



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Initial report submitted by Ghana under article 35  
of the Convention, due in 2014\***

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## Acronyms

AIDS	Acquired Immune deficiency Syndrome
AU	African Union
BCC	Behavioural Change Communication
CBRP	Community Based Rehabilitation Programme
CHRAJ	Commission on Human Rights and Administrative Justice
CRPD	Committee on the Rights of Persons with Disabilities
CSOs	Civil Society Organisations
DG	Department of Gender
DOVVSU	Domestic Violence and Victims Support Unit
DSW	Department of Social Welfare
EC	Electoral Commission
FCUBE	Free Compulsory Universal Basic Education
FM	Frequency Modulation
GASB	Ghana Accessibility Standard for the Built-Environment
GAPA	Ghana Association of Persons with Albinism
GBU	Ghana Blind Union
GES	Ghana Education Service
GetFund	Ghana Education Trust Fund
GNAD	Ghana National Association of the Deaf
GNHR	Ghana National Household Registry
HIV	Human Immune deficiency Virus
HRAC	Human Rights Advocacy Centre
IDPD	International Day of Persons with Disabilities
KNUST	Kwame Nkrumah University of Science and Technology
LEAP	Livelihood Empowerment Against Poverty
LI	Legislative Instrument
MDAs	Ministries, Departments and Agencies
MMDAs	Metropolitan, Municipal and District Assemblies
MMDCEs	Metropolitan, Municipal and District Chief Executives
MoE	Ministry of Education
MoGCSP	Ministry of Gender, Children and Social Protection
MoH	Ministry of Health
NADMO	National Disaster Management Organisation
NCA	National Communications Authority
NCCE	National Commission for Civic Education
NCPD	National Council on Persons with Disability
NDP	National Disability Policy

NGOs	Non-Governmental Organisations
NSD	National Strategic Plan on Disability
OPWDs	Organisations of Persons with Disabilities
SLI	Sign Language Interpreter
SWEB	Samuel Wellington Botchwey Foundation
UCC	University of Cape Coast
UEW	University of Education, Winneba
UG	University of Ghana
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WAEC	West African Examination Council
YEA	Youth Employment Agency

## I. Introduction

1. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted by the General Assembly by its resolution 61/106 of 13th December, 2006. It came into force on 3rd May, 2008 upon its 20th ratification.
2. The Committee on the Rights of Persons with Disabilities (CRPD) as provided for under article 34 (1) of the Convention is a body of experts that meet twice a year in Geneva to consider the reports submitted by UN member states on their compliance with the Convention on the Rights of Persons with Disabilities and to examine individual petitions concerning State Parties to the Optional Protocol.
3. All state parties are required to submit regular reports to the Committee outlining the legislative, judicial, policy and other measures taken to implement the rights affirmed in the Convention. The first report is due within two years of ratifying the Convention; thereafter reports are due every four years. The Committee will examine each report and address its concerns and recommendations to the state party in the form of “concluding observations”.
4. Ghana’s Parliament ratified the Convention on the Rights of Persons with Disabilities on 12th March, 2012 and deposited the instrument of ratification on 22nd August, 2012. It is the 119th Country to do so.
5. As a result, Ghana was required to have submitted its first report on 22nd August, 2014 outlining the legislative, judicial, policy and other measures it has taken to implement the rights affirmed in the Convention. However, due to implementation challenges, she could not do so.

## II. Preparation and Structure of the Report

6. This report has been prepared in accordance with the Committee’s Guidelines on a treaty-specific document to be submitted by state parties under article 35 (1) of the Convention on the Rights of Persons with Disabilities.
7. The report is the outcome of consultations with Ministries, Departments and Agencies (MDAs); Metropolitan, Municipal and District Assemblies (MMDAs); Organisations of Persons with Disabilities (OPWDs); Civil Society Organisations (CSOs) and others.
8. It outlines the legislative, judicial, policy and other measures the Government of Ghana has taken to implement the rights affirmed in the Convention (specifically Articles 4–33).
9. Apart from the consultations, the following are also discussed:
  - The Population of Persons with Disabilities in Ghana
  - National Disability Policy
  - Legal Framework
  - Policy Framework
  - Institutional Framework
  - National Strategic Plan on Disability
  - Disability Action Plan
  - Definition of Disability by the Ghana Disability Act 715, 2006
  - The Legislative, Judicial, Policy and other measures the Government of Ghana has taken to implement the rights affirmed in the Convention (Articles 4–33)

### **III. Consultations with Ministries, Departments and Agencies (MDAs) and Metropolitan, Municipal and District Assemblies (MMDAs)**

10. The Government, (through the National Council on Persons with Disability (NCPD)) consulted extensively with MDAs and MMDAs in preparing this report. These state institutions are responsible for the designing, planning, implementing, monitoring and evaluation of programs that lead to the implementation of the Convention.

11. MMDAs consulted were; Accra Metropolitan, Tema Metropolitan, Ga South Municipal and Ledzokuku Krowor Municipal Assemblies.

12. MDAs consulted were: Ministry of Gender, Children and Social Protection, Ministry of Health, Ministry of Education (Special Education Division), Ministry of Transport, Ministry of Roads and Highways, Office of the Attorney General and the Ministry of Justice, Land Use and Spatial Planning Authority, Commission on Human Rights and Administrative Justice, Office of the Head of Local Government Service, Office of the Administrator of the District Assemblies Common Fund, Ghana Prisons Service, Judicial Service, Parliamentary Select Committee on Employment, Social Welfare and State Enterprises.

13. Academia involved: University of Ghana (UG), University of Cape Coast (UCC), University of Education, Winneba (UEW).

14. The following Media group were involved: Fawey FM, United TV, Atinka FM, Obonu FM, and Unique FM.

### **IV. Consultations with Organizations of Persons with Disabilities (OPWDs) and Civil Society Organizations (CSOs)**

15. Ghana acknowledges the key role played by OPWDs and CSOs in the development and implementation of the Convention. The Government sought their views at several stages of drafting the report.

16. OPWDs consulted were: Inclusion Ghana, Ghana Blind Union, Ghana Coalition of Disabled Organisations, Ghana National Association of the Deaf, Ghana Association of Persons with Albinism, Mental Health Society of Ghana, Share Care Ghana, The Samuel Wellington Botchwey Foundation (SWEB), Autism Ambassadors of Ghana, Ghana Society of the Physically Disabled, Centre for Employment of Persons with Disabilities, With God Cerebral Palsy Ghana, Impart Care and Rehabilitation Foundation and Ghana Federation of Disability Organisations.

17. The above-mentioned institutions were invited to submit to the Government of Ghana their initial views on information that they wanted to see included in the report, or issues they thought the Government should address. The NCPD also made copies of the report available to Organisations of Persons with Disabilities. Meetings were also held with MDAs, OPWDs, CSOs, NGOs and members of the public to get their inputs. In all, over thirty-nine (39) submissions were received.

18. Following these public consultations, further information was sought from all jurisdictions and the report was revised to reflect some of the issues that had been raised.

### **V. Population of Persons with Disabilities in Ghana**

#### **Definition of disability in Ghana**

19. In Ghana, the Persons with Disability Act, 2006 (Act 715) defines “Person with Disability” as “an individual with a physical, mental or sensory impairment including a

visual, hearing or speech functional disability which gives rise to physical, cultural or social barriers that substantially limits one or more of the major life activities of that individual”.

20. However, according to UNCRPD, Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.

21. The 2010 Population and Housing Census organized by the Ghana Statistical Service showed three percent of Ghanaians (737,743) being classified as People with disabilities. Respectfully, the percentage of females with disabilities (3.1%) is slightly higher than males (2.9%). There are more People with disabilities in rural areas as compared to urban areas. Sight/visual impairment accounted for 40.1% of disabilities followed by the physical disabilities (25.4%). Speech impairment accounted for the lowest percentage (13.7%).

22. It is worth writing however, that, according to Persons with disabilities and their representative Organisations, the description of disability used for the census was in reference to “Persons with severe disabilities” therefore, it was significantly deficient in determining the right population of Persons with disabilities in Ghana.

## **VI. National Disability Policy (NDP)**

23. The National Disability Policy (2000) document is targeted at addressing the needs of Persons with disabilities.

24. The purpose of the policy is to:

- Enact appropriate legislation, and make functional the existing ones, to promote the full integration of Persons with disabilities into the national economy and to protect their rights as citizens of Ghana to create an enabling environment for them to promote their economic well-being and to enhance their capacity to perform better to improve their socio-economic status;
- Create awareness on the plight of Persons with disabilities and to whip up national support (including the use of local resources) to promote their welfare.

## **VII. National Strategic Plan on Disability (NSD)**

25. The NSD helps Ghana to fulfill its obligations under the Convention by establishing a framework to promote, protect and monitor the implementation of the Convention.

26. The objectives of the NSD are to:

- Set out a high-level policy framework to give coherence and guidance to the activities of MDAs and MMDAs across mainstream and disability-specific areas of public policy;
- Drive improved performance of mainstream services for Persons with disabilities;
- Provide visibility for the needs of Persons with disabilities and ensure they are included when developing policy or implementing initiatives that have an impact on them.

27. It also aims at addressing the barriers that are faced by Persons with disabilities and promote social inclusion. The strategy ensures that the letter and the spirit of the Convention are incorporated into policies and programs for Persons with disabilities, their families and caregivers.

## **VIII. Disability Action Plans**

28. The NCPD develops disability annual action plans which are designed to ensure disability access and inclusion across the public sector and funded services.

## **IX. Legal Framework**

29. Ghana has passed several laws to promote and protect Persons with disabilities. Key among these are:

- The Fourth Republican Constitution of Ghana, 1992 (The Constitution)
- The Children's Act, 1998 (Act 560)
- Labour Act, 2003 (Act 651)
- Persons with Disability Act, 2006 (Act 715)
- The Domestic Violence Act, 2007 (Act 732)
- The Education Act, 2008 (Act 778)
- Mental Health Act, 2012 (Act 846)
- The Marrakesh Treaty in 2017

## **X. Policy Framework**

30. In addition to the legislative framework, Ghana has developed several policies to enhance the welfare of Persons with disabilities. These include:

- Child and Family Welfare Policy
- National Disability Policy
- Justice for Children Policy
- Social Protection Policy
- Inclusive Education Policy
- Gender Policy
- Disability Common Fund Policy

## **XI. Institutional Framework**

31. Ghana has put in place a number of institutions to implement policies and enforce laws relating to Persons with disabilities. Among these are:

- Ministry of Gender, Children and Social Protection
- National Council on Persons with Disability (NCPD)
- Department of Social Welfare
- Department of Children
- Department of Gender
- Mental Health Authority
- Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service
- Ghana Education Service (Special Education Division)
- Office of the Administrator of the District Assemblies Common Fund

32. There are also CSOs who contribute in diverse ways to support Persons with disabilities.

## **XII. The Legislative, Judicial, policy and other measures the Government of Ghana has taken to implement the rights affirmed in the Convention (Articles 4–33)**

### **1. Article 4 General Obligations**

33. This provision ensures that “States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all Persons with disabilities without discrimination of any kind on the basis of disability”.

