

# ACCESS TO INFORMATION FOR PERSONS WITH DISABILITIES



**A Guide on How the Common Fund  
can be used to Realise the Rights of  
Persons with Disabilities**



**Commonwealth  
Human Rights Initiative**



**Open Society  
Foundations**

2011

# Commonwealth Human Rights Initiative

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# **ACCESS TO INFORMATION FOR PERSONS WITH DISABILITIES**

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Realise the Rights of Persons with Disabilities**

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## Introduction

In Ghana, an estimated 2.5 million people live with a disability, making them the country's largest minority. Persons with disabilities continue to face social stigma, and often suffer from discrimination. Excluded from society, many live under a mistaken belief that their lives are not worthy of respect.

Since 1995, a percentage of the District Assembly Common Fund (DACF) has been allocated to persons with disabilities. However, awareness of this has been poor and access to the funds has been variable. Persons with disabilities also have many rights under the Persons with Disability Act 2006. The Act guarantees access to public places, free general and specialist medical care, education, employment and transportation. However, implementation has been slow and many persons with disabilities still lack access to information about these rights and what to do if they are not respected.

This resource aims to provide information to persons with disabilities about:

- the 3% fund available and how to access it
- their rights under the Persons with Disability Act 2006 (hereafter referred to as the 'law') and what to do if these rights are not respected

The resource also provides examples of how the 3% fund can be used to uphold the rights of people with disabilities, and improve their standard of living. These 'good practice examples' are based on real-life instances that have been recorded during research for this resource.

Persons with disabilities have the right to live independently in a society that actively encourages their participation in all areas of life. We hope that this guide will help to achieve this.

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## Access to information

### Why is access to information important?

People must have access to information in order to ensure full participation in society. Having access to information encourages open governance through increased accountability and transparency.

### What does this mean to persons with disabilities?

Persons with disabilities should be able to access information about the support available to them.

### Persons with disabilities:

- are entitled to 3% share of the District Assembly Common Fund (DACF)
- have legal rights under the Persons with Disability Act 2006.

Unless persons with disabilities know about these rights, they cannot access them.

### What challenges are faced by persons with disabilities?

Persons with disabilities have very poor access to information about the help available to them.

The DACF has been in place for 18 years and yet many persons with disabilities are not receiving the money that has been allocated to them.

The Persons with Disability Act has been in place for 5 years yet many persons with disabilities do not have information about their rights.



Without this information, persons with disabilities cannot enforce their rights.

Information that is available for persons with disabilities is not always presented in accessible formats e.g. radio broadcasts, Braille.

### **How can these challenges be overcome?**

The government must make information available by putting it into the public sphere. Where information is not in the public sphere, people assume that it is not available.

District Assemblies must be more pro-active in making this information available in a way that persons with disabilities can easily access it.

Persons with disabilities must also be more pro-active in requesting this information. Sources of information must be broadened. Currently, information is mainly accessed through:

- Assembly members
- District Assembly meetings
- District Assembly notice boards

Local media, such as community radio stations, is a valuable yet underused resource.

## GOOD PRACTICE EXAMPLE: KAPANDUA

The Disability Funds Management Committee (DFMC) in Kapandua meets four times a year to consider applications made to them for funding. A month before their meeting they advertise on community notice boards the date of their meeting and instructions for how persons with disabilities can make an application for funding. They also send a circular to disabled persons organisations with this information. The member of the Committee representing the District Assembly comes on local radio to discuss the work of the DFMC and answer any questions from listeners before the meeting.

## 3% share of the District Assembly Common Fund

### What is the District Assembly Common Fund (DACF)?

The DACF was set up in 1993 to give districts more freedom to make decisions about how money is spent. The fund aims to increase people's involvement in these decisions, and to make sure that this responds to the needs of the community.

The DACF has some special conditions. 3% (originally 2%) of the fund must be put aside for persons with disabilities.

### Do persons with disabilities know about the 3% share of the DACF?

Yes - a recent study by SEND Ghana found that more than 90% of disabled person's organisations (DPOs) know about the 3% share of the fund.

## **What can persons with disabilities use the 3% share of the DACF for?**

The National Council for Persons with Disability (NCPD) guidelines on distributing the fund state that the aim of this share is 'to minimise poverty among all PWD's, particularly those outside the formal sector, and to enhance their social image through dignified labour.'

### **The 3% share can be used for:**

- skills training
- educational support
- income generating activities
- awareness raising activities
- NHIS registration
- disability rights events e.g. International Day of the Disabled.



## **How can persons with disabilities access the 3% share of the DACF?**

In 2010, the NCPD issued guidelines for the payment of the 3% share to persons with disabilities.

Each district now has a Disability Funds Management Committee (DFMC) that manages the 3% fund.

The DFMC has a separate bank account to receive the 3% share.

