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## **1.0. Introduction**

1. The third cycle of the UPR ran from 2017 to 2021. The fourth cycle of the UPR is now in progress and Ghana will be reviewed.

2. In view of this, there is the need for the disability movement in Ghana to present an alternative report to the working group to highlight key issues regarding the human right situation of persons with disabilities in Ghana.

3. The purpose of the report is to provide the treaty body and the working groups with crucial information about existing gaps in relation to implementation of human right issues of persons with disabilities in Ghana.

4. The report is also meant to highlight important issues about the rights of persons with disabilities that might be overlooked or not considered so important by the government.

5. The report is also to provide a credible alternative report to point out where the government may be giving an inaccurate account of the real situation of Persons with Disability to the human rights council.

## **2.0. Methodology**

1. The process of preparing the report started with setting up a national technical committee to plan and lead the process.

2. The committee comprised representatives of Organisations of Persons with Disabilities (OPWDs), civil society organisations and individuals with technical expertise in the subject matter.

3. The committee first conducted a desk review where several reports, policies and laws were critically examined to inform preparation of the report.

4. Subsequently, a data gathering tool was developed and used to conduct stakeholder consultations. Relevant information drawn from the consultations were used to generate this report.

5. The consultation involved persons with disabilities and representations of selected civil society organisations.
6. Telephone interviews were also conducted among selected persons with disabilities.
7. The draft report was validated at both regional and national levels.

### **3.0. Legal Protection Mechanism and Rights of Persons with Disabilities**

1. Ghana's Constitution provides in Article 29 for provisions to protect and promote the rights of persons with disabilities. The same article provides for enactment of laws to further address the rights of persons with disabilities in Ghana. Clause 8 of Article 29 resulted in the passage of the Persons with Disability Act, 2006 (Act 715) to safeguard the rights of persons with disabilities.
2. Additionally, Ghana has enacted a number of legislations, formulated policies and programmes to further promote and protect the rights of its citizens.
3. These include the Children's Act, 1998 (Act 560); the Labor Act, 2003 (Act 651); Domestic Violence Act, 2007 (Act 732); Education Act, 2008 (Act 778); Mental Health Act, 2012 (Act 846), Livelihoods Empowerment Against Poverty (LEAP) programme, the Labor-Intensive Public Works (LIPW), the Ghana School Feeding Programme (SFP), the National Health Insurance Scheme (NHIS) Exemptions and the Basic Education Capitation Grants. Child and Family Welfare Policy;

National Disability Policy; Justice for Children Policy; the Social Protection Policy; Inclusive Education Policy; and the Gender Policy.

4. Despite the existence of these laws, policies, and programmes, persons with disabilities continue to suffer discrimination, deprivation and exclusion on daily basis.

#### **4.0. International Treaties on Disability**

1. Ghana ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 22nd August 2012. However, Ghana has not done much regarding implementation of the Convention for instance, Ghana has not adopted measures for the implementation of the rights recognized in the CRPD as stipulated in article 4.

2. There still exist laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

3. Ghana has still not amended its Disability Act to be synchronized with the CRPD.

4. Reference to paragraph 101 of the Ghana National Report submitted to the Human Rights Council Working Group on the Universal Periodic Review in 2017, the government committed to amend the Persons with Disability Act, 2006 (Act 715) to make it consistent with the United Nations Convention on the Rights of Persons with Disabilities, and committed to begin stakeholder consultations on the content of a new Disability Bill by September, 2017, and was expected to complete by 2018.

5. However, the process of reviewing the Disability Act began in 2019 and not completed as at June 2022.

### **5.0. Institutional and Systematic Mechanisms for Human Rights**

1. Article 218 of the 1992 constitution of the republic of Ghana reflects the core functions of the Commission on Human Rights and Administrative Justice (CHRAJ) and provides for its mandate in paragraph (a) “...to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties” however, CHRAJ does not have specific focal point for dealing with concerns of persons with disabilities.

2. In addition, the Ghana police service, the prison and fire services do not also have specific known plan for dealing with cases involving persons with disabilities.

3. In view of this they are unable to produce disability specific reports pertaining to human rights violation.

4. Persons with disabilities are considered as part of the vulnerable or the marginalize population irrespective of their peculiar needs and multiple challenges they face on daily basis.

