

# Human Rights in Ghana: Persons With Disabilities (PWDs) and their Access to Public Infrastructure in Winneba

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## ABSTRACT

*The study examined Persons With Disabilities (PWDs) and their access to public infrastructure in Winneba, Ghana. The research was a case study moulded in the interpretivist paradigm and adopted a qualitative approach. Fifteen respondents were purposively sampled basically to avoid receiving vague information. A semi-structured interview guide was employed as data collection instrument and the data analyzed thematically. The data gathered from the respondents reveal that twelve years after the enacting of the Disability Act, the township of Winneba is still engulfed with so many artificial barriers ranging from open gutters to absence of ramps and pavement. The study concludes that there is no difference between the infrastructural development after and before the Act. The study has as part of its recommendations that Parliament consider revisiting the Persons with Disabilities Act (PDA) of Ghana (Act 715) since the ten-year moratorium has ended to put new measures in place to make sure that the Act does not just remain in books but is implemented fully. It further recommended that as the country is trying to ease the means of transportation through Metro-bus transit system, we think of the physically challenged and make provisions for kneel-down buses in the country.*

**Keywords:** Access, Disabilities, Human Rights, Persons, Public Infrastructure.

## Introduction to the Study

Human rights is a twentieth century phenomenon in response to the atrocities of World War II, to set out an internationally accepted moral code by which the intrinsic humanity of every individual is recognised and protected (WHO, 2010). Human rights is the fundamental, universal and indivisible principles by which every single human being can gain justice and equality (UNICEF, 2011). As disability describes the barriers faced by people with impairments to equality and justice, and because disabled people are human beings too, it is axiomatic that disability is a human rights issue (Werner, 2002). For this reason, the United Nations, Africa as a continent and Ghana as a country have enacted and formulated several conventions, Charters and Act of Parliament to secure the equal rights of Persons With Disabilities (PWDs).

On the international scene, the Convention on the Rights of Persons with Disability (CRPD) was adopted on 13<sup>th</sup> December, 2006 and opened for signatories on 30<sup>th</sup> March, 2007. The convention entered into force on 3<sup>rd</sup> May, 2008. This convention and its protocols are meant to change attitude and approaches toward persons with disability. The Preamble to the Convention on the Rights of Persons with Disability (CRPD) acknowledges that disability is “an evolving concept”, but also stresses that “disability results from the interaction between persons with impairments, attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others” (CRPD Preamble Paragraph (e)). Defining disability as an interaction means that “disability” is not an attribute of the person. The first paragraph of the preamble states that “Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world”, thus recognizing PWDs as human beings. The International Convention on the Rights of the Child (CRC) also has articles that deals with PWDs (art 23, CRC).

In Africa, the Africa Charter on the Rights and Welfare of the Child (ARWC) (Art. 8(4)) and the Africa Charter on Human and Peoples Rights (ACHPR) (Art.13(1,2&3)) have equally specific article for PWDs. Domestically, the 1992 constitution of Ghana has PWDs clauses (Art. 29,37(2b)) while Persons with Disability Act. Act 715 of the Parliament of Ghana is purely dedicated to PWDs (sect. 1-60).

The World Health Organization (WHO) estimates disability rate in Ghana to be between 6 and 10 per cent of the 25 million citizens (approximately 1.5 – 2.2 million people) (WHO, 2010). Although disability rights are guaranteed both by Ghana’s Constitution and by international conventions, in reality these provisions have offered them very little protection against discrimination (Oye-Lithur, Stickney & Sashy, 2007). According to Human Rights Advocacy Centre (HRAC), despite the existence of legislative instruments designed to protect them, persons in Ghana suffering from both physical and mental disabilities constitute an impoverished and



marginalized group characterised by widespread lack of access to public health, education, transportation, and many other basic social services enjoyed by those without disabilities (HRAC, 2015).

In 2006 and 2012, the country passed two acts to support and protect the rights of disabled persons in Ghana. These were the Person with Disability Act (PDA) (2006) and Mental Health Act (MHA) (2012). Unfortunately, the legal framework protecting the rights of persons with disabilities in Ghana has been poorly implemented, and rights provided for in the law are frustrated in practice owing to lack of services, funds and facilities. Most Ghanaian transportation systems, including airlines, cannot accommodate persons with disabilities. Many important public facilities and services are categorically not accessible by persons with disabilities. The Parliament building, the very place where the Act was passed, is yet to be made disability-accessible. A further problem is that disabled persons and their families are simply unaware of legislation and government policies designed to assist them, (HRAC, 2015).

The Persons with Disability Act (Act 715), has eight (8) parts with sixty (60) sections that discuss issues ranging from the “Rights to family life and social activities” (Section 1) to the “Transitional provisions” (Section 60). All these were intended for the promotion and protection of the rights of PWDs. How do people see this act of parliament and are stakeholders willing to implement the act? What is the awareness of the Act itself to even the affected persons and now that its ten years moratorium in section 60 has ended, has the purpose of the Act been achieved? These are some of the issues to be considered in this study.

