

1 Population indicators

1.1 What is the total population of Ghana?

Ghana lies in the centre of the West African coast with a total area of 238 533 square kilometres. According to the 2021 Population and Housing Census (PHC), due to the emergence of COVID-19, the Census that had been planned for 2020 had to be conducted in 2021 and a total population of 30 832 019 was recorded.¹

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Ghana. What criteria are used to determine who falls within the class of persons with disabilities in Ghana?

The 2021 PHC was publicised through diverse and myriad outlets to inform the public about the exercise, and their civic responsibility of allowing field officers to enter their communities and houses, and to provide the required information.² The 2021 PHC adopted the six main functional domains of difficulty of the Washington Group on Disability Statistics, namely seeing, hearing, walking or climbing stairs, remembering or concentrating, self-care, and communication. These are functional

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1 Ghana Statistical Service 'Ghana 2021 Population and Housing Census: General Report Volume 3F – Difficulty in Performing Activities' https://statsghana.gov.gh/gss/main/fileUpload/pressrelease/2021%20PHC%20General%20Report%20Vol%203F_Difficulty%20in%20Performing%20Activities_final_161221.pdf (accessed 16 November 2024).

2 Ghana 2021 PHC (n 1) 7.

abilities that are applicable to people of all societies and cultures, thereby restricting the concept to functional limitation(s). Thus, the 2021 PHC contains relevant data on segments of the population with different kinds of difficulties in performing activities, which are disaggregated by type of difficulty and the varying degrees of severity by sex, age, region of residence, level of education and employment status.³

1.3 What is the total number and percentage of persons with disabilities in Ghana?

According to the 2021 PHC, persons who are five years of age and older with some form of varying degrees of difficulty in performing an activity, represent 8 per cent of the total population and is higher among females (8,8 per cent), than males (6,7 per cent). The proportion of the population with varying degrees of difficulty in performing activities in rural areas (9,5 per cent) is higher than in urban areas (6,5 per cent).⁴

1.4 What is the total number and percentage of women with disabilities in Ghana?

According to the 2021 PHC, the share of females among persons with varying degrees of difficulty in performing various activities is higher than for males in both rural (56,2 per cent vs 43,8 per cent) and urban (59,7 per cent vs 40,3 per cent) areas, but the difference is larger in urban areas.⁵

1.5 What is the total number and percentage of children with disabilities in Ghana?

The 2021 PHC did not collect data on children with disabilities, but persons with disabilities who were five and older.⁶

1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Ghana?

The population having difficulty in seeing (4 per cent) has the highest prevalence among all six domains with communicating having the lowest (1 per cent).⁷ The self-care domain (8,5 per cent) has the highest proportion of persons who cannot perform that activity at all while the lowest is remembering or concentrating (2,8 per cent); with males having higher proportion than females in all domains.⁸

2 Ghana's international obligations

2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Ghana? Has Ghana signed and

3 Ghana 2021 PHC (n 1) 23.

4 Ghana 2021 PHC (n 1) 27.

5 Ghana 2021 PHC (n 2) 28.

6 Ghana 2021 PHC (n 1) 27.

7 Ghana 2021 PHC (n 1) 28.

8 Ghana 2021 PHC (n 1) 29.

ratified the CRPD? Provide the date(s). Has Ghana signed and ratified the Optional Protocol? Provide the date(s).

Ghana's Parliament signed the CRPD on 30 March 2007 and ratified the CRPD and the Optional Protocol on 31 July 2012, being the 119th country to do so.⁹

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

Ghana has signed and ratified the CRPD. Ghana's initial report was due in August 2014 but submitted on 5 June 2018.¹⁰ The National Council on Persons with Disability, is the State Agency for disability matters and systemic inclusion¹¹ with the Ministry of Gender, Children and Social Protection. Ghana's initial report was submitted by the National Council on Persons with Disability through the Ministry of Gender, Children and Social Protection.

The Committee considered the initial report of Ghana at its 730th and 731st meetings, held on 19 and 20 August 2024, respectively. It adopted the present Concluding Observations at its 748th meeting, held on 29 August 2024.¹² The Committee made concluding observations and recommendations to Ghana's report.¹³ It is barely five months since the Concluding Observation was adopted. The review process is yet to have domestic effect on Ghana's disability issues due to the reporting process.

2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Ghana also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant concluding observations adopted? If relevant, were these observations given effect to? Was mention made of disability rights in Ghana's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

United Nations instruments

- **Convention on the Rights of the Child**

Ghana ratified the Convention on the Rights of the Child (CRC) on 5 February 1990. Ghana's second periodic report (CRC/C/65/Add.34) was due in 1997 but it was submitted in March 2005 and Concluding Observations adopted on 27 January 2006. Reporting under the general principles, report was made on the

9 UN Treaty Body Database https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=67&Lang=EN (accessed 12 November 2024).

10 Committee on the Rights of Persons with Disabilities, Initial report submitted by Ghana under article 35 of the Convention CRPD, due in 2014, 8 March 2019, UN Doc CRPD/C/GHA/1 (2019).

11 Persons with Disability Act, 2006 (Act 715).

12 Adopted by the Committee at its thirty-first session (12 August-5 September 2024). Committee on the Rights of Persons with Disabilities, Concluding Observations on the initial report of Ghana, 2 October 2024, UN Doc CRPD/C/GHA/CO/1 (2024).