#### **1.1 Domestication of the UNCRPD**

34. Ghana passed its Disability Act, 2006 (Act 715) and ratified the UNCRPD in 2012. In order to domesticate the Convention, Act 715 is being reviewed to conform to the provisions of the Convention.

35. Through stakeholder consultations, proposals for the review have been submitted to the Ministry of Gender, Children and Social Protection. A technical committee with representations from OPWDs, MDAs, and other CSOs have been constituted to examine the proposals. Consultations with relevant state actors like Cabinet, Office of Attorney General and Ministry of Justice and Parliament would be done as part of the review processes.

### **2. Article 5 Equality and non-discrimination**

#### **2.1 Legal Framework**

36. In accordance with Article 17 of the 1992 Constitution of Ghana, all persons shall be equal before the law (clause 1), and shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status (clause 2).

37. For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description (clause 3).

38. Also, Article 29 of the Constitution makes special provision for the rights of Persons with disabilities. The article protects Persons with disabilities against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature (clause 4).

39. Section 14 (e) of Act 651 deals specifically with non-discrimination in relation to the employment of Persons with disabilities.

40. Section 4 of Act 715 addresses issues of non-discrimination against the Persons with disabilities.

41. Section 3 of Act 560 prohibits discrimination against children with disability.

#### **2.2 Policy Framework**

42. The Non-discrimination is enshrined in the Justice for Children Policy. A similar provision is made in the Child and Family Welfare Policy.



## 2.3 Institutional Framework

### 2.3.1 *Ministry of Gender, Children and Social Protection (MoGCSP)*

43. The Ministry is mandated to promote gender equality, social justice and safeguard the rights and welfare of women, children, Persons with disabilities and other vulnerable groups. The scope of the mandate of the Ministry covers gender and women's empowerment, child and social welfare functions. The Ministry is responsible for formulation and implementation of policies and legislation for the promotion of gender equality.

### 2.3.2 *Commission on Human Rights and Administrative Justice (CHRAJ)*

44. It has the mandate to promote, protect and enforce fundamental human rights and freedom of all persons in Ghana.

### 2.3.3 *Legal Aid Scheme*

45. The purpose is to ensure equality of access to justice and treatment before the law by serving as a public defender for the poor and vulnerable in need of legal representation or advice.

### 2.3.4 *Department of Gender (DG)*

46. It exists to implement programs and projects in relation to women's right and empowerment through advocacy, research and education by networking and collaborating with partners and stakeholders.

### 2.3.5 *Domestic Violence and Victims Support Unit (DOVVSU)*

47. The mandate of DOVVSU is to provide protection against victims of domestic violence particularly women and children.

## 2.4 Other Measures

48. The state has taken certain measures to ensure the access to information by Persons with disabilities. These are:

- In some major public functions, such as the President's state of the nation's address, the services of sign language interpreters (SLI) are employed;
- Some universities in Ghana have introduced programs that seek to promote access to information for persons with disabilities by training sign language interpreters, users and specialists in Braille and screen reader applications;
- The Electoral Commission during elections makes provision for SLI to be included in television advertisement and voter education programs;
- The Commission on Human Rights and Administrative Justice (CHRAJ) developed a braille version of its enabling Act (Act 456) and has also developed the audio version of the same Act and the Act 715;
- A braille version of the Safe School Pack of the Ghana Education Service has been developed for special schools;
- Some non-state actors are also making effort to promote access to information.

## 2.5 Challenges

- Persons with disabilities in Ghana have challenges accessing information and services;
- Attitudinal challenges – Stigmatization and Negative societal perception on disability;
- Issues with Communication.

## **2.6 Recommendations**

49. The State should mainstream issues of disability into all aspects of national life.

## **2.7 Conclusion**

50. Non-discrimination can be minimized if measures are taken to change the environmental and attitudinal barriers which persons with disabilities encounter on daily basis. This would help to bring about the desired objective of mainstreaming activities in all aspects of national life.

## **3. Article 6 Women with disabilities**

### **3.1 Legal Framework**

51. Article 17 of the Constitution recognizes all persons as being equal before the law (clause 1), and are not to be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status (clause 2).

### **3.2 Policy Framework**

#### *3.2.1 Gender Policy of Ghana*

52. It guarantees gender equality and freedom of women and men, girls and boys from discrimination based on social or economic status, among others.

#### *3.2.2 National Disability Policy (NDP)*

53. Objective eight (8) of the NDP ensures that females with disabilities enjoy the same rights and privileges as the male counterparts.

### **3.3 Institutional Framework**

#### *3.3.1 Ministry of Gender, Children and Social Protection (MoGCSP)*

54. Refer to paragraph 1.3.1.

#### *3.3.2 Department of Gender (DG)*

55. Refer to paragraph 1.3.4.

#### *3.3.3 Domestic Violence and Victims Support Unit (DOVVSU)*

56. Refer to paragraph 1.3.5.

### **3.4 Other Measures**

57. Currently, there are no specific measures taken by the state targeting women with disabilities. However, women with disabilities may be able to take advantage of certain social protection policies such as Livelihood Empowerment Against Poverty (LEAP) and the Disability Common Fund.

58. Ghana is in the process of amending her principal disability legislation, Act 715, to include the rights of women with disabilities in conformity with Article 6 of the UNCRPD.

### **3.5 Challenges**

59. There are no specific measures taken by the state targeting women with disabilities.

60. Women with disabilities experience multiple forms of discrimination.

61. There is little or no statistics on violence against women with disabilities in Ghana.

62. There seem to be no efforts to train social service providers, healthcare providers, and law enforcement officers on how to recognize and respond to violence against women with disabilities.

63. While Ghana has enacted several laws aimed at addressing gender-based violence and/or protecting the rights of Persons with disabilities, these laws and their implementation fail to adequately take into account the specific needs of women and girls with disabilities. (Even though the Ghana Act 715 has provisions that promote and protect the rights of all Persons with disabilities, it has no specific provisions for women with disabilities, and/or gender-based violence against women with disabilities).

64. There are inadequate attempts at tackling maternal health care and reproductive rights of women with disabilities.

### **3.6 Recommendations**

65. Ghana should amend Act 715 to include the rights of women with disabilities.

66. The attendant and consequential regulations necessary for the implementation and enforcement of Act 715 in terms of the rights of women with disabilities should be passed.

67. Specific programs and policies should be designed to address the concerns and needs of women with disabilities.

68. Women with disabilities should be given space to contribute and participate in designing these policies and programs.

### **3.7 Conclusion**

69. Although the state has made a lot of efforts to promote and protect the rights of women with disabilities, there are more challenges that need to be addressed.

## **4. Article 7 Children with Disabilities**

70. The 2010 Population and Housing Census estimated the population of children with disabilities in Ghana at about 50,904 (6.9% of 737,743).

### **4.1 Legal Framework**

#### *4.1.1 Disability Act, Act 715*

71. The Act emphasizes the rights of children with disabilities to equal treatment as regards every facility, amenity and protective measures that any child would ordinarily enjoy. (See sections 1, 2 (1), 16 (1), 17 (1) & 18).

#### *4.1.2 Education Act, Act 778*

72. Act 778 enhances the right to education of every child. The Act further stipulates that the design of a school should be able to accommodate children with special needs and requirements to prevent discrimination of children with disabilities.

#### *4.1.3 Children's Act, Act 560*

73. Section 3 prohibits the discrimination of children with disabilities. Section 10 also protects the dignity of children with disabilities. It also makes provision for special care, education and training.

## **4.2 Policy Framework**

### *4.2.1 Child and Family Welfare Policy*

74. Apart from providing for non-discrimination in respect of children with disabilities, the policy does not take into account other aspects of the situation with children with disabilities.

### *4.2.2 Ghana Social Protection Policy*

75. The policy promotes the wellbeing of Ghanaians through an integrated platform of effective social assistance, social and productive inclusion, social insurance and financial access to social services.

76. Even though this policy benefits some children with disabilities, it does not make any specific provision that addresses their needs and concerns.

## **4.3 Institutional Framework**

### *4.3.1 Ministry of Gender, Children and Social Protection (MoGCSP)*

77. Refer to paragraph 1.3.1.

### *4.3.2 Commission on Human Rights and Administrative Justice (CHRAJ)*

78. Refer to paragraph 1.3.2.

### *4.3.3 Legal Aid Scheme*

79. Refer to paragraph 1.3.3.

### *4.3.4 Department of Children*

80. Its mandate is to improve the welfare and full integration of children into the development process through advocacy, research and other development projects.

### *4.3.5 Domestic Violence and Victims Support Unit (DOVVSU)*

81. Refer to paragraph 1.3.5.

### *4.3.6 Juvenile Court*

82. It has the power to hear and determine any matter civil or criminal that involves a person under the age of eighteen.

## **4.4 Other Measures**

83. Twenty districts are implementing the Inclusive education policy whereby, children with mild to moderate disabilities are educated in the regular schools and provided with appropriate support services.

84. The state provides free education for children with disabilities in public schools under the Free Compulsory Universal Basic Education (FCUBE).

85. The state has some special schools (deaf, blind, intellectually disable) which serve the specific needs of such children. In addition to the special schools, there are two deaf-blind units.

86. The Ministry of Education (MoE) has a separate division (Special Education Division of the GES) which works on the education of children with special needs at the pre-tertiary level.

## **4.5 Challenges**

87. There are insufficient targeted programs and policies for the survival and development of children with disabilities.

88. The implementation of the inclusive education policy does not cater for all the categories of children with special needs.

89. The implementation of the inclusive education policies does not cover all parts of the country.

90. There are inadequate resources in the regular schools to cater for children with special needs.

91. There are inadequate laws and policies for the education of children with special needs.

#### **4.6 Recommendations**

92. There should be more targeted programs and policies for the survival and development of children with disabilities.

93. The inclusive education policy should be up-scaled to cover the remaining institutions in the country.

94. The education system in Ghana should be resourced (human and material) to practice inclusive education.

95. There should be leisure/recreational and sporting activities for children with disabilities.

96. There should be public schools to cater for other categories of children with disabilities.

#### **4.7 Conclusion**

97. Though Ghana has taken certain steps in promoting and protecting the rights of children with disabilities, there is more room for improvement. It must, however, be stated that, despite these legislation and policies, Ghana needs to do more to address the concerns and needs of children with disabilities. This is an area the NCPD together with OPWDs, MDAs and other relevant institutions need to collaborate to ensure that the legislation and policies are implemented in such a way as to adequately promote and protect the rights of children with disabilities.

### **5. Article 8 Awareness-raising**

98. Awareness raising is key in promoting disability rights and freedoms. It also helps to change people's negative perception of disability and empower Persons with disabilities as well.