5. There is existence of a National Council on Persons with Disability (NCPD), and Social Welfare Department under the Ministry of Gender, Children and Social Protection; as well as the Special Education Division of the Ghana Education Service of the Ministry of Education,

to ensure inclusion of persons with disabilities in Ghana.

6. However, these institutions are faced with numerous challenges such as lack of adequate human and financial resources to effectively carry out its mandate as prescribed by the various legislations that set them up.

7. Regarding disaster and humanitarian emergencies, though there is the National Disaster Management Organisation mandated to manage situations of risks and humanitarian emergencies, it has no institutional framework, policy or action plan as well as established protocols on handling persons with disabilities.

8. In effect persons with disabilities suffer the most when there is crisis or humanitarian emergencies

## **6.0. Equal Recognition**

1. Although the 1992 constitution of Ghana provides that all persons shall be equal before the law, it does not specifically include persons with disabilities.

2. The Mental Health Act, 2012 does not adequately recognize the legal capacity of persons with psychosocial disabilities, and also still upholds the matter of guardianship for individuals with psychosocial disabilities.

3. The Mental Health Act contradicts the CRPD including use of derogatory words such as ‘mental retardation’ ‘capacity assessment tests’, ‘seclusion and restraint’ and ‘involuntary admission in hospital’.

4. On involuntary admission, the Mental Health Act allows police to arrest all involuntary patients who leave the health facility before the expiry date of their admission.

5. These provisions violate the will and preferences of a person with psychosocial disability.

## **7.0. Equality and Non-Discrimination**

1. Article 17(1) of the 1992 Constitution of the Republic of Ghana stipulates that all persons shall be equal before the law and that a person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.

2. “Disability” does not seem to be a prohibited ground of discrimination under Article 17.

3. In addition, Article 29 of the Constitution on “Rights of Disabled Persons”, while allegedly seeking to protect persons with disabilities from “all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature” (paragraph 4), includes in its discriminatory elements contrary to the provision in Clause 3 of Article 29 of the Constitution and the CRPD.

4. At the level of legislation specifically on persons with disabilities, section 4 of the Persons with Disability Act reinforces that “person shall not discriminate against person with disability on grounds of disability”.

5. However, this has not been the case in practice, where disability-based discrimination remains frequent and not sanctioned.

6. There are instances of denial of reasonable accommodation in education and employment of persons with disabilities. For instance, the security service, in their advertisement for vacancies openly discriminate against person with disabilities.

### **Recommendation:**

1. There is the need to amend the Disability Act 715 to adequately address non-discrimination in detail in order to effectively do away with the negative attitude of the society against persons with disabilities and promote their effective participation in society at all levels on equal basis with others.

## **8.0. Specific Rights**

### **8.1. Right to life**

1. The 1992 Constitution of the Republic of Ghana states in Article 13 that no person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted.

2. The constitution goes further to prohibit all customary and cultural practices that dehumanize or are injurious to the physical and mental well-being of a person.



3. However, there exist a ‘spirit child’ phenomenon in some parts of the country that promotes killing of children with disabilities.
4. These actions are usually fueled by traditional/cultural or religious beliefs that subject such children are evil and curse to society.
5. In March 2022, the media reported that a child with autism was buried alive by a seventy-year-old man in the central region under a claim of a religious leader purporting the child was evil.

**Recommendation:**

1. The government of Ghana should adopt appropriate measures to protect all persons with disabilities from being murdered and other discriminatory practices.

**8.2. Right to Education**

1. Ghana rolled out an Inclusive Education Policy in 2015 to ensure that all Ghanaians have access to quality education on equal basis.
2. However, the policy has been faced with implementation challenges. Government has not committed adequate human resource and budget for the implementation of the policy.
3. Due to this, there is limited implementation, and there is no effective monitoring of the implementation of the policy so government has not been able to produce a comprehensive report regarding its implementation.

4. In effect, the right to education of persons with disabilities continue to be challenged with multiple barriers including inaccessible school environment, inaccessible and limited teaching and learning materials, negative attitude and stigma as well as discrimination against them.

5. In recent times, there have been numerous stories told about children with disabilities including children with cerebral palsy being hidden by their parents, and denied access to education.

