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Peter Arkorful-Ewool

Promoting Inclusivity Through Legal Frameworks

An Analysis of Ghana's Disability Policies
and Their Effectiveness in Supporting Children
with Intellectual Disabilities

CES, Master's Programme in Human Rights
and Democratisation in the Caucasus

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Foreword

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- Arkorful-Ewool, Peter, *Promoting Inclusivity through Legal Frameworks: An analysis of Ghana's Disability Policies and their Effectiveness in Supporting Children with Intellectual Disabilities*. Supervisor: Elvis Fokala, Center of Human Rights University of Pretoria. Master's Programme in Human Rights and Democratisation in the Caucasus (CES-GC Caucasus), coordinated by Yerevan State University.

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- Lomakin, Ilya, *Status of Post-February 2022 Russian Migrants: A Comparative Study*. Supervisor: Lucia Leontiev, European University Institute (Italy). The Master's Programme in Human Rights and Sustainability in Central Asia (MAHRS-GC Central Asia), coordinated by the OSCE Academy in Bishkek (AY 2023-25).
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- Orr, Kate, *Missing from the Data, Missing from the Law: Indigenous Women and Girls and the Failures of Anti-Trafficking Frameworks in Latin America*. Supervisor: Davinia Gómez Sánchez, Univeristy of Deusto (Bilbao). European Master's Programme in Human Rights and Democratisation (EMA-GC Europe), coordinated by Global Campus of Human Rights Headquarters.

- Vasilenko, Darya, *Assessing the Extent of Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women: Concluding Observations on Kazakhstan*. Supervisor: Aigerim Kussaiynkyzy, Maqsut Narikbayev University (Kazakhstan). The Master's Programme in Human Rights and Sustainability in Central Asia (MAHRS-GC Central Asia), coordinated by the OSCE Academy in Bishkek (AY 2024-26).
- Yisa, Josephine Boye, *A Human Rights-Based Approach to Overfishing in West Africa: Comparative Study of Guinea-Bissau and The Gambia*. Supervisors: Magnus Killander, University of Pretoria and Emmanuel Kasimbazi, Makerere University (Uganda). Master's Programme in Human Rights and Democratisation in Africa, coordinated by Centre for Human Rights, University of Pretoria.

Biography

Peter Arkorful-Ewool is a Ghanaian human rights researcher whose work focuses on disability rights, inclusive policy, and social protection. He holds a master's degree in human rights and democratization from Yerevan State University through the Global Campus of Human Rights program. He also earned a bachelor's degree in psychology from Methodist University College Ghana. His research examines the effectiveness of Ghana's disability policies and their impact on supporting children with intellectual disabilities, with particular attention to legal protection, social inclusion, and access to support systems. Through his work, he is interested in how law and public policy can strengthen protection for vulnerable groups and promote more inclusive societies. His broader interests include human rights advocacy, policy reform, and inclusive development in Ghana and beyond.

Abstract

This study critically examines Ghana's disability policies and legal frameworks, focusing on their effectiveness in supporting children with intellectual disabilities. Despite progressive legislation, most notably the Persons with Disability Act 2006 (Act 715) and the Disability Inclusive Education Policy (2015), and Ghana's ratification of the United Nations Convention on the Rights of Persons with Disabilities in 2012, substantial gaps persist between policy commitments and practical implementation. Children with intellectual disabilities continue to face systemic barriers to education, healthcare and social inclusion, compounded by stigma, inadequate infrastructure and a shortage of trained professionals. The research adopts a doctrinal legal methodology, analysing primary legal instruments, constitutional provisions and international treaties, alongside comparative policy models from other jurisdictions. Findings reveal that while existing policies partially align with international standards, they lack enforceable mechanisms, targeted family support and provisions for individuals with intellectual disabilities, resulting in fragmented service delivery and minimal accountability. Socio-cultural beliefs attributing disabilities to supernatural causes further exacerbate exclusion, especially in rural areas where resources are scarce. The study highlights the 'double discrimination' effect of societal stigma and geographic inequality, underscoring the lack of coordinated, adequately funded and monitored interventions. A comparative analysis of disability rights frameworks in South Africa and Kenya suggests that participatory policymaking, community-based rehabilitation and strong oversight bodies can enhance inclusion outcomes. Recommendations include amending Act

715 to explicitly address intellectual disabilities, strengthening enforcement and monitoring systems, establishing a national disability action plan and implementing family-centred support services such as respite care, psychosocial assistance and economic empowerment programmes.

Table of Abbreviations

Act 715	Persons with Disability Act, 2006 (Ghana)
ADP	African Disability Protocol
AU	African Union
CBR	Community-Based Rehabilitation
DIAPs	Disability Inclusion Action Plans
ECE	Early Childhood Education
MMDAs	Metropolitan, Municipal, and District Assemblies
NCPD	National Council on Persons with Disability (Ghana)
NCPWD	National Council for Persons with Disabilities (Kenya)
PHC	Population and Housing Census
SDG	Sustainable Development Goals
UN	United Nations
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

UNCRPD Committee	United Nations Committee on the Rights of Persons with Disabilities
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
WPRPD	White Paper on the Rights of Persons with Disabilities (South Africa, 2015)

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1. Contextual background of the study

Introduction

In Ghana, the protection and support of persons with disabilities, particularly children with intellectual disabilities, present comprehensive legal and social challenges, especially concerning their access to and enjoyment of their right to inclusive care and education.¹ This study analyses the challenges faced by children with intellectual disabilities in accessing their right to inclusive care and education. It examines the impact of disability policies and explores how families of children with intellectual disabilities manage their child's extensive support needs. To ensure that families can manage these needs, they should be properly supported through comprehensive policies.² Most of these policies are not being fully enacted, although legislation is in place to manage the implementation. Ghana is marked by these disparities between progressive legislation like the Persons with Disability Act 2006 (Act 715) and the Disability Inclusive Education Policy (2015) and the grassroots lives of concerned families.

Based on the 2021 Ghana Population and Housing Census (PHC), out of the 7,794,740 children aged 5–15 years, 219,022 were reported to have difficulty carrying out activities, and 35,609 of those children had never been to school, revealing considerable barriers to education for children with disabilities in Ghana.³ In the Upper West Region, only 27.18% of families succeeded in accessing rehabilitation for disabled children. This is supported by findings that just 9.4% of individuals aged five and above accessed rehabilitation care with major barriers including financial constraints, shyness, transport issues, community discouragement and negative health professional attitudes.⁴

¹ Vyda Mamley Hervie, 'Social Inclusion of Children with Intellectual Disabilities in Accra, Ghana: Views of Parents/Guardians and Teachers' (2023) 147 *Children and Youth Services Review* 106845.

² Siméon TA Lahaije and others, 'Support Needs of Families with a Child with Profound Intellectual and Multiple Disabilities' (2024) 70(7) *International Journal of Developmental Disabilities* 1184, 1186.

³ Ghana Statistical Service, 'Population and Housing Census: Disability Report' (Government of Ghana 2021) 47.

⁴ Hasehni Vampere and others, 'Access to Rehabilitation Services for Families of Children with Disabilities in Ghana' (2024) 1(1) *Rehabilitation Advances in Developing Health Systems* e1, e6.

These findings highlight the complex challenges that children with disabilities and their families face in Ghana, emphasising the need for multisector policies and inclusive practices to ensure equitable access to education and support services. Children with intellectual disabilities in Ghana often experience significant exclusion from educational opportunities due to stigma, insufficient inclusive infrastructure and limited teacher training.⁵ This is also accompanied by extensive traditional beliefs and cultural misconceptions, which lead people to consider intellectual disabilities as spiritual issues and not disorders warranting formal interventions and rights-based services.⁶ Opoku and others re-emphasise that the Ministry of Education's utmost priority is to adopt and institute Ghana's Disability Inclusive Education Policy to incorporate early identification and screening of disability at primary schools.

Yet, even with progress, challenges like stigma, lack of family support, school infrastructure and teacher training continue to hinder children with disabilities from receiving education. This study analyses structures of disability policy in Ghana from an intellectual disability point of view. This section outlines the prevalence of intellectual disabilities in Ghana and examines the socio-cultural factors that shape policy interventions before addressing the objectives of the study.

1.1 Contextual analysis of the study

The situation for children with intellectual disabilities in Ghana faces institutional failure at multiple levels. Data from the Ghana Statistical Service in 2021 reflect a stunning disparity: although 15.8% of children with disabilities suffer from intellectual impairment, only 5.6% receive specialist interventions.⁷ This gap in service provision reflects broader patterns of neglect traced out

⁵ Maxwell Peprah Opoku and others, 'Cross-National Study of Communal Attitudes Toward Individuals with Intellectual Disabilities in Sub-Saharan Africa: Cameroon vs Ghana' (2021) 16(9) PLoS ONE e0257482, e0257485.

⁶ *ibid* e0257486.

⁷ *ibid* e0257488.

in recent studies by Opoku and others, who attested that children with intellectual disabilities have severe barriers to education in the guise of stigma, discrimination and a lack of adequate support services, which result in their severe under-enrolment in school.⁸

These factors create what can be described as a ‘double discrimination’ effect. Children with intellectual disabilities face stigma from societal attitudes as well as geographical disparities in access to services. Both of these issues stem from cultural attitudes and are reinforced by structural inequalities. To address these challenges, targeted policy interventions are necessary to provide more support to Ghana’s most disadvantaged children.

Cultural narratives often attribute intellectual disabilities to supernatural causes, discouraging families from seeking medical or educational support. For example, Hervie, in 2023, found that in many Ghanaian communities, particularly among Christian families in Accra, beliefs about spiritual causes of intellectual disabilities strongly influence how children are treated and integrated.⁹ This cultural heritage affects social inclusion and access to formal services since families may apply traditional or religious interpretations first before accessing evidence-based interventions.¹⁰ The mandate of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)¹¹ for prompt action (article 7) is being broken by these delays, which are undermining important early initiatives.

Bills like the Disability Inclusive Education Policy and the Persons with Disability Act (Act 715) solidify Ghana’s constitutional commitment to inclusive education. Notwithstanding, problems related to implementation persist. Studies reveal that the majority of schools lack the properly trained staff and adapted curricula necessary for the inclusion of children with intellectual disabilities. For instance, Mills identifies that there are misconceptions about intellectual disabilities and limited frameworks within the education system to hinder the implementation

⁸ Ghana Statistical Service, ‘Population and Housing Census: Disability Report’ (n 3) 52.

⁹ Hervie (n 1) 106848.

¹⁰ Opoku and others (n 5) e0257489.

¹¹ Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (UNCRPD).

of inclusive education effectively.¹² The study emphasises the need for inter-professional working between teachers and social workers to enhance the learning outcomes of children with intellectual disabilities.

Moreover, while the Disability Inclusive Education Policy mandates community-based rehabilitation (CBR), its application is often hindered by funding deficits and poor infrastructure. A situational analysis by the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) supports the imperative to overcome such barriers for effective policy implementation.¹³ As scholars point out, '[t]he gap between legislative intent and practical implementation represents the most significant barrier to realising disability rights in Ghana'.¹⁴ This implies the need for a rights-based overhaul of disability policy in Ghana, one that connects legislative ideals with grassroots reality.

1.2 Problem statement

Children with intellectual disabilities are systematically kept out of education, health and social welfare. The disadvantage continues even with Ghana's accession to the UNCRPD in 2012, indicating a primary disconnect between rhetoric and policy practice.

It is concluded that inclusive education intervention in Ghana remains scattered and disconnected, and children at risk, such as children with disabilities, are not included in planning and in education service delivery.¹⁵

¹² Abigail Adubea Mills, 'Inclusive Education for Children with Intellectual Disability (ID) in Ghana: Challenges and Implications for Social Work' (2020) 19(2) *Advances in Social Work* 329, 335.

¹³ United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD), 'Country Situational Analysis of the Rights of Persons with Disabilities in Ghana' (UNPRPD November 2022) 34.

¹⁴ Joseph Ocran, 'Exposing the Protected: Ghana's Disability Laws and the Rights of Disabled People' (2019) 34(4) *Disability & Society* 663, 665.

¹⁵ A Gomda, N Sulemana and H Zakaria, 'Access to Education for Persons with Disabilities in Ghana: A Review' (2022) 15(1) *Environmental Sciences Proceedings* 50, 53.

Despite the Disability Act and the Disability Inclusive Education Policy promoting equal access to education, children with intellectual disabilities are usually stigmatised, discriminated against and not integrated into mainstream schools.¹⁶ Constraints such as a lack of finances, special education-trained teacher shortages, inaccessible schools and societal perceptions against inclusive practices continue to thwart successful inclusion.¹⁷

These systemic impediments leave a broad chasm between Ghana's legal commitments and the reality for children with intellectual disabilities and their families. There is an urgent imperative for empirical research that examines why such policies fail to translate into real help and how the implementation could be made stronger so as to achieve equal access to education and associated services. This gap is the result of a combination of interlinked issues. The nation's written laws, including the Persons with Disability Act (2006) and the Disability Inclusive Education Policy, children with intellectual disabilities and their families still encounter overbearing barriers to education, medical care and welfare. The efficacy of the implementation of these policies is additionally compromised by lackadaisical enforcement and ineffective supervision, thereby rendering many schools without trained staff and the equipment needed to implement inclusive education.

Even Ghana's Minister of Education, Dr Yaw Osei Adutwum, who spoke at the Africa Regional Conference on Education and Skills Development in Accra on 12 June 2024, concedes that the practice of achieving inclusive education is still in its infancy, and there are significant faults in teachers' training, resource supply and accessibility to infrastructure. Such systemic deficiencies, combined with a lack of adequate publicity and weak accountability, impede the complete realisation of entitlements assured by law. Apart from enforcement, geographic and cultural factors also increase the difficulty in accessing services.

¹⁶ Efua Esaaba Mantey, 'Beyond the Politics of Inclusion: The Policy Environment and the Fate of Children with Disability in the Ghanaian Educational System' (2019) 10(5) *Mediterranean Journal of Social Sciences* 54, 57.

¹⁷ Adam Awini, Eugenia Tawiah Adam and Alexander Gariba, 'Educating Persons with Disabilities: A Policy or Reality? The Ghanaian Experience' (2022) 8(1) *European Journal of Special Education Research* 1, 8.

Families in the rural parts of Ghana most often experience distant travel to rehabilitation centres and minimal specialised care, increasing the economic and logistical burdens of care-giving. Cultural attitudes that attribute intellectual disability to spiritual causation explain delays in obtaining formal medical or educational assistance, further reinforcing stigma and social isolation. Moreover, the fragmented character of the provision of services across health, education and social welfare domains requires families to navigate complex bureaucracies, leading to frustration and giving up attempts at support. Lack of family-centred policies and economic support compounds these difficulties, placing serious emotional and economic strains on caregivers, particularly mothers, as they have to forego work to provide full-time care.¹⁸ It is for this reason that this study seeks to analyse Ghana's disability policies and their effectiveness in supporting children with intellectual disabilities.

1.3 Research objectives

The central aim of this study is to assess and justify the protection and promotion of rights for families and children with intellectual disabilities within the policy and legal systems in Ghana. In pursuit of this, the study is guided by the specific goals:

1. To analyse whether the Disability Inclusive Education Policy aligns with international best practices, particularly the UNCRPD, and identify areas of most important compliance gaps.
2. To explore the effectiveness of disability policy in Ghana to care for children with intellectual disabilities, with a focus on systemic educational, health and welfare gaps.
3. To explore socioeconomic, cultural and institutional variables that most greatly inhibit access by children with intellectual disabilities to inclusive services.
4. To suggest evidence-based policy interventions to ensure strengthened accountability and improved service delivery outcomes to promote the welfare and best interests of children with intellectual disabilities in Ghana.

¹⁸ Inclusion Ghana, 'Access to Health Care for Persons with Intellectual Disability in Ghana: Mapping the Issues and Reviewing the Evidence' (Inclusion Ghana 2024) 12.

1.4 Research questions

The central question guiding this investigation is, how can Ghana's legal and policy frameworks be strengthened to fully realise the rights of children with intellectual disabilities and their families? This study addresses the following specific inquiries:

01 — To what extent do Ghana's Persons with Disability Act 2006 (Act 715) and Disability Inclusive Education Policy (2015) align with international standards like the UNCRPD, and are there any critical gaps in compliance?

02 — How well have Ghana's disability policies supported children with intellectual disabilities, and what structural flaws account for the ongoing inequalities in the social welfare, healthcare and education sectors' service delivery?

03 — What are the prevailing socioeconomic, cultural and institutional barriers extensively impeding the provision of inclusive services to children with intellectual disabilities?

04 — What good practices can be adapted and recommended to the government of Ghana to ensure evidence-based policy reforms so that accountability can be enhanced within a family setting to safeguard the welfare and best interests of children with intellectual disabilities in Ghana?

1.5 Significance of the study

This study has legal, policy and practical implications for disability inclusion in Ghana.

This study analyses the shortcomings in Ghana's disability laws, namely Act 715 and the Disability Inclusive Education Policy, and provides policy recommendations that are in line with the African Disability Protocol (ADP)¹⁹ and the UNCRPD. In order to lessen the strain on caregivers, it emphasises the necessity of

¹⁹ African Union, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (adopted 29 January 2018) AU Doc CAB/LEG/66.10, available at <https://au.int/sites/default/files/treaties/36440-treaty-protocol_to_the_achpr_on_the_rights_of_persons_with_disabilities_in_africa_e.pdf> accessed 25 August 2025.

family-centred policies, including programmes for economic empowerment and psychosocial assistance. The study also identifies structural barriers, such as funding shortages and bureaucratic decentralisation that prevent people from receiving social, health and educational services. In Ghana's multicultural culture, it also emphasises the necessity of context-related interventions to combat the stigma and isolation of people with intellectual disabilities. The study will influence training materials for educators and healthcare professionals and add to the body of knowledge on the application of disability rights in low-resource environments.

1.6 Literature review

Several studies and reports observe that while Ghana's Persons with Disability Act 2006 (Act 715) is generally consistent with the UNCRPD, its enforcement has been limited by weak enforcement mechanisms largely due to the lack of domestication of the Act through detailed subsidiary legislation.²⁰ The Disability Inclusive Education Policy also lacks specific provisions for children with intellectual disabilities, particularly in rural areas where exclusion remains high.²¹ Although the ten-year moratorium on compliance with accessibility expired in 2016, most public buildings remain inaccessible, and enforcement and penalties for non-compliance are low. The disability movement in Ghana continues to push for amendments to Act 715 to bridge the gaps and achieve full conformity with international norms, emphasising political will and institutional transformation to align policy with the practical reality of inclusion.²²

²⁰ Penplusbytes, 'Critical Steps in Bridging the Implementation Gaps of the Disability Act for Inclusivity' (Penplusbytes May 2020) 8 <https://penplusbytes.org/wp-content/uploads/2020/06/Finalv2_Critical-Steps-in-Bridging-the-Implementation-Gaps-of-the-Disability-Act-for-Inclusivity-May-2020.pdf> accessed 25 August 2025.

²¹ Ghana Statistical Service, 'Children with Special Educational Needs in Ghana – 2021 PHC Analytical Report' (Ghana Statistical Service 2023) 15.

²² Naomi Naa Dede Adjei, 'Putting Decision into Action: The Disability Act of Ghana. Six Years down the Line' (The University of Bergen 2013) 45.

Clark and others offer a critical examination of the delivery of Early Childhood Education (ECE) for children with disabilities in South Africa and Kenya and reveal significant gaps between policy and practice.²³ They dispel common myths that inclusive ECE can be achieved only with abundant resources, that children with severe intellectual disabilities cannot be educated and that the implementation of inclusive ECE is exclusively a regulatory government function. Their analysis highlights how the fallacious assumptions of governments, coupled with gaps in information at the governmental level, hinder effective implementation. The study highlights greater accountability and openness of government as a way to prioritise inclusive ECE. These investigative results suggest that the same strategies, including decentralising implementation and building on CBR models, could assist Ghana in scaling up inclusion for children with disabilities, especially in rural areas.

1.7 Methods

The study adopts a doctrinal legal research methodology to enable the critical examination of Ghana's policy and legislative frameworks relating to the rights and support systems for children with intellectual disabilities. The doctrinal approach involves systematic and analytical analysis of primary legal documents, including the Persons with Disability Act 2006 (Act 715), the Disability Inclusive Education Policy and the relevant constitutional provisions (especially articles 29 and 37 of the 1992 Constitution). These national tools will be interpreted against global and regional standards, namely the UNCRPD and the ADP, in order to identify points of convergence, divergence and compliance or enforcement gaps.

The analysis is organised around three dimensions: international norms, institutional and legal frameworks, and monitoring, enforcement and remedies. This doctrinal methodology enables a detailed exploration of the content, structure and implementation dynamics of Ghana's disability laws and policies. The

²³ Brigitte J Clark and others, 'Implementing Early Childhood Education for Children with Disabilities in South Africa and Kenya' (2024) 13 African Journal of Disability 1, 6.

research findings reveal statutory uncertainty, policy implementation gaps and operational limitations and provide a sound basis for evidence-based recommendations for strengthening legislative coherence, enforcement and accountability in Ghana's disability rights regime.

1.8 Chapter outline

This study presents five chapters as detailed below:

Chapter 1: Introduction and conceptual framework: Disability rights implementation in Ghana

This chapter introduces the study by establishing the critical disconnect between Ghana's progressive legal frameworks for disability inclusion and the lived realities of children with intellectual disabilities and their families. Despite wide-ranging policies such as the Persons with Disability Act 2006 (Act 715) and the Disability Inclusive Education Policy, empirical evidence shows continuing exclusion. For instance, the Ghana Statistical Service reports that 16% of children aged 5–15 with functional difficulties, including intellectual disabilities, have never attended school.²⁴ Moreover, households that include persons with disabilities face significantly higher poverty levels, with an adjusted poverty rate rising from 38.5% to 52.9% and incur an estimated 26% increase in annual consumption costs compared to non-disabled households.²⁵

The chapter situates this gap in implementation with policy theory, identifying where institutional, structural and sociocultural pressures cut short legislative intent. The chapter also maps the applicability of the research to bridging these differences, particularly in light of Ghana's activities under the UNCRPD. The chapter concludes by previewing the dissertation's structure, which progresses from legal analysis to comparative policy solutions, culminating in actionable recommendations for reform.