13 Concluding Observations (n 12) 2-18.

steps taken to promote the rights of persons with disabilities.¹⁴ Ghana submitted the third, fourth and fifth consolidated periodic report for the period 2005 and 2010 to the UN Committee on the Rights of the Child on 24 May 2012.¹⁵ The Report mentioned that the new domestic legislation adopted in the reporting period to further enhance the minimum standards set down in the Convention provided for children with disabilities. The new domestic legislation includes the Persons with Disability Act, 2006 (Act 715); Domestic Violence Act, 2007 (Act 732); Education Act, 2008 (Act 778); Property Rights and Succession Bill, 2009; Intestate Succession Amendment Bill, 2009; and the National Health Insurance Amendment Bill, 2011 towards the prohibition of discrimination on the grounds of disability. The Committee considered the combined third to fifth periodic reports of Ghana (CRC/C/GHA/3-5) at its 1991st and 1993rd meetings (see CRC/C/SR.1991 and 1993), held on 19 and 20 May 2015, where the Concluding Observations were adopted at its 2024th meeting (see CRC/C/SR.2024) held on 5 June 2015.¹⁶ The Concluding Observations called for a: budgeting process, which includes a child-rights perspective and specifies clear allocations to children in vulnerable situations including children with disabilities; strengthening the data collection mechanism on children with disabilities especially those with mental health disabilities; and adopting a human rights-based approach to disabilities. The effect of the Concluding Observations includes the on-going review of the Childrens' Act, 1998 (Act 560)¹⁷ and the Inclusive Education Policy.

Ghana submitted the 6th and 7th Report on the CRC on 25 June 2021.¹⁸ The Reports mentioned steps taken to promote the rights of children with disabilities. The 6th and 7th Reports are yet to be published, and Ghana is yet to be reviewed.

Regional instruments

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

Ghana ratified the ACHPR on 24 of January 1989. Ghana's second periodic report was due in 1993. However, the 1993-2000 reports were submitted in 2000. In reporting under article 18 of the Charter, mention was made of persons with disabilities. That, in compliance with article 18 of the ACHPR, article 29 of the 1992 Constitution of Ghana protects persons with disabilities from discrimination, guarantees working and inclusive living conditions and ensures the wellbeing of persons with disabilities in the family context.¹⁹ The concluding observations and recommendations on the second periodic report were done during the 29th ordinary session in 2022.²⁰

14 EA Gyamfi 'Ghana' (2013) 1 *African Disability Rights Yearbook* 221-243 <https://www.pulp.up.ac.za/journals/african-disability-rights-yearbook-volume-1-2013> (accessed 12 November 2024).

15 Committee on the Rights of the Child, Consideration of consolidated third to fifth periodic Reports submitted by Ghana under article 44 of the Convention, 6 August 2014, UN Doc CRC/C/GHA/3-5 (2014).

16 Committee on the Rights of the Child, Concluding Observations on the combined third to fifth periodic reports of Ghana, 13 July 2015, UN Doc CRC/C/GHA/CO/3-5 (2015).

17 'Ghana government to review Children's Act' *Ghana Business News* 11 August 2009 <https://www.ghanabusinessnews.com/2009/08/11/ghana-government-to-review-childrens-act/> (accessed 11 November 2024).

18 Consideration of consolidated third to fifth periodic reports submitted by Ghana under article 44 of the Convention (n 15).

19 ACHPR 'Republic of Ghana: State Reports' <https://achpr.au.int/en/taxonomy/term/207> (accessed 11 November 2024).

20 As above.

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

Ghana's UPR first cycle took place from 5 to 16 May 2008. The UPR indicated that the 1992 Constitution of Ghana provides in articles 5 and 29 for the protection of fundamental human rights and freedoms of persons with disabilities.²¹ Ghana's UPR second cycle took place from 22 October 2012 to 5 November 2012.²² The review acknowledged the Ghanaian Parliament having ratified the CRPD.²³ Ghana's third cycle report dedicated a section on legislation and policies that have been strengthened to ensure the non-discrimination of persons with disabilities. The report was considered on 7 November 2017.²⁴ The outcome of the recommendation includes the necessary measures to ensure that the Persons with Disability Act, 2006 (Act 715) is in line with the CRPD and that Ghana adopts the Employment Policy for Persons with Disabilities.²⁵

Ghana submitted its fourth cycle report²⁶ in January 2022. The report among other thematic areas mentioned progress made to protect and promote the rights of persons with disabilities. The progress report stated that Ghana continues to ensure that the death penalty is not applied against any person in Ghana. In particular, no person with mental or intellectual disabilities, persons below 18 years of age at the time of the commission of the crime, and pregnant women have been executed. The report also mentioned the inaccessibility of facilities and structures for persons with disabilities in most public schools including inadequate recreational facilities. However, the report indicated the accessibility of the state-of-the-art disability-friendly facility of DOVVSU One Stop Centre staffed with, among others, clinical psychologists and lawyers to provide well-coordinated, effective, and efficient services for the protection and rehabilitation to victims of any form of violence, including those resulting from harmful traditional practices. The report dedicated a section on persons with disabilities and the work of the National Council on Persons with Disability;²⁷ including Ghana's ratification of the Marrakesh Treaty

