

## 1 Population indicators

### 1.1 What is the total population of Ghana?<sup>1</sup>

The 2010 Population and Housing Census (PHC) states that the population of Ghana is 24 658 823 showing an increase of 30,4 per cent over the 2000 PHC of 18 912 079.<sup>2</sup>

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in your country and the criteria used to determine who falls within the class of persons with disabilities in your country?

The Ghana 2010 PHC is an improvement over the 2000 PHC. The 2010 PHC provided for the enumeration of persons with disability (PWDs) in order to address the need for data.<sup>3</sup> The 2010 PHC followed the essential concepts and definitions of 'a modern Population and Housing Census' as recommended by the United Nations (UN)<sup>4</sup> to obtain the statistical data on the prevalence of disability. Ghana Statistical Service (GSS) employed the International Classification of Impairments, Disabilities and Handicaps' (ICIDH, WHO 1980) definition of disability.<sup>5</sup> The GSS translated the ICIDH concepts into simpler, non-technical language that could be understood by respondents. Thus information was collected on persons with visual or sight impairment, hearing impairment, mental retardation, emotional or behavioural disorders and other physical challenges.

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1 Ghana lies in the centre of the West African coast with a total area of 238 533 square kilometres.

2 GSS 2010 PHC summary report of final results (May 2012) 1 (2010 PHC summary report) [http://www.statsghana.gov/docfiles/2010phc/Census2010\\_Summary\\_report\\_of\\_final\\_results.pdf](http://www.statsghana.gov/docfiles/2010phc/Census2010_Summary_report_of_final_results.pdf) (accessed 3 August 2013).

3 Ghana 2000 PHC Enumeration Form without enumeration of PWDs; & Ghana 2010 PHC Enumeration Form enumerating PWDs 9.

4 2010 PHC summary report (n 2 above) ix.

5 2010 PHC summary report (n 2 above) xiii.

### 1.3 What is the total number and percentage of people, women and children with disabilities in Ghana?

In Ghana there are 737 743 persons with some form of disability, representing 3 per cent of the total population.<sup>6</sup>

- Ghana does not have data on 'the total number and percentage of women with disabilities'. The 2010 PHC states that the percentage of 'females' with some form of disability is 52,2 per cent. This data shows that the percentage of females with some form of disability is higher than the percentage of males, which is 47,5 per cent with some form of disability.<sup>7</sup>
- The 2010 PHC of Ghana did not collect data on children with disability.<sup>8</sup>

### 1.4 What are the most prevalent forms of disability in Ghana?

The most prevalent form of disability in Ghana is the visual or sight impairments with 40,1 per cent of the total population having some form of disability. This is followed by persons with physical disabilities, other than visual impairment of 25,4 per cent; then by persons with psychosocial disabilities with 18,6 per cent, people with intellectual disabilities with 15,2 per cent and then other forms of disability with 10,4 per cent.<sup>9</sup>

## 2 International obligations

### 2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in your country? Has your country signed and ratified the CRPD and the Optional Protocol? If so, provide the date(s).

- Ghana signed the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in March 2007. The Ministry of Employment and Social Welfare laid the Convention in Parliament on 20 July 2011, in accordance with article 75<sup>10</sup> of the 1992 Constitution.
- Ghana became the 119th state to ratify the CRPD and the Optional Protocol on 31 July 2012.<sup>11</sup>

6 2010 PHC summary report (n 2 above) 12.

7 As above.

8 2010 PHC summary report (n 2 above).

9 2010 PHC summary report (n 2 above) 13.

10 Art 75(1) & (2) of 1992 Constitution of Ghana provide: '(1) The President may execute or cause to be executed treaties, agreements or conventions in the name of Ghana. (2) A treaty, agreement or convention executed by or under the authority of the President shall be subject to ratification by: (a) Act of Parliament; or (b) a resolution of Parliament supported by the votes of more than one-half of all the members of Parliament.'

11 West African Regional Portal on the Rights of People with Disabilities 'Ratification of the CRPD by Ghana on July 31, 2012' <http://proadiph.org/Ratification-de-la-CDPH-par-le.html> (accessed 8 May 2013); Human Rights Watch 'Ghana: Disability Rights Convention Ratified' 22 August 2012 <http://www.hrw.org/news/2012/08/22/ghana-disability-rights-convention-ratified> (accessed 8 May 2013).

**2.2 If your country has signed and ratified the CRPD, when is/was its country report due? Which government department is responsible for submission of the report? Has your country submitted its report? If not, what reasons does the relevant government department give for the delay?**

- Ghana signed and ratified the CRPD as seen from 2.1.
- Ghana's initial country report is due in 2014.<sup>12</sup>
- In 2012, the Ministry of Social Welfare and Employment was tasked with handling disability issues.
- However, the National Council for Persons with Disabilities (NCPWDs), responsible for disability issues, has been moved from the Ministry of Social Welfare and Employment to the Ministry of Gender, Children and Social Protection (Ministry). This means that the Ministry of Gender, Children and Social Protection currently has the mandate to submit the country's periodic report.

**2.3 If your country has submitted the report in 2.2 and if the Committee on the Rights of Persons with Disabilities had reviewed the report, indicate if the Committee made any concluding observations and recommendations to your country's report. Was there a domestic effect in your country on disability issues due to the reporting process?**

See 2.2 above.

**2.4 While reporting under various other United Nations instruments, the African Charter on Human and Peoples' Rights or the African Charter on the Rights and Welfare of the Child, has your country also reported specifically on the rights of persons with disabilities in its most recent reports? If so, have concluding observations adopted by the treaty bodies, addressed disability? If relevant, were these observations given effect to? Was mention made of disability rights in your state's United Nations Universal Periodic Review (UPR) report? If so, what was the effect of these observations or recommendations?**

**United Nations Instruments**

• **Convention on the Rights of the Child**

Ghana ratified the Convention on the Rights of the Child (CRC) on 5 February 1990. Ghana's second state report<sup>13</sup> to the Committee on the Rights of the Child (Committee) was due in 1997, but submitted in March 2005 and concluding observations were adopted on 27 January 2006. Ghana's second state report to the Committee identified the following steps taken to promote the rights of PWDs:

- The Commission on Human Rights and Administrative Justice (CHRAJ), the Women and Juvenile Unit of the Police Service (WAJU),<sup>14</sup> Ghana Legal Aid, Civil Society Organisations (CSO) and other stakeholders have undertaken educational programmes to address discrimination among vulnerable groups such as PWDs.

<sup>12</sup> Art 32(1) & (2) of CRPD.

<sup>13</sup> UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: Second Periodic Reports of States Parties Due in 1997*, Ghana, 14 July 2005, CRC/C/65/Add.34.

<sup>14</sup> Now Domestic Violence and Victim Support Unit (DOVVSU).