#### **5.1 Legal framework**

99. Act 715 seeks to promote and protect the rights of Persons with disabilities. In order to achieve this objective, the public needs to be educated on these rights.

#### **5.2 Policy Framework**

##### *5.2.1 National Disability Policy*

100. Objective one (1) makes provision for the conscientisation of the society about the capability and potentials of Persons with disability.

#### **5.3 Institutional Framework**

##### *5.3.1 National Commission for Civic Education (NCCE)*

101. The NCCE is an independent non-partisan governance institution set up under Article 231 of the Constitution of the Republic of Ghana. It works to promote and sustain

democracy and inculcate in Ghanaian citizenry, the awareness of their rights and obligation through civic education.

5.3.2 *Commission on Human Right and Administrative Justice (CHRAJ)*

102. Refer to paragraph 1.3.2.

5.3.3 *National Council on Persons with Disability (NCPD)*

103. It exists to work with Persons with disabilities and other stakeholders to mainstream disability issues in all sectors of national development.

5.3.4 *Media*

104. The purpose of the media is to inform, educate, entertain, advertise and ensure the involvement of all stakeholders. The state-owned media provide the platform for state and non-state actors to sensitize the public on issues of disability.

**5.4 Other Measures**

105. The NCPD and NCCE embark on Community/School sensitization programs through which school pupils and staff are educated on disability and related issues.

106. Radio interviews/ panel discussions. For example, OBONU FM (96.5), a state-owned community-based radio station in Tema devotes every Tuesday (5:00 pm–5:45 pm) to discuss disability issues.

107. Television interviews/panel discussions. Ghana Television (GTV), for example, runs documentaries and holds talk shows on disability as and when the need arises.

108. Private media houses in other parts of the country such as ‘Asempa’ Frequency Modulation (FM), Unique FM, Metro TV, Net 2 TV and TV3 run programs on disability.

109. Appointment of Persons with disabilities to hold positions of trust (Ministerial, Metropolitan, Municipal Chief Executives (MMCEs)). Such appointments erase / reduce the negative perception of the ability of Persons with disabilities to perform.

110. Distribution of copies of Act 715 and the UNCRPD to institutions and individuals.

111. Engagement of MDAs and MMDAs to discuss their respective roles in the promotion of disability rights.

112. The Electoral Commission during elections carries sensitization programs on the participation of Persons with disabilities in the electoral process.

113. A nationwide sensitization programme is being mounted to ensure compliance with the provisions in the accessibility standards for the built environment.

**5.5 Challenges**

114. Act 715 does not make provision for awareness raising.

115. The failure of state institutions to discharge their responsibilities in educating the public on the rights of persons with disability in a coordinated manner.

116. The inadequate resources needed to enable awareness raising to be undertaken by state institutions on matters of disability.

117. Societal prejudices hinder the total assimilation and acceptance of the rights of Persons with disabilities.

**5.6 Recommendations**

118. In amending Act 715, the provision for awareness raising should be included.

119. There should be coordinated efforts by relevant state institutions to educate the public on issues of disability.

120. Adequate resources should be allocated to institutions to carry out awareness-raising on disability issues.

121. Steps should be taken to abolish harmful traditional and cultural practices relating to Persons with disabilities in accordance with articles 26 (2) and 39 of the Constitution.

## **5.7 Conclusion**

122. It is hoped that if these recommendations are implemented, the situation of Persons with disabilities which is characterized by ignorance, prejudice, superstition, neglect and fear would be considerably improved.

## **6. Article 9 Accessibility**

### **6.1 Legal Framework**

123. Sections 6 and 7 of Act 715 require public places and goods and services to be made accessible to Persons with disabilities.

### **6.2 Policy Framework**

#### *6.2.1 National Disability Policy*

124. It provides that public places should be made accessible to persons with disabilities.

#### *6.2.2 The Ghana Accessibility Standards for the Built-Environment Policy*

125. The purpose is to provide specifications for policymakers, implementers and service providers to ensure quality and non-discriminatory services in the built environment.

### **6.3 Institutional Framework**

#### *6.3.1 Ghana Standards Authority*

126. It seeks to promulgate Standards, promote Standardization and undertakes Conformity Assessment activities in the country.

#### *6.3.2 Ministry of Works and Housing*

127. It seeks to formulate and implement policies and programs for the housing and works sub-sector of the economy.

#### *6.3.3 Ministry of Transport*

128. It seeks to provide leadership and guidance for the development of Ghana's transportation system through effective policy formulation, market regulation and asset management and service provision.

#### *6.3.4 Ministry of Roads and Highway*

129. It seeks to formulate and implement roads and infrastructure policies, monitor and evaluate programs and projects to ensure the provision of affordable, integrated, safe, responsive and sustainability in the country.

#### *6.3.5 Land use and Spatial Planning Authority*

130. It is responsible for planning and managing growth and development of cities, lands, towns, and other areas whether rural or urban.

### **6.4 Other Measures**

131. The state has developed the Ghana Accessibility Standards in the Built-Environment to facilitate the implementation of section 6 of Act 715.

132. In compliance with section 6 of Act 715, a few places to which the public have access such as the Ministry of Labour and Employment Relations, Accra Law Court Complex, Ho Technical University Assembly Hall, Accra College of Education Demonstration School, Ghana Education Trust Fund (GetFund) Secretariat building, West African Examination Council (WAEC) new complex, Accra City Hotel, Movenpick etc., have provided some degree of accessibility to the building. Refer to paragraph 4.4.

133. Consultations are ongoing regarding access to information with stakeholders to make the policy part of Ghana's building code and implemented.

134. The National Council on Persons with Disability has collaborated with OPWDs and other Civil Society Organizations (CSOs) to develop draft guidelines on the use of appropriate technology and accessible forms of communication. These would be validated and then adopted as a policy to be adhered to by all media houses and other service providers.

135. Promotion of sign language, braille and other accessible formats by public and private institutions. For example, the Ministry of Gender, Children and Social Protection has produced copies of its policies in braille (Gender policy document). The NCPD has copies of the Ghana Accessibility Standard for the Built Environment (GASB), UNCRPD and Act 715 in accessible formats.

136. Sign language interpretation has become an integral part of public and national ceremonies. The Ghana Television (public) makes provision for sign language in the telecasting of its news. A private television station (E-TV) braille-read its news through a visually impaired person.

137. The state in collaboration with the non-state actor, Ghana National Association of the Deaf (GNAD), developed a directory on sign language interpreters which provides information on trained Sign language interpreters in Ghana who are being used at public functions and by other institutions.

138. The NCPD has commenced engagements with television and print media houses to make their production more accessible to Persons with disabilities.

139. Because of the Ministry of Transport's review of Ghana's transportation policy, provision is being made for the inclusion of the needs of Persons with disabilities.

## **6.5 Challenges**

140. The unavailability of appropriate and accessible forms of communication including different language, displays of text, Braille, tactile communications, large print, accessible multimedia as well as written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication, use of sign language interpreters and inaccessible built environment, makes it difficult for Person with disabilities to access information and services.

141. Most places to which the public has access have still not complied with section 6 of Act 715 despite the expiration of the ten years moratorium.

142. Transportation services are by and largely inaccessible to Persons with disabilities.

143. Persons with disabilities are discriminated against in terms of the accessibility to aviation facilities and services despite, the engagements of the Civil Aviation Authority with OPWDs to develop best practices to address their needs.

## **6.6 Recommendations**

144. Ghana should ratify all civil aviation treaties to enable Persons with disability to access aviation services.

145. The state should develop a policy document containing standard guidelines on communication and access to information, services, programs and activities for persons with disabilities.

146. Transportation services should be made disability friendly.



147. The state must take appropriate steps to effectively implement provisions under section 6 of Act 715.

## **6.7 Conclusion**

148. To ensure the effective participation of Persons with disabilities in mainstream society, the state must prioritize issues of accessibility for such persons.

## **7. Article 10 Right to life**

### **7.1 Legal Framework**

149. The Constitution guarantees the right to life for all Ghanaians (Article 13). Article 26 (2) and 39 of the Constitution prohibits traditional cultural practices that are against the protection of the right to life.

### **7.2 Policy Framework**

150. There is no policy framework.

### **7.3 Institutional Framework**

#### *7.3.1 The Police Service*

151. To protect and preserve internal security of the country through law enforcement.

#### *7.3.2 The Prisons Service*

152. The Prisons Service is tasked with the safe custody of convicted persons from the courts as well as the provision of reformation and rehabilitation programs for their successful resettlement into society.

#### *7.3.3 The Legal Service/ Office of the Attorney General & Ministry of Justice*

153. The Attorney General through the Prosecution Division is constitutionally responsible for the initiation and conduct of all criminal prosecutions.

#### *7.3.4 The Judiciary*

154. Their mandate is to resolve legal conflicts according to law, impartially and efficiently for all persons without fear or favour, affection or ill-will through true and proper interpretation, application and implementation of the laws of Ghana.

#### *7.3.5 The Traditional Authorities*

155. They seek to make and enforce customs, adjudicate disputes to ensure peace and stability in their areas and manage community resources. They are bring about improvement about.

## **7.4 Other Measures**

156. There are current efforts at amending Ghana's Act 715 in harmony with article 10 of the UNCRPD.

157. There are currently on-going efforts by the state, OPWDs, Traditional Authorities and civil society to educate the populace to disabuse their minds of these harmful socio-cultural practices.

158. The NCPD and other CSOs have intensified campaigns against abusive cultural practices that infringe on the rights of Persons with disabilities.

## **7.5 Challenges**

159. Culturally and traditionally, instances of infanticide exist in some communities.

160. There is no specific provision on the right to life for Persons with disabilities unlike the Article 10 of the UNCRPD.

161. In Ghana, some socio-cultural practices constitute violence against children and tend to affect their survival and development, especially children with disabilities.

## **7.6 Recommendations**

162. The state should accelerate the process of amending Act 715 to incorporate article 10 of the UNCRPD on the right to life.

## **7.7 Conclusion**

163. It is anticipated that an amendment of Act 715 to reflect article 10 of the UNCRPD regarding the protection of the right to life would provide specific protection for Persons with disabilities who are subject to infanticide and ritual killings in some communities.

# **8. Article 11 Situations of risk and humanitarian emergencies**

## **8.1 Legal Framework**

164. In Ghana, the National Disaster Management Organization, Act 2016 (Act 927) establishes the National Disaster Management Organization (NADMO) as the statutory body which co-ordinates resources both governmental and non-governmental to manage disasters in the country.

## **8.2 Policy Framework**

165. There is no Policy Framework

## **8.3 Institutional Framework**

### *8.3.1 The National Disaster Management Organization (NADMO)*

166. NADMO is the statutory body which co-ordinates resources both governmental and non-governmental to manage disasters in the country. It requires government, local authorities and emergency services to have plans to prepare for, respond to and recover from emergencies. These plans must take the needs of disabled people into account so that they have the same level of protection and support.