- 21 Human Rights Council Working Group on the Universal Periodic Review, Second session, Geneva, 5-16 May 2008, First cycle UPR on Ghana, UN Doc A/HRC/WG.6/2/GHA/1 (2008) 29 <https://www.upr-info.org/sites/default/files/documents/2013-08/ahrcwg62gha1e.pdf> (accessed 15 November 2024).
- 22 Human Rights Council Working Group on the Universal Periodic Review, 14th session, 22 October-5 November 2012, Second cycle UPR on Ghana, 13 August 2012, UN Doc A/HRC/WG.6/14/GHA/1 (2012) 15 <https://www.upr-info.org/sites/default/files/documents/2013-08/ahrcwg.614gha1e.pdf> (accessed 15 November 2024).
- 23 Human Rights Council, 22nd session, Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Resolution adopted by the Human Rights Council 22/6: Protecting human rights defenders, 12 April 2013, UN Doc A/HRC/22/6 (2013) <https://www.upr-info.org/sites/default/files/documents/2013-08/ahrc226ghanae.pdf> (accessed 11 November 2024).
- 24 Human Rights Council Working Group on the Universal Periodic Review, 28th session 6-17 November 2017: National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Ghana, 25 August 2017, UN Doc A/HRC/WG.6/28/GHA/1 (2017) <http://www.ohchr.org/en/hrbodies/upr/pages/GHsession14.aspx> (accessed 10 September 2023).
- 25 Human Rights Council, 37th session, 26 February-23 March 2018: Agenda item 6 – Universal periodic review: Report of the Working Group on the Universal Periodic Review: Ghana, 26 December 2017, UN Doc A/HRC/37/7 (2017) <https://www.ohchr.org/en/hr-bodies/upr/gh-index> (accessed 10 September 2023).
- 26 Human Rights Council Working Group on the Universal Periodic Review, 42nd session 23 January-3 February 2022: National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21: Ghana, 1 November 2022, UN Doc A/HRC/WG.6/42/GHA/1 (2022) https://www.upr-info.org/sites/default/files/country-document/2023-02/A_HRC_WG.6_UPR42_GH_1_E.pdf (accessed 10 September 2023).
- 27 National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21 (n 26) 20-21.

on 11 May 2018 to facilitate access to published works for the blind and those with visual impairments; and the launch of the Framework and Strategies for Disability Mainstreaming in the MMDAs by the National Council on Persons with Disability in 2017. The report was considered on 24 January 2023²⁸ with recommendations to strengthen the effective inclusion of persons with disabilities in Ghana.

2.4 Was there any domestic effect on Ghana's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Ghana's legislature to incorporate it into the legal system before the instrument can have force in Ghana's domestic law? Have Ghana's courts ever considered this question? If so, cite the case(s).

The ratification of the CRC and ACHPR led to the adoption of laws aimed at protecting and promoting human rights of persons with disabilities.²⁹ Recent reporting and reviews have made the following domestic effect on disability rights:

- The Persons with Disability Act, 2006 (Act 715) is being reviewed to conform with the CRPD.
- The adoption of the following Guidelines and Frameworks to guide the mainstreaming of disability in national development:
 - The Framework and Strategies for Mainstreaming Disability in the Metropolitan Municipal and District Assemblies (MMDAs) in Ghana;
 - National Disability Inclusive Disaster Risk Management Guidelines for Persons with Disabilities; and
 - DVLA Guidelines for Training and Testing Drivers with Disabilities.
- The representation of disability in the National-Medium Term Development Policy Framework³⁰ 2022-2025 in all policy objectives and focus areas.
- The establishment of the National Mechanism for Reporting and Follow-ups (NMRF) to follow up reports, collates information from the relevant ministries departments and agencies and reports on the status of implementation of Ghana's obligations to international treaties.³¹
- Ghana's commitment under the Global Disability Summit 2018.³²
- The Government's commitment to pass the Persons with Disability Bill to law so as to establish channels for citizen with disabilities participation in government

28 Human Rights Council, 53rd session 19 June-14 July 2023: Agenda item 3 – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Resolution adopted by the Human Rights Council on 12 July 2023 53/7: The right to education, 19 July 2023, UN Doc A/HRC/53/7 (2023) <https://www.ohchr.org/en/hr-bodies/upr/gh-index> (accessed 10 September 2023).

29 Gyamfi (n 14).

30 National Development Planning Commission 'Social development' focuses on these broad range of issues: Education and training; Health and health services; Food and nutrition security; Population management and migration for development; Reducing poverty and inequality; Water and environmental sanitation; Child protection and development; Support for the aged; Gender equality; Sports and recreation; Leisure and cultural life; Youth development; Social protection; Disability-inclusive development; and Employment and decent work https://ndpc.gov.gh/developments/social_development# (accessed 10 September 2023).

31 Office of the Attorney-General & Ministry of Justice 'National human rights mechanism for reporting and follow-up meeting' (27 November 2021) <https://mojagd.gov.gh/?p=3697> (accessed 10 September 2023).

32 Global Disability Summit 2025 <https://www.globaldisabilitysummit.org/commitments/ghana-ministry-of-gender-children-and-social-protection> (accessed 10 September 2023).

decision making and the decentralisation of the National Council for Persons with Disability to increase persons with disabilities' participation in government decision making under Ghana's Fourth Action Plan (NAP4).³³

- The on-going review of the Inclusive Education Policy.
- The Children's Act, 1998 (Act 560), is being reviewed to conform with the CRC and provide for children with disabilities.³⁴

Ghana operates under a dualistic legal system; hence international treaties must be ratified in parliament with a majority vote and assented to by the President.³⁵ Then, that international treaty is legally enforceable. Internal domestic laws must be amended to conform to the instruments.³⁶ Where there is conflict between domestic law and ratified international instruments, the international instrument takes precedence over domestic law. The first prominent case came in 1993 when the court held in *National Patriotic Party v Inspector General of Police (NPP v IGP)*³⁷ that the Protocol to the ACHPR could be invoked without formal incorporation into local law, where the same rights were also protected in the Ghanaian Constitution.

