

THE RIGHTS OF THE DISABLED
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Introduction

When one comes into contact with what is required by understanding of his/her rights, then one is absolutely in command of what he/she wants. A discovery of one's rights is the power that will open any door, meet any challenge, overcome any obstacle and help one to achieve true freedom.

It is recognized that every child is specifically chosen and gifted/talented for a particular accomplishment in life whether handicapped or not. In order to harness the stupendous potentials of every child, numerous national and international declarations are put in place committing governments to provide free and appropriate education for every child with disabilities.

Who is the Disabled?

The disabled is the person whose ability to function is reduced or restricted due to damage to a particular body part. For instance, when there is problem with the eye, ear, physical body, or the loss of mental skills to function and communication problem. This loss of function can also be psychological due to a grief or the loss of a beloved one or any personal difficulty at a point in time that the person cannot handle. Loss of function due to body part or to grief can be complete or incomplete. Thus, we have disabilities with hearing, visual, mental, speech and language. The word disability can be substituted for impairment (e.g. hearing impairment, visual impairment and speech impairment etc).

Disability therefore limits a person's ability to perform certain tasks as other non-disabled persons do (Heward et al. 1988)

One of the prime goals of educating a child is to open up a good foundation for the child's future survival. This objective is central to and essential in every society's educational planning such that every effort will have to be made to develop the programme that is most suitable for the child's future needs.

According to Mayor (1994), the content of education for children with disabilities should be geared to high standards of the needs of the individuals to enable them to participate fully in the development of the society.

Basically, education should help reconstruct the child's adulthood personality, adjust him/her to human dignity, and inform him/her about basic responsibilities of life, and to empower the child with skills necessary to become an effective member of his/her society.

The Disabled Persons Act (1993)

An Act to provide for the Rights of Disabled Persons in accordance with Article 29 of the 1992 Constitution to establish National Council on Disabled Persons to attend to the interests of disabled persons and to provide for related matters was enacted by Parliament in 1993. Be it enacted by Parliament as follows:

1. No person shall in any manner
 - (a) exploit a disabled person;
 - (b) discriminate against a disabled person; or
 - (c) subject a disabled person to an abusive or degrading treatment.
2. (a) No person shall subject a disabled person to a differential treatment in respect of his residence other than that required by his conditions or by the improvement, which he may derive from the treatment.
2. (b) No person shall prevent a disabled person from participating in any social, creative or recreational activity unless such participation will be detrimental to the health of the disabled person.
3. Where a disabled person is a party to any judicial proceedings the adjudicating body shall in the application of its legal procedures, take into account the physical and mental condition of the disabled person.
4. A person who contravenes any of the provisions of sections I and 2 of this Act commits an offense and is liable on summary conviction to a fine not exceeding 2 million or to a term of imprisonment not exceeding 2 years or to both.
5. There is established by this Act, National Council on Disabled persons referred to as to in this Act as “the Council”.

The functions of the Council are:

- (a) To *co-ordinate* and *monitor the implementations* by relevant agencies and non-governmental organizations of *policies* and programmes relating to disabled persons at the National Level.
- (b) To make *recommendations* to Government regarding legislation, for the welfare of disabled persons.
- (c) To *solve problems* relating to disability, by taking such actions as it considers appropriate to
 - (i) enforce legal rights
 - (ii) provide medical and social rehabilitation
 - (iii) provide education and vocational training; and

- (iv) provide counseling and guidelines
- (d) To act as an *information center* on matters concerning the treatment, training, welfare, rehabilitations and employment of disabled persons by voluntary governmental and non-governmental organizations.
- (e) To *organize seminars, workshops and meetings* on the disability of persons and to educate the public on the matter.

Membership

Chairman is appointed by the President on the recommendation of the Minister for Employment and Social Welfare:

- (a) The Executive Secretary
- (b) One representative from
 - (i) Ministry of Employment and Social Welfare
 - (ii) Ministry of Health
 - (iii) Ghana Education Service (Special Education Division)
 - (iv) Labour Department
 - (v) Department of Social Welfare
 - (vi) Employers Association
 - (vii) Ghana National Association of the Deaf
 - (viii) Ghana National Association of the Blind
 - (ix) Ghana National Society of the Physically Disabled
 - (x) Society of Friends of the Mentally Handicapped Children
 - (xi) Ghana Society for the Prevention of Tuberculosis
 - (xii) Ghana Mental Health Association
 - (xiii) Ghana Red Cross Society
 - (xiv) Ghana Leprosy Relief Association

The Act has made detailed provisions for how the Council should be run in terms of administrative rules of meetings (e.g. Chairman presiding over meetings, quorum of Council and how often meetings should be held etc).