167. NADMO is required to ensure that Persons with disabilities and OPWDs are included in disaster management in Ghana so that their needs and concerns are properly addressed. However, Disaster Management is yet to take into account the required needs of Persons with disabilities.

### *8.3.2 The Security Services*

168. They assist in disaster management.

## **8.4 Other Measures**

169. The NCPD has started engagement with NADMO to address these concerns.

170. The State Security Services also play a role in disaster management as and when necessary.

## **8.5 Challenges**

171. Act 715 has no provisions on disaster management.

172. The unavailability of appropriate and accessible forms of communication of different languages, displays of text, Braille, tactile communications, large print, accessible multimedia as well as written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication, and the use of sign language interpreters make it difficult for information and services to be made accessible to Persons with disability during humanitarian emergencies.

173. Also, Persons with disability are not involved in developing plans to address disaster management.

174. There is no specific provision on the situation of risk and humanitarian emergencies for Persons with disabilities unlike the Article 11 of the UNCRPD.

175. There is no policy framework on the situation of risk and humanitarian emergencies for Persons with disabilities.

## **8.6 Recommendations**

176. There should be specific provision in the Act 927 on the situation of risk and humanitarian emergencies for Persons with disabilities.

177. Existing policies on national disaster management should include matters pertaining to disability.

178. Act 715 should be amended to include provision on disaster management.

## **8.7 Conclusion**

179. Even though there are legal and institutional frameworks in place, they do not adequately address the needs and concerns of Persons with disabilities in managing humanitarian situations.

# **9. Article 12 Equal Recognition before the Law**

## **9.1 Legal Framework**

180. The Constitution of Ghana upholds that all persons are equal before the law and have the right to exercise legal capacity. (Article 17).

181. For persons who due to their intellectual disability are unable to make decisions for themselves then others (parent, guardian, family, member and traditional or religious leader) may have to make those decisions on their behalf. The laws of Ghana provide safeguards to protect the individual in the way that such decisions be made. It should be in the best interest of the individual.

182. These safeguards include the duty to involve an independent advocate in certain situations (Mental Health Act).

## **9.2 Policy Framework**

183. There is no policy framework.

## **9.3 Institutional Framework**

184. There are institutions and individuals who Persons with disabilities can fall on when the need arises for them to exercise that capacity. For example CHRAJ, Legal Aid Scheme, Non-Governmental Organizations (NGOs) like Human Rights Advocacy Centre (HRAC) and Lawyers offering Pro bono services support.

## **9.4 Other Measures**

185. Awareness campaigns are being held to draw people's attention to the issue of equal recognition for Persons with disabilities before the law.

## **9.5 Challenges**

186. Act 715 does not contain any provision on equal recognition for Persons with disabilities before the law unlike Article 12 of the UNCRPD.

187. There is no policy framework on equal recognition for Persons with disabilities.

188. The inadequacy of appropriate and accessible forms of communication including different language, displays of text, Braille, tactile communications, large print, accessible multimedia as well as written, audio, plain language, human-reader, means and formats of communication, and the use of sign language interpreters and inaccessible physical structures makes it difficult for Persons with disabilities to enjoy this right.

## **9.6 Recommendations**

189. Act 715 should be amended to contain provisions on equal recognition for Persons with disabilities before the law.

190. There should be a specific policy framework on equal recognition for Persons with disabilities before the law.

## **9.7 Conclusion**

191. The law gives recognition to every citizen irrespective of one's socio-economic status. However, due to inadequacy of appropriate and accessible forms of communication and inaccessible physical structures, Persons with disabilities do not enjoy equal recognition before the law.

# **10. Article 13 Access to justice**

## **10.1 Legal Framework**

### *10.1.1 Article 29 (5) of the Constitution provides that*

192. In judicial proceedings, where Persons with disabilities are parties, the legal procedure applied take into consideration the physical and mental conditions of such persons. This is reflected in section 5 of Act 715.

### *10.1.2 Section 40 of Act 715*

193. Law enforcement agencies shall take cognizance of issues and the needs of Persons with disabilities in their training and the enforcement of the law.

### *10.1.3 The High Court (Civil Procedure) Rules, 2004 (C.I 47)*

194. Order 5 of C.I. 47 provides for Persons with disability in relation to civil cases.

## **10.2 Policy Framework**

195. There is no policy framework.

## **10.3 Institutional Framework**

196. The activities of the Courts, Police, Prisons and Probation services play an important role in ensuring that justice is made accessible to all Ghanaians.

197. The police, courts, tribunals, prisons and the probation services play different but complementary roles to ensure access to justice.

198. The courts and the tribunals also play key roles in the adjudication of justice in Ghana. Persons with disabilities have access to the services being provided by the institutions which administer criminal, civil and family cases.

199. Prison officers provide advice to prisoners on how to obtain legal services.

*10.3.1 MoGCSP*

200. Refer to paragraph 1.3.1.

*10.3.2 Office of the Attorney General and the Ministry of Justice*

201. It is a professional and service ministry providing professional legal services to all MDAs, MMDAs, other agencies of the state requiring such services and the public as a whole.

*10.3.3 CHRAJ*

202. Refer to paragraph 1.3.2.

*10.3.4 The Judiciary*

203. Refer to paragraph 6.3.4.

*10.3.5 Police Service*

204. Refer to paragraph 6.3.1.

**10.4 Other Measures**

205. Discussions have been held with the office of the Attorney General and the Ministry of Justice on how to make their facilities accessible to Persons with disabilities.

206. University of Ghana School of Law in collaboration with the Open Society Institute for West Africa organized a week-long short course on access to justice to Persons with disability with the objective of creating awareness on the rights-based approach to improving inclusivity and providing comprehensive access to justice for Persons with disabilities.

**10.5 Challenges**

207. The Police services have not received adequate training that would enable them to effectively accommodate Persons with disabilities especially those with hearing, mental health conditions and learning disabilities.

208. Prison and probation officers have not received training on disability issues and thus services being provided do not address the concerns of prisoners with disabilities.

209. Though Section 40 (2) of Act 715 requires institutions for the training of law enforcement personnel to as part of their curricula, include the study of disability and disability related issues, this provision is yet to be implemented fully.

210. Persons with disabilities do not have access to the services of these institutions because of the unavailability of appropriate and accessible forms of communication including different language, displays of text, Braille, tactile communications, large print, and sign language interpreters together with inaccessible physical structures worsen the plight of prisoners with disabilities. Their rights are abused and they go unrecognised and unreported.

211. Situations in Ghanaian Prisons today subject Persons with disabilities in prisons to dehumanizing conditions.

**10.6 Recommendations**

212. Prisoners with disabilities should be supported by making appropriate adjustments in the justice delivery system.

213. Police stations, courts and prisons need to be equipped with accessible forms of communication and make their physical structures and services accessible to Persons with disabilities.

214. Adequate training needs to be given to the personnel of these institutions to know how to manage Persons with disabilities who come into conflict with the law.

215. The Legal Aid Scheme should be adequately resourced to provide legal services to Persons with disabilities who come into conflict with the law.

216. The NCPD should take pragmatic steps to engage the Office of the Attorney-General and Ministry of Justice, the Judicial Service and other relevant stakeholders to make the legal system accessible to Persons with disabilities.

## **10.7 Conclusion**

217. In view of Ghana's Constitution recognizing all persons being equal before the law, the state has not made adequate provisions to promote access to justice for Persons with disabilities.

## **11. Article 14 Liberty and security of the person**

### **11.1 Legal Framework**

#### *11.1.1 The Constitution*

218. All Ghanaians including those with disabilities have fundamental human rights enshrined in the Constitution which government and public authorities are legally obliged to respect. No one is deprived of his or her liberty on the basis of one's disability. (Article 14 (1)).

#### *11.1.2 The Mental Health Act, 2012 (Act 846)*

219. It provides for the liberty and security of persons with mental illness.

#### *11.1.3 High Court (Civil Procedure) Rules, 2004 (C.I 47)*

220. Order 5 of C.I 47 provides for Persons with disability in relation to civil cases.

### **11.2 Policy Framework**

221. There is no policy framework.

### **11.3 Institutional Framework**

222. The Courts, Police Services, CHRAJ and other relevant institutions promote and protect the liberty and security of Persons with disabilities.

### **11.4 Other Measures**

223. The State repealed the Mental Health Decree, 1972 which sought to limit the liberty and security of persons with mental illness and replaced it with Act 846.

### **11.5 Challenges**

224. Act 715 does not provide for the liberty and security of Persons with disabilities.

225. The requirement by Act 846 for the enactment of a Legislative Instrument (LI) is yet to be implemented.

226. The general socio-cultural practices in Ghana deprive Persons with disabilities of their liberty and violate their human rights.

### **11.6 Recommendations**

227. Act 715 should be amended to incorporate provisions for the liberty and security of Persons with disabilities.

228. The public should be sensitized on the rights of Persons with disabilities regarding liberty.

229. Act 846 should be amended to contain the provision of the Article 14 of UNCRPD.

230. The corresponding LI to Act 846 should be enacted.

## **11.7 Conclusion**

231. With the passage of Act 846, the stage has been set for the promotion and protection of the liberty and security of persons with psycho-social disabilities in particular and Persons with disabilities in general.

## **12. Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment**

### **12.1 Legal Framework**

232. Article 15 of the Constitution ensures that every citizen does not suffer torture, cruelty, inhumane or degrading treatment or punishment.

233. Article 29 (4) of the Constitution which is reflected in Section 4 (1) of Act 715 provides that Persons with disabilities shall not be discriminated against, exploited or be subjected to abusive or degrading treatment due to their disabilities.

234. Also, section 37 (1) of Act 715 prohibits calling Persons with disabilities derogatory names.

### **12.2 Policy Framework**

235. There is no policy framework.

### **12.3 Institutional Framework**

#### *12.3.1 Mental Health Authority*

236. Exists to propose mental health policies, promote mental health, prevent mental illness and provide accessible, community-oriented, integrated, quality and culturally appropriate community mental health care to persons with mental illness living in the state.

### **12.4 Other Measures**

237. Awareness programs are being carried out to ensure that all respect Persons with disabilities.

238. The Mental Health Authority is holding consultations with major stakeholders to develop a guideline for the operation of the healing camps.

### **12.5 Challenges**

239. Even though all persons are supposed to enjoy the above rights, as a result of cultural and religious beliefs, Persons with disabilities such as those with Albinism are seen as a curse or bad omen (in certain communities) and are either banished from these communities or threatened with death.

240. Prayer and healing camps have also become centres where Persons with disabilities are subjected to inhumane treatments.

241. The provisions in Act 715 relating to Article 15 of the UNCRPD are inadequate.

### **12.6 Recommendations**

242. The state should intensify awareness raising to eliminate negative perceptions about Persons with disabilities.

243. The activities of prayer camps and centres should be regulated to respect the rights of Persons with disabilities.

244. Act 715 should be amended to contain detailed provisions on Article 15 of UNCRPD.

## **12.7 Conclusion**

245. Persons with disabilities have the same rights as any other human being and therefore must be treated with dignity and respect within the confines of the law.