²⁴ Ghana Statistical Service, 'Children with Special Educational Needs in Ghana' (n 21) 18.

²⁵ Sophie Mitra and others, 'Extra Costs of Living with a Disability: A Review and Agenda for Research' (2017) 10(4) *Disability and Health Journal* 475, 478.

Chapter 2: Legal architecture of disability rights in Ghana

This chapter presents a critical review of Ghana's disability rights law, beginning with the Persons with Disability Act (Act 715) and the Disability Inclusive Education Policy. It explores the constitutional framework of disability inclusion, namely articles 29 and 37 of the 1992 Constitution, which enshrine the essence of equality and access to education. The chapter continues to examine the alignment of Ghana's local legislation with international standards, namely the UNCRPD and the ADP, and identifies serious gaps in inclusive education (article 24) and community participation (article 19). A review of innovative court rulings, including *Ghana Society of the Physically Disabled v Accra Metro School Board* (High Court of Ghana, 2018),²⁶ attests to the challenge of realising these rights in practice. By examining legal provisions and actual enactment comparatively, the chapter establishes a normative benchmark from which to understand the systemic failures analysed in subsequent chapters.

Chapter 3: Implementation realities and family experiences

Based on Chapter 2's legal analysis, this chapter probes the on-the-ground difficulties of policy implementation concerning disabilities in Ghana. Based on qualitative interviews with service providers, caregivers and families, it traces the systemic hindrances, inequitable funding, bureaucratic disintegration and cultural stigma preventing access to education, healthcare and social services. The chapter also highlights the socioeconomic cost to families, the majority of whom encounter such challenges without the support of institutions. By setting aside the voices of those most directly affected first, this chapter fills the gap between policymaking and lived experience, paving the way for lesson analysis in Chapter 4.

Chapter 4: Lessons for strengthening inclusion

The chapter's theme is international models of disability inclusion that Ghana can learn from. It examines South Africa's White Paper on Disability, celebrated for participatory policy-making, and Kenya's Disability Act of 2022, which places strong emphasis on community-based monitoring. Case studies reveal how these models have addressed problems shared by Ghana, from a

²⁶ [2018] (High Court of Ghana).

shortage of resources to cultural opposition. The chapter critiques the appropriateness of such models within the Ghanaian context regarding such factors as governance arrangements and native ground-up initiatives that exist. Through looking at the enforcement best practices, financing and participation, this chapter establishes a path for reforms outlined in Chapter 5.

Chapter 5: Policy recommendations and pathways forward

The final chapter integrates the results of the legal, empirical and comparative examinations to propose concrete reforms. These are to modify Act 715 to include intellectual disabilities and establish a national oversight body for monitoring policy implementation and strategic investment in teacher training and health infrastructure. The chapter equally offers a model for cross-sector coordination, taking into account the active participation of local governments and civil society to facilitate accountability. It concludes by identifying areas of future research to continue the evolution of disability rights in Ghana. Together, these chapters offer a critical examination of the status quo and a vision for transformative change.

2. Legal architecture of disability rights in Ghana

Introduction

This chapter analyses Ghana's legal framework for disability rights, focusing on constitutional provisions (articles 29 and 37), Act 715 and the 2015 Disability Inclusive Education Policy. It evaluates their alignment with the UNCRPD and identifies gaps in protecting children with intellectual disabilities. Key judicial precedents and theoretical frameworks contextualise these challenges.

2.1 Constitutional and legal framework for disability rights in Ghana

The particular relevance to the discourse on inclusivity for children with intellectual disabilities is article 29 and article 37 of the 1992 Constitution.²⁷ These provisions not only affirm the dignity of persons with disabilities but also place a binding obligation on the state to actively promote their welfare and integration into the fabric of society.²⁸

Article 29 of the 1992 Constitution is the most direct articulation of the rights of persons with disabilities in Ghana.²⁹ It acknowledges the historical marginalisation and systemic disadvantages faced by this group and enshrines a series of protections aimed at correcting these inequities.³⁰ Specifically, article 29(1) guarantees that persons with disabilities are entitled to the same

²⁷ Constitution of the Republic of Ghana 1992, arts 29 and 37.

²⁸ Bijetri Bose and Jody Heymann, 'Do Inclusive Education Laws Improve Primary Schooling Among Children with Disabilities?' (2020) 77 International Journal of Educational Development 102208, 102210.

²⁹ Ibid.

³⁰ Jahirul Mullick, Yangyue Tang and Tong Lin, 'Building Inclusive Pathways for Children with Disabilities in Chinese Preschools: An Inclusive School Leadership Perspective' (2025) 54(3) Early Childhood Education Journal 1, 5.

rights as all other citizens, including respect for their human dignity.³¹ It explicitly prohibits discrimination based on disability and mandates the state to provide the necessary facilities to ensure access to education, employment and health services.³²

More importantly, article 29 goes beyond general principles to mandate state action.³³ For instance, article 29(4) obliges the state to ensure that persons with disabilities are protected against exploitation, discrimination and abuse.³⁴ It calls for the provision of special incentives for businesses and institutions that employ persons with disabilities and for the establishment of training institutions to support their education and skill development.³⁵ While these provisions are framed broadly, their spirit clearly extends to children with intellectual disabilities, who often face compounded forms of exclusion due to limited cognitive functioning, societal stigma and the lack of tailored educational interventions.³⁶ However, despite its forward-looking language, the actual enforcement of article 29 has been inconsistent, with limited mechanisms in place to ensure that the rights of children with intellectual disabilities are not only recognised in principle but realised in practice.³⁷

³¹ Joshua Annor Osam and others, 'The Use of Assistive Technologies among Children with Disabilities: The Perception of Parents of Children with Disabilities in Ghana' (2021) 16(3) *Disability and Rehabilitation: Assistive Technology* 301, 303.

³² Penplusbytes, 'Critical Steps in Bridging the Implementation Gaps of the Disability Act for Inclusivity' (Penplusbytes, May 2020) 8 <https://penplusbytes.org/wp-content/uploads/2020/06/Finalv2_Critical-Steps-in-Bridging-the-Implementation-Gaps-of-the-Disability-Act-for-Inclusivity-May-2020.pdf> accessed 25 August 2025.

³³ Ashrita Saran, Howard White and Hannah Kuper, 'Evidence and Gap Map of Studies Assessing the Effectiveness of Interventions for People with Disabilities in Low-and Middle-income Countries' (2020) 16(1) *Campbell Systematic Review* e1070, e1075.

³⁴ Tracey Smythe and others, 'Early Intervention for Children with Developmental Disabilities in Low and Middle-Income Countries – the Case for Action' (2021) 13(3) *International Health* 222, 225.

³⁵ Wisdom Kwadwo Mprah and others, 'Caregivers' Experience of Supporting Deaf Adults with Mental Health Disorders in Ghana' (2025) 22(2) *International Journal of Environmental Research and Public Health* 144, 148.

³⁶ Olga Lyra, Kyriaki Koullapi and Eirini Kalogeropoulou, 'Fears towards Disability and Their Impact on Teaching Practices in Inclusive Classrooms: An Empirical Study with Teachers in Greece' (2023) 9(5) *Heliyon* e16332, e16335.

³⁷ Vyda Mamley Hervie, 'Social Inclusion of Children with Intellectual Disabilities in Accra, Ghana: Views of Parents/Guardians and Teachers' (2023) 147 *Children and Youth Services Review* 106845, 106848.

Complementing article 29 is article 37 of the Constitution, which falls under the Directive Principles of State Policy.³⁸ While not justiciable in the strict legal sense, article 37 functions as a constitutional compass, guiding state institutions toward the realisation of a socially inclusive and equitable society.³⁹ Article 37(1) enjoins the state to secure and protect a social order founded on the ideals and principles of freedom, equality, justice and human rights.⁴⁰ Furthermore, article 37(2)(b) specifically directs the state to enact appropriate laws to protect and promote the rights of the vulnerable, including the physically or mentally disabled.⁴¹ This provision is crucial in the context of intellectual disabilities, as it recognises the specific needs and vulnerabilities of persons with mental impairments and mandates proactive legislative and policy measures to protect them.⁴²

Article 37 also highlights the state's responsibility in ensuring access to education and employment, as well as the equitable distribution of national resources.⁴³ This underscores the broader developmental approach Ghana must adopt in addressing the needs of children with intellectual disabilities.⁴⁴ The state is not merely required to refrain from discriminatory practices; it is constitutionally bound to adopt positive, targeted measures to uplift those who are marginalised, ensuring that inclusive education is not a matter of privilege but a fundamental right.⁴⁵

³⁸ Pablo Mónico and others, 'Teacher Knowledge and Attitudes towards Inclusion: A Cross-Cultural Study in Ghana, Germany and Spain' (2020) 24(5) *International Journal of Inclusive Education* 527, 530.

³⁹ Ernest Nkansah-Dwamena, 'How Can We Create a Diverse, Equitable and Inclusive Workplace in Society without the Voice of Disability? Lessons from Ghana' (2022) 34(5) *Journal of International Development* 1028, 1032.

⁴⁰ Gifty Owusu and others, 'Criminal Justice in Ghana as Experienced by People with Disabilities: An Analysis of the Availability, Accessibility, Acceptability, and Quality of Services' (2022) 21(5) *Journal of Human Rights* 558, 562.

⁴¹ DA Korang, 'Analysis of Stakeholders' Involvement in the Education of Children with Intellectual Disabilities in Ghana' (Doctoral thesis, University of Education, Winneba 2020) 45 <<http://ir.uew.edu.gh:8080/handle/123456789/2992>> accessed 25 August 2025.

⁴² Vellayati Hajad and others, 'Breaking the Cycle: Public Policy Innovations for Disability Inclusion and Poverty Reduction in Indonesia' (2025) 22(1) *Jurnal Ilmu Administrasi* 67, 72.

⁴³ Brigitte J Clark and others, 'Implementing Early Childhood Education for Children with Disabilities in South Africa and Kenya' (2024) 13 *African Journal of Disability* 1, 4.

⁴⁴ Rusudan Chanturia, 'Inclusion of Students with Disabilities: Comparative Perspectives of Special and Regular Teachers in Georgia' (2023) 38(2) *International Journal of Special Education* 124, 128.

⁴⁵ Elisa Genovesi and others, 'Stakeholder Experiences, Attitudes and Perspectives on Inclusive Education for Children with Developmental Disabilities in Sub-Saharan Africa: A Systematic Review of Qualitative Studies' (2022) 26(7) *Autism* 1623, 1628.

While article 29 provides more immediate rights-based protections, article 37 operates more as a policy directive, leaving considerable room for interpretation and state discretion.⁴⁶ This dual structure has created a legal paradox: on one hand, the Constitution recognises the rights of persons with disabilities; on the other hand, the mechanisms for holding the state accountable for failures in implementation remain weak or absent.⁴⁷ This tension is particularly visible in the education sector, where, despite constitutional mandates, many children with intellectual disabilities remain excluded from mainstream schooling due to infrastructural barriers, lack of trained teachers and social prejudice.⁴⁸

2.2 Persons with Disability Act, 2006 (Act 715)

The Persons with Disability Act, 2006 (Act 715), stands as Ghana's foremost legislative instrument specifically designed to address the rights, needs and protections of persons with disabilities.⁴⁹ Enacted as a response to long-standing advocacy efforts by disability rights groups and in recognition of the constitutional imperatives outlined in article 29 of the 1992 Constitution, the Persons with Disability Act seeks to operationalise the broader ideals of equality, non-discrimination and social inclusion.⁵⁰ It is a landmark law in Ghana's legislative landscape, aiming to create a more inclusive society by eliminating systemic barriers that hinder the full participation of persons with disabilities in national development.⁵¹

⁴⁶ Briony Harden and others, 'Attitudes towards Persons with Mental Health Conditions and Psychosocial Disabilities as Rights Holders in Ghana: A World Health Organization Study' (2023) 23(1) BMC Psychiatry 346, 350.

⁴⁷ Hannah Kuper and others, 'Building Disability-Inclusive Health Systems' (2024) 9(5) The Lancet Public Health e316, e319.

⁴⁸ KJ Kwabena, 'Disability and Poverty: The Plight of Children with Disabilities in Ghana' (Master's thesis, Norwegian University of Science and Technology, Norway 2021) 34 <<https://ntnuopen.ntnu.no/ntnu-xmlui/bitstream/handle/11250/2784777/no.ntnu%3ainspera%3a80893378%3a47088093.pdf?sequence=1&isAllowed=y>> accessed 25 August 2025.

⁴⁹ Derrick Charway, Francis Asare and Allan Bennich Gronkjaer, 'Leave No One Behind? Analysing Sport Inclusion Policy-Implementation for Persons with Disabilities in Ghana' (2025) 13 Social Inclusion 8866, 8868.

⁵⁰ E Dziwornu, 'Plight of Persons with Disability in Ghana: An Overview' (2023) 10(3) Journal of Advocacy, Research and Education 145, 147.

⁵¹ Ebenezer Mensah Gyimah and others, '"I Prefer to Be Alone Than to Be Among Them": In-school Experiences of Learners with Disabilities and Their Caregivers in Inclusive Schools in Ghana' (2025) 52(2) British Journal of Special Education 126, 129.

Within the educational sphere, the Persons with Disability Act mandates the government to provide inclusive education at all levels, from basic to tertiary.⁵² It emphasises the right of children with disabilities to be enrolled in mainstream schools while also calling for the establishment of special schools where necessary.⁵³ This provision is critical in the context of children with intellectual disabilities, as it signals a legal recognition of their right to education in environments that are either inclusive or specifically tailored to meet their unique learning needs.⁵⁴

Furthermore, the Persons with Disability Act promotes the adaptation of curricula, the training of teachers in special education methodologies and the provision of appropriate teaching and learning materials.⁵⁵ However, the implementation of these educational provisions has been fraught with challenges.⁵⁶ Despite the law's progressive language, there remains a significant gap between policy and practice.⁵⁷ Schools in Ghana lack the infrastructure, trained personnel and inclusive learning resources necessary to accommodate children with intellectual disabilities.⁵⁸ As a result, these children are often left out of the formal education system or relegated to under-resourced special schools that lack national oversight.⁵⁹

⁵² Joseph Seyram Agbenyega and others, 'A Study of Ghanaian Inclusive Basic School Teachers' Perspectives and Uses of Research Evidence in Pedagogical Practice' (2023) 13(4) SAGE Open 1, 5.

⁵³ Adam Awini, Eugenia Tawiah Adam and Alexander Gariba, 'Educating Persons with Disabilities: A Policy or Reality? The Ghanaian Experience' (2022) 8(1) European Journal of Special Education Research 1, 6.

⁵⁴ Agbenyega and others (n 52) 7.

⁵⁵ Gyimah and others, "'I Prefer to Be Alone Than to Be Among Them'" (n 51) 130.

⁵⁶ Maxwell Peprah Opoku and others, 'Cross-National Study of Communal Attitudes Toward Individuals with Intellectual Disabilities in Sub-Saharan Africa: Cameroon vs. Ghana' (2021) 16(9) PLoS ONE e0257482, e0257486.

⁵⁷ JA Danquah and others, 'Redefining Inclusion, Accessibility and Perception of Persons with Disability through the Lens of Architectural Education in Ghana' (2024) 65(2) Ghana Journal of Science 122, 128.

⁵⁸ Reshma P Nuri and others, 'The Bangladeshi Rights and Protection of Persons With Disability Act of 2013: A Policy Analysis' (2022) 33(3) Journal of Disability Policy Studies 178, 182.

⁵⁹ Eldah Onsomu, Victor Mose and Peter Munene, *Enhancing Inclusivity by Empowering Persons with Disabilities (PWDs)* (Special Paper No 32/2022, Kenya: Kenya Institute for Public Policy Research and Analysis 2022) <<https://kedipa.or.ke/wp-content/uploads/2023/10/Enhancing-Inclusivity-by.pdf>> accessed 25 August 2025.

The Persons with Disability Act also addresses the issue of accessibility, both in the physical and institutional sense.⁶⁰ It requires public buildings, transport systems and services to be accessible to persons with disabilities.⁶¹ In theory, this provision would include accessible classrooms, toilets, learning materials in accessible formats and the elimination of attitudinal barriers that affect the participation of children with intellectual disabilities in school life.⁶² In practice, however, enforcement mechanisms are weak. There is no clear timeline for the implementation of accessibility standards, and the penalties for non-compliance are either absent or insufficient to compel change.⁶³ As such, the environment remains largely hostile or indifferent to the needs of persons with disabilities, especially those with cognitive impairments who require not only physical accommodations but also psychosocial support and individualised learning strategies.⁶⁴

Another core area addressed by the Persons with Disability Act is employment.⁶⁵ The law mandates both public and private institutions to employ persons with disabilities and encourages the state to provide incentives to employers who comply.⁶⁶ While this has opened up discussions about workplace inclusion, its relevance to children with intellectual disabilities lies in the long-term vision of preparing them for eventual economic independence.⁶⁷ Yet, without early access to quality education and skill development tailored to their capacities, the employment-related rights articulated in the Persons with Disability Act risk being

⁶⁰ Molalign B Aduagna and others, 'Barriers and Facilitators to Healthcare Access for Children with Disabilities in Low and Middle Income Sub-Saharan African Countries: A Scoping Review' (2020) 20(1) BMC Health Services Research 15, 18.

⁶¹ Willetta Waisath and others, 'Dismantling Barriers and Advancing Disability-Inclusive Education: An Examination of National Laws and Policies across 193 Countries' (2024) 28(10) International Journal of Inclusive Education 2088, 2092.

⁶² Anilkrishna Bjorn Thota and others, 'Inclusion Matters: Inclusive Interventions for Children with Disabilities – An Evidence and Gap Map from Low- and Middle-Income Countries' (UNICEF Office of Research - Innocenti 2022) 22.

⁶³ P Solis-García and others, 'Inclusion of Students with Disabilities in the European Higher Education Area (EHEA): A Systematic Review' (2025) 12(1) Cogent Education 2430880, 2430885.

⁶⁴ Hasehni Vampere and others, 'Access to Rehabilitation Services for Families of Children with Disabilities in Ghana' (2024) 1(1) Rehabilitation Advances in Developing Health Systems e1, e6.

⁶⁵ Hervie (n 37) 106849.

⁶⁶ Alhassan Mahama, Cecilia Alimatu Issaka and Abdul Mumeen Iddrisu, 'A Review of Ghana's Teacher Education Curricula and the Special Child: The Missing Links' (2023) 11(1) African Journal of Humanities and Contemporary Education Research 19, 24 <<https://publications.afropolitanjournals.com/index.php/ajhcer/article/view/461/363>> accessed 25 August 2025.

⁶⁷ *ibid.*

aspirational rather than achievable.⁶⁸ This demonstrates the interconnectedness of the various sections of the Persons with Disability Act and underscores the importance of a holistic approach to implementation.⁶⁹

Significantly, the Persons with Disability Act also mandates the establishment of a National Council on Persons with Disability (NCPD) to oversee the implementation of the Act's provisions.⁷⁰ The NCPD is tasked with monitoring compliance, coordinating disability-related policies and advising the government on issues affecting persons with disabilities.⁷¹ However, the NCPD has faced persistent criticisms related to underfunding, limited autonomy and a lack of enforcement power.⁷² These institutional weaknesses have undermined the effectiveness of the Persons with Disability Act and have contributed to the slow pace of change on the ground.⁷³ Moreover, there is an absence of specific legal redress mechanisms within the Persons with Disability Act for individuals whose rights have been violated, meaning that persons with disabilities often lack clear pathways to seek justice when faced with discrimination or neglect.⁷⁴

Crucially, while the Persons with Disability Act reflects a commendable attempt to codify disability rights into national law, it falls short in explicitly addressing intellectual disabilities.⁷⁵ Much of the language tends to adopt a general view of disability, often

⁶⁸ Joseph Ebo Mefful, 'Disability and Theatrical Non-Inclusivity: An Exploratory Study of Cape Coast School for the Deaf and Blind' (PhD thesis, University of Cape Coast, Ghana 2024) 56.

⁶⁹ Augustine Aduko Alu and Lizette King, 'Disability Policies to Guide the Provision of Facilities, Services and Resources to Students with Disabilities: The Case of Ten Ghanaian Academic Libraries' (2024) 50(6) *The Journal of Academic Librarianship* 102970, 102972.

⁷⁰ Francis R Ackah-Jnr and others, 'Early Childhood Education Policy and Practice in Ghana: Document and Evidence Analysis with McDonnell and Elmore's Framework of Policy Instruments' (2022) 12(3) *Multidisciplinary Journal of Educational Research* 295, 302.

⁷¹ Clark and others (n 43) 7.

⁷² Christopher Johnstone and Paul Edwards, 'Accommodations, Accessibility, and Culture: Increasing Access to Study Abroad for Students With Disabilities' (2020) 24(4) *Journal of Studies in International Education* 424, 430.

⁷³ Mercedes Nana Konadu Gyasi, Abraham Kwadwo Okrah and Joyce Senya Ama Anku, 'Teachers' Knowledge of Special Educational Needs and Disability Students and Their Classroom Management Approaches' (2020) 10(4) *World Journal of Education* 160, 164.