- The Ministry of Manpower Development and Employment (MMDE) developed a policy on disability in 2002 to take account of discrimination against PWDs.
- The Federation of the Disabled and the Department of Social Welfare (DSW) sensitise the public on the rights of PWDs through advocacy.
- Ghana's government and the private sector have rehabilitated and established a number of schools designed for people with visual impairments, deaf persons and children with mentally disabilities.
- DSW identifies and registers PWDs, parents of children with disabilities are counselled to accept their disabilities and assisted to seek medical help, where necessary. The Department also runs a Community Based Rehabilitation Programme that integrates PWDs into mainstream society and children with disabilities are encouraged to enrol in regular and special schools.
- The Ministry of Education has included important aspects of the disability policy into its Teacher Training programmes including peripatetic.
- Electronic media (television) is reaching out to the deaf persons with news items and other social development messages including HIV/AIDS.<sup>15</sup>
- Interventions in the form of special provisions for the treatment of the children with disabilities, availability of public places, educational facilities and inclusive education.<sup>16</sup>

The Committee in its concluding observation<sup>17</sup> made the following recommendations with regard to the rights of children with disabilities:

- The Committee recommended the full implementation of article 4 of CRC to ensure the protection of the rights of children with disabilities.<sup>18</sup>
- The Committee recommended increasing and prioritising budgetary allocations to ensure that there is a full implementation of the rights of the child, particularly children belonging to vulnerable groups including children with disabilities.
- The Committee expressed concern about the lack of statistics regarding children with disabilities, the limited capacities for early detection and the treatment of children with disabilities; the inaccessibility of buildings and transportation and the absence of a policy aimed at inclusion and integration.
- In the light of The Standard of Rules on the Equalisation of Opportunities for Persons with Disabilities, the Committee further encourages the inclusion of children with disabilities into regular educational system and their integration into society.<sup>19</sup>

### Regional Instruments

- **African Charter on Human and Peoples' Rights (ACHPR)**

Ghana ratified the ACHPR on 24 January 1989. Although Ghana's second periodic report was due in 1993, it was submitted in 2000. In the report under article 18 of the Charter, the following aspects regarding disability rights were mentioned:

- Firstly, in compliance with article 18 of ACHPR, article 29 of the 1992 Constitution of Ghana protects PWDs from discrimination, guarantees working and normal living conditions, and ensures the wellbeing of PWDs in the family context.<sup>20</sup>

15 CRC/C/65/Add.34 (n 13 above) 25.

16 CRC/C/65/Add.34 (n 13 above) 53.

17 Committee on the Rights of the Child, forty-first session, Consideration of reports submitted by states parties under article 44 of the Convention *Concluding Observations: Ghana* 17 March 2006 CRC/GHA/CO/2.

18 CRC/C/GHA/CO/2 (n 17 above) 4.

19 CRC/GHA/CO/2 (n 17 above) 10.

20 Ghana: 2nd Periodic Report to the ACHPR, 1993-2000 31 <http://www.achpr.org/states/ghana/reports/2nd-1993-2000> (accessed 20 May 2013).

- Concluding observations on the second periodic report have not been adopted by the Committee.

- **United Nations Universal Periodic Review (UPR)**

Ghana's first cycle of the universal periodic review<sup>21</sup> took place from 5 to 16 May 2008. The UPR report indicated that the 1992 Constitution of Ghana provides in Chapter 5 for the protection of fundamental human rights and freedoms of PWDs. Ghana's second cycle of the universal periodic review<sup>22</sup> took place from 22 October to 5 November 2012. This report indicated with regard to disability rights that, Ghana is committed to comply with its international human rights obligations. Ghana ratified the CRPD in July 2012. The effect of the ratification of the CRPD is that Act 715 will be amended to reflect the provisions of the CRPD, in order to effectively promote and protect the rights of PWDs.<sup>23</sup>

## 2.5 Was there any domestic effect on your country's legal system after ratifying the international or regional instrument in 2.4 above?

The ratification of the CRC and the ACHPR led to the adoption of laws aimed at protecting and promoting human rights. Ghana enacted the following legislation to promote the rights of PWDs:

- The Children's Act (Act 560) in 1998, which conforms to the CRC.
- The 1992 Constitution of Ghana.
- The Juvenile Justice Act (Act 653) of 2003.
- The establishment of the Ministry of Women and Children's Affairs (MOWAC).<sup>24</sup>
- The establishment of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).
- The Persons with Disability Act, 2006 (Act 715).
- The National Health Insurance Act, 2003 (Act 650).
- The Domestic Violence Act, 2007 (Act 732).
- Remarkable improvement made in the field of education in attempting to pursue the policy on Free Compulsory and Universal Basic Education (FCUBE).

## 2.6 Do ratified international treaties automatically become domestic law under your legal system? If so, are there any cases where the courts applied international treaty provisions directly?

Ghana operates under a dualistic legal system. International treaties must be ratified in Parliament with a majority vote and assented to by the President.<sup>25</sup> After such ratification by Parliament the international treaty will be legally enforceable. Furthermore, the internal domestic laws must be amended to conform to the international instruments.<sup>26</sup> Where there is conflict between domestic law and ratified international instruments, the international instrument takes precedence over domestic law.

21 UPR First Cycle - Ghana A/HRC/WG.6/2/GHA/1 29 <http://www.ohchr.org/en/hrbodies/upr/pages/ghsession.aspx> Check link (accessed 20 May 2013).

22 UPR Second Cycle - Ghana A/HRC/WG.6/14/GHA/1 15; <http://www.ohchr.org/en/hrbodies/upr/pages/GHsession14.aspx> (accessed 20 May 2013).

23 'Disability Act falls short of UN CRPD: Report' *Global Accessibility News* 1 July 2013. <http://globalaccessibilitynews.com/2013/07/01/disability-act-falls-short-of-un-crpdp-report/> (accessed 6 August 2013).

24 Now the Ministry of Gender, Children and Social Protection.

25 Art 75(1) & (2) of 1992 Constitution.

26 Sec 2 of Ghana Law Reform Commission Act 1975 (NRCD 325).

The first prominent case came in 1993 when the court held in *National Patriotic Party v Inspector General of Police (NPP v IGP)*<sup>27</sup> that the Protocol to the ACHPR could be invoked without formal incorporation into local law, where the same rights were also protected in the Ghanaian Constitution.

**2.7 With reference to 2.4 above, has the United Nations CRPD, or any other ratified international instrument, or parts thereof, been incorporated verbatim in national legislation? Provide details.**

The Persons with Disability Act 2006 (Act 715) was passed into law in August 2006 to provide for PWDs. Act 715 contains some civil rights,<sup>28</sup> social rights<sup>29</sup> and political rights,<sup>30</sup> similar to those provided for in the CRPD.<sup>31</sup> Since the Disability Act of 2006 had been passed before ratification of the CRPD in 2012, the CRPD has not been incorporated verbatim into Act 715. The following are some provisions in the CRPD that are not included in Act 715, which still need to be addressed:

**Equality and non-discrimination clauses<sup>32</sup>**

Act 715 does not address equality of PWDs before and under the law as the CRPD provides.<sup>33</sup> The non-discrimination provision<sup>34</sup> in Act 715 is not detailed enough. The provision does not address the need for prohibiting all kinds of discrimination on the basis of equality as addressed by the CRPD.<sup>35</sup> Such a provision is vital in determining the significance of the legislation, particularly in view of the fact that Ghana's constitutional non-discrimination clauses<sup>36</sup> do not provide for disability. Act 715 needs to address non-discrimination in detail in order to effectively do away with the negative attitude of the society against PWDs.<sup>37</sup>

**Women with disabilities and Children with disabilities clauses<sup>38</sup>**

Act 715 does not address the fundamental human rights of women with disabilities (WWD) and children with disabilities. There is therefore the need for Act 715 to address the rights of WWD and the prerequisite need for their empowerment. This is necessary for the reason that WWDs suffer multiple discrimination<sup>39</sup> and they are among the most excluded in our society.<sup>40</sup> The African Charter on Women's Rights, of which Ghana is a signatory, provides that state parties should ensure:

27 [1993-94] 2 GLR 459 467.

