

UNIVERSITY OF GHANA

**EXAMINING INTERVENTIONS IN GHANA TOWARDS
PROTECTING THE HUMAN RIGHTS OF PERSONS WITH
PHYSICAL DISABILITIES**

BY

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DECLARATION

I hereby declare that, this dissertation is the product of an original research that I undertook under the supervision of Dr. Afua Boatemaa Yakohene and that no part of this work has been submitted anywhere else for any other purpose. All sources used have been duly acknowledged.

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DEDICATION

I dedicate this work first of all to God for the grace and strength to complete this work. I also dedicate this work to my parents, Rev. Yaw and Mrs. Serena Boamah, especially to my mother for all the help with data collection and transportation and my father for proofreading and correcting errors in the work. I thank my brother and other family members as well for their encouragement and support.

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LIST OF ABBREVIATIONS

AU	African Union
CHRAJ	Commission on Human Rights and Administrative Justice
CPOA	Continental Plan of Action
CSO	Civil Society Organizations
DANIDA	Danish International Development Agency
DDA	Disability Discrimination Act
DFID	Department for International Development
DOVVSU	Domestic Violence and Victim Support Unit
DPO	Disabled Peoples Organization
EAA	European Accessibility Act
EU	European Union
FIDA	International Federation of Women Lawyers
GBU	Ghana Blind Union
GFD	Ghana Federation of Disability Organizations
GSAD	Ghana Standard on Accessibility Designs
GSPD	Ghana Society for the Physically Disabled
HRAC	Human Rights Advocacy Centre
LEAP	Livelihood Empowerment against Poverty
MELR	Ministry of Employment and Labour Relations
MLGRD	Ministry of Local Government and Rural Development
MMDA	Metropolitan, Municipal and District Assemblies
MoGCSP	Ministry of Gender, Child and Social Protection
NCPD	National Council for Persons with Disabilities
NGO	Non-Governmental Organization

NHIS	National Health Insurance Scheme
OAU	Organization of African Unity
PWD	Persons with Disabilities
SADPD	Secretariat of the African Decade of Persons with Disability
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WB	World Bank
WHO	World Health Organization
WPA	World Plan of Action
WWD	Women with Disability

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ABSTRACT

The United Nations Convention on the Rights of Persons with Disabilities and the Ghana Disability Act were both developed to give Persons with Disabilities access to rights that they had been denied of for long. Yet twelve years after, PWDs are still being marginalized and do not enjoy the same benefits and opportunities as persons without disabilities. This research, therefore, focuses on examining the interventions in Ghana towards protecting the human rights of persons with physical disabilities. The conceptual framework used is the Human Rights Model of Disability and it recognizes that disability must not be taken as a legitimate ground for the denial or restriction of human rights. The study is purely a qualitative research and the purposive sampling method was used in selecting the target population. A semi-structured interview guide was used in collecting the data and the data were analyzed using thematic data analyses. Major findings from the study reveal that, interventions have been put in place to protect the rights of PWDs including: The 3% District Assemblies Common Fund; Environmental and Social Framework of the World Bank; the Ghana Accessibility Standard; the Employment Policy; early childhood screening to detect disability; and public education on disability. Some challenges to these interventions are, prevailing traditional beliefs in society, insufficient funding for projects, lack of a legislative instrument to aid enforcement of Act 715 and inaccessibility of public buildings. The way forward is for government to collaborate with international organizations, CSOs and PWDs themselves in protecting their rights, monitoring agencies in their roles and holding them accountable and finally encouraging a policy of inclusion and mainstreaming for PWDs.

CHAPTER ONE

INTRODUCTION

1.0 Background to the Research Problem

The United Nations (UN) describes Human Rights as rights that are imputed to all human beings which they may enjoy without let or hindrance. These rights include the right to life and liberty, the right to work and education and many other rights. However, access to these rights are not to be influenced by the following parameters: Sex; language; nationality; race; ethnicity; or religion. Human rights are understood as rights which belong to any individual as a consequence of being human (Piechowiak, 1996). Everyone, by virtue of being alive, must be a beneficiary of certain basic and indisputable human rights which the state, indeed the whole world, must champion. No human being should suffer prejudicial treatment in the enjoyment of these rights irrespective of where they reside in the world. In other words, human rights should be enjoyed equally and universally (Adjei, 2013). Human Rights are important to all because they ensure that people's fundamental needs are guaranteed and they also protect vulnerable groups from abuse.

Several policies and legal frameworks have been put in place by countries, non-governmental as well as governmental organizations (internationally) to ensure general well-being for all people. The Universal Declaration of Human Rights (UDHR) passed in 1948 and adopted by the General Assembly of the UN is an example of such a legal framework. Persons with Disabilities (PWDs) are common among vulnerable citizens in any country in the world. According to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), disability is "a physical, mental, or sensory impairment, whether permanent or temporary, that limits the capacity to perform one or more essential activities in daily life, and which can be caused or aggravated by the economic and social environment" (UNCRPD,

2006, p. 4). The Disability Discrimination Act (DDA) defines a person with a disability as “someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities” (Disabled World, 2009).

The presence of different barriers in society poses a challenge to PWDs in their bid to interact fully and effectively with others on an equal basis (UNCRPD, 2006). At one point in time, almost everyone may be exposed to, or experience a disability in one form or another. It is estimated that in the world today, over a billion people live with some form of impairment (WHO, 2011) causing people with disabilities to be often referred to as “the world’s largest minority”. Persons with disabilities have been perceived as pitiful and needy - who can be effectively supported only through charity - rather than as persons with inherent rights and dignity (Schulze, 2010). Disability responses have altered since the 1970s, driven mainly by the self-organization of individuals with disabilities and the increasing tendency to see disability as a human rights issue (Campbell & Oliver, 2013). In view of this, the UN, after decades of work to change attitudes as well as strategies to support persons with disabilities, came up with the UNCRPD and its Optional Protocol. Article 1 of the UNCRPD states: “the purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (UNCRPD, 2006, p.4). This Convention is relevant as it is an instrument to ensure that individuals with disabilities are able to access the same freedoms and prospects as everyone else. The Convention challenges people all over the world to know disability as a human rights concern rather than seeing it as a medical problem or for reliance on aid.

Though the United Nations has increasingly placed disability as a concern under human rights, PWDs continue to suffer discrimination as well as marginalization in society. They are confronted with challenges in accessing social services like health, employment, education, transport systems, and encounter barriers to active participation in society (WHO, 2011). “They experience high rates of poverty and poor health, low educational achievements and few employment opportunities. They are often subject to violence and abuse and have little knowledge of their rights or how to access services to assist them. While disability movements and protective legislation have seen the position of disabled people improve towards the end of the 20th century, their socioeconomic and political status remains tenuous, if not critical, especially in parts of the global South” (Meekosha & Soldatic, 2011, p. 1383-1397). Disability is not only an issue relating to health, but also a complicated phenomenon that reflects the interplay of a person's characteristics and the society in which he or she is domiciled (WHO, 2011).

The World Bank (2019) estimates that a little over a billion of the people in the world encounter disability in one form or the other and that developing countries experience higher rates. In Africa today, for example, it is said that 60-80 million people live with disabilities. Even though PWDs make up 10 per cent of the total population of Africa, in the poorer regions it could be as high as 20 per cent. In most cases, Africans who live with disabilities are unable to attend school or have access to decent employment. Consequently, it becomes a matter of course that they will live in abject poverty (Disabled World, 2018). According to the Human Rights Watch (2012), twenty per cent of Ghanaians are said to live with some form of disability and that is five million plus people. These people are often not only seen as unproductive but also not capable of making any positive contribution to society because most of them are unemployed and have to rely on their family for upkeep. Rather, they are considered to be a burden on the economy, especially on the immediate family. This situation

perpetuates their poverty and this is likely to continue unless there is outside intervention (Ghana Federation of the Disabled, 2008). Again, persons living with disability equally experience marginalization, deprivation, and exclusion from engaging in social and political activities (Voice Ghana, 2014). On the international front, Ghana was the 119th country worldwide to give consent to the UNCRPD (Human Rights Watch, 2012). Ghana's ratification of the UNCRPD showed that the country was committed to uphold the human rights of all its citizens without prejudice to PWDs.

According to Rioux and Carbett (2003), human rights have become a worldwide concern although most visible at the local level. Governments, all over the world, are increasingly viewing their citizens' rights in ways that align with legislations on human rights at the global level and, internationally, human rights projects are starting to tackle disability within a framework of human rights.

Physical disabilities will be emphasized in this study because of the wide nature of disabilities that affect people. "A physical disability is a physical condition that affects a person's mobility, physical capacity, stamina, or dexterity. This can include brain or spinal cord injuries, multiple sclerosis, cerebral palsy, respiratory disorders, epilepsy, hearing and visual impairments and more" (Achieve Australia, 2019). There are also different causes of physical disabilities and they generally fall into one of two classifications: hereditary and acquired. The study focuses on this singular feature of disabilities since it will be impossible to examine all the interventions in Ghana towards protecting the human rights of PWDs in general.

1.1 Statement of the Problem

PWDs form the largest growing minority in the world. However, until the recent past they were unseen as far as international human rights law was concerned (Series, 2015). The

UNCRPD was created to address concerns expressed by current instruments on human rights which were “yet to create a significant impact on improving the lives of people with disabilities,” and a commitment by PWDs, as well as those who champion their cause to “strive for a legally binding international convention on the rights of all people with disabilities to full participation and equality in society” (Disabled Peoples International, 2000). Ghana passed the PWDs Act (ACT 715) in 2006 with the aim of providing them access to rights and assistance which they had gone without for too long. The Act was considered a noteworthy milestone in the country’s human rights discourse at a time when majority of countries in Africa did not have special legislation on disability and it allowed for PWDs to be included in mainstream society (Oduro, 2009). The Act covers key provisions such as rights, employment, health, education, transport and accessibility for PWDs.

However, twelve years after the UNCRPD and the Ghana Disability Act, PWDs and some human rights organizations are still voicing their frustrations about how PWDs have been marginalized and still do not enjoy the benefits and opportunities persons without disabilities enjoy. From September to December 2011, the predicament of PWDs in Ghana was brought into the limelight (Adjei, 2013). Persons with physical disabilities still have to be carried to access storey buildings in Ghana that are without an elevator or a ramp and some of these buildings are public buildings. It is also common for most homes in Ghana to be inaccessible to PWDs. PWDs do not have access at all or have very limited access to education because the educational institutions that cater to them are few. Visually impaired persons, for example, can only attend 7 out of over 475 senior high schools. There are inadequate social services for PWDs as well in terms of means of transportation, therapy and subsidizations. Hence, this study concentrates on tackling the problems related to the human rights of people living with physical disabilities in Ghana and the interventions that have been made to

counter these problems. This provides PWDs with knowledge and empowers them to claim and defend their rights both locally and globally.

This study examines various measures put in place, after the UNCRPD was adopted in 2006, by national and international organizations in Ghana aimed at protecting the human rights of persons with physical disabilities and how effective they are.

1.2 Research Questions

This study focuses on the following questions:

1. What are the national and international frameworks, policies, and strategies in protecting the rights of persons with physical disabilities in Ghana?
2. How effective has the work of national and international organizations been in implementing the frameworks, policies and strategies in protecting the rights of persons with physical disabilities in Ghana?
3. What challenges have undermined the effective implementation of the frameworks, policies, and strategies?

1.3 Research Objectives

This study seeks to:

1. To find out the national and international frameworks, policies, and strategies put in place to protect the rights of persons with physical disabilities in Ghana.
2. To analyze how effective the work of national and international organizations in implementing the frameworks, policies, and strategies have been in protecting the rights of persons with physical disabilities in Ghana.
3. To assess the challenges that has undermined the effective implementation of the frameworks, policies, and strategies.

1.4 Scope

This study seeks to examine the frameworks, policies and strategies of the National Council on Persons with Disabilities; Ghana Society of the Physically Disabled; Ghana Federation of Disability Organizations; international governmental organizations such as United Nations Development Project and the World Bank; as well as non-governmental organizations such as the Human Rights Advocacy Centre in safeguarding the rights of individuals with physical disabilities in Ghana from the year 2006 to 2019. This is because the UNCRPD was adopted in 2006 and, similarly, the Ghana Disability Act was also passed in 2006. This time frame will allow for effective analysis of data. This study is undertaken to draw attention to the inequalities faced by PWDs and to find out what is being done for them.

1.5 Rationale

This study is significant because it throws more light on the frameworks, policies and strategies already put in place for protecting the human rights of persons with physical disabilities as well as further interventions being made specifically in Ghana thus, contributing to knowledge. This study is useful to individuals who have physical disabilities to appreciate their rights, freedoms and equal opportunities. Again, it plays a useful role as a policy guide for the government and international organizations as more efforts are made to ensure an inclusive society for all.

1.6 Hypothesis

The efforts of national and international organizations are effectively contributing to the promotion and protection of the rights of persons with physical disabilities in Ghana.

1.7 Conceptual Framework

Human rights are the basic, general and inalienable principles by which every person can claim fair and equal treatment. The concept identified for this study is the Human Rights

Model of Disability. This model builds upon the spirit of the UDHR adopted in 1948 shortly after the end of World War II (Berghs, Atkin, Graham, Hatton & Thomas, 2016, p. 8) and emerged with the adoption of the UNCRPD. The proponents of this model are Theresia Degener and Gerald Quinn and the terminology emerged first in their article on “International and Comparative Disability Law Reform.” According to Rioux & Carbett (2003, p.2), “a human rights model of disability perceives a variation in human characteristics associated with disability, whether in cognitive, sensory, or motor ability, as inherent to the human condition. Such variations do not limit potential contributions to society, but rather diversify the range of potential contributions and the range of mechanisms to ensure individual potential is realized.” This implies that society must necessarily provide every avenue for PWDs to realize their rights and this may include the provision of support and services that facilitates economic and social integration as well as the enjoyment of legal and social rights. In studies conducted on disability, this disability approach based on human rights was portrayed as a means to give a guarantee of citizenship and equality (Oliver, 1996). Persons with disabilities could accordingly be described as equally entitled citizens.

As physical disability portrays the hindrances faced by PWDs with respect to enjoying fairness and equal treatment, it is clear that physical disability is an issue pertaining to human rights. With all vulnerable groups of people who endure prejudice and drawbacks, it is the appreciation of their inherent rights that facilitates strategies to enforce and secure their human rights (Albert & Hurst, 2012). The Human Rights Model positions physical disability as an important dimension of human culture and it affirms that human beings irrespective of their disabilities have certain rights which are unalienable. The human rights model of disability moves beyond an explanation of the social factors that shape the understanding of disability and offers a framework for a disability policy that emphasizes the human dignity of persons (Degener, 2017). The attitude to disability in the field of human rights also changes

from treating individuals with physical disabilities as people who are dependent on assistance from others, healthcare and social security, to considering individuals with disabilities as individuals with rights, who can claim these privileges and make life choices based on their free, informed consent and are active members of society (Njelesani, Cleaver, Tataryn & Nixon, 2012). It places PWDs right in the middle of all resolutions made that impacts them and notably, it places the main problem outside the person and in society (Quinn & Degener, 2002, p. 14). Inclusivity is at the heart of a rights-based approach to disability and the model offers constructive proposals for improving the life situation of persons with physical disabilities. The human rights model of disability acknowledges that persons with a physical disability may live in misery and suffering, there may be a decline in their quality of life and they may eventually lose their lives as a result of their impairment. It demands that well thought out social justice theories are developed concerning PWDs. This idea, founded on the current norm of basic human rights treaties also takes account of various identification layers such as male or female, non-whites, living with a disability, children or migrants and clarifies that in international human rights law, the various identification layers have to be considered since the problem of discrimination still needs to be resolved (Bond, 2003).

Albert and Hurst (2012) sum the concept up in essence as “a rights-based approach to disability and development is about levelling the playing field so that people with disabilities can access jobs, education, health and other services. A rights-based approach is about the removal of physical and social barriers; it is about attitude adjustments for policymakers, employers, teachers, health care professionals and even family members. A rights-based approach is about ensuring universal design, accessible technology, and coordinated public programs and service. The approach requires the government to provide the resources necessary to implement these goals and to enforce penalties for those who refuse to cooperate.”

The main critique of this theory is the problem of non-enforcement and very little national bite in terms of defined sanctions (Stein & Lord, 2010, p. 689). According to Young & Quibell (2000), for some categories of impairment such as intellectual disabilities, a rights-based approach is never sufficient because it does not directly address the discriminatory notions of disability found in political theories of rights, hence does not sufficiently explain how we can perceive human rights as not having any disability based-restrictions. In particular, the theoretical literature on how persons with intellectual disabilities can have the same human rights as their non-disabled peers is insufficient (Kittay & Carlson, 2010). Having entitlements to rights may not change social and political exclusion or ensure justice, therefore, the lives of persons with physical disabilities may not necessarily change. This is because, for rights to positively impact the lives of PWDs, supports must be put in place for them to be included in society. Very often, creating inclusive environments and providing rights is dependent on whether the government, the various service providers and other advocacy groups implement their commitments and responsibilities.

Also, the outcomes of globalization have undermined states' ability to take accountability for human rights violations (Meekosha & Soldatic, 2011). Disabling occurrences such as natural and environmental disasters, malnutrition and citizen abduction for illegal trade in body parts have exposed violations of rights which are frequently regarded beyond a state's ability to take action (Scheper-Hughes, 2003). Other critics draw attention to the issue of rights education, noting that rights are useless if people are unable to understand them (Carney, 2008, pp. 73-78). Moreover, enforcing one's rights depends on individual agency and capacity and for people with disabilities who cannot exercise legal capacity, rights are ineffective as tools of empowerment (Joffe, 2010).

In spite of the criticisms, the Human Rights Model is relevant to this study because it refutes the idea that individuals with disabilities need to be institutionalized or isolated to prevent them from interacting with society due to their impairments. It further condemns the idea that impairment might limit a PWDs right to legal capacity. The model correctly assumes that all persons with disabilities are rights holders and that human rights cannot be conditioned upon physical, mental or health status. The human rights model of disability recognizes that disability is a social construct and impairments must not be taken as a legitimate ground for the denial or restriction of human rights. It acknowledges that disability is one of several layers of identity. Hence, disability laws and policies must take the diversity of persons with disabilities into account.

1.8 Literature Review

The importance of the human rights of persons with physical disabilities cannot be overemphasized because of the fundamental nature of human rights in themselves. This review of the literature explores various themes related to this study in three main sections. The first sub-heading talks about Human Rights, the second sub-heading tackles disability with an emphasis on physical disability and the third and final section focuses on why the human rights of persons with physical disabilities should be protected.

1.8.1 Human Rights

Human Rights are rights held by individuals simply because they are human and these rights are universal in content (Ishay, 2008). According to Weston (2019), the term human rights is relatively new and was used as part of everyday language after the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights in 1948. It replaced the phrase natural rights, which became unpopular in the 19th century. Historically, human rights emerged from the growing awareness of wrongdoings in the world (Dershowitz, 2004).

Over the years, humans have steadily become aware of the horrors caused by mass killings, slavery, injustice shown to other humans and their suffering as a result. This created the need for human rights to put an end to these offences through universal human rights legal frameworks because the horrors encountered were also universal in nature.

There were major human rights developments in the early years. Examples are the Magna Carta of 1215, the United States Constitution and Bill of Rights of 1791 and the French Declaration of the Rights of Man and of the Citizen of 1789. However, these rights were enforced within nations rather than universally. According to Vizard (2000), the American Declaration of Independence (1776) and Bill of Rights, and the French Declaration of the Rights of Man and Citizen offered a different perspective for the requests of vulnerable groups. These early designs reflected Universalist values that inspired individuals and transformed societies and formed subsequent human rights concepts. The American Declaration of Independence was based on the notion that all humans are equal and are endowed with unalienable rights such as the right to life, liberty and the pursuit of happiness. Nonetheless, it fell short of international human rights standards mainly because of the exclusion of slaves, racial discrimination and the exclusion of women. On the other hand, the French Declaration of the Rights of Man and Citizen and the French Declaration of 1793 echoed the incipient international theory of universal rights and contained for the first time the term human rights. In the Declaration, the freedom to express one's opinion, publishing, rights to property and the rule of law and the right to innocence was reaffirmed.

