of a clear capacity for moral freedom to exercise their rights of self-determination.⁴⁴ Therefore, this value is invoked in so far as Persons with Disabilities are in need of their personal freedom and independence. It is just to protect these people from compulsions and other actions that are detrimental to their personal interests. Despite these fears, autonomy is an essential value which stresses that, Persons with Disabilities should have an access to their choices and should not be the subjects of decisions of others on their fate.

⁴⁰ *Ibid* at p.24.

⁴¹ See *supra* note no. 24, at p.9.

⁴² See Gerard Quinn, *supra* note, no. 34, p. 27.

⁴³ *Ibid* at p.28.

⁴⁴ *Ibid*.

5.3 Equality

The core premise of this value is that, all persons not only possess inestimable inherent self worth as a dignified entity but are also inherently equal regardless of their differences.⁴⁵ Thus, from the moral point of view, an arbitral distinction between persons based on race, colour, disability, sex... has no rational foundation and therefore invalid. Accordingly, we have to treat everyone equally despite the differences and the dissimilarities should not be grounds for discrimination. Generally, the message behind the value of equality is that, a genuinely equal society is one that has a positive approach to human difference without denying individual differences. Hence, the differences that exist between PWDs and the non-disabled should not be interpreted in the way of conveying inequality in the holding and enjoyment of rights.

5.4 Solidarity

This value reminds the inherent nature of persons as social animals. It acknowledges the mutual ties and obligations that exist between people by virtue of their shared membership of a given political community. Freedom is not elsewhere and it could be tangible only by a substantive social and economic supports.⁴⁶ Therefore, the main purpose of solidarity should be to enhance people for participation in all main streams of the society and PWDs are entitled to social intimacy regardless of the utility of their potential contribution to the society.⁴⁷ When generally seen, the values of dignity, equality, autonomy and solidarity are the pillars in the human rights approach to disability. They justify the rationale for why PWDs shall be seen as subjects and holders of rights not objects the right of whom is to be determined by others. That is the goal behind the human rights perspective to disability the main objective of which is maximizing the visibility of these persons in all political, economical, social, cultural, legal and attitudinal landmarks of the society.

⁴⁵ *Ibid* at p. 29.

⁴⁶ *Ibid* at p.27.

⁴⁷ *Ibid* at,p.29.

CHAPTER-SIX

Policies

These recommended policies are as a result of thorough brain-storming exercises undertaken by the NEC staff in support of building the NEC Disability Policy (NECDiP). The NEC as the election administrator will issue out a specific training manual that provides guidance for implementing these policies. The recommended policies for implementation are drawn from the strength and legality of the Constitution of 1991, the Public Elections Act of 2012, the Disability Act of 2011, the Political Parties Act of 2002, the Local Government Act of 2004, and regulations and codes issued by the NEC. The ethics of international best practice is also taken into consideration.

6.1 Recommendation: Policy Headlines

1. Assessment through a Disability Lens
2. Enabling Registration of Voters with Disabilities
3. Communication and Use of Technology
4. Making Voting Accessible
5. Training and Sensitization
6. Election Observation and Monitoring
7. The Use of Electoral Assistive Tools
8. Disability-friendly Housing Condition for NEC Buildings/infrastructure
9. Recruitment
10. The Involvement of the NEC Focal Persons and issues that are disability related
11. Capacity Building of Disable Persons Organizations (DPOs)
12. Disability Awareness Advisory Committee
13. Campaigns
14. Assistance to Voters with Disabilities
15. Post-election Assessment Retreat (PEAR)
16. Inclusive Electoral Education
17. Electoral Dispute Resolution

6.2 Implementation of Policies

6.2.1 Assessment through a Disability Lens

The first step to prevent barriers and ensure the right to electoral participation for Persons with Disabilities is to conduct an assessment through a Disability lens. The following are recommended:

- a. Pre-election technical assessments that review all aspects of the electoral process should be carried out by the NEC through a Disability lens.
- b. Assessment teams should meet with DPOs to gain their perspective on barriers and their recommendations taken into account with regards conducting the elections.
- c. Sierra Leone has ratified the CRPD. Therefore, any recommendations for reform should be in the spirit of Article 29 of the treaty and the Disability Act, 2011.