2.5 With reference to 2.4 above, has the United Nation's CRPD or any other ratified international instrument been domesticated? Provide details

With reference to 2.4 above, through the ratification and signing of the CRPD, Ghana is currently reviewing the Persons with Disability Act 2006 (Act 715) to conform to the CRPD.³⁸

3 Constitution

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

Article 29 contains the rights of the persons with disabilities. Article 29(8)³⁹ mandates the Parliament of Ghana to enact such laws as are necessary to ensure the enforcement of the provisions. Hence the Parliament of Ghana enacted the Persons with Disability Act, 2006 (Act 715).

Article 29 of the 1992 Constitution guarantees persons with disabilities, the right to:

33 Open Government Partnership 'Ghana Action Plan Review 2021-2023' (28 April 2022) <https://www.opengovpartnership.org/documents/ghana-action-plan-review-2021-2023/#:~:text=Ghana's%20fourth%20action%20plan%20contains,transparency%20in%20the%20extractive%20sector> (accessed 10 September 2023).

34 *Ghana Business News* (n 17).

35 Art 75(1)-(2) of the 1992 Constitution.

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

37 [1993-94] 2 GLR 467.

38 EA Gyamfi 'Persons with Disability Act, 2006 (Act 715) 14 years old and review' *Graphic Online* 10 August 2020 <https://www.graphic.com.gh/features/features/persons-with-disability-act-2006-act-715-14-years-old-and-review.html> (accessed 10 August 2023).

39 Art 29(8): 'Parliament shall enact such laws as are necessary to ensure the enforcement of the provisions of this article.'

- family life;
- social activities;
- recreational activities;
- community integration;
- well-resourced indispensable specialised establishment;
- protection against all forms of exploitation, discrimination, abusive or degrading nature;
- easy access to justice;
- availability of public places;
- convenient and accessible business and working environment; and
- adoption of requisite laws, regulations, policies and measures to enforce disability rights.⁴⁰

Article 37(2)(b): In order to secure and protect social order Ghana has the mandate as a state to direct its policy towards ensuring that every citizen has equality of rights, obligations and opportunities before the law.⁴¹ Ghana is constitutionally guided in the protection and promotion of all other basic human rights and freedoms of persons with disabilities.

Article 37(3): That in promoting disability rights, the state shall be constitutionally guided by international human rights instrument.

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

Notable among the constitutional provisions are:

Article 17(1): The 'all persons' denotes all Ghanaians including persons with disabilities shall be able to access the justice system.

Article 17(2)(3): This provision guarantees non-discrimination against all Ghanaians including persons with disabilities.

4 Legislation

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

The Persons with Disability Act, 2006 (Act 715)

This Act provides for persons with disability, to establish the National Council on Persons with Disability. The Council is mandated to propose and evolve policies and strategies to enable persons with disability to enter and participate in the mainstream of the national development process.

⁴⁰ Art 17(4)(a) of the 1992 Constitution.

⁴¹ Art 37(1) of the 1992 Constitution.

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

Notably among the legislation is the following:

Children’s Act, 1998 (Act 560) is an Act to reform and consolidate the law relating to children, to provide for the rights of the child, maintenance and adoption; to regulate child labour and apprenticeship; for ancillary matters concerning children generally; and to provide for related matters. Section 3 of the Act deals with non-discrimination against a child on grounds of disability. Section 10(1) of the Act provides for the treatment of a child with a disability. Section 10(2) of the Act addresses the right of the child to special care, education and training for maximum potential and to be self-reliant.

Labour Act, 2003 (Act 651) is an Act to amend and consolidate the laws relating to labour, employers, trade unions and industrial relations; and to establish a National Labour Commission and to provide for related matters. Section 3(e) of the Act caters for the economic right of persons with disabilities. Section 14(e) of the Act prohibits an employer from discriminating against an employee on grounds of disability. Part IV⁴² regulates the employment of persons with disabilities.

National Health Insurance Act, 2003 (Act 650) is an Act to secure the provision of basic healthcare services to persons resident in the country through mutual and private health insurance schemes. Section 81(2)(d) of the Act guarantees the mandatory enrolment of persons with disabilities in the scheme.

Mental Health Act, 2012 (Act 846): The overall aim of this Act is to ensure the rights and quality treatment of persons with mental disabilities and to stipulate changes to the organisation, provision and funding of mental health services.

5 Decisions of courts and tribunals

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

Ghanaian courts are known for the high rates of insurance claims arising out of disability. Though, the courts (or tribunals) have not decided many cases relating to disability rights, the Persons with Disability Act, 2006 (Act 715) is a repository for some persons with disabilities in addressing violations of their rights. In one incident in Kumasi, a young man with physical disability was arrested. Before he was remanded in the police cells, the police made him undress, his calipers and his walking stick were taken. The Regional Chairman of the Ghana Society of the Physically Disabled was there to grant him bail. On realising the man was crawling on the dirty cell floor on his hands and knees, the Chairman pointed out section

42 Labour Act 2003 (Act 651).

40(1) of Act 715 to the policemen.⁴³ The DSP apologised and ordered that the man's disability's cloths, calipers and walking sticks be returned to him.

In another incident in the Eastern Region of Ghana, a deaf trader was issued with a writ for non-payment of merchandise. The addressee of the writ was 'mame muumu' translated as 'dumb woman'. Besides, in our local dialect 'muumu' connotes a stupid person. The defendant did not turn up in court on the day in question and so the judge issued a bench warrant in that name for the defendant's arrest. Relying on section 37(1)⁴⁴ and (2)⁴⁵ of Act 715, the deaf trader was granted bail.