Human rights law developed after World War 2 under the guidance of the UN. The UN was essentially formed for the purpose of maintaining international peace and security and encouraging and promoting respect for human rights and fundamental freedoms. While the first aim of the UN was to preserve peace, its Charter refers seven times to the importance of

human rights. The preamble of the UN Charter reiterates a “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (UN Charter, 1945).

Article 2 of the UDHR states that "human rights belong to every human without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status." The UDHR ensures that both individuals and the international community uphold human rights especially as members of the UN by creating a world that honours human rights. Human rights serve the utility of the common good and increase well-being as many studies have shown that people are happier in countries that honour human rights (McFarland, 2015). Since the adoption of the UDHR, it has created the foundation for several United Nations’ mechanisms for advancing and enforcing human rights including human rights conventions and regional human rights. Initially, there were two major covenants of the UN, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The UN adopted other conventions such as the conventions to protect groups and persons from human rights abuses, for instance, the Convention on the Prevention and Punishment of the Crime of Genocide adopted in 1948. Also, there has been cause for the UN to adopt specific conventions that protect the rights of people or groups that face severe discriminations. Some of these conventions include the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD).

It is important to note that it is dependent on all people to create a world that encourages and protects human rights. Human rights conventions will be undermined if states continually fail

to ratify them. Therefore, individuals and states must lay emphasis on achieving human rights, especially, since they enhance human agency and protect human interests.

1.8.2 Persons with Physical Disabilities

Physical disability is not just a health issue or an attribute, but it represents problems with physical movements and problems that individuals may encounter when interacting with society (Fellinghauer, Reinhardt, Stucki, & Bickenbach, 2012, p. 655). Physical disabilities can be classified as inborn meaning either hereditary, congenital or induced by birth trauma. Examples of inborn physical disabilities include but are not limited to Tourette's syndrome, spina bifida, cystic fibrosis, visual and auditory impairments. Acquired physical disabilities include those conditions that are acquired or developed after birth. Examples include; cerebral palsy, epilepsy, multiple sclerosis, arthritis, amputation, paralysis, muscular dystrophy, visual and auditory impairments (O'reilly et al., 2015, pp. 179-193). They can result in limitations in language/communication, movement, vision, hearing and even bowel movement (Nkabinde, Obiakor, Offor, & Smith, 2010). Physical disabilities can influence the capacity of a person to move around, efficiently use his or her arms and legs, swallow food and breathe without help. Most physical disabilities are noticeable and cannot be hidden.

According to Kailes (1984), persons with physical disability are continually confronted with language that perpetuates negative stereotypes of who they are. To preserve their dignity, they have to be referred to properly and so attention must be paid to language, both written and verbal. Using the term "person with physical disability" connotes that an individual is first and foremost a person in his or her own right, before having a disability. Using the description, a physically disabled person reduces the person to his or her disability and it undermines how the person may want to be seen. Language should be tackled first because it plays an important role in shaping ideas and attitudes.

Smith and Tyler (2010) suggest that early intervention programs are necessary for people with physical disabilities as well as their families. Early screening can be done before birth, at birth or an early age for children so that physical disabilities are recognized. Children with physical disabilities can be helped with the development of communication skills and motor development. Parents and other family members may benefit from counselling and information services that help them to cope with the child's disability and to take advantage of services that will help the family and the child. Acquired physical disabilities can also be prevented through early screening and early intervention. For special cases such as spinal cord injuries, the PWD can undergo surgery to reduce the severity of the spinal cord injury and this contributes to a better quality of life. Disabilities can be managed by regular medical care including physiotherapy and taking the required medication. Assistive technology and services should be provided to PWDs and public buildings especially should be made easily accessible to PWDs.

1.8.3 Why the Rights of PWDs should be protected

In recent times the plight of PWDs has been brought to the fore on the international scene and this has created more awareness on the various issues they face namely; discrimination, exclusion from various activities in society, vulnerability, problems with accessibility among others. In Ghana, perceptions and attitudes toward disability are largely influenced by culture, social status and religion. More efforts have been made to identify and eliminate the causes of disability rather than highlighting the importance of enhancing the living circumstances of PWDs. This has led to the exclusion of PWDs from equal opportunities in all facets of life. (Slikker, 2009). Also, as compared to other minority groups, PWDs are weakly represented by civil society organizations (Ghana Federation of the Disabled, 2008b). These various problems highlight the need for the rights of PWDs to be protected.

Verdugo, Navas, Gomez & Shalock (2012), in their study stated that “societal views on the human rights of persons with disabilities have changed significantly over the last 40 years. This change is demonstrated in the development of international conventions such as the UNCRPD intended to guide the policy of states and public authorities.” In their study on quality of life and persons with a disability, there is the acknowledgement that people live in systems that influence them, therefore, changes have to be made within these systems to improve the lives of persons with physical disabilities. The first or basic system is the microsystem that is the immediate context of the individual hence the family, friends, workplace and other places that the PWD has direct contact. Then the mesosystem which represents the neighbourhood, community, organizations and agencies that the PWD is involved with. Finally, the macro system represents major domestic, socio-political and economic trends. This refers to the systems and policies put in place by government and the effects they have on PWDs. Essentially the bottom line is that the lives of persons with disabilities may be improved when changes are made in these systems because a PWD may not experience issues of discrimination or exclusion in his family but struggle with discrimination or exclusion in his community or vice versa.

One critique that Verdugo et al (2012) mention is, though the UNCRPD is detailed on the rights of PWDs, the Convention does not indicate how to gauge and assess the Articles linked to it in order to establish a system for the evaluation of improvements in the human rights experiences and the quality of life of PWDs. Also, government services for people with physical disabilities are still tilted towards small-scale rehabilitation projects. These mostly meet the needs of only a few PWDs and do not address the underlying problems that PWDs have which are exclusion, discrimination and lack of equal rights. Isaac, Raja & Ramanan, (2010, p. 627-630) propose that the government should set an example by employing as

many people with disabilities as possible in its various departments. Governments can also encourage the private sector to employ a maximum number of persons with physical disabilities by passing a law that requires them to do so and offering incentives for private companies that comply or repercussions for those that do not. Countries can also take advantage of social media and the film industry since both are currently very strong industries that can easily campaign for the protection of the human rights of PWDs and influence society in that regard. In addition, seminars or discussions on the causes of disability can be held in the districts to inform individuals that everyone can suffer a disability through accidents, disease and other causes. Information on the competencies of PWDs and the contents of the Disability Act should be accessible and available to everyone. The UNCRPD and the Ghana Disability Act are important first steps in tackling the issues that PWDs face but more can be done to protect their rights. Disability issues should be placed on a high level of importance because disability does not just affect the individual, but impacts on the whole community.

1.9 Sources of Data

Data were collected from both primary and secondary sources. Primary data were collected using a semi-structured interview guide. Officials from organizations and agencies namely United Nations Development Programme, World Bank, National Council on Persons with Disabilities, Ghana Federation of Disability Organizations, Ghana Society of the Physically Disabled and the Human Rights Advocacy Centre were interviewed. Also, some persons with physical disabilities were interviewed. The researcher gained access to such persons through the various organizations that took part in the research process. The interviews were recorded with approval and notes were taken. These were the main sources of the primary data. Secondary data comprised of annual reports from the various organizations, books, policy documents, journal articles and other relevant peer-reviewed articles.

1.10 Methodology

1.10.1 Research Design

Yin (2003) theorizes that a research design is a logical sequence that connects the empirical data to a study's initial research questions and ultimately to its conclusions. The research design also provides a vital indication as to the most appropriate research approach to use. This research was carried out using a qualitative research design in the collection, analysis, and interpretation of data. The qualitative research design is used when the researcher intends to discover an in-depth understanding of an occurrence, thus when the research topic is exploratory in nature. A qualitative research approach is also concerned with the features, attributes and characteristics of a phenomenon that can be interpreted thematically. One advantage of using the qualitative research approach is that it allows the researcher to employ multiple data sources and obtain both retrospective and real-time accounts by those people experiencing the phenomenon of theoretical interest (Gioia, Corley & Hamilton, 2013).

Under, the qualitative research design, the case study will be used. Advantages of case study method include data collection and analysis within the context of a phenomenon and the ability to capture complexities of real-life situations so that the phenomenon can be studied in greater levels of depth (Dudovskiy, 2018). The inductive research approach was undertaken in this research. According to Thomas (2003, p.2), the primary purpose of the inductive approach is to allow research findings to emerge from the frequent, dominant or significant themes inherent in raw data. Inductive research involves the search for a pattern from observation and the development of explanations for those patterns through a series of hypotheses (Bernard, 2011, p.7). Patterns, resemblances and regularities in experience are observed in order to reach conclusions. Another importance of using the inductive approach is it helps to establish clear links between the research objectives and the summary findings

derived from the raw data and to ensure these links are able to be demonstrated to others and justifiable given the objectives of the research.

1.10.2 Target Population

The study target population involved relevant officials and authorities from the country offices of the United Nations Development Programme, World Bank, National Council on Persons with Disabilities, Ghana Federation of Disability Organizations, Ghana Society of the Physically Disabled and the Human Rights Advocacy Centre. They were interviewed because of their expertise and ability to provide reliable data. The interviews were mainly conducted in English.

1.10.3 Sampling Technique and Sample Size

The non-probability sampling technique was used in this study. Specifically, purposive sampling was used in finding respondents for the research. Purposive sampling is done when preferred components for the sample were selected by the researcher's judgment. Researchers often reason that a representative sample can be obtained through sound judgment that saves both time and money (Black, 2010). The technique of purposive sampling also demonstrates efficiency, when the nature of the study project, aims and goals allows only a restricted number of individuals to serve as primary data sources.

Also, the method was used because it involved finding prospective participants who had experience and knowledge concerning this area of what is being done to protect the human rights of persons with physical disabilities in Ghana. In general, purposive sampling is where the researcher selects based on the knowledge they have about the population or the study (Lavrakas, 2009). The sample size was 26 participants for the reason that one person from each of the organizations listed was interviewed as well as 20 persons with various forms of

physical disabilities. Also, because qualitative research is very labour intensive, analyzing a large sample can be time-consuming.

1.10.4 Collection of Data

A semi-structured interview guide was developed and used to collect data from participants. The interviews were conducted on an individual basis and in English however some participants expressed themselves in their local language (Twi) in answering the questions. The interviews were recorded with permission from the participants using an audio recorder. Some participants expressed the wish not to be recorded and so their responses were transcribed during the meeting. Semi-structured interviews were used because they allow the researcher to control the process and also provide opportunities for participants to express their thoughts (O'Leary, 2004). Compared to other methods of data collection, face-to-face interviews offers a greater degree of flexibility and allows the interviewer to explain the purpose of the interview and encourage potential respondents to co-operate; they can also clarify questions, correct misunderstandings, offer prompts, probe responses and follow up on new ideas in a way that is just not possible with other methods (Fox, 2009).

1.10.5 Data Analysis

The audio recorded interviews were listened to carefully and transcribed verbatim. Thematic analysis was used in testing the validity and reliability of the data. This is the method of identifying, analyzing, organizing, describing, and reporting themes found within a data set (Nowell, Norris, White & Moules, 2017). The thematic analysis allows the researcher to take a well- structured approach in handling the data collected and produce a clear and organized report. According to Marshall and Rossman (1999), thematic analysis can be divided into six phases: organizing the data, generating categories or themes, coding the data, testing

emergent understandings of the data, searching for alternative explanations of the data and finally a write-up of the data analysis.

1.10.6 Ethical Considerations

Formal permission was sought from the supervisor before carrying out the research. As requirements for informed consent, participants were given a brief introduction of the researcher and were informed of what the research required of them, the purposes of the research and had the liberty to respond or not (Denscombe, 2014). All 26 participants voluntarily participated in the interviews. Participants who wished to not have their answers audio recorded had their responses written down. Participants were assured of confidentiality and anonymity where any sensitive information provided would not be disclosed in the storage of the data, during the analysis or in the publication process without their prior approval. Participants were informed of their right to withdraw at any stage in the research process without pressure or coercion from the researcher to stop them from withdrawing.

1.10.7 Arrangement of Chapters

This study is organized into four chapters. Chapter one covers the introduction where in-depth background information is given about the study, the problem area being addressed, research questions and objectives are stated, and the scope of the study as well as the rationale is given. This is also where the appropriate conceptual framework concerning the study is given, literature is reviewed and the methodology of the research is discussed.

Chapter two gives an overview of the national and international frameworks, policies and strategies.

Chapter three focuses on the work done by national and international organizations, their successes, challenges and the way forward.

Chapter four gives a summary of findings, conclusions, and recommendations.

References

- Achieve Australia. (2019). Retrieved from <https://achieveaustralia.org.au/disability-services/physical-disability/> on 22nd May 2019.
- Adjei, N. N. D. (2013). Putting decision into action: The Disability Act of Ghana. Six years down the line (Master's thesis, The University of Bergen).
- Albert, B., & Hurst, R. (2012). Disability and a human rights approach to development. *Disability Knowledge and Research briefing paper*, viewed, 10.
- Berghs, M., Atkin, K., Graham, H., Hatton, C. & Thomas, C. (2016). Scoping models and theories of disability. In Implications for Public Health Research of Models and Theories of Disability: A Scoping Study and Evidence Synthesis. Southampton: *NIHR Journals Library, Public Health Research*, No. 4.8.
- Bernard, H.R. (2011) “Research Methods in Anthropology” 5th edition, AltaMira Press, p.7.
- Black, K. (2010) “Business Statistics: Contemporary Decision Making” 6th edition, John Wiley & Sons.
- Bond, J., E. (2003). “International intersectionality: A theoretical and pragmatic exploration of women’s international human rights violations.” *Emory Law Journal* 52: 71–186.
- Campbell, J., & Oliver, M. (2013). Disability politics: understanding our past, changing our future. Routledge.
- Carney, T. (2008). ‘Righting’ Wrongs for the Aged: A Bill of Rights? *Australian Journal on Ageing*, 16(2), 73-78. Chicago.
- De Schutter, O. (2011). Human Rights and the Rise of International Organisations: The Logic of Sliding Scales in the Law International Responsabilité. Jan Wouters, Eva Brems, Accountability for Human Rights Violations by International Organizations (International Law 7), Intersentia: Antwerp, 55-12.

- Degener, T. (2017). 'A new human rights model of disability', in V. Della Fina, R. Cera & G. Palmisano (eds.), *The United Nations Convention on the rights of persons with disabilities: A commentary*, pp. 41–60, Springer, Cham, Switzerland.
- Denscombe, M. (2014). *The good research guide: for small-scale social research projects*. McGraw-Hill Education (UK).
- Dershowitz, A. (2004). *Rights from Wrongs: A Secular Theory of the Origins of Rights*. New York: Basic Books.
- Disabled Peoples International, Inclusion International, Rehabilitation International, World Blind Union, World Federation of the Deaf and National non-governmental organizations. (2000). "Beijing Declaration on the Rights of People with Disabilities in the New Century." Declaration at the World NGO Summit on Disability, Beijing, 12 March 2000.
- Disabled World. (2018). Retrieved 2019-05-22, from <https://www.disabled-world.com/news/africa/>.
- Dudovskiy, J. (2018). *The Ultimate Guide to Writing a Dissertation in Business Studies: A Step-by-Step Assistance*.
- Fellinghauer, B., Reinhardt, J. D., Stucki, G., & Bickenbach, J. (2012). Explaining the disability paradox: a cross-sectional analysis of the Swiss general population. *BMC Public Health*, 12(1), 655.
- France: Declaration of the Right of Man and the Citizen [], 26 August 1789, available at <https://www.refworld.org/docid/3ae6b52410.html> [accessed 9 June 2019].
- Fox, N. (2009). *Using interviews in a research project*. The NIHR RDS for the East Midlands/Yorkshire & the Humber.
- Ghana Federation of the Disabled. (2008). *The Disability Situation in Ghana*. Retrieved from <http://www.gfdgh.org.html>.

- Ghana Statistical Service (2014). Disability in Ghana. 2010 Population and Housing Census Report.
- Gioia, D. A., Corley, K. G., & Hamilton, A. L. (2013). Seeking qualitative rigor in inductive research: Notes on the Gioia methodology. *Organizational research methods*, 16(1), 15-31.
- Human Rights Watch (2012). Ghana: Disability Rights Convention Ratified. People with Mental Disabilities need protection, Community-based Programs.
- Isaac, R., Dharma Raja, B. W., & Ramanan, M. P. (2010). Integrating people with disabilities: their right—our responsibility. *Disability & Society*, 25(5), 627-630.
- Ishay, M. (2008). The history of human rights: From ancient times to the globalization era. Univ of California Press.
- Joffe, K. (2010). Enforcing the rights of people with disabilities in Ontario's developmental services system. The Law as it affects persons with disabilities. Ottawa: Law Commission of Ontario.
- Kailes, J. (1984). Physical Disabilities. *Social Work*, 29(2), 206-206. Retrieved from <http://www.jstor.org/stable/23714457>.
- Kayess, R., & French, P. (2008). Out of darkness into light? Introducing the Convention on the Rights of Persons with Disabilities. *Human rights law review*, 8(1), 1-34.
- Kittay, E., F. & Carlson, L. (2010). Cognitive Disability and its Challenge to Moral Philosophy (John Wiley & Sons).
- Lavrakas, J, P. (2009). Encyclopedia of Survey Research Methods, 1st Edition, Sage Publications.
- McFarland, S. (2015). Human rights 101: A brief college-level overview. *Science*, 3, 264-285.

- Meekosha, H. & Soldatic, K. (2011). Human Rights and the Global South: the case of disability. *Third World Quarterly*, 32:8, 1383-1397, DOI: 10.1080/01436597.2011.614800.
- Nkabinde, Z. P., Obiakor, F. E., Offor, M. T., & Smith, D. J. (2010). Educating Children with Physical Disabilities.
- Njelesani, J., Cleaver, S., Tataryn, M., & Nixon, S. (2012). Using a human rights-based approach to disability in disaster management initiatives. In *Natural Disasters*. IntechOpen.
- Nowell, S. L., Norris, M. J., White, E. D., & Moules. J. M. (2017). *International Journal of Qualitative Methods*, Published by Sage Publications.
- Oduro, F. (2009) The Quest for Inclusion and Citizenship in Ghana: Challenges and Prospects, *Citizenship Studies*, Vol. 13 (6), pp. 621-639.
- O'Leary, Z. (2004). *The Essential Guide to Doing Research*. London: Sage.
- O'Reilly, M. F., Sammarco, N., Kuhn, M., Gevarter, C., Watkins, L., Gonzales, H. K., ... & Lang, R. (2015). Inborn and Acquired Brain and Physical Disabilities. In *Clinical and Organizational Applications of Applied Behavior Analysis* (pp. 179-193). Academic Press.
- Palmer, M., & Harley, D. (2011). Models and measurement in disability: an international review. *Health Policy and Planning*, 27(5), 357-364.
- Piechowiak, M. (1996). *Human rights: How to Understand Them?*
- Quinn, G. & Degener, T. (2002). *Human Rights and Disability*. New York and Geneva: United Nations, p. 14.
- Rioux, M. & Carbett, A. (2003). Human Rights and Disability: The International Context. *Journal on Developmental Disabilities*, vol 10, no.2.