#### **A. Statement of Problem**

Disability is part of the human condition. Almost everyone will be temporarily or permanently be impaired at some point in life, and those who survive to old age will experience increasing difficulties in functioning (Mishra & Gupta, 2006). Most extended families have a disabled member, and many non-disabled people take responsibility for supporting and caring for their relatives and friends with disabilities (Mishra & Gupta, 2006, Seelman & Bury, 2001, Zola, 1989). Every epoch has faced the moral and political issue of how best to include and support people with disabilities. This issue becomes more acute as the demographics of societies change and more people live to an old age (Lee, 2003).

Reaction to disability have changed since the 1970s, prompted largely by the self-organisation of people with disabilities (Campbell & Oliver, 1996, Charlton, 1998), and by the growing tendency to see disability as a human rights issue (Quinn & Degener, 2002). Historically, people with disabilities have largely been provided for through solutions that segregate them, such as residential institution and special schools (Parmenter, 2008). In the recent time, laws and policies on disability have shifted towards a human rights-based model (Degener 2016), thereby the community and educational exclusion and the

medically focused solutions which were social and medical model respectively given way to a more interactive approach recognising that people with disabilities are rights holders and not object of rights or charity.

For this reason, many international, regional and domestic laws have been formulated to cater for the rights of people/persons with disability, including the International Convention on the Rights of Persons with Disabilities (CRPD), The World Programme of Action (WPA) concerning Disabled Persons, the African Charter on the Rights and Welfare of the Child (ACRWC), The African Charter on Human and People’s Rights (ACHPR) and the Persons with Disability Act of Ghana (Act 715). The available literature on the Persons with Disabilities Act of Ghana has to do mostly with the strengths and weaknesses and the omissions in the act while little is said about its implementation may be because we were still in the 10-year moratorium as given in section 60. Ghana after this Act gave a ten (10) year moratorium for all public and private facilities and infrastructures to be made disabled friendly. I must emphasize that the 10-year moratorium has ended in 2016 but the question to be asked is; has there been any change in our infrastructural development? Why do people with disability continue to struggle in using public facilities? Is the Act effective in dealing with what it is supposed to deal with? It is against this background that I studied the PWDs and their access to public infrastructure in Winneba.

#### **Objectives**

The study objectives were to:

- 1) To find out the extent to which the 10-year moratorium was observed in Winneba
- 2) To explore the accessibility of public infrastructure to PWDs in Winneba
- 3) To identify the challenges militating against PWDs in accessing public infrastructure in Winneba.
- 4) To ascertain the measures or mechanisms that can be put in place to help PWDs access public infrastructure.

#### **Scope**

The scope of the study is delimited to how the physically challenged and visually impaired persons access public infrastructure in Winneba in the Effutu Municipality in the Central Region of Ghana with specific focus on the structures of the Municipal Assembly, Health facilities, the Courts, Police Station, Banks and Educational Facilities, in relation to the Persons with Disability Act (PDA) of Ghana, Act 715 of 2006.

#### **Literature Review**

##### **Human Rights Model**

The human rights model positions disability as an important dimension of human culture, and it affirms that all human beings irrespective of their disabilities have certain rights, which are inalienable (Degener, 2014). This model builds upon the spirit of the Universal Declaration of Human Rights, 1948, according to which, ‘all human

beings are born free and equal in rights and dignity' (Degener, 2014). The principle of diversity provides the foundation to accept disability as part of human variation (Hosking, 2008). However, it is a sad reality that in practice our treatment of differences has been rather poor, especially in the context of disability. The doctrine of differentiation is of particular importance to PWDs, some of whom may require specialised services or support in order to be materially equal to others (Degener & Quinn, 2002).

The focus of this research is based on the human rights model because it lays emphasis on the dignity and worth of the human person without any conditions as disability or social status.

As Theresia Degener together with Gerard Quinn in 1999/2000 wrote in their background study to the International Convention on the Rights of Persons with Disabilities (CRPD) that they undertook in 2001. In a chapter called 'Moral Authority for Change', they wrote: "*Human dignity is the anchor norm of human rights. Each individual is deemed to be of inestimable value and nobody is insignificant. People are to be valued not just because they are economically or otherwise useful but because of their inherent self-worth*" (Degener & Quinn, 2000). The recognition of the "inherent dignity and worth and the equal and inalienable rights of all members of the human family" are regarded as the "foundation of freedom, justice and peace in the world." (CRPD preamble para. (a)). This inherent dignity of the human being is what the human rights model focuses on. Seeing persons with disability as human beings who deserve equal rights, dignity and worth just as the so-called normal persons.