6.2.2 Enabling Registration of Voters with Disabilities

Enabling voter registration process for electors with disabilities is one of the most important ways to ensure Persons with Disabilities can participate in elections. *The 1991 Constitution provides for Universal Adult Suffrage in public elections which are by secret ballot and the right to be registered as a voter to all persons of sound mind aged 18 years and above.* To facilitate this process successfully, the following should be taken in to consideration:

- a. Ensuring that there is a record of all voters with disabilities registered in each constituency and recording their specific needs and ensuring that special efforts are made to facilitate their voting.
- b. Using communication such as text messaging to direct all election communication to Persons with Disabilities since they may not be abreast of news on mainstream communication channels and encourage voter registration.
- c. Disseminating public information over radio and television in the final weeks of the elections encouraging Persons with Disabilities to participate in voter registration and voting and to inform Persons with Disabilities about facilities which will be provided, such as priority status at the registration centres.
- d. Prior to the elections, information must be given to electors about locations for polling centres, locations which have special access, wheelchair facilities, technological assistance etc.

6.2.3 Communication and Use of Technology

- a. All voter education materials must be made disability friendly.
- b. Candidate Nomination Guides must be made available in such that electors with disabilities will be able to go through the process with little or no assistance.
- c. Communication must be made available in multiple formats and over different media such as print, television and websites to ensure that persons with different disabilities are able to access electoral information.
- d. A toll free help line may be made available throughout the country to assist voters with disabilities.
- e. Stakeholders and media houses should be encouraged to follow guidelines for accessible communication which should be issued by the NEC.

6.2.4 Making Voting Accessible

- a. All polling centres and the NEC facilities should be accessible, in terms of distance and proximity and preferably without multiple levels.
- b. Provision of appropriate Ballot Papers Guides to enhance voting.
- c. Persons with Disabilities should be given priority at queues and not made to wait.
- d. Officials should be asked to permit Persons with Disabilities a choice of technology use or human assistance. In the former case, voting technologies must hence be fully accessible.

6.2.5 Training and Sensitization

- a. All election officers and staff at voter registration centres and polling centres should necessarily undergo a sensitization training to meet the diverse needs of Persons with Disabilities. This should include communication, physical and electronic accessibility requirements.
- b. Recruitment of Persons with Disabilities as ad hoc staff and conduct specialised training for them.
- c. Sensitization of Persons with Disabilities with regards their role in the elections should be done through Melodramas, TV/Radio discussions, production/airing of jingles, as additional materials to sensitise Persons with Disabilities and effectively catering for the deaf and Blind.
- d. Officer responsibilities should include knowing how many voters with disabilities are there in their jurisdiction as part of their voter contact program.
- e. Refresher training for the NEC staff on the NEC Disability Policy before elections.

6.2.6 Election Observation and Monitoring

- a. The Focal person should be involved in the committee on accessibility, as well as at various stages of the election process, such as training and sensitization, voter assistance, developing manuals/ guidelines and election monitoring and observation.
- b. A sub-committee may be delegated with the task of implementing accessibility and to this end may develop/ identify accessibility standards and guidelines for registration offices, procedures and polling centres.
- c. There may be a small reckoned/manual for persons with disabilities in multiple formats which informs about the various facilities and options available to them and efforts should be made to widely publicize the contents of this reckoned to all persons with disabilities across the country through print and electronic media, websites and personal interaction.
- d. New technologies may be used for monitoring and gathering data on accessible polling centres and data on disabled voter access. Accessibility should also be identified as key criteria for evaluating polling booths in the monitoring forms or other relevant instructions.
- e. Persons with Disabilities should be involved in the elections process by having them serve as officers or staff at polling stations, wherever possible, in collaboration with disability groups and Non-governmental Organizations (NGOs).
- f. The NEC must review all its electoral policies, model code of conduct, administrative rules and practices in order to comply with the Disability Act, 2011 and the CRPD.

6.2.7 The Use of Electoral Assistive Tools

Assistive tools aid Persons with Disabilities in completing tasks or other daily functions. There are several types of Assistive tools that can make the electoral process more accessible. Election Management Bodies (EMBs) often need support in the development of these tools. The following are recommended:

- a. Tactile Ballot Guides (TBG) should be designed well in advance of an election.
- b. Lowered voting booths that are accessible to wheelchair users to ensure the secrecy of voters with disabilities.
- c. Persons with Disabilities should be routinely consulted when developing Assistive tools so that the tools meet the needs of voters.