28 Secs 1-7, 23-29, & 38 of Act 715.

29 Secs 9-17, 31-35, & 36 of Act 715.

30 Secs 39 & 40 of Act 715.

31 Civil rights: arts 18(1), 19-22, 23(1) & 24(1) of the CRPD; social rights: arts 25-28 & 30-31 of the CRPD; and political rights: art 29 of CRPD

32 Art 5 of the CRPD.

33 Art 5 of the CRPD.

34 Sec 4 of Act 715.

35 Art 5(2) of the CRPD.

36 Arts 17(2), 35(5), & (6) of the 1992 Constitution; K Appiagyei-Atua K 'The new disability law in Ghana, the way forward', a speech delivered in the second annual CHRAJ-GBA-CHRI Lectures on 'Advancing economic, social and cultural rights in Ghana' 2006.

37 'Campaign launch, on improving attitudes towards PWDs' <http://www.cepdghana.org/content/view/42/1/> (accessed 9 August 2013).

38 Art 6 & 7 of the CRPD.

39 'Respect our rights ... persons with disabilities tell public services providers' *The Chronicle* undated <http://thechronicle.com.gh/respect-our-rights-persons-with-disability-tell-public-service-providers/> (accessed 9 August 2013).

40 O Mensah *et al* *Strengthening the disability movement in Ghana through organizational capacity and advocacy: Contextual analysis of the disability situation in Ghana* (2008) 113 <http://www.gfdgh.org/Context%20analysis.pdf> (accessed 9 August 2013).

[T]he protection of women with disabilities and take specific measures to commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making ... [State parties should also] ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.<sup>41</sup>

Empowerment of WWD will ultimately enable them to contribute to the socio-economic development of the nation. Act 715 is furthermore silent on the full enjoyment of human rights and fundamental freedoms of children with disabilities on an equal basis with other children.<sup>42</sup> The principle of the best interests of the child with a disability<sup>43</sup> and provision for disability age-appropriate assistance clauses enabling children with disabilities to realise their rights<sup>44</sup> are also absent from Act 715. The incorporation of such provisions will necessitate measures, policies and strategic plans to promote and protect the rights of children with disability.<sup>45</sup>

#### **Awareness-raising<sup>46</sup>**

Act 715 did not address the need for Ghana to adopt immediate, effective and appropriate measures for awareness-raising regarding the rights of PWDs and to foster respect for the rights and dignity of PWDs. So that, the state can effectively combat stereotypes, prejudices and harmful practices relating to PWDs through public awareness campaigns and promoting awareness-training programmes. The incorporation of this provision will encourage all organs of the media to portray PWDs in a manner consistent with the purpose of a comprehensive Persons with Disability Act. Currently the media does not have adequate information on PWDs, nor does it face any direct or indirect pressure from any recognised body to cover disability issues.<sup>47</sup>

#### **Accessibility<sup>48</sup>**

Accessibility provisions addressed under Act 715 do not cover the state's obligation to provide training for stakeholders on accessibility issues; and different forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters. Addressing accessibility provisions in detail under Act 715 will guarantee the provision of live assistance and intermediaries throughout society to cater for the needs of PWDs. This would go a long way to solve problems of wrong interpretation and guarantee quality services to hearing-impaired persons. It is for this reason that GNAD<sup>49</sup> appealed to the government of Ghana to recognise Sign Language as the official language for the hearing impaired and make provision for the employment of sign language interpreters.

41 Art 23 of the Protocol to the ACHPR on the Rights of Women in Africa.

42 Art 7(1) of the CRPD.

43 Art 7(2) of the CRPD.

44 Art 7(3) of the CRPD.

45 'Parents urged to stop concealing children with disabilities' *The Chronicle* undated <http://thechronicle.com.gh/parents-urged-to-stop-concealing-children-with-disabilities/> (accessed 9 August 2013); 'The spirit child phenomenon' *Ghana Web* 5 July 2013 <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=278609> (accessed 9 August 2013).

46 Art 8 of the CRPD.

47 Mensah *et al* (n 40 above) 94.

48 Art 9 of the CRPD.

49 'Provide sign language interpreters for all deaf students' *The Ghanaian Times* 12 September 2012 <http://newtimes.com.gh/story/provide-sign-language-interpreters-for-all-deaf-students-gnad> (accessed 8 August 2013).

**Right to life<sup>50</sup>**

Act 715 does not safeguard the inherent rights of PWDs. As a result of this omission, some traditional practices still encourage the killing of PWDs especially children with disabilities.<sup>51</sup> There is a 'spirit child' phenomenon that started in some parts of the Upper East region in the northern part of Ghana in 1975. It is a cultural practice whereby children born with disabilities or whose birth coincides with a tragic incident in the family, such as the loss of a parent, are killed. Such babies are called 'spirit children' and are thought to be a 'bad omen'. The community is considered to be blasphemous and cursed by the gods and for this reason the 'unfortunate creature' must return.<sup>52</sup> Afrikids is an NGO in the northern Ghana region. After twelve years of awareness campaigns by Afrikids and improved access to education, the people of the Upper East region stopped with the killing of children.<sup>53</sup> However, there is still a need to incorporate provisions on the right to life in Act 715 in order to effectively and totally put an end to the killings of children with disabilities.

**Freedom from protection, violence and abuse<sup>54</sup>**

Act 715 does not contain provisions mandating the state to take appropriate measures to prevent all forms of exploitation, violence and abuse of PWDs by ensuring, *inter alia*, appropriate forms of gender – and age – sensitive assistance and support for PWDs, their families and caregivers. Activists supporting the rights of PWDs were concerned with the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law.<sup>55</sup> Despite the legal protection provided for in the law, discrimination against PWDs in employment and the inaccessibility of public buildings continues to be a problem. The reason for this is that there is no obligation on the state to take appropriate measures to prevent all forms of exploitation, violence and abuse of PWDs. Finally, the absence of independent monitoring authorities<sup>56</sup> creates a vacuum in the implementation process of Act 715. The non-existence of a monitoring team to exert pressure on the state has resulted in a delay of the implementation process of Act 715 as is evident from calls for the rapid implementation of the Act.<sup>57</sup>

50 Art 10 of the CRPD.

51 'Spirit Child: An investigation into the ritual killing of disabled Ghanaian children deemed to be possessed by evil spirits' *Aljazeera* 10 January 2013 <http://www.aljazeera.com/programmes/peopleandpower/2013/01/201319121124284358.html> (accessed 8 August 2013); Laura Pannack Photography 'Saving the cursed children of Ghana' (2012) [http://laurapannack.com/commissions/stories/ghana/#PHOTO\\_1](http://laurapannack.com/commissions/stories/ghana/#PHOTO_1) (accessed 8 August 2013); CW Munyi 'Past and present perceptions towards disability: A historical perspective' (2012) 32 *Disability Studies Quarterly* <http://dsq-sds.org/article/view/3197/3068> (accessed 8 August 2013).