The DFMC meets once every three months to decide how to spend the money.

## Applying for the 3% DACF

Persons with disabilities can either apply for some of this money as individuals or as part of an organisation.

Applications can be made in person to the DFMC, or on paper using an application form such as the one at the end of this guide.

### GOOD PRACTICE EXAMPLE: KWAME

Kwame, 24, has limited mobility following a car accident, and uses crutches to get around. He lives in a small village near Busua. Kwame has seen that many tourists pass through his village and stay at guesthouses on the beach nearby. On a visit to Busua he sees that there are many people surfing and notices some businesses that rent surfboards for the day. Kwame realises that there is a potential business opportunity to rent surfboards in his village. He puts together a business plan and applies to the DFMC for some money to start his business. His application is approved.

## Education

### **What rights do children with disabilities have in regards to education?**

Children with disabilities have an equal right to education. They are also entitled to free education.

If a child with disability can attend a regular school but has special education needs, these must be met.

If a child with disability is assessed as being unable to attend a regular school, provisions must be made for them to attend a specialist school that meets their needs.

#### **GOOD PRACTICE EXAMPLE: AFIA**

Afia, 13, has been deaf since birth. She did well at primary school and now attends a junior high school free of charge. At the beginning of each school year Afia's new teachers meet with her to discuss how they can best meet her needs. They agree to provide printed copies of teaching material in advance, so that Afia can prepare by familiarising herself with the content and vocabulary. Afia sits at the front of the class to make it easier to lip-read. In group discussions, her teachers remember to repeat questions from other students so Afia is able to keep up with the discussion.

## What can parents do if these rights are not respected?

A child with disability can only be stopped from attending a regular school if they have been assessed by the education authority and representatives from the Ministries of Health and Social Welfare as needing to be taught in a specialist school. If this assessment has not taken place, the person responsible for admissions should be reported to the police as it is an offence under the law to refuse admission on account of a child's disability without this assessment.

If a child with disability is charged school fees, parents should remind the head teacher that the law guarantees free education for children with disabilities. If the head teacher refuses to waive the fees, parents can make an application to the DFMC for funds to cover this cost.

If a child with disability needs extra support at school but this is not being provided, parents should discuss their child's needs with their teachers and the head teacher. If the school refuses to, or does not have the funds to provide this support, parents can make an application to the DFMC for funds to cover this cost.



If a child with disability is assessed as needing to attend a specialist school but is denied access due to lack of availability or resources, parents should bring this to the attention of the education authority who must make alternative arrangements.

## Employment

### **What rights do persons with disabilities have in regards to employment?**

Persons with disabilities must be helped to find employment through public employment centres.

If a person with a disability is unable to find work after two years, they are entitled to training and help to access capital in order to start their own business.

Persons with disabilities must not be discriminated against on the grounds of their disability when seeking employment.

#### **GOOD PRACTICE EXAMPLE: AMA**

Ama, 34, is blind and lives in a small town in the Volta region. As the oldest of seven children, she grew up helping her mother in the kitchen and now has two children of her own. Ama enjoys cooking and has occasionally catered for parties hosted by family friends. She wishes to start a small catering business to cater for larger events such as weddings and funerals. Ama makes an application to the DFMC for funding to expand her kitchen and recruit staff to help her cook and deliver the food. Her application is approved.

## What can one do if these rights are not respected?

If a person with a disability is unable to find work through the public employment centre after two years and is then denied training and funding to start their own business, they can make an application to the DFMC for funding to cover these costs. This funding can be applied for at any time during the two year period.

If a person with a disability suffers from discrimination when either seeking or during employment, the person responsible for the discrimination should be reported to the police as it is an offence under the law to discriminate against a prospective or current employee on grounds of disability.





## Health care

### What rights do persons with disabilities have in regards to their health care?

Persons with disabilities have a right to free general and specialist health care.

Persons with disabilities have a right to access care that will enable them to fully participate in society. This includes access to:

- rehabilitation centres offering guidance, counselling and appropriate training
- assistive devices.

#### GOOD PRACTICE EXAMPLE: KOFI

Kofi, 48, is physically disabled as a result of contracting polio several years ago. He walks with the aid of calipers. He has had the same metal calipers for several years and they now need to be replaced. Kofi does not qualify as an 'indigent' person and is not yet covered by NHIS. He makes an application to the DFMC to cover the costs of his new calipers. His application is successful.

## What can persons with disabilities do if these rights are not respected?



A person with a disability can only be charged for their health care if they are regarded by the service provider as not having 'total' disability. In this situation, they can make an application to the DFMC to cover the cost of medical bills.

Persons with disabilities can also make an application to the DFMC to cover the cost of NHIS contributions.

If a person with a disability would benefit from rehabilitation but cannot access a rehabilitation centre, they should make this known to the Minister for Employment and Social Welfare.