⁷⁴ Lydia Portuo Dompey, 'Examining Discrimination Against Women With Disabilities: A Comparative Study of Inclusion and Accessibility of Ghana and the United States' (Master's thesis, University of Wyoming, USA 2025) 67 <<https://www.proquest.com/openview/e01f2fce126e5085c45435ff66f87edc/1?pq-origsite=gscholar&cbl=18750&diss=y>> accessed 25 August 2025.

⁷⁵ Smythe and others (n 34) 226.

with a physical or sensory bias.⁷⁶ Intellectual disabilities, such as autism spectrum disorders, down syndrome and other cognitive impairments, are rarely referenced directly, despite the unique challenges they pose in areas such as learning, communication and social integration.⁷⁷ This gap in specificity has allowed for uneven policy attention and resource allocation, with intellectual disabilities remaining underrepresented in national disability discourse and programming.⁷⁸

2.3 Disability Inclusive Education Policy (2015)

The Disability Inclusive Education Policy represents a significant policy advancement in Ghana's effort to create an inclusive educational system that acknowledges and supports the diverse learning needs of children with disabilities.⁷⁹ Building upon constitutional guarantees and the legal provisions outlined in the Persons with Disability Act, the policy was developed by the Ministry of Education in collaboration with various stakeholders, including disability advocacy groups, educators and international development partners.⁸⁰ The policy is guided by the vision of an inclusive society where every child, regardless of ability, has equal access to quality education in a supportive and enabling environment.⁸¹ It aims to address the systemic barriers that hinder the full participation of learners with disabilities, particularly those with intellectual disabilities, in mainstream education.⁸²

⁷⁶ Osman Wumpini Shamrock and Hannah G Ginn, 'Disability and Sexuality: Toward a Focus on Sexuality Education in Ghana' (2021) 39(4) *Sexuality and Disability* 629, 635.

⁷⁷ Yaw Akoto and others, 'Factors Motivating Students with Disabilities to Access and Participate in University Education in Ghana' (2023) 42(2) *Higher Education Research and Development* 261, 266.

⁷⁸ Melissa Washington-Nortey and others, 'Exploring Parent and Service Provider Expectations for Children with Autism or Intellectual Disability: A Two-Country Follow-up Study' (2025) *Journal of Intellectual & Developmental Disability* 1, 6.

⁷⁹ Maha Al-Hendawi and Ali M Alodat, 'Inclusive Education of Refugee Students with Disabilities in Higher Education: A Comparative Case Study' (2023) 10(1) *Humanities & Social Sciences Communications* 626, 629.

⁸⁰ George Benson, Sulemana Adams Achanso and A-R Mohammed, 'Promoting the Welfare Needs of Ghanaian Children through Policy Interventions and Programs-Reflections of UNCRC Provisions' (2023) 3(2) *International Journal of Childhood Education* 9, 18.

⁸¹ Johnstone and Edwards (n 72) 428.

⁸² Daniel Miezah and others, 'Does Preservice Teachers' Contact with Children with Intellectual Disabilities during Their Practicum Impact Their Attitudes and Teaching Practices? "If You Don't Have the Heart, You Can't Cope ..."' (2025) 50(3) *Journal of Intellectual & Developmental Disability* 301

At its core, the Disability Inclusive Education Policy is anchored in the principles of equity, non-discrimination, accessibility and respect for human dignity.⁸³ It acknowledges that children with disabilities, including intellectual disabilities, face multiple layers of exclusion that stem from physical, social, economic and attitudinal barriers.⁸⁴ These barriers are often deeply embedded in the structure of the education system itself, from infrastructure that is not disability-friendly to a lack of trained teachers, inadequate learning materials and curricula that do not accommodate diverse cognitive needs.⁸⁵ The policy, therefore, represents an intentional shift from segregated or special education models to a more integrated framework that embraces the full participation of children with disabilities in mainstream schools.⁸⁶

One of the central objectives of the policy is to create an inclusive education system where all learners, including those with intellectual and developmental disabilities, are able to learn alongside their peers in regular classrooms.⁸⁷ To achieve this, the policy proposes a range of interventions aimed at reforming the education sector.⁸⁸ These include curriculum adaptations, differentiated instruction strategies, the use of assistive technologies and the training of teachers in inclusive pedagogies.⁸⁹ It also emphasises the importance of early identification and assessment of disabilities so that learners can receive appropriate support services from the outset of their educational journey.⁹⁰

⁸³ Augustina Naami and others, 'Rethinking Social Protection Policy for Persons with Disabilities in Ghana' (2023) 13(5) *African Journal of Social Work* 254, 258.

⁸⁴ Opoku and others (n 56) e0257487.

⁸⁵ Susan G Porter, Kai Greene and MC Kate Esposito, 'Access and Inclusion of Students with Disabilities in Virtual Learning Environments: Implications for Post-Pandemic Teaching' (2021) 23(3) *International Journal of Multicultural Education* 43, 48.

⁸⁶ Wasswa Shafik, *Global Sustainable Transition with Inclusion: A Focus on the People with Disabilities and the Marginalized* (Springer Nature Singapore 2025) 165

⁸⁷ Matthews M Makwela and Elizabeth I Smit, 'Psychosocial Challenges of Children with Disabilities in Sekhukhune District, Limpopo Province of South Africa: Towards a Responsive Integrated Disability Strategy' (2022) 11 *African Journal of Disability* 799, 804.

⁸⁸ Gomda, Sulemana and Zakaria (n 27) 53.

⁸⁹ Seth Amoako and others, 'Inclusivity in Neo-Liberal Policy Environment: Preparedness of Mass Media to Support Disability Awareness Campaigns in Ghana' (2020) 42(21) *Disability and Rehabilitation* 3015, 3019.

⁹⁰ Malizgani Paul Chavula and others, 'Unlocking Policy Synergies, Challenges and Contradictions Influencing Implementation of the Comprehensive Sexuality Education Framework in Zambia: A Policy Analysis' (2023) 21(1) *Health Research Policy and Systems* 87, 92.

Significantly, the policy underscores the need for the transformation of attitudes among educators, school administrators and the general public.⁹¹ Cultural misconceptions and stigma about intellectual disabilities remain widespread in Ghanaian society, often leading to the marginalisation or total exclusion of children with such conditions.⁹² The policy seeks to counter these attitudes by promoting awareness, community engagement and the active involvement of parents and caregivers in the educational process.⁹³ It recognises that successful inclusion is not merely about physical access to the classroom but also about creating a safe, respectful and supportive learning environment that nurtures the potential of every child.⁹⁴

A major concern is the lack of adequate funding to support the infrastructural and human resource changes needed for inclusive education to become a reality.⁹⁵ Many public schools across Ghana, especially in rural areas, remain ill-equipped to accommodate children with disabilities.⁹⁶ The absence of specialised teaching and learning materials, combined with large class sizes and limited teacher capacity, has further hampered the practical realisation of inclusive education.⁹⁷ Children with intellectual disabilities, who may require individualised instruction and psychosocial support, are particularly disadvantaged under these circumstances.⁹⁸

⁹¹ Danquah and others (n 57) 130.

⁹² Korang (n 41) 52.

⁹³ Moyagabo Kate Malahlela and Ensa Johnson, 'South African Teachers' Application of Inclusive Education Policies and Their Impact on Learners with Learning Disabilities: Implications for Teacher Education' (2024) 14(7) *Education Sciences* 743, 748.

⁹⁴ Valerie Karr, Anne Hayes and Samuel Hayford, 'Inclusion of Children with Learning Difficulties in Literacy and Numeracy in Ghana: A Literature Review' (2022) 69(5) *International Journal of Disability, Development, and Education* 1522, 1528.

⁹⁵ M Oti-Boadi, A Osei-Tutu and CC Mate-Kole, 'Challenges and Support Needs of Parents of Children with Developmental Disabilities (DD) in Accra, Ghana' (2022) 128 *Research in Developmental Disabilities* 104274, 104277.

⁹⁶ Efua Esaaba Mantey, 'Beyond the Politics of Inclusion: The Policy Environment and the Fate of Children with Disability in the Ghanaian Educational System' (2019) 10(5) *Mediterranean Journal of Social Sciences* 54, 57.

⁹⁷ Abigail Adubea Mills, 'Inclusive Education for Children with Intellectual Disability (ID) in Ghana: Challenges and Implications for Social Work' (2020) 19(2) *Advances in Social Work* 329, 336.

⁹⁸ Ebenezer Mensah Gyimah and others, 'From Legislation to Actual Health Service: Evaluation of Health Provisions in the Disability Law of Ghana by Adolescents with Mobility and Visual Impairments and Their Families' (2024) 24(1) *BMC Health Services Research* 11611, 11615.

Moreover, Boakye and Ayub highlight the importance of effective coordination among stakeholders for policy success, but the lack of a dedicated coordinating body hinders progress monitoring.⁹⁹ There is also a general weakness in data collection and disaggregation, making it difficult to track the enrolment, retention and academic performance of children with intellectual disabilities.¹⁰⁰ This lack of reliable data has undermined evidence-based planning and resource allocation.¹⁰¹

Another important limitation of the policy lies in its weak accountability mechanisms. While the policy outlines broad strategies and responsibilities, it does not clearly assign enforceable mandates or timelines for implementation.¹⁰² This has allowed schools and local authorities to delay or neglect necessary reforms with little consequence.¹⁰³ In effect, the policy's impact has been more rhetorical than transformational, with many children with intellectual disabilities continuing to be denied meaningful access to quality education.¹⁰⁴

Nonetheless, the Disability Inclusive Education Policy remains a critical milestone in Ghana's educational reform agenda.¹⁰⁵ It aligns with international human rights standards, particularly the UNCRPD, which Ghana ratified in 2012. Article 24 of

⁹⁹ PM Boakye, 'Knowledge and Contributions of Community Opinion Leaders Towards the Implementation of Inclusive Education Policy in Ga West Municipality of Ghana' (PhD thesis, University of Education, Winneba 2020) 78 <<http://41.74.91.244:8080/handle/123456789/1703>> accessed 14 August 2025; Saira Ayub, 'Obstacles Faced by Students with Disabilities in Colleges Due to the Lack of Inclusive Educational Frameworks in Pakistan' (Master's thesis, Flinders University, Australia 2022) 34 <https://flex.flinders.edu.au/file/04794d46-8813-4446-b422-048bfd7d27ea/1/Research%20Dissertation_ayub0007_EDUC9724_Final%20Version.pdf> accessed 14 August 2025.

¹⁰⁰ Edward Asamoah and others, 'Using Photovoice to Illuminate Challenges Facing Children with Disabilities in Inclusive Education in Ghana' (2023) 24(1) *Social Work and Social Sciences Review* 7, 14.

¹⁰¹ Dziwornu (n 50) 149.

¹⁰² Mantey (n 96) 59.

¹⁰³ JK Nseibo, 'Exploring the Experiences of Children and Youth with Mobility Impairments in Four Basic Educational Settings in Ghana' (PhD thesis, University of Cape Town, South Africa 2021) 67 <<https://open.uct.ac.za/server/api/core/bitstreams/16ea3a92-a039-4086-9ba8-fd079c4f6eb5/content>> accessed 25 August 2025.

¹⁰⁴ Mary Osei, 'Effectiveness of Instructional Strategies in Teaching Adaptive Skills to Learners with Intellectual Disabilities in Unit Special Schools in Ghana' (PhD thesis, University of Cape Coast, Ghana 2020) 89 <<https://ir.ucc.edu.gh/xmlui/bitstream/handle/123456789/7361/OSEI%2c%202020.pdf?sequence=1&isAllowed=y>> accessed 25 August 2025.

¹⁰⁵ Abdul-Aziz Seidu and others, 'Level of Inclusiveness of People with Disabilities in Ghanaian Health Policies and Reports: A Scoping Review' (2021) 1(3) *Disabilities* 257, 265.

the UNCRPD obliges states to ensure an inclusive education system at all levels, and Ghana's policy is a direct response to this obligation.¹⁰⁶ It also resonates with Sustainable Development Goal 4, which calls for inclusive and equitable quality education and the promotion of lifelong learning opportunities for all.¹⁰⁷

The Disability Inclusive Education Policy offers a progressive and rights-based approach to transforming Ghana's educational landscape in favour of inclusion.¹⁰⁸ It recognises the dignity and potential of children with disabilities and commits the nation to dismantling the structural and attitudinal barriers that impede their learning.¹⁰⁹ However, the realisation of its objectives remains heavily dependent on political will, sustainable financing, institutional accountability and societal change.¹¹⁰ For children with intellectual disabilities in particular, the policy must move beyond aspiration to action – ensuring that the promise of inclusive education is translated into classrooms that embrace diversity, foster equity and empower all learners to thrive.¹¹¹

2.4 Ghana's commitments and the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

Ghana ratified the UNCRPD on 31 August 2012. Ghana's commitment to international disability rights standards reflects the country's broader aspiration to align national policies and laws with global human rights norms that promote inclusion, equity and dignity for all persons, particularly those with disabilities.¹¹²

¹⁰⁶ Thota and others (n 62) 28.

¹⁰⁷ Mullick, Tang and Lin (n 30) 7.

¹⁰⁸ Samantha L Mrstik, Lisa A Dieker and C Okechukwu Abosi, 'An Examination of Inclusive Practices for Students with Learning Disabilities in Botswana: A Literature Review' (2020) 30(3) *Exceptionality Education International* 124, 135.

¹⁰⁹ Karr, Hayes and Hayford (n 94) 1530.

¹¹⁰ Sonali Guliya and others, 'Fostering Inclusivity in Education: Unleashing the Potential of Inclusive Education in India' [2023] *International Journal of Educational Reform* 1, 9.

¹¹¹ Jennifer L Fisher, 'Disability Inclusion as Organizational Process: A Comparative Case Study of Two Disabled Persons Organizations in Ghana' (PhD thesis, The Chicago School of Professional Psychology, USA 2021) 56 <<https://www.proquest.com/docview/2563806209?pq-origsite=gscholar&fromopenview=true&sourcecetype=Dissertations%20&%20Theses>> accessed 25 August 2025.

¹¹² Hajad and others (n 42) 73.

By endorsing this instrument, Ghana has pledged to uphold its provisions and principles, integrate them into domestic legislation and ensure their practical implementation in policies, institutions and services.¹¹³ While these commitments represent a major step toward global citizenship in the disability rights movement, their translation into transformative action on the ground – especially for children with intellectual disabilities – remains a significant challenge.¹¹⁴

The UNCRPD is a landmark international treaty that redefined the global discourse on disability rights.¹¹⁵ Adopted by the United Nations General Assembly on 13 December 2006, and entering into force on 3 May 2008, the UNCRPD marked a shift from viewing persons with disabilities through a welfare or medical lens to a rights-based perspective.¹¹⁶ It affirms that persons with disabilities are not merely objects of charity, medical treatment or social protection, but rather full subjects of human rights, entitled to dignity, equality and autonomy in all spheres of life.¹¹⁷

Broadly, the commitment includes reforming national legislation and policies, eliminating discriminatory practices, and promoting accessibility and inclusion in public and private life.¹¹⁸ The UNCRPD defines persons with disabilities as those ‘who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others’.¹¹⁹ This definition acknowledges that disability is not inherent in the individual but is a product of the interaction between the

¹¹³ Edward Asamoah, Cherry Hau-lin Tam and Alhassan Abdullah, ‘Implementation of Inclusive Education Policy in Ghana: Recommendations from Social Workers and Policy Makers’ (2022) 69(1) *International Journal of Disability, Development, and Education* 267, 272.

¹¹⁴ Dror Ben-Zeev, ‘Mobile Health for Mental Health in West Africa: The Case for Ghana’ (2018) 69(7) *Psychiatric Services* 741, 742.

¹¹⁵ Harden and others (n 46) 348.

¹¹⁶ Fisher (n 111) 34.

¹¹⁷ Akyeampong GB-D, Ajonbadi HA and Mordi C, ‘International Laws and Framework on Disability and Employment: The Ghanaian Context’ in Oluwatimilehin Temitope Ologunoye, Chima Mordi and Olatunji David Adekoya (eds), *Careers in Africa: Trends, Opportunities and Challenges* (Palgrave Macmillan 2025) 111, 118.

¹¹⁸ Kwabena (n 48) 38.

¹¹⁹ United Nations Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (UNCRPD), art 1.

individual and an unaccommodating environment.¹²⁰ The UNCRPD, therefore, calls on state parties to dismantle physical, social, attitudinal and institutional barriers that prevent persons with disabilities from enjoying their rights.¹²¹

A critical provision of the UNCRPD is article 24, which focuses on the right to inclusive education.¹²² This article obliges states to ensure that persons with disabilities can access quality education without discrimination and on an equal basis with others.¹²³ It emphasises the importance of an inclusive education system at all levels and lifelong learning opportunities.¹²⁴ For children with intellectual disabilities, this article is especially transformative, as it compels governments to design and implement educational systems that provide reasonable accommodation, individualised support and accessible curricula tailored to diverse learning needs.¹²⁵ The article also mandates the training of teachers and education personnel in inclusive methodologies, thus shifting the burden of adaptation from the child to the system.¹²⁶ In countries like Ghana, where children with intellectual disabilities are often excluded from mainstream education or relegated to poorly resourced special schools, article 24 serves as a legal and moral framework for reform.¹²⁷

Article 19 of the UNCRPD affirms the right of persons with disabilities to live independently and be included in the community.¹²⁸ This article challenges the practice of segregating or institutionalising persons with disabilities, advocating instead for community-based living arrangements supported by adequate services.¹²⁹ This is particularly important for persons with intellectual disabilities, who have historically been the most vulnerable to

¹²⁰ Saran, White and Kuper (n 33) e1073.

¹²¹ Chavula and others (n 90) 91.

¹²² Lily Kpobi, Leslie Swartz and Angela L Ofori-Atta, 'Challenges in the Use of the Mental Health Information System in a Resource-Limited Setting: Lessons from Ghana' (2018) 18(1) BMC Health Services Research 2887, 2889.

¹²³ Makwela and Smit (n 87) 80.

¹²⁴ Nkansah-Dwamena (n 39) 1035.

¹²⁵ Shamrock and Ginn (n 76) 637.

¹²⁶ Penplusbytes (n 32) 12.

¹²⁷ Inclusion Ghana, 'Access to Health Care for Persons with Intellectual Disability in Ghana: Mapping the Issues and Reviewing the Evidence' (Inclusion Ghana 2024) 15.

¹²⁸ Seidu and others (n 105) 263.

¹²⁹ Peter Dodzi Kwasi Agbaxode, 'Evaluating Compliance with Ghana's Persons with Disabilities Act in Public Building Accessibility: A Case of Ho Municipality' (2025) 41(1) Disability & Society 167, 174.

isolation, institutionalisation and social neglect.¹³⁰ Article 19 obliges states to develop support systems – such as personal assistance, community services and inclusive housing options – that enable persons with disabilities to live fulfilling and integrated lives.¹³¹

The UNCRPD also contains provisions that cut across civil, political, economic, social and cultural rights.¹³² These include rights to health, work, social protection, access to justice, political participation, and protection from exploitation and abuse.¹³³ It includes specific mandates to combat stigma and discrimination, raise public awareness and collect data and statistics to inform policy and monitor progress.¹³⁴ Furthermore, it introduces a unique mechanism of implementation and monitoring. States parties are required to submit periodic reports to the UN Committee on the Rights of Persons with Disabilities (UNCRPD Committee), detailing the measures they have taken to fulfil their obligations.¹³⁵ This process not only promotes transparency but also invites scrutiny and engagement from civil society and the international community.¹³⁶

In the Ghanaian context, ratification of the UNCRPD has spurred some policy and legal reforms, such as the development of the Disability Inclusive Education Policy.¹³⁷ However, significant gaps remain in the practical realisation of the UNCRPD's provisions.¹³⁸ Many schools lack inclusive infrastructure, teachers are not adequately trained in special education or inclusive pedagogy and public awareness about the rights of persons with intellectual disabilities remains low.¹³⁹ In rural areas, cultural beliefs

¹³⁰ Danquah and others (n 57) 129.

¹³¹ Sarah Gyapong, 'Teachers' Lived Experiences in Teaching Pupils with Intellectual Disabilities in Garden City Special School' (Master's thesis, University of Education, Winneba, Ghana 2022) 42 <<https://ir.uew.edu.gh/bitstream/handle/123456789/3838/Teachers%20e2%80%99%20lived%20experiences%20in%20teaching%20pupils%20with%20intellectual%20disabilities%20in%20garden%20city%20special%20school.pdf?sequence=1&isAllowed=y>> accessed 25 August 2025.

¹³² Kyere-Nartey, Elbeheri and Siang (n 29) 104.

¹³³ UNCRPD, arts 24, 25, 27, 28, 13, 29, 16.

¹³⁴ Malahlela and Johnson (n 93) 749.

¹³⁵ Boakye (n 99) 56.

¹³⁶ Al-Hendawi and Alodat (n 79) 631.

¹³⁷ Seidu and others (n 105) 266.

¹³⁸ Kwabena (n 48) 42.

¹³⁹ Hajad and others (n 42) 75.

and poverty further compound the exclusion of children with disabilities from education and community life.¹⁴⁰ While Ghana has committed on paper to the principles of the UNCRPD, the pace of implementation has been slow, uneven and underfunded.¹⁴¹

The UNCRPD is a powerful legal and normative tool for promoting the dignity, rights and inclusion of persons with disabilities worldwide.¹⁴² For countries like Ghana, the UNCRPD offers both a blueprint and a binding obligation to ensure that children and adults with disabilities, particularly those with intellectual disabilities, are not left behind.¹⁴³ However, the UNCRPD's transformative potential can only be realised through sustained political will, institutional reform, public education and the active participation of persons with disabilities in the design and implementation of policies that affect their lives.¹⁴⁴

2.5 The Protocol to the African Charter on Human and Peoples' Rights of Persons with Disabilities in Africa (ADP)

The ADP, adopted on 29 January 2018, and entered into force on 5 July 2024, is a groundbreaking regional human rights instrument developed under the auspices of the African Union (AU) to address the specific challenges and lived realities of persons with disabilities in Africa.¹⁴⁵ It bridges a critical normative gap by aligning international disability rights with Africa's historical experiences, legal traditions and development aspirations.¹⁴⁶

¹⁴⁰ Thulani Dube and others, 'Interventions to Reduce the Exclusion of Children with Disabilities from Education: A Zimbabwean Perspective from the Field' (2021) 7(1) *Cogent Social Sciences* 1913848, 1913852.