Thus, human rights do not require the absence of impairment. While the social model supports anti-discrimination policy on civil rights reforms, the charity model of disability was perceived as a disqualification for claiming the right of social resources and justified their exclusion from mainstream education and employment. The medical model of disability on the other hand legitimizes segregation (CUT CART, 2011), the human rights model of disability is more comprehensive in that it encompasses both sets of human rights, civil and political as well as economic, social and cultural rights.

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## ***The Concept of Human Rights and Disability Human Rights History***

The term "Human Rights" is comparatively of recent origin but the idea of human rights is as old as the history of human civilization. Human Rights are deeply rooted in the historical past. The history of mankind has been firmly associated with the struggle of individuals against injustice, exploitation and disdain (Chiarello, 2015). These rights of humankind had a place almost in all the ancient societies of the world, though they were not referred to as rights (Bhagwati, 1980). The roots of human rights can be traced to the Babylonian laws. The Babylonian King Hammurabi issued a set of laws to his people called "Hammurabi's Codes", which contained fair wages, protection of property and charges against them to be proved at trial. Greek philosophers such as Plato, Aristotle and Roman philosopher Cicero advocated the natural law, natural rights and human rights (Bhagwati, 1980).

The modern idea of human rights evolved in the wake of the Second World War (Piechowiak, 1999). Up until that time, the way in which a State treated its own inhabitants had been considered largely an internal matter, of no legitimate concern to the outside world. Shock and outrage at the atrocities committed by the defeated Nazi regime, both against foreign nations and its own population, prompted calls for international standards for the protection of human beings. People realised that had the Nazis not invaded another country, the treatment of its own citizens, however appalling, would have been perfectly lawful (Giraldo, 2010, Kallendorf, 2002)

### ***Definition and Features***

Human rights as defined by the United Nations are "those rights which are inherent in our nature irrespective of our national or ethnic origin, place of residence, sex, colour, religion, language, or any other status without which we cannot live as human beings." (United Nations, 1948). Cranston (1973) defines human rights as the universal moral rights; something which all men everywhere and at all times ought to have; something of which no one may be deprived without great affront to justice, something which is owed to every human being simply because he is a human. Human Rights according to UNICEF (2007) is guided by the principles of Universal and Inalienable, Interdependent and indivisible and Equal and non-discriminatory.

### ***Disability***

#### ***History***

Disability in the ancient times was seen as a deficiency in the body. The Plato's *Republic* as one of the first, foundational philosophical texts to specifically argue that an ideal city governed by reasonableness should actively kill individuals with intellectual and physical disabilities because such individuals embody injustice as the lack of order. During the Middle Ages, madness and

other conditions were thought to be caused by demons. (Braddock & Parrish, 2001).

Contemporary concepts of disability are rooted in eighteenth- and nineteenth-century developments. Foremost among these was the development of clinical medical discourse, which made the human body visible as a thing to be manipulated, studied, and transformed. These worked in tandem with scientific discourses that sought to classify and categorize and, in so doing, became methods of normalization (Foucault, 1980).

### **Definitions and Features**

Definitions of disability have been an issue of much debate in Europe and around the globe. Despite the efforts of the World Health Organization which resulted in the new International Classification of Functioning (ICF) in 2001, there is no internationally universal legal definition of disability, neither is there one in any EU or AU country. While there are similarities between the definitions of disabilities in some areas of social policy, legal disability definitions in each country differs with respect to income maintenance, employment measures or social assistance with daily life activities (Degener, 2004).

Disability is the condition of difficulty in carrying out daily activities normally and in taking part in social life due to problems in parts of the body and the physical system as well as obstacles created by physical, social, cultural environment and by communication (NEPAL, 2006). Disability is also the loss or limitation of opportunities to take part in society on an equal level with others due to social and environmental barriers. Disability may be visible or hidden, permanent or temporary and may have a minimal or substantial impact on a person's abilities.

### **Classification of Disability:**

According to NEPAL (2006), Disability is classified according to the nature of the problem and difficulty in the parts of the body and in the physical system, and they classified them into the following seven categories. These are; 1 Physical Disability, 2 Disability related to vision: ( a: Blind and b: Low Vision/partial blindness), 3 Disability related to hearing: (1 Deaf, and 2 Hard of Hearing), 4 Deaf-Blind, 5 Disability related to voice and speech, 6 Mental Disability: (1 Intellectual disability/Mental retardation, 2 Mental illness and 3 Autism) and 7 Multiple disability.

### **Justification of Disability Rights**

Considering all the above stand points or thought on disability there was therefore the need to have a special instrument that would promote and protect the human hood of disabled persons who are human with equal dignity as all other persons. The PWDs Act of Ghana and the ICRPD emphasizes strengthening the rights of people with disabilities, and fosters their participation in all aspects of society.