- Scheper-Hughes, N. (2003). 'Rotten trade: millennial capitalism, human values and global justice in organs trafficking', *Journal of Human Rights*, 2(2), pp 197–226.
- Schulze, M. (2010). Understanding the UN Convention on the Rights of Persons with Disabilities. *Advocate*, 1, 1-4.
- Series, L. (2015). The development of disability rights under international law: from charity to human rights. *Disability & Society*, 30:10, 1590-1593, DOI: 10.1080/09687599.2015.1066975.
- Slikker, J. (2009). Attitudes towards Persons with Disability in Ghana. Voluntary Service Overseas.
- Smith, D. D., & Tyler, N. C. (2010). Introduction to special education: Making a difference, student value edition. New Jersey: Pearson.
- Stein, M. A., & Lord, J. E. (2010). Monitoring the Convention on the Rights of Persons with Disabilities: lost opportunities and future potential. *Hum. Rts.Q.*, 32, p.689.
- The World Bank (2019). Understanding Poverty: Disability Inclusion. Retrieved from <https://www.worldbank.org/en/topic/disability>.
- Thomas, D. R. (2003). A general inductive approach for qualitative data analysis.
- United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at <https://www.refworld.org/docid/3ae6b3930.html> [accessed 9 June 2019].
- UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at <https://www.refworld.org/docid/45f973632.html> [accessed 15 May 2019].
- Verdugo, M. A., Navas, P., Gómez, L. E., & Schalock, R. L. (2012). The concept of quality of life and its role in enhancing human rights in the field of intellectual disability. *Journal of Intellectual Disability Research*, 56(11), 1036-1045.

- Vizard, P. (2000). Antecedents of the idea of human rights: a survey of perspectives. *Human Development Report*. UNDP.
- Viotti, R. P. & Kauppi, V. M. (1993). *International Relations Theory: Realism, Pluralism, Globalism*. New York: Macmillan.
- Voice. (2014). *Political governance for Persons with Disabilities: A study on the level of participation of Persons with Disabilities in local governance*. Sponsored by Open Society Initiative for West Africa, OSIWA.
- World Health Organization. (2011). *World report on disability 2011*.
- World Health Organization. (2016). *World health statistics 2016: monitoring health for SDGs sustainable development goals*. World Health Organization.
- Yin, R. K. (2003). *Case Study Research: Design and Methods*. SAGE Publications.
- Young, D. A., & Quibell, R. (2000). Why rights are never enough: Rights, intellectual disability and understanding. *Disability and Society*, 15(5), 747-764.
- Retrieved from Disabled World. (2019/05/15). <https://www.disabled-world.com/definitions/disability-definitions.php>>Definitions of Disability.
- Retrieved 2019-05-15, from <https://www.disabled-world.com/definitions/disability-definitions.php>.

CHAPTER TWO

AN OVERVIEW OF THE NATIONAL AND INTERNATIONAL FRAMEWORKS, POLICIES AND STRATEGIES IN THE PROTECTION OF THE HUMAN RIGHTS OF PERSONS WITH PHYSICAL DISABILITIES

2.0 Introduction

All over the world, people with physical disabilities happen to be a part of the largest marginalized group in the world. In ensuring their human rights are enforced and protected, some measures have been put in place by several international organizations and national agencies. This chapter provides an overview of some national and international frameworks, policies and strategies in the protection of the human rights of persons with physical disabilities. It examines various frameworks adopted by international governmental and non-governmental organizations. It also looks at the policies and strategies put in place by Ghana in safeguarding the human rights of PWDs.

2.1 The United Nations Convention on the Rights of Persons with Disabilities

(UNCRPD)

The UNCRPD was enacted in December 2006 together with its Optional Protocol and came into effect in May 2008 as an international human rights law. The UNCRPD together with its Optional Protocol, was adopted on December 13, 2006, and came into force as international human rights law on May 3, 2008. According to Kayess and French (2008, pp. 1-34), the formulation of the UNCRPD has been hailed as a great landmark in the struggle to reframe the needs and concerns of persons with disability in terms of human rights. Moreover, it is considered to have enabled the largest minority group in the world to assert their rights and engage on an equal footing in global and national affairs with others who have attained

particular treaty recognition and protection. The UNCRPD is also the primary authoritative universal mechanism through which PWDs and other stakeholders who work in disability organizations can hold their respective governments responsible for promoting and enforcing disability rights (Lang, 2009, pp. 266-285). The UNCRPD seeks to safeguard the rights of all individuals with disabilities as it is the first human rights convention enacted in the 21st century. It treats the lives of PWDs as equally valued to any other person who may not have a disability. A noticeable difference between the UNCRPD and other approaches to or conventions on disability is that it advocates for the treatment of persons with disabilities as being worthy of and having human rights rather than being treated as people who require constant medical attention or people who are dependent on help from their family or the state (Nizar, 2011).

The UNCRPD offers an extensive array of fundamental rights for PWDs. Article 1 of the Convention states “the purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” The principles of the Convention are “respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children and respect for the right of children with disabilities to preserve their identities” (UNCRPD, 2006). The right to equality and non-discrimination in Article 5 of the Convention explicitly emphasizes equality, which means that all are equal before the law and substantive approaches to equality, implying that discrimination against PWDs is specifically prohibited.

Before the development of the UNCRPD, disability was not a visible issue in either the international system or in international human rights law (Degener, Quinn & Bruce, 2002). Kayess and French (2008, pp. 1-34) add that, “up to the development of the UNCRPD, the United Nations system had attempted to deal with this visibility problem in two ways. First, by trying to interpret and apply existing core human rights instruments to persons with a disability, and second, by developing a series of lesser policy documents focused on the needs and rights of persons with disability.” They further explain that the acknowledgement of disability as a matter of basic human rights advanced gradually from the early 1970s. Degener, Quinn, and Bruce (2002) also posit that the United Nations failed to merge the rights of PWDs in the human rights context because of the inability to convince the international community that persons with disabilities experienced more specific and violent human rights abuses.

In 1982, the United Nations approved the World Programme of Action (WPA) regarding PWDs and the parity in access to opportunities for individuals with disabilities was created as one of its objectives (General Assembly Resolution 37/52). It also encouraged government action so that PWDs could enjoy rights in every sphere of life. A number of "soft laws" expressly targeted groups of people for human rights protection on the basis of disability classification. According to Stein (2007, pp. 679-683), these included “the General Assembly's designation of 1981 as the International Year of the Disabled and the period 1982-1991 as the International Decade of Disabled Persons. Most significant was the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which are monitored by a Special Rapporteur. Although laudable for explicitly referencing disability, as soft laws, these series of resolutions, declarations, and protocols were not legally enforceable. In sum, before the UNCRPD, no existing international human rights instrument was both applicable to and enforceable by individuals on the basis of their disability status.” In

response to this visible problem, in 2001, the issue of including disabilities under human rights was raised at the 56th session of the UN General Assembly meeting. This was adopted by consensus without any votes necessary. An ad-hoc committee was formed by the General Assembly to continue the negotiations leading up to the convention being adopted in 2006. On its opening day, the Convention has the highest number of signatories of any other opening day of a UN convention in history, showing a worldwide need for a convention of this nature (UN Enable, 2011). Another significance of the UNCRPD is its participatory approach whereby for the first time in treaty formation on human rights at the UN, the targeted group was represented at and actively participated in drafting the treaty meant to protect their rights. The events involving the adoption of the UNCRPD took place under the theme “Nothing about us without us.” So far, the Convention has been signed by 161 countries and regional integration organizations and ratified by 177. Ghana signed the Convention in 2007 and ratified it in 2012. Sherlaw and Hudebine (2015, pp. 9-21) suggest that the UNCRPD reveals prospects for driving forward an inclusive policy for people with disabilities. It may also serve as a benchmark for the assessment of policies aimed at improving the lives of people with disabilities.

Some scholars, like Lang (2009, pp. 266-285), have critiqued the UNCRPD by arguing that “it is a necessary but not sufficient instrument for the enforcement of disability rights and should not be perceived as a panacea that will end disability discrimination because such legislation can and should make such discrimination illegal.” De Schutter (2009) has also critiqued that it is difficult to monitor the human rights violations of some international organizations like the UN or hold them accountable because they are not bound by the human rights treaties. Nevertheless, scholars such as Waterstone (2010, pp. 1-6) point out that “the Convention was desperately needed given the failure of previous human rights instruments to specifically address disability and the often unfortunate history of governments’ failure to

accord people with disabilities their basic human rights.” The key test will be in implementing the convention.

A monitoring and implementation scheme was developed in that regard and an analysis of some of the expected problems likely to prevent effective execution was conducted. Therefore, matters of significance and relevance within the area of disability are referred to (Barron & Amerena, 2007). Articles 33, 34 and 35 of the UN Convention describe the means for and the structure of implementation. Under Article 35, signatory States are required to “submit reports to the UN Secretary-General regarding what measures they have undertaken to implement the Convention and this should be done within two years of ratification. Thereafter, they are required to submit reports to the Secretary General at least every four years.” One of the obstacles that have come up in effecting the Convention especially in developing countries is the lack of statistics on PWDs. Article 31 of the UN Convention unequivocally requires State Parties to “undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.” Lang and Upah (2008) found that in countries like Nigeria and Zimbabwe, there is insufficient disability statistics. This poses a difficulty in the implementation of the UNCRPD because governments cannot effectively plan and implement disability services. Civil society groups may not be able to effectively hold governments accountable if there are no disability statistics to refer to.

The Commission for Africa Report (2005) basically alludes to an added problem with respect to implementation. The report pinpoints the absence of robust government structures, poor capacity to provide services as well as the helplessness of ordinary citizens to ensure their respective governments are made accountable for the action and decisions taken on their behalf. This can be attributed to the lack of transparency and accountability in the provision

of services in the public sector. There is also the issue of resistance by some governments of developing countries to spend their financial resources on the implementation of such conventions as compared to other developmental challenges and this is evident by the signing and ratification of human rights treaties such as the Convention on the Elimination of All Forms of Discrimination (CEDAW) by several governments in Africa but no stringent measures to ensure national legislation on implementation (Lang, 2009). Rioux and Carbett (2003) recommend that governments' compliance with human rights instruments are monitored by civil society organizations and human rights groups. This means the information on the human rights conditions of PWDs should be precise.

2.2 The European Charter of Fundamental Rights

Priestly (2007, pp. 61-74) states that “although early European Community policy was preoccupied with creating the economic and monetary conditions for a single market, there was recognition that social actions would be required to achieve this and disability was not entirely overlooked.” In 1986, the norm of equal chances and prospects for PWDs within the European labour market was the basis of a recommendation on the employment of people with disabilities in the European Community and this was to be achieved by state measures on non-discrimination and a positive action (Olsen, Penna & Veith, 2004). This recommendation advocated for direct actions namely; the creation of jobs, acceptable employment policies, skills and vocational training and regulation of remunerative social security arrangements. On the other hand, it also recognized a greater need for more enabling environments for PWDs in terms of accessible information, housing, transport and workplaces. The Report of the First European Disabled People's Parliament (1993) was an answer to PWDs advocacy and incited by Europe's ratification of the 1993 United Nations Standard Rules on equalization of opportunities for persons with disabilities. This caused disability to become a more prominent European theme.

The Charter of Fundamental Rights of the European Union sums up the basic rights of all people residing on the continent. This Charter is applicable within the EU and implies that the EU legislation and policy contained in the Charter must be respected by all the EU organizations, including domestic governments. Politicians at domestic level must comply with the Charter when EU law is implemented (European Disability Forum). As stated by Article 26 of the Charter “the EU recognizes and respects the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration, and participation in the life of the community.” Article 21 adds that it also prohibits any discrimination against PWDs. From a rights-based perspective, the European Union (EU) and all of its 28 Member States have signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and all but three have ratified it. The EU concluded the UNCRPD in December 2010, with the Convention coming into force for the EU a month later, in January 2011. The UNCRPD is “the first international human rights treaty to which the European Community is a party to and the first human rights treaty, which the EC was involved in negotiating and signing, alongside the EU Member States” (Waddington, 2007, p. 4). This marked a noteworthy step in the right direction in the protection of human rights by the EU.

Waddington (2006) posits that from the history of the EU, none of the founding treaties made specific reference to disability but rather occasional references to disability. Persons with disability were addressed in a handful of legal instruments and soft law initiatives, although these did not amount to an attempt to develop a broad disability policy or programme. The European Commission endorsed several approaches linked to policies on disability, incorporating definitive processes and an agenda on pushing for the rights of PWDs. The European Commission refers to the European Disability Strategy 2010-2020 (EDS) as the

key policy instrument to empower people with disabilities to enjoy their full rights and fully participate in their society (European Commission, 2010). The goal of this strategy was to be able to detect and remove all obstacles to equality consequently attaining full involvement for PWDs, boosting their integration into society, ensuring the well-being and the exercise of their rights in full. This Strategy culminates in complementary action at both the national and European levels. The strategy is important because the number of people with disabilities in Europe is growing, from a current 80 million to an estimated 120 million in 2020. Also, people with disabilities have a higher chance of experiencing poverty and so the strategy would help in reducing the likelihood of that.

The European Commission discovered that there is an obvious gap between PWDs and people living without disabilities and to close the gap, the Disability Strategy was launched with 8 main action points to be implemented within 10 years. The main focus is on eliminating barriers in the eight main areas (European Commission, 2010).

- The first area is accessibility and it basically means PWDs gaining access to goods, services, transport and assistive devices like able-bodied people do.
- The second area is participation and it involves PWDs having the capacity to fully make use of their rights regarding their European citizenship.
- The third action point is equality and this is where effective policies must be implemented so as to foster equality at the European level and in member states. In this regard, the European Commission is also tasked with ensuring that European laws and regulations are relevant in fighting discrimination based on disability.
- The fourth action point, employment, concerns initiating active employment policies and improving workplace accessibility. Self-employment of PWDs should also be encouraged.

- The fifth point of action has to do with education and training where for example, students with disability have access to an accessible education system. People working in the education field must be trained in teaching people with the various forms of or some specific disabilities.
- The sixth action point is social protection. Social protection systems like pension plans public housing systems among others should be assessed to prevent social exclusion to which people with disabilities usually suffer.
- Health, the seventh point of action is basically people with disabilities having easy access to affordable health services and facilities including mental health services.
- The final action point is external action and it refers to the measures the EU takes in advocating for the rights of PWDs at the international level.

The implementation of this strategy is a collaborative effort between EU member states and institutions. The aims include sensitizing and educating society about disability-related issues and advocating for the rights of people with disabilities, developing European funding possibilities, improving the collection and processing of statistical data, and ensuring that the enforcement of the UNCRPD is monitored in the Member States and within European institutions.

There was a mid-term review to assess the achievements of the areas of action. These achievements were listed in the 2017 Progress Report after the European Disability Strategy had been implemented. This Report provides the means whereby the years in which the Strategy has been implemented can be assessed to find out if progress has been made and also if there have been any achievements or successes. Proposals such as the Directive on Web Accessibility which will allow everyone to easily access all public websites as well as the plan for a European Accessibility Act are big steps towards better accessibility (European

Commission, 2017). The EU Disability Card project is being piloted in 8 Member States and will make it easier for people with disabilities to travel across these Member States. PWDs will gain from the Cross-Border Healthcare Directive, which lays down the circumstances under which a patient can travel to another EU country to undergo medical treatment and be reimbursed by their home country.

The European Accessibility Act (EAA) is one way in which the EU is dealing with the problem of accessibility that people with disabilities face. It strives to improve the workings of the internal market for easy access to products and services by eliminating obstacles and ensuring their absolute involvement in society. The EU and most of its member states after ratifying the UNCRPD are obligated to fulfil the articles of the Convention and one of the ways in which that is being done is by creating a legislative framework. This particular Act, the EAA is in line with Article 9 of the UNCRPD and indicates the accessibility requirements of different services. The EAA covers e-commerce, transport and banking services, ticketing and check-in machines, computers and operating systems among others (European Accessibility Act, 2015). The means by which member states are monitored for compliance is that all member states of the EU have a common set of requirements for their goods and services and the states are obligated to ensure that these products and services comply with the accessibility requirements. An advantage is that products that comply with these requirements are allowed to circulate freely in the internal market. The drawback of the EAA is that it does not literally describe how to make a product or offer a service in an easily accessible way for PWDs. It also does not set requirements for all producers and suppliers of services, but for those who work on a chosen list of products and services. For EU citizens, the impact of the EAA will be great because it is an advancement reducing obstacles to PWDs within the EU and will assist them to fully engage in society through better accessibility to products and services used daily by citizens, such as telephones,

transportation or banking facilities. This will help people with disabilities to be able to fully participate in society on an equal basis with others, have better access to education and effortlessly enter the open labour market.

2.3 The African Charter on Human and Peoples' Rights

The term “human rights” is deemed by Heyns to be relatively new on the continent of Africa as the struggle for freedom, social justice, dignity and equality has been going on for centuries (Heyns, 2004, pp. 679-702). Human rights are a commonly used term in the African context nowadays and most countries refer to it in their respective constitutions. The African Union, which is an intergovernmental organization recognizes human rights as part of its principles. A significant development that led to the establishment of the African Convention on Human Rights was the huge and gross violations of human rights in the 1970s in Africa and the extensive neglect of national democratic institutions in favour of repressive governments (Amoah, 1992, pp. 226-241).

The African Charter on Human and Peoples' Rights, commonly known as the Banjul Charter was adopted at the 18th Summit meeting of the Heads of State and Government of the Organization of African Unity (OAU), in Nairobi, in 1981 and came into effect in October of 1986. This Charter is an international human rights instrument that is intended to promote and protect human rights and basic freedoms in the African continent. Article 2 of the Charter states that “Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.” Currently, 53 African states have ratified the charter. While the Charter of the OAU made a cursory reference to the concept of human rights, the constitutive act of the African Union (AU) places human rights squarely on its

agenda as evident in its preamble (Baimu, 2001, p. 299). The preamble also shows that the concept of human rights as contained in the African Charter goes beyond what is provided in the UDHR and is more specific to the African problems related to human rights. The adoption of the African Charter was influenced by a series of efforts within the continent and outside it for the promotion and protection of human rights making Africa the third continent after Europe and Latin America to establish a regional human rights system (Rembe, 1991). The adoption was hailed as a significant step by African states and considered to mark the beginning of a new era of recognition of fundamental human rights and freedoms as well as the legal protection of individuals and groups against repression.

The African Commission on Human and Peoples' Rights has the mandate to "promote and protect human rights on the continent and in particular to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and people's rights and should the case arise, give its views or make recommendations to Governments" (A. U. Charter art 45, para. 1). Other roles of the Commission are: "to formulate and lay down, principles, and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation; cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights; ensure the protection of human rights under conditions laid down by the present Charter; interpret all the provisions of the present Charter at the request of a State Party, an institution of the OAU or an African Organization recognized by the OAU and to perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government" (A. U. Charter, art 45). The Commission is composed of eleven members

elected from among African personalities of the highest reputation, moral integrity, impartiality and competence in human rights (A. U. Charter art 31, para. 1).

The adoption of the African Charter has been outwardly a demonstration by the African States that they uphold and will promote fundamental human rights. The continent's struggle for human rights is not over as it is often massively plagued by widespread human rights violations. In dealing with justice, the African Charter is very concise and simple though many of its provisions are ambiguous. Also, the issue of implementation and the fact that the devotion to protecting human rights was not emphasized as much is the problem with how effective the Charter is. The African Charter's vagueness and open texture can generate issues for its interpretation and uniform implementation; it may also create flexibility that the African Commission can exploit in developing its jurisprudence on human rights based on the petitions and communications received (Rembe, 1991). All in all, the African Charter seems to be more heavily tilted towards promotional rather than the protection aspect.