¹⁴¹ Awini, Adam and Gariba (n 53) 9.

¹⁴² Mónico and others (n 38) 535.

¹⁴³ Porter, Greene and Esposito (n 85) 52.

¹⁴⁴ Ursula M Read, Lionel Sakyi and Wendy Abbey, 'Exploring the Potential of a Rights-Based Approach to Work and Social Inclusion for People with Lived Experience of Mental Illness in Ghana' (2020) 22(1) *Health and Human Rights* 91, 98.

¹⁴⁵ African Union, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (adopted 29 January 2018) AU Doc CAB/LEG/66.10, available at <https://au.int/sites/default/files/treaties/36440-treaty-protocol-to-the-achpr-on-the-rights-of-persons-with-disabilities-in-africa_e.pdf> accessed 25 August 2025.

¹⁴⁶ Nkansah-Dwamena (n 39) 1038.

The genesis of the ADP lies in the recognition that persons with disabilities in Africa face distinct challenges, shaped by poverty, harmful traditional beliefs, underdeveloped infrastructure, conflict and weak institutional capacity.¹⁴⁷ These realities necessitate a rights framework that goes beyond the universality of the UNCRPD to capture the nuances of disability in African societies.¹⁴⁸ For instance, while the UNCRPD outlines general principles such as equality, accessibility and participation, the ADP explicitly confronts issues such as ritual killings, accusations of witchcraft and exclusion due to customary practices, all of which disproportionately affect persons with disabilities, particularly those with intellectual or psychosocial disabilities.¹⁴⁹

The protocol incorporates the African philosophy of *Ubuntu*, which emphasises interconnectedness, communal solidarity and mutual respect.¹⁵⁰ This approach frames disability not merely as a medical or legal issue but as a societal responsibility.¹⁵¹ The ADP insists that inclusion must be rooted in community life and that all Africans, including persons with disabilities, have a role to play in national development.¹⁵² It challenges deeply ingrained social norms that treat persons with disabilities as burdens, instead promoting their full integration into social, economic and political spheres.¹⁵³

The protocol also places strong emphasis on intersectionality, acknowledging that disability often intersects with other forms of marginalisation such as gender, age, poverty and rural location.¹⁵⁴ Women and girls with disabilities, for instance, face double discrimination due to gender-based violence, exclusion from education and reproductive health violations.¹⁵⁵ The ADP explicitly calls for the protection of these subgroups, mandating state parties to take specific measures to eliminate compounded forms of

¹⁴⁷ Irma Marlina and others, 'Counting the Costs: Understanding the Extra Costs of Living with Disability in Indonesia to Advance Inclusive Policies within the SDG Framework' (2024) 5 *Frontiers in Rehabilitation Sciences* 1236365, 1236368.

¹⁴⁸ Lyra, Koullapi and Kalogeropoulou (n 36) e16334.

¹⁴⁹ Kuper and others (n 47) e318.

¹⁵⁰ Gomda, Sulemana and Zakaria (n 27) 53.

¹⁵¹ Genovesi and others (n 45) 1627.

¹⁵² Alu and King (n 69) 102974.

¹⁵³ Clothilda Bapong and others, 'Factors That Promote Academic Success of Special Needs Children at the Basic School Level in the Upper East Region of Ghana' (2024) 13(1) *Turkish International Journal of Special Education and Guidance & Counselling* 46, 51.

¹⁵⁴ Bose and Heymann (n 28) 102209.

¹⁵⁵ Dziwornu (n 50) 150.

discrimination.¹⁵⁶ For children with intellectual disabilities, this means the protocol provides a regional legal basis for demanding specialised support systems, accessible education, and protection from abuse, neglect and institutionalisation.¹⁵⁷

In terms of implementation and monitoring, the ADP obliges states to enact national laws and policies that reflect its provisions.¹⁵⁸ It also requires the establishment of mechanisms for the protection and enforcement of the rights of persons with disabilities.¹⁵⁹ These include national disability commissions, accessible complaints procedures and the collection of disaggregated data to inform planning and accountability.¹⁶⁰

Ghana has not yet ratified the ADP to reinforce its commitment to protect the rights and well-being of persons with disabilities in Ghana. For children with intellectual disabilities in Ghana, the ADP provides a vital regional framework to advocate for more responsive and culturally grounded policies.¹⁶¹ It affirms their right to live with dignity, participate meaningfully in their communities, and access education and health services tailored to their cognitive needs.¹⁶² It also mandates states to invest in early intervention programmes, psychosocial support and family education to improve outcomes for children with developmental disabilities.¹⁶³

¹⁵⁶ Danielle T Ayeh, 'Relationships Between Social, Academic, and Career Supports and Well-Being Among Students With Disabilities in Universities in Ghana' (PhD thesis, Michigan State University, USA 2024) 78.

¹⁵⁷ Naami and others (n 83) 260.

¹⁵⁸ Lilian Samwel, Alphoncina Pembe and January Basela, 'Teachers' Experiences in Managing Pupils with Disabilities in Tanzania Inclusive Primary Schools: Challenges and Coping Strategies' (2025) 5(1) *Journal of Research in Social Sciences and Language* 181, 185.

¹⁵⁹ Mefful (n 68) 62.

¹⁶⁰ Nkansah-Dwamena (n 39) 1040.

¹⁶¹ Guliya and others (n 110) 8.

¹⁶² Dompey (n 74) 72.

¹⁶³ Yaw Akoto, 'The Experiences of Students with Disabilities in a Ghanaian University' (PhD thesis, University of Canterbury, New Zealand 2021) 56 <<https://ir.canterbury.ac.nz/server/api/core/bitstreams/7d0379d1-aa61-4079-8847-bbf789fe4491/content>> accessed 25 August 2025.

2.6 Key judicial decisions and legal precedents

Judicial decisions and legal precedents play a crucial role in interpreting and enforcing the rights of persons with disabilities, especially where legislative frameworks are either ambiguous or inadequately implemented.¹⁶⁴ In Ghana, while the constitutional and statutory provisions such as article 29 of the 1992 Constitution and the Persons with Disability Act, 2006 (Act 715) provide the legal basis for promoting and protecting the rights of persons with disabilities, their practical realisation has often depended on the judiciary's willingness to uphold those rights.¹⁶⁵ Over the years, there have been a few notable court rulings that have not only shed light on the gaps within existing legal frameworks but have also set important precedents for how disability rights should be interpreted and enforced in the Ghanaian context.¹⁶⁶ These decisions, although relatively limited in number, reveal the ongoing tension between legal provisions and the lived realities of persons with disabilities, particularly children with intellectual disabilities who face compounded layers of exclusion.¹⁶⁷

One of the most significant legal precedents is the case of *Ghana Society of the Physically Disabled v Accra Metropolitan Assembly & Accra Metro School Board (High Court of Ghana, 2018)*.¹⁶⁸ The Ghana Society of the Physically Disabled challenged the exclusion of a child with a physical disability from a public school. The High Court ruled that the denial violated the child's constitutional rights under articles 25 and 29, affirming that lack of resources cannot justify excluding children with disabilities from education.¹⁶⁹ The ruling established that public institutions have a legal duty to ensure reasonable accommodation and inclusive infrastructure.¹⁷⁰ Although the case involved a physical disability, it laid the groundwork for similar legal claims on behalf of children with intellectual disabilities.¹⁷¹

¹⁶⁴ Washington-Nortey and others (n 78) 8.

¹⁶⁵ Seidu and others (n 105) 268.

¹⁶⁶ Owusu and others (n 40) 565.

¹⁶⁷ Opoku and others (n 56) e0257489.

¹⁶⁸ [2018] (High Court of Ghana).

¹⁶⁹ Gomda, Sulemana and Zakaria (n 27) 54.

¹⁷⁰ Fisher (n 111) 42.

¹⁷¹ Danquah and others (n 57) 131.

Apart from this landmark case, there have been several other instances where Ghanaian courts have engaged with disability rights issues, albeit more peripherally.¹⁷² In cases involving employment discrimination, access to public buildings or denial of public services, courts have occasionally invoked constitutional protections to affirm the rights of persons with disabilities.¹⁷³ However, the jurisprudence remains relatively underdeveloped due to a lack of strategic litigation in the disability rights space, limited legal awareness among affected individuals and the absence of robust public interest lawyering.¹⁷⁴

Despite these limitations, the few existing judicial decisions offer a foundation upon which future legal advocacy can be built.¹⁷⁵ They reflect a growing awareness within the judiciary of the need to interpret disability rights in a manner that is consistent with both the Constitution and Ghana's international obligations under treaties such as the UNCRPD.¹⁷⁶ They also highlight the importance of the judiciary as a site for advancing the rights of marginalised groups when legislative and executive actions fall short.¹⁷⁷ Key judicial decisions and legal precedents in Ghana have begun to shape the discourse around disability rights, offering legal clarity and moral authority in the fight for inclusion and equality.¹⁷⁸ Nevertheless, the body of case law remains in its early stages.¹⁷⁹

Although the jurisprudence is still evolving, cases such as *Ghana Society of the Physically Disabled v Accra Metro School Board* have set important legal benchmarks by affirming that the rights of persons with disabilities are enforceable and cannot be undermined by administrative inaction or resource limitations.¹⁸⁰ For children with intellectual disabilities, these rulings offer hope and a potential legal avenue for challenging exclusionary practices and advocating for the realisation of their right to inclusive education

¹⁷² Chanturia (n 44) 129.

¹⁷³ Amoako and others (n 89) 3018.

¹⁷⁴ Aduana and others (n 60) 21.

¹⁷⁵ Ben Bishop Nyanihorba Ayamba, 'Counselling Needs of Students with Disability in Inclusive Universities in Ghana' (PhD thesis, University of Cape Coast, Ghana 2022) 89 <<https://ir.ucc.edu.gh/xmlui/bitstream/handle/123456789/11142/AYAMBA%2c%202022.pdf?sequence=1&isAllowed=y>> accessed 14 August 2025.

¹⁷⁶ Mahama, Issaka and Iddrisu (n 66) 26.

¹⁷⁷ Gomda, Sulemana and Zakaria (n 27) 55.

¹⁷⁸ Osam and others (n 31) 305.

¹⁷⁹ Nkansah-Dwamena (n 39) 1042.

¹⁸⁰ Mónico and others (n 38) 538.

and full participation in society.¹⁸¹ The task ahead lies in expanding this legal momentum, strengthening strategic litigation and ensuring that the judiciary continues to serve as a vigilant guardian of the rights of all persons with disabilities in Ghana.¹⁸²

2.7 Theoretical frameworks

2.7.1 The social model of disability

The social model of disability, originally developed by disability rights activists in the United Kingdom during the 1970s, stands in contrast to the traditional medical model, which views disability as a personal, biological deficit requiring correction or cure.¹⁸³ Prominent among its early proponents was Michael Oliver, who elaborated the model in the 1980s. According to this theory, disability does not inherently reside in the individual but rather arises from the interaction between a person's impairment and the socially constructed barriers that limit their participation in society.¹⁸⁴ These barriers can take many forms: physical, attitudinal, institutional and legal. One of the key strengths of the social model is its transformative power: it shifts the focus from the individual to society and calls for systemic reform in areas such as education, transportation and policy to ensure full inclusion. It empowers persons with disabilities by recognising their rights as citizens entitled to access and participation, rather than as passive recipients of care.¹⁸⁵

However, the social model has also attracted criticism for its perceived oversimplification of the disability experience.¹⁸⁶ Critics argue that the model's emphasis on external barriers may overlook the actual pain, health complications and functional limitations of some impairments, especially for children with intellectual disabilities.¹⁸⁷ Nonetheless, its emphasis on institutional and attitudinal change is profoundly relevant to this study, which seeks to interrogate the gap between Ghana's disability laws and the lived experiences of children and their families. The social

¹⁸¹ Korang (n 41) 58.

¹⁸² Al-Hendawi and Alodat (n 79) 633.

¹⁸³ Mónico and others (n 38) 531.

¹⁸⁴ Owusu and others (n 40) 563.

¹⁸⁵ Korang (n 41) 48.

¹⁸⁶ Ayeh (n 156) 82.

¹⁸⁷ Smythe and others (n 34) 227.

model provides a compelling framework for analysing how educational systems, cultural beliefs and poorly implemented legal structures can disable rather than empower children with intellectual disabilities.¹⁸⁸

2.7.2 Bronfenbrenner's ecological systems theory

Complementing the social model is Urie Bronfenbrenner's ecological systems theory, first introduced in 1979. This theory provides a holistic framework for understanding how multiple layers of environmental influence affect a child's development.¹⁸⁹ Bronfenbrenner posited that a child does not grow in isolation but within a series of nested systems, including the microsystem (family, school), mesosystem (interactions between microsystems), exosystem (broader social services, local policies), macro system (cultural values, societal norms) and chronosystem (changes over time),¹⁹⁰ One of the theory's greatest strengths is its multidimensional approach to human development. It allows for an analysis of how the family's experiences, institutional structures, community norms and national policies intersect to shape the opportunities available to children with intellectual disabilities.¹⁹¹

Nevertheless, a commonly cited limitation of Bronfenbrenner's theory is its complexity in practical application.¹⁹² Because it requires consideration of multiple levels of influence simultaneously, it can be challenging to isolate causality or prioritise interventions. Additionally, it may lack a clear framework for action, as it describes environmental systems but does not always prescribe specific strategies for change.¹⁹³ Still, the theory is immensely valuable in this study because it emphasises the interconnectedness of systems. It provides a nuanced lens through which to examine how legal provisions such as the Disability Inclusive Education

¹⁸⁸ Dompey (n 74) 75.

¹⁸⁹ Hajad and others (n 42) 74.

¹⁹⁰ Clark and others (n 43) 6.

¹⁹¹ Chanturia (n 44) 130.

¹⁹² Genovesi and others (n) 1629.

¹⁹³ Kuper and others (n 47) e320.

Policy or Act 715 are mediated through family experiences, teacher attitudes, school practices and societal beliefs. It highlights why policy implementation must be multi-sectoral and community-informed to be effective.¹⁹⁴

In summary, the social model of disability and Bronfenbrenner's ecological systems theory together provide a robust theoretical foundation for this study. While the social model explains how social and institutional barriers can hinder the inclusion of children with intellectual disabilities, Bronfenbrenner's framework helps to contextualise these barriers within a broader ecological system. Both theories converge on the idea that real inclusion cannot be achieved through policy alone but must also involve cultural change, institutional reform and family empowerment.

¹⁹⁴ Urbanus Wedaaba Azupogo, Ebenezer Dassah and Elijah Bisung, 'Promoting Safe and Inclusive Water and Sanitation Services for Students with Physical Disabilities in Primary Schools: A Concept Mapping Study in Ghana' (2023) 13(6) *Journal of Water, Sanitation, and Hygiene for Development* 453, 458.

3. Implementation realities and family experiences

Introduction

This chapter explores the real-life experiences of families raising children with intellectual disabilities in Ghana, focusing on how national disability policies are implemented at the community level. It highlights the challenges faced within schools, homes and society, revealing the gap between legislative commitments and the lived realities of inclusion and care.

3.1 Realities of policy implementation on the ground

The implementation of disability policies in Ghana, particularly those aimed at supporting children with intellectual disabilities, remains fraught with inconsistencies and structural challenges.¹⁹⁵ Although the country has developed a relatively progressive legal and policy framework, including the Persons with Disability Act, 2006 (Act 715) and the Disability Inclusive Education Policy, the translation of these frameworks into tangible, everyday realities is far from complete. On the ground, implementation is often hindered by bureaucratic inefficiencies, limited resources, lack of political commitment and a general absence of monitoring and

¹⁹⁵ Sarah Gyapong, 'Teachers' Lived Experiences in Teaching Pupils with Intellectual Disabilities in Garden City Special School' (Master's thesis, University of Education, Winneba, Ghana 2022) 12 <<https://ir.uew.edu.gh/bitstream/handle/123456789/3838/Teachers%20e2%80%99%20lived%20experiences%20in%20teaching%20pupils%20with%20intellectual%20disabilities%20in%20garden%20city%20special%20school.pdf?sequence=1&isAllowed=y>> accessed 25 August 2025.

accountability structures.¹⁹⁶ These obstacles have meant that the rights and services promised in legal texts frequently fail to materialise in the lives of children with intellectual disabilities and their families.¹⁹⁷

A central issue lies in the operationalisation of inclusive education, which is a core commitment under both national law and Ghana's international obligations, such as the UNCRPD.¹⁹⁸ In practice, many public schools in Ghana are neither physically accessible nor pedagogically equipped to accommodate children with intellectual disabilities. Most mainstream schools lack adapted teaching materials, specialised learning aids and adequately trained teachers capable of delivering differentiated instruction to children with cognitive impairments.¹⁹⁹ The existing teacher training curricula in colleges of education often provide only superficial coverage of special needs education, and in-service training opportunities for practicing teachers are sporadic and underfunded. As a result, educators are frequently ill-prepared to identify, engage with or support learners with intellectual disabilities.²⁰⁰

At the district and community levels, the implementation of inclusive education policies is also hampered by poor coordination among government agencies.²⁰¹ Although the Ghana Education Service is the principal institution responsible for education delivery, the integration of disability-inclusive strategies often falls through the cracks due to weak interdepartmental collaboration.²⁰² For example, while the Ministry of Education sets

¹⁹⁶ Irma Marlina and others, 'Counting the Costs: Understanding the Extra Costs of Living with Disability in Indonesia to Advance Inclusive Policies within the SDG Framework' (2024) 5 *Frontiers in Rehabilitation Sciences* 1236365, 1236368.

¹⁹⁷ George Benson, Sulemana Adams Achanso and A-R Mohammed, 'Promoting the Welfare Needs of Ghanaian Children through Policy Interventions and Programs- Reflections of UNCRC Provisions' (2023) 3(2) *International Journal of Childhood Education* 9, 18.

¹⁹⁸ Reshma P Nuri and others, 'The Bangladeshi Rights and Protection of Persons With Disability Act of 2013: A Policy Analysis' (2022) 33(3) *Journal of Disability Policy Studies* 178, 182.

¹⁹⁹ Osman Wumpini Shamrock and Hannah G Ginn, 'Disability and Sexuality: Toward a Focus on Sexuality Education in Ghana' (2021) 39(4) *Sexuality and Disability* 629, 635.

²⁰⁰ Penplusbytes, 'Critical Steps in Bridging the Implementation Gaps of the Disability Act for Inclusivity' (Penplusbytes May 2020) 12 <https://penplusbytes.org/wp-content/uploads/2020/06/Finalv2_Critical-Steps-in-Bridging-the-Implementation-Gaps-of-the-Disability-Act-for-Inclusivity-May-2020.pdf> accessed 25 August 2025.

²⁰¹ Willetta Waisath and others, 'Dismantling Barriers and Advancing Disability-Inclusive Education: An Examination of National Laws and Policies across 193 Countries' (2024) 28(10) *International Journal of Inclusive Education* 2088, 2092.

²⁰² Gifty Owusu and others, 'Criminal Justice in Ghana as Experienced by People with Disabilities: An Analysis of the Availability, Accessibility, Acceptability, and Quality of Services' (2022) 21(5) *Journal of Human Rights* 558, 562.

policy direction, it relies heavily on the district assemblies for infrastructural development, yet many assemblies do not prioritise disability-friendly construction. School buildings continue to be erected without basic accessibility features such as ramps, wide doorways or accessible washrooms.²⁰³ Furthermore, there is minimal enforcement of the requirement that new public infrastructure be accessible to persons with disabilities, despite this being mandated under Act 715.²⁰⁴

Another challenge is the chronic underfunding of disability-related interventions.²⁰⁵ Although Ghana's education budget includes allocations for inclusive education, these are often insufficient and inconsistently disbursed.²⁰⁶ In many cases, schools that are supposed to implement inclusive programmes do not receive the necessary financial or logistical support. Specialised schools for children with intellectual disabilities, which serve as default spaces for those excluded from mainstream classrooms, are frequently under-resourced, overcrowded and isolated from mainstream policy discourse.²⁰⁷ This contributes to a dual system in which inclusive education remains more of an ideal than a standard practice, while special schools, though important, are treated as peripheral rather than integral components of the education system.²⁰⁸

A further impediment to effective implementation is the limited awareness and understanding of policy provisions among front-line service providers and the general public.²⁰⁹ Many head teachers, classroom teachers and even district education officers are not fully conversant with the contents of the Disability

²⁰³ Wisdom Kwadwo Mprah and others, 'Caregivers' Experience of Supporting Deaf Adults with Mental Health Disorders in Ghana' (2025) 22(2) *International Journal of Environmental Research and Public Health* 144, 148.

²⁰⁴ Wasswa Shafik, *Global Sustainable Transition with Inclusion: A Focus on the People with Disabilities and the Marginalized* (Springer Nature Singapore 2025) 165.

²⁰⁵ Hannah Kuper and others, 'Building Disability-Inclusive Health Systems' (2024) 9(5) *The Lancet Public Health* e316, e318.

²⁰⁶ Elisa Genovesi and others, 'Stakeholder Experiences, Attitudes and Perspectives on Inclusive Education for Children with Developmental Disabilities in Sub-Saharan Africa: A Systematic Review of Qualitative Studies' (2022) 26(7) *Autism* 1623, 1627.