The landmark case relating to disability rights is *Ghana Federation of the Disabled (GFD) v Attorney General, Ghana Highway Authority and Millennium Development Authority (MiDA)*.⁴⁶

On 8 February 2013, GFD sued three public institutions for neglecting persons with disabilities in the construction of the George Walker Bush Highway (N1) in Accra. In this case, the GFD asked the Human Rights Court in Accra, to compel the Ghana Highway Authority, MiDA and the Attorney General to modify the highway to conform to specifications outlined in Act 715⁴⁷ since the highway was built without the persons with disabilities in mind. There are no access paths for persons with disabilities, hindering their movement from one point of the highway to the other. Eventually, an accessible foot bridge was constructed rendering the ease of crossing by persons with disabilities.

6 Policies and programmes

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

National Disability Inclusive Disaster Risk Management Guidelines for Persons with Disabilities. These Guidelines aim to augment laws, policies, programmes and practices that manage risk disasters and provide for guidelines for the inclusion of all categories of persons with disabilities in disaster preparedness and mitigation, response, recovery and other related matters.⁴⁸

DVLA Guidelines for Training and Testing Drivers with Disabilities. These Guidelines are guided by the following principles: non-discrimination, diversity

43 Sec 40(1): 'Law enforcement agencies shall take into consideration the disability of a person on arrest, detention, trial or confinement of the person and provide for that person accordingly.'

44 Sec 37(1): 'A person shall not call a person with disability derogatory names because of the disability of the person.'

45 Sec 37(2): 'A person who contravenes Subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units or to a term of imprisonment not exceeding three months or to both.'

46 Suit number HRC/12/12.

47 Sec 6 of Act 715: access to public places.

48 'National Disability Inclusive Disaster Risk Management Guidelines: To augment the existing humanitarian framework and climate change responses' <https://gna.org.gh/web/wp-content/uploads/2023/05/National-Disability-Inclusive-Disaster-Risk-Management-Guidelines.pdf> (accessed 16 August 2023).

and inclusiveness, disability mainstreaming, participation and privilege as against right.⁴⁹

Inclusive Education Policy 2015. This Policy recognises the varied learning needs of learners and requires all stakeholders in the education sector to address the diverse needs of different groups of citizens in Ghanaian education system under the universal design for learning and within a learner friendly environment for all.⁵⁰

Framework and Strategies for Disability Mainstreaming in the MMDAs. The Framework and Strategies provide guidelines on how MMDAs and other institutions should mainstream disability as an integral part of their day-to-day planning, budgeting and implementation of programmes.⁵¹

Disability Policy 2000.⁵² The guiding principle is that for Ghana to achieve any meaningful and sustainable development, it needs to harness all its human resources. This policy considers the fact that all people irrespective of sex or disability can contribute to the national development process if given the opportunity. The full participation of every citizen is a right.

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

National Youth Policy 2022-2032.⁵³ This serves as a guideline for the government to engage the youth and other stakeholders in meaningful partnership to develop appropriate interventions and services for youth empowerment and development. Accordingly, the policy ensures the active participation of young people with disability.

National Gender Policy 2015. The overarching goal of this Policy is to mainstream gender equality concerns into the national development processes by improving the social, legal, civic, political, economic and socio-cultural conditions of the people of Ghana particularly women, girls, children, the vulnerable and people with special needs, persons with disability and the marginalised.

Education Strategic Plan 2018-2030 (ESP).⁵⁴ The ESP spells out the strategies of the government for the education sector over the next decade. ESP has a policy objective to improve access to quality education for persons with disabilities. Inclusive Education (IE) and Special Educational Needs (SpED) of education to young persons with disabilities is informed by five guiding principles:

49 A Annoh 'DVLA launches policy for PWDs in Accra' *Ghanaian Times* 24 February 2023 <https://www.ghanaiantimes.com.gh/dvla-launches-drivers-license-for-pwds-in-accra/#:~:text=Mr%20Busia%20explained%20that%20the,%2Ddiscrimination%2C%20diversity%20and%20inclusiveness> (accessed 16 August 2023).

50 'Ghana to implement inclusive education policy in 2015' *Ghana Business News* 16 December 2014 <https://www.ghanabusinessnews.com/2014/12/16/ghana-to-implement-inclusive-education-policy-in-2015/> (accessed 16 August 2023).

51 E Acheampong 'Framework and strategies for disability mainstreaming in the metropolitan, municipal and district assemblies (MMDAs) in Ghana' (2017) https://www.researchgate.net/publication/340038594_Framework_and_strategies_for_disability_mainstreaming_in_the_metropolitan_municipal_and_district_assemblies_MM_DAs_in_Ghana_Accra_NCPD (accessed 16 August 2023).

52 The Disability Act 2006 (Act 715) was enacted based on the Disability Policy April 2000.

53 Ministry of Youth and Sports 'National Youth Policy of Ghana 2022-2032' (2021).

54 Ministry of Education 'Education Strategic Plan 2018-2030'.

- Access and equity: Equal opportunity to obtain access to education and to learn, and the provision of an environment that is conducive to learning and achievement of learning outcomes and that demonstrates fair and just assessment.
- Quality: Achievement of high-level standards and system responsiveness at all levels of education.
- Relevance: Learning, including skills development, which is responsive to individual, community, and national development needs.
- Efficiency and effectiveness: Management of all resources that ensure value for money to achieve desired goals.
- Sustainability: Judicious utilisation of human, financial, and material resources to ensure balanced and continual development of the education system.