If a person with a disability is denied access to an assistive device they can make an application to the DCFM to cover the cost of purchasing the device.

## Access and transportation

### What rights do persons with disabilities have in regards to access and transportation?

Persons with disabilities have an equal right to access places and services.

Owners of public buildings have until August 2016 to ensure they are accessible to persons with disabilities.

Persons with disabilities can import vehicles adapted to their needs tax-free, with the permission of the Minister for Employment and Social Welfare.

The Minister responsible for public transportation must ensure that the needs of persons with disabilities are taken into account on airlines, trains and buses. For example, two seats on each bus must be reserved for persons with disabilities.

#### GOOD PRACTICE EXAMPLE: YP COMPUTERS

YP Computers is a business centre in Koforidua. The owner, Francis, walks past a local disabled persons' organisation on his way to work every day and greets the staff there as he passes by. One day he stops to have a chat and learns that the organisation is holding some IT training. He suggests they host it at YP Computers and is surprised to find that this idea has been rejected as several of the physically disabled members cannot climb the stairs to the front door of the centre. He consults a builder and has a ramp installed at the front of the centre, making his business accessible. YP Computers have a successful training programme and become a regular customer for Francis.

## What can persons with disabilities do if these rights are not respected?

Owners and occupiers have until August 2016 to make public buildings and services accessible. If a person with a disability is denied access to a building or service in this interim period they should complain to the building or service manager and make sure they are aware of their legal obligations. After 2016, the owner or occupier can be reported to the police as it will be an offence under the law if their buildings are not made accessible to persons with disabilities.

If a person with a disability's application to the Ministry of Employment and Social Welfare to import a specially adapted vehicle is refused, they can make an application to the DFMC for cover the costs for these adaptations to be made in Ghana.



If a person with a disability finds that their needs are not taken into account when travelling on public transport they can make a complaint to the Ministry of Transport, or where more appropriate, Ministry of Local Government. A person responsible for booking passengers on a commercial bus can be reported to the police if they do not meet this obligation as it is an offence under the law not to reserve seats for persons with disabilities.

## Conclusion

2012 marks the twentieth anniversary of the 1992 constitution, which provided the legal basis for decentralisation in Ghana. Decentralisation is traditionally seen as a way to bring decision making closer to the people. This is especially important for minority groups, who, when it comes to more centralised decision making, find it hard to have their voices heard.

In theory therefore, the 3% share of the DACF that has been allocated to persons with disabilities should result in better awareness of and access to resources that can allow persons with disabilities full participation in society. The reality however is somewhat different. At present, although awareness of the 3% share of the DACF is good amongst persons with disabilities, information about how to access it is poor.

In pursuing this policy of decentralisation, it is not enough for Ghana to simply transfer responsibility from the national to the local level. Local governments are now subject to a many new responsibilities but do not have the resources to carry them out. This guide has given examples of how in situations where the infrastructure may not yet exist to uphold these rights, the 3% share of the DACF can be used by people with disabilities realise their rights and improve their standard of living.

A right to information law in Ghana would greatly enhance the ability of persons with disabilities to participate more effectively in the governance of their affairs as a special group, but also as individuals whose rights as provided for under the Constitution of Ghana, should be respected and promoted.

## APPLICATION FOR 3% SHARE OF DACF FOR PERSONS WITH DISABILITIES

### APPLICANT INFORMATION

Name:

Date of birth:

Phone:

Email:

Current address:

### APPLICATION INFORMATION

Please tick the box below that best describes what you are applying for:

Skills training	<input type="checkbox"/>	Awareness raising	<input type="checkbox"/>
Educational support	<input type="checkbox"/>	Medical treatment/ NHIS registration	<input type="checkbox"/>
Income generation	<input type="checkbox"/>	Other	<input type="checkbox"/>

Please explain what you are applying for and where appropriate attach supporting information (e.g. if income generation, please attach a business plan):

Please explain how much money you are you applying for and where appropriate attach a breakdown of costs (e.g. if celebrations for National Day of the Disabled, please attach a budget for the event):

### REFEREE INFORMATION

Name:

Title:

Phone:

Email:

Contact address:

Please describe how your relationship with the referee in supporting your application (e.g. if the application is to cover the cost of medical treatment this could be the doctor who has prescribed the treatment):

### SIGNATURE OF APPLICANT

I confirm that the information provided in this application and supporting documentation is true.

Signature of applicant:

Date:

Since 1995, a percentage of the District Assembly Common Fund (DACF) has been allocated to persons with disabilities. The Persons with Disabilities Act 2006 also confers a host of legal rights upon people with disabilities. This resource aims to provide information to persons with disabilities about their rights under the law and what to do if these rights are not respected. It provides examples of how the DACF can be used to uphold the rights of people with disabilities, and improve their standard of living.

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