²⁰⁷ A Gomda, N Sulemana and H Zakaria, 'Access to Education for Persons with Disabilities in Ghana: A Review' (2022) 15(1) *Environmental Sciences Proceedings* 50, 53.

²⁰⁸ Rusudan Chanturia, 'Inclusion of Students with Disabilities: Comparative Perspectives of Special and Regular Teachers in Georgia' (2023) 38(2) *International Journal of Special Education* 124, 128.

²⁰⁹ Maxwell Peprah Opoku and others, 'Cross-National Study of Communal Attitudes Toward Individuals with Intellectual Disabilities in Sub-Saharan Africa: Cameroon vs. Ghana' (2021) 16(9) *PLoS ONE* e0257482, e0257486.

Inclusive Education Policy or the legal requirements of Act 715. As a result, policy implementation often depends on the discretion or personal commitment of individuals rather than on systematic institutional enforcement.²¹⁰ Where personnel lack motivation or awareness, inclusive education simply does not happen. Similarly, families of children with intellectual disabilities may be unaware of their rights under the law or may face social stigma that discourages them from asserting these rights.²¹¹

Compounding these challenges is the absence of effective monitoring and evaluation mechanisms.²¹² There is currently no robust national system for tracking the enrolment, retention and educational progress of children with intellectual disabilities. Without such data, it is difficult to assess the effectiveness of policy implementation or to hold institutions accountable.²¹³ In the absence of regular evaluations, best practices are not documented, failures go uncorrected and policy reform is not informed by empirical evidence.

While Ghana's legal and policy commitments to disability inclusion, particularly in education, are well articulated, the realities of implementation on the ground reveal a complex web of systemic challenges.²¹⁴ These include inadequate teacher preparation, infrastructural deficits, weak interagency coordination, chronic underfunding, cultural stigma and a lack of monitoring and data systems.²¹⁵ Together, these factors have created a significant gap between policy intentions and the actual experiences of

²¹⁰ Matthews M Makwela and Elizabeth I Smit, 'Psychosocial Challenges of Children with Disabilities in Sekhukhune District, Limpopo Province of South Africa: Towards a Responsive Integrated Disability Strategy' (2022) 11 African Journal of Disability 799, 804.

²¹¹ Briony Harden and others, 'Attitudes towards Persons with Mental Health Conditions and Psychosocial Disabilities as Rights Holders in Ghana: A World Health Organization Study' (2023) 23(1) BMC Psychiatry 346, 350.

²¹² Joseph Ebo Mefful, 'Disability and Theatrical Non-Inclusivity: An Exploratory Study of Cape Coast School for the Deaf and Blind' (PhD thesis, University of Cape Coast 2024) 56.

²¹³ Lily Kpobi, Leslie Swartz and Angela L Ofori-Atta, 'Challenges in the Use of the Mental Health Information System in a Resource-Limited Setting: Lessons from Ghana' (2018) 18(1) BMC Health Services Research 2887, 2889.

²¹⁴ Vyda Mamley Hervie, 'Social Inclusion of Children with Intellectual Disabilities in Accra, Ghana: Views of Parents/Guardians and Teachers' (2023) 147 Children and Youth Services Review 106845, 106848.

²¹⁵ Ben Bishop Nyanihorba Ayamba, 'Counselling Needs of Students with Disability in Inclusive Universities in Ghana' (PhD thesis, University of Cape Coast, Ghana 2022) 89 <<https://ir.ucc.edu.gh/xmlui/bitstream/handle/123456789/11142/AYAMBA%2c%202022.pdf?sequence=1&isAllowed=y>> accessed 14 August 2025.

children with intellectual disabilities and their families.²¹⁶ Bridging this gap requires not only political will and financial investment but also a fundamental shift in societal attitudes, institutional culture and governance structures. Until these implementation challenges are addressed comprehensively, the promises of inclusion and equality will remain largely rhetorical for the most vulnerable children in Ghana's education system.²¹⁷

3.2 School-level experiences and educational access

School-level experiences and access to education for children with intellectual disabilities in Ghana remain deeply problematic, reflecting both systemic neglect and entrenched social attitudes.²¹⁸ While national policies such as the Disability Inclusive Education Policy and legal instruments like the Persons with Disability Act, 2006 (Act 715) formally guarantee educational inclusion, the reality within many classrooms across the country tells a different story, one marked by exclusion, misunderstanding and under-resourcing.²¹⁹ For many children with intellectual disabilities, gaining entry into a school is only the beginning of a long and often discouraging journey through an educational system that is ill-equipped to accommodate their needs.²²⁰

²¹⁶ PM Boakyee, 'Knowledge and Contributions of Community Opinion Leaders Towards the Implementation of Inclusive Education Policy in Ga West Municipality of Ghana' (PhD thesis, University of Education, Winneba 2020) 56 <<http://41.74.91.244:8080/handle/123456789/1703>> accessed 14 August 2025.

²¹⁷ Akyeampong GB-D, Ajonbadi HA and Mordi C, 'International Laws and Framework on Disability and Employment: The Ghanaian Context' in Oluwatimilehin Temitope Ologunoye, Chima Mordi and Olatunji David Adekoya (eds), *Careers in Africa: Trends, Opportunities and Challenges* (Palgrave Macmillan 2025) 111,118.

²¹⁸ Samantha L Mrstik, Lisa A Dieker and C Okechukwu Abosi, 'An Examination of Inclusive Practices for Students with Learning Disabilities in Botswana: A Literature Review' (2020) 30(3) *Exceptionality Education International* 124, 135.

²¹⁹ Pablo Mónico and others, 'Teacher Knowledge and Attitudes towards Inclusion: A Cross-Cultural Study in Ghana, Germany and Spain' (2020) 24(5) *International Journal of Inclusive Education* 527, 531.

²²⁰ Rosalin Abigail Kyere-Nartey, 'Dyslexia Awareness, Educational Policies and Inclusion in a Developing World: The Ghanaian Experience' in Gad Elbeheri and Lee Siang (eds), *The Routledge International Handbook of Dyslexia in Education* (1st edn, Routledge 2023) 102-115

In practice, schools across Ghana vary significantly in their capacity and willingness to include children with intellectual disabilities.²²¹ In urban centres, some schools have made incremental progress toward accommodating children with learning difficulties through limited interventions such as resource rooms or assigned special educators. However, such provisions are more the exception than the norm.²²² In most cases, especially in rural and peri-urban areas, mainstream schools lack the basic infrastructure, pedagogical tools and trained personnel necessary to support children with intellectual and developmental disabilities.²²³ Even where physical access may be available, such as ramps or improved classroom designs, the intellectual and social environment remains largely unwelcoming. Teachers are frequently untrained in inclusive pedagogies and often do not possess the skills required to support students with cognitive impairments. Many are overburdened by large class sizes, rigid curricula and performance pressures, leaving little room for differentiated instruction or individual attention.²²⁴

Teacher attitudes play a significant role in shaping the school-level experiences of children with intellectual disabilities. Where teachers harbour negative perceptions or lack awareness about intellectual disabilities, inclusion is unlikely to succeed. Some teachers view such students as disruptive or burdensome and their presence in the classroom is sometimes seen as a threat to the academic progress of other learners.²²⁵ Without adequate training and institutional support, even well-meaning teachers struggle to implement inclusive practices.²²⁶ Additionally, there

²²¹ Ursula M Read, Lionel Sakyi and Wendy Abbey, 'Exploring the Potential of a Rights-Based Approach to Work and Social Inclusion for People with Lived Experience of Mental Illness in Ghana' (2020) 22(1) *Health and Human Rights* 91, 94.

²²² Tracey Smythe and others, 'Early Intervention for Children with Developmental Disabilities in Low and Middle-Income Countries – the Case for Action' (2021) 13(3) *International Health* 222, 225.

²²³ Nuri and others (n 198) 184.

²²⁴ Susan G Porter, Kai Greene and MC Kate Esposito, 'Access and Inclusion of Students with Disabilities in Virtual Learning Environments: Implications for Post-Pandemic Teaching' (2021) 23(3) *International Journal of Multicultural Education* 43, 48.

²²⁵ Joshua Annor Osam and others, 'The Use of Assistive Technologies among Children with Disabilities: The Perception of Parents of Children with Disabilities in Ghana' (2021) 16(3) *Disability and Rehabilitation: Assistive Technology* 301, 303.

²²⁶ Penplusbytes (n 200) 14.

is a noticeable absence of collaboration between special education professionals and general education staff, further isolating students with intellectual disabilities from the broader school community.²²⁷

Peer interaction is another critical aspect of the school experience for these children.²²⁸ In inclusive environments, social integration with non-disabled peers is key to fostering mutual respect, understanding and emotional development. However, in many Ghanaian schools, children with intellectual disabilities face ridicule, bullying or social exclusion from their classmates.²²⁹ These experiences contribute to low self-esteem and poor mental health outcomes and may discourage continued attendance. Teachers and administrators often lack the training to manage inclusive classrooms in ways that promote empathy and cooperation among students, leaving children with intellectual disabilities to navigate a socially hostile environment with little support.²³⁰

Parental experiences also reflect the challenges of securing educational access for their children. Many parents report being turned away from schools when attempting to enrol a child with an intellectual disability.²³¹ Even in cases where enrolment is successful, the lack of appropriate support and follow-up leads to frustration and disillusionment.²³² Some parents are compelled to send their children to special schools, which are often located far from home, underfunded and lacking modern educational resources.²³³ Others simply keep their children at home due to fear of discrimination or the belief that the education system offers

²²⁷ Jahirul Mullick, Yangyue Tang and Tong Lin, 'Building Inclusive Pathways for Children with Disabilities in Chinese Preschools: An Inclusive School Leadership Perspective' (2025) 54(3) *Early Childhood Education Journal* 1, 5.

²²⁸ Edward Asamoah and others, 'Using Photovoice to Illuminate Challenges Facing Children with Disabilities in Inclusive Education in Ghana' (2023) 24(1) *Social Work and Social Sciences Review* 7, 12.

²²⁹ Rusudan Chanturia (n 208) 129.

²³⁰ Boakye (n 216) 58.

²³¹ Jennifer L Fisher, 'Disability Inclusion as Organizational Process: A Comparative Case Study of Two Disabled Persons Organizations in Ghana' (PhD thesis, The Chicago School of Professional Psychology, USA 2021) 42 <<https://www.proquest.com/docview/2563806209?pq-origsite=gscholar&fromopenview=true&sourcetype=Dissertations%20&%20Theses>> accessed 25 August 2025.

²³² Makwela and Smit (n 210) 805.

²³³ Nuri and others (n 198) 185.

little to no benefit for their child. This situation is exacerbated by the lack of guidance and counselling services within schools and communities that could support parents in understanding their rights and exploring educational options.²³⁴

Government initiatives, while well-intentioned, have struggled to penetrate the grassroots level, where real change is most needed. Programmes aimed at promoting inclusive education often lack continuity due to funding shortages or shifts in political leadership.²³⁵ Furthermore, the absence of monitoring mechanisms makes it difficult to evaluate whether policies are being implemented effectively or at all. Without routine school inspections that include an inclusion checklist or feedback from families, many schools continue to operate without any accountability for failing to include children with disabilities.²³⁶

School-level experiences for children with intellectual disabilities in Ghana are shaped by a combination of infrastructural limitations, teacher unpreparedness, societal stigma and policy-practice disconnects.²³⁷ While the legal right to education exists in theory, its realisation in everyday school life remains elusive for many of these children. For inclusive education to move beyond rhetoric, there must be a concerted effort to transform the school environment physically, pedagogically and culturally.²³⁸ This requires sustained investment in teacher training, the provision of inclusive learning materials, the promotion of positive attitudes

²³⁴ Valerie Karr, Anne Hayes and Samuel Hayford, 'Inclusion of Children with Learning Difficulties in Literacy and Numeracy in Ghana: A Literature Review' (2022) 69(5) *International Journal of Disability, Development, and Education* 1522, 1528.

²³⁵ M Oti-Boadi, A Osei-Tutu and CC Mate-Kole, 'Challenges and Support Needs of Parents of Children with Developmental Disabilities (DD) in Accra, Ghana' (2022) 128 *Research in Developmental Disabilities* 104274, 104277; Eldah Onsomu, Victor Mose and Peter Munene, *Enhancing Inclusivity by Empowering Persons with Disabilities (PWDs)* (Special Paper No 32/2022, Kenya: Kenya Institute for Public Policy Research and Analysis 2022) 18 <<https://kedipa.or.ke/wp-content/uploads/2023/10/Enhancing-Inclusivity-by.pdf>> accessed 25 August 2025.

²³⁶ Ernest Nkansah-Dwamena, 'How Can We Create a Diverse, Equitable and Inclusive Workplace in Society without the Voice of Disability? Lessons from Ghana' (2022) 34(5) *Journal of International Development* 1028, 1035.

²³⁷ Wasswa Shafik (n 204) 167.

²³⁸ Sonali Guliyar and others, 'Fostering Inclusivity in Education: Unleashing the Potential of Inclusive Education in India' [2023] *International Journal of Educational Reform* 1, 8.

and robust monitoring systems. Until such reforms are undertaken at scale, children with intellectual disabilities will continue to be denied their fundamental right to quality and equitable education.²³⁹

3.3 Voices drawn from previous studies of families and caregivers

The voices drawn from previous studies of families and caregivers of children with intellectual disabilities offer an essential yet often overlooked perspective in understanding the practical realities of disability policy implementation in Ghana.²⁴⁰ While national policies and legal frameworks present an optimistic vision of inclusion, equality and access, it is within the private spaces of homes and the daily struggles of caregiving that the failures of the system become most visible.²⁴¹ For many parents and guardians, the experience of raising a child with an intellectual disability is marked by a complex blend of emotional, financial and social challenges. These lived realities reveal a stark contrast between the promises enshrined in national legislation and the marginalisation that continues to shape their everyday lives.²⁴²

Families of children with intellectual disabilities frequently begin their journey from a place of confusion and emotional distress.²⁴³ In many cases, the diagnosis of a child's condition is delayed or obscured due to inadequate health services and a lack of specialised medical professionals.²⁴⁴ Even when a diagnosis is obtained, parents often report receiving little to no guidance on how to support their child's development.²⁴⁵ This leaves fami-

²³⁹ Waisath and others (n 201) 2095.

²⁴⁰ Maha Al-Hendawi and Ali M Alodat, 'Inclusive Education of Refugee Students with Disabilities in Higher Education: A Comparative Case Study' (2023) 10(1) *Humanities & Social Sciences Communications* 626, 629.

²⁴¹ Malizgani Paul Chavula and others, 'Unlocking Policy Synergies, Challenges and Contradictions Influencing Implementation of the Comprehensive Sexuality Education Framework in Zambia: A Policy Analysis' (2023) 21(1) *Health Research Policy and Systems* 87, 91.

²⁴² Kuper and others (n 205) e318.

²⁴³ Moyagabo Kate Malahlela and Ensa Johnson, 'South African Teachers' Application of Inclusive Education Policies and Their Impact on Learners with Learning Disabilities: Implications for Teacher Education' (2024) 14(7) *Education Sciences* 743, 748.

²⁴⁴ Read, Sakyi and Abbey (n 221) 95.

²⁴⁵ Nikolaos Panopoulos and Maria Drossinou-Korea, 'Bronfenbrenner's Theory and Teaching Intervention: The Case of a Student with Intellectual Disability' (2020) 16(2) *The Journal of Language and Linguistic Studies* 537, 540.

lies to navigate a maze of medical, educational and social systems with minimal support. Caregivers are frequently forced to rely on informal networks, religious institutions or traditional healers in search of answers, which sometimes reinforces misinformation and stigma rather than providing effective solutions.²⁴⁶

A recurring theme in the voices of caregivers is the overwhelming sense of isolation.²⁴⁷ Many parents report feeling excluded from their communities due to widespread stigma surrounding intellectual disabilities.²⁴⁸ In some instances, children with such disabilities are hidden from public view or denied participation in communal activities because of prevailing beliefs that associate intellectual impairments with spiritual curses, ancestral punishment or supernatural causes.²⁴⁹ These attitudes are particularly pervasive in rural areas where public education about disability is limited. As a result, caregivers are not only burdened with the practical demands of care but are also socially ostracised and emotionally marginalised.²⁵⁰ Mothers, in particular, bear the brunt of this stigma, often being blamed for the child's condition and, in extreme cases, being abandoned by spouses or extended family.²⁵¹

Accessing education is another major source of frustration and hardship for families.²⁵² Many parents recount heartbreaking stories of being turned away from public schools when trying to enrol their children, with school authorities citing a lack of resources, trained teachers or appropriate facilities.²⁵³ Even when children are accepted, the lack of individualised support, curriculum adaptation and teacher understanding results in poor

²⁴⁶ Osam and others (n 225) 304.

²⁴⁷ Marlina and others (n 196) 1236369.

²⁴⁸ Oti-Boadi, Osei-Tutu and Mate-Kole (n 235) 104278.

²⁴⁹ Porter, Greene and Esposito (n 224) 49.

²⁵⁰ Abdul-Aziz Seidu and others, 'Level of Inclusiveness of People with Disabilities in Ghanaian Health Policies and Reports: A Scoping Review' (2021) 1(3) *Disabilities* 257, 263.

²⁵¹ Augustina Naami and others, 'Rethinking Social Protection Policy for Persons with Disabilities in Ghana' (2023) 13(5) *African Journal of Social Work* 254, 258.

²⁵² Brigitte J Clark and others, 'Implementing Early Childhood Education for Children with Disabilities in South Africa and Kenya' (2024) 13 *African Journal of Disability* 1, 6.

²⁵³ Clothilda Bapong and others, 'Factors That Promote Academic Success of Special Needs Children at the Basic School Level in the Upper East Region of Ghana' (2024) 13(1) *Turkish International Journal of Special Education and Guidance & Counselling* 46, 51.

learning outcomes, behavioural challenges and eventual drop-out.²⁵⁴ Families are then faced with the difficult choice of seeking placement in special schools – many of which are distant, underfunded and academically limited – or keeping their children at home with little stimulation or opportunity for growth. In both scenarios, the child's right to education is compromised, and the caregiver is left with an increased burden of responsibility.²⁵⁵

Financial strain is another major issue raised by families and caregivers.²⁵⁶ The cost of supporting a child with intellectual disabilities often exceeds the means of many households, especially those already struggling with poverty.²⁵⁷ Expenses for therapy, special education materials, transportation to distant health or educational facilities and basic caregiving supplies quickly accumulate. For caregivers who are single parents or live in underserved communities, the situation becomes even more untenable.²⁵⁸ Many are forced to abandon employment opportunities to provide full-time care, which further entrenches the family in economic hardship. The absence of state-sponsored financial support, such as disability grants or subsidised health care, exacerbates their vulnerability and makes the caregiving experience one of constant financial uncertainty.²⁵⁹

Despite these immense challenges, the voices of families and caregivers also convey remarkable resilience and a deep commitment to their children's well-being.²⁶⁰ Many have become de facto advocates, pushing back against institutional barriers and social prejudice to demand inclusion and recognition.²⁶¹ Some have organised support groups to share knowledge, provide emotional

²⁵⁴ JA Danquah and others, 'Redefining Inclusion, Accessibility and Perception of Persons with Disability through the Lens of Architectural Education in Ghana' (2024) 65(2) *Ghana Journal of Science* 122, 128.

²⁵⁵ Alhassan Mahama, Cecilia Alimatu Issaka and Abdul Mumeen Iddrisu, 'A Review of Ghana's Teacher Education Curricula and the Special Child: The Missing Links' (2023) 11(1) *African Journal of Humanities and Contemporary Education Research* 19, 24 <<https://publications.afropolitanjournals.com/index.php/ajhcer/article/view/461/363>> accessed 25 August 2025.

²⁵⁶ Olga Lyra, Kyriaki Koullapi and Eirini Kalogeropoulou, 'Fears towards Disability and Their Impact on Teaching Practices in Inclusive Classrooms: An Empirical Study with Teachers in Greece' (2023) 9(5) *Heliyon* e16332, e16335.

²⁵⁷ Malahlela and Johnson (n 243) 749.

²⁵⁸ Osam and others (n 225) 305.

²⁵⁹ Guliya and others (n 238) 9.

²⁶⁰ Smythe and others (n 222) 226.

²⁶¹ Hasehni Vampere and others, 'Access to Rehabilitation Services for Families of Children with Disabilities in Ghana' (2024) 1(1) *Rehabilitation Advances in Developing Health Systems* e1, e6.

support and engage in collective advocacy.²⁶² These grassroots efforts represent an important but often underutilised resource in shaping disability policy and implementation. However, such advocacy is often constrained by limited access to decision-makers and a lack of representation in national disability discourse.²⁶³

The emotional toll of caregiving is another dimension that cannot be ignored. Parents frequently speak of chronic stress, anxiety and depression as they grapple with the uncertainty of their child's future.²⁶⁴ The absence of counselling services or caregiver support programmes leaves them with few outlets to process these emotions or seek professional help.²⁶⁵ For many, their love and sense of responsibility for their child are the only sustaining forces in an otherwise overwhelming situation. Yet, this emotional labour is rarely acknowledged or supported by the broader society or the state.²⁶⁶

In sum, the voices drawn from lessons of families and caregivers illuminate the complex, multi-layered nature of disability inclusion in Ghana.²⁶⁷ Their experiences underscore the urgent need for a more responsive and compassionate system, one that recognises caregivers as central stakeholders and integrates their insights into the planning, implementation and evaluation of policies.²⁶⁸ Addressing the challenges, they face requires more than legal reform; it demands investment in community-based services, public education to challenge stigma, accessible healthcare, inclusive schooling and social protection schemes. Until these families are genuinely supported, the vision of inclusive development

²⁶² AA Mills, 'Natural or Supernatural: Beliefs about the Causes of Intellectual Disability in Ghanaian Society' (2018) 5(2) *Review of Social Studies* 23, 28.