In Africa, a little over 79 million individuals are expected to be living with a disability and the majority of them live in extreme conditions. In almost all African cities and towns, finding PWDs walking about, lined up on the street or sitting on pedestrian walkways begging for money (Biegon, 2011, p. 53). There is a slight distinction though because, among PWDs, women and children are the most helpless and defenseless. In many traditional African societies, children with disabilities are hidden because of the belief that they are cursed or are being punished by the gods (Sloth-Nielsen, 2016). The intersection between their gender and disability always leaves women with disabilities more susceptible to discrimination than men. With all of these issues going on in Africa, PWDs have just lately begun to gain attention. This sudden attention on PWDs was because of the adoption of the UNCRPD in 2006. However, there is still the problem of the low visibility of disability issues

in Africa. A number of countries in Africa have adopted Acts that guarantee that the human rights of PWDs are enforced.

The AU started to notice the predicament concerning the rights of PWDs in the 1990s because previously, the OAU did not display any empathy for their rights and focused on the protection of the “independence, sovereignty and territorial integrity of its member states” (Murray, 2004). There was no mechanism of the OAU identified that would protect or promote human rights on the African continent. This was a reflection of what was going on in the world then because the UN likewise ignored PWDs in the initial thirty years after it was founded (Degener, 2000, p. 180). Eventually, the OAU focused on human rights due to the gross human rights violations that were taking place in Uganda and Equatorial Guinea in the 1970s and this was the first time the organization had treated disability as a matter of human rights. One of the first initiatives taken was the African Charter on children implemented in 1990 which identified children living with disabilities as a group that needed to be kept safe (OAU Doc, 1990). The period between 1999 and 2009 was pronounced as the African Decade of Disabled Persons. The main objective of the OAU was to carry out the World Programme of Action (WPA) in Africa and to resolve issues that affected achieving the goals of the WPA. The African Decade had a more social welfare approach than human rights to disability issues. The African Decade coincided with the transitioning from the OAU to the AU and first meeting of the AU Executive council, the Continental Plan of Action for the African Decade of Persons with Disability (CPOA) was introduced. The Plan of Action was intended to guide the promotion of PWDs complete involvement, equality and empowerment to governments and other stakeholders in Africa but no progress was made in that regard (Biegon, 2011, p. 53). In conjunction with this, a Secretariat was set up to expedite the implementation of the CPOA by governments and non-governmental organizations. The Secretariat of the African Decade of Persons with Disabilities (SADPD) was instituted in

2004 in South Africa. This Secretariat runs programmes related to disability in five African countries; Senegal, Rwanda, South Africa, Ethiopia and Kenya. The Secretariat also advocates for the ratification and implementation of the UNCRPD and monitoring of different protocols relating to the rights of persons with disabilities in Africa. In the Kigali Declaration at the first Ministerial Conference on Human Rights in the AU, the Ministers appealed to member states “to develop a Protocol on the protection of the rights of people with disabilities and the elderly” (Kigali Declaration, 2003).

The African Disability Protocol was preceded by the Accra Draft. This draft was put on hold for further debate. This is because, the draft produced was not done in conjunction with Disabled Peoples Organizations (DPOs), persons with disabilities and the SADPD (Kamga, 2013, pp. 219-249). The draft also did not include issues specific to the situation in Africa. The African Disability Protocol was accepted at the 30th Ordinary Session of the Assembly held in Addis Ababa, on 29th January 2018. Article 2 of this Protocol states the purpose, which is, “to promote, protect and ensure the full and equal enjoyment of all human and people’s rights by all persons with disabilities, and to ensure respect for their inherent dignity.” The Protocol is expected to prompt a much greater inclusion of the interests of people with disabilities in laws, policies and budgets because it ensures increased accountability and closer oversight of how states implement their human rights obligations (UNHCR, 2018). The UNCRPD fails to tackle African realities related to disability such as albinism, HIV/AIDS, traditional harmful practices and the collectivist culture of the African people in a satisfactory manner. This proves the importance of the Protocol, which takes into consideration the African contexts. While the protocol is not the only answer to problems people with disabilities face in Africa, it is able to provide opportunities to better protect the rights of PWDs. According to Kamga (2013, pp. 219-249), “it also has a part to play in harmonizing disability rights on the continent and complementing the African human rights

architecture that remains incomplete without a specific binding instrument on the rights of PWDs.”

Furthermore, the AU announced 2010 to 2019 as the second African Decade on the rights of people with disabilities. The SADPD as part of its efforts in this second decade has held training workshops for the media to encourage them to use positive imagery when describing people with disabilities as this influences the view people have of them. The Secretariat also cooperates with the AU concerning disability issues, peace and security, and the plight of PWDs in countries emerging from war situations (Sarr and Dube, 2010, p.7). Although across Africa, there are still some outmoded beliefs about disability, efforts are being made to view the people with disabilities as right-bearers and most of the bodies of the AU are now involved in promoting disability rights and dealing with related issues.

2.4 The Ghana Disability Act

Kassah (2008, pp. 163-170) states that different forms of disabilities have been identified in Ghana. Documents and statistics from the Department of Social Welfare indicate that there are persons with visual, auditory, motor, speech and learning disabilities in Ghana. The four broad categories under which disabilities fall are the motor/physical disabilities, sensory disabilities, mental disabilities and intellectual/cognitive disabilities. Some physical disabilities are caused by diseases such as leprosy and epilepsy, and others caused by motor accidents. “Public attitudes and beliefs on disabilities in Africa which are often based on fear and misunderstandings, stereotype individuals with disabilities exposing them to prejudice, discrimination and ultimately to the denial of rights and resources that are afforded to all citizens” (Baffoe, 2013, pp. 187-198). Unfortunately, the perception in Ghana, according to Sarpong (1974), is that some of these physical disabilities are as a result of God punishing the individual for something he or she may have done. Consequently, when a child is born with a

physical disability, his or her parents see it as a curse from God. Some Ghanaians even avoid marrying into families in which there is a person with a disability because of the perception of bad luck (Nukunya, 1992). According to Appiagyei (2006), most of the people with physical disabilities do not have access to education, healthcare, and employment. Kassah (2008, pp. 163-170) continues to say that because of these negative perceptions and barriers PWDs face, most have resorted to begging along the streets of Accra to make ends meet and even some efforts made by some civil societies to prevent this phenomenon amounts to nothing. They beg for money or food and shower blessings on those who give to them. Many people with physical disabilities beg because they want to meet their needs and that of the family members who may be relying on them. There is a lot of embarrassment and harassment associated with the condition of PWDs. Etieyibo and Omiegbe (2016) found out that persons with physical disabilities especially children are trafficked, killed or sometimes recruited to beg for alms and these discriminatory practices are human rights abuses. The discrimination of people with disabilities is not only limited to Ghana, similarly, in Nigeria, PWDs also experience various forms of discrimination (Baba-Ochankpa 2010).

Therefore, after many efforts from some persons with disabilities in Ghana, non-governmental organizations and other interest groups, the Disability Act of Ghana (ACT 715) was passed in 2006. The passage of the Act was regarded as a significant milestone in the country's human rights discourse as it gave the hope that it would improve the life of PWDs to enable them to be part of mainstream society (Oduro, 2009, pp. 621-639). Also, Ghana was among the first African countries to have separate disability legislation, which was an achievement for the nation. Some of the objectives of this act include: "to educate Ghanaians on the rights, potentials and responsibilities of both society and PWDs, to generate and disseminate relevant information on disability, to create an enabling environment for the full participation of PWDs in national development, to ensure access of PWDs to education and

training at all levels, to facilitate the employment of PWDs in all sectors of the economy, to promote disability friendly roads, transport, and housing facilities, to ensure access of PWDs to effective health care and adequate medical rehabilitation services, to ensure that women with disabilities enjoy the same rights and privileges as their male counterparts, to ensure that law enforcement personnel in cases of arrest, detention, trial and confinement of PWDs take into account the nature of their disabilities, to encourage full participation of PWDs in cultural activities, to ensure access of PWDs to the same opportunities in recreational activities and sports as other citizens and to promote community-based rehabilitation programs as a means of empowering and ensuring the full participation of PWDs in society” (Ghana Federation of the Disabled, 2008).

There are eight major sections under the Ghana Disability Act and Adjei (2013) lists the provisions of these sections.

- First of all, the rights of persons with disabilities include provisions like access to public places, rights to family life, reducing discrimination they encounter among others and there are penalties attached if those rights are not ensured.
- The second section caters to the employment of PWDs with reference made to the state establishing employment and rehabilitation centres to assist them and ensure that their needs are met and also to train them with the requisite skills if they have been unemployed for two years.
- The third section also emphasizes education of PWDs with access to free education and the government establishing special schools for those who may not be able to attend formal schools and sanctions for schools that refuse to enroll PWDs.
- The fourth section talks about transportation for PWDs and recommends special parking places for them in public parking spots. In line with this, they should be allowed to import vehicles modified for their use without paying import taxes or

duties. They should also have easy access to owning a driver's license and pedestrian walkways should be accessible to PWDs as well.

- Section five of the Act focuses on healthcare and facilities and mentions that the state is to provide free general and specialist care for PWDs. Also, healthcare professionals should be educated on disability-related issues in their various institutions and infants and children should be regularly screened to ensure early diagnoses of any form of physical disability.
- Miscellaneous provisions are made in section six. It states that it is an offence for anyone to call PWDs derogatory names and further PWDs should be allowed to participate in national, cultural and sporting activities.
- Section seven and eight address the creation and functions of the national council on persons with disabilities, and administrative and financial provisions respectively.

Regardless of the provisions of this Act, Asante and Sasu (2015, pp. 62-69) posit that there are a number of omissions as pointed out by a number of scholars and in their own study as well. Some critics (Fiduccia & Wolfe, 1999; Naami, Hayashi & Liese, 2012 and Guernsey, Nicolo & Ninio, 2007) have argued that Act 715 is silent on the gender aspect of discrimination against PWDs. In Ghana, Women with Disability (WWD) suffer intersectional discrimination of disability, for example, gender, poverty, negative perceptions about their capabilities, cultural beliefs and practices (Naami et al, 2012, pp. 191-204). This cannot be overlooked especially since WWD is catered for in the UNCRPD and African Charter on Human and People's Rights on the Rights of Women in Africa both of which Ghana is a signatory to. Moreover, countries in Africa such as Namibia and Kenya have included it in their Disability Acts. There are even more exclusions in the Act than already mentioned. Housing for PWDs is left out despite the fact that there is research that shows PWDs in Ghana experience problems with adequate housing and physical accessibility and they are not

consulted in the construction of new housing projects. For example, no provision was made for them at the SSNIT flats or in the current Affordable Housing Project (Asante and Sasu, 2015, pp. 62-69). The Act must ensure that architects, engineers and those involved in the construction industry build with PWDs and their accessibility in mind so that when they go contrary to such a provision, they can be held responsible because these are some of the causes of the inaccessibility PWDs face. The Disability Act is not backed by a legislative instrument to give it a legal power (Voice, 2014). Asante and Sasu (2015, pp. 62-69) state that “Act 715 does not provide for the voting rights of PWDs, therefore, they are not able to exercise their citizenship rights.” However, Ssenooba (2013) counters that PWDs in Psychiatric hospitals were able to vote during the 2012 elections so efforts are being made in that direction.

The blame for the omissions in this Act must be laid at the feet of the lawmakers for not implementing the Act fully and ensuring that it is amended with the new issues that have surfaced in the past few years. It is essential that the Ghana Disability Act to reflect the UNCRPD. Increasing disability consciousness only represents the first step towards a level playing field for PWDs in society. In order to accomplish this equalization, changes at the governmental level are required. Specifically, PWDs should be catered for in National Public Housing Schemes and the opportunity to vote should be given to all PWDs without exclusion. There should be the implementation of policies to promote the inclusion rather than exclusion of PWDs in mainstream employment. It is imperative that the Ghanaian society does away with some of the cultural and traditional perceptions about persons with disabilities and practices that are carried out against them because all of these contribute to discriminatory practices.

2.4 Conclusion

The international and national frameworks of the UN, EU, AU and Ghana have been discussed in this chapter. It is evident that, these frameworks and policies were passed at a time when disability was not a prominent theme on the international scene. However, since their implementation, these frameworks have created greater awareness of disability and have been used as the basis for some policies and strategies that agencies and organizations use in securing the human rights of PWDs.

References

- Adjei, N. N. D. (2013). *Putting decision into action: The Disability Act of Ghana. Six years down the line* (Master's thesis, The University of Bergen).
- African Union Charter, article 31 paragraph 1.
- African Union Charter, article 45, paragraph 1.
- Amoah, P. (1992). The African Charter on human and peoples' rights an effective weapon for human rights. *African Journal of International and Comparative Law*, 4(1), 226-241.
- Asante, L. A., & Sasu, A. (2015). The Persons with Disability Act, 2006 (Act 715) of the Republic of Ghana: The Law, Omissions and Recommendations, 36(Act 715), 62–69.
- Baba-Ochankpa, R., (2010), 'Life is no picnic for disabled Nigerians', Next.com Nigeria, 4 August, n.p.
- Baffoe, M. (2013). Stigma, discrimination & marginalization: Gateways to the oppression of persons with disabilities in Ghana, West Africa. *Journal of Educational and Social Research*, 3(1), 187-198.
- Baimu, E. (2001). The African Union: Hope for better protection of human rights in Africa. *Afr. Hum. Rts. LJ*, 1, 299.
- Barron, T., & Amerena, P. (2007). *Disability and Inclusive Development*. London: Leonard Cheshire Disability.
- Biegon, J. (2011). The Promotion and Protection of Disability Rights in the African Human Rights System'. *Aspects of disability law in Africa*, 53.
- Commission for Africa. (2005). *Our Common Interest*. London: Commission for Africa, http://www.commission-forafrica.org/english/report/thereport/english/11-03-05_cr_report.pdf (consulted 10.06.2019).
- De Schutter, O. (2011). *Human Rights and the Rise of International Organisations: The Logic of Sliding Scales in the Law International Responsabilité*. Jan Wouters, Eva Brems,

Accountability for Human Rights Violations by International Organizations
(International Law 7), Intersentia: Antwerp, 55-12.

Degener, T. (2000). International Disability Law-A New Legal Subject on the Rise: The Interregional Experts' Meeting in Hong Kong, December 13-17, 1999. Berkeley J. Int'l L., 18, 180.

Etieyibo, E. & Omiegbe, O., (2016). 'Religion, culture, and discrimination on against persons with disabilities in Nigeria.' *African Journal of Disability* 5(1), a192. <http://dx.doi.org/10.4102/ajod.v5i1.192>.

European Accessibility Act (2005). Improving the Accessibility of Products and Services in the Single Market. *Employment, Social Affairs and Inclusion.2-4*.

European Commission (2010), European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe European Disability Strategy. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:en:PDF>

European Commission (2017). Progress Report on the implementation of the European Disability Strategy (2010 – 2020). Commission Staff Working Document. Brussels.

Fiduccia, B.W. and Wolfe, L.R. (1999) Women and Girls with Disabilities: Defining the Issues. An Overview, Centre for Women Policy Studies and Women and Philanthropy, Washington DC, USA.

GA Res. 37/52, 3 December 1982, A/RES/37/51, 37th Session Supp. No. 51 Available at <http://www.un.org/documents/ga/res/37/a37r052.htm> Retrieved on 28th February 2019.

Ghana Federation of the Disabled. (2008). The Disability Situation in Ghana. Retrieved from <http://www.gfdgh.org.html>.

- Guernsey, K., Nicoli, M., and Ninio, A. (2007). Convention on the Rights of Persons with Disabilities: Its Implementation and Relevance for the World Bank, Social Protection (SP) Discussion Paper, No. 0712. World Bank.
- Heyns, C. (2004). The African regional human rights system: The African Charter. *Penn State Law Review*, 108(3), 679-702. Chicago 7th ed.
- Kamga, S. (2013). call for a protocol to the African Charter on human and peoples' rights on the rights of persons with disabilities in Africa. *African Journal of International and Comparative Law*, 21(2), 219-249.
- Kassah, A., K. (2008). Begging as work: a study of people with mobility difficulties in Accra, Ghana, *Disability & Society*, 23:2, 163-170, DOI: 10.1080/09687590701841208.
- Kayess, R., & French, P. (2008). Out of darkness into light? Introducing the Convention on the Rights of Persons with Disabilities. *Human rights law review*, 8(1), 1-34.
- Lang, R., & Upah, L. (2008). Disability Scoping Study in Nigeria. London: Department for International Development. <http://www.ucl.ac.uk/lc-ccr/downloads/dfid-nigeriareport> (consulted 10.06.2019).
- Lang, R. (2009). The United Nations Convention on the right and dignities for persons with disability: A panacea for ending disability discrimination? *ALTER-European Journal of Disability Research/Revue Européenne de Recherche sur le Handicap*, 3(3), 266-285.
- Murray, R. (2004). Human rights in Africa: from the OAU to the African Union. Cambridge University Press.
- Naami, A., Hayashi, R. and Liese, H. (2012) The Unemployment of Women with Physical Disabilities in Ghana: Issues and Recommendations, *Disability and Society*, Vol. 27(2), pp. 191-204.

- Nizar, S. (2011). Impact of UNCRPD on the status of persons with disabilities. *Indian journal of medical ethics*, 8(4), 223-229.
- Nukunya, G.K. (1992). Tradition and change in Ghana: An introduction to sociology, Accra, Ghana: Ghana University Press.
- OAU Doc CAB LEG/24.9/49 adopted on 11 July 1990 and entered into force on 29 November 1999.
- Oduro, F. (2009) The Quest for Inclusion and Citizenship in Ghana: Challenges and Prospects, *Citizenship Studies*, Vol. 13 (6), pp. 621-639.
- Olson, R., Penna, D., & Veith, M. (2004). The Evolution of the European Disability Movement. Montreal: Paper presented to the International Studies Association Annual Convention, March 2004.
- Priestley, M. (2007). In search of European disability policy: Between national and global. *ALTER-European Journal of Disability Research/Revue Européenne de Recherche sur le Handicap*, 1(1), 61-74.
- Quinn, G., Degener, T., & Bruce, A. (2002). Human rights and disability: The current use and future potential of United Nations human rights instruments in the context of disability. United Nations Publications.
- Rembe, N. S. (1991). The system of protection of human rights under the African Charter on Human and Peoples' Rights: problems and prospects.
- Report of the First European Disabled People's Parliament. (1993). Brussels: DPI-EC.
- Rioux, M. & Carbett, A. (2003). Human Rights and Disability: The International Context. *Journal on Developmental Disabilities*, vol 10, no.2.
- Sarr, A., & Dube, K. (2010). Second African Decade of Persons with Disabilities. *Forced Migration Review*, (35), 7.

- Sarpong, P. (1974). *Ghana in retrospect: Some aspects of the Ghanaian culture*, Accra, Ghana: Ghana Publishing Corp.
- Sherlaw, W., & Hudebine, H. (2015). The United Nations Convention on the Rights of Persons with Disabilities: Opportunities and tensions within the social inclusion and participation of persons with disabilities. *Alter*, 9(1), 9-21.
- Sloth-Nielsen, J. (Ed.). (2016). *Children's rights in Africa: a legal perspective*. Routledge.
- Ssengooba, M. (2013) Ghana Elections: A Victory for Mental Health? Available at: <
<http://thinkafricapress.com/ghana/ghana-elections-victory-mental-health>>, [Accessed 28 February 2019].
- Stein, M. A. (2007). A quick overview of the United Nations Convention on the Rights of Persons with Disabilities and its implications for Americans with disabilities. *Mental and physical disability law reporter*, 31(5), 679-683.
- UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at <https://www.refworld.org/docid/45f973632.html> [accessed 15 May 2019].
- UNHCR (2018). African states affirm the rights of persons with disabilities in a new landmark Protocol. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22661&LangID=E>.
- Waddington, L. (2006). *From Rome to Nice in a Wheelchair, The Development of a European Disability Policy*. Available at SSRN 1026549.
- Waddington, L. (2007). A new era in human rights protection in the European Community: the implications of the United Nations' Convention on the Rights of Persons with Disabilities for the European Community. *Maastricht Faculty of Law Working Paper*, (2007-4).