52 'The spirit child phenomenon' (n 45 above).

53 'Ghanaian communities commended for abolishing killing of "spirit children"' *Ghana Business News* 30 April 2013 <http://www.ghanabusinessnews.com/2013/04/30/ghanaian-communities-commended-for-abolishing-killing-of-spirit-children/#sthash.GOVWQVVb.dpuf> (accessed 9 August 2013).

54 Art 16 of the CRPD.

55 *2012 Country Reports on Human Rights Practices – Ghana* 19 April 2013: <http://www.refworld.org/docid/517e6e33e.html> (accessed 8 August 2013).

56 Art 16(3) of the CRPD.

57 'Expedite action on implementation of Disability Act – CHRAJ' *Modern Ghana* 2 December 2009 <http://www.modernghana.com/news/252164/1/expedite-action-on-implementation-of-disability-act.html> (accessed 8 August 2011); 'Persons with disability bemoan slow action on implementation of Act' *My Ghana Tv* <http://videos.myghana.tv/watch-listen-to-ghana-news-on-tv-live-online/persons-with-disability-bemoan-slow-action-on-implementation-of-act.html>; 'GFD calls for implementation of the Disability Act 715' *GNADGH* 8 July 2007 <http://gnadgh.com/news/?p=10> (accessed 8 August 2011).



### 3 Constitution

#### 3.1 Does the Constitution of your country contain provisions that directly address disability? If so, list the provisions and explain how each provision addresses disability.

Article 29 of the 1992 Constitution:

- Article 29 of the 1992 Constitution contains the rights of PWDs. Article 29(8)<sup>58</sup> mandates Ghana's Parliament to enact such laws as are necessary to ensure the enforcement of the provisions. Hence, the Parliament of Ghana enacted the Persons with Disability Act 2006 (Act 715).
- Article 29 of the 1992 Constitution guarantees PWDs right to:
  - family life;
  - social activities;
  - recreational activities;
  - community integration;
  - well resourced indispensable specialised establishment;
  - protection against all forms of exploitation, discrimination, abusive or degrading nature;
  - easy access to Justice;
  - availability of public places;
  - a convenient and accessible business and working environment; and
  - adoption of requisite laws, regulations, policies and measures to enforce disability rights.<sup>59</sup>

Article 37(2)(b) of the 1992 Constitution:

- In order to secure and protect social order, Ghana has the mandate as a state to direct its policy towards ensuring that every citizen has equality of rights, obligations and opportunities before the law.<sup>60</sup>
- Furthermore, article 37(2)(b) of the 1992 Constitution gives Ghana constitutional guidance in the protection and promotion of all other basic human rights and freedoms of PWDs.

Article 37(3) of the 1992 Constitution:

- According to Article 37(3) the state shall be constitutionally guided by international human rights instruments in promoting disability rights.

#### 3.2 Does the Constitution of your country contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

The constitutional provisions are:

<sup>58</sup> Art 29(8) of the 1992 Constitution provides: 'Parliament shall enact such laws as are necessary to ensure the enforcement of the provisions of this article'.

<sup>59</sup> Art 17(4)(a) of the 1992 Constitution.

<sup>60</sup> Art 37(1) of the 1992 Constitution.

**Article 17(1) of the 1992 Constitution:**

The reference to 'all persons' in the article denotes all Ghanaians, including PWDs, the right to have access to the justice system.

**Article 17(2)(3) of the 1992 Constitution:**

This provision guarantees non-discrimination against all Ghanaians including PWDs.

## 4 Legislation

**4.1 Does your country have legislation that directly addresses disability? If so, list the legislation and explain how the legislation addresses disability.**

The Persons with Disability Act, 2006 (Act 715) is an act to provide for PWDs, to establish a National Council on Persons with Disability and to provide for related matters.

**4.2 Does your country have legislation that indirectly addresses disability? If so, list the main legislation and explain how the legislation relates to disability.**

The legislation is the following:

**Children's Act, 1998 (Act 560)**

The Children's Act (Act 560) is an act to reform and consolidate the law relating to children, to provide for the rights of the child, maintenance and adoption, regulating child labour and apprenticeship, for ancillary matters concerning children generally and to provide for related matters. Section 3 of Act 560 deals with non-discrimination against a child on the ground of disability. Section 10(1) of Act 560 provides for the treatment of a child with a disability. Section 10(2) of Act 560 addresses the right of the child to special care, education and training for maximum potential and to be self-reliant.

**Labour Act, 2003 (Act 651)**

Act 651 is an Act to amend and consolidate the laws relating to labour, employers, trade unions and industrial relations. The law establishes a National Labour Commission, and provides for related matters. Section 3(e) of Act 651 caters for the economic right of PWDs. Section 14(e) of Act 651 prohibits an employer to discriminate against an employee on grounds of disability. Part IV of the law regulates the employment of PWDs.

**National Health Insurance Act, 2003 (Act 650)**

Act 650 is an Act to secure the provision of basic healthcare services to persons resident in the country through mutual and private health insurance schemes. Section 81(2)(d) of Act 650 guarantees the mandatory enrolment of PWDs on the scheme.

## 5 Decisions of courts and tribunals

- 5.1 Have the courts (or tribunals) in your country ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases indicating what the facts, the decision(s), the reasoning and impact (if any) the cases have had.**

The courts (or tribunals) have not decided many cases relating to disability rights. However, the Persons with Disability Act protects PWDs, in addressing violations of their rights. A case relating to disability rights, *Ghana Federation of the Disabled (GFD) v Attorney General, Ghana Highway Authority and Millennium Development Authority (MiDA)*,<sup>61</sup> is pending before the High Court. On 8 February 2013 GFD took action against three public institutions for neglecting the needs of PWDs in the construction of the George Walker Bush Highway. The transportation network did not take the needs of PWDs into account in the design, construction and operation of the transportation network.<sup>62</sup>

GFD is requesting the Human Rights Court in Accra, to order the Ghana Highway Authority, MiDA and the Attorney General to modify the highway to integrate the needs of PWDs as provided in Act 715. The next court date is 16 June 2013.

## 6 Policies and programmes

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

### **Disability Policy 2000<sup>63</sup>**

The guiding principle is that for Ghana to achieve any meaningful and sustainable development, it needs to harness all its human resources. This policy considers the fact that all people irrespective of sex or disability can contribute to the national development process if given the opportunity.

61 Suit number HRC/12/12, pending before the High court.

62 Sec 23 of Act 715: Transportation, integration of needs of PWDs.

63 Act 715 was enacted based on the Disability Policy, April 2000.

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

**National Youth Policy<sup>64</sup>**

This serves as a guideline for the government to engage the youth and other stakeholders in meaningful partnership to develop appropriate interventions and services for youth empowerment and development. Accordingly the policy ensures the active participation of young people with disabilities.