The Rights of Children

Human rights mean rights for children. As human beings children have the same value as adults and so we are equal citizens. In September 1990, the representatives of more than 160 Countries gathered at the United Nations (UN) in New York to sign an important new document, “the United Nations Convention on the Rights of the Child”. By signing, they stated that *the new international standards of human rights would apply to all the children in their country*. (A child is defined as “any human being below the age of 18 years).

The UN General Assembly adopted the Convention on the Rights of the Child in 1989.

Four Major Principles of UNC of 1989

Four major principles were emphasized in the Convention on the Rights of the Child. These are:

1. **The right to life and development (Article 6)**
State parties (Countries) recognize that every child has the *inherent right to life* and to ensure to the maximum extent possible to the survival and development of the child.
2. **Equal opportunities without discrimination (Article 2)**
State parties shall respect and ensure the rights set in the Convention irrespective of the child's parents race, colour, sex, language, religion, political or other opinion, ethnic or social, national, property, disability, birth or other status.
3. **The right for children to express themselves (Article 12)**
Child who is capable of forming his or her own views shall be assured of the right to express those views freely in all manners affecting the child. These views should be weighed according to the age and maturity of the child.
4. **The best interests of the child (Article 3)**
In every aspect concerning children the best interests of the child shall be the primary consideration whether the actions are undertaken by public or private, social welfare institutions, courts of law, administrative authorities or legislative bodies.

Persson (1996) a worker with "Swedish Save the Children" said that if all the four major principles were in competition with each other, the 4th principle, "the best interests of the child" is the most important. She added that,

- A. The Convention on the Rights of the child applies equally to all children.
Other Rights are:
 - (i) All children should be guaranteed protection against discrimination (Article 2) – (CBR, 1996 pp 4 –5) maltreatment by parents and others responsible for their care and have adequate standard of living.
 - (ii) The child needs to enjoy good health, protection from narcotic drugs and related ones.
 - (iii) The child's rights to protection from sexual exploitation and abuses; trafficking and abduction, torture, cruel treatment or punishment, unlawful arrest, imprisonment and deprivation of liberty must be acknowledged

(Daily Graphic, 2003, 6, March; Children's issues need urgent attention p. 11).

- B. Education: The Article 29 (1) of the UN Convention on the Rights of the Child (CRC) provides that education shall be aimed at:
- (a) The development of the child's personality, talent and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms and for the principles enshrined in the Charter of the United Nations,
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own,
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin,
 - (e) The development of respect for the natural environment.

(MOE/GES (2001) Report of the study on the Constitutional and legal framework for the right to pre-tertiary education. (UNICEF ASSISTED) P. 28)

Similarly, The Children's Act, 1998 has supported UNC on Rights of the Child by having additions:

Section. 6 (2) Every child has the right to life, dignity, respect, leisure, liberty, health, education and shelter from his parents.

Section. 6 (1) No person shall deprive a child access to education, immunization, adequate diet, clothing, shelter, medical attention or any other thing required for his development.

Section.10 (1) Guarantees the right of disabled child to education.

Section.59 Makes it an offence for anyone who fails to supply the necessities of education for a child.

Section. 87 Prohibits labour that is exploitation of a child and deprives the child of its education or development.

Article 23: Children with Disabilities

Besides all the rights of the children stated above Article 23: highlights the particular difficulties children with disabilities face. However, this Article is considered as a guide for all to be knowledgeable about and practice. The Article 23 includes:

- Recognition that disabled should enjoy a full and decent life in conditions which ensure dignity.
 - Promote self-reliance, and facilitate the child's active participation in the community.
- (2) That special needs child has the right to special care.
- (3) In recognizing the needs of the disabled children, *assistance will be provided free of charge* when possible taking into account parents' financial resources or others caring for the child; that the child has *access to education, training, health care services, rehabilitation services, preparation for employment, recreation opportunities, social integration, individual development, cultural and spiritual development.*

What are the implications for these rights?

That all children including the disabled have the right to life; be permitted to *express* themselves of their needs and feelings; that in all situations their *interests* are to be considered and respected to be trained to have *dignified life* despite any disability, gain parental support and not to be marginalized by society.

That all parents have a bigger role to play in diagnostic assessment of their children instead of being passive but that family support in rehabilitation is a key to success in the programme.

That government should strengthen the Family Tribunal and Judicial System to objectively deal with irresponsible parents who subject children to abandonment either due to disability or misunderstanding between spouses. Children should not be the victims of any confusion in marriages. The UNC Rights for children demand cohesiveness in families so that all children can have a stable home of peace, enjoy maximum parental protection; feeding and above all, education to enable them have decent jobs and good health etc. Policy for screening children must be a concern if rights are properly entrenched in communities' daily life, all children can enjoy these rights from early childhood to adulthood. This implies that persons with disability (PWDs) would not experience marginalization because there would be none.