7 Disability bodies

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

In accordance with section 42(1) of the Persons with Disability Act, 2006 (Act 715), the National Council on Persons with Disability has a Legal and Case Management Unit. This Unit serves as a referral point directing complainants with disabilities and other stakeholders with complaints on disability matters to the right agencies for their complaints and inquiries to be addressed. Most of the referrals are sent to the Commission on Human Rights and Administrative Justice (CHRAJ), Legal Aid Commission, Labour Department, Alternatives dispute Resolution Centres, National Labour Commission, Domestic Violence and Victim Support Unit (DOVVSU), Ghana Police Service, National Investigation Bureau (NIB), Economic and Organised Crime Office (EOCO), and the Attorney General's Department. In most instances, the Council provides the agencies with disability technical support including sign language interpretation and strong follow ups to ensure that the complaints come to a logical conclusion.

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

Commission on Human Rights and Administrative Justice (CHRAJ).⁵⁵ CHRAJ has the constitutional function to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his public duties. CHRAJ also has the duty to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental human rights and freedoms under the Constitution. CHRAJ has the mandate to educate the public as to human rights and freedoms by publications, lectures and symposia. CHRAJ has the constitutional power to seek remedy in respect of such acts or omissions and to provide for other related purposes.

55 Commission on Human Rights and Administrative Justice Act 1993 (Act 456) established CHRAJ.

Department of Social Welfare (DSW).⁵⁶ DSW is a statutory agency mandated to promote and protect the rights of children, justice and administration of child related issues, community care for disabled and needy adults. Thus, DSW investigates cases of contravention of children's rights. DSW operates health assessment to provide early diagnostic medical attention to mothers and infants to determine the existence or onset of disability.⁵⁷

Domestic Violence and Victim Support Unit (DOVVSU). DOVVSUs of the Police provide focal points for complaints and counselling.⁵⁸ DOVVSU is mandated to provide protection from domestic violence, particularly for women and children and for connected purposes.

The Ghana Police Service.⁵⁹ The Police Service aims at ensuring that all officers fulfil their obligations and discharge their duties whilst promoting, protecting and respecting the human rights of individuals.⁶⁰ As a result, complaints about domestic violence could be lodged with the police. The police are mandated to respond promptly to a request for assistance from domestic violence even when the person reporting is not victim of the domestic violence.

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

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

The Constitution provides for the establishment of an independent Commission on Human Rights and Administrative Justice (CHRAJ).⁶¹ The functions of CHRAJ⁶² as set out in the Constitution includes the duty to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his public duties. CHRAJ also has the duty to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental human rights and freedoms under the Constitution. The Commission also has the duty to educate the public on human rights and freedoms. By an Act of Parliament, the CHRAJ was established in 1993. CHRAJ has offices located in all 16 regional capitals and in the administrative districts of Ghana. The CHRAJ was established by the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456). Though the mandate of CHRAJ does not specifically and explicitly include 'addressing disability rights' the structure of CHRAJ ensures that human rights and freedoms

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

57 Sec 34 of Act 715.

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

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

60 Secs 6 & 7 of Act 732.

61 Sec 6 of Act 456.

62 Sec 7 of Act 456.

are promoted and protected throughout Ghana. CHRAJ has addressed a few cases relating to the rights of persons with disabilities.

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

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

There are a number of organisations that represent and advocate for the rights and welfare of persons with disabilities in Ghana. There are the 97 DPOs, one Federation of Disability Organisation and over 38 parasports organisations; their line of activities is similar. The activities of DPOs are mostly to sensitise the public of their existence, advocate for equal opportunities in society, and promote the rights of persons with disabilities through building their capacity and ensuring the full inclusion of their needs, aspirations, active participation in national and local policies and programme. The DPOs include the Ghana Federation of the Disabled (GFD), Ghana Society of the Physically Disabled (GSPD), Ghana Blind Union (GBU), Ghana National Association of the Deaf (GNAD), Ghana Association of Persons with Albinism (GAPA), Parent Association of Children with Intellectual Disability (PACID), Mental Health Society of Ghana (MEHSOG).⁶³ In addition, there are:

Little People of Ghana. Their membership is comprised of little people. They operate at the national level.

Ghana Stammering Association. This organisation is made up of people who are stammers. They operate at the national level.

Inclusion Ghana. This organisation is for people with intellectual disabilities with executives who are not persons with disabilities. It operates at the national and regional levels.

Burns Survivor. This is an organization is made up of people who are survivors of various degrees of burns. It operates at the national level.

Deaf Blind Association. This is an organisation which is made up of people who are deafblind. It operates at the national level.

Then, there are Non-Governmental Organisations (NGOs) whose activity, among others, is to advocate for the rights and welfare of persons with disabilities. Most of these NGOs undertake projects to enhance the welfare of persons with disabilities as well as sponsor disability programmes to promote the welfare of persons with disabilities. There are the Centre for Democracy and Development Ghana (CDD), SEND-Ghana, the Sightsavers Ghana, Basic-Needs Ghana, Right to Dream-Ghana, and Right to Play-Ghana.⁶⁴ In addition to these there are:

63 Gyamfi (n 14).

64 As above.

SWEB Foundation. The Samuel Wellington Botwey (SWEB) Foundation is a disability-focused network organisation advancing disability rights and community-based inclusive development in Ghana. It operates at the national level.

Klicks Africa Foundation. Klicks Africa runs an intensive Vocational Training and Resource Centre for youths with special needs, to equip them with self-help skills, guidance in building up their social skills as well as emotional support to them and their families. It operates at the national level.