Human dignity is the anchor norm of human rights. Each individual is deemed to be of inestimable value and nobody is insignificant. People are to be valued

not just because they are economically or otherwise useful but because of their inherent self-worth" (Degener & Quinn, 2000). The following paragraphs of the CRPD gives a clear justification of the need for the instrument. The recognition of the "inherent dignity and worth and the equal and inalienable rights of all members of the human family" are regarded as the "foundation of freedom, justice and peace in the world." (CRPD preamble paragraph. (a)). This inherent dignity of the human being is what the human rights instruments focuses on. Seeing persons with disability as human beings who deserve equal rights, dignity and worth just as the so-called normal persons, (CRPD, 2006).

The CRPD, however, seeks exactly that. The purpose of the treaty 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' (Art. 1 CRPD). In order to achieve this purpose, eight guiding principles of the treaty are laid down in article 3 of CRPD and these articles tailor the existing human rights catalogue of the International Bill of Human Rights to the context of disability.

Thus, Human rights are fundamental rights. They cannot be gained or taken away from an individual or a group. They are acquired qua birth and are universal, i.e., every human being is a human rights subject. Neither social status, nor identity category, nor national origin or any other status can prevent a person from being a human rights subject. Therefore, human rights can be called unconditional rights. It does not mean that they cannot be restricted but it means that they do not require a certain health status or a condition of functioning. Thus, human rights do not require the absence of impairment. The CRPD reflects this message in its preamble and in the language of its articles. E.g., when the universality of all human rights for all disabled persons is reaffirmed, (CRPD Preamble para c) or when its recognized that the human rights of all disabled persons, including those with more intensive support needs, have to be protected, (CRPD Preamble para j). The article on the rights to equal recognition as a person before the law with equal legal capacity, (CRPD Art. 12(1) and (2).) is of course another example of this assumption.

The universality, indivisibility and interdependence of all human rights were firmly established as a principle of international human rights law at the World Conference of Human Rights two decades earlier in Vienna, (UN, 1993). The CRPD is a good example of the indivisibility and interdependence of both sets of human rights. It not only contains both sets of human rights, the text itself is evidence of the interdependence and interrelatedness of these rights. Some provisions on rights cannot be clearly allocated to one category only. For instance, the right to be regarded as a person before the law (Art. 12 CRPD) is a right commonly regarded as a civil right, (Art. 16 ICCPR, Art. 6 UDHR). However, article 12 (3) CRPD speaks of support measures disabled persons might need to exercise their legal capacity. Are these supportive measures realized by social

services which fall into the economic, social and cultural rights sphere?

Another example would be the right to independent living, (Art 19 CRPD). It is one of the few rights of the CRPD which has no clear equivalent in binding pre-treaty law. The right to independent living and being included in the community is an answer to human rights violations against disabled persons through institutionalization and other methods of exclusion, such as hiding in the home or colonizing at distant places. The concepts of independent living and community living do not root in mainstream human rights philosophy, which is why the terms cannot be found in the International Bill of Human Rights but in international soft law related to disability that preceded the CRPD (Degener, 2014).

The caption of article 2 of Ghana's PDA on differential treatment in respect of residence is an indication of how PWDs are regarded in the Ghanaian society for which special attention must be given through a legislation. "Except as otherwise required by the condition or the need for improvement of a person with disability, a person shall not subject a person with disability to differential; treatment in respect of residence" (Art.2, PDA).

In the Ugandan Persons with Disabilities Act section three (3), six Objects were given to justify the need for the Act. These objects of the Act are;

- a) to promote dignity and equal opportunities to persons with disabilities;
- b) to develop and promote the participation of persons with Disabilities in all aspects of life as equal citizens of Uganda;
- c) to encourage the people and all sectors of government and Community to recognize, respect and accept difference and Disability as part of humanity and human diversity;
- d) to eliminate all forms of discrimination of persons with Disabilities on ground of their disabilities;
- e) to encourage all sectors of government and community to Promote and include disability issues into all economic, political and social development policies and programmes;
- f) to promote positive attitude and image of persons with Disabilities as capable and contributing members of society, sharing the same rights and freedoms as other members of society (Uganda, 2006).

As disability describes the barriers faced by people with impairments to equality and justice, and because disabled people are human beings too it is axiomatic that disability is a human rights issue. And as with all groups who face discrimination and disadvantage, it is the recognition of that intrinsic humanity that is essential for equality and justice outcomes and full implementation and protection of human rights (Lindqvist, 2005).

As the 24th Special Session of the UN World Summit for Social Development and beyond (1 July 2000) said; "The ultimate goals of development are to improve living conditions for people and to empower them to

participate fully in the economic, political and social arenas." This development must be achieved for all people, without discrimination (Lindqvist, 2005).

As has been repeatedly documented, access to full and equal participation in their societies has been denied disabled people in all countries, putting them amongst the poorest of the poor. In addition, their need for income is greater than that of non-disabled people since they need money and assistance to try to live normal lives (Amartya, 2004).