Adults (Persons With Disabilities)

The hardest hit problems with PWDs are employment, social integration, marriage, transportation, cultural constraints/taboo; architectural problems, lack of information in Braille, sign language, inadequate educational and recreational facilities.

Employment

Government made provision in the labour force that one-half (0.5 percent) of every job be reserved for all PWDs. Although the legislative instrument (LI632) on Labour Regulation 1969 provides guidelines for employment and specifically enjoins an employer to set aside a quota of one half (0.5 percent) of his total labour force for the PWDs to be employed in sedentary jobs which include clerical work, machines operating, typing, packing, telephone operating or other jobs requiring higher skills, employers have failed to do. However, Article 29 (7): has failed to identify the nature and modalities as to how incentive packages to employers will be made. Besides, PWDs have to be trained to perform the job according to individual ability.

Prospective employers have negative attitudes towards PWDs. In a research conducted by Gadagbui and Essel in 1997, one major problem employers gave for not employing persons with hearing disability was communication problem. The problem was not with skill acquisition but communication difficulties and not even with superstition. In other developments, employers felt any adult disabled person irrespective of the disability and skill should be employed by Ghana Education Service, Special Education Directorate. Other misconceptions are:

- Employing the PWDs are someone else's responsibility
- They must be constantly supervised
- They are incompetent

Constraints in effective implementation of the Rights

(i) Cultural influence

Tradition has established that disabilities are omens or ill luck, punishments from gods hence PWDs tend to be sidelined, and discouraged from social integration. Some are still destroyed at birth and concealed from public view. Due to their beliefs, traditions will tend not to make provisions for the training/rehabilitation of the disabled.

(ii) **Lack of adequate information**

All PWDs have the right to information and proper mode of delivery. Communication is necessary on TVs; absence of subtitles and prints that need to be complemented with sign language are missing for the hearing impaired..

Brailled prints of information on Billboards, voting procedures and others are not available to eligible voters with visual problems.

(iii) **Lack of Parental involvement**

Parents have rights to decide collaboratively in decisions about their children, but this is provided in section 6 (2) of the Children's Act of 1998 but parents are uninformed.

(iv) **Inadequate education and educational facilities**

For example equipment, materials and infrastructure for leaving are inadequate but the emphasis of the people's right by OAU Summit in July 1987, is that "every one has the right to education"; "Education for all" including the disabled. This is also supported by the famous Salamanca Conference held in Spain in 1994 (UNESCO, 1994)

(v) **Social Rehabilitation and Medicare**

Artificial barriers to buildings and settlement are not user friendly. No early screening for impairment and inadequate medical personnel on disability care.

Recommendations

1. **What should Government do?**

Enforce that the rights of children become a household word. That rights of children especially those rights particularly emphasized for the disabled be made known to communities and families; Family Tribunal, Chiefs, Opinion Leaders, Child-Child; District Assemblies, and using prints and electronic media (Newspapers, TV, and Radios, Internet etc), Brochures, Leaflets, Moral and Religious, Social Studies in Schools are other means to disseminate information.

2. **Employers**

Employers must endeavour to abide by the 0.5 percent quota. Be willing to employ the PWDs. The physically challenged must be professionally trained according to impairment and individual ability.

3. **What should families do?**

Families must be very eager to be informed about the Rights of the Disabled and all other rights of children. The knowledge will equip parents and serve as a servo-mechanism to get them familiar with rights, have new attitudes towards training and supporting and directing children's interests and expression. Create equal opportunities for siblings in the house irrespective of the child in that family who has impairment. All parents must be very responsible with their roles in protection, feeding, health care and education. This may also curb incessant ferocious punishment that teachers and parents mete out to children.

4. **What should policy makers do?**

As a result of having every child educated and the right to life and health, nation wide screening to detect early, children with eye, ear, speech, reading and slow learners, giftedness and talentedness need an urgent consideration. To effect early identification, the Ministry of Health and Ministry of Education may need to take a collaborative approach towards early identification and management of sensory impairment.

What should teacher do?

The need to develop children's talent/giftedness is enshrined in Article 29 (1) of the UN Convention on the Rights of the Child (CRC). Teachers through in-service training will be equipped with pedagogy for identifying and meeting the academic needs of the talented and gifted children. These can take the form of:

What should the PWDs/Children with Disabilities do?

They must accept themselves and be "fighters". Disabilities are not inabilities. PWDs have their own unique capabilities and having known their rights they can liberate their imprisoned minds and get focused on what visions they want to pursue.

Finally, Hellen Keller (1880- 1968) the deaf-blind said:

Literature is my Utopia. Here I am not disenfranchised.
No barrier of the senses shuts me out from the sweet, gracious
discover of my book/friends. They talk to me without
embarrassment or awkwardness (1994: 159)

Hellen became a prolific writer and one of the world's celebrities.

Note: Utopia: An imaginary place or state of things in which everything is perfect.

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