Kekeli Foundation is an organisation dedicated to advocating for the rights of persons with disabilities. They dedicate their efforts to supporting children and adults with disabilities and their families with the goal of improving their social inclusion in all sectors of society. Kekeli works in several areas, emphasising education and lifelong learning for persons with disabilities and community education regarding the dignity and societal inclusion of people with disabilities. It operates at the national level.

Cerebral Palsy Awareness Gh is an organisation which creates awareness through sensitisation to prevent, reduce or limit stigmatisation of people living with cerebral palsy. It operates at the national level.

Simon Agbotso Foundation for the Young Disabled is a charity which aims to end disability discrimination in Ghana and support young people with disabilities. It operates at the national level.

Here for Perfection (H4p) Organisation creates an avenue of media to help alleviate the social inequity that confronts persons with disability and create an enabling environment for inclusion. It operates at the national level.

Autism Awareness Care and Training Centre is committed to supporting individuals and families with autism spectrum disorder. They believe that each child can use their God-given talent to reach their maximum potential, regardless of the disability. They are dedicated to fostering meaningful education and independence for each child. It operates at the national level.

With God Cerebral Palsy Ghana is an organisation which creates awareness through sensitization to prevent, reduce or limit stigmatisation of people living with cerebral palsy. It operates at the national level.

EmpoweredMind Ghana exists to empower individuals, communities, societies and nations to take control of their mental health. Equality, mutual respect, confidentiality, trustworthiness, punctuality, attitude, shared love, belongingness and self-discipline are the core values. It operates at the national level.

Savanna Signatures has a vision of a society where all have access to tools that improve their livelihoods and quality of life and a mission to initiate positive change among youth, women and vulnerable populations of Ghana using innovative solutions to facilitate access to Reproductive Health and Rights (Including Maternal and Child Health), Quality Education and Skills Development. It operates at the national level.

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

The National Council on Persons with Disability maintains a register on Organisations of Persons with Disabilities (OPDs/DPOs).⁶⁵ Currently, the Council has a register of 97 DPOs made up of those organised at the national level, the regional levels and at the district levels.

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

The National Council on Persons with Disability actively involves and consults the DPOs in the development, review, and amendment of legislation, policies, guidelines and strategies geared towards the implementation of the CRPD.⁶⁶

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

Some of the DPOs led by GFD submitted an alternative report to the CRPD Committee on Ghana's initial report.⁶⁷

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

Some of the common barriers include an absence of framework to detail a clear distinction between duty bearers' tasks and complementary roles, as well as holding duty bearers to an accountability role.

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

The specific instances of 'best-practice models'⁶⁸ are that the Council in the development and implementation of legislation and policies to implement the CRPD, and in other decision-making processes concerning issues relating to persons with disabilities, closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.

9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities

65 Sec 42(2)(9) of the Persons with Disability Act, 2006 (Act 715).

66 Persons with Disability Act, 2006; Ministry of Gender, Children and Social Protection 'NCPD holds 2nd Disability Summit' (23 February 2023) <https://www.mogcsp.gov.gh/ncpd-holds-2nd-disability-inclusion-summit/> (accessed 11 November 2024); Ghana National Association of the Deaf (GNAD) 'Press statement launch of policy for training and testing of drivers with disabilities' (2022) <https://gnadgh.org/press-statement-launch-of-policy-for-training-and-testing-of-drivers-with-disabilities/> (accessed 11 November 2024).

67 UN Treaty database https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=En&CountryID=67 (accessed 11 November 2024).

68 Art 4(1)(3) of the CRPD.

that resulted from the engagement of DPOs in the implementation process?

There have been a lot of changes resulting from the engagement of DPO's such as the Review of the Persons with Disability Act, 2006 (Act 715), the Inclusive Education Policy and others.

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

This research reiterates the urgent need for the Council to develop 'Guidelines on OPDs role in the Implementation of the CRPD for Inclusion'.

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

The collaborative role of DPOs needs to be strengthened.

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

My research has revealed that almost all the organisations that promote the rights of persons with disabilities undertake research at a point in time. DPOs have been involved in most of this research because without them it would be difficult to get accurate report. However, CDD-GHANA, Centre for Disability and Rehabilitation Studies-KNUST⁶⁹ (CEDRES); and Department of Special Education (University of Education-Winneba) including the academia in the private sector are known for DPOs involvement in their frequent research.

10 Government departments

10.1 Do you have a government department(s) that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).

The National Council on Persons with Disability is the State Agency for disability matters and systemic inclusion.⁷⁰ The Council collaborates with ministries, departments, agencies, the private sector, the academia and representatives of OPDs for the promotion and protection of the rights and welfare of person with disabilities. The functions of the Council include:

⁶⁹ Kwame Nkrumah University of Science and Technology, Kumasi.

⁷⁰ Persons with Disability Act.

- monitor and evaluate disability policies and programmes;
- interdisciplinary involvement and participation in the implementation of national disability policy;
- produce an organisational manual on the operations of the Council and its secretariat;
- coordinate disability activities;
- advise the Ministry on Disability and submit to the Minister proposals for appropriate legislation on disability;
- mobilise resources for the attainment of its object;
- coordinate activities of organisations of persons with disability, and international organisations and NGOs that deal with disability;
- promote studies and research on issues of disability and provide education and information to the public on issues of disability; and
- maintain a register of:
 - persons with disability, and
 - institutions, organisations and associations which provide rehabilitation, services or support for persons with disabilities.