²⁶³ Panopoulos and Drossinou-Korea (n 245) 542.

²⁶⁴ Anilkrishna Bjorn Thota and others, 'Inclusion Matters: Inclusive Interventions for Children with Disabilities – An Evidence and Gap Map from Low- and Middle-Income Countries' (UNICEF Office of Research - Innocenti 2022) 22.

²⁶⁵ Adam Awini, Eugenia Tawiah Adam and Alexander Gariba, 'Educating Persons with Disabilities: A Policy or Reality? The Ghanaian Experience' (2022) 8(1) *European Journal of Special Education Research* 1, 8.

²⁶⁶ Francis R Ackah-Jnr and others, 'Early Childhood Education Policy and Practice in Ghana: Document and Evidence Analysis with McDonnell and Elmore's Framework of Policy Instruments' (2022) 12(3) *Multidisciplinary Journal of Educational Research* 295, 302.

²⁶⁷ Lyra, Koullapi and Kalogeropoulou (n 256) e16336.

²⁶⁸ E Dziwornu, 'Plight of Persons with Disability in Ghana: An Overview' (2023) 10(3) *Journal of Advocacy, Research and Education* 145, 149.

and equal rights for children with intellectual disabilities will remain an unfulfilled promise.²⁶⁹ Their testimonies are not merely stories of struggle; they are calls to action for a society that claims to uphold justice, dignity and inclusion for all its citizens.²⁷⁰

3.4 Intersection of culture, stigma and disability

The intersection of culture, stigma and disability in Ghana represents a deeply complex and enduring barrier to the full realisation of rights and inclusion for children with intellectual disabilities.²⁷¹ While legislative frameworks and international treaties provide a formal structure for equality and protection, these laws often exist in tension with deeply rooted cultural beliefs and practices. The way disability – particularly intellectual disability – is understood and responded to within Ghanaian communities is shaped not only by medical or educational considerations but also by traditional worldviews, religious interpretations and societal norms.²⁷² These cultural dimensions play a critical role in influencing public attitudes, institutional behaviour and even the actions of families themselves, often reinforcing exclusion and perpetuating silence around intellectual disabilities.²⁷³

In many Ghanaian communities, disability is viewed through a spiritual or moral lens rather than as a developmental or neurological condition.²⁷⁴ Children with intellectual disabilities are frequently perceived as embodying ancestral punishment, demonic influence or witchcraft. Such interpretations stem from traditional belief systems that attribute misfortune and abnormality to supernatural causes.²⁷⁵ As a result, these children are often hidden away, denied access to education or social participation, and,

²⁶⁹ Bapong and others (n 253) 52.

²⁷⁰ Ayamba (n 215) 91.

²⁷¹ Maria Zuurmond and others, 'Stigma Reduction in a Disability and Mental Health Programme in Ghana: Lessons in Participation' (2025) 14 *African Journal of Disability* 1508, 1509.

²⁷² Al-Hendawi and Alodat (n 240) 630.

²⁷³ Bijetri Bose and Jody Heymann, 'Do Inclusive Education Laws Improve Primary Schooling Among Children with Disabilities?' (2020) 77 *International Journal of Educational Development* 102208, 102210.

²⁷⁴ Urbanus Wedaaba Azupogo, Ebenezer Dassah and Elijah Bisung, 'Promoting Safe and Inclusive Water and Sanitation Services for Students with Physical Disabilities in Primary Schools: A Concept Mapping Study in Ghana' (2023) 13(6) *Journal of Water, Sanitation, and Hygiene for Development* 453, 458.

²⁷⁵ Gomda, Sulemana and Zakaria (n 207) 54.

in the worst cases, subjected to ritual practices or abandonment. Families may feel ashamed or fearful of social exclusion, and in response, they isolate the child or seek help from spiritual healers instead of medical professionals or educators. This has led to the persistence of the so-called ‘spirit child’ phenomenon, particularly in some rural communities, where children with disabilities are viewed as non-human or cursed beings whose presence brings misfortune.²⁷⁶

Religious interpretations further complicate the cultural narrative around intellectual disability.²⁷⁷ While some religious communities have offered comfort and inclusion to families, others have perpetuated stigmatising narratives by linking disability with sin, divine punishment or spiritual possession.²⁷⁸ Parents are often advised to seek deliverance or exorcism rather than therapy or educational support, resulting in delays in intervention and the potential for abuse.²⁷⁹ Faith leaders, who wield significant influence in many communities, can therefore serve either as agents of inclusion or as gatekeepers of discrimination, depending on their level of understanding and engagement with disability rights discourse.²⁸⁰

Stigma also manifests strongly at the community level, where social norms dictate the boundaries of acceptance and belonging.²⁸¹ In a society that often places high value on physical perfection, academic achievement and social conformity, intellectual disability is perceived as a deviation from the norm.²⁸² Children with such disabilities may be mocked, excluded from play and communal gatherings or denied opportunities to participate in rites of passage. These forms of exclusion extend beyond the child to affect their families, particularly mothers, who are often blamed

²⁷⁶ Mary Osei, ‘Effectiveness of Instructional Strategies in Teaching Adaptive Skills to Learners with Intellectual Disabilities in Unit Special Schools in Ghana’ (PhD thesis, University of Cape Coast, Ghana 2020) 89 <<https://ir.ucc.edu.gh/xmlui/bitstream/handle/123456789/7361/OSEI%2c%202020.pdf?sequence=1&isAllowed=y>> accessed 25 August 2025.

²⁷⁷ Callista K Kahonde, ‘A Call to Give a Voice to People with Intellectual Disabilities in Africa through Inclusive Research’ (2023) 12 *African Journal of Disability* 1127, 1129.

²⁷⁸ P Solís-García and others, ‘Inclusion of Students with Disabilities in the European Higher Education Area (EHEA): A Systematic Review’ (2025) 12(1) *Cogent Education* 2430880, 2430885.

²⁷⁹ Yaw Akoto and others, ‘Factors Motivating Students with Disabilities to Access and Participate in University Education in Ghana’ (2023) 42(2) *Higher Education Research and Development* 261, 266.

²⁸⁰ Naami and others (n 251) 259.

²⁸¹ Clark and others (n 252) 7.

²⁸² Kyere-Nartey, Elbeheri and Siang (n 220) 103.

for the condition of their children.²⁸³ The stigma is both internal and external – it is felt acutely within the household and enforced through community judgment. In some cases, fathers may abandon the family, or extended relatives may withdraw support, placing the entire burden of care on the mother.²⁸⁴

These cultural attitudes significantly impact access to essential services.²⁸⁵ Parents who fear community judgment may avoid enrolling their children in school or seeking public assistance. Teachers and healthcare providers, shaped by the same cultural milieu, may unconsciously replicate these biases in their professional conduct.²⁸⁶ For example, school administrators may refuse to admit children with intellectual disabilities, or medical personnel may dismiss parents' concerns without offering referrals to appropriate services.²⁸⁷ Such attitudes are not always the result of malice but often stem from a lack of training, exposure and cultural sensitivity. Nevertheless, their impact is profound, reinforcing a cycle of invisibility and neglect.

The intersection of culture and stigma also hinders policy implementation.²⁸⁸ Even where inclusive education policies exist, the effectiveness of these policies is undermined if community attitudes remain hostile or indifferent.²⁸⁹ For example, the presence of a ramp or accessible toilet in a school building does little to support a child with intellectual disabilities if that child is bullied, ignored or denied meaningful classroom participation.²⁹⁰ Similarly, policy documents that advocate inclusion become hollow if

²⁸³ Fisher (n 231) 44.

²⁸⁴ Osei (n 276) 91.

²⁸⁵ Daniel Miezah and others, 'Does Preservice Teachers' Contact with Children with Intellectual Disabilities during Their Practicum Impact Their Attitudes and Teaching Practices? "If You Don't Have the Heart, You Can't Cope ..."' (2025) 50(3) *Journal of Intellectual & Developmental Disability* 301

²⁸⁶ DA Korang, 'Analysis of Stakeholders' Involvement in the Education of Children with Intellectual Disabilities in Ghana' (Doctoral thesis, University of Education, Winneba 2020) 52 <<http://ir.uew.edu.gh:8080/handle/123456789/2992>> accessed 25 August 2025.

²⁸⁷ Makwela and Smit (n 210) 806.

²⁸⁸ KJ Kwabena, 'Disability and Poverty: The Plight of Children with Disabilities in Ghana' (Master's thesis, Norwegian University of Science and Technology, Norway 2021) 42 <<https://ntnuopen.ntnu.no/ntnu-xmlui/bitstream/handle/11250/2784777/no.ntnu%3ainspera%3a80893378%3a47088093.pdf?sequence=1&isAllowed=y>> accessed 25 August 2025.

²⁸⁹ Gomda, Sulemana and Zakaria (n 207) 55.

²⁹⁰ Hervie (n 214) 106850.

they fail to confront the cultural narratives that cast disability as a source of shame. Without targeted efforts to change attitudes and beliefs, legal reforms are unlikely to translate into substantive change in the lives of children with intellectual disabilities.²⁹¹

However, culture is not static, and it also offers opportunities for transformation. Ghana's rich traditions of communal care, interdependence and respect for elders can be reinterpreted and mobilised in support of disability inclusion.²⁹² There are emerging examples of communities that, through education and awareness campaigns, have begun to challenge harmful beliefs and embrace a more accepting view of intellectual disability.²⁹³ Local leaders, when empowered with the right information, can play a pivotal role in reshaping public perceptions and fostering inclusive environments. Moreover, storytelling, music and drama – which are integral to Ghanaian cultural expression – can be powerful tools for deconstructing stigma and promoting empathy.²⁹⁴

The intersection of culture, stigma and disability forms a critical axis upon which the success or failure of inclusive policy implementation in Ghana depends. Culture and social norms, eg, referring to children as 'water children' or adopting supernatural explanations, can perpetuate exclusion or facilitate acceptance and policy adoption by means of public health campaigns and disability advocacy.²⁹⁵ For children with intellectual disabilities, the cultural narrative that surrounds their existence often determines whether they are seen, supported and valued – or hidden, neglected and dehumanised. Addressing these deeply entrenched attitudes requires a multi-dimensional approach that includes public education, community dialogue, religious engagement and media advocacy.²⁹⁶ Legal reform alone is insufficient unless accompanied by a sustained effort to transform cultural consciousness and dismantle the stigma that continues to shroud intellectual disability

²⁹¹ Dziwornu (n 268) 150.

²⁹² Asamoah and others (n 228) 14.

²⁹³ Dror Ben-Zeev, 'Mobile Health for Mental Health in West Africa: The Case for Ghana' (2018) 69(7) *Psychiatric Services* 741, 742.

²⁹⁴ Nkansah-Dwamena (n 236) 1038.

²⁹⁵ Siméon TA Lahaije and others, 'Support Needs of Families with a Child with Profound Intellectual and Multiple Disabilities' (2024) 70(7) *International Journal of Developmental Disabilities* 1184, 1186.

²⁹⁶ United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD), 'Country Situational Analysis of the Rights of Persons with Disabilities in Ghana' (UNPRPD November 2022) 34.

in silence and misunderstanding. Only then can Ghana move closer to a truly inclusive society in which all children, regardless of ability, are recognised and embraced as equal members of the human family.²⁹⁷

3.5 Critical gaps and systemic challenges in legal implementation

Despite the progressive legal and policy frameworks that Ghana has developed to support the rights of persons with disabilities, including the 1992 Constitution, the Persons with Disability Act, 2006 (Act 715), and the Disability Inclusive Education Policy, significant gaps and systemic challenges continue to undermine the realisation of these rights, particularly for children with intellectual disabilities. While these instruments provide a strong legal foundation and express a national commitment to equality, inclusion and non-discrimination, their implementation has often been marked by fragmentation, inconsistency and a lack of accountability.²⁹⁸ The result is a persistent disconnect between law and lived experience – a gap that disproportionately affects children with intellectual disabilities who remain among the most invisible and underserved in the Ghanaian education and social protection systems.²⁹⁹

One of the most critical gaps in the implementation of disability rights in Ghana is the absence of an effective institutional mechanism to oversee, coordinate and enforce disability-related policies and laws.³⁰⁰ Although the Persons with Disability Act called for the establishment of a NCPD, this body has remained weak, under-resourced and largely symbolic.³⁰¹ It lacks the legal authority, financial independence and operational capacity to hold government agencies accountable or to ensure compliance

²⁹⁷ Ashrita Saran, Howard White and Hannah Kuper, 'Evidence and Gap Map of Studies Assessing the Effectiveness of Interventions for People with Disabilities in Low-and Middle-income Countries' (2020) 16(1) Campbell Systematic Review e1070, e1075.

²⁹⁸ UNPRPD (n 296).

²⁹⁹ JK Nseibo, 'Exploring the Experiences of Children and Youth with Mobility Impairments in Four Basic Educational Settings in Ghana' 67 (PhD thesis, University of Cape Town, South Africa 2021) <<https://open.uct.ac.za/server/api/core/bitstreams/16ea3a92-a039-4086-9ba8-fd079c4f6eb5/content>> accessed 25 August 2025.

³⁰⁰ Vampere and others (n 261) e7.

³⁰¹ Porter, Greene and Esposito (n 224) 52.

with disability standards across sectors.³⁰² In practice, this has led to a fragmented approach to disability inclusion, where different ministries and agencies operate in silos, often without coordination, clear mandates or targeted budgetary allocations. Consequently, children with intellectual disabilities fall through the cracks of a system that lacks both centralised oversight and localised responsiveness.³⁰³

Another major challenge lies in the area of data collection and evidence-based planning.³⁰⁴ Ghana's national data systems, including those run by the Ghana Statistical Service and the Ministry of Education, have historically failed to adequately capture disaggregated data on children with disabilities, particularly those with intellectual or psychosocial impairments.³⁰⁵ Without reliable data on the prevalence, distribution and educational outcomes of children with intellectual disabilities, it becomes nearly impossible to design, implement or evaluate inclusive education programmes. This data invisibility reinforces the marginalisation of these children, making it easier for policymakers to overlook their needs and for schools to exclude them without consequence.³⁰⁶

Moreover, the education sector itself presents systemic barriers that hinder the inclusion of children with intellectual disabilities.³⁰⁷ Despite the provisions of the Disability Inclusive Education Policy and the mandates of Act 715, most mainstream schools in Ghana remain ill-equipped to support learners with diverse cognitive needs.³⁰⁸ Classrooms are overcrowded, teachers are inadequately trained in inclusive pedagogy and curricula are rarely adapted to accommodate different learning styles.³⁰⁹ In many

³⁰² Sara Rotenberg, Veronika Reichenberger and Tracey Smythe, 'Have We Forgotten Our Obligation to Train Health Workers on Disability? A Policy Analysis in Sub-Saharan Africa' [2024] medRxiv 1, 8.

³⁰³ Oti-Boadi, Osei-Tutu and Mate-Kole (n 235) 104279.

³⁰⁴ Ebenezer Mensah Gyimah and others, 'I Prefer to Be Alone Than to Be Among Them': In-school Experiences of Learners with Disabilities and Their Caregivers in Inclusive Schools in Ghana' (2025) 52(2) British Journal of Special Education 126, 130.

³⁰⁵ *ibid.*

³⁰⁶ Lilian Samwel, Alphoncina Pembe and January Basela, 'Teachers' Experiences in Managing Pupils with Disabilities in Tanzania Inclusive Primary Schools: Challenges and Coping Strategies' (2025) 5(1) Journal of Research in Social Sciences and Language 181, 185.

³⁰⁷ Malahlela and Johnson (n 243) 750.

³⁰⁸ Edward Asamoah, Cherry Hau-lin Tam and Alhassan Abdullah, 'Implementation of Inclusive Education Policy in Ghana: Recommendations from Social Workers and Policy Makers' (2022) 69(1) International Journal of Disability, Development, and Education 267, 272.

³⁰⁹ Danquah and others (n 254) 130.

cases, children with intellectual disabilities are either denied admission to public schools or are placed in special schools that are underfunded, stigmatised and isolated from the mainstream education system.³¹⁰ These conditions violate not only the spirit of inclusive education as enshrined in international law but also the constitutional right of every Ghanaian child to equal access to quality education.³¹¹

Cultural attitudes and social stigma further worsen these implementation gaps.³¹² In many Ghanaian communities, intellectual disabilities are still misunderstood, often attributed to spiritual causes or ancestral curses. These beliefs fuel discrimination, isolation and, in some cases, abandonment of children with such disabilities. Parents are sometimes discouraged from enrolling their children in school due to fear of ridicule or rejection.³¹³ Teachers may also lack the confidence or willingness to work with intellectually disabled learners, viewing them as unteachable or disruptive. These attitudinal barriers are deeply rooted and cannot be overcome by legislation alone; they require sustained public education, community engagement and leadership from religious, traditional and political actors.³¹⁴

Another gap in the legal framework itself is the lack of specificity in addressing intellectual and developmental disabilities.³¹⁵ The Persons with Disability Act and related policies tend to treat disability as a general category, without accounting for the varied and unique challenges faced by individuals with different types of impairments. This has led to policies and programmes that are often skewed toward physical disabilities, with limited attention paid to cognitive, psychosocial or developmental conditions.³¹⁶ As a result, interventions often fail to address the specific needs of children with intellectual disabilities, such as the need for speech therapy, behavioural support or individualised education plans.³¹⁷

³¹⁰ Guliya and others (n 238) 9.

³¹¹ Mrstik, Dieker and Abosi (n 218) 136.

³¹² Bapong and others (n 253) 52.

³¹³ Chavula and others (n 241) 93.

³¹⁴ Joseph Seyram Agbenyega and others, 'A Study of Ghanaian Inclusive Basic School Teachers' Perspectives and Uses of Research Evidence in Pedagogical Practice' (2023) 13(4) SAGE Open 1, 6.

³¹⁵ Genovesi and others (n 206) 1628.

³¹⁶ Kwabena (n 288) 44.

³¹⁷ Chavula and others (n 241) 94.

Additionally, the legal and policy frameworks lack strong enforcement mechanisms and remedies for rights violations.³¹⁸ While constitutional provisions such as article 29 establish broad protections for persons with disabilities, and Act 715 outlines rights and entitlements, there are few accessible legal pathways for individuals or their families to seek redress when these rights are denied.³¹⁹ The Act does not provide for a disability rights tribunal or a specialised ombudsman, nor does it impose meaningful penalties for non-compliance by public institutions. In the absence of legal enforcement, disability rights often remain aspirational rather than enforceable, leaving children with intellectual disabilities without effective protection or recourse.³²⁰

Financing is yet another structural challenge.³²¹ Implementing inclusive education and disability services requires significant investment in infrastructure, teacher training, learning materials and support services.³²² However, budgetary allocations for disability-specific programmes in Ghana remain low and inconsistent. Much of the funding comes from donor agencies and non-governmental organisations, leading to fragmented and unsustainable initiatives. Government commitment, while evident in policy rhetoric, has not always translated into financial prioritisation, limiting the scale and impact of inclusive efforts.³²³

While Ghana has made commendable strides in developing legal and policy frameworks to promote disability inclusion, critical gaps in implementation continue to impede progress, especially for children with intellectual disabilities.³²⁴ These gaps span institutional weakness, data deficiencies, resource constraints, cultural stigma and the absence of enforceable remedies.³²⁵ Bridging these gaps requires a multi-pronged strategy that strengthens institutional capacity, invests in inclusive education systems,

³¹⁸ Ebenezer Mensah Gyimah and others, 'From Legislation to Actual Health Service: Evaluation of Health Provisions in the Disability Law of Ghana by Adolescents with Mobility and Visual Impairments and Their Families' (2024) 24(1) BMC Health Services Research 11611, 11615.

³¹⁹ Azupogo, Dassah and Bisung (n 274) 459.

³²⁰ Opoku and others (n 209) e0257489.

³²¹ Samwel, Pembe and Basela (n 306) 186.

³²² Mónico and others (n 219) 535.

³²³ Nseibo (n 299) 70.

³²⁴ Saran, White and Kuper (n 297) e1076.

³²⁵ Mahama, Issaka and Iddrisu (n 255) 26.

enhances legal enforcement and fosters societal change. Only then can the rights promised in Ghana's Constitution, national legislation and international commitments be meaningfully realised in the lives of the country's most vulnerable children.³²⁶

4. Lessons for strengthening inclusion

Introduction

This chapter draws lessons from South Africa and Kenya's disability frameworks to propose actionable reforms for Ghana's legal and policy gaps, particularly in supporting families of children with intellectual disabilities.

4.1 South Africa's White Paper on the Rights of Persons with Disabilities (2015)

4.1.1 Overview of South Africa's disability rights framework

South Africa's disability rights framework stands as one of the most progressive and legally robust systems on the African continent. It is anchored in the country's post-apartheid constitutional commitment to equality, dignity and social justice, which underpins the broader legislative and policy landscape governing disability inclusion. Central to this framework is the White Paper on the Rights of Persons with Disabilities (WPRPD), adopted in 2015, which reaffirms the state's commitment to a rights-based, inclusive and family-centred approach to disability. The policy provides an interpretive guide for the implementation of South Africa's constitutional values and its obligations under the UNCRPD, which the country ratified in 2007, five years ahead of Ghana. This early and proactive ratification marked a significant commitment to aligning national law with international human rights standards, particularly regarding the protection of persons with disabilities and their families.