## **13. Article 16 Freedom from exploitation, violence and abuse**

### **13.1 Legal Framework**

246. Refer to paragraph 11.1.

### **13.2 Policy Framework**

247. There is no policy framework.

### **13.3 Institutional Framework**

248. Refer to paragraph 11.3.1.

### **13.4 Other Measures**

249. The state in collaboration with OPWDs and CSOs is carrying out public education on the rights of Persons with disabilities.

### **13.5 Challenges**

250. Due to cultural and religious beliefs, Persons with disabilities are sometimes exploited and their rights violated or abused by parents, family, communities and other institutions.

251. In most cases, the consent of Persons with disabilities are not sought on matters affecting them.

252. Sometimes dehumanizing comments are made against Persons with disabilities. Some go through physical, mental, emotional, psychological, sexual and other abuses and no remedies are sought and obtained.

253. The provisions in Act 715 relating to Article 16 of the UNCRPD are inadequate.

### **13.6 Recommendations**

254. Public education must be intensified to prevent the exploitation of the rights of Persons with disabilities.

255. Act 715 should be amended to contain detailed provisions on Article 16 of UNCRPD.

256. The consent of Persons with disabilities should be sought on matters affecting them.

257. Where a person lacks the capacity to make such decisions independently, any decision must be made in that person's best interests. In such circumstances strict safeguards to protect the individual must be in place.

### **13.7 Conclusion**

258. It is envisaged that the state would take the necessary steps to implement the recommendations.



## **14. Article 17**

### **Protecting the integrity of the person**

#### **14.1 Legal Framework**

259. “Best Interest’ Decisions” Act 846 specifies how ‘best interests’ decisions should be made, and, that the decision maker should try to identify the views of the person and should consult with a range of other people including persons engaged in caring for the person or interested in their welfare. For example, with respect to medical treatment, the law requires that the consent of the individual Person with a disability would be sought. In the cases where due to the nature of disability the individual is unable to give consent, then the parent, guardian or caregiver should be broadly consulted to give consent, which should be in the best interest of the Person with a disability.

#### **14.2 Policy Framework**

260. There is no policy framework.

#### **14.3 Institutional Framework**

##### *14.3.1 Ministry of Health*

261. It seeks to improve the health status of all persons living in the state thereby contributing to universal health coverage and a healthy population.

##### *14.3.2 Ghana Health Services*

262. It is responsible for the implementation of national policies on health under the control of the Minister of Health.

##### *14.3.3 Mental Health Authority*

263. Refer to Paragraph 11.3.1.

#### **14.4 Other Measures**

264. The state in collaboration with OPWDs and CSOs have been raising awareness on the need to promote and protect the rights of Persons with disabilities.

#### **14.5 Challenges**

265. Act 715 does not contain any provision regarding Article 17 of the UNCRPD.

266. The LI to operationalize Act 846 is yet to be passed.

#### **14.6 Recommendations**

267. Act 715 should be amended to include a provision similar to Article 17 of the UNCRPD.

268. The legislative instrument to Act 846 should be enacted.

#### **14.7 Conclusion**

269. It is hoped that with the full implementation of Act 846 and the amendment of Act 715 to reflect article 17 of the UNCRPD, the ground would be prepared for the necessary measures to be taken to protect the integrity of the person as contemplated.

## **15. Article 18**

### **Liberty of movement and nationality**

#### **15.1 Legal Framework**

##### *15.1.1 The Constitution & the Citizenship Act, 2006 (Act 591)*

270. Article 21 of the Constitution provides for the freedom of movement.

271. The provisions of Chapter 3 of the Constitution as amended by the Constitution Amendment Act, 1996 (Act 527) which deals with issues of citizenship is reflected in the Citizenship Act, 2000 (Act 591).

272. The combined provisions of Articles 12 and 35 (5) of the Constitution ensure the freedom of movement and nationality.

##### *15.1.2 National Identification Authority, 2006 (Act 707)*

273. To establish a national data centre and manage a national database, set up a system to collect, process, store, retrieve and disseminate personal data on population (Ghanaian citizens both resident and non-residents and legally and permanently foreign nationals), ensures the accuracy, integrity, confidentiality and security of such data and to issue and promote the use of national identity cards in Ghana.

##### *15.1.3 National Identity Register Act, 2008 (Act 750)*

274. It gives authorization for the collection of personal and biometric data to ensure the protection of privacy and personal information of enrollees.

#### **15.2 Policy Framework**

275. There is no policy framework.

#### **15.3 Institutional Framework**

##### *15.3.1 Ministry of Local Government and Rural Development (Birth and Death Registry)*

276. The state has established the Birth and Deaths Registry to register all births and deaths. All Ghanaians are by law required to register all births of children (with and without disabilities) and be given names.

##### *15.3.2 Ministry of Foreign Affairs and Regional Integration*

277. The Ministry is responsible for the conduct of Ghana's external relations.

##### *15.3.3 Ministry of Interior*

278. It is mandated to ensure internal security, as well as the maintenance of law and order in the state.

##### *15.3.4 National Identification Authority*

279. Refer to paragraph 14.1.2.

#### **15.4 Other Measures**

280. The state, in current plans to have a national identification system has engaged the disability movement to factor their needs in their planned exercise. Additionally, the disability community is represented on the communication team for the said exercise.

281. In the acquisition of passports in the state, Applicants with disabilities are prioritized.

## **15.5 Challenges**

282. Due to unhealthy religious and cultural practices, some children with disabilities are denied the right to movement. They are either abandoned or hidden in homes.

283. Despite the provision in the Constitution, the inaccessible nature of the built-environment restricts the movement of Persons with disabilities.

284. Act 715 does not contain any provision regarding Article 18 of the UNCRPD.

## **15.6 Recommendations**

285. Act 715 should be amended to include a provision similar to Article 18 of the UNCRPD.

## **15.7 Conclusion**

286. The state in its quest to promote adequate movement of all citizenry shall endeavour to pay specific attention to issues regarding the liberty, nationality and freedom of movement of Persons with disability.

# **16. Article 19 Living independently and being included in the community**

## **16.1 Legal Framework**

### *16.1.1 The Constitution*

287. Article 38 (3) (b) requires the state to provide a free adult literacy programme, free vocational training and the rehabilitation and resettlement of Persons with disabilities.

### *16.1.2 Act 715*

288. Section 1 provides for the right to family life and participation in social activities of Persons with disabilities.

289. Section 15 of Act 715 enshrines the principle of community-based rehabilitation.

## **16.2 Policy Framework**

290. One of the objectives of the National Disability Policy is to promote Community Based Rehabilitation Programs (CBRP) as a means of accelerating the mainstreaming of Persons with disabilities.

## **16.3 Institutional Framework**

### *16.3.1 NCPD*

291. Refer to paragraph 4.3.3.

### *16.3.2 Department of Social Welfare*

292. It is the agency mandated to regulate the operations of children's homes.

### *16.3.3 Ghana Education Service*

293. It is tasked to ensure the effective and efficient education of all persons.

### *16.3.4 Ghana Health Service*

294. Refer to paragraph 13.3.2.

### 16.3.5 *Ministry of Local Government and Rural Development*

295. It exists to promote the establishment and development of a vibrant and well-resourced decentralized system of local government for the people of Ghana to ensure good governance and balanced rural-based development.

### 16.4 **Other Measures**

296. The State has introduced a number of policies and programs to educate the populace on matters relating to the independent living and inclusion of Persons with disabilities.

297. The Government has instituted a Disability fund for Persons with disabilities where 3% of the DACF is set aside to empower Persons with disabilities economically. From 2013 to 2017, an amount of Eighty – Five Million, Five Hundred AND Ninety – Nine Thousand, Five Hundred and Sixty One Ghana Cedis, Forty – Five pesewas (GHC85,599,561.45) has been disbursed to MMDAs to support to Persons with disabilities.

### 16.5 **Challenges**

298. Persons with disabilities do not have assistive devices that would enable them to go about their day-day activities unhindered.

299. The built environment is mostly inaccessible. Persons with disabilities have no choice but to rely on others virtually for their survival.

300. Due to little or no usage of an accessible form of communication (sign language for example) by the majority of institutions and individuals, the deaf are unable to access all kinds of services and information. Persons with disabilities are unable to go to the hospital to access health services.

301. Most Persons with disabilities are less educated/uneducated, unemployed and mostly under-privileged.

302. Act 715 has no provision on independent living and inclusion in the community of Persons with disabilities.

### 16.6 **Recommendations**

303. Act 715 should be amended to reflect article 19 of CRPD.

304. Equal educational opportunities should be created for Persons with disabilities to enable them to compete on equal levels with their peers.

305. Assistive devices should be provided freely to Persons with disabilities.

### 16.7 **Conclusion**

306. Irrespective of the above initiatives, Persons with disabilities continue to face challenges in accessing education, healthcare, employment and other social services. They thus depend on relatives, friends, sympathizers and others for their very existence.

## 17. **Article 20** **Personal mobility**

### 17.1 **Legal Framework**

307. Section 36 of Act 715 requires incentives to be given to local manufacturers of technical aids and appliances used by Persons with disabilities.

### 17.2 **Policy Framework**

308. There is no policy framework.

### **17.3 Institutional Framework**

#### *17.3.1 NCPD*

309. Refer to paragraph 4.3.3.

#### *17.3.2 Department of Social Welfare*

310. It is the agency mandated to regulate the operations of children's homes.

### **17.4 Other Measures**

311. The Office of Students with Special Needs of the University of Ghana organizes orientation and mobility training for students with visual impairments every academic year. The University also offers free internal transportation services for students with disabilities.

312. The University of Education, Winneba runs a first-degree course on Orientation and Mobility (OM).

313. The state provides assistive devices such as wheelchairs, crutches and white canes to Persons with disabilities in some schools.

### **17.5 Challenges**

314. The state has inadequate Orientation and Mobility Instructors.

315. Mobility assistive devices are not manufactured in the state despite Act 715 making provision for incentives for local manufacturers.

316. Act 715 does not have a provision on personal mobility unlike Article 20 of UNCRPD.

### **17.6 Recommendations**

317. The state should train more Orientation and Mobility Instructors.

318. Act 715 should be amended to include a provision on personal mobility.

319. The state should set up manufacturing industries for the making of assistive devices.

### **17.7 Conclusion**

320. The issue of personal mobility is essential to the inclusion and effective participation of Persons with disabilities in the society and can be seriously addressed by the state through the provision of mobility aids and appliances and personnel trained and equipped to deliver mobility and orientation skills.

## **18. Article 21 Freedom of expression and opinion, and access to information**

### **18.1 Legal Framework**

321. Article 21 of the Constitution ensures that all persons have the right to freedom of speech and expression, freedom of thought, conscience and information.