**Education Strategic Plan<sup>65</sup>**

The Education Strategic Plan (ESP) 2010-2020 sets out government's strategies for the education sector over the next decade. The ESP has a policy objective to improve access to quality education for PWDs. Inclusive Education (IE) and Special Educational Needs (SpED) to young PWDs is informed by three guiding principles:

- The right to education;
- The right to equality of educational opportunities; and
- The right and obligation to be included in and participate fully in the affairs of society.

## 7 Disability bodies

**7.1 Other than the ordinary courts or tribunals, does your country have any official body that specifically addresses the violation of the rights of people with disabilities? If so, describe the body, its functions and powers.**

In Ghana there is not yet an official body that specifically addresses violation of the rights of people with disabilities.

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

**Commission on Human Rights and Administrative Justice (CHRAJ)<sup>66</sup>**

The CHRAJ was established by an Act of Parliament.<sup>67</sup> The CHRAJ is composed of one Commissioner and two deputy Commissioners who are appointed by the

<sup>64</sup> National Youth Policy of Ghana, Ministry of Youth and Sports August 2010.

<sup>65</sup> Education Strategic Plan 2010-2020, Ministry of Education, February 2012.

<sup>66</sup> Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) regulates CHRAJ.

<sup>67</sup> Arts 216 & 217 of the 1992 Constitution.

President of Ghana acting in consultation with the Council of State.<sup>68</sup> The Commissioners in the performance of their functions are not subjected to the direction or control of any person or authority.<sup>69</sup> The CHRAJ has the constitutional function<sup>70</sup> to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of public duties. The CHRAJ also has the duty to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complainants allege violations of fundamental human rights and freedoms under the Constitution. The CHRAJ has the mandate to educate the public as to human rights and freedoms by publications, lectures and symposia. The CHRAJ has the constitutional power to seek a remedy in respect of such acts or omissions and to provide for other related purposes.

The CHRAJ has the constitutional power<sup>71</sup> to question any person in respect of any matter that the CHRAJ is investigating. The CHRAJ has the mandate to order<sup>72</sup> any person to appear before them and to disclose any document or record relevant to any investigation to them.

The CHRAJ cannot investigate<sup>73</sup> a matter pending before a court, or matters involving the government of Ghana's relations with another government or international organisation. Finally, the CHRAJ cannot investigate matters relating to the President of Ghana's exercise of prerogative of mercy.

#### **Department of Social Welfare (DSW)<sup>74</sup>**

The Department of Social Welfare is a statutory agency mandated to promote and protect the rights of children, justice and administration of child related issues, community care for PWDs and needy adults. The DSW investigates cases of contravention of children's rights. The DSW operates health assessment to provide early diagnostic medical attention to mothers and infants to determine the existence or onset of disability.<sup>75</sup>

#### **Domestic Violence and Victim Support Unit (DOVVSU)<sup>76</sup>**

Domestic Violence and Victim Support Unit of the Police provides focal points for complaints and counselling.<sup>77</sup> DOVVSU is mandated to provide protection from domestic violence particularly for women and children and for connected purposes.

#### **The Ghana Police Service<sup>78</sup>**

The Police Service aims at ensuring that all officers fulfil their obligations and discharge their duties whilst promoting, protecting and respecting the human rights

68 Art 70 (1)(a) of the 1992 Constitution; sec 2 of Act 456.

69 Sec 6 of Act 456.

70 Art 218 of the 1992 Constitution; sec 7 of Act 456.

71 Art 219(1) of the 1992 Constitution; sec 7 of Act 456.

72 Sec 8(1) of Act 456.

73 Art 219(2) of the 1992 Constitution; sec 8(2) of Act 456.

74 Secs 16(2) & 19 of Act 560; secs 20 & 35 of Act 715.

75 Secs 34 of Act 715.

76 Regulations 14 of Police Service Regulations, 2012 (C.I. 76) established DOVVSU.

77 Sec 6 of the Domestic Violence Act, 2000 (Act 732).

78 Secs (1) & (2) of The Police Force Act, 1970 (Act 350).

of individuals.<sup>79</sup> As a result, complaints about domestic violence could be lodged with the police. The police are mandated to respond promptly to a request for assistance from domestic violence even when the person reporting is not victim of the domestic violence.

## 8 National human rights institutions

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

The Constitution provided for the establishment of an independent Commission on Human Rights and Administrative Justice (CHRAJ).<sup>80</sup> The functions of the CHRAJ,<sup>81</sup> as set out by the Constitution, include the duty to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his public duties. The CHRAJ also has the duty to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental human rights and freedoms under the Constitution. The CHRAJ also has the duty to educate the public on human rights and freedoms. The CHRAJ was established by an Act of Parliament, during 1993. The CHRAJ has offices located in all the ten regional capitals and in the administrative districts of Ghana. The CHRAJ was established by the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).

Though the mandate of the CHRAJ does not specifically and explicitly include 'addressing disability rights' the structure of the CHRAJ ensures that human rights and freedoms are promoted and protected throughout Ghana. The CHRAJ has investigated few cases relating to the rights of PWDs.

79 Secs 6 & 7 of Act 732.

80 Sec 6 of Act 456.

81 Sec 7 of Act 456.

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

### 9.1 Do you have organisations that represent and advocate for the rights and welfare of persons with disabilities in your country? If so, list each organisation and describe its activities.

There are a number of organisations that represent and advocate for the rights and welfare of PWDs in Ghana. The activities of DPOs are mostly to sensitise the public of their existence, advocate for equal opportunities in society and promote the rights of PWDs through building their capacity and ensuring the full inclusiveness of their needs, aspirations, and active participation in national and local policies and programmes. The DPOs in Ghana<sup>82</sup> are:

- **Ghana Federation of the Disabled (GFD)**  
The GFD is the national umbrella of DPOs in Ghana. GFD was established in 1987 with the aim of promoting the rights of PWDs, advocating for equal opportunities in society and for active participation in national and local policies and programmes.
- **Ghana Society of the Physically Disabled (GSPD)**  
GSPD is an organisation of persons who are physically disabled. It is the largest DPO in Ghana. They operate at national, regional and district levels.
- **Ghana Blind Union (GBU)**  
GBU's membership comprises of people who are visually impaired. GBU functions at national and regional levels with less activity at a district level. GSPD is helping GBU to establish branches at the district level.
- **Ghana National Association of the Deaf (GNAD)**  
GNAD's membership comprises of people who have hearing impairments. GNAD functions at a national and regional level.
- **Ghana Association of Persons with albinism (GAPA)**  
GAPA's membership comprises of people with albinism. GAPA functions at national level with regional branches in Volta, Upper West and Northern Regions.
- **Parent Association of Children with Intellectual Disability (PACID)**  
The membership of this organisation consists of parents of children with intellectual disabilities. PACID operates at a national level.
- **Mental Health Society of Ghana (MEHSOG)**  
MEHSOG members are people who have experienced some form of mental health disability over a period of time. Though they have fully recovered, they continue to experience discrimination, stigmatisation and rejection by their families due to the prejudice created by traditional beliefs. MEHSOG functions at a national level and does not have branches at a regional level.