Below are common forms of Electoral Assistive tools for Persons with Disabilities:

Figure-4: List of Electoral Assistive Tools or technology for Persons with Disabilities

List of Electoral Assistive Tools
▪ Tactile voting device
▪ Braille enabled electronic voting machine
▪ Telephone voting
▪ Mobile phone voting
▪ Remote electronic voting
▪ Radio advertisements
▪ Public broadcast television
▪ Voter information on websites that are accessible to screen reading technology
▪ Voter registration materials on the internet
▪ Plain language materials provided on voter information websites
▪ Audio Ballot
▪ Magnifying glasses
▪ Tactile stickers for ballot boxes
▪ Large grip pens
▪ Tele-type or Telephone typewriter (TTY)

6.2.8 Disability-friendly Housing Condition for NEC Building

- a. All National Electoral Commission (NEC) infrastructure constructed or used as centre facilities for election activities should be disability-friendly.

6.2.9 Recruitment

- a. Recruitment package for Persons with Disabilities at the NEC should be based on qualification.
- b. Degree of disability should be added to the NEC recruitment application advertisement.
- c. Recruitment of permanent and ad hoc staff can be done based on the needed criteria put in place by the NEC.

6.2.10 The Involvement of NEC Focal Persons and Issues that are disability related

- a. Issues that are disability related should be included in the Elections.
- b. Persons with Disabilities should be involved in the electoral processes by having them serve as officers, or the NEC staff at polling centres whenever possible in collaboration with disability groups and NGOs.

6.2.11 Capacity Building of Disabled Persons Organizations (DPOs)

- a. The NEC should endeavour to build the capacity of DPOs and empower their members through trainings on electoral related issues.

6.2.12 Disability Awareness Advisory Committee

- a. The NEC can establish a Disability Awareness Advisory Committee to give technical advice to the commission on disability election related issues.
- b. Add disability organizations to Stakeholders Committee meeting.

6.2.13 Campaigns

- a. Information on campaign calendar should be disability-friendly.

6.2.14 Assistance to Voters with Disabilities

Section 74 of the Public Elections Act provides that voters who require assistance due to any form of disability are entitled to be assisted by another registered voter of their choice. See below section 74.

Section 74:

- a. A voter who is unable to read or who is incapacitated by blindness or any other physical disability and is unable to cast his/her vote in the manner prescribed in the Act, shall apply in person to the Presiding Officer, who shall-
 - i. In the case of a voter who is physically disabled, allow the voter to be accompanied by another voter of his/her own choice, who shall guarantee the faithful expression of the vote of the disabled person and who shall pledge absolute secrecy;
 - ii. In the case of a voter who is unable to read or write and cannot draw a cross, inform the voter that he can vote by putting fingerprint mark in the square corresponding to the candidate for he wishes to vote after dipping his finger in the ink which shall be placed for this purpose in the voting booth.

6.2.15 Post-election Assessment Retreat (PEAR)

- a. A review should be conducted by the NEC from the perspective of CSOs, DPOs and observers.
- b. This review should include analysis of reforms that can be implemented in both the short and long-term.

- c. Pre and Post-election reviews with electors with disabilities are necessary. This can be done through consultations, evaluations, surveys that focus on whether the voter needs and expectations were met and how best to overcome the difficulties in future.
- d. The review should assess the impact of actions taken to increase election access for electors with disabilities.
- e. The NEC should assess the effectiveness of assistive tools developed earlier in the electoral process.
- f. The NEC should encourage DPOs to use the opportunity presented during the post-election period to create concrete recommendations for policy reform to address challenges.
- g. DPOs should be involved in electoral law reforms that may take place in the post-election period.

6.2.16 Inclusive Electoral Education

Electoral education describes the rights and duties of citizens. Knowing the role of Government, citizens and relevant laws can empower individuals to play a more active role in shaping their society.

- a. The NEC will engage in electoral education for Persons with Disabilities throughout the electoral cycle.

6.2.17 Electoral Dispute Resolution

Section 138 of the 1991 Constitution vests jurisdiction for the hearing and determination of election petitions challenging the election of a Member of Parliament on the High Court, which is mandated to hear and determine the dispute within four months from the date of commencement of proceedings before the Court. A right of appeal is granted to the Court of Appeal, to be determined within four months from the date the appeal is filed. The decision of the Court of Appeal is Final. To facilitate this process for the participation of Persons with Disabilities;

- a. The NEC should ensure that Persons with Disabilities have access to election dispute mechanisms and complaint adjudication processes.