Similarly, lack of development and economic growth creates disabled people through malnutrition, poor sanitation, lack of immunisation, poverty, poor health and safety provisions and pollution. "Overlooking or ignoring the plight of disabled people is not an option that an acceptable theory of justice can have" (Amartya, 2004).

From a human rights perspective, the world can no longer make excuses for not addressing disability. To intentionally exclude disability would be a violation of human rights as expressed in several legal instruments that states have ratified. Rights are indivisible and universal: leaving disabled people out of mainstream systems of development perpetuates discrimination and exclusion.

## Methodology

### Research Design

According to Jahoda, Deregowski, & Sinha, (1986) cited in Mouton, (1996), a research design is the arrangement of condition and the analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. De Vaus D. A. (2001) also defined research design as the overall strategy that you choose to integrate the different component of the study in a coherent and logical way, thereby, ensuring you will effectively address the research problem as unambiguously as possible. Based on the research topic a case study design was used to provide a successful conduct of research given the complexity of the phenomenon under study. Yin (1984) defines the case study research method "as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used." In other words, a case study is a unique way of observing any natural phenomenon which exists in a set of data. By unique it is meant that only a very small geographical area or number of subjects of interest are examined in detail (Yin, 1984). Case study research, through reports of past studies, allows the exploration and understanding of complex issues by helping to explain both the process and outcome of a phenomenon through complete observation, reconstruction and analysis of the cases under investigation (Tellis, 1997).

Through case study methods, I was able to go beyond the quantitative statistical results and understand the behavioural conditions through the actor's perspective. Case studies design being of different categories, I adopted the descriptive category of a case study. Descriptive case

studies set to describe the natural phenomena which occur within the data in question as they occur (Zainal, 2007).

The reason for this research design was its consistency and flexibility in dealing with the issues of human rights and disability. I believe that human rights do not require the absence of impairment and that human dignity is the anchor norm of human rights. Human rights model focuses on the inherent dignity of the human being therefore the position of this study was based on the human rights model while moulded in the interpretivist research paradigm.

### **Setting**

The setting of this study is Winneba. Winneba is a town and the capital of Effutu Municipality in the Central Region of Ghana with a population of 55,331 and known traditionally as Simpa. It is a historic fishing port in southern Ghana, lying on the south coast, 140 kilometres (90mi) east of Cape Coast, 56km (35mi) of Accra. Its coordinates 5° 21'00"N 0° 37'30"W/5.35000° N 0.62500° W.

### **Population:**

The target population of this study were official of the Municipal Assembly, Municipal Hospital, Winneba Appeal Court, Winneba Police Station, staff of the department of Special Education University of Education Winneba, physically challenged (Wheelchair users and People with limited walking abilities) and visually impaired (The sightless and the partially sighted) persons in Winneba. Purposive sampling method in selecting the participant for the study were used basically to obtain the needed information for my study. In all fifteen participants were selected.

### **Sample and sampling techniques**

According to Webster, (1985) sample is a finite part of a statistical population whose properties are studied to gain information about the whole. Five (5) officers from the selected institutions in Winneba were purposively sampled for the study. This study also utilized a variation of purposive sampling technique known as criterion sampling to sample ten (10) PWDs, thus in all fifteen (15) participants were sampled for the study. Criterion sampling is defined by Denscombe (2007) as the sampling that involves searching for cases or individuals who meet a certain criterion. Purposive sampling technic was used since the study focuses on PWDs specifically the physically challenged and visually impaired persons in order to obtain from them their assessment on the PDA and what they themselves are doing to improve their wellbeing.

### **Instrumentation**

I used a semi-structured interview guide for data collection. Denscombe, (2007), state that with semi-structured interviews, the interviewer still has a clear list of issues to be addressed and questions to be answered. The semi-structured interview guide was in five part. The first part deals with the bio-data of the respondents, the second part answered questions on the observation of the ten-year

moratorium in Winneba. The third and fourth part considered how accessible is public infrastructure to PWDs in Winneba and the challenges militating against PWDs in accessing public infrastructure in Winneba respectively while the last part looked at the measures or mechanisms that should be put in place to help PWDs access public infrastructure.

### **Data Collection Procedure**

I obtained an introductory letter from the Centre for Conflict, Human Rights and Peace Studies, University of Education, Winneba to facilitate the process of the data collection. Permission was there after sought from the departmental heads of the various institutions selected for the study where agreement was reached on the second day of meeting to schedule a day and time for the interviewing. The purpose of the study was introduced to the respondents and their consent sought before interviewing. The various interviews were audio recorded using an Olympus Digital Voice Recorder (ODVR) (VN-6200PC), the rights of the participants were made known to them before any audio recording of the interview was initiated and I interviewed the participants within a time frame of forty (50) minutes.