82 The author surveyed some executives of DPOs and some PWDs on 'Overview of Disability Rights in Ghana' (hereinafter referred to as Responses from questionnaire by some executives of DPOs and some PWDs).

- **Share Ghana**

This organisation's focus is specifically for people with neurological disorders. Share Ghana operates at a national level.

Non-Governmental Organisations' (NGOs) activities, amongst others, are to advocate for the rights and welfare of PWDs. Most of these NGOs undertake projects to enhance the welfare of PWDs, and sponsor disability programmes which promote the welfare of PWDs. The NGOs are:

- **Centre For Democracy And Development Ghana (CDD)**<sup>83</sup>

CDD Ghana is an independent, non-partisan organisation based in Accra, Ghana. CDD is dedicated to the promotion of society and good governance based on the rule of law, appropriate checks on the power of the state and integrity in public administration. In CDD's human rights work, it focuses on the promotion and protection of the rights of vulnerable groups in society as well as expansion of citizenry access to justice.

- **SEND-Ghana**<sup>84</sup>

SEND-Ghana is an affiliate of SEND (Social Enterprise Development) Foundation of West Africa. Its focus is into research and advocacy to contribute to poverty reduction and strengthen good governance practices in Ghana. Most of its developmental operations are in the 50 poorest districts in the Greater Accra, Northern, Upper East and Upper West Regions of Ghana. SEND-Ghana champions pro-poor policy programmes which contribute to create an enabling environment for vulnerable citizens. SEND-Ghana empowers, at grassroots level, people such as people with disabilities, SEND-Ghana activities are enhanced by the numerous research projects undertaken.

- **Sight-savers**<sup>85</sup>

Sightsavers has been working in Ghana since the 1950s. Currently they are working with the Ministry of Health to support the current five-year action plan for eye care at both regional and national levels. Projects in Ghana include integrating children who are blind or visually impaired into mainstream schools, helping people regain their confidence and livelihoods after losing their sight, as well as preventing and treating eye problems in the poorest areas of the country. Sightsavers is also tackling the shortage of eye care workers by supporting local people to train as eye care professionals. Sightsavers pursue programmes to promote the welfare of PWDs.<sup>86</sup>

- **Basic-Needs**<sup>87</sup>

In Ghana Basic Needs currently operates in the rural areas of the Northern, Upper East, Upper West and Greater Accra Regions. Basic Needs works to end the suffering of people with mental illness by ensuring that their basic needs are met and their basic rights are respected.

- **Right to Dream Foundation**<sup>88</sup>

Right to Dream provides professional sports, education and leadership academies to under privileged young talents. Right to dream advocates that disabilities should not deprive PWDs of realising their dreams. Currently, Right to Dream's para-

83 CDD's website: <http://www.cddghana.org> (accessed 8 August 2013); CDD Ghana 'Background information' [http://www.g-rap.org/grantee\\_profiles/cdd.html](http://www.g-rap.org/grantee_profiles/cdd.html) (accessed 8 August 2013).

84 SEND-Ghana's website: <http://www.sendwestafrica.org> (accessed 8 August 2013).

85 Sight Savers' website: <http://www.sightsavers.org> (accessed 8 August 2013).

86 Sightsavers 'The first if its kind' 2012 [http://www.sightsavers.org/our\\_work/around\\_the\\_world/west\\_africa/ghana/12911.html](http://www.sightsavers.org/our_work/around_the_world/west_africa/ghana/12911.html) (accessed 12 May 2012).

87 Basic Needs' website: <http://www.basicneeds.org> (accessed 8 August 2013).

88 Right to Dream Foundation's website: <http://www.righttodream.org>; 'Right to dream' <http://www.escapethecity.org/organisations/right-to-dream> (accessed 8 August 2013).



sports programme aims to develop young athletes with disabilities into sporting role models and medal winners who will represent Ghana at Rio in 2016 and in future sporting events.

- **Right to Play**<sup>89</sup>

Right to Play promotes gender equality and equity at all levels by promoting participation in regularly scheduled sport and play activities for girls and PWDs.

**9.2 In the countries in your region, are DPOs organised or coordinated at a national and/or regional level?**

See 9.1 above.

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

Ghana ratified the CRPD less than a year ago. DPOs have not commenced with their involvement in the implementation process due to the fact that policies and agencies are still to be established.

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

On 18 March 2013, the Executives of the GFD held a meeting with President JD Mahama. The agenda of the meeting was to discuss the role of DPOs in the implementation of the CRPD and the need for enactment of a legislative instrument (LI) to operationalise Act 715. On the implementation process of the CRPD, the executives of GFD were assured that measures were underway to put in place a technical team to monitor and document the implementation of the CRPD, to prepare and submit shadow report.<sup>90</sup>

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

The main challenge with implementation is the unwillingness on the part of government departments and agencies to include DPOs in the implementation process. As a result DPOs lack adequate information on the state of implementation.<sup>91</sup>

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

There are no specific instances of 'best-practice models' because no effort has yet been made to ensure involvement of DPOs.

89 Right to play – Ghana: 'International programs' <http://www.righttoplay.com/switzerland/our-impact/Pages/Countries/Ghana.aspx> (accessed on 8 August 2013).

90 Responses from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

91 Responses from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

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

The implementation process of the CRPD has not started.

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

- DPOs have to contribute to the implementation of the relevant legislation that will promote the human rights of PWDs. However, DPOs do not have the skills.<sup>92</sup> This means that there is a need to research and put together 'Guidelines on DPOs Inclusive Administration of relevant legislation'. Such 'researched guidelines' would serve as a manual for DPOs on how to be effectively involved in the implementation of international, regional and local legislation that affect them directly.
- In some instances a disagreement between the National DPOs and a Federation who oversees disability policy, programmes and assignments occurs. There are similar cases of disagreement over these matters at regional and district levels.<sup>93</sup> There is a need for a researched guideline on 'the roles of DPOs in nation building in this era of disability paradigm shift'.<sup>94</sup>
- PWDs as well as some government agencies like Legal Aid, the Ghana Police Service, the Department of Social Welfare, and the Attorney General's Department lack adequate information on disability rights and the provisions of the CRPD.<sup>95</sup> DPOs need to be educated on the CRPD and must be skilfully trained to be able to, in turn educate government agencies. Besides, to ensure easy reading, there must be copies of abridge versions of the CRPD<sup>96</sup> both for the benefit of DPOs and the heads of government institutions and agencies.
- There is a need to harness the unique role that the press and the media can play with awareness-raising in the education and implementation of CRPD and other instruments.<sup>97</sup>

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

DPOs made the following recommendations:<sup>98</sup>

- DPOs recommended intensive education on the provisions of the international and regional instruments that affect their lives.
- DPOs need to be educated on the implementation process, the monitoring, the preparation of the country report, as well as the role DPOs could play.
- DPOs recommended that copies of the relevant instrument must be made available in an abridged form. This would facilitate easy reading and understanding.