BIBLIOGRAPHY

A. Books, Reports and Publications

Byrnes A. and Alex Conte et; al, *Disabilities: From Exclusion to Equality; Realizing the Rights of Persons with Disabilities, Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol*, SRO-Kunding, Geneva, 2007.

Heyns C. & Magnus Killander (eds.), *Compendium of Key Human Rights Documents of the African Union*, 3rd edition, 2007.

Human Rights Yes! *Action and Advocacy on the Rights of Persons with Disabilities, Understanding the Human Rights of Persons with Disabilities*, 2009.

Hynes C. and M. Killander, *the African Regional Human Rights System*; in FG Isa and K' Feyter (eds.), *International Human Rights Law in Global Context*, 2009

Klynman Y, Nicholas Kouppari & Muhammed Mukhier (eds.), *World Disasters Report, Focus on Discrimination*, International Federation of Red Cross and Red Crescent Societies, 2007.

Kodjo E, *the African Charter on Human and Peoples' Rights*, 1996.

Lands down G. *See Me Hear Me, A Guide to using the UN Convention on the Rights of Persons with Disabilities to Promote the Rights of Children, save the children*, London, 2009

Lawson A. & Mark Priestley, *Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities in Europe, Principles for the Identification and Use of Indicators*, may 2009.

Quinn G. and Theresa Degener et; al, *Human Rights and Disability: the Current use and Future Potential of the UN Human Rights instruments in the Context of Disability*, United Nations, New York and Geneva, 2002,

Ransom B. *Missing Voices; an Overview of the Situation and Rights of Children with Disabilities in Africa*, the African child forum, 2009

Schulze M, *Understanding the UN Convention on the Rights of Persons with Disabilities, Hand Book on the Human Rights of Persons with Disabilities*, 2009

B. Articles:

Quinn G. *the United Nations Convention on the Rights of Persons with Disabilities: Towards a new International Politics of Disability*, 15 Tex. J. on C. L. & C.R.33, 2009.

Thomas H. Earle & Kristi M. Bushiner, *Effective Participation or Exclusion: the Voting Rights of People with Disabilities*, 11 Temp. Pol. & Civ. Rts. L. Rev. 327 2001-2002.

C. Internet sources:

California state park, *Types of Disabilities: overview*, available at; <http://www.washear.org>, (accessed on 23 February 2015.)

Raol et al, *Chapter two: Attitudes towards Disability and People with Disabilities*, 2003 available at; www.independentliving.org/docs5/disvoters.htm, (accessed on 18 February 2015.)

D. International, Regional and National Legal Frameworks

(i) International Human Rights Instruments:

Universal Declaration of Human Rights (the UDHR), Adopted by General Assembly Resolution A/RES/217A (III) of 10 December 1948.

Convention on the Rights of Persons with Disabilities (CRPD), Adopted by General Assembly Resolution A/RES/61/106 of 13 December 2006.

International Convention on the Elimination of all forms of Racial Discrimination (ICERD), Adopted by General Assembly Resolution A/RES/2106 (XX) of 21 December 1965, Entered in to force: 4 January 1969 in accordance with article 19.

(ii) African Human Rights Instruments:

African Charter on Human and Peoples' Rights (ACHPR), Adopted 27 June 1981, Nairobi, Entered in to force: 21 October 1986 in accordance with article 63.

Declaration on the Principles governing Democratic Elections, Adopted in Durban, South Africa, July 2002.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Women Protocol), Adopted in Maputo, Mozambique, on 11 July 2003.

(iii) The Sierra Leonean Legal Frameworks:

The Constitution of Sierra Leone, 1991: Being an Act to make provision for a new Constitution of Sierra Leone, and for Connected Purposes.

The Public Elections Act, 2012; Being an Act to consolidate and amend the laws on public elections, to make provision supplementary to section 32 and 33 of the Constitution of Sierra Leone with respect to the Electoral Commission and for other related matters enacted by the President and Members of Parliament in 2012.

The Persons with Disability Act, 2011: Being an Act to establish the National Commission for Persons with Disabilities, to prohibit discrimination against persons with disabilities, achieve equalization of opportunities for persons with disability and to provide for other related matter enacted by the President and Members of Parliament in 2011.

The Local Government Act, 2004: Restored local governance in Sierra Leone enacted by the President and Members of Parliament in 2004.