### **Data Analysis Procedure**

According to Strauss & Corbin (1990), a qualitative study involves continues interplay between data collection and data analysis. Due to this, I began analysing the data following the first interview to begin identifying patterns and to facilitate subsequent data collection. The first step in the data analysis was to transfer all the audio data onto my password laptop and then began transcribing them.

I used Atlas.ti software for qualitative research analysis and created pseudonyms for the interviewees. The next step was to upload the transcribed data files to the Atlas.ti as a primary document and to assign codes. I therefore referred back to the research questions when assigning the codes to the primary data so that I could relate the code to the research questions. The data was then grouped according to research questions and participants' response. With the assistance of the qualitative data analysis software, memos and free codes were used to thematically analyse the data and phenomenon described. Manual procedure for the qualitative thematic analysis were followed using Atlas.ti to facilitate the data analysis procedure.

### **Trustworthiness of Data**

Speziale and Carpenter (2011) describe trustworthiness as "establishing the validity and reliability of qualitative research". Qualitative research is trustworthy when it accurately represents the experiences of the study participants. Credibility, dependability, transferability and confirmability are the four criteria used to measure the trustworthiness of data (Lincoln & Guba, 1985). These criteria are meant to assess the Truth value, Applicability, Consistency and Neutrality of the entire study. This model for establishing the trustworthiness of qualitative research

was used because it is well developed conceptually and used extensively by qualitative researchers.

Credibility is demonstrated when the participants recognize the reported research findings as their own experiences (Speziale and Carpenter, 2011). Lincoln & Guba (1985) state that in order to acquire credible information from participants an investigator must have a prolong engagement and get involve with a site long enough to detect and take into account distortions that might otherwise creep into the data. For this reason, I spent enough time with the participants to develop a trusting relationship with them during the interview.

Holloway (2005) sees dependability as that which relates to the consistency of the findings. The responsibility for examining the data, findings, interpretations and recommendations in order to attest that they were supported by data was carried out by the supervisor of this study and this was meant to establishing confirmability of the research. Confirmability is a neutral criterion for measuring the trustworthiness of qualitative research therefore if a study demonstrates credibility and fittingness, then it is said to possess confirmability (Lincoln & Guba, 1985; Speziale and Carpenter, 2011).

According to Speziale and Carpenter (2011) transferability refers to the probability that the findings have meaning to others in similar situations. For this reason, ensuring the trustworthiness of the study I first gave the transcribed data to the interviewees for confirmation, corrections and if possible, any additions or omissions and also exposed the study to the supervisor and other researchers for constructive criticisms and for comparisons to other similar works.

### **Ethical Considerations**

Researchers are required to treat the ethical considerations that are necessary when conduction research with humans (Alderson & Morrow, 2011). I made sure that the participants were given adequate protection from other persons so that their identity may not be known. This was achieved by given them codes instead of names and address. Their consent was also sought before they were being interviewed.

Tracy (2014) assert that informed consent is the procedures in which the individuals choose whether to participate in an investigation after being informed of the facts that would be likely to influence their decisions. Bhutter (2004) adding to Tracy emphasized that informed consent provides full and transparent information since it offers the participant the opportunity to question the researcher. This really helped me to eliminate all forms of coercion to ensure that the participants had their freedom in choosing whether or not to participate.

Confidentiality of information provided by participants was highly held to. The respondents were assured that their identity would be concealed and they can withdraw from the study voluntary at any time they wish to do so. In achieving confidentiality, I represented the respondents with codes on the interview protocol instead

of their names which made it difficult for outsiders to identify the respondents.

### **Results of Findings**

The aim of this research was to explore Persons With Disabilities (PWDs) and their access to public infrastructure in Winneba in relation to the implementation of the Persons with Disability Act (Act 715). This section draws the main finding from the four research questions that were explored. The questions these finding seek to answer were:

1. To what extent was the ten-year moratorium observed in Winneba
2. How accessible is public infrastructure to PWDs in Winneba?
3. What is the challenges militating against PWDs in accessing public infrastructure in Winneba?
4. What measures or mechanisms should be put in place to help PWDs access public infrastructure?

### **Observance of Moratorium**

The Persons with Disabilities Act, Act 715 of 2006 gave a period of ten years to the Act after its enactment within which all public and private infrastructure where the public have access to be made disability friendly for all manner of person to use it with ease. The data gathered from the respondents reveal that most people are not even aware that the Act has anything called moratorium.

The respondents' asset to the fact that there were many of the infrastructure development already in existence that needed time in other for them to be upgraded to reflect the demands of the Act. For such reason given it o longer period was in the right way taking into consideration how much money would be needed to renovate those existing structures. The data also suggests that even though the grace period was good but it was too long looking at the kind of people we have in Ghana who do not abide by laws but would always want to do what is of interest to them, therefore if the period had been five instead of ten years, societies would have seen the urgency to which the state attached to the Act.

