

1.0. Introduction

1. This is a report submitted by the Ghana Federation of Disability Organisations (GFD), an umbrella of nine (9) organizations of persons with disabilities, and the Centre for Employment of Persons with Disabilities to highlight the human right situation of persons with disabilities in Ghana.

2. The purpose of the report is to reflect on key issues as they affect the rights of persons with disabilities and progress made by Ghana after the last peer review in 2017.

3. The report covers key areas in relation to the rights of persons with disabilities. These include legal protection mechanisms and human rights, social protection, personal mobility, access to justice, accessibility, employment and situation of risk and humanitarian emergencies of persons with disabilities in Ghana.

4. The final report was drafted in consultation with the UN UPR CSO Platform convened by the POS Foundation.

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 organizations of persons with disabilities, civil society organizations and individuals with technical expertise in human rights and disability related issues.

3. The committee conducted a desk review of different national reports, policies, programs and laws to inform preparation of the report.

4. Notable among the documents reviewed are the State reports to the Human Rights Council in 2017 and Committee of Experts on the implementation of the United Nations Convention on the Rights of Persons with Disabilities in 2018.

5. Subsequently, an inclusive data gathering tool was used for a nation-wide stakeholder consultation. Information drawn from the stakeholder consultations were used to generate this report. The consultation involved persons with disabilities and representations of selected civil society organizations.

3.0. Background

1. Ghana enacted the persons with disability Act on 23rd June 2006 and ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 22nd August 2012.

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

3. Ghana has still not amended its national law - Persons with Disability Act, 2006 (Act 715) to be in synch 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 to make it consistent with the United Nations (UN) Convention on the Rights of Persons with Disabilities by 2018.

5. However, the process finally started in 2019 but has been unduly delayed. There is no clear roadmap or way forward regarding the amendment of the Disability Act. The gaps in the Disability Act give rise to exclusion, limited promotion and protection of the rights of persons with disabilities.

6. National Laws such as Mental Health Act, 2012 contradicts the CRPD in many ways including use of derogatory words such as 'mental retardation' 'capacity assessment tests', 'seclusion and restraint' and 'involuntary admission in hospital'.

7. On involuntary admission, the Mental Health Act allows the police to arrest all involuntary patients who leave the health facility before the expiry date of their admission. These provisions violate the will and preferences of a person with psychosocial disability.

4.0. ISSUES PERTAINING TO PERSONS WITH DISABILITY

i. Access to Justice

1. The Disability Act, in section 5, provides that "where a person with disability is a party in judicial proceedings, the adjudicating body shall take into account the condition of the person with disability and provide appropriate facilities that enable the person with disability to participate effectively in the proceedings". Section 40 of the same Act 715 obliges law enforcement agencies to take cognizance of issues and the needs of persons with disabilities in their training and in the enforcement of the law.

2. However, persons with disabilities do not enjoy access to justice on equal basis with others. This is for instance evidence in the inaccessible nature of the built environment, limited as far as adjudication is concerned. The inaccessibility poses major a challenge and affects some persons with disabilities on daily basis.

3. In proceeding of adjudicature, communication and information in most cases are not in accessible formats for persons with disabilities. For instance, the State does not provide sign language interpretations and other communication support services for persons who are deaf, hard of hearing people and deafblind people.

4. Prisons and places of incarceration do not have systems, procedures and facilities to adequately accommodate persons with disabilities. This leaves incarcerated persons with disabilities in such facilities in dehumanising and degrading states. E.g., it limits a person with physical disability to crawling on a rather unhygienic ground.

5. The prison service has not put any measures in place to accommodate and cater for persons with disabilities who are convicted. The facilities are mostly not accessible to persons with disabilities.

ii. Personal Mobility

1. Despite the provision of assistive devices to persons with disabilities by the State as indicated in the State report to the CRPD Committee, access to assistive devices and equipment that promote mobility is still out of reach for many persons with disabilities, especially those living in rural areas.