The South African framework also surpasses Ghana's Act 715 in terms of legal coherence and administrative integration. For example, while Ghana continues to operate without a dedicated and autonomous national disability authority capable of coordinating cross-sectoral implementation,³²⁷ South Africa has established mechanisms for interdepartmental coordination and provincial-level enforcement. The Department of Women, Youth, and Persons with Disabilities, in collaboration with other state departments, is tasked with the implementation and oversight of the WPRPD. This institutional arrangement not only ensures vertical integration from national to local government levels but also facilitates budget allocation, monitoring and evaluation, elements that Ghana's disability regime continues to struggle with due to underfunding and fragmentation.³²⁸

South Africa's disability rights framework provides a compelling comparative model that illustrates the value of integrating constitutional commitments, international treaty obligations and participatory governance into a coherent national policy. Its inclusion of family-centred strategies, emphasis on institutional accountability and commitment to localised implementation offer important lessons for Ghana. Where Ghana's Act 715 remains abstract and under-enforced, South Africa's WPRPD demonstrates how legislation can be transformed into a dynamic and inclusive system that addresses both individual and familial dimensions of disability. For Ghana to move beyond symbolic ratification and toward practical realisation of disability rights, a reconfiguration grounded in South Africa's experience will be necessary.

³²⁷ Brigitte J Clark and others, 'Implementing Early Childhood Education for Children with Disabilities in South Africa and Kenya' (2024) 13 *African Journal of Disability* 1, 6; Ebenezer Mensah Gyimah and others, 'I Prefer to Be Alone Than to Be Among Them': In-school Experiences of Learners with Disabilities and Their Caregivers in Inclusive Schools in Ghana' (2025) 52(2) *British Journal of Special Education* 126, 130.

³²⁸ Joseph Ocran, 'Exposing the Protected: Ghana's Disability Laws and the Rights of Disabled People' (2019) 34(4) *Disability & Society* 663, 665; PM Boakye, 'Knowledge and Contributions of Community Opinion Leaders Towards the Implementation of Inclusive Education Policy in Ga West Municipality of Ghana' (PhD thesis, University of Education, Winneba 2020) 56 <<http://41.74.91.244:8080/handle/123456789/1703>> accessed 14 August 2025.

4.1.2 Family-centred provisions

One of the defining strengths of South Africa's disability rights framework is its explicit incorporation of family-centred provisions, particularly as articulated in the 2015 WPRPD. This policy framework moves beyond the conventional focus on individual rights by recognising the centrality of families in ensuring the well-being, development and inclusion of persons with disabilities, especially children with intellectual disabilities who often rely on sustained and intensive care. In contrast to Ghana's legislative and policy instruments, such as Act 715 and the Disability Inclusive Education Policy, which largely neglect the familial dimensions of disability, South Africa affirms the family as both a site of caregiving and a legitimate subject of state support.

The WPRPD is underpinned by the understanding that caregiving responsibilities within the disability context are deeply gendered, often disproportionately borne by mothers, grandmothers and female siblings.³²⁹ The document acknowledges that these caregivers face unique burdens, including emotional stress, social stigma and economic marginalisation, conditions that are frequently intensified in lower-income and rural communities. These insights mirror findings from the Ghanaian context, where caregivers report high levels of burnout, financial distress and exclusion from decision-making processes.³³⁰ However, while Ghanaian caregivers are largely unsupported by the legal system, the South African model makes provision for a range of family-focused supports designed to strengthen the caregiving environment.

Among the most notable provisions in the South African framework is the emphasis on respite care, which is framed not as a privilege but as a right that enables families to function with dignity and sustainability. The WPRPD outlines specific responsibilities for municipalities and provincial authorities to establish

³²⁹ Molalign B Adugna and others, 'Barriers and Facilitators to Healthcare Access for Children with Disabilities in Low and Middle Income Sub-Saharan African Countries: A Scoping Review' (2020) 20(1) BMC Health Services Research 15, 18; Hasehni Vampere and others, 'Access to Rehabilitation Services for Families of Children with Disabilities in Ghana' (2024) 1(1) Rehabilitation Advances in Developing Health Systems e1, e6.

³³⁰ Mercedes Nana Konadu Gyasi, Abraham Kwadwo Okrah and Joyce Senya Ama Anku, 'Teachers' Knowledge of Special Educational Needs and Disability Students and Their Classroom Management Approaches' (2020) 10(4) World Journal of Education 160, 164; Vyda Mamley Hervie, 'Social Inclusion of Children with Intellectual Disabilities in Accra, Ghana: Views of Parents/Guardians and Teachers' (2023) 147 Children and Youth Services Review 106845, 106848.

community-based respite programmes and psychosocial support services. These provisions are particularly significant when viewed in light of the Ghanaian situation, where Act 715 remains silent on the emotional and physical toll caregiving imposes on families, and where no institutional mechanisms exist to offer short-term relief or counselling services. This omission perpetuates a system in which family members are expected to provide lifelong care under severe constraints without formal recognition or assistance.

South Africa also adopts a family-inclusive approach to decision-making and service planning, ensuring that caregivers are consulted and empowered in educational, medical and social welfare processes affecting the child. This reflects a deeper commitment to participatory governance, in which families are not merely passive recipients of care plans but active partners in their formulation. This principle finds limited expression in Ghana's Disability Inclusive Education Policy, which emphasises integration without outlining mechanisms for family participation or redress. As Adugna and others and Gyasi, Okrah and Anku show, this lack of formal engagement channels often leaves caregivers feeling alienated from institutions, with little knowledge of their rights or of available services.³³¹ By contrast, South Africa's policy design ensures that caregivers have access to legal information, consultation platforms and grievance mechanisms, strengthening both accountability and trust.

Moreover, South Africa's commitment to CBR integrates families into locally administered support networks, helping to mitigate the isolation experienced by many caregivers. These initiatives operate through primary health centres, schools and community organisations, providing training, peer support and linkage to services. This contrasts with the situation in Ghana, where caregivers frequently navigate complex systems without guidance, and where stigma often discourages help-seeking behaviour.³³² The absence of CBR strategies in Ghana not only reflects a policy vacuum but also undermines the social inclusion of both the child and the caregiver.

³³¹ Adugna and others (n 329) 19; Gyasi, Okrah and Anku (n 330) 165.

³³² Hervie (n 330) 106849.

In essence, South Africa's family-centred provisions serve as a multidimensional framework that recognises caregiving as both a social function and a rights-based obligation of the state. These provisions address the structural inequities that caregivers face, provide actionable support mechanisms and embed families within the broader disability rights discourse. By contrast, Ghana's disability laws and policies remain narrowly focused on persons with disabilities as individuals, ignoring the interdependent realities of care, kinship and community. The South African model thus offers critical insights for Ghana as it seeks to revise Act 715 and expand its policy orientation to include families of children with intellectual disabilities as essential agents in the disability inclusion agenda.

4.1.3 Enforcement, monitoring and funding mechanisms

A fundamental strength of South Africa's disability rights framework lies in its structured approach to enforcement, monitoring and funding elements that remain weak or underdeveloped in Ghana's corresponding legal architecture. The WPRPD, adopted in 2015, offers a systematic roadmap not only for promoting inclusive policies but also for ensuring their implementation through clearly defined institutional responsibilities and budgetary support. This operational dimension, embedded within South Africa's post-apartheid rights-based governance model, contrasts sharply with the Ghanaian context, where Act 715 lacks both enforcement clarity and institutional coherence.³³³

The South African framework further embeds performance-based monitoring by requiring line ministries to integrate disability targets into their strategic plans and key performance indicators. This mechanism enables Parliament and civil society to demand results based on verifiable data, thus fostering transparency and institutional responsiveness. Ghana lacks an equivalent system. Despite periodic reporting commitments to the UNCRPD Committee, Ghana does not maintain a national disability registry or sector-wide disability-disaggregated data – thereby limiting

³³³ Gyimah and others, "I Prefer to Be Alone Than to Be Among Them" (n 327) 131; United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD), 'Country Situational Analysis of the Rights of Persons with Disabilities in Ghana' (UNPRPD November 2022) 38.

its capacity to evaluate the real impact of policies on families of children with intellectual disabilities.³³⁴ This data vacuum not only impedes evidence-based policymaking but also undermines the visibility of caregivers within the broader inclusion discourse.

Equally significant is South Africa's approach to funding disability inclusion, which is both strategic and integrated within the national fiscal framework. The WPRPD emphasises that disability-related programmes must be financed through both mainstream and targeted budget lines across departments. For example, the Department of Social Development allocates funds for CBR and caregiver support services, while the Department of Basic Education sets aside resources for inclusive schooling and teacher training. This dual funding strategy ensures that disability is not siloed but is embedded across the state's developmental agenda. In contrast, Ghana's Act 715 provides no legislative guarantees for disability funding. The Ghana Disability Common Fund, established to support persons with disabilities, is often criticised for inconsistent disbursement and opaque administration, rendering it ineffective as a reliable resource for families.³³⁵

Moreover, South Africa's funding model includes specific provisions for social grants, including care dependency grants for children with severe disabilities. These grants serve as lifelines for many families, especially in rural and underserved communities. Ghanaian caregivers, by contrast, remain excluded from such targeted fiscal support, and there is no statutory basis for caregiver compensation, respite allowances or transportation subsidies within existing law.³³⁶ The absence of financial recognition for family caregivers reinforces cycles of poverty and limits access to services such as education and healthcare for children with intellectual disabilities.

South Africa's enforcement, monitoring and funding mechanisms offer a coherent operationalisation of the rights guaranteed under both domestic law and international conventions. By integrating legal mandates with institutional frameworks and resource commitments, South Africa transforms disability rights

³³⁴ Gyasi, Okrah and Anku (n 330) 166.

³³⁵ Ocran (n 328) 666; Penplusbytes, 'Critical Steps in Bridging the Implementation Gaps of the Disability Act for Inclusivity' (Penplusbytes May 2020) 15 <https://penplusbytes.org/wp-content/uploads/2020/06/Finalv2_Critical-Steps-in-Bridging-the-Implementation-Gaps-of-the-Disability-Act-for-Inclusivity-May-2020.pdf> accessed 25 August 2025.

³³⁶ Hervie (n 330) 106850; Vampire and others (n 329) e7.

from rhetoric into enforceable and measurable realities. This contrasts sharply with Ghana's declaratory and fragmented approach, where laws remain under-implemented and where families, particularly those supporting children with intellectual disabilities, continue to operate on the periphery of policy attention. For Ghana to move toward a truly inclusive legal framework, future reforms must draw from South Africa's model, establishing not only robust enforcement bodies but also budgetary commitments and performance indicators that centre the lived realities of caregivers.

4.1.4 Relevance to Ghana's legal context

The insights drawn from South Africa's disability rights framework underscore profound implications for the Ghanaian legal context, especially in light of the gaps identified in the Persons with Disability Act, 2006 (Act 715) and related policy instruments such as the Disability Inclusive Education Policy. While Ghana's ratification of the UNCRPD in 2012 signalled its commitment to disability inclusion, its domestic legal architecture continues to fall short of the standards set by the Convention and by more operationalised models such as South Africa's. This disjuncture is particularly critical when examined through the lens of support for families of children with intellectual disabilities, who remain at the margins of legal attention and state support.

One of the most pressing shortcomings of Act 715 is its failure to provide a holistic and enforceable framework for family-centred care. As highlighted by Gyimah and others and Ocran, the Act lacks clear provisions on family responsibilities, caregiver entitlements or state obligations to support those providing care to persons with disabilities, particularly children with intellectual impairments.³³⁷ This omission contrasts sharply with South Africa's WPRPD, which explicitly integrates caregiver needs into the broader disability rights framework. The absence of such clarity in Ghanaian law creates a structural invisibility of caregivers, rendering them unsupported in the face of financial strain, emotional

³³⁷ Ocran (n 328) 665; Gyimah and others, "I Prefer to Be Alone Than to Be Among Them" (n 327) 132.

burden and social stigma.³³⁸ Given that caregiving in Ghana is often deeply gendered and unpaid, the lack of legal recognition reinforces patterns of systemic inequality and poverty, especially among women.³³⁹

Moreover, South Africa's enforcement and monitoring infrastructure, rooted in inter-ministerial collaboration, performance-based indicators and decentralised oversight, is instructive for Ghana. The current implementation of Act 715 is fragmented and weakly coordinated, with the NCPD lacking the mandate and resources to compel action across sectors.³⁴⁰ In contrast, South Africa's model illustrates how mainstreaming disability across all government departments, backed by performance audits and strategic planning, can transform declaratory rights into actionable realities. For Ghana, this points to the need for statutory reform that assigns clear responsibility to sector ministries, mandates data collection on persons with disabilities and caregivers, and establishes robust monitoring frameworks.

Additionally, the South African system offers valuable lessons regarding financing. The WPRPD integrates disability financing into national and provincial budgetary systems and makes provision for direct family support through social grants and community-based services. Ghana's Act 715, on the other hand, does not guarantee budgetary allocations for the implementation of its provisions, and the existing Disability Common Fund remains inconsistently administered and inaccessible to many families.³⁴¹ The implication here is that the enforceability of rights is contingent not just upon legal recognition, but also upon fiscal commitment. Without budgeted rights, the law becomes aspirational and ineffective. Therefore, any future amendment of Act 715 must include binding financial commitments that operationalise caregiver support, especially in underserved and rural areas.

The gap in Ghana's disability legislation is further illustrated by its failure to recognise intellectual disability as a specific category deserving of tailored interventions. Act 715 treats disability in generic terms, without attending to the unique challenges

³³⁸ Aduigna and others (n 329) 20; Hervie (n 330) 106848.

³³⁹ Vampire and others (n 329) e8.

³⁴⁰ Boakye (n 328) 58; Penplusbytes (n 335) 12.

³⁴¹ Clark and others (n 327) 8; Tracey Smythe and others, 'Early Intervention for Children with Developmental Disabilities in Low and Middle-Income Countries – the Case for Action' (2021) 13(3) *International Health* 222, 226.

posed by intellectual disabilities, such as communication barriers, learning delays and social stigmatisation. As highlighted, spiritual beliefs and traditional misconceptions disproportionately affect children with intellectual disabilities in Ghana, contributing to social exclusion and delayed intervention.³⁴² South Africa's approach, by contrast, promotes disability-specific service provision and awareness campaigns, which help to mitigate cultural resistance and foster inclusive community norms. For Ghana, reform should include specific recognition of intellectual disability, coupled with mandates for early diagnosis, inclusive pedagogy and public sensitisation.

In sum, South Africa's disability rights framework presents a compelling and contextually relevant model for legislative reform in Ghana. Its emphasis on family-centred provisions, enforceable implementation structures and sustained fiscal backing demonstrates how a grounded legal system can advance both the rights of persons with disabilities and the welfare of their caregivers. For Ghana to fulfil its obligations under the UNCRPD and to respond effectively to the lived realities of families affected by intellectual disabilities, it must reimagine Act 715 not merely as a symbolic statute but as a legally binding, operational instrument of inclusion. The lessons from South Africa offer both a roadmap and a mirror showing what is possible and what remains lacking.

4.2 Kenya's Persons with Disabilities Act (2022)

4.2.1 Overview of Kenya's legislative framework

Kenya's legislative trajectory on disability rights reflects a deepening commitment to inclusive development and legal accountability, particularly through its recently enacted Persons with Disabilities Act, 2022 (2022 Act). Building upon earlier instruments such as the Persons with Disabilities Act, 2003, and reinforced by the 2010 Constitution of Kenya, the 2022 legislation embodies a comprehensive reorientation of disability governance, one that seeks not only to secure rights but to institutionalise mechanisms for enforcement, monitoring, and service delivery.

³⁴² Hervie (n 330) 106850.

This legislative evolution is of considerable relevance to Ghana's context, where Act 715 of 2006 remains under-enforced and incomplete, particularly in relation to the needs of families caring for children with intellectual disabilities.³⁴³

The constitutional foundation of Kenya's disability law is particularly instructive. Article 54 of the 2010 Constitution explicitly guarantees persons with disabilities the right to access educational institutions, reasonable accommodation and communication in accessible formats. More importantly, it compels the state to adopt affirmative action programmes for persons with disabilities, thereby establishing a constitutional basis for targeted policy interventions.

Kenya's 2022 Act builds upon this constitutional mandate by expanding both the scope and detail of statutory protections. It adopts a rights-based framework consistent with the UNCRPD, which Kenya ratified in 2008. The 2022 Act defines disability not merely in medical terms but through a social model that recognises the role of environmental and attitudinal barriers in marginalisation. This aligns with global best practices and contrasts with Ghana's Act 715, which still retains elements of a medicalised understanding of disability. As Vampere and others and Hervie argue, this outdated framing in Ghana undermines responsive service design for individuals with intellectual disabilities, whose needs are often culturally misunderstood and legally invisible.³⁴⁴

A key innovation within Kenya's framework is the establishment of the National Council for Persons with Disabilities (NCPWD) as a statutory body with clear regulatory and implementation powers. Unlike Ghana's similarly named council, which is underfunded and lacks enforcement teeth,³⁴⁵ the Kenyan NCPWD possesses authority to register persons with disabilities, monitor public and private sector compliance with accessibility and inclusion mandates, and disburse financial assistance to individuals and families. This level of operational clarity is critical in ensuring that rights are not merely aspirational but are translated into

³⁴³ UNCRPD (n 333) 35; Gyimah and others, "I Prefer to Be Alone Than to Be Among Them" (n 327) 133.

³⁴⁴ Vampere and others (n 329) e5.

³⁴⁵ Hervie (n 330) 106849.

tangible services and accountability mechanisms. For Ghana, this highlights the need for legal reform to empower institutional actors with the authority and resources to implement disability legislation comprehensively.

Another pivotal strength of Kenya's disability law is its community-based approach to inclusion and service delivery. The 2022 Act emphasises decentralisation through county governments. Community disability committees and participatory planning mechanisms that involve caregivers, civil society and persons with disabilities. This local governance model facilitates proximity-based problem-solving and ensures that families, especially those in rural and marginalised areas, are engaged in the design and delivery of support services. In Ghana, caregivers of children with intellectual disabilities often experience exclusion from decision-making processes, and their needs are not systematically integrated into local development planning.³⁴⁶ The Kenyan model thus offers an example of how commitments to participation can be operationalised at the grassroots level through legal design.

The 2022 Act also outlines specific entitlements for persons with disabilities and their families, including tax reliefs, social protection schemes and access to inclusive education, health services and assistive technology. These provisions reflect a holistic understanding of disability inclusion that encompasses not only individual rights but also family well-being. In contrast, Ghana's legal framework remains silent on the economic and psychosocial burdens carried by caregivers, thereby falling short of the UN-CRPD's article 28, which calls on states to ensure adequate standards of living and social protection for persons with disabilities and their families. As noted, this legal silence perpetuates structural inequities and limits access to justice for caregivers who often operate without state support or recognition.³⁴⁷

Kenya's legislative framework provides a compelling example of how rights, duties and institutional roles can be clearly articulated to promote inclusive governance. It transcends rhetorical commitments by embedding enforceability, participation and decentralisation into the legal order. This model resonates with the core findings of this thesis: that effective disability rights law must not only affirm the rights of children with intellectual disabilities

³⁴⁶ Adujna and others (n 329) 21; Gyasi, Okrah and Anku (n 327) 167.

³⁴⁷ Smythe and others (n 341) 227; Hervie (n 330) 106850.

but also recognise and support the families that anchor their care. As Ghana revisits the long-overdue task of amending Act 715, the Kenyan example offers a template that combines constitutional legitimacy, institutional accountability and family-centred policy thinking.

In essence, Kenya's legislative framework reflects an evolving jurisprudence of disability rights, one that is attentive to context, grounded in international obligations and driven by participatory reform. For Ghana, it is not merely a point of comparison but a substantive guide for aligning national law with the realities of care, inclusion and social justice.

4.2.2 Legal recognition of caregivers and family support

A central strength of Kenya's disability rights framework lies in its deliberate legal recognition of caregivers and the critical role they play in the well-being of persons with disabilities, particularly children with intellectual disabilities. This recognition is not merely symbolic but codified in the 2022 Act, which defines and incorporates family support structures within the broader ecosystem of disability rights. Such explicit legal acknowledgment marks a significant advance, especially when contrasted with Ghana's Persons with Disability Act, 2006 (Act 715), which remains conspicuously silent on the entitlements, protections and support systems required by caregivers.

In Kenya's 2022 Act, caregivers are acknowledged not as incidental actors but as co-rights holders whose needs must be addressed to ensure the full realisation of disability rights. This positioning aligns with the social model of disability, which emphasises the interconnectedness of rights, responsibilities and societal structures. The law mandates that both national and county governments provide direct support to families of children with disabilities through economic subsidies, home-based care assistance and psycho-social support programmes. By institutionalising caregiver support within the legislation itself, Kenya operationalises a principle often neglected in African disability statutes: that disability inclusion cannot be achieved in isolation from the families that provide primary care.

This legal innovation resonates with empirical findings from Ghana, where families, particularly mothers, bear the brunt of caregiving responsibilities in the absence of state assistance.³⁴⁸ As discussed, caregivers in Ghana report profound emotional, financial and social burdens, worsened by societal stigma and inadequate public services. Yet these challenges remain largely invisible in Ghana's legal framework. Act 715 neither defines caregivers nor delineates any form of institutional responsibility for their support. As Gyasi, Okrah and Anku point out, this omission undermines the core objectives of inclusive education and social integration, because the family unit, often the first point of intervention, is left unsupported and under-resourced.³⁴⁹

Kenya's approach also aligns closely with the principles enshrined in article 28 of the UNCRPD, which calls on states to ensure an adequate standard of living and social protection for persons with disabilities and their families. The importance of incorporating caregiver support into national legislation is that it transforms family burdens from private struggles into matters of public accountability. Ghana, though a signatory to the UNCRPD, has not yet domesticated these commitments in a meaningful way. As noted by Clark and others, the country's disability policy architecture suffers from weak enforcement and fragmented service delivery, which compounds the vulnerabilities experienced by families.³⁵⁰

The Disability Inclusive Education Policy in Ghana offers some recognition of the role families play in supporting inclusive schooling, yet its provisions are policy-based and lack legal force. Moreover, this policy does not translate into enforceable rights or state obligations, leaving implementation at the discretion of service providers.³⁵¹ Kenya's legislative model, by contrast, uses law, not policy, to impose binding duties on government bodies to collaborate with caregivers, offer training and outreach, and include family representatives in disability planning committees at the community level.