92 Responses from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

93 Responses from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

94 Proposal from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

95 Responses from questionnaire by some heads of public institution, 30 May 2013.

96 Proposal from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

97 Mensah *et al* (n 40 above) 4 & 94.

98 Recommendations from questionnaire by some executives of DPOs and some PWDs, 30 May 2013.

**9.10 Are there specific research institutes in your region that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

The research has revealed that almost all the organisations that promote the rights of PWDs undertake research at some point in time. DPOs have been involved in most of this research, because they play an important role in reporting accurate information with regard to PWDs. However CDD-GHANA, Centre for Disability and Rehabilitation Studies-KNUST<sup>99</sup>(CEDRES) and the Department of Special Education (University of Education-Winneba) collaborate and involve DPOs in their research.

## 10 Government departments

**10.1 Do you have government departments that are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the departments.**

There are no government departments specifically responsible for promoting and protecting the rights and welfare of PWDs.

## 11 Main human rights concerns of people with disabilities

**11.1 What are the contemporary challenges of persons with disabilities in your country? (For example, in some parts of Africa ritual killing of certain classes of PWDs such as people with albinism occurs. Tanzania has been in the headlines in this regard. We should have a way of interrogating customary practices that discriminate, injure and kill persons with disabilities).**

Most Ghanaians are still prejudiced by the belief that PWDs are either cursed or are children of evil spirits.<sup>100</sup> Such negative cultural beliefs encourage stigmatisation and discrimination depriving PWDs of their fundamental rights.<sup>101</sup>

<sup>99</sup> Kwame Nkrumah University of Science and Technology, Kumasi.

<sup>100</sup> Mensah *et al* (n 40 above); AR Denham *et al* 'Chasing spirits: Clarifying the spirit child phenomenon and infanticide in northern Ghana' (2010) 71 *Social Science and Medicine* 608 [http://www.academia.edu/267798/check link](http://www.academia.edu/267798/check-link)(accessed 9th August 2013); 'Spirit Child: An investigation into the ritual killing of disabled Ghanaian children deemed to be possessed by evil spirits' (n 51 above); 'Saving the cursed children of Ghana' (n 51 above).

<sup>101</sup> 'More chiefs oppose Dr Danaa's nomination as Chieftaincy Minister' *Peace FM Online* 6 February 2013 <http://www.elections.peacefmonline.com/politics/201302/155493.php> (accessed 10 May 2013); 'Cultural factors undermining development of disabled' *Modern Ghana* 5 December 2007 <http://www.modernghana.com/news/149283/1/cultural-factors-undermining-development-of-disabl.html> (accessed 7th August 2013); Munyi (n 51 above).

## 11.2 How does Ghana respond to the needs of persons with disabilities with regard to the areas listed below?

- **Access to public buildings**

Owners or occupiers of a place to which the public has access shall provide appropriate facilities that make the place accessible to and available for use by a PWD.<sup>102</sup>

- **Access to public transport**

The needs of PWDs must be taken into account in the design, construction and operation of the transportation network.<sup>103</sup>

- **Access to education**

It is mandatory for a child with a disability of school going age to be enrolled in school. There should be provision made for the necessary facilities and equipment that will enable PWDs to fully benefit from the school or institution. And there shall be free education for PWDs and the establishment of special schools for PWDs who by reason of their disability cannot be enrolled in formal schools.<sup>104</sup>

- **Access to vocational training**

There shall be a vocational training in each region.<sup>105</sup>

- **Access to employment**

The Ministry shall through the public employment centres, assist to secure jobs for PWDs.<sup>106</sup>

- **Access to recreation and sport**

As far as practicable there shall be the provision of adequate facilities, programmes and incentives to enable PWDs have access to sports and cultural events.<sup>107</sup>

- **Access to justice**

Where a PWD is a party in judicial proceedings, appropriate facilities shall be provided in accordance with the condition of the PWDs to facilitate effective participation.<sup>108</sup>

102 Sec 6 of Act 715.

103 Sec 23 of Act 715.

104 Secs 16, 17 & 18 of Act 715.

105 Sec 21 of Act 715.

106 Sec 9 of Act 715.

107 Secs 38 & 39 of Act 715.

108 Sec 5 of Act 715.

### 11.3 Does Ghana provide for disability grants or other income support measures for persons with disabilities?

#### Two per cent District Assembly common fund<sup>109</sup>

Article 252 of the 1992 Constitution mandates Parliament to allocate not less than 5 per cent (amended to 7.5 per cent in 2008)<sup>110</sup> of total revenues<sup>111</sup> of Ghana's income to the District Assemblies for development; in compliance with Ghana's constitutional mandate to strengthen the democratic system.<sup>112</sup> The fund is paid into the District Assemblies Common Fund (DACF) on quarterly instalments.<sup>113</sup> The fund is administered by the District Assemblies Common Fund Administrator (DACFA) who is appointed by the President of Ghana and approved by Parliament.<sup>114</sup> The DACF is allocated to Metropolitan, Municipal and District Assemblies (MMDAs) based on a formula proposed by the DACFA and approved by Parliament.<sup>115</sup> In developing the formula, the overriding criterion has been to attain a balanced and equitable development, with the overall goal of improving the living conditions of the people.<sup>116</sup> Five factors have been developed for the formula.<sup>117</sup> These are the equality factor, the need factor, the responsive factor, the service pressure factor, and the reserve factor. PWDs are allocated two per cent of the DACF,<sup>118</sup> there may be variations in the percentage allocated as a result of an introduction of a new indicator with its variable attached weight.<sup>119</sup>

109 National Council on Persons with Disability Guidelines for the disbursement and management of the District Assembly Common Fund Allocation to Persons with Disability 3.

110 P Bazaanah 'Nature of Ghana's Inter-Governmental Revenue Transfer within the decentralized structure of governance: A case of the District Assemblies Common Fund' unpublished paper, Institute of Development Studies, University of Cape Coast, Ghana, 2012 23. [http://www.academia.edu/3300157/NATURE\\_OF\\_GHANAS\\_INTER-GOVERNMENTAL\\_REVENUE\\_TRANSFER\\_WITHIN\\_THE\\_DECENTRALIZED\\_STRUCTURE\\_OF\\_GVERNANCE\\_A\\_CASE\\_OF\\_THE\\_DISTRICT\\_ASSEMBLIES\\_COMMON\\_FUND](http://www.academia.edu/3300157/NATURE_OF_GHANAS_INTER-GOVERNMENTAL_REVENUE_TRANSFER_WITHIN_THE_DECENTRALIZED_STRUCTURE_OF_GVERNANCE_A_CASE_OF_THE_DISTRICT_ASSEMBLIES_COMMON_FUND) (accessed 15 August 2013).

111 Sec 17 of The District Assemblies Common Fund Act, 1993 (Act 455) interprets total revenues of Ghana as: 'All revenue collected by or accruing to the central government other than foreign loans, grants, non-tax revenue and revenues already collected by or for District Assemblies under any enactment in force'.