Waterstone, M. (2010). The significance of the United Nations convention on the rights of persons with disabilities. *Loyola of Los Angeles International and Comparative Law Review*, 33(1), 1-6.

CHAPTER THREE

REVIEW OF THE WORK DONE BY NATIONAL AND INTERNATIONAL ORGANIZATIONS IN GHANA TOWARDS PROTECTING THE HUMAN RIGHTS OF PERSONS WITH PHYSICAL DISABILITIES

3.0 Introduction

This chapter discusses the work done by national agencies and international organizations in Ghana on protecting the human rights of persons with physical disabilities. The chapter also examines the successes and challenges faced by these agencies and organizations and the way forward.

3.1 Themes that emerged from the data

Several themes emerged from the primary and secondary data on interventions in Ghana concerning protecting the human rights of persons with physical disabilities. The themes that emerged include the challenges PWDs face in Ghana and the awareness of challenges PWDs face, factors that affect the experiences of PWDs in Ghana, protection and promotion of the human rights of PWDs in Ghana, knowledge of the UNCRPD and the Ghana Disability Act, knowledge of national policies and agencies/organizations that work to protect and promote the human rights of PWDs, frameworks, policies and strategies by national agencies and international organizations in protecting the rights of PWDs, partnership with other agencies/organizations, effectiveness of the work done in protecting and promoting the human rights of PWDs, challenges in protecting and promoting the human rights of PWDs and the way forward in this regard.

3.2 Challenges persons with physical disabilities face in Ghana

Practically, misfortunes and difficult times are experienced by every human being at one point or another in life. However, for PWDs, these difficulties and barriers they face can

happen very often and have greater impact on them. While every impairment is characterized by diverse limitations in multiple areas of functioning, physical disability has been known to be both a personal and physical challenge (Ishmael, 2015, pp. 62-67). Individuals with physical disabilities face a myriad of challenges that range from physical (structural), economic, psychological, educational, health and culture.

Article 27(1) of the UNCRPD provides that, “States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities” (UNCRPD, 2006). Yet, the primary economic challenge persons with physical disabilities face is access to employment. According to Nyombi and Kibandama (2014), the chief obstacle to social and economic growth for PWDs is employment disparity. PWDs continue to face many barriers to accessing employment in spite of the availability of recent and up-to-date laws and policies. A participant shared *“I completed school in 2016, did my service and finished that in 2017 and I roamed till now seeking employment. I went to different places like COCOBOD and submitted my applications along with my résumé to four different departments and did not hear from them. I also sent applications to GOIL, Hyundai and other companies. I realized it would be quite difficult for me and I just sat back but recently I was able to register for NABCO”* (Respondent 1, personal communication, June 29, 2019). Evidently, when PWDs are searching for employment, they also have to overcome diverse barriers such as transportation to and from the companies, as well as accessibility to the buildings making the process tiresome and demanding for them. Some factors contributing to the poor employment statistics of PWDs in Ghana include inadequate education and discrimination against them. The absence and inadequacy of employment opportunities for PWDs often

leads to poverty because they are unable to provide their basic needs. This is why a good number of PWDs wind up on the streets as beggars.

Baris and Uslu (2009, pp. 801-814) state that “when the problems of PWDs are considered, the built environment can be shown as the most outstanding symbol of PWDs exclusion from social life.” PWDs face many physical barriers in accessing the built environment. The built environment, according to Clark, Alshire and Lantz (2009, pp. 964-970) includes all buildings and spaces including schools and workplaces. Barriers in these places such as stairs, slippery floors, uneven sidewalks, lack of ramps and narrow and inaccessible doorways pose as hindrances to mobility. These barriers also have an impact on the capacity of PWDs to function independently and reduces their quality of life. One participant shared *“they just build their buildings tall, they don’t want us to see them. So they build the storey building and they ask us to stay down and so when we go we stay down and we call them from up there. They don’t care. But when they are building they have to keep in mind that one day you can also be a disabled person or something can happen and you will be in a wheelchair and you will need to go up. So at least all buildings should be accessible for us.”* (Respondent 2, personal communication, June 29, 2019).

Transportation, according to Jansuwan, Christensen and Chen (2013, pp. 104-114), is “a requirement for full participation in a community because it plays a vital role in many aspects of daily life including access to employment, education, health care, shopping, social occasions, and other recreational activities.” Nonetheless, transportation is another area that poses a challenge for PWDs. Barriers to transport are caused by the absence of appropriate transport services and this interferes with a person’s ability to be independent and to function in society. Examples of transportation barriers include: Failure to stop for a PWD; lack of access to transportation, which is affordable and convenient for individuals unable to drive because of visual impairments; inappropriate attitude of drivers; lack of assistive equipment

on public vehicles; and the unavailability and inconvenience of public transportation due to distance or location. Some participants shared that they have to board as many as five vehicles to get to one destination because, when they board the public vehicles and drivers see that they have a disability, the drivers are not willing to take them to their destinations. Conversely, those that cannot use the usual public transport are resigned to using a taxi or an Uber and doing that on a daily basis means spending more money on transportation.

Social or attitudinal barriers are the most fundamental and greatly add to other problems faced by PWDs. They are understood as experiences which are caused by intolerant attitudes of people towards PWDs and they are characterized by stereotyping, stigmatization, prejudice, discrimination, passing of derogatory remarks, tagging PWDs with rude labels, belittling or despising them, shouting at them, being afraid of them and staring at them (Ishmael, 2015). These attitudes deny PWDs the opportunity to achieve equality and social integration (Wapling & Downie, 2012). Negative cultural and spiritual beliefs about persons with disabilities is another cause of social barriers. Poston and Turnbull (2004, pp. 95-108) posit that views of illness and disability are linked with religious or spiritual beliefs and disability may be seen as a trial that has to be endured, a misfortune, witchcraft or as punishment for past sins or wrongdoing. According to Mont (2014), negative attitudes in low and middle-income countries are more extreme than high-income countries as a result of the prevalent stereotypes listed above.

Barriers in communication are usually experienced by PWDs who have difficulty hearing, reading or speaking and who use different means in communicating as compared to persons without disabilities (Disability Inclusion, 2019). Access to reading materials that are in braille or are on accessible laptops for PWDs is problematic. This is because laptops are expensive and so some PWDs do not have access to it. The braille papers are also expensive with one

pack being sold for 300 Ghana cedis. Likewise, most hospitals in Ghana do not have sign language interpreters for those with hearing impairment at hospitals and that hampers communication because they may not be able to adequately describe their ailment and receive the proper care as a result.

Also, some PWDs shared that the government uses them for politics. Pictures are taken of them to send outside the country for donor support but the government does not pay them or give them enough money to support themselves. Besides that, other challenges faced include getting access to the special shoes some have to wear. When these shoes are worn out and need to be repaired, PWDs sometimes do not receive prompt attention from the cobblers even though they have the money to pay. Additionally, crossing the road is a problem for some PWDs. An interviewee mentioned: *"My major problem is crossing the road. I have always wished that motor riders will be banned in Ghana. Persons with sight are being knocked down by motors so how much more those of us who cannot see. Sometimes where the pedestrians are supposed to pass is where the motor riders pass"* (Respondent 3, personal communication, July 9, 2019.) Moreover, there is also no motivation from the family members of PWDs for them to go to school or even work. According to Mont (2014), having a dim view of PWDs can undermine their confidence and aspirations.

Other challenges include financial difficulties, lack of respect from family members, the perception that when a PWD marries an able-bodied person, they will give birth to children with disabilities and so families do not allow their children to marry PWDs. Even when the marriage takes place, the spouse may be subjected to mockery for being with a PWD and it may influence the spouse to be disrespectful. One participant shared opposing views about challenges with marriage, *"I did not experience this, my wife is an able person, very nice and calm. It depends on how you carry yourself because sometimes some of us think you're a*

person with a disability so that's all. You have to carry yourself well and change how you think if you want someone to love you” (Respondent 4, personal communication, June 29, 2019).

Some of the interviewees shared that persons with physical disabilities who use crutches are even better or more advantaged than persons with other physical disabilities like cerebral palsy because they seem to suffer a lot and are more dependent on their helpers. On the other hand, some shared that they felt persons with visual impairment received better care because their organization, the Ghana Blind Union is effective, has a lot of funding and so helps its members even more than their family can.

3.2.1 Awareness of the challenges persons with physical disabilities face in Ghana

Officials from the organizations and agencies interviewed acknowledged that they are mindful of the challenges persons with physical disabilities face in Ghana. Based on this, they have various programmes and interventions to help them. The World Bank, based on their awareness of these challenges, has a “Disability Inclusion and Accountability Framework” that supports the mainstreaming of disability in World Bank activities. This is done by including disability in the Bank’s policies, operations and analytical work, and building internal capacity for supporting clients in implementing disability-inclusive development programs (Mcclain-Nhlapo, Sivonen, Raja, Palummo & Acul, 2018). The World Bank Group also ensures that there are focal persons in each country office who handle matters of accessibility for PWDs. The official interviewed from the National Council on Persons with Disability (NCPD) indicated that the NCPD is aware of the challenges that PWDs face because human rights issues are prevailing in the country and also all challenges of PWDs in Ghana are channeled to the NCPD. The Ghana Federation of Disability Organizations (GFD) is made aware of the challenges of PWDs through reports from its

member organizations in terms of what they need or what they are being denied of and some examples are accessibility to the built environment, opportunities for employment and the problem of sign language communication in public places like the hospital. The Ghana Society of the Physically Disabled is aware of challenges like, accessibility to the built environment, education, employment and traditional/cultural beliefs about persons with physical disabilities. The Human Rights Advocacy Centre (HRAC) is involved in research and so is aware of the particular issues faced by PWDs. In their data collection for research, they include minority groups and can identify the issues they may be facing. Also, the HRAC is very alert to human rights incidences in the country because it is a human rights organization. The United Nations Development Project (UNDP) is aware of challenges such as access to buildings, inadequate availability of learning and rehabilitation facilities and opportunities for persons with physical disabilities among others.

3.3 Factors that affect the experiences of PWDs in Ghana

3.3.1 Education

The educational background and level of education of PWDs plays a role in their experiences and even determines their self-confidence. As one participant noted: *“Education gives you more exposure and you know a lot of things. Even if you can read, it occupies you and takes away boredom and the time you would spend thinking about other things. Also, when you are a university graduate your experiences are different from an SHS graduate because you think better and when you’re employed, you can work to take care of your family”* (Respondent 5, personal communication, July 9, 2019). They are encouraged to further their education especially when they see other PWDs who are doing the same. Sometimes, some PWDs do not get the opportunity to go to school because their family members think that it is not worth it. One participant shared that *“I had to pay my school fees from class one up to form four. I always advise my people, if they are not taking care of you what are you doing to assist*

yourself because you still have your mind” (Respondent 6, personal communication, June 29, 2019). Most of them lose hope in education when they are university and polytechnic graduates and sit home because they have no work to do. Another participant emphasized *“what is the essence of going to school when you can’t even find employment after. I studied communication and media law and with this background when I go to offices they tell me; sorry we don’t have provisions for persons like you. So you ask yourself why did I go to school? If after all the degrees and masters, I have to go and man a toll booth? This is not to say that it is beneath me but we all have ambitions and dreams and what we want to achieve in life”* (Respondent 7, personal communication, June 29, 2019).

3.3.2 Employment

Employment is another major influencing factor in the experiences of PWDs. People who have physical disabilities and are employed as against persons with physical disabilities who are not employed have very different experiences. One participant described it this way, *“Even people without disabilities who are unemployed struggle so how much more persons who are restricted when it comes to mobility. Employment allows a PWD to take care of himself, get married and take care of family and other dependents. If you have a job, a lady will recognize you as a human being but if you don’t how will she recognize you as a human being”* (Respondent 8, personal communication, June 29, 2019). According to Ungner (2002, pp. 2-10), it is discouraging that PWDs who are members of the world’s largest minority are not allowed to participate fully in the workforce to the same degree as their peers without disabilities.

3.3.3 Family and Spousal Support

Some persons with physical disabilities who were interviewed said that they received assistance from their family members, both nuclear and extended. One participant shared *“I*

remember I had issues with my mum on this problem. But as time went on she realized I'm not what she was thinking I am, and I have what it takes to be a successful person and so she's now buying into my ideas and inspiring me and praying for me as well and so the role our families play in our lives is very important" (Respondent 1, personal communication, July 9, 2019). Another participant added that *"my family supports me a lot, they are very proud of me and when I need help I can go to any of them. But the thing is when you keep going to them for help they'll see you as a burden and so you have to help yourself, whether you're disabled or not. I want to prove to them that I can make it without their help"* (Respondent 9, personal communication, June 29, 2019). Others did not have the support of their families and had to cater for themselves. A female participant indicated that usually, the fathers do not support their children who have disabilities. She said, *"When I was going to school, my father never paid my school fees. I had to sell my mother's kerosene and use the profit to pay my school fees because my father said it was not worth it looking after me"* (Respondent 6, personal communication, June 29, 2019).

Concerning spousal support, both male and female participants interviewed share the view that once your spouse is God-fearing and educated, he or she will not treat you in a disrespectful manner. However, sometimes their family members and friends try to influence them negatively and change their attitudes.

3.3.4 Political Affiliation

One participant described himself as non-partisan and said he hates politicians because most of them tell lies. In his opinion, political affiliation does not and should not play a part in the lives of PWDs. He added *"as I'm standing here, Kennedy told me he will help me and till now he hasn't. I have his number and I've been calling but I stopped calling him this year because the whole of 2018 I met him about 2-3 times and he said he'll help but he's been*

tossing me here and there and later on I realized there would be nothing successful out of that so I better stop following him” (Respondent 1, personal communication, July 9, 2019). Conversely, another participant was of the view that political affiliation makes a difference in the lives of PWDs because *"governments come and go and each political party has its policies. So what one implements may be rejected by a new government that comes to power”* (Respondent 10, personal communication, June 29, 2019). Another participant said there was no problem with a PWD entering into politics and that he stood for the position of assemblyman in his area and won the elections. Respondent 11 said *“one would assume so. Political affiliation increases access to opportunities in the same way other linkages through associations may provide same”* (personal communication, July 22, 2019). Persons with physical disabilities are also encouraged when they see PWDs who are into politics.

3.4 Protection and promotion of the rights of PWDs in Ghana

Countries that give formal consent to the UNCRPD promise to "undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind based on disability” (Applebaum, 2016, pp. 366-368). In light of this, all persons with physical disabilities who were interviewed in the course of the research stated that they did not feel like their rights were being protected or promoted in Ghana. Awareness of disability in Ghana is very low. There is the assumption that once a person has a disability, they cannot do anything for themselves which is wrong. One of the participants rated the level of protection of their rights in Ghana as 40% because there have been no system upgrades to help people with physical disabilities to be included in society and so they are often deserted. Other responses about the protection of their rights ranged from not really to partially. A female participant stated emphatically that *“our rights are not protected or promoted in Ghana. Even our own families, they don't know how to care for us, they feel we are a burden to them and so how much more society and the nation as a*

whole” (Respondent 2, personal communication, June 29, 2019). One other participant mentioned that currently, awareness of the challenges of PWDs has improved the way their rights are protected and promoted in Ghana though more work can be done.

3.5 Knowledge of the UNCRPD and the Ghana Disability Act

The organizations that were interviewed showed knowledge about the UNCRPD and the Ghana Disability Act. Gloria Mahama, the World Bank official interviewed stated that the World Bank Ghana is aware of the UNCRPD and the Ghana Disability Act, however both have the problem of implementation. In her opinion, progress has been made over the years but there is a lot more to be done. She added that there is the awareness of disability but moving into actual action is the problem and disability inclusion in projects is usually an afterthought.

Also, Mr. Agbesi from the NCPD stated that both the UNCRPD and the Ghana Disability Act are effective because they outline the provisions for PWDs which must be followed, however, the Ghana Disability Act is being reviewed because it has some gaps and is therefore not in line with the UNCRPD. The GFD, therefore, hired consultants to find the gaps in the Disability Act so that it can be revised to match the standards of the UNCRPD. According to Asante and Sasu (2015), Act 715 has been subjected to a lot of criticisms because of gaps such as no legal disability definition, no legislation from parliament to support it, no provision on non-discrimination and the gender dimension of discrimination and inconsistencies with the UNCRPD.

The official interviewed from the HRAC, Ms. Cynthia Nimo-Ampreda acknowledged that the HRAC is aware of the UNCRPD and the Ghana Disability Act. However, as has been stated earlier, the problem is with enforcement and that was the running theme in conjunction with the knowledge of the Act and the convention and how effective they have been. Ms.

Jennifer Asuako, the official from UNDP-Ghana said the UNCRPD and the Ghana Disability Act are not very effective, because of the poor execution and enforcement of the provisions which impacts negatively on the enjoyment of the rights of people with physical disabilities.

As compared to the officials of the organizations interviewed who had sufficient knowledge of the UNCRPD, the Ghana Disability Act, the national measures and strategies aimed at protecting the human rights of persons with physical disabilities, outcomes of the interviews with people with physical disabilities revealed that majority of them had not heard about the UNCRPD and the Ghana Disability Act. Those who had heard about it admitted that they did not know what it entailed. One participant had this to say about the Ghana Disability Act, “*I know that the Act talks about inclusive education and that persons with disability should be provided with all the possible assistance*” (Respondent 3, personal communication, July 9, 2019). Another participant described the UNCRPD as “*the mouthpiece of people with disabilities*” (Respondent 12, personal communication, June 29, 2019) and the Ghana Disability Act as “*an Act that protects the rights of persons with disabilities*” (Respondent 13, personal communication, July 9, 2019).

3.6 Knowledge of national policies and agencies/organizations that work to protect and promote the rights of PWDs

3.6.1 National Policies

The World Bank official stated that she was aware of the Inclusive Education policy in Ghana which recognizes the varied learning needs of students and requires all stakeholders in the education sector to address the diverse needs of different groups in the Ghanaian education system in a student friendly setting for everyone. According to Ajuwon (2008, pp. 11-16), “there is a growing recognition that including students with disabilities in general education can provide them with the opportunity to learn in natural, stimulating settings,

which may also lead to increased acceptance and appreciation of differences.” The NCPD official mentioned that some national policies include: The 1992 constitution of Ghana, human rights laws that also cater to PWDs and the Ghana Disability Act (ACT 715), though there is no legislative instrument to make the law fully operational. Similarly, there are some portions of Act 560; Children’s Act of 1998, Act 582; the National Health Insurance Act of 2012, Act 778; the Education Act of 2008; and Act 651; the Labour Act of 2003, all of which are meant to protect the rights of PWDs and eliminate social exclusion and discrimination (Ocran, 2019).

One measure put in place to help PWDs is the 3% District Assemblies Common Fund (DACF) that gives PWDs access to money for education and training, healthcare and business engagements. The purpose of the DACF is to reduce poverty among all PWDs, specifically those not engaged in the formal sector of employment, to buttress the remunerative activities of individual PWDs as a means of their economic empowerment and to provide educational support for children, students and trainees with disabilities.

The HRAC official mentioned the Livelihood Empowerment against Poverty (LEAP) programme and one of the categories of persons who qualify for payment of grants under that programme are persons with severe forms of disability. More than 23,000 PWDs, including females with disabilities, have benefitted and continue to benefit from cash transfers under the LEAP cash transfer programme. In 2013, the PWDs received more than 1.5 million US dollars to meet their basic needs. Information on these recipients was also recorded under the National Health Insurance Scheme (NHIS) to allow them to access healthcare free of charge. There is also the National Employment Policy (2014), that is aimed at delivering a framework for faster and satisfactory creation of jobs through sustainable growth in all sectors of the economy and provide strategic direction to reduce unemployment among

persons with disability and other minority groups (MELR, 2014). This Policy encourages the involvement, empowerment, and representation of the vulnerable and the marginalized in formulating, implementing and evaluating the employment policy. Both the Disability Act and the Labour Act make provisions for employers who hire PWDs to have some tax exemptions. Hence, the government will grant employers who hire PWDs yearly tax rebates of the taxable income of the person with disability. The HRAC official believes the government should take the lead by employing as many PWDs as possible in its various departments as an example to all others. Further, the private sector should be encouraged to employ a specific quota of PWDs by offering incentives such as awards and tax benefits (Isaac, Raja and Ramanan, 2010).

