

Critical Steps in Bridging the Implementation Gaps of the Disability Act for Inclusivity

Major Implementation Requirement

Since the introduction of the Disability Act in 2006, different strands of debate have ensued among academics, policy makers and duty bearers over inadequacies of the Act to deal with the needs of persons with disabilities (PWDs). The Act, which drew inspiration from the 1975 amended version of UN Universal Declaration of Human Rights was hailed as the missing dimension in the realization of the rights of people with disability in Ghana. In spite of this, the Act and related policies derived from it could not meet the lived experiences of PWDs. Subsequently, many have called for the amendment of the Act with key suggestions that address the gaps and implementation inadequacies. Penplusbytes' "Deliver – Quality Media Amplifying Vulnerable Voices" with funding from STAR Ghana Foundation (www.inclusivitygh.org) is adding its voice to the debate and seeks to empower the over 5 million PWDs in Ghana to become independently able to actively engage the media and duty-bearers using new digital channels.

Gaps in the Disability Act and Policies

In an attempt to jumpstart the process of advocating for inclusivity of people with disability, the following gaps have been identified in the Act:

- The phraseologies "appropriate training" found in Article 14(2) and 19 on alternative livelihood and guidance, and "as far as practicable" found in Article 15, 22, 38, 39 on integration and social participation are problematic (Ocran, 2019). These phrases appear open ended, and within our cultural setting and belief systems leave room for romanticized interpretation. In addition, they give legal basis and tacit institutionalization of 'the individual view' which is detrimental to the disabled. Indeed, inclusivity calls for integration of PWDs into mainstream society, not training and educating people away from normal social life.
- Article 14 (1) stipulates the 'progressive setting up of rehabilitation centres in regions and in districts for persons with disability.' There were ten regions and an additional six have been created. How many of these administrative regions have such centers and if any, how are they functioning?
- The gender dimension with specific provision for women with disabilities has been missing from the Act (Asante and Sasu, 2015; Hansen, 2006). However, in a patriarchal society like Ghana where there is systemic discrimination against women, women with

disability would twice bear the brunt of the stigma and discrimination. Meanwhile, Namibia, Kenya and Malawi recognize the multiple discriminations against women and have made provision for this in their disability laws and policies.

Implementation Barriers and Institutional Inadequacies

By reviewing policy documents related to the Disability Act and other treaties that Ghana is a signatory to, some implementation barriers and institutional inadequacies were identified and highlighted as follows:

- One of the key requirements for the operationalization of the Disability Act is a legislative instrument to facilitate the implementation. In fact, the legal backing for this is found in article 29 (8) of the 1992 republican constitution of Ghana which stipulates that, parliament is obliged to enact laws that will protect and promote the rights of the disabled. Since the passage of the Disability Act, it appears no action has been taken by the legislative arm of government to promote the implementation of Act 715. Meanwhile, the population of the disabled continues to increase (more than 5 million people are affected by disability in the country).
- The MMDAs common fund regulation stipulates that 3% of the allocated DACF should be used to assist people with disability. However, this money is disbursed under the benevolence and discretion of state officials with little or no regard for the law. Thus, many PWDs are frustrated and sometimes forced to make unofficial payments before getting access to what is due them by law (Grischow 2015; Ocran 2019).

Recommendations – Critical Steps for Inclusivity

Reconceptualization and legal definition for disability: Conceptualization of an issue has a reciprocal relationship with how the issue is defined and the policies which will take their source thereof. To this end, the Ghanaian world view which is determined by its cultural practices should serve as the watershed in looking at the issue of disability and providing definitions which tease out and deal with specific prejudices. This, however, does not preclude incorporating best practices from elsewhere around the globe. In other words, a workable definition is needed as a legal basis for the fight against the ills that plague disabled people.

Amendment of key parts of the Disability Act: The Disability Act (715) needs a comprehensive amendment in terms of the lived experiences of PWDs.

- Phrases such “appropriate training” and “as far as practicable” should be explicit in their wording.
- A focus on gender with specific provision for women with disabilities where there will be equal chance for this group to engage in all spheres of life will make them recognize their potential.
- Clauses which address the issue of non-discrimination by employers on the grounds of disability need to be comprehensive enough to address the problem of attitudes, beliefs, institutional and physical barriers.

- The affordable housing schemes and apportioning a percentage to PWDs will be a giant step in recognizing their place and dignity in Ghanaian society.
- There should be a law/legislation that compels construction professionals to build to suit the law but not their client.

Fixing the Implementation barriers:

- Targeted education of the public on cultural views of disability will open up a better understanding of disability and associated benefits therein for the public and PWDs.
- Ghana is gradually digitalizing key public services including the justice delivery system, port services, request for official documents such as passports etc. This of course requires the ability to access websites and perform tasks online. The amendment to the Disability Act should therefore make provisions to use PWD enhanced technology to increase access to public services by PWDs.

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