

# Review Persons with Disability Act 715 to Conform to UN Conventions



## Overview

Disability is an inescapable human condition and at one point or another, almost every person is exposed to and may experience temporal or permanent disability. Disability evokes different social constructions depending on the setting in which the concept is used. It is neither a straightjacket social nor a biological construct; instead, it is often hinged on the interactions among health, environmental and personal factors.

Arguably, the most significant contributory factor to the continuous marginalization of disabled people in

Ghana now is the weakness in aspects of the legal and regulatory structures meant to protect them. The laws have been designed to challenge the stereotypes and traditional beliefs but, as it stands, the stereotypes and traditional beliefs appear to be holding out very well against the anti-discrimination legal regime. These add to the already deep-seated paternalism which disabled people have to live with. Article 4 (1) of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) requires State Parties to review domestic Laws that are not consistent with the CRPD so as to fully promote and protect their rights. Ghana became a signatory to the CRPD in 2012. The Federation with

funding support from the Disability Rights Fund (DRF) led the disability movement to analyze Ghana's Disability Law which established that there were gaps that made it inconsistent with the CRPD. By ratifying the CRPD, government of Ghana had committed itself to international best practices on issues bordering on disability. However, the state has not demonstrated enough commitment to the agreement.

## Facts!

- There are over 600 million persons with disability in the world, according to the World Health Organization. This represents about 10% of the world's population. Less than 20% of them are found in developed countries whilst more than 80% is found in the developing countries.
- According to the Ghana Statistical Service, disabled people are one of the largest oppressed groups in Ghana, making up an estimated 3% of Ghana's population of almost 30 million.
- 90% of disabled children do not attend school in Ghana and 30% of street children are disabled (UNESCO).
- Literacy rates among adults with disabilities do not exceed 3% for men and 1% for women (UNDP).

## Why the Call for a Review of the Disability Act 715

The barriers and challenges disabled people encounter in their routine lives are far greater than those encountered by people who are not disabled:

- These obstacles are manifested through access to health services (rehabilitation services inclusive), education and transport accessibility. The public transport system in the country is not disability friendly.
- Also, issues of the absence of equal employment opportunities are still prevalent and this specific barrier is worsened by inadequate policies and standards as well as stigma from the public toward people living with a disability.
- Furthermore, discrimination against people with disability, inadequate funding, inappropriate technologies and formats for information and communication.
- Little or no representation of PWDs in decisions making roles to voice out specific challenges that directly affect their lives is another major challenge. There is almost the complete absence of PWDs in the political sphere of the country.
- Issues of insufficient protection of the right to equality, non-discrimination; provision for privacy, protection against torture, cruelty, inhumane and degrading treatment or punishment from the public are also prevalent.
- Guarantee of the right to access justice; lack of specific protection for women and children with disabilities; insufficient provisions relating to the right to education, health and employment are among other lapses PWDs face in their day-to-day routine.

## Status of Work Done So Far

- To ensure that views of PWDs are adequately captured and to fast-track, the process of developing the bill for the review of the Act, the GFD with funding support from BUSAC Fund led a consultative process that led to the drafting of a proposal for the amendment of Act 715. The consultative process involved Disabled People's Organizations (DPOs), Civil Society Organisations (CSOs), government institutions and Parliamentarians.
- Subsequent to the consultative meeting a proposal was submitted to the government in 2015 but no action was taken by the government. Follow up actions were continued which gave promising signals to produce results in 2016.
- However, national presidential and parliamentary elections activities and the change in government in 2016 through the elections stalled the progress.
- Subsequently, some other inputs were received from other partners and this called for the need to incorporate them and open up for further engagements with stakeholders for reviews to the done through validation processes and re-submission to the new government in 2017.
- The updated proposal which is being finalized is expected to be submitted to the government.
- The draft Legislative Instrument and proposed amendments of the Act is currently before the Ministry of Gender, Children and Social Protection. It is expected to be finalized before the close of the year.



## Recommendations & Solutions

- The achievement of the revision of the Disability Act by Parliament could be realized if Members of Parliament and government officials have reasonable knowledge and understanding of the gaps in the Act and are conversant with the proposals for its amendment. There is the need to educate them on the provision of the law.
- There is also the need for intensive advocacy from Disability Protection Organizations and its stakeholders to ensure that this critical stage receives the full participation of stakeholders in a manner that is deserving.
- There is a need for intensified advocacy and lobbying of government/parliament to get the Disability Act revised.
- There is the need to ensure a strong alignment between government and the CRPD commitment.
- Finally, the GFD need to build critical masses' support through awareness and public education in order to build strong alliances.

## Action Points.

- We propose that government should prioritize issues of disability and provide all policy and legal framework to ensure that the rights of disabled people are respected and protected.
- The government to inaugurate a technical committee with the core mandate of overseeing and facilitating the review of a Legislative Instrument and the Disability Act
- We also propose that the government make available funds to support the activities of the technical committee.
- Finally, we urge the government to prioritize the passage of the amended law before the next general election in 2020.



Ghana Federation of Disability Organizations  
Accra Rehabilitation Centre, Barnes Road  
P .O. Box AC 40, Accra • Tel: +233 302 240 530  
Email: info@gfdgh.org

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