3.6.2 Agencies/Organizations that work to protect and promote the rights of PWDs

One participant mentioned the Ghana Federation of Disability Organizations because of the extraordinary help and services they offer persons with physical disabilities. He added that GFD is effective to an extent although sometimes they struggle with political interferences. Other organizations like GSPD and Sharecare were named. These organizations were described as not being effective because they do not take action when it comes to helping their members. Helping, in this context according to the PWDs interviewed means giving PWDs access to education and work opportunities, advocating for them to have access to the 3% DACF, representing them on the national level and pushing for the protection of their rights among others. Majority of the female participants mentioned the International Federation of Women Lawyers (FIDA), Domestic Violence and Victim Support Unit (DOVVSU) and NCPD. One of the participants, however, added that they were not being effective at all, *"they use us for publicity and to get sympathy from the society which is not good. These organizations are rather gaining and using us as bait to get more money. Even the media does that as well especially when it is disability day. I used to work at GHone, I'm*

a journalist so they used me for one story and it came out well so they promised to give me something at the end of the month but they didn't. If they know they are not going to help, they shouldn't use us because I hate it" (Respondent 7, personal communication, June 29, 2019). In the opinion of another PWD, if these organizations were effective, there would not be PWDs on the street begging for money but rather doing something useful. Another participant mentioned GBU and said, *"it is very effective even though the work they do may not be seen. If you want to see it, you will see it and I know because I am a benefactor. It is one of the best places especially because we're trained to use the computer and the disabled person can do virtually anything an abled person can do"* (Respondent 14, personal communication, July 9, 2019). Other agencies mentioned include the Department of Social Welfare and MoGCSP.

3.7 Frameworks, policies and strategies by national agencies and international organizations in protecting the rights of PWDs

All the agencies and organizations interviewed stated that the work they do and the various measures and frameworks they establish to protect and promote the human rights of persons with physical disabilities are in line with the UNCRPD and the Ghana Disability Act. The World Bank official interviewed shared that the World Bank has several roles it undertakes to defend and uphold the human rights of PWDs. There is the new Environmental and Social Framework Project Intervention where the environmental and social risk of each project undertaken by the World Bank is assessed to find out how the project impacts vulnerable groups in general including PWDs. It also finds out the opportunities that exist for PWDs and barriers that need to be broken for them to participate in society. The World Bank also has the 10 Commitments on Disability Inclusion which mandates that all World Bank projects should be disability-inclusive. For example, by 2025, all World Bank-financed projects in education should be disability-inclusive, all WB-financed urban mobility and rail projects

that support public transport services should be disability-inclusive by 2025, ensuring that all WB projects financing public facilities in post-disaster reconstruction are disability-inclusive by 2020, and promoting the Disability Inclusion and Accountability Framework among World Bank staff as a way to support the WBs new Environmental and Social Framework (ESF).

The National Council on Persons with Disability is the State Agency of the Ministry of Gender, Children and Social Protection (MoGCSP). According to Mr Agbesi, the NCPD is the only mandated government institution to administer issues related to disability in the country including persons with a physical disability. This is backed by an Act of Parliament, Act 715 and Sections 41 and 42 of the Act mandates the NCPD to propose, develop systems and frameworks to enable persons with disabilities to enter and participate in the mainstreaming process of national development. It also has the role of sensitizing and educating the general public on issues about disability and protecting the rights of PWDs using the Act which gives the Council the power to sue people who discriminate against PWDs. The Council monitors and evaluates disability policies and programmes, advises the MoGCSP on issues related to disability and submits proposals to the Minister for appropriate legislation on disability. The Council also coordinates activities of organizations of PWDs, international organizations and non-governmental organizations that work to promote the interests of PWDs, promotes investigation and research on issues of disability and provides education and information to the public on issues of disability.

In addition, the NCPD uses the Disability Act and the Ghana Standard on Accessibility Designs (GSAD) in compliance with Section 6 of Act 715 and Article 9 of the UNCRPD which demands that private and public facilities including school buildings, medical facilities and all workplaces as well as buildings and roads are made accessible to PWDs. The GSAD

was developed by the Council in a bid for PWDs to have access to the built environment and to govern the work of developers, designers and other persons involved in the built environment process. The GSAD would provide a means for the measurement or assessment of universal accessibility and increase education on accessibility standards, and the need for barrier-free designs in the built environment (Frempon-Ntiamoah, 2016). This standard has been adopted by the Ministry of Works and Housing for building public spaces and it is being channelled to the Metropolitan, Municipal and District Assemblies (MMDAs) in Ghana. Therefore, building plans that do not include access for PWDs must be rejected. The NCPD is currently developing a framework in Strategies for Disability mainstreaming in the MMDAs. The purpose is to sensitize MMDAs and enable them to implement accessibility for PWDs in their day-to-day activities. Also from September to October 2017, the NCPD captured data on statistics of PWDs in Ghana.

GFD is an umbrella organization of disability organizations. It was formerly known as the Ghana Federation of the Disabled. There are eight organizations under the GFD which include: Ghana Blind Union; Ghana National Association of the Deaf; Ghana Association of Persons with Albinism; Ghana Society of the Physically Disabled; Mental Health Society of Ghana; Sharecare Ghana (people with neurological and auto-immune disorders); Burn Survivors Foundation; Inclusion Ghana (people with intellectual disabilities); and other minority groups including little people, persons with deaf-blindness, cured lepers and persons who stammer. The GFD promotes inclusive education, early identification of disabilities, placement and upkeep including the distribution of assistive devices to children in schools. GFD advocates for the rights of PWDs by influencing policies, programs or undertakings at the national and local levels. It strengthens member organizations through training and advocacy so they can help PWDs to participate fully in society. GFD works to expand

participation of PWDs in national activities and educates them on the Ghana Disability Act. GFD also promotes employment for PWDs by organizing annual career fairs, facilitating and providing internship opportunities for PWDs in various institutions, sensitizing potential employers on the capabilities of PWDs and skills training for PWDs in the informal sector. In the various programs organized by the GFD, they ensure that the venues are accessible, ensure that there are available audio and braille versions of reports and ensure that there is a sign language interpreter.

The Ghana Society of the Physically Disabled (GSPD) is a membership organization of persons with physical disabilities. It seeks the welfare of its members through advocacy for their human rights within the confines of the laws of Ghana. Before 2012, GSPD realized that there was no accessibility standard and went ahead to initiate and draft an accessibility standard and then lobbied the Ghana Standards Authority to develop one for Ghana and include it in the building code that they were reviewing to ensure compliance. In November 2016, the Standard was approved. GSPD contributed to the Ministry of Local Government and Rural Developments (MLGRD) mainstreaming framework to guarantee that problems of disability are addressed are mainstreamed in all sectors of the economy.

Human Rights Advocacy Centre (HRAC) is a non-governmental human rights organization with the sole aim of promoting human rights of all persons in Ghana especially the vulnerable of which persons with physical disabilities are inclusive. Since the inception of the HRAC in 2009, a lot of their work has focused on PWDs, women and children issues. Specifically, based on the issues that come up, HRAC engages in advocacy and trains state entities as well on the rights of PWDs. The HRAC has trained the judiciary on how to handle cases that involve PWDs so that their rights are protected in the course of a trial. This training was conducted as a result of the fact that it had come to the attention of the HRAC that judges,

during trials, were not very sensitized to issues of PWDs. The HRAC is also involved in capacity building of state institutions and other relevant stakeholders. Depending on the issue at hand, the HRAC often involves the media in its bid to raise awareness in promoting the rights of persons with physical disabilities. There are policies that the HRAC implements for safeguarding clients' interests and this is termed the Safeguarding Policy. This policy is necessary because the majority of the people they engage with are vulnerable persons and it is necessary to ensure that they are not taken advantage of. The staff of the HRAC are sensitized on the policy and are made aware of the consequences of violation. Work culture, language and ethics are checked and clients are made aware of their policies when they visit the organization.

The United Nations Development Project (UNDP), as a UN agency is required to protect and promote the rights of all people especially vulnerable/marginalized groups, which includes persons with a physical disability. As an organization, interventions UNDP-Ghana has designed and implemented in the past have targeted PWDs overall and there has not been a specific intervention for persons with physical disabilities. The interventions were focused on supporting the inclusive participation of PWDs in the planning and budgeting processes of district assemblies and their participation in electoral processes. The intervention that promotes inclusive participation in taking decisions is consistent with point '3' of Article 4 in the UNCRPD which states that: "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations (UNCRPD, 2006)."

3.8 Partnership with other agencies and organizations

Collaboration between state agencies and organizations is important because inclusion and mainstreaming of PWDs in Ghana and protecting their human rights must be a joint effort. It cannot be tackled effectively by just one organization. In that vein, these organizations and agencies that were interviewed disclosed that they partner with other organizations in the work they do to protect the human rights of PWDs.

UNDP-Ghana works with the Ghana Federation of Disability Organizations and some Civil Society Organizations (CSOs) on interventions related to PWDs. The World Bank works with other agencies like Department for International Development (DFID), United States Agency for International Development (USAID), United Nations Children's Fund (UNICEF), and the Ministry of Gender, Children and Social Protection (MoGCSP) and also consults disability organizations in their projects. The NCPD works with the Department of Children, Ghana Education Service – Special Education Unit, Department of Social Welfare, all MMDAs among others. GFD works with USAID to sensitize PWDs on the Ghana Disability Act and the UNCRPD. GFD also works with CHRAJ, Department of Social Development, NCPD, Ministry of Employment and Labour Relations (MELR), Ministry of Youth and Sports, Ghana Health Service, USAID, Danish International Development Agency (DANIDA) among others. GSPD works with MLGRD, MoGCSP, Ministry of Health and other sectors of the economy. The HRAC also works with NCPD and GFD to ensure PWDs are represented in all their projects and programs.

3.9 Effectiveness of the work done in protecting and promoting the human rights of PWDs in Ghana

3.9.1 Effectiveness of policies/frameworks/strategies in Ghana addressing the rights of PWDs

Ghana has achieved successes mainly in its policies. Some achievements of the nation include the Ghana Disability Act (2006) which was passed by Parliament and ushered in a new dawn for disability rights in Ghana. The Act establishes rights such as unhindered access to public locations and structures, free transport services, health care, jobs and education. The Ghana Standard on Accessibility Designs is a means of providing accessibility for PWDs to the built environment even as the 10-year moratorium (2006 – 2016) has passed. PWDs are being empowered through vocational skills training at the Accra Rehabilitation Centre to establish their trade.

The 3% DACF is another achievement by the government to help PWDs access money to help them with their businesses, education and upkeep. Due to the Ghana Disability Act and the UNCRPD, the humiliation of PWDs in Ghana has reduced significantly. This is because more and more people are being exposed to disability issues and disability rights through these two instruments. The MELR has increased intake of PWDs working at the various toll booths in Accra and this is to reduce the rate of unemployment that is prevalent among PWDs. There has also been the implementation of a pilot program on the policy on inclusive education in some districts. There is also increased recognition of PWDs in Ghana due to the increased participation in national activities. Ghana has achieved early childhood screening to check disability statuses. According to Rohwerder (2017), “early identification and intervention can reduce the level of educational support children with disabilities may require throughout their schooling and ensure they reach their full potential.” Therefore, it is important that screening is integrated into broader health and education programmes. Also,

appropriate screening tools must be “quick; affordable; acceptable to the community; easy to use by grass root level workers; and have high specificity and sensitivity” (Robertson, Hatton, Emerson & Yasamy, 2012, pp. 99-118).

From the interviews with PWDs, some of the successes in Ghana that were mentioned were the training programmes held to give them access to employment. For example, a training programme to enable persons with physical disabilities work at the toll booths in Accra was held on 29th June, 2019 at the Department of Computer Science. The 3% DACF is another success that gives PWDs access to money for educational purposes and to help them in their business endeavours. Having a minister of state who was visually impaired and the flagbearer of the Convention People’s Party who has a physical disability is also seen as an achievement in the country. Ghana has achievements in integrating PWDs into the education sector because there are schools for people with visual impairment and the University of Winneba has a high percentage of PWDs schooling there. However, some others felt there were no achievements/successes in Ghana because the leaders are corrupt. One participant shared, *“I learnt how to sew at the Accra Rehab Centre. Sometimes donors come there to support PWDs but after they have left, the centre manager will bring a car and pack all the donated items. At the end of the day, we are told there is no food meanwhile we see the donors bringing the items”* (Respondent 15, personal communication, June 29, 2019)

3.9.2 Effectiveness of the work done by national and international organizations in protecting the rights of PWDs

The World Bank has moved from the old Environmental and Social Framework to a new and revised version. This Framework enables the WB to have an improved approach to project management and associated environmental and social hazards leading to improved development results. Through due diligence, the task team of a project is able to ascertain

whether the environmental and social assessment has properly identified the disadvantaged or vulnerable individuals or groups; and appropriate differentiated mitigation measures incorporated into project design and documented in relevant project documents so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and so that they are not disadvantaged in sharing any development benefits resulting from the project (Bank Directive, 2016). There is also a World Bank directive to all World Bank country offices to consider employing PWDs.

A sensitization, education and mainstreaming program has been launched by the NCPD to address the public's adverse perception of disability. Public education on disability legislation and the rights of PWDs is being initiated in a nation-wide awareness-raising program through the NCPD. This initiative contributes to the integration of the issues of disability in Ghana. The NCPD is also working with the Ghana Investment Fund for Electronic Communications (GIFEC) to introduce a pilot Disability Employment Project that includes ICT training to provide PWDs with good jobs. In 2018, the NCPD organized the first national day of PWDs in Ghana. They also dialogued with the Ministry of Procurement so that 30% of contracts will be given to youth and women with physical disabilities. To facilitate effective and efficient planning for PWDs in Ghana, NCPD has begun a registration exercise for all PWDs and the goal is to create trustworthy disaggregated information on PWDs. This would therefore direct stakeholders in designing programs modified to meet the requirements of Ghana's PWDs. The NCPD has radio and television programs to educate PWDs on their rights and partners with churches to distribute assistive devices. According to Article 33 of the UNCRPD, as a requirement for ratifying the UNCRPD, each signatory country must produce a report every two years and the reports will give a detailed explanation on the progress made towards implementation of the Convention. The NCPD produced the first

report on Ghana's commitment on disability issues to the UN and also participated in the State Party Conference on disability in 2018.

Key achievements of the GFD comprise; inclusion of disability in the Growth and Poverty Reduction Strategy II (GPRS II), introduction of tactile ballot system to ensure independent voting of the visually impaired in the 2004, 2008 and 2012 national elections, advocacy for the enactment of the Persons with Disability Act 2006, advocacy for the ratification of the UNCRPD, promotion of the integration of disability in the medium-term national development plan 2010 to 2013/ 2014 to 2017, and drafted and successfully advocated the adoption of the guidelines for the management, disbursement, utilization, and accountability for PWDs share of the DACF.

The main success for HRAC is the capacity building program for state officials in handling issues related to PWDs. That is, the training programme held for the Judiciary so that when handling cases that involve PWDs, they are more sensitive and careful. UNDP-Ghana has achieved success by ensuring that hundreds of PWDs in various districts across the country have had their capacities built-in participating in the planning and budgeting processes of district assemblies, in demanding accountability from district officials and in presenting their demands to election candidates.

3.10 Challenges undermining the effective implementation of the frameworks, policies and strategies

3.10.1 Challenges in Ghana

In Ghana, many occurrences are linked to spiritual causes. According to Botts and Evans (2010, p. 13), "the birth of a child with any disability is seen as an expression of the displeasure of the gods and may lead to disintegration of the family unit." The problem of

these traditional beliefs and community stigmatization among others is that they result in issues of exclusion of PWDs. Also, the self-esteem of PWDs is not respected or even acknowledged. From an economic perspective, PWDs are seen as burdens on their families because they do not contribute to the upkeep of the house and they also need a primary caregiver meaning that person cannot do any meaningful work apart from taking care of the PWD.

Ghana faces challenges with insufficient funding for disability projects and logistics and has problems with the implementation of the Ghana Disability Act (ACT 715). The Ghana Disability Act has no legal definition of disability and no legislative instrument to aid its implementation. This corroborates the view that in Ghana, the laws are there, but it is about the enforcement of these laws. The 10-year moratorium from 2006 to 2016 as provided in the Act for public buildings to be accessible has passed and most government structures are still not accessible to persons with physical disabilities. “The Act is inconsistent with the UNCRPD because it has no provision on women with disability, the rights of children with disability, the inherent right to life and the right to protection and safety in situations of risk and humanitarian emergencies” (Asante and Sasu, 2015, pp. 62-69).

The discourse on disability in Ghana has changed from pity and sympathy to an environmental focus and that has led to the awareness that the environment in Ghana is generally not user-friendly to persons with physical disabilities. The leaders in Ghana are not committed to issues on disabilities and do not handle them well because these issues are not seen as core to the country's development. There is also the general lack of understanding of what disability is so leaders try to work around it without solving the actual problem. Mr Agbesi added that persons with physical disabilities who beg along the road do not help themselves and even when they are given better opportunities, they return to the streets

because of their mindsets. There are challenges with the lack of data on disability statistics and unemployment of PWDs. Another problem in Ghana is the coordination and distribution of the 3% DACF and so some persons with physical disabilities do not even know about the fund or how to access it.

3.10.2 Challenges faced by the organizations

The World Bank faces challenges by not planning or factoring disability in their projects. There are also issues of budget and some staff not viewing disability inclusion as necessary for certain projects. The NCPD faces issues of lack of cooperation from other agencies they work with, lack of political will by government to tackle issues related to PWDs, inadequate funding for projects, and lack of a substantive number of employees in the offices and more importantly on the field to collect data. Some of the challenges that GFD faces include funding thus, they depend on donor support. Also, in partnering with the government to undertake certain projects, there are a lot of delays especially when there are changes in government. There is no existing data of PWDs and according to the GFD official interviewed, this may have affected the 2012 census outcome. GSPD struggles with funding to guarantee the welfare of persons with physical disabilities, encounters problems in data collection, mobilization of members and they also have to rely heavily on donor funding because the government does not fund them.

In the interview with the HRAC official, she remarked that the office faces challenges with accessibility as well because the office is located in a story building with stairs and no elevator for easy movement of clients who are persons with physical disabilities. She highlighted that *“it is unfortunate we are in a storey building and we don’t have any means, because we know that the law requires that you have an accessible building. Sometime back we had a client who had a physical challenge and it was a very uncomfortable moment for us*

because she had to be carried up and down the stairs. We are very very sorry for it but the structure was there already and as an NGO we don't have a lot of money for renovation so that's one challenge" (Respondent 16, personal communication, July 12, 2019). UNDP-Ghana mainly faces challenges with inadequate resources to meet the demands of PWDs or fund interventions that will inure to their benefit.

3.11 Way forward in protecting and promoting the human rights of PWDs in Ghana

The MoGCSP and civil society organizations should hold the World Bank accountable to its 10 commitments. Other international organizations in Ghana that are committed to issues on disability should be monitored through their projects to ensure effectiveness. The NCPD should be autonomous and not under the MoGCSP but the Office of the President to avoid the bureaucratic process involved in undertaking projects. More persons with physical disabilities must be employed to work with the Council and the DACF should be released directly to persons with physical disabilities and it should be easily accessible. There should be a legislative instrument for the Ghana Disability Act to enforce its implementation. Additional legislative Acts that protect and promote the rights of PWDs should be enacted, enforced and extended to private organizations. Key attention should be paid to issues PWDs face and measures should be put in place to curtail people from traumatizing them.