As indicated above, the Act gave a ten-year moratorium within which owner or occupier of an existing building to which the public have access shall make that building accessible to and available for use by person with disability from the commencement of the Act *as seen in transitional provision in section sixty (60) of the Act. The assessment given by the respondents showed their disappointment stating that they cannot count of any development upon all the number of years wasted by the state looking forward to see a change in infrastructural development. To this effect they recounted that it is true that Ghana has many good laws that if implemented in the right direction will make all people enjoy life to the fullness but they have all remained in books without it being put into practice.*

Many of the respondents from all walks of life did expressed their disappointment to almost all the public structures in Winneba citing from the Police Station to the Municipal Hospital, Social Welfare, Municipal Assembly, Banks, the University and other public schools from primary to senior high schools. Mostly, respondents who have used the University of Education Winneba, Winneba campus were very much disappointed looking at the fact that the school has a special unit for the study of special education and for that reason having many disability students on their campus but could not figure out any modification within the period neither in their already existing nor their new constructed facilities.

#### ***Accessibility of Public Infrastructure.***

Making public infrastructure friendly and accessible to persons with disabilities was the main reason why a whole ten-year moratorium was given to the Persons With Disabilities Act (PDA) with the intention that old facilities would be upgraded and new ones constructed in a way that will fit into the standard of all persons. It is evident from the data as well as the researcher's observation that almost all the public infrastructure in Winneba are not friendly to PWDs and for that matter they would have to struggle to adapt to the situation. The data shows that there is no difference between the infrastructure we have today that we have the Act and in the past twelve years when there was no such Act and for such reason sees the Act as one of the novels people write or any other book in the country.

The interview data revealed that truly not much was done to upgrade the public facilities in Winneba within the period of the moratorium to make it accessible because they were looking up to the government and others are now also talking about the fact that they have made budgetary allocation to provide lift or elevators in their facility and plans to cover open gutters. Even though some PWDs went a long way to consult the Municipal Chief Executive (MCE) in person to come to their aid but yet to no avail so needed to collaborate with his colleagues and together provide a ramp for themselves at the social welfare centre.

The data indicate that there is more of dependency on family members and friends by disabled people due to the way society or the environment is constructed. *Yes there are campaigns against dependency on the 'abled' counterpart by the disabled but how possible is it when all these limitations are created by society.* The words that were mostly used to describe how they access the facilities were *"I really struggle to access, we always manage to have our way through, I always employ the assistance of and we still fall on our friends"* which means someone must always be there to provide them with the assistance they need. One wheel chair user stated; *"my son, we have no other option than to struggle and use those facilities other than that we will die with hunger and our dreams will be shattered and our coming into this world will be of no value so whether good or bad we have to manage"* this shows the plight of PWDs in Winneba.

#### ***What militate against PWDs in accessing public infrastructure***

Derived from the interview, respondents believe that the country does not have special policies that seems to direct developers of public and private entities how their infrastructure should be designed. If there were existing law on infrastructural development the Act would have only been a reminder calling the attention of developers or planners to go back to the law to make sure that it is implemented wholly but because there are no laws it is seen as something so strange when it comes to planning and this has affected the implementation of the PDA making the moratorium a waste of time and resource.

The presented data revealed that either lack or insufficient infrastructural policies in the country militate against PWDs accessing public infrastructure in Winneba. Some were surprise on our leader feel especially those who had the opportunity to study outside the country when they see our educational facilities since these people travels out there and find Universal Design of Learning (UDL) being practice or implemented and structures very friendly and accessible to all people but comes home and let it be as we have now on this campus. The data suggest that because society also do not understand disability, they presume that constructing society in a way that is friendly is an honour done the PWDs as the charity model of disability believe.

According to the data from the interview one major fact that hinder against PWDs from getting easy accessibility to public infrastructure is the fact that they are side-lined from the planning and execution of matters that deals with them. Their point is that if you want to know how salty the sea is then you will need to find out from a creature in the sea but not a creature on land or in the air so if they are not involved there is no way others can know best what their priorities are let alone to plan for. This confirms their phrase *"Nothing about Us without Us"*.

#### ***Measures or Mechanisms to be put in place.***

From the views of the responses gathered it was clear that one major mechanism they all believe will be of great help is education and sensitization of society on disability because they see society not to understand disability. Not only educating people on disability but also the Act because it is believed that many people both disabled and abled are not aware of the Act and even those who know something of the Act do not know the provisions let alone to think of the moratorium and what need to be done so with a little education and sensitizing the population will help solve some of the misconception people have because with these perceptions already perceived about disability there is no way people will be ready to do any upgrade that would allow easy accessibility to places that need to be.