112 Art 35(6)(d) of the 1992 Constitution enjoins the state to: 'make democracy a reality by decentralizing the administrative and financial machinery of government to the regions and districts and by affording all possible opportunities to the people to participate in decision-making at every level in national life and in government'.

113 Secs 1(1) & (3) of The District Assemblies Common Fund Act, 1993 (Act 455).

114 Secs 1(5) & 3 of Act 455.

115 Secs 3 & 7 of Act 455.

116 Bazaanah (n 110 above) 27.

117 The 'NEED' category is meant to measure a district's lack of services relative to other districts in the country.

The 'RESPONSIVENESS' category was incorporated in the formula to motivate districts to generate local revenue and is comprised of measures that are believed to reflect the District Assembly's efforts in that regard.

The 'SERVICE PRESSURE' category is meant to capture the intensity of use of public facilities in a district. It has comprised solely of the population density of the district since the inception of the DACF.

'EQUALITY' stipulates which percentage of the DACF allocation is to be distributed evenly between the districts.

'RESERVE' amount is used for bulk purchases for the District Assemblies and to support the Regional Coordinating Councils and the office of the DACF Administrator in their monitoring roles. Also, a proportion of the 'RESERVE' is distributed evenly between all the members of parliament for development projects of their choice in their constituencies.

118 According to the Guidelines for utilising the District Assemblies Common Fund (2013), Two per cent of the DACF shall be utilised to support initiatives by PWDs in the district. This fund is meant to assist PWDs to organise programmes to create awareness about their activities, their rights and obligations.

119 AB Banful 'Do institutions limit clientelism? A study of the District Assemblies Common Fund in Ghana' unpublished Postdoctoral fellow, Development Strategy and Governance Division, International Food Policy Research Institute, Washington DC, USA, 2009 12 & 13 <http://www.ifpri.org/sites/default/files/publications/ifpridp00855.pdf> (accessed 1 October 2013).

### **Livelihood Empowerment Against Poverty Program (LEAP)<sup>120</sup>**

The Livelihood Empowerment Against Poverty (LEAP) Programme provides cash and health insurance to extremely poor households across Ghana to alleviate short-term poverty and encourages long term human capital development. Eligibility is based on poverty and having a household member in at least one of three demographic categories: single parent with an orphan or vulnerable child (OVC); elderly poor; or a person with an extreme disability unable to work (PWD).

### **Income Support for PWDs in business<sup>121</sup>**

PWDs in business are to enjoy special incentives.

#### **11.4 Do people with disabilities have a right to participation in political life (for example, political representation and leadership, and voting independently) in Ghana?**

In Ghana, it is required that a person or institution which organises a national, regional or district activity, shall as far as practicable ensure that facilities are made available for the participation in the activity by PWDs.<sup>122</sup> Ghana's 2012 national elections drew PWDs into political activities. The Electoral Commission engaged some PWDs for various jobs in the electoral process.<sup>123</sup> Tactile ballot jackets were provided, the visually impaired were allowed to vote guided by their chosen guides and the polling stations were made accessible to PWDs. A visually impaired person has been appointed a Minister.<sup>124</sup>

#### **11.5 Specific categories experiencing particular issues/vulnerability:**

- **Women with disabilities**

They experience double discrimination in every human endeavour both as mothers with disability and in most cases as single mothers with disability.

- **Children with disabilities**

Most children with disabilities are denied care and acceptance into the family and community. Subsequently, they are denied access to education and health facilities. Their situation is worsened by the fact that there are inadequate data collection mechanisms and early assessment facilities in order to monitor them, identify their disabilities and get them the required intervention.

- **Other (for example indigenous peoples)**

- There is inadequate mechanism to facilitate re-integration of people who become disabled later in life into the economic mainstream. As a result most successful people, who become permanently disabled later in life end up being relegated to the background, become dependents and are marginalised.

120 Department of Social Welfare 'Cape Coast Metropolitan Office' <http://www.dswcapecoast.com/> (accessed 17 May 2013).

121 Sec 10(2) of Act 715.

122 Sec 39 of Act 715.

123 'Participation of the disabled in Politics to improve' *Modern Ghana* 15 April 2013, <http://www.modernghana.com/news/45803/1/participation-of-the-disabled-in-political-to-impro.html> (accessed 10 May 2013).

124 'Visually impaired lawyer nominated Minister' 21 January 2013 <http://www.ghana.gov.gh/index.php/component/96-top-headlines/1926-dr-daannaa-nominated-as-minister-of-chieftaincy-and-traditional-affairs> (accessed 10 May 2013).

- Most people who have recovered from mental health disabilities continue to experience discrimination, stigmatisation and rejection by their families due to the prejudice created by traditional beliefs.

## 12 Future perspective

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

Parliament has a mandate to bring a duly passed Act into operation through the adoption of a statutory instrument.<sup>125</sup> A statutory instrument to Act 715 is currently under consideration in Parliament. A statutory instrument can serve to provide for how the objectives of the Act should be achieved as well as clarify any ambiguities in the Act. A statutory instrument needs to be adopted before PWDs can have full enjoyment of the rights and benefits provided for under Act 715. The following are some sections of Act 715 that require the adoption of a statutory instrument in order to come into operation:

- Section 9 and 10 – Establishment of employment centres for PWDs;
- Section 7 – Education;
- Section 21 – Special education;
- Sections 31-35 – Health care;
- Section 22 – Library (Minimum standards); and
- Section 23 – Transportation (minimum standard).

### 12.2 What legal reforms are being proposed? Which legal reforms would you like to see in your country? Why?

The LI bringing Act 715 into force is currently under consideration in parliament.<sup>126</sup> Once the Act is in force, Ghana will improve its domestic legal framework on the rights of PWDs that gives effect to provisions of the CRPD. This will strengthen efforts to reform policies, so as to improve the lives of Ghanaians with disabilities.<sup>127</sup> Consequently, Ghana will undertake effective policy measures to develop the necessary infrastructure to address issues concerning the rights of PWDs. Again, programmes will be adopted to sensitise and encourage the community for positive engagement with PWDs in order to strengthen the promotion and the protection of the rights of PWDs.<sup>128</sup>

125 Sec 4 of Statutory Instrument Act 1959 (No 52 of 1959); F Bennion *Constitutional law of Ghana: Law making under The Republic* (1969) 267 & 380.

126 'Denying Ghana's disabled their rights' *CHRI Africa* 23 June 2011 <http://chriafrika.blogspot.com/2011/06/denying-ghanas-disabled-their-rights.html> (accessed 7 August 2013); 'Disabled youth call for implementation of LI on Disability Act' *The Chronicle* undated <http://thechronicle.com.gh/disabled-youth-call-for-implementation-of-li-on-disability-act/> (accessed 7 August 2013).

127 'Ghana's Disability Act: The state must set the pace' *Ghana Business News* 26 July 2013 <http://www.ghanabusiness.com/2013/07/26/ghanas-disability-act-the-state-must-set-the-pace/> (accessed 7 August 2013).

128 'Persons with disability stranded six years after passage of Act 715' *Modern Ghana* 3 January 2012 <http://www.modernghana.com/news/369894/1/persons-with-disability-stranded-six-years-after-p.html> (accessed 7 August 2013).