The GFD recommends that there should be inclusive policies so that PWDs are not left behind in development and PWDs should not be abused or discriminated against. Sensitization on the rights of PWDs should be a collaborative effort between government, civil society organizations, persons with physical disabilities themselves and other stakeholders. According to the GSPD, the laws have been passed, the frameworks have been put in place but there is the need to enforce the laws. Also, there should be accurate disaggregated data on persons with disabilities. A suggestion from the HRAC is that the

government should be made fully aware of the issues of PWDs and should empathize with them. Also, the government must be presented with the pros and cons of protecting the rights of persons with physical disabilities because in the end the cost of the cons far outweighs the pros. It should be possible for PWDs to appreciate and enjoy their most basic human rights including food, clothing and shelter. Education and employment opportunities for PWDs allows them to take care of such basic needs. There should also be a national comprehensive policy to guide national discussion on PWDs. Inclusion should be stressed at the state level so that it can also reflect in our communities and this can be done through education and sensitization. The consequences and penalties of treating a person with a disability in a derogatory manner should be carried out to deter others from engaging in similar behaviour. The official from UNDP-Ghana recommended that all stakeholders must show commitment towards the protection and promotion of the rights of PWDs through ensuring that the laws and policies are effectively implemented, and the required resources are distributed fairly to their benefit.

The way forward from the perspective of persons with disabilities with regards to how their rights are protected and promoted are varied. As stated by Isaac, Raja and Ramanan (2010, pp. 627-630), “people with disabilities want to be accepted on their merits and given the material support they need to exercise their rights, just like everyone else.” One suggestion is that the government can form a panel and meet PWDs who have various initiatives and proposals for business and help them because, through that, the burden of unemployment is alleviated. Loans should be more accessible to PWDs with lower interest rates so that they can payback. Government laws and policies should be enforced because it also influences the work of disability organizations. Persons with physical disabilities should be encouraged to partake in sports and sporting events because some PWDs have a passion for it, they only need the

training to hone their skills. PWDs on the streets should also be encouraged to learn whether through formal education or vocational skills training.

In ensuring the dignity and respect for PWDs, People First Language should be used when referring to them. People First Language according to Disability Inclusion (2019) is employed in order to speak acceptably and courteously with and about people with disabilities. People first language places emphasis on the person and not the disability by starting the phrase with the words “person who” or “person with.” For example, instead of saying ‘the disabled,’ it is more appropriate to say ‘person with a disability.’ Additionally, as the financial reward (annual tax refund) for employing PWDs was unsuccessful, the government must put forward new measures such as high penalties for employers culpable of disability discrimination in the workplace (Nyombi & Kibandama, 2014). The government should pay attention to the accessibility of PWDs. There should be accessible public vehicles with compassionate drivers at different points in the city that PWDs can use instead of the regular public transport buses. In building public places, attention must be paid to the types of tiles used because it is very easy for persons using crutches to slip and fall when the tiles are smooth and slippery. Also, corporate bodies should be more involved in creating awareness, building infrastructure and donating to organizations that work with PWDs as part of their corporate social responsibility. Further research should focus on the availability of special education services in both the rural and urban areas of Ghana as well as the knowledge of different disabilities and attitudes toward disability in the general population (Botts & Evans, 2010). Lastly, *“there should be focus and enhancement of national institutions with the tasks of protecting and promoting the human rights of PWDs, greater education opportunities, inclusivity and cultural acceptance as well as funding at all levels and perhaps the election as President of a person with disability”* (Respondent 11, personal communication, July 22, 2019). A participant had this to say about the CPP flagbearer and politics in general, “the

disabled take care of things. If Ghanaians had given him a chance, they would see how he would take care of them. Because he knows how it is to have a disability, he will be able to help us. Disabled people feel the pains of others. Those who are not disabled convince you to vote for them, when they win power, they will not mind you again” (Respondent 15, personal communication, June 29, 2019).

3.12 Conclusion

PWDs in Ghana face several challenges that affects the enjoyment of their rights as human beings. Most national agencies and international organizations that work to protect the rights of PWDs are aware of these challenges and therefore use the UNCRPD and the Ghana Disability Act as their standard in creating policies and strategies that are targeted at protecting and promoting the rights of PWDs. So far, though these organizations have faced some challenges, there have also been successes in this regard. However, most of the PWDs interviewed have little or no knowledge about some of these interventions and it is prudent that they are involved in each process designed to protect their rights.

References

- Ajuwon, P. M. (2008). Inclusive Education for Students with Disabilities in Nigeria: Benefits, Challenges and Policy Implications. *International journal of special education*, 23(3), 11-16.
- Appelbaum, P. S. (2016). Protecting the rights of persons with disabilities: an international convention and its problems. *Psychiatric Services*, 67(4), 366-368.
- Asante, L. A., & Sasu, A. (2015). The Persons with Disability Act, 2006 (Act 715) of the Republic of Ghana: The Law, Omissions and Recommendations, 36(Act 715), 62–69.
- Bank Directive (2016). Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups. Retrieved from <https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=e5562765-a553-4ea0-b787-7e1e775f29d5&ver=current>.
- Baris, M. E. and Uslu, A. (2009). Accessibility for the disabled people to the built environment in Ankara, Turkey. *African Journal of Agricultural Research* Vol. 4 (9): 801-814, Available online at <http://www.academicjournals.org/AJAR>.
- Botts, B. H., & Evans, W. H. (2010). Ghana: Disability and Spirituality. *Journal of International Special Needs Education*, 13.
- Clarke, P., Alshire JA. and Lantz, P. (2009). Urban built environments and trajectories of mobility disability: Findings from a national sample of community-dwelling American adults (1986–2001). *Social Science and Medicine* 69(6):964-970.
- Disability Inclusion (2019). Retrieved from <https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html>.
- Frempon-Ntiamoah, E. (2016). NCPD Develops Standard on Accessibility Designs. Retrieved from <http://www.ghana.gov.gh/index.php/media-center/news/3090-ncpd-develops-standard-on-accessibility-designs>.

- Isaac, R., Dharma Raja, B. W., & Ramanan, M. P. (2010). Integrating people with disabilities: their right—our responsibility. *Disability & Society*, 25(5), 627-630.
- Ishmael, D. (2015). Measures for inclusion: Coping with challenges/ barriers faced by learners with physical impairment (PI) in regular schools. *IOSR Journal of Humanities and Social Science*, 20(9), 62-67.
- Jansuwan, S., Christensen, K. M., Chen, A. (2013). Assessing the transportation needs of low-mobility individuals: Case study of a small urban community in Utah. *Journal of Urban Planning and Development*, 139(2), 104–114.
- McClain-Nhlapo, C. V., Sivonen, L. H. A., Raja, D. S., Palummo, S. & Acul, E. (2018). Disability inclusion and accountability framework (English). Washington, D.C.: World Bank Group.
<http://documents.worldbank.org/curated/en/437451528442789278/Disability-inclusion-and-accountability-framework>.
- Ministry of Employment and Labour Relations. (2014). National Employment Policy. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-abuja/documents/publication/wcms_373458.pdf.
- Mont, D. (2014). Employment policy approaches and multisectoral implementation in low- and middle-income countries. In J. Heymann, M. A. Stein, & G. Moreno (Eds), *Disability and equality at work*. New York: Oxford University Press.
- Nyombi, C., & Kibandama, A. (2014). Access to employment for persons with disabilities in Uganda. *Labor Law Journal*, 65(4), 248-258.
- Ocran, J. (2019). Exposing the protected: Ghana’s disability laws and the rights of disabled people, *Disability & Society*, 34:4, 663-668, DOI: 10.1080/09687599.2018.1556491.

- Poston, D., & Turnbull, A. (2004). Role of Spirituality and Religion in Family Quality of Life for Families of Children with Disabilities. *Education and Training in Developmental Disabilities*, 39(2), 95-108. Retrieved from <http://www.jstor.org/stable/23880059>.
- Robertson, J., Hatton, C., Emerson, E., Yasamy, M.T. (2012). The identification of children with, or at significant risk of, intellectual disabilities in low- and middle-income countries: a review. *J Appl Res Intellect Disabil*, 25:2, 99-118. <https://doi.org/10.1111/j.1468-3148.2011.00638.x>.
- Rohwerder, B. (2017). Impact of childhood screening for disability/impairment on education and learning.
- Unger, D. D. (2002). Employers' Attitudes Toward Persons with Disabilities in the Workforce: Myths or Realities? Focus on Autism and Other Developmental Disabilities, 17(1), 2–10.
- Wapling, L., & Downie, B. (2012). Beyond charity: a donor's guide to inclusion – Disability funding in the era of the UN Convention on the Rights of Persons with Disabilities. Boston: Disability Rights Fund.

CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

The purpose of this chapter is to summarize the findings of the study, draw conclusions from the findings and recommend appropriate policy guidelines on the issues brought to bear in this study as well as recommendations for future research.

4.1 Summary of Findings

The following findings were derived from the study based on the analysis of data gathered from literature reviews and interviews; keeping in mind the statement of the problem, research questions and research objectives of the study.

First of all, it was imperative to find out what the challenges of persons with physical disabilities in Ghana are and therefore the need for frameworks, policies and strategies put in place to protect their human rights. The challenges discovered include access to employment, barriers in accessing the built environment, transportation barriers, social/attitudinal barriers, communication barriers, financial difficulties, lack of respect from family members and spouses, exploitation by the government for donor support, access to assistive devices like laptops and other resources like braille sheets and low motivation to go to school. Most of these challenges are inter-connected as seen in the study because searching for employment involves the PWD being confronted which challenges to transportation, negative attitudes of people, difficulty in accessing buildings among others.

Results from the research show that the major national and international frameworks for protecting the rights of persons with physical disabilities in Ghana are the Ghana Disability

Act and the United Nations Convention on the Rights of Persons with Disabilities. The underlying theme with regards to the Act and the convention is that they are important policies that prove that the human rights of PWDs have to be protected and promoted at all costs. However, these two lack very little bite because they are not enforced in Ghana. Additionally, the Ghana Disability Act has gaps and is not in line with the UN convention so it has to be revised and this is currently in progress.

There are other policies, measures and strategies put in place by national agencies and international organizations to protect the human rights of PWDs. These measures were brought to light by this research study:

- The World Bank has the New Environmental and Social Framework Project Intervention, Disability Inclusion and Accountability Framework among World Bank staff and the 10 commitments on Disability Inclusion.
- There is the Ghana Standard on Accessibility Designs developed by the National Council for Persons with Disabilities and the Framework in Strategies for Disability Mainstreaming in the MMDAs which is currently being developed by the NCPD.
- The Ghana Federation of Disability Organizations also organizes annual career fairs and advocates for inclusive education and employment opportunities for PWDs.
- Ghana Society of the Physically Disabled also contributed to drafting an accessibility standard to be included in the country's building code.
- The Human Rights Advocacy Centre engaged in a capacity building for the judiciary so that they know how to handle cases involving PWDs.
- Other general policies in place that were noted during the interviews are the 3% District Assemblies Common Fund available to PWDs, employment policy and the Livelihood Empowerment Against Poverty program which caters to PWDs.

The study discovered that the majority of the persons with physical disabilities interviewed did not know about the UNCRPD and the Ghana Disability Act or what they are about. On the other hand, they had heard about the 3% District Assembly Common Fund and some had even benefited from it. The PWDs interviewed were mainly of the opinion that these frameworks were not effective because they were not seeing the effects. Although some of the participants mentioned that awareness of issues of disability was much better now than previously, most persons with physical disabilities who were interviewed in the course of the research stated that they did not feel like their rights were being protected or promoted in Ghana.

So far, the agencies and organizations interviewed have been effective in their work to protect and promote the human rights of persons with physical disabilities through the various policies, measures and strategies they have put in place. Some of the achievements in this regard are, the Environmental and Social Framework of the World Bank that incorporates PWDs in development projects and ensures that they enjoy development benefits, public education on the Disability Act by the NCPD, ICT training for PWDs to help with employment, 30% of contracts from the Ministry of procurement given to youth and women with physical disabilities, introduction of tactile ballot system to ensure independent voting of the visually impaired in the 2004, 2008 and 2012 national elections and a capacity building program for state officials in handling issues associated with PWDs.

From the viewpoint of persons with physical disabilities, some of these organizations such as the Ghana Blind Union and the Ghana Federation of Disability organizations have been more effective than others. Other participants believe the organizations have not been effective because they do not take action when it comes to helping their members with employment

and advocating for their rights. There is still the issue of several PWDs on the streets begging.

Challenges that have undermined the successful implementation of the frameworks, policies, and strategies of the organizations include not planning or factoring disability in their projects, lack of cooperation from other agencies they work with, inadequate funding, lack of a substantive number of employees in the offices and more importantly on the field, dependence on donor support and problems of data collection of statistics on PWDs in Ghana. The way forward is for these organizations to be held accountable to the policies and measures they put in place, the laws must be implemented and enforced, there should be inclusive policies so that PWDs are not left behind in development, advocacy on the rights of PWDs should be a collaborative effort between government, civil society organizations, persons with physical disabilities themselves and other stakeholders, there should be accurate segregated data on persons with disabilities, and the consequences and penalties of treating a person with a disability in a derogatory manner should be carried out to deter others from engaging in similar behaviour.

4.2 Conclusions

Persons with physical disabilities in Ghana are faced with many challenges that go against their human rights. This study sought to find out whether national agencies and international organizations that have measures and policies put in place are aware of the challenges PWDs face and from the interviews conducted, all of the officials interviewed acknowledged that their organizations were aware of these challenges. The factors that affect the experiences of PWDs such as level of education, employment, family and spousal support and political affiliation were explored. The study revealed that the national agencies and international organizations were working to protect and promote the human rights of persons with physical

disabilities in Ghana even though there is more room for improvement in that regard. Therefore, the findings from the study justify the hypothesis of this study that the efforts of national and international organizations are effectively contributing to the protection and promotion of the rights of persons with physical disabilities in Ghana.

4.3 Recommendations

Based on the study, it is recommended that MMDAs release the 3% DACF and disburse the funds to persons with physical disabilities without delay when they receive it from the government. This is because, the interviews revealed that PWDs rely on the fund for educational support; economic and income generation; medical and assistive devices; and to cater to other needs since some are not supported by their family members. Also, to ensure the effectiveness of the policies and frameworks that national agencies and international organizations put in place to help persons with physical disabilities, government, civil society groups or organizations for people with disabilities must hold these groups accountable to their policies. This will ensure efficiency and productivity. These organizations apart from dealing with the ministries and disability agencies should also be directly involved with the PWDs themselves so that, the PWDs are aware of the work they do to help them and protect to their rights. The government should also provide accessible public transportation for persons with physical disabilities. A pilot program can be run in some suburbs of Accra to check the feasibility of this measure. Motor riders who use pedestrian walkways should be apprehended by the police and fined for irresponsible behaviour.

Civil society organizations and the media should continually create awareness on disability issues and not only when it is World or National Day of disability. This can be done through music or film to capture the attention of the public. Now that the 10-year moratorium on the accessibility of public buildings has passed with no significant changes, the policy must be

reviewed by the NCPD and other stakeholders to find out why it did not work out and enforce more stringent measures to ensure accessibility of public buildings especially. After the Ghana Disability Act has been revised to be in line with the UNCRPD, it should be strictly implemented and enforced by all MMDAs, public and private organizations. The penalties put in place for defaulters should be carried out to deter others from engaging in similar behaviour. There should be a minimum quota set by the government for both public and private companies with respect to the number of persons with physical disabilities they employ.

Persons with physical disabilities should also unite to fight for their rights. They should not pity themselves but present a strong front in demanding that their rights are promoted and protected. They can do this by acquiring knowledge on the laws that back them like the UNCRPD and the Ghana Disability Act and other policies so that they can hold the government accountable to the policies they make.

In terms of recommendations for future research, it will be prudent to pick a single aspect of physical disabilities instead of focusing on the broad area, especially with a short time frame.

BIBLIOGRAPHY

A. BOOKS

- Barron, T. & Amerena, P. (2007). *Disability and Inclusive Development*. London: Leonard Cheshire Disability.
- Bernard, H. R. (2011) "Research Methods in Anthropology" 5th edition, AltaMira Press, p.7.
- Black, K. (2010) "Business Statistics: Contemporary Decision Making" 6th edition, John Wiley & Sons.
- Campbell, J. & Oliver, M. (2013). *Disability politics: understanding our past, changing our future*. Routledge.
- Denscombe, M. (2014). *The good research guide: for small-scale social research projects*. McGraw-Hill Education (UK).
- Dershowitz, A. (2004). *Rights from Wrongs: A Secular Theory of the Origins of Rights*. New York: Basic Books.
- Dudovskiy, J. (2018). *The Ultimate Guide to Writing a Dissertation in Business Studies: A Step-by-Step Assistance*.
- Kittay, E. F. & Carlson, L. (2010). *Cognitive Disability and its Challenge to Moral Philosophy* (John Wiley & Sons).
- Lavrakas, J, P. (2009). *Encyclopedia of Survey Research Methods*, 1st Edition, Sage Publications.
- Mont, D. (2014). *Employment policy approaches and multisectoral implementation in low- and middle-income countries*. In J. Heymann, M. A. Stein, & G. Moreno (Eds), *Disability and equality at work*. New York: Oxford University Press.
- Murray, R. (2004). *Human rights in Africa: from the OAU to the African Union*. Cambridge University Press.

- Nowell, S. L., Norris, M. J., White, E. D., & Moules. J. M. (2017). *International Journal of Qualitative Methods*, Published by Sage Publications.
- Nukunya, G.K. (1992). *Tradition and change in Ghana: An introduction to sociology*, Accra, Ghana: Ghana University Press.
- O'Leary, Z. (2004). *The Essential Guide to Doing Research*. London: Sage.
- Quinn, G. Degener, T., & Bruce, A. (2002). *Human rights and disability: The current use and future potential of United Nations human rights instruments in the context of disability*. United Nations Publications.
- Sarpong, P. (1974). *Ghana in retrospect: Some aspects of the Ghanaian culture*, Accra, Ghana: Ghana Publishing Corp.
- Sloth-Nielsen, J. (Ed.). (2016). *Children's rights in Africa: a legal perspective*. Routledge.
- Smith, D. D., & Tyler, N. C. (2010). *Introduction to special education: Making a difference, student value edition*. New Jersey: Pearson.
- Viotti, R. P. & Kauppi, V. M. (1993). *International Relations Theory: Realism, Pluralism, Globalism*. New York: Macmillan.
- Yin, R. K. (2003). *Case Study Research: Design and Methods*. SAGE Publications.

B. JOURNAL ARTICLES

- Ajuwon, P. M. (2008). Inclusive Education for Students with Disabilities in Nigeria: Benefits, Challenges and Policy Implications. *International journal of special education*, 23(3), 11-16.
- Appelbaum, P. S. (2016). Protecting the rights of persons with disabilities: an international convention and its problems. *Psychiatric Services*, 67(4), 366-368.