### **18.2 Policy Framework**

322. There is no policy framework.

### **18.3 Institutional Framework**

#### *18.3.1 Ministry of Information*

323. The core mandate is to disseminate information on public policies, programs, projects and activities to the citizenry and also gather feedback from the citizenry for policy review and refinement.

#### *18.3.2 Ministry of Communication & Technology*

324. It is responsible for the development of communication and technology in the state.

#### *18.3.3 Ministry of Education*

325. The Ministry of Education through its agencies, departments and divisions is tasked with the overall education of all persons.

### **18.4 Other Measures**

326. Draft guidelines on the use of appropriate and accessible forms of communication including different languages are being developed by the state to ensure that specific reasonable steps are taken, to provide information in an accessible format when necessary.

327. The state is promoting access to assistive technology and the internet for Persons with disabilities. For example, the University of Ghana, University of Education, Winneba, Kwame Nkrumah University of Science and Technology and University of Cape Coast have centres which provide training on assistive technology and internet access to students with disabilities.

328. The Ghana Education Service has a Braille Press that produces textbooks and learning materials in Braille.

329. Some tertiary institutions have embossers for producing Braille teaching and learning materials for Persons with disabilities.

330. The Ghana National Association of the Deaf has developed a Directory on Sign Language Interpreters. Selected state officials are receiving Sign Language training so as to better provide services to the Deaf especially in health facilities. Interpretation in Sign Language is done at some state functions and some television stations.

331. To ensure that electronic communications are generally accessible to Persons with disabilities, the NCPD is working with the National Communications Authority (NCA) to set minimum targets for subtitling, signing and audio description on television channels.

### **18.5 Challenges**

332. The inadequacy and unavailability of appropriate and accessible forms of communication deny Persons with disabilities of the freedom to opinion, expression and information.

333. Act 715 does not have a provision similar to Article 21 of UNCRPD.

334. The lack of physical access to computers, lack of accessible hardware and inaccessible websites make it difficult for a substantial number of Persons with disabilities to access information and services online.

### **18.6 Recommendations**

335. Act 715 should be amended to include a provision similar to Article 21 of UNCRPD.

### **18.7 Conclusion**

336. It is expected that, when the above measures are sustained and built upon, the environment would be conducive for Persons with disabilities to have the freedom to express themselves and share their opinions. Their access to information would also be made easier.

## **19. Article 22 Respect for privacy**

### **19.1 Legal Framework**

337. Article 18 (2) of the Constitution makes provision for the protection of privacy.

338. Data Protection Act, 2012 (Act 843) requires that individuals who hold personal information use it fairly, keep it secure, make sure it is accurate and keep it up to date.

### **19.2 Policy Framework**

339. There is no policy framework.

### **19.3 Institutional Framework**

#### *19.3.1 Data Protection Commission*

340. It is an independent statutory body established to protect the privacy of the individual and personal data by regulating the processing of personal information.

#### *19.3.2 National Communications Authority*

341. The Authority is mandated to regulate the communications industry in a forward-looking and transparent manner that promotes fair and sustainable competition, stimulates innovation, encourages investment, protects stakeholders' interests and facilitates universal access to quality communications services for national development.

### **19.4 Other Measures**

342. The NCPD is working with institutions like the Ministry of Health, the Ghana Health Service, Electoral Commission, NCCE, the banks and other public institutions to provide the necessary facilities that would make their services accessible to Persons with Disability in order to protect their privacy.

### **19.5 Challenges**

343. Due to unavailability of appropriate and accessible forms of communication including different language, displays of text, Braille, tactile communications, large print, and sign language interpreters, inaccessible built environment, results in the loss of privacy. For example, Persons with Disability tend to lose their privacy when it comes to voting, opening an account and so on.

344. Medical records and information are not in accessible formats hence Persons with Disabilities especially the blind and partially sighted are denied the confidentiality and privacy of their records.

345. There is no provision in Act 715 equivalent to Article 22 of UNCRPD.

### **19.6 Recommendations**

346. Act 715 should be amended to include a provision equivalent to Article 22 of UNCRPD.

347. Medical records and information should be produced in accessible forms to ensure confidentiality and privacy.

### **19.7 Conclusion**

348. The State should endeavour to provide Persons with disabilities materials that would enhance their health and privacy.

## **20. Article 23**

### **Respect for home and the family**

#### **20.1 Legal Framework**

349. Article 29 (1) of the Constitution requires that Persons with disabilities are not deprived of the right to live with their families which are reflected in section 1 of Act 715.

350. Act 715 (section 1) provides for the right of Persons with disabilities to participate in social, political, economic, creative or recreational activities.

351. In Ghana, every individual is born into a family and a home. The child has the right to a name, parents, siblings, receive socialization from the parents, other social groupings, play and grow with peers, go to school, participate in community/national activities (social-cultural, economic, religious, political) get married, give birth to children and raise a family. All things being equal, Persons with disabilities have the same opportunities.

#### **20.2 Policy Framework**

##### *20.2.1 Sexual Reproductive Health Strategy*

352. It aims to support all citizens to acquire and maintain the knowledge, skills and values necessary for good reproductive health and wellbeing.

#### **20.3 Institutional Framework**

##### *20.3.1 Ministry of Gender, Children & Social Protection*

353. Refer to paragraph 1.3.1.

##### *20.3.2 Department of Social Welfare*

354. Refer to paragraph 16.3.2.

##### *20.3.3 Registrar General's Department*

355. The mandate of the Department is to ensure an efficient and effective administration of processes of registration of business enterprises, intellectual property (patents, trademarks and service marks), marriages, estates and public trusts.

##### *20.3.4 Ministry of Health*

356. Refer to paragraph 13.3.1.

#### **20.4 Other Measures**

357. Family Planning Programs – Education on family planning methods are being made accessible using sign language and copies of Behavioural Change Communication (BCC) materials are printed in braille version.

358. The Ghana National Population Council has developed the Sexual Reproductive Health Strategy, which highlights the importance of prevention, education, individual responsibility and access to healthcare services. The strategy considers the interests, needs and concerns of Persons with disabilities in the provision of comprehensive, affordable and accessible sexual and reproductive health education and services.

359. The NCPD is working with relevant public institutions and CSOs to sensitise parents, families, communities and train personnel on the management of children with disabilities.

#### **20.5 Challenges**

360. Due to negative public perception about disability, some Persons with disabilities are unconsciously denied these rights. In homes, they are hidden in homes and not given the opportunity to play with their peers. Their own parents sometimes discriminate against them.



361. Inadequate provision is made in Act 715 as compared to Article 23 of the UNCRPD.

362. Due to unhealthy cultural and religious beliefs, some Persons with disabilities are perceived to be incapable of caring for and meeting the needs of a fostered and adopted child. They, therefore, do not get the opportunity to grow up to get married, give birth and raise their families.

## **20.6 Recommendations**

363. The state should provide comprehensive, affordable and accessible sexual and reproductive health education and services.

364. Act 715 should be amended to include provisions as seen in Article 23 of the UNCRPD.

## **20.7 Conclusion**

365. Advancing the interest of Persons with disabilities with regard to their homes and families can contribute to the realisation of their fundamental rights and development of a just and equitable society.

## **21. Article 24 Education**

### **21.1 Legal Framework**

#### *21.1.1 Article 25 of the Constitution*

366. Provides for the right to education on an equal basis for all persons.

#### *21.1.2 Education Act, Act 778*

367. The Act seeks to produce well-balanced individuals with the requisite knowledge, skills, values, aptitudes and attitudes to become functional and productive citizens for total development and democratic achievement of the nation and other related matters.

#### *21.1.3 Part III of Act 715*

368. The Act, (sections 16–22) have provisions on the education of Persons with disabilities.

### **21.2 Policy Framework**

#### *21.2.1 Inclusive Education Policy*

369. It seeks to ensure that all persons who attend an educational institution are entitled to equal access to learning, achievement and the pursuit of excellence in all aspects of their education, and which transcends the idea of physical location but incorporates the basic values that promote participation, friendship and interaction.

### **21.3 Institutional Framework**

370. The Ministry of Education through its agencies, departments and divisions is tasked with the overall education of all persons.

### **21.4 Other Measures**

371. Under the Free Compulsory Universal Basic Education (fCUBE) and the Free Senior High School Policy students including Persons with disabilities in both basic and second cycle institutions do not pay school fees.

372. The Ministry of Education through the Special Education Division of the Ghana Education Service has established special schools (Blind, Deaf, Special school for the intellectually challenged) in the regions. Private individuals have also established special

schools for Persons with disabilities. Example are the Autism Training Centre, New Horizon Special School and Dzorwulu Special School.

373. The University of Education, Winneba has a special education training programme which trains students in sign language.

374. The University of Ghana (Office of Students with Special Needs) ensures that students of the university with special needs have access to the facility and services in the learning environment, thus is, wherever possible comparable to that of their peers without special needs.

375. The University of Cape Coast (UCC) has a Resource Centre for Alternative Media and Resource Technology for Persons with disabilities.

376. UEW, as well as KNUST, have facilities for providing teaching and learning materials for students with special needs.

377. The President's Award for best students in the basic schools has another category for students with disabilities.

### **21.5 Challenges**

378. Special schools do not have adequate resources (funding, personnel and materials).

379. Inaccessible physical infrastructure.

380. Some Persons with disabilities are being refused admission on the account of their disability. For example, some institutions claim their physical environment, teaching and learning materials and communication are not accessible to Persons with disabilities.

381. Ineffective and limited implementation of the Inclusive education policy due to lack of funding, personnel, materials and inaccessible physical infrastructure.

382. The LI which requires the Minister of Education to designate in each region a public technical, vocational and teacher training institutions to include curricula on special education has not been passed.

### **21.6 Recommendations**

383. Adequate resources should be allocated to special schools.

384. There should be an effective and unlimited implementation of the inclusive education policy.

385. Institutions providing services to children with special needs should improve upon their existing infrastructure and provide additional facilities where necessary.

386. Parents or guardians should take advantage of the inclusive education facilities to take the children with special needs to the appropriate education facility.

387. Part III of Act 715 should be replaced by amendment to include more detailed provisions emphasizing inclusive education and non-discrimination in relation to education.

### **21.7 Conclusion**

388. The NCPD would continue to work with relevant stakeholders (Persons with disabilities, OPWDs, NGOs, CSOs and parents) in the field of education, to design and implement programs that would remove the bottlenecks in the education of the Persons with disabilities and thus create their right environment that enable all Persons with disabilities to receive quality education.

## **22. Article 25 Health**

### **22.1 Legal Framework**

#### *22.1.1 Part V of Act 715*

389. Sections 31–35 spell out how healthcare delivery could be made accessible to Persons with disabilities.

#### *22.1.2 Mental Health Act, Act 846*

390. It provides the legal framework which sets out when a person may be detained and how they are to be protected. Safeguards in the Law ensure deprivation of liberty is not arbitrary and complies with the law. Those making decisions should recognise and respect the diverse needs, values and circumstances of patients, including those with disabilities.