### **Recommendation:**

1. There should be measures put in place, including the allocation of adequate budget, in ensuring implementation inclusive, quality and accessible education to all learners with disabilities.

### **8.3. Right to Work/Employment**

1. In Ghana, many barriers in the labor market limit employment opportunities for persons with disabilities.

2. These include inaccessible work environment, negative attitude, stigma, discrimination and general negative perception among employers about the high or extra cost required to employ persons with disabilities. 3. There is also a general negative perception and limited understanding about the capacities of persons with disabilities. For instance, Persons with disabilities are denied employment in all the security services in Ghana on grounds of their disabilities.

4. In most work environment, there is no respect for the fundamental rights of person with disabilities and the rights of workers with disabilities in terms of conditions of work safety and remuneration.
5. Most institutions employ persons with disabilities who have low certification making it impossible for them to progress to the managerial level.
6. Some institutions consider employment of persons with disabilities as charity. Most persons with disabilities who are employed are rather under-utilized and underpaid.

## **Recommendation**

1. Government should put measures in place to remove structural barriers that prevent persons with disabilities to compete on equal basis with others to access work and employment opportunities, and adopt affirmative action measures and implement the special incentive provisions to promote the employment of persons with disabilities.
2. There is the need for the government to adopt and implement an employment equity policy to increase opportunities and employment of persons with disabilities.

## 8.4. Right to Health

1. In Ghana, access to basic health care, service and facilities continue to be a major challenge faced by persons with disabilities.
2. Health facilities, institutions providing health services and information on health are not accessible to most persons with disabilities. For instance, there is no provision of sign language interpretation services and alternative modes of communication in the health facilities.
3. The right to privacy of persons with disabilities such as deaf persons and persons with visual impairment are usually violated by health practitioners mainly due to some level of ignorance, negative perceptions and attitudes as well as lack of appropriate skills to communicate with and handle patient with disabilities.
4. Moreover, Stigma and discriminatory attitude around issues of disability, gender and sexuality impact negatively on how both men and women with disabilities exercise their rights to sexual and reproductive health and services.

### **Recommendations:**

The State should take steps to ensure that health services and infrastructure are accessible to persons with disabilities, and make clear provisions to respect the privacy and the right to consent of the person, including deaf persons and those with visual,

intellectual and psychosocial disabilities.

2. There should be clear plans in place to refine the scope of the primary health care services to include essential medication for persons with disabilities in the list of medicines that are covered by the NHIS.

### **8.5. Right to Political Participation**

1. The 1992 Constitution of Ghana assures the right to participate in political activities. Article 42 of the Constitution provides for the voting rights of all citizens of eighteen (18) years and above.
2. Specifically, it states that “Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda”.
3. However, the use of the phrase “sound mind” has tendency to exclude some persons with disabilities, particularly those with intellectual and psychosocial disabilities from voting processes on the basis of lack of mental capacity.

### **Recommendation**

1. Government should adopt affirmative action measures to ensure equitable participation of persons with disabilities in decisions about the governance of the country including representation in leadership position from local to national level, including within the three arms of government.

## 8.6. Rights of Women and Girls with Disabilities

1. There are no meaningful attempts to better protect the rights of women and girls with disabilities taken into cognizance their peculiarities.
2. There are no specific strategies and measures designed to recognize and address the inequality situation of women and girls with disabilities in Ghana.
3. National programmes to operationalize the National Gender policy has no specific consideration for the intersectionality of women and girls with disabilities.
4. Women with disabilities continue to face multiple discrimination based on disability and gender. They face violence and abuse, and are less represented in decision making both at the family and community level.
5. However, the Domestic Violence Act does not explicitly address the specific challenges women with disabilities face in relation to violence and abuse.
6. The Ghana's Gender Equality Bill, 2016 that seeks to increase participation of women in decision making does not consider the peculiarity of needs of women and girls with disabilities.
7. In fact, the advocates who led the advocacy for the bill did not recognize the peculiar needs of persons with disabilities.

### **Recommendation:**

1. There should be measures put in place for effective implementation of the National Gender Policy including resource to ensure issues affecting women with disabilities are adequately addressed.

The national Gender policy should be reviewed to include intersectionality needs of women and girls with disabilities.