- Amoah, P. (1992). The African Charter on human and peoples' rights an effective weapon for human rights. *African Journal of International and Comparative Law*, 4(1), 226-241.
- Asante, L. A., & Sasu, A. (2015). The Persons with Disability Act, 2006 (Act 715) of the Republic of Ghana: The Law, Omissions and Recommendations, 36(Act 715), 62–69.
- Baffoe, M. (2013). Stigma, discrimination & marginalization: Gateways to the oppression of persons with disabilities in Ghana, West Africa. *Journal of Educational and Social Research*, 3(1), 187-198.
- Baimu, E. (2001). The African Union: Hope for better protection of human rights in Africa. *Afr. Hum. Rts. LJ*, 1, 299.
- Baris, M. E. and Uslu, A. (2009). Accessibility for the disabled people to the built environment in Ankara, Turkey. *African Journal of Agricultural Research* Vol. 4 (9): 801-814, Available online at <http://www.academicjournals.org/AJAR>.
- Berghs, M., Atkin, K., Graham, H., Hatton, C. & Thomas, C. (2016). Scoping models and theories of disability. In Implications for Public Health Research of Models and Theories of Disability: A Scoping Study and Evidence Synthesis. Southampton: *NIHR Journals Library, Public Health Research*, No. 4.8.
- Biegon, J. (2011). The Promotion and Protection of Disability Rights in the African Human Rights System'. *Aspects of disability law in Africa*, 53.
- Bond, J., E. (2003). “International intersectionality: A theoretical and pragmatic exploration of women’s international human rights violations.” *Emory Law Journal* 52: 71–186.
- Botts, B. H., & Evans, W. H. (2010). Ghana: Disability and Spirituality. *Journal of International Special Needs Education*, 13.
- Carney, T. (2008). ‘Righting’ Wrongs for the Aged: A Bill of Rights? *Australian Journal on Ageing*, 16(2), 73-78. Chicago.

- Clarke, P., Alshire JA. and Lantz, P. (2009). Urban built environments and trajectories of mobility disability: Findings from a national sample of community-dwelling American adults (1986–2001). *Social Science and Medicine* 69(6):964-970.
- De Schutter, O. (2011). Human Rights and the Rise of International Organisations: The Logic of Sliding Scales in the Law International Responsabilité. Jan Wouters, Eva Brems, Accountability for Human Rights Violations by International Organizations (*International Law* 7), Intersentia: Antwerp, 55-12.
- Degener, T. (2000). International Disability Law-A New Legal Subject on the Rise: The Interregional Experts' Meeting in Hong Kong, December 13-17, 1999. *Berkeley J. Int'l L.*, 18, 180.
- Etieyibo, E. & Omiegbe, O., (2016). 'Religion, culture, and discrimination on against persons with disabilities in Nigeria', *African Journal of Disability* 5(1), a192. [hp://dx.doi.org/10.4102/ajod.v5i1.192](http://dx.doi.org/10.4102/ajod.v5i1.192).
- Fellinghauer, B., Reinhardt, J. D., Stucki, G., & Bickenbach, J. (2012). Explaining the disability paradox: a cross-sectional analysis of the Swiss general population. *BMC Public Health*, 12(1), 655.
- Gioia, D. A., Corley, K. G., & Hamilton, A. L. (2013). Seeking qualitative rigor in inductive research: Notes on the Gioia methodology. *Organizational research methods*, 16(1), 15-31.
- Heyns, C. (2004). The African regional human rights system: The African Charter. *Penn State Law Review*, 108(3), 679-702. Chicago 7th ed.
- Isaac, R., Dharma Raja, B. W., & Ravanan, M. P. (2010). Integrating people with disabilities: their right—our responsibility. *Disability & Society*, 25(5), 627-630.

- Ishmael, D. (2015). Measures for inclusion: Coping with challenges/ barriers faced by learners with physical impairment (PI) in regular schools. *IOSR Journal of Humanities And Social Science*, 20(9), 62-67.
- Jansuwan, S., Christensen, K. M., Chen, A. (2013). Assessing the transportation needs of low-mobility individuals: Case study of a small urban community in Utah. *Journal of Urban Planning and Development*, 139(2), 104–114.
- Kamga, S. (2013). call for a protocol to the African Charter on human and peoples' rights on the rights of persons with disabilities in Africa. *African Journal of International and Comparative Law*, 21(2), 219-249.
- Kassah, A., K. (2008). Begging as work: a study of people with mobility difficulties in Accra, Ghana, *Disability & Society*, 23:2, 163-170, DOI: 10.1080/09687590701841208.
- Kayess, R., & French, P. (2008). Out of darkness into light? Introducing the Convention on the Rights of Persons with Disabilities. *Human rights law review*, 8(1), 1-34.
- Lang, R. (2009). The United Nations Convention on the right and dignities for persons with disability: A panacea for ending disability discrimination? *ALTER-European Journal of Disability Research/Revue Européenne de Recherche sur le Handicap*, 3(3), 266-285.
- Naami, A., Hayashi, R. and Liese, H. (2012) The Unemployment of Women with Physical Disabilities in Ghana: Issues and Recommendations, *Disability and Society*, Vol. 27(2), pp. 191-204.
- Nizar, S. (2011). Impact of UNCRPD on the status of persons with disabilities. *Indian journal of medical ethics*, 8(4), 223-229.
- Nyombi, C., & Kibandama, A. (2014). Access to employment for persons with disabilities in Uganda. *Labor Law Journal*, 65(4), 248-258.

- Meekosha, H. & Soldatic, K. (2011). Human Rights and the Global South: the case of disability. *Third World Quarterly*, 32:8, 1383-1397, DOI: 10.1080/01436597.2011.614800.
- Ocran, J. (2019). Exposing the protected: Ghana's disability laws and the rights of disabled people, *Disability & Society*, 34:4, 663-668, DOI: 10.1080/09687599.2018.1556491.
- Oduro, F. (2009) The Quest for Inclusion and Citizenship in Ghana: Challenges and Prospects, *Citizenship Studies*, Vol. 13 (6), pp. 621-639.
- O'Reilly, M. F., Sammarco, N., Kuhn, M., Gevarter, C., Watkins, L., Gonzales, H. K., ... & Lang, R. (2015). Inborn and Acquired Brain and Physical Disabilities. In *Clinical and Organizational Applications of Applied Behavior Analysis* (pp. 179-193). Academic Press.
- Palmer, M., & Harley, D. (2011). Models and measurement in disability: an international review. *Health Policy and Planning*, 27(5), 357-364.
- Poston, D., & Turnbull, A. (2004). Role of Spirituality and Religion in Family Quality of Life for Families of Children with Disabilities. *Education and Training in Developmental Disabilities*, 39(2), 95-108. Retrieved from <http://www.jstor.org/stable/23880059>.
- Priestley, M. (2007). In search of European disability policy: Between national and global. *ALTER-European Journal of Disability Research/Revue Européenne de Recherche sur le Handicap*, 1(1), 61-74.
- Rioux, M. & Carbett, A. (2003). Human Rights and Disability: The International Context. *Journal on Developmental Disabilities*, vol 10, no.2.
- Robertson, J., Hatton, C., Emerson, E., Yasamy, M.T. (2012). The identification of children with, or at significant risk of, intellectual disabilities in low- and middle-income countries: a review. *J Appl Res Intellect Disabil*, 25:2, 99-118. <https://doi.org/10.1111/j.1468-3148.2011.00638.x>.

- Sarr, A., & Dube, K. (2010). Second African Decade of Persons with Disabilities. *Forced Migration Review*, (35), 7.
- Scheper-Hughes, N. (2003). 'Rotten trade: millennial capitalism, human values and global justice in organs trafficking', *Journal of Human Rights*, 2(2), pp 197–226.
- Schulze, M. (2010). Understanding the UN Convention on the Rights of Persons with Disabilities. *Advocate*, 1, 1-4.
- Series, L. (2015). The development of disability rights under international law: from charity to human rights. *Disability & Society*, 30:10, 1590-1593, DOI: 10.1080/09687599.2015.1066975.
- Sherlaw, W., & Hudebine, H. (2015). The United Nations Convention on the Rights of Persons with Disabilities: Opportunities and tensions within the social inclusion and participation of persons with disabilities. *Alter*, 9(1), 9-21.
- Stein, M. A. (2007). A quick overview of the United Nations Convention on the Rights of Persons with Disabilities and its implications for Americans with disabilities. *Mental and physical disability law reporter*, 31(5), 679-683.
- Stein, M. A., & Lord, J. E. (2010). Monitoring the Convention on the Rights of Persons with Disabilities: lost opportunities and future potential. *Human Rights Quarterly*, 32, p.689.
- Thomas, D. R. (2003). A general inductive approach for qualitative data analysis.
- Unger, D. D. (2002). Employers' Attitudes Toward Persons with Disabilities in the Workforce: Myths or Realities? *Focus on Autism and Other Developmental Disabilities*, 17(1), 2–10.
- Verdugo, M. A., Navas, P., Gómez, L. E., & Schalock, R. L. (2012). The concept of quality of life and its role in enhancing human rights in the field of intellectual disability. *Journal of Intellectual Disability Research*, 56(11), 1036-1045.

- Waddington, L. (2007). A new era in human rights protection in the European Community: the implications of the United Nations' Convention on the Rights of Persons with Disabilities for the European Community. *Maastricht Faculty of Law Working Paper*, (2007-4).
- Waterstone, M. (2010). The significance of the united nations convention on the rights of persons with disabilities. *Loyola of Los Angeles International and Comparative Law Review*, 33(1), 1-6.
- Young, D. A., & Quibell, R. (2000). Why rights are never enough: Rights, intellectual disability and understanding. *Disability and Society*, 15(5), 747-764.

C. INTERNET SOURCES

- Achieve Australia. (2019). Retrieved from <https://achieveaustralia.org.au/disability-services/physical-disability/> on 22nd May 2019.
- Bank Directive (2016). Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups. Retrieved from <https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=e5562765-a553-4ea0-b787-7e1e775f29d5&ver=current>.
- Commission for Africa. (2005). Our Common Interest. London: Commission for Africa, <http://www.commission-forafrica.org/english/report/thereport/english/11-03-05-cr-report.pdf> (consulted 10.06.2019).
- Disability Inclusion (2019). Retrieved from <https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html>.
- Disabled World. (2018). Retrieved 2019-05-22, from <https://www.disabled-world.com/news/africa/>.

- European Commission (2010), European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe European Disability Strategy. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:en:PDF>.
- France: Declaration of the Right of Man and the Citizen [], 26 August 1789, available at <https://www.refworld.org/docid/3ae6b52410.html> [accessed 9 June 2019].
- Frempon-Ntiamoah, E. (2016). NCPD Develops Standard on Accessibility Designs. Retrieved from <http://www.ghana.gov.gh/index.php/media-center/news/3090-ncpd-develops-standard-on-accessibility-designs>.
- GA Res. 37/52, 3 December 1982, A/RES/37/51, 37th Session Supp. No. 51 Available at <http://www.un.org/documents/ga/res/37/a37r052.htm> Retrieved on 28th February 2019.
- Ghana Federation of the Disabled. (2008). The Disability Situation in Ghana. Retrieved from <http://www.gfdgh.org.html>.
- Kailes, J. (1984). Physical Disabilities. *Social Work*, 29(2), 206-206. Retrieved from <http://www.jstor.org/stable/23714457>.
- Mcclain-Nhlapo, C. V., Sivonen, L. H. A., Raja, D. S., Palummo, S. & Acul, E. (2018). Disability inclusion and accountability framework (English). Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/437451528442789278/Disability-inclusion-and-accountability-framework>.
- Ministry of Employment and Labour Relations. (2014). National Employment Policy. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/---ilo-abuja/documents/publication/wcms_373458.pdf.
- Retrieved from Disabled World. (2019/05/15). <https://www.disabled-world.com/definitions/disability-definitions.php> Definitions of Disability.

Retrieved 2019-05-15, from <https://www.disabled-world.com/definitions/disability-definitions.php>.

Ssengooba, M. (2013) Ghana Elections: A Victory for Mental Health? Available at: <http://thinkafricapress.com/ghana/ghana-elections-victory-mental-health> [Accessed 28 February 2019].

The World Bank (2019). Understanding Poverty: Disability Inclusion. Retrieved from <https://www.worldbank.org/en/topic/disability>.

United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at <https://www.refworld.org/docid/3ae6b3930.html> [accessed 9 June 2019].

UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at <https://www.refworld.org/docid/45f973632.html> [accessed 15 May 2019].

UNHCR (2018). African states affirm the rights of persons with disabilities in a new landmark Protocol. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22661&LangID=E>.

D. ADDITIONAL DOCUMENTS

African Union Charter, article 31 paragraph 1.

African Union Charter, article 45, paragraph 1.

Adjei, N. N. D. (2013). *Putting decision into action: The Disability Act of Ghana. Six years down the line* (Master's thesis, The University of Bergen).

Albert, B., & Hurst, R. (2012). Disability and a human rights approach to development. Disability Knowledge and Research briefing paper, viewed, 10.

- Baba-Ochankpa, R., (2010), 'Life is no picnic for disabled Nigerians', Next.com Nigeria, 4 August, n.p.
- Degener, T. (2017). 'A new human rights model of disability', in V. Della Fina, R. Cera & G. Palmisano (eds.), The United Nations Convention on the rights of persons with disabilities: A commentary, pp. 41–60, Springer, Cham, Switzerland.
- Disabled Peoples International, Inclusion International, Rehabilitation International, World Blind Union, World Federation of the Deaf and National non-governmental organizations. (2000). "Beijing Declaration on the Rights of People with Disabilities in the New Century." Declaration at the World NGO Summit on Disability, Beijing, 12 March 2000.
- European Accessibility Act (2005). Improving the Accessibility of Products and Services in the Single Market. *Employment, Social Affairs and Inclusion.2-4*.
- European Commission (2017). Progress Report on the implementation of the European Disability Strategy (2010 – 2020). Commission Staff Working Document. Brussels.
- Fiduccia, B.W. and Wolfe, L.R. (1999) Women and Girls with Disabilities: Defining the Issues. An Overview, Centre for Women Policy Studies and Women and Philanthropy, Washington DC, USA.
- Fox, N. (2009). Using interviews in a research project. The NIHR RDS for the East Midlands/Yorkshire & the Humber.
- Ghana Statistical Service (2014). Disability in Ghana. 2010 Population and Housing Census Report.
- Guernsey, K., Nicoli, M., and Ninio, A. (2007). Convention on the Rights of Persons with Disabilities: Its Implementation and Relevance for the World Bank, Social Protection (SP) Discussion Paper, No. 0712. World Bank.

- Human Rights Watch (2012). Ghana: Disability Rights Convention Ratified. People with Mental Disabilities need protection, Community-based Programs.
- Ishay, M. (2008). The history of human rights: From ancient times to the globalization era. Univ of California Press.
- Joffe, K. (2010). Enforcing the rights of people with disabilities in Ontario's developmental services system. The Law as it affects persons with disabilities. Ottawa: Law Commission of Ontario.
- Lang, R., & Upah, L. (2008). Disability Scoping Study in Nigeria. London: Department for International Development. <http://www.ucl.ac.uk/lc-ccr/downloads/dfid-nigeriareport> (consulted 10.06.2019).
- McFarland, S. (2015). Human rights 101: A brief college-level overview. *Science*, 3, 264-285.
- Nkabinde, Z. P., Obiakor, F. E., Offor, M. T., & Smith, D. J. (2010). Educating Children with Physical Disabilities.
- Njelesani, J., Cleaver, S., Tataryn, M., & Nixon, S. (2012). Using a human rights-based approach to disability in disaster management initiatives. In *Natural Disasters*. IntechOpen.
- OAU Doc CAB LEG/24.9/49 adopted on 11 July 1990 and entered into force on 29 November 1999.
- Olson, R., Penna, D., & Veith, M. (2004). The Evolution of the European Disability Movement. Montreal: Paper presented to the International Studies Association Annual Convention, March 2004.
- Piechowiak, M. (1996). Human rights: How to Understand Them?
- Quinn, G. & Degener, T. Human Rights and Disability. New York and Geneva: United Nations, 2002, p. 14.

- Rembe, N. S. (1991). The system of protection of human rights under the African Charter on Human and Peoples' Rights: problems and prospects.
- Report of the First European Disabled People's Parliament. (1993). Brussels: DPI-EC.
- Rohwerder, B. (2017). Impact of childhood screening for disability/impairment on education and learning.
- Slikker, J. (2009). Attitudes towards Persons with Disability in Ghana. Voluntary Service Overseas.
- Vizard, P. (2000). Antecedents of the idea of human rights: a survey of perspectives. *Human Development Report*. UNDP.
- Voice. (2014). Political governance for Persons with Disabilities: A study on the level of participation of Persons with Disabilities in local governance. Sponsored by Open Society Initiative for West Africa, OSIWA.
- Waddington, L. (2006). From Rome to Nice in a Wheelchair, The Development of a European Disability Policy. Available at SSRN 1026549.
- Wapling, L., & Downie, B. (2012). Beyond charity: a donor's guide to inclusion – Disability funding in the era of the UN Convention on the Rights of Persons with Disabilities. Boston: Disability Rights Fund.
- World Health Organization. (2011). World report on disability 2011.
- World Health Organization. (2016). World health statistics 2016: monitoring health for SDGs sustainable development goals. World Health Organization.

APPENDIX 1

INTERVIEW GUIDE FOR OFFICIALS OF INTERNATIONAL ORGANIZATIONS AND NATIONAL AGENCIES

Examining Interventions in Ghana towards Protecting the Human Rights of Persons with Physical Disabilities

Dear Respondent,

This is a study being conducted by a Master of Arts (MA) student on the above topic. The information being sought is purely for academic purposes. You are therefore assured that any information provided will be treated with the strictest confidentiality and thus will not be disclosed to any individual, group or organization which might misuse the information without consent. Thank you for your participation.

1. What is the role of your organization in protecting and promoting the human rights of people with physical disabilities?
2. To what extent is this organization aware of the challenges to human rights that people with physical disabilities face?
3. What are the national measures/strategies/frameworks put in place in promoting and protecting the human rights of people with physical disabilities?
4. What are the measures/strategies/frameworks put in place by this organization in promoting and protecting the human rights of people with physical disabilities?
5. Are these measures/strategies/frameworks in line with the UNCRPD or the Ghana Disability Act? If yes, how? If no, why not?
6. How effective are the UNCRPD and the Ghana Disability Act in protecting and promoting the human rights of people with physical disabilities?
7. Do you work in conjunction with other state agencies in protecting and promoting the human rights of people with physical disabilities?
8. What are some of the national successes achieved in protecting and promoting the human rights of people with physical disabilities?
9. What are some of the successes your organization has achieved in protecting and promoting the human rights of people with physical disabilities?
10. What are some of the challenges this nation faces in protecting and promoting the human rights of people with physical disabilities?
11. What are some of the challenges this organization faces in protecting and promoting the human rights of people with physical disabilities?
12. What do you think is the way forward in this regard?

APPENDIX 2

INTERVIEW GUIDE FOR PERSONS WITH PHYSICAL DISABILITIES

Examining Interventions in Ghana towards Protecting the Human Rights of Persons with Physical Disabilities

Dear Respondent,

This is a study being conducted by a Master of Arts (MA) student on the above topic. The information being sought is purely for academic purposes. You are therefore assured that any information provided will be treated with the strictest confidentiality and thus will not be disclosed to any individual, group or organization which might misuse the information without consent. Thank you for your participation.

1. Do you know about the United Nations Convention on the Rights of Persons with Disabilities and what it entails?
2. Do you know about the Ghana Disability Act and what it entails?
3. How are the rights of people with physical disabilities protected and promoted in Ghana?
4. Do you know of any organization or agency that works to promote and protect the human rights of PWDs in Ghana?
5. Do you think these agencies/organizations are being effective in this regard?
6. What are some challenges you face as a person with physical disability?
7. Do you think more attention is paid to people with other forms of disability?
8. Do you think educational background plays a role in the experiences of people with physical disabilities?
9. Do you think employment plays a role in the experiences of people with physical disabilities?
10. Do you think family support plays a role in the experiences of people with physical disabilities?
11. Do you think spousal support plays a role in the experiences of people with physical disabilities?
12. Do you think political affiliation plays a role in the experiences of people with physical disabilities?
13. What do you think are the successes and challenges in Ghana in implementing the measures/strategies/frameworks in the protection and promotion of the rights of people with disabilities?
14. What do you think is the way forward/ recommendation in the protection and promotion of the rights of people with disabilities?