ANNEX 1:

THE IMPLEMENTATION OF ASSISTIVE TECHNOLOGY TO ENSURE ELECTION ACCESS FOR PERSONS WITH DISABILITIES

Electoral Management Bodies (EMBs) throughout the world use various forms of technology with the purpose of improving electoral processes. The technology used in elections ranges from basic devices such as ball point pens, manual typewriters, electronic calculators, and radios, to newer more sophisticated technologies such as computers, optical scanners, digital mapping, electronic voting machines, and the Internet. Technology is used in all stages of elections and if properly implemented serves as an important election access tool for persons with disabilities.

As Indonesia continues to implement technology into all stages of the electoral process, it is important for key stakeholders to ensure that new election technologies do not create new barriers for persons with disabilities. For example, many countries now use electronic voting machines (EVMs) that are not accessible to persons with certain disabilities. It is important for Indonesian officials to ensure that all new technologies used in elections, such as EVMs, are accessible to persons with disabilities.

The following section reviews the various forms of assistive technology that are being used throughout the world to promote election access for persons with disabilities. This is intended to provide salient examples for disability rights advocates and election stakeholders in Indonesia of the types of assistive technology that can be used to ensure election access for persons with disabilities.

COMMON FORMS OF ASSISTIVE TECHNOLOGY:

- Remote electronic voting
- Braille enabled electronic voting machines
- Radio advertisements
- Public broadcast television
- Tactile voting devices
- Voter information on websites that are accessible to screen reading technology
- Voter registration materials on the internet
- Telephone voting
- Mobile phone voting
- Voter information provided by TTY
- Plain language materials provided on voter information websites
- Audio ballots

COUNTRY PROFILES

The following examples from various countries provide some of the most innovative forms of assistive technology currently being used to promote election access for persons with disabilities. These examples range from very basic technology solutions that are easy to implement to more expensive forms of assistive technology that can greatly benefit persons with disabilities. The various examples aim to showcase unique ways to use technology to advance election access for persons with disabilities and to provide disability advocates and election stakeholders in Indonesia a solid starting point for further discussions about what is feasible in future Indonesian elections. It should be noted that the following list features one or two examples of these technologies and many of these technologies are used in other countries as well.

UNITED STATES

- Ballot marking devices assist voters who have difficulty reading or marking a ballot to vote privately and independently. The ballot marking device is intended to assist persons with disabilities and the elderly.
- The ballot marking device has a touch screen with a zoom feature to enlarge the ballot print and a contrast feature to make the ballot easier to read for some voters.
- Audio ballots allow persons with disabilities to use headphones to listen to candidate information and provide for various means of marking selections, such as Braille keyboard for persons who are blind.
- The majority of India's EVMs are not accessible to persons' who are blind, but in recent elections some polling stations had Braille enabled electronic voting machines and the number of these machines is expected to increase in future elections.

UNITED KINGDOM

- The Electoral Commission's website contains informational leaflets which can be downloaded in large print, various language formats and as audio files. The leaflets include:
 - 1) an easy-guide to voting - aimed mainly at first-time voters
 - 2) information about how to register to vote
 - 3) information about voting by postal ballot
- All polling stations must provide a tactile voting device and at least one large print display version of the ballot paper. This makes it possible for persons who are blind or low vision to vote in secret without assistance.
- The Disability Rights Commission (DRC) website contains several useful informational pamphlets for persons with learning disabilities to review prior to going to polling stations. The pamphlets use plain language and images to explain the election procedures in an easy to understand manner.

CANADA

- The definition of "interpreter" in the Canada Elections Act includes interpreters for persons with disabilities
- Election officers are trained on accessibility issues and technology that promotes election access for persons with disabilities.
- Public education and information programs have been implemented to ensure persons with disabilities know about available assistive technology that may help them access elections.
- Voter Information and registration materials are available in alternative formats, such as large print, Braille, audio-cassette and diskette.
- Information and special ballot registration forms available on the Internet.
- A toll-free election information inquiry line for persons with disabilities.
- Open- and closed-captioned voter information on public broadcast television.

IRELAND

- The use of photographs and party emblems on ballot papers and the display of a large print copy of the ballot paper in polling stations to assist persons who are low vision or persons with reading disabilities

INDIA

- The majority of India's EVMs are not accessible to persons' who are blind, but in recent elections some polling stations had Braille enabled electronic voting machines and the number of these machines is expected to increase in future elections.