### **22.2 Policy Framework**

#### *22.2.1 National Health Insurance Policy*

391. Persons with disabilities are given preferential treatment in the process of acquiring and renewing national health insurance identification cards.

### **22.3 Institutional Framework**

392. The Ministry of Health including its agencies, departments and divisions is the statutory body responsible for healthcare delivery.

### **22.4 Others Measures**

393. The state has developed the Ghana Accessibility Standard for the Built – Environment. Adherence to this would facilitate access to health and other facilities in general.

394. Sensitisation of institutions especially health institutions to make health infrastructure, information and service accessible to Persons with disabilities is on-going.

395. The Ghana Health Service has started the inclusion of sign language and braille in the dissemination of information on HIV and AIDS and malaria prevention, family planning and sexual reproductive health.

396. The NCPD is working with OPWDs to develop minimum standards and guidelines on the use and production of materials in accessible formats (e.g. materials in Easy Read, Braille, large font size).

397. The NCPD is engaging institutions which train health professionals to make disability studies an integral part of their curricula. As a result, the Midwifery and Nursing Council of Ghana has introduced Sign Language training in the curricula of their training institutions.

398. Three Thousand Eight Hundred (3800) Persons with disabilities have been registered free of charge under the Ghana National Health Insurance scheme. This allows them to access medical care at no cost.

399. Health professionals are being sensitized on the rights of Persons with disabilities and the need to respect those rights in the delivery of service.

400. In addition, copies of Behavioural Change Communication materials (BCC) are being made in accessible formats. For example, The Ghana Aids Commission in collaboration with the OPWDs has developed Braille version of condom usage and advertisements with Sign Language inset and sub-titling on preventing sexually transmitted infections (including copies of BCC materials on HIV and AIDS in braille version).

401. Advertisements on health campaigns on Television are being accompanied by Sign Language interpretation inset.

## **22.5 Challenges**

402. Health infrastructure, facilities, information and services are mostly inaccessible to Persons with disabilities.

403. Most public health campaigns (on HIV and AIDS, Family Planning, sexual reproductive health, malaria and so on) are inaccessible to certain categories of Person with Disability especially the Deaf, Blind and partially sighted.

404. Unprofessional attitudes of health professionals towards Persons with disabilities within the workforce and in the delivery of services in the health sector.

405. There is no provision in the constitution on the right to health.

## **22.6 Recommendations**

406. In reviewing the current Constitution specific provision should be made on the right to health to replace the rights of the sick in Article 30.

407. Information and services should be provided in accessible formats through the use of Sign Language, audio and Braille for Persons with disabilities.

408. Health campaigns should be made accessible to Persons with disabilities. Sign language usage should be part of the campaigns.

409. Part V of Act 715 should be amended to incorporate detailed provisions relating to access to health care by Persons with disabilities.

## **22.7 Conclusion**

410. It is anticipated that the adoption of the recommendations relating to health would considerably improve access to quality health care by Persons with disabilities.

# **23. Article 26 Habilitation and Rehabilitation**

## **23.1 Legal Framework**

### *23.1.1 Act 715*

411. Section 14 provides for the establishment of rehabilitation centres in districts and regions for persons with disabilities. Section 15 enshrines the principle of Community-Based Rehabilitation.

## **23.2 Policy Framework**

412. Social Protection Policy of Ghana, National Entrepreneurship and Innovation Plan, National Youth Policy and the District Assembly Common Fund (3%) are policies in place to ensure the habilitation and rehabilitation of Persons with disabilities.

## **23.3 Institutional Framework**

413. The NCPD, Social Welfare Department, Ghana Education Service, Ghana Health Service and the Ministry of Local Government and Rural Development (MLGRD) are some of the institutions established to deal with issues of habilitation and rehabilitation of Persons with disabilities.

## **23.4 Other Measures**

414. The state has established nine public rehabilitation centres.

415. The state has introduced a number of policies and programs to educate the populace on matters relating to the independent living and inclusion of Persons with disabilities.

416. Community-Based Rehabilitation Programs are being practiced in a few districts by some NGO's.

### **23.5 Challenges**

417. The nine public rehabilitation centres are outmoded and very much under-resourced and the training offered are not suitable for employment.

418. Inaccessibility of policies by Persons with disabilities denies them of the benefits thereof.

419. Community-Based Rehabilitation Programs are being practised on a limited basis.

### **23.6 Recommendations**

420. The public rehabilitation centres should be adequately resourced.

421. The Community-Based Rehabilitation Programme should be extended to all districts.

422. The policies should be made accessible to Persons with disabilities.

### **23.7 Conclusion**

423. Habilitation and rehabilitation are very critical to the survival and development of Persons with disabilities. It is therefore hoped that necessary steps would be taken by the state to address such issues.

## **24. Article 27 Work and employment**

### **24.1 Legal Framework**

#### *24.1.1 The Constitution*

424. Article 29 (7) requires the provision of special incentives to Persons with disabilities engaged in business and employers that employ Persons with disabilities in significant numbers.

425. Articles 21, 24 and 37 grant citizens the right to form and join associations. As a result, all employees including Persons with Disabilities have the right to decide whether to join, remain in or leave a trade union. All employers respect this. Persons with disabilities in both the formal and informal sectors of the economy are members of workplace associations and unions.

#### *24.1.2 Part II of Act 715*

426. Sections 9 to 15 of the Act deal specifically with the employment of Persons with disabilities.

#### *24.1.3 Part V of Act 651*

427. The Act has provisions which promote and protect the rights of Persons with disabilities with respect to work and employment.

### **24.2 Policy Framework**

428. The National Employment Policy and the District Assemblies Common Fund Policy ensure that Persons with disabilities contribute to the world of work.

429. Also, it is a state policy that a quota of job opportunities is reserved for Persons with disabilities.

### **24.3 Institutional Framework**

430. The Ministry of Employment and Labour Relations, Rehabilitation centres, Universities, Training Institutions and Youth Employment Agency contribute to the employment of Persons with disabilities.

### **24.4 Other Measures**

431. Seventy (70) Persons with disabilities have been employed as tollbooth attendants.

432. Training of Persons with disabilities at Rehabilitation Centres to acquire employable skills is ongoing.

433. The Government of Ghana has developed a policy with the Ministry of Finance to reserve 3 percent of funds allocated to Metropolitan, Municipal and District Assemblies (MMDAs) for Persons with disabilities in the respective MMDAs. A portion of these funds is used to train Persons with disabilities in employable skills and as start-up capital for them.

434. The Youth Employment Agency (YEA) has developed modules aimed at equipping Persons with disabilities with the required expertise that would enable them to engage in gainful employment.

### **24.5 Challenges**

435. There is no employment centre for Persons with disabilities though that has been captured under Act 715.

436. Majority of Persons with disabilities in Ghana with the requisite employable skills including university graduates are not employed.

437. Discrimination in terms of job placement is still very high in the country, the private sector has no provision for the employment of Persons with disabilities.

438. The employment ministry which is supposed to take care of the employment of Persons with disabilities has no desk for Persons with disabilities.

439. The NCPD has no single employee with disabilities.

440. Some Persons with disabilities, especially in the private sector who are working, are not given equal pay for equal work done and are sometimes denied certain facilities and conditions that would enable them to work effectively and efficiently.

441. Employment in the public sector has no quotas for Persons with disabilities.

442. The unemployed are often excluded from important activities and roles within the social group.

443. For Persons with disabilities, the unavailability of employment has made them dependent on their relatives, philanthropists and so on for their survival.

444. Only few Persons with disabilities are employed in the formal sector. The services of those who are working in the informal sector are not patronized.

445. Annual tax rebate contained in section 10 of Act 715 granted to employers who employ Persons with disabilities has not been repaid.

### **24.6 Recommendations**

446. The state should work with relevant stakeholders to develop a policy on specific job quotas for Persons with disabilities in both the private and public sectors.

447. Institutions which train Persons with disabilities should be modernized, improved and resourced so that they can offer relevant technical and skill training programs.

448. More employment avenues must be created for Persons with disabilities.

## **24.7 Conclusion**

449. Act 715 should be amended to introduce detailed provisions designed to enhance the protection of Persons with disabilities in the area of employment by among other things prohibiting discrimination by providing for the principle of reasonable accommodation.

## **25. Article 28 Adequate standard of living and social protection**

### **25.1 Legal Framework**

#### *25.1.1 The Constitution*

450. Article 36 (1) and (2) provides that the state should take all necessary action to ensure the provision of adequate means of livelihood and sustainable employment and public assistance to the needy.

451. Article 37 (6) also provides that the state should ensure that contributory schemes are instituted and maintained to guarantee economic security for the self-employed and other citizens.

#### *25.1.2 District Assemblies Common Fund Act, 1993 (Act 455)*

452. The Act establishes the office of the Administrator of the District Assemblies Common Fund for the management and disbursement of the Common Fund.

### **25.2 Policy Framework**

#### *25.2.1 Social Protection Policy*

453. It seeks to promote the wellbeing of all citizens through an integrated platform of effective social assistance, social and productive inclusion, social insurance and financial access to social services.

#### *25.2.2 The Disability Fund (3% Common Fund for Persons with disabilities)*

454. 3% of the fund allocated to district assemblies is set aside to support income generating activities of Persons with disabilities among others.

### **25.3 Institutional Framework**

#### *25.3.1 Ministry of Gender, Children and Social Protection*

455. Refer to paragraph 1.3.1.

#### *25.3.2 The Office of the Administrator of the District Assemblies Common Fund*

456. The office is responsible for the disbursement of the 3% Common Fund for Persons with disabilities.

### **25.4 Other Measures**

457. The state has introduced and implemented the Livelihood Empowerment Against Poverty (LEAP) programme which benefits Persons with disabilities.

458. Some Persons with disabilities in beneficiary regular schools benefit from the School Feeding Programme.

### **25.5 Challenges**

459. There is no provision in Act 715 which caters for the adequate standard of living and social protection unlike article 28 of the UNCRPD.

460. Stigma and discrimination also contribute to the poor standard of living among Persons with disabilities.

## **25.6 Recommendations**

461. Act 715 should be amended to incorporate the provisions of article 28 of the UNCRPD.

462. There should be special policies targeted at Persons with disabilities to enhance their standard of living.

## **25.7 Conclusion**

463. It is hoped that the amendment of Act 715 to reflect the provisions of article 28 of the UNCRPD coupled with the adoption of policies and measures targeting Persons with disabilities would afford them an adequate standard of living and social protection.

# **26. Article 29 Participation in political and public life**

## **26.1 Legal Framework**

### *26.1.1 The Constitution*

464. Article 21 (3) of Constitution ensures the right to form and join political parties and to participate in political activities subject to such qualifications and laws necessary in a free and democratic society.