3. The government should put affirmative action measures to ensure that women and girls with disabilities are adequately represented in decision making.

### **8.7. Situation of Risk and Humanitarian Emergencies**

1. With regards to situation of risk and humanitarian emergencies, Ghana has not put measures in place to ensure the safety of persons with disabilities, in spite of numerous disaster and humanitarian emergencies occurring in the country on regular basis.

2. The Person Disability Act and the National Disability policy do not make any provisions on persons with disabilities during crisis and humanitarian emergencies.

3. The National Disaster Management Organisation Act of 2016, Act 927, has no provision targeting persons with disabilities, neither is there any established protocol directing how persons with disabilities should be handled during humanitarian emergencies.

4. There are no action plans or any institutional framework seeking to address issues about persons with disabilities during situation of risk and

humanitarian emergencies. For instance, communication about risk and disaster management warning and information are not accessible to all persons with disabilities.

5. This makes persons with disabilities more vulnerable to risk and humanitarian emergencies.

## **Recommendation**

1. Government should put measures in place to train and equip emergency response teams to assist persons with disabilities in disaster risk situations, such as fire outbreak, conflict, flood etc, and to ensure that information on disaster risks and related warnings are accessible to persons with disabilities, including persons who are deaf, blind or have an intellectual disability or autism.

### **8.8. Accessibility**

1. Ghana Standards Authority launched the National Accessibility Standards and the National building code in November 2016 and November 2018 respectively. However, implementation is lacking.

2. Section 6 of the Disability Act 715, makes provision on accessibility and enjoins owners of all buildings meant for public use to be made accessible and available to persons with disabilities.

3. Section 60 of Act 715, provides for a ten-year moratorium for all public buildings to be made accessible. But over five years since the expiration of the moratorium neither the government nor private



developers have complied with this provision.

4. The government continues to grant permits to inaccessible projects and has not taken any measure to ensure implementation.

5. The government has not also clearly defined or impose sanction on individuals and institutions who do not comply with the standards.

6. The accessibility provisions addressed under Act 715 do not cover the government's obligation to provide training for stakeholders on accessibility issues; and different forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters' information is largely not accessible to most persons with disabilities.

7. In effect, persons with disabilities are not able to fully enjoy their rights to health, education and employment on equal bases with others.

### **Recommendation**

1. There should be measures put in place by the State to promote accessibility of public buildings, facilities, transportation and information and communications, including in Braille and Easy-read formats and in sign language, for persons with disabilities throughout Ghana, and enforce compliance of the building code and the national accessibility standards

## 8.9. Awareness Raising

1. As far as awareness on disability is concerned, the government of Ghana has not yet taken any clear steps to raise awareness on issues about disability, neither has the government taken any steps to raise the positive image of persons with disabilities through the media.
2. Even though the government made a commitment to raise awareness on disability during the 2018 Global Disability Summit, there is no plan in place to raise awareness on disability.
3. As part of their corporate social responsibilities, both the private and state-owned media sometime give free or discounted airtime to disability rights advocates and organisations of persons with disabilities to raise awareness and educate the general public on disability and issues affecting persons with disabilities.
4. Generally, dissemination of information does not adequately target many persons with disabilities. For instance, printed information do not take the peculiar needs of persons with albinism, blindness and persons with intellectual disabilities into consideration since there are often no alternative format like large print, braille and easy to read versions.
5. In effect, persons with disabilities continue to experience stigma, discrimination and abuse because most people have little or no knowledge about disability.

## Recommendation

1. The government should put measures in place as well as support organisations of persons with disabilities to raise awareness on disability

## 9.0. Conclusion

In conclusion, there are gaps relating to implementation of human right legislation, policy and programmes on disabilities. Government has not done much as far as implementation of the disability related initiatives are concerned. While there are laws seeking to promote and protect the rights of persons with disabilities, there are still gaps in the country's domestic legislations and practises that discriminate against persons with disabilities. There is the need for the government to put measures in place to provide enabling environment for effective participation of persons with disabilities in the Ghanaian society.

## 10.0. References

Ghana State Report on the CRPD-2018

[https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/GHA/CRPD\\_C\\_GHA\\_1\\_6956\\_E.docx](https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/GHA/CRPD_C_GHA_1_6956_E.docx)

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