2. Assistive devices are not covered by the National Health Insurance Scheme, making it almost impossible for ordinary persons with disabilities, who are also poor, to have access.

3. There is also inadequate orientation and mobility instructors and specialist staff, to train persons with disabilities in mobility skills.

iii. Family life and reproductive health

1. Many persons with disability experience discrimination and negative attitudes in relation to their rights to marry, choice of relationships, form a family and parenting.

2. This is worse for persons with psychosocial and intellectual disabilities who are deemed incapable of consenting and entering marriage and valid contract.

3. Moreover, there are reports of negative cultural and religious beliefs and practices causing some parents to attempt to 'dispose off' children with disabilities, including children with down syndrome among others, in wild forests and in rivers as they are believed to be 'evil spirit'.

4. Stigma and discriminatory attitudes around disability, gender and sexuality also impact negatively on how women with disabilities exercise their rights to sexual and reproductive health services and family planning.

5. The inaccessibility of infrastructure and information at health facilities, lack of trained health personnel on the human rights approach to disability, further excludes women with disabilities to access sexual and reproductive health services.

iv. Social protection and adequate standard of living:

1. The Livelihood Empowerment Against Poverty (LEAP) programme and the District Assemblies Common Fund (DACF) for persons with disabilities- a 3% statutory fund from the DACF set aside to support income generating activities of Persons with disabilities, among others are some of the State led social protection initiatives for persons with disabilities.
2. Some learners with disabilities in beneficiary mainstream schools also benefit from the School Feeding Programme.
3. The 3% DACF however is inadequate, and its administration is fraught with challenges such as the lack of clear guidelines for its administration, corruption on the part of District Assemblies who sometimes use the fund for purposes other than those required by the State.
4. The LEAP programme does not also take cognizance of disability related costs.

v. Right to Work/Employment

1. In Ghana, there are a lot of barriers in the labour market that limit the employment opportunities for persons with disabilities. These include inaccessible work environment, negative attitude, stigma, discrimination and general perception among employers about the high cost of employing persons with disabilities.
2. There is also 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.
3. In most work environment, there is no respect for the fundamental rights of persons with disabilities and the rights of workers with disabilities in terms of conditions of work safety and remuneration.
4. Most institutions employed persons with disabilities who have low certification making it impossible for them to progress to the managerial level. Some institutions

consider employment of persons with disabilities as charity. Most persons with disabilities who are employed are rather under-utilized and underpaid.

vi. 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. The Persons with Disability Act, 2006 does not make any provisions on persons with disabilities during crisis and humanitarian emergencies.

2. The National Disaster Management Organization 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.

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

vii. 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 yet to fully began.

2. Section 6 of 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. Section 60 of Act 715, 2006 provides for a ten-year moratorium for all public buildings to be accessible. But five years since the expiration of the moratorium neither the Government nor private developers have complied with this provision. The Government continues to grant permits to inaccessible projects and has not taken any measures to ensure compliance of the Law. The Government has also not clearly defined or impose sanction on individuals and institutions who do not comply with the standards.

3. 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.

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

5.0 Recommendations

1. Amend 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. This should be done by June 2023 since the process has already begun.
2. The State should review the training curriculum for officials of the judicial and law enforcement agencies, including lawyers, judges, social welfare officers, police and prison officers, to include the provisions and standards of the CRPD.
3. Increase the 3% DACF designated for Persons with Disabilities while introducing and implementing clear guidelines as to how these funds would be utilized.

4. The State through its agencies like the GSA should set up a taskforce to ensure the full implementation and compliance with the moratorium to make public buildings accessible and where they are not sanctions must be duly applied.
5. Increase the accessibility of the justice system and infrastructure, including physical access, and accessible legal aid and information, and the measures to provide procedural accommodation;
6. The State should put measures to ensure that children with disabilities are not living on the street as a result of being excluded from the family.
7. The State 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.
8. There is the need for the government to adopt and implement employment equity policy to increase opportunities and employment of persons with disabilities.