11 Main human rights concerns of people with disabilities in Ghana

11.1 Contemporary challenges of persons with disabilities in Ghana (eg in some parts of Africa ritual killing of certain classes of PWDs such as persons with albinism occurs).

The challenges of the Ghanaian persons with disabilities are for the ministries, departments, agencies, institutions, the private sector, the academia and representatives of OPDs to appreciate the fact that disability is a cross-cutting matter, hence collaborative efforts will create the inclusive nation. Ghana has therefore translated its policies into sustainable development goals⁷¹ to ensure that the collaborative efforts are harnessed.

11.2 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

Access to public buildings: Section 6 of the Act 715 directs owners or occupiers of a place to which the public has access to, to ensure that the place is accessible to persons with disabilities. The Ghana Accessibility Standard on the Built Environment, and the Framework and Strategies for Mainstreaming Disability into the MMDAs guides the implementation of access to public buildings.

Access to public transport: Section 23 of the Act 715 requires that the needs of persons with disabilities are taken into account in the design, construction and operation of the transportation network.

Access to education: Sections 16-22 of the Persons with Disability Act 2006 and the Inclusive Policy regulate the enrolment of children with disabilities in schools.

71 National Development Planning Commission (n 30).

Access to vocational training: Section 13 of Act 715 guarantees persons with disabilities being given appropriate training, the necessary working tools and materials, and access to startup capital⁷² for entrepreneurship.

Access to employment: Section 9 of Act 715, and sections 3(e) and 14(e) of the Labour Act oblige the use of employment centres to assist in getting jobs for persons with disabilities.

Access to recreation and sport: Sections 38 and 39 of Act 715 guarantee the provision of adequate facilities, programmes and incentives, to ensure that persons with disabilities have access to sports and cultural events.

Access to justice: Section 5 of Act 715 obliges the provision of appropriate facilities to enable persons with disabilities to participate effectively in judicial proceedings.

11.3 Do persons with disabilities have a right to participation in political life (political representation and leadership) in Ghana?

In Ghana, it is required under section 39 of Act 715 that a person or institution which organises a national, regional or district activity, shall ensure that facilities are made available for the participation by people with disabilities.⁷³ The Electoral Commission provides tactile ballot jackets for secret voting by the blind.

11.4 Are persons with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in Ghana?

The Persons with Disability Act, 2006 (Act 715) working together with other laws and policies, including, the Inclusive Education Policy; the Mental Health Act, 2012 (Act 846); and National Health Insurance Act, 2003 (Act 650), seeks to ensure that the rights to health and education are protected and realised progressively in Ghana.

Other social services initiatives to support people with disabilities' socio-economic rights:

PWD Enterprise Support Programme: In addition to the Common Fund for Persons with Disabilities and the Livelihood Empowerment Against Poverty Programme (LEAP),⁷⁴ there is the PWD Enterprise Support Programme under the Ghana Economic Transformation Project, which provides liquidity support for micro, small and medium entrepreneurs with disabilities.⁷⁵

72 Eg PWD Enterprise Support Programme; Common Fund for Persons with Disabilities.

73 Sec 39 of Act 715; 'Decentralise registration process to ensure equity – PWDs to EC' *Graphic Online* 6 September 2023 <https://www.graphic.com.gh/news/politics/decentralise-registration-process-to-ensure-equity-pwds-to-ec.html> (accessed 11 November 2024).

74 Ministry of Gender, Children and Social Protection 'Livelihood Empowerment Against Poverty (LEAP)' <https://www.mogcsp.gov.gh/projects/livelihood-empowerment-against-poverty-leap/#:~:text=The%20main%20objective%20of%20the,the%20extremely%20poor%20and%20vulnerable.> (accessed 11 November 2024).

75 Ghana Economic Transformative Project <https://gea.gov.gh/grants/pwd-apply/> (accessed 11 November 2024).

11.5 Specific categories experiencing particular issues/vulnerabilities:

Women with disabilities: To address the double discrimination experienced by women with disabilities as women and also persons with disabilities, the Affirmative Action Bill has interpreted women to include women with disabilities.

Children with disabilities: To address the exclusion of children with disabilities, the Children Act, 1998 (Act 560) is being reviewed to adequately provide for children with disabilities in line with the CRPD.

Other (eg indigenous peoples): The deafblind graduates experience limited employment opportunities.

12 Future perspective

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

Currently, there is a draft Persons with Disabilities Bill 2024,⁷⁶ which aligns with the CRPD. Another law to support persons with disabilities is the Social Protection Bill, 2023,⁷⁷ which is currently before Cabinet and to be considered by Parliament of Ghana.

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

The passage of the Persons with Disability Bill 2022 into a law and Ghana's ratification of the African disability Protocol.

I would like to see the following legal reforms in Ghana:

- Ghana's ratification of the African Disability Protocol; to substantiate the domestication of the African Disability Protocol in the new Persons with Disability Bill, 2022.
- The passage of the new Person with Disability Bill, 2022 into law to effectively ensure the implementation of the National-Medium Term Development Policy Framework 2022-2023.
- The development of the 'Guidelines on OPDs role in the Implementation of the CRPD for Inclusion'.

76 'National Council on Disability holds stakeholder consultation on Persons with Disabilities Bill, 2024' *Ghana Web* 26 April 2024 <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/National-Council-on-Disability-holds-stakeholder-consultation-on-Persons-with-Disabilities-Bill-2024-1928064> (accessed 16 November 2024).

77 8th Parliament, Bills 2021-2023 Social Protection Bill, 2023 (accessed 17 December 2024).