It is quite noting that twelve year after the enactment of the Disability Act, the township of Winneba is engulfed with so many artificial barriers ranging from open gutters to absence of ramps and pavement that eases pedestrian movement on all the streets. From the data,



most of the problem related to open gutters were found on the University campuses especially on the pavement of the highway from the main gate of the north campus to the faculty. This pavement as noted is a new constructed facility that was started in the late 2014 but from that date till today the gutters on the pavement are left uncovered serving as a death trap to all manner of persons on campus both staff and students who are abled and those who are disabled. It is so sad for a school that knows so well that some of her students are persons who are visually impaired as well as physically challenged and yet decide to leave such big gutters on a pavement meant to be used by staff and student uncovered. The data suggest how users of such facility struggle or suffer when trying to use it and this is evident from a visually impaired student who had fallen into one of the numerous gutters for that matter having so many bruises on both legs during the time of the interview. It is therefore believing that covering those gutters will ease accessibility.

It was also revealed that the implementation of every law of a country could be linked to the total development of that country and if so, then Ghana has failed as a country in her development agenda because the persons with disabilities Act had not been implemented according to the data gathered and therefore called for the implementation of the Act. It was sad to notice that even in the entire country the council for person with disabilities was inaugurated in 2013 seven years down the commencement of the Act, who then will think of the proper implementation or monitoring of the Act.

### Conclusions

The following conclusions were drawn based on the findings of the study;

The study suggests that the ten-year moratorium within which owners or occupiers of an existing building to which the public have access shall make their building accessible to and available for use by person with disability from the commencement of the Act *as seen in transitional provision in section sixty (60) of the Act (PDA 2006, section 60) was not achieved.* This was due to the fact that the awareness level on the Act in both abled and disabled persons including public officers were very low and even many of the respondents had no Knowledge on the Moratorium. It therefore behoves on the state to charge the National Commission on Civic Education (NCCE) to intensify their educative mechanisms to educate the populace on basic laws of the land.

It could also be concluded that at the end of the ten years nothing had been done. We have only wasted the years; we have got time for nothing and nothing had been done to improve the facilities to become friendly to PWDs. Even the worst is the Police station where the aggrieved person can go and have their grievances heard yet disabled people cannot go there because they cannot clamp up with their wheel chair or crouches even though they might have various problems. The data shows that there is no difference between the infrastructural development after

the Act and in the past twelve years when there was no such Act.

The study further concluded that the country does not have special policies that seems to direct developers of public and private entities how their infrastructure should be designed. If there were existing law on infrastructural development the Act would have only been a reminder calling the attention of developers or planners to go back to the law to make sure that it is implemented wholly. The information gathered thus revealed that this lack of or insufficient infrastructural policies in the country militate against PWDs accessing public infrastructure in Winneba. Another problem is that society does not understand disability, they presume that constructing society in a way that is friendly is an honour done the PWDs because people with disabilities are perceived to be globally helpless based on their need for assistance with some facets of daily life.

Considering the human rights model as a theory underpinning the study, it could be concluded that many people do not see PWDs as subject of rights thus being entitled to all avenues and living conditions enjoyed by the so-called abled counterpart but belief that whatever done for them is an honour done them. This reveals the 'I do not care' behaviour portrayed by the state in seeing to it that the Act actually takes it cause.

The study finally concluded that a little education and sensitizing of the population will help solve some of the misconception people have because with the perceptions society already perceived about disability, there is no way people will be ready to do any upgrade that would allow easy accessibility to places that need to be. Ghana according to the data has failed as a country in her development agenda because the persons with disabilities Act had not been implemented since the implementation of every law of a country could be linked to the total development of that country.

This therefore calls for proper implementation and effective monitoring of the Act. The study showed that the township of Winneba is engulfed with so many artificial barriers ranging from open gutters to absence of ramps and pavement, cknowing very well that there is no other world for PWDs why do we have to create an environment that poses threat for them, is it because their rights as human beings is not regarded or they are not see as part of society. When these gutters are covered, ramps and pavement provided, the Act implemented and proper sensitization done the problem of inaccessibility shall be a thing of the past.

### Recommendations of the Study

The following recommendations were drawn based on the conclusions of the study;

Parliament as a law-making body must consider revisiting the Persons with Disabilities Act (PDA) since the ten-year moratorium has ended to see what sections of the Act were achieved within the period of the moratorium

and put new measures in place to make sure that the Act do not just remain in books but are implemented to the full.

Since the National Council on Persons with Disability was inaugurated in 2013, the study recommend that they come down to the Metropolitan, Municipal and the District Assemblies (MMDAs) level to also establish such council to monitor issues from the MMDAs and report to the national council so that the purpose of the council can be achieved rather than having only disability fund management committees in the MMDAs.

It is also recommended that there must be a special policy frame work to regulate infrastructural development in the country.

As the country is trying to ease the means of transportation and therefore importing buses (Metro-bus transit system) it is recommended that they think of our brothers and sisters who are physically challenge and make provisions for a kneel-down-buses in the country especially to the various schools.

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