³⁴⁸ Smythe and others (n 341) 227; Hervie (n 330) 106850.

³⁴⁹ Gyasi, Okrah and Anku (n 330) 168.

³⁵⁰ Clark and others (n 327) 7.

³⁵¹ Penplusbytes (n 335) 13.

The practical impact of Kenya's stance is further enhanced by its participatory mechanisms. Through the involvement of caregiver associations and local disability committees, the state ensures that legal recognition is accompanied by procedural inclusion. This is a marked divergence from the Ghanaian context, where caregivers are rarely included in legal drafting processes or implementation monitoring. As Vampere and others observe, this exclusion limits the responsiveness of state interventions and perpetuates a top-down governance model that fails to reflect lived realities.³⁵²

In sum, Kenya's legal recognition of caregivers and family support establishes a benchmark for rights-based disability legislation. Positioning caregivers as stakeholders within the legal framework reinforces the indivisibility of care and inclusion. For Ghana, the lesson is clear: any reform of Act 715 must move beyond individual-based rights and incorporate a family-centred model that recognises caregiving as a social function deserving of state support. Only then can Ghana fulfil both its constitutional promise of equality and its international obligations under the UNCRPD.

4.2.3 Institutional structures and implementation tools

A critical strength of Kenya's disability rights regime lies in its robust institutional architecture and the clear delineation of implementation tools designed to give effect to the rights enshrined in law. The Persons with Disabilities Act, 2022, moves beyond aspirational declarations by constructing a comprehensive system of governance through which disability inclusion, especially for children with intellectual disabilities and their families, can be actively realised. This stands in contrast to Ghana's Persons with Disability Act, 2006 (Act 715), which has long been criticised for its vague enforcement mechanisms and limited institutional capacity.³⁵³

At the heart of Kenya's implementation framework is the NCPWD, a statutory body established with clear administrative, regulatory and funding responsibilities. Unlike its Ghanaian counterpart, which suffers from institutional under-resourcing and a

³⁵² Vampere and others (n 329) e9.

³⁵³ Ocran (n 328) 665.

narrow operational mandate,³⁵⁴ Kenya's NCPWD is legally empowered to maintain a national disability register, issue disability certificates, coordinate access to social protection schemes and ensure compliance with accessibility standards in both public and private sectors. These duties are not left to bureaucratic discretion; they are defined within the legislative text, thereby making the Council both accountable and justiciable. In these terms, the NCPWD serves as a rights-implementing organ that converts legislative intent into enforceable outcomes, a function glaringly absent in Ghana's current framework.

Further reinforcing Kenya's institutional capacity is the 2022 Act's emphasis on decentralisation, which assigns implementation roles to county governments and community-level structures. County disability committees, mandated by law, are responsible for coordinating local service delivery, including inclusive education, awareness campaigns and caregiver outreach. These structures not only bring disability governance closer to families but also ensure that interventions are responsive to context-specific challenges, particularly in rural and under-served regions. Ghana's decentralised political structure, in theory, offers a similar opportunity, yet Act 715 fails to assign corresponding legal duties to metropolitan, municipal and district assemblies (MMDAs), resulting in fragmentation and inertia at the local level.³⁵⁵

Moreover, Kenya's legislation incorporates implementation tools that are both programmatic and legal, offering a hybrid approach to disability inclusion. The 2022 Act requires the formulation of Disability Inclusion Action Plans (DIAPs) across ministries, agencies and departments, with timelines, budgets and indicators aligned to national priorities. These plans are subject to monitoring and audit by both the NCPWD and the Kenya National Human Rights Commission. Introducing a layer of vertical accountability that is almost absent in Ghana's disability governance system. In Ghana, the lack of legally mandated action plans or accountability structures means that implementation is often dependent on donor funding or temporary political interest.³⁵⁶

³⁵⁴ Clark and others (n 327) 6.

³⁵⁵ Smythe and others (n 341) 226.

³⁵⁶ UNRPD (n 333) 36.

Another distinctive feature of Kenya's implementation architecture is its integration of data systems. The 2022 Act mandates the regular collection and public dissemination of disaggregated disability data to inform planning, budgeting and service delivery. This is particularly crucial for families of children with intellectual disabilities, who are often rendered invisible by the absence of diagnostic infrastructure and national surveillance mechanisms.³⁵⁷ Ghana's Disability Inclusive Education Policy attempts to address this gap through teacher training and school-level screening, but its impact remains limited by the lack of a binding legal obligation and sustainable financing.³⁵⁸

Kenya's disability framework exemplifies how legal texts can be designed not only to articulate rights but also to operationalise them through institutions and instruments that are enforceable, participatory and transparent. The elevation of disability governance into formal structures, combined with legal tools for planning, budgeting and monitoring, demonstrates a model that transcends policy statements and embeds implementation within the rule of law. This legal architecture is particularly responsive to the realities faced by families, offering not just recognition but procedural pathways to claim and receive support.

For Ghana, the Kenyan model underscores the urgent need to recalibrate Act 715 to include institutional and procedural innovations. This includes the statutory empowerment of the NCPWD, the decentralisation of implementation mandates to MMDAs and the legal requirement of disability action plans across sectors. Without these tools, even the most well-intentioned reforms will falter at the point of execution, leaving caregivers and children with intellectual disabilities vulnerable to systemic neglect.

The institutional structures and implementation tools embedded in Kenya's legislative framework offer a rich example of how disability rights can be enforced in practice. They embody a holistic legal approach that fuses constitutional mandates, administrative machinery and grassroots participation into a coherent system of inclusion. For Ghana, learning from these tools is not merely an academic exercise – it is a legal and moral imperative in the quest for meaningful reform.

³⁵⁷ Hervie (n 330) 106849.

³⁵⁸ Gyimah and others, "I Prefer to Be Alone Than to Be Among Them" (n 327) 134.

4.2.4 Applicability to the Ghanaian context

The Kenyan disability framework, particularly as articulated in the 2022 Act, offers critical insights for Ghana as it seeks to recalibrate its legal approach to disability inclusion. The law's explicit recognition of caregivers, decentralised implementation structure and incorporation of legally binding disability action plans speak directly to the structural gaps that have been consistently identified within Ghana's disability legislation and policy landscape. In evaluating the applicability of Kenya's legal model to Ghana, it is necessary to undertake an examination of legal compatibility, institutional readiness and socio-political receptiveness.

Act 715 of Ghana, enacted in 2006, and has remained largely static despite evolving understandings of disability and international obligations under the UNCRPD, which Ghana ratified in 2012. While Act 715 was progressive at its inception, its failure to be amended or updated in nearly two decades has led to widespread critique regarding its conceptual narrowness and operational deficiencies.³⁵⁹ Most notably, Act 715 lacks provisions that address the specific needs of children with intellectual disabilities and their families. The legal silence around caregiver burdens creates a structural vacuum where rights are nominally recognised but practically unenforceable.³⁶⁰

The Kenyan model's applicability to Ghana lies in its insistence on family-centred inclusion as a matter of legal obligation, not policy discretion. Ghana's Disability Inclusive Education Policy, while laudable in its ambitions, remains a policy document without binding force and thus cannot guarantee uniform compliance across regions. Moreover, its language, though inclusive, lacks the specificity necessary to protect the rights of families navigating the complex terrain of intellectual disability. By contrast, Kenya's statutory obligations for caregiver support, including economic relief and access to psychosocial services, offer a more stable and justiciable foundation for reform. The Kenyan framework provides a template for Ghana to not only revise Act 715 but also to transform disability governance into a system of enforceable family rights.³⁶¹

³⁵⁹ Adugna and others (n 329) 22.

³⁶⁰ Hervie (n 330) 106850.

³⁶¹ Gyasi, Okrah and Anku (n 330) 168.

The UNPRPD highlights the challenges faced by Ghana's NCPWD due to legislative ambiguity and resource constraints. Kenya's statutory designation of the NCPWD as a central coordinating authority could inspire a reconceptualisation of Ghana's governance model, enhancing accountability and community-level responsiveness.

Additionally, Kenya's integration of monitoring and data collection within the legal apparatus aligns well with Ghana's commitments under the UNCRPD and its ambitions for evidence-based social policy. In Ghana, the lack of reliable data on persons with intellectual disabilities has impaired effective planning, resource allocation and policy evaluation.³⁶² Adapting Kenya's legally mandated disability register and public reporting requirements would not only enhance transparency but would also allow for the identification of care gaps, particularly in underserved regions. This is particularly relevant where caregivers in Ghana reported long-term psychological and financial stress due to undiagnosed or unsupported intellectual disabilities in their children.

Culturally, the adoption of Kenya's model must also consider Ghana's unique socio-religious terrain, where spiritual attributions to intellectual disability remain prevalent and act as barriers to early diagnosis and intervention.³⁶³ However, Kenya's approach, rooted in community participation and public education, demonstrates that legal frameworks can be designed to challenge and reshape harmful cultural norms. By empowering families through legal recognition and equipping institutions with public sensitisation mandates, Ghana can gradually foster a more inclusive and informed society.

Ultimately, the Kenyan legislative model is not a wholesale blueprint but a resource from which Ghana can draw reformative principles. These include the legal recognition of caregivers, the decentralisation of disability governance, the use of enforceable action plans and the integration of monitoring systems into statutory structures. For Ghana, the applicability of these features hinges on political will, institutional capacity and sustained advocacy from civil society. Nonetheless, the utility of Kenya's model

³⁶² Gyimah and others, "I Prefer to Be Alone Than to Be Among Them" (n 327) 135.

³⁶³ Adugna and others (n 329) 23; Vampere and others (n 329) e6.

is profound; it provides a compelling normative and institutional basis for transforming Act 715 from a declaratory law into a tool of substantive justice for families of children with intellectual disabilities.

4.3 Gaps and gains

Gaps and gains of Ghana's legal framework on disability rights, particularly concerning support for families caring for children with intellectual disabilities, reveal deep structural and jurisprudential gaps when set against the more progressive regimes of South Africa and Kenya. These gaps go beyond administrative deficiencies, reflecting Ghana's limited legislative vision and weak enforcement structures. In contrast, Ghana's Persons with Disability Act, 2006 (Act 715), lacks such provisions, remaining largely welfare-oriented and devoid of enforceable obligations to support families or recognise caregivers as legal stakeholders.

Kenya's Persons with Disabilities Act, 2022, presents a similarly compelling model, but with greater emphasis on institutional clarity and local-level implementation. Unlike Act 715, which lacks operational guidance and enforcement pathways, Kenya's statute creates a vertically and horizontally integrated framework with clearly defined roles for national and county-level structures. The law mandates the formulation of DIAPs and links these to public sector accountability, funding allocations and rights-based assessments. This aligns with international human rights principles enshrined in the UNCPRD, particularly articles 19 and 28, which emphasise support for family life and social protection for persons with disabilities and their caregivers. Ghana, although a signatory to the UNCPRD, has not harmonised its domestic law to reflect these provisions, resulting in a legislative disconnect between international commitment and local implementation.

The lessons gained in South Africa and Kenya extend to monitoring and enforcement strategies. South Africa's interdepartmental disability rights machinery and Kenya's empowered NCPWD serve not just advisory roles but are legally mandated to enforce compliance through data systems, funding frameworks and public reporting. In Ghana, the lack of such mechanisms means that families remain unsupported and invisible within the legal

framework, with no avenue to demand enforcement of rights or redress for state failure. Ghana's NCPD, while existing in form, lacks the legal teeth and institutional resources to drive inclusion or coordinate multisectoral support for families.³⁶⁴

Another critical dimension of the gap lies in the legal framing of intellectual disability itself. In both South Africa and Kenya, intellectual disability is addressed with nuance, often intersecting with mental health policies, education laws and CBR strategies. This allows for cross-cutting interventions that reflect the complex nature of caregiving for individuals with intellectual disabilities. Ghana's Act 715, however, treats disability as a homogenous category and fails to account for the specific socio-medical and legal needs associated with intellectual disabilities.³⁶⁵ The implication of this generalisation is significant: it prevents the law from evolving in response to differentiated vulnerabilities, thereby undermining its capacity to serve as a responsive rights instrument.

Nonetheless, Ghana's disability policy environment has made certain gains, particularly with the introduction of the Disability Inclusive Education Policy, which acknowledges the barriers faced by learners with special needs in mainstream classrooms. While not legally binding, the policy has catalysed efforts in teacher training and awareness campaigns. However, the lack of statutory backing means that implementation remains uneven and discretionary. This contrasts with Kenya's model, where such inclusive education frameworks are grounded in legislation, creating legally enforceable standards of access and support.³⁶⁶

The lessons reveal that while Ghana's disability law established a foundational rights framework through Act 715, it has not evolved to meet contemporary legal standards or the lived realities of families caring for children with intellectual disabilities. South Africa and Kenya provide two distinct but complementary models that Ghana can emulate: the former excels in participatory lawmaking and constitutional alignment, while the latter demonstrates the power of institutional precision and legal enforceability. These gains, when mapped against Ghana's persistent legislative gaps, offer both a critical lens and a practical roadmap for

³⁶⁴ Ocran (n 328) 667.

³⁶⁵ Aduana and others (n 329) 24.

³⁶⁶ Smythe and others (n 341) 228.

reform. A revised Act 715 must internalise these lessons not only to meet international legal obligations but also to restore dignity, agency and systemic support to caregivers who remain on the margins of Ghana's current disability rights regime.

4.4 Implications for Ghanaian legal reform

Drawing on insights from South Africa's participatory White Paper on Disability and Kenya's statutorily grounded Persons with Disabilities Act of 2022, it becomes evident that Ghana's existing legal framework, anchored in Act 715, remains normatively outdated and structurally ill-equipped to respond to the lived realities of families caring for children with intellectual disabilities.

In both comparator jurisdictions, the law does not treat disability as an isolated individual concern but as a condition with relational implications, particularly for families who shoulder the long-term burden of care. By contrast, Ghana's legislative silence on caregiver roles relegates families to the periphery of rights discourse, denying them access to entitlements, redress mechanisms and state-sponsored support. This legal lacuna was brought into sharp relief where caregivers consistently reported feeling invisible, unsupported and overburdened by systemic neglect.

A key implication for reform is the necessity of revising Act 715 to align more substantively with the provisions of the UN-CRPD, to which Ghana is a state party. While Ghana's ratification of the UNCRPD was a step in the right direction, the country's failure to domesticate key elements, particularly articles 19, 23 and 28, which speak to family support, social protection and independent living, reveals a disjunction between international legal commitments and national legislative practice. Reform efforts must therefore be guided by a reorientation that treats the rights of families and caregivers as integral, not supplementary, to the disability rights framework.

Moreover, the lessons' models reveal the significance of enforceability in achieving rights realisation. South Africa's disability rights machinery, although rooted in policy, is constitutionally anchored and backed by institutional mandates, while Kenya's statute creates binding duties for public bodies to develop action plans, allocate budgets and report on implementation. Ghana, by contrast, suffers from a proliferation of policy instruments such

as the Disability Inclusive Education Policy that remain non-binding and therefore vulnerable to institutional inertia. The implication here is that legal reform must elevate existing policy commitments into statutory obligations, supported by a robust institutional framework for implementation and monitoring.

Another critical implication lies in the need to recognise the specificity of intellectual disabilities within the legal framework. Ghana's current approach tends to treat disability as a monolithic category, thereby overlooking the particular vulnerabilities and support needs associated with intellectual disabilities. A reformed Act 715 must reflect the differentiated nature of disability experiences and embed provisions that address early diagnosis, educational accommodation and caregiver relief in the context of intellectual disability. Such recognition would not only enhance the precision of legal protections but would also promote greater equity in resource allocation and service delivery.

Ultimately, the lesson analysis affirms that the reform of Ghana's disability law must go beyond rhetorical alignment with international standards and adopt a posture grounded in enforceability, specificity and inclusivity. Legal reform, in this context, is not merely a technical exercise but a transformative project that demands a reconceptualization of the relationship between the state, persons with disabilities and their families. It calls for a legislative paradigm that centres care, codifies support and holds duty-bearers accountable for the full realisation of disability rights.

5. Policy recommendations and pathways forward

Introduction

Chapter Five presents a grounded roadmap for legal and institutional reform to advance disability inclusion in Ghana. Building on earlier analyses, it proposes amendments to Act 715, institutional restructuring and implementation mechanisms that prioritise caregiver support, accountability and cross-sector coordination, aligning national efforts with international human rights standards.

5.1 Ghana's legal gaps

A critical re-examination of Ghana's legal architecture concerning disability rights reveals fundamental shortcomings that undermine the realisation of inclusive support for children with intellectual disabilities and their families. While the enactment of the Persons with Disability Act, 2006 (Act 715), marked a commendable legislative milestone, the substance and structure of the law fall short of providing a comprehensive rights-based framework that reflects both the principles of the UNCRPD and the lived realities of caregivers. As Chapters Two and Three established, Act 715 remains largely declaratory in nature, offering broad protections but without the precision, enforceability and institutional clarity necessary to translate legislative intent into tangible outcomes.

One of the most glaring gaps in Act 715 is its failure to legally recognise or support caregivers, especially family members who provide daily, long-term care to children with intellectual disabilities. Unlike the Kenyan and South African frameworks examined

in Chapter Four, Ghana's legislation offers no dedicated provisions addressing respite care, psycho-social support, financial assistance or participatory inclusion of caregivers in the formulation and monitoring of disability policies. This omission reinforces a charitable or medicalised view of disability, rather than advancing a rights-based paradigm that affirms the agency and entitlements of families as co-claimants in the disability rights ecosystem.

Moreover, Ghana's legal definition of disability is notably vague and fails to adequately capture the unique needs associated with intellectual disabilities. The consequence of this generalisation is that policies and programmes remain undifferentiated and often overlook those with cognitive or developmental impairments. As evidenced in the findings from caregiver testimonies in Chapter Three, this leads to exclusion from services, misdiagnosis and deepened stigma, none of which are meaningfully addressed within the existing legislative regime. The Disability Inclusive Education Policy, while a progressive policy document, lacks statutory force and cannot compel compliance from education authorities, leaving children with intellectual disabilities and their families without a clear path to remedy or redress.

In terms of institutional mechanisms, the NCPD established under Act 715 lacks both financial autonomy and regulatory enforcement power. It operates largely in an advisory capacity, without clear legal authority to hold ministries, agencies or local governments accountable for failure to implement disability-inclusive mandates. In contrast, Kenya's National Council is backed by statutory enforcement powers, and South Africa's interdepartmental disability structures are constitutionally mandated, enabling them to intervene substantively in matters of inclusion and access.

Ghana's disability law is further weakened by the absence of intersectionality and integration. There is limited legal connectivity between Act 715 and other relevant statutes, such as the Children's Act, the Education Act or the National Health Insurance Act. This siloed approach to legislation creates administrative fragmentation and legal incoherence, which in turn hinders co-ordinated service delivery and cross-sector accountability factors crucial to the effective care and development of children with intellectual disabilities.

Additionally, the enforcement landscape is characterised by judicial silence. As examined in Chapter Two, landmark cases such as *Ghana Society of the Physically Disabled v Accra Metro School Board*³⁶⁷ have advanced the right to access education, but the courts have yet to develop jurisprudence around the structural burdens borne by families of children with disabilities. There is no legal precedent affirming the right to caregiver support, nor has the judiciary interpreted existing statutes in a manner that expands state obligations toward families. This void reflects both the limitations of the current legal text and a lack of strategic litigation aimed at broadening the interpretive scope of disability rights.

In summary, Ghana's legal framework for disability inclusion suffers from critical deficits: lack of specificity, weak enforceability, inadequate institutional design and judicial underdevelopment. These gaps collectively render the state's commitments under international law largely symbolic and leave families, especially those caring for individuals with intellectual disabilities, without meaningful protection or recourse.

5.2 Legislative reform proposals

Drawing from the analysis of Ghana's disability legal framework and insights from South Africa and Kenya, it is evident that comprehensive legislative reform is necessary to remedy the structural limitations of the Persons with Disability Act, 2006 (Act 715). The Act, though laudable in its original intent, no longer aligns with contemporary international standards, particularly the UN-CRPD, nor does it respond adequately to the socio-legal realities of Ghanaian families caring for children with intellectual disabilities. Legislative reform must therefore move beyond token amendments and embrace a holistic, rights-based transformation grounded in specificity, enforceability and inclusivity.

First and foremost, the definition of disability under Act 715 must be revised to explicitly include intellectual disabilities. The current formulation lacks clarity and fails to recognise the diverse spectrum of impairments, particularly non-visible or cognitive disabilities. This gap has practical consequences: it limits the

³⁶⁷ [2018] (High Court of Ghana).

eligibility of children with intellectual disabilities for support services and fosters exclusionary practices within education, health care and social protection systems. A revised definition should be aligned with article 1 of the UNCRPD, which includes ‘long-term physical, mental, intellectual or sensory impairments’ and emphasises the role of social barriers in disabling individuals.

Secondly, legislative reform must introduce family-centred provisions that recognise and support caregivers as rights-bearers. These should include entitlements to psychosocial services, respite care, financial support mechanisms and participation in policy design and implementation. Kenya’s Persons with Disabilities Act (2022) provides a model for integrating caregiver rights into the legislative framework, and Ghana must adopt similar statutory language that moves beyond policy aspirations to create enforceable obligations. By incorporating such provisions into the revised Act 715, the law can shift from viewing disability care as a private family burden to a public responsibility requiring coordinated state intervention.

Moreover, the legal responsibilities of the state must be clearly codified with binding obligations for sectoral ministries, particularly in education, health and social welfare. Current references to service delivery in Act 715 are framed in aspirational terms, without establishing clear timelines, measurable targets or sanctions for non-compliance. The reformed act should mandate each