465. Article 42 provides for the voting rights of all citizens of eighteen (18) years and above.

### *26.1.2 Disability Act 715*

466. Section 1 (1) guarantees the rights of Persons with disabilities to participate in political, social and economic activities.

## **26.2 Policy Framework**

467. The National Disability Policy has as one of its objectives the creation of an enabling environment for the full participation of Persons with disabilities in the national development process.

## **26.3 Institutional Framework**

### *26.3.1 The Electoral Commission*

468. The Commission is tasked with the overall conduct of elections in the state at all levels.

## **26.4 Other Measures**

469. The state has introduced a policy which requires metropolitan, municipal and district assemblies to nominate Persons with disabilities as government appointees and members of assemblies to participate in deliberations at the local level.

470. To promote the voting rights of the visually impaired, the Electoral Commission of Ghana has introduced the tactile balloting in 2016 general elections in Ghana. This facility gave them the opportunity to vote freely and in secret as required by the law.

471. In 2013, a Person with a disability was appointed as a Minister of State in charge of Chieftaincy and Traditional Affairs.



## **26.5 Challenges**

472. The provisions in Act 715 relating to participation in political and public life are inadequate.

473. Due to the stigma and negative perceptions about Persons with disabilities, people still do not have confidence in them even if they are included in the governance of the state.

474. Persons with psychosocial disabilities are ineligible to vote.

## **26.6 Recommendations**

475. Act 715 should be amended to contain detailed provisions similar to article 29 of CRPD.

476. Public education on the capabilities of Persons with disabilities should be intensified.

## **26.7 Conclusion**

477. The participation of Persons with disabilities in political and public discourse is very crucial to the development of any state. It is, therefore, anticipated that the state would take the necessary steps to include Persons with disabilities in all aspects of its developmental agenda.

# **27. Article 30 Participation in cultural life, recreation, leisure and sport**

## **27.1 Legal Framework**

### *27.1.1 The Constitution*

478. Article 26 (1) guarantees cultural rights and practices while article 26 (2) prohibits dehumanizing and harmful customary practices. This is reflected in article 39 of the Constitution.

479. Article 29 (1) guarantees the participation of Persons with disabilities in social, creative and recreational activities.

480. Article 37 (5) obliges the state to provide adequate facilities for sports.

### *27.1.2 Disability Act 715*

481. Section 1 (1) of Act 715 reflects article 29 (1) of the Constitution.

482. Section 38 also provides that the Ministry of Education and Sports, the National Commission for Culture and District Assemblies should ensure that Persons with disabilities have access to sports and cultural events through the provision of adequate facilities, programs and incentives.

483. Section 39 also tasks institutions or persons that organize national, regional or district activities to provide facilities for the participation of Persons with disabilities.

## **27.2 Policy Framework**

484. The National Disability Policy aims to encourage full participation of Persons with disabilities in cultural activities and to ensure access for such persons to the same opportunities for recreational activities and sports as other citizens.

## **27.3 Institutional Framework**

485. The Ministry of Education, the Ministry of Youth and Sports, the Ministry of Tourism, Culture and Creative Arts, the National Commission for Culture and the District Assemblies are responsible for the provision of adequate facilities, programs and incentives to ensure that Persons with disabilities have access to sports, cultural events and recreational activities.

#### **27.4 Other Measures**

486. Some special schools have their own cultural groups which participate sometimes in national activities. For example, Cape Coast School for the Deaf/Blind and Akropong School for the Blind have their cultural groups. These schools also assist artists with disabilities to develop their talents and increase their participation in arts and culture. In Ghana, some Persons with disabilities have composed a number of songs.

487. Ghana has a musical band whose members are all blind.

488. The State's Parliament has ratified the Marrakesh Treaty which seeks to facilitate access to published works for Persons who are blind, visually impaired or otherwise Print Disabled.

489. To promote the participation of Persons with disabilities in sport, the National Paralympic committee has been constituted under the National Sports Authority which is under the Ministry of Youth and Sports.

490. The National Paralympic Committee organizes a number of disability sports such as wheelchair basketball, Blind, Amputee, Dwarf, Deaf Football and Para powerlifting.

#### **27.5 Challenges**

491. The copyright law does not allow accessible copies of copyright material to be made by, and on behalf of people with visual impairment.

492. Inadequate funding for the National Paralympic Committee to efficiently perform its functions.

#### **27.6 Recommendations**

493. The provisions of the Marrakesh Treaty should be implemented fully.

494. Adequate funding should be provided for the National Paralympic Committee.

#### **27.7 Conclusion**

495. Access by Persons with disabilities to sports, leisure, recreational and cultural activities is fraught with formidable challenges relating to infrastructure resources, personnel and equipment. In order to overcome such difficulties, it is necessary to raise awareness regarding the participation of Persons with disabilities in such activities and to commit the resources required to improve the situation.

### **28. Article 31 Statistics and data collection**

#### **28.1 Legal Framework**

496. Article 18 (2) of the Constitution makes provision for the protection of privacy.

497. Data Protection Act, 2012 (Act 843) requires that individuals who hold personal information use it fairly, keep it secure, make sure it is accurate and keep it up to date.

498. Section 42 (2) (h) of Act 715 promotes the studies and research on issues of disability and provide information to the public on issues of disability.

#### **28.2 Policy Framework**

499. The National Disability policy aims to generate and disseminate relevant information on disability.

### **28.3 Institutional Framework**

#### *28.3.1 Data Protection Commission*

500. It is an independent statutory body established to protect the privacy of the individual and personal data by regulating the processing of personal information.

#### *28.3.2 National Communications Authority*

501. The Authority is mandated to regulate the communications industry in a forward-looking and transparent manner that promotes fair and sustainable competition, stimulates innovation, encourages investment, protects stakeholders' interests and facilitates universal access to quality communications services for national development.

#### *28.3.3 Ghana Statistical Services*

502. The institution among other things is mandated to conduct population and housing census every ten years.

#### *28.3.4 National Council on Persons with Disability*

503. Refer to paragraph 4.3.3.

504. It is also responsible to maintain a register containing information on persons with disabilities and the information of institutions providing rehabilitation, services or support for Persons with disabilities.

### **28.4 Other Measures**

505. The Ghana 2010 Population and Housing Census captured data on Persons with Disability.

506. The NCPD is collaborating with Ghana National Household Registry (GNHR) to collect disaggregated data on Persons with disabilities in Ghana.

### **28.5 Challenges**

507. Act 715 has no provision regarding statistics and data collection.

508. There is no accurate data and statistics on Persons with disabilities.

509. Inadequate resources for the relevant institutions to collect up-to-date and accurate data and statistics.

### **28.6 Recommendations**

510. Act 715 should be amended to incorporate article 31 of the UNCRPD.

511. Adequate resources should be provided to relevant institutions to carry out their duties efficiently and effectively.

### **28.7 Conclusion**

512. Statistics and data collection are key in developing an accurate database to aid policy development in the area of disability.

## **29. Article 32 International co-operation**

### **29.1 Legal Framework**

#### *29.1.1 The Constitution*

513. Article 37 (3) requires the state in legislating to promote and protect basic human rights, to be guided by international human rights instruments.

514. Article 40 provides for the respect of international law and membership of international organisations.

515. Articles 73 to 75 provide for international relations and the execution of treaties.

*29.1.2 Disability Act 715*

516. Section 42 (2) (g) requires the NCPD to coordinate activities of Organisations of Persons with disabilities and international organisations that deal with issues of disability.

**29.2 Policy Framework**

517. There is no policy framework.

**29.3 Institutional Framework**

*29.3.1 Ministry of Foreign Affairs and Regional Integration*

518. Refer to paragraph 14.3.2.

*29.3.2 Parliament*

519. It is responsible for passing laws and ratifying treaties.

*29.3.3 National Council on Persons with Disability*

520. Refer to paragraph 4.3.3.

**29.4 Other Measures**

521. The state has ratified the UNCRPD and is in the process of amending Act 715 in accordance with the Convention.

522. The state is working with the African Union (AU) and the UN to ensure an effective implementation of the UNCRPD.

523. It has been attending conferences of State Parties to the UNCRPD. It is working closely with the AU in the development of a toolkit on the implementation of the UNCRPD.

524. The state has been highlighting issues on disability during the celebration of the International Day of Persons with Disabilities (IDPD).

**29.5 Challenges**

525. The State is facing some difficulties in implementing some aspects of the UNCRPD.

**29.6 Recommendations**

526. The state requires assistance from the international community to harmonise Act 715 in accordance with the UNCRPD and to operationalise its provisions as well.

**29.7 Conclusions**

527. Even though there are legal and institutional frameworks in place, as a state, there are still challenges with its implementation hence the state needs support from the international community.

## **30. Article 33 National implementation and monitoring**

### **30.1 Legal Framework**

#### *30.1.1 The Constitution*

528. Article 216 provides for the establishment of the Commission on Human Rights and Administrative Justice to adjudicate issues on violations of fundamental rights and freedoms. It also monitors state compliance with obligation under international human rights treaties and conventions it has signed and ratified.

#### *30.1.2 Act 715*

529. Sections 41 and 42 establishes the NCPD to propose and evolve policies and strategies to enable Persons with disabilities to enter and participate in the mainstream of the national development process.

### **30.2 Policy Framework**

530. There is no policy framework.

### **30.3 Institutional Framework**

#### *30.3.1 NCPD*

531. Refer to paragraph 4.3.3.

532. NCPD is mandated by the Act 715 to co-ordinate all issues on disability in the State.

#### *30.3.2 CHRAJ*

533. Refer to paragraph 1.3.2.

### **30.4 Other Measures**

534. The National Council on Persons with Disability is the focal point for the implementation of the UNCRPD.

535. CHRAJ has been monitoring the state of Human rights across the country to ensure state compliance with its treaty obligations.

### **30.5 Challenges**

536. There is no independent state institution designated to monitor and report on the implementation of the UNCRPD. Despite the roles being played by CHRAJ and the NCPD, the state is yet to designate an independent state institution to monitor and report on the implementation of the convention.

### **30.6 Recommendations**

537. The state should either establish or designate the appropriate institution for the monitoring and reporting on the implementation of the UNCRPD.

### **30.7 Conclusion**

538. It is essential that the state deems the national implementation and monitoring of its plans, programs and projects carried out in conformity with the article 33 of the UNCRPD necessary.

## **XIII. General Conclusion**

539. Ghana ratified the UNCRPD in 2012. The state has put in place the necessary legal, policy and institutional framework that will ensure the full implementation of the Convention.

Despite these, the state recognises that, Persons with disabilities still face challenges, which hinder their inclusion in the national development process, due to implementation challenges. The state will continue to collaborate with OPWDs, NGOs CSOs and Persons with disabilities to strengthen the existing structures and develop new ones that will ensure the effective implementation of the Convention which will lead to an appreciable inclusion of Persons with disabilities in the social, economic and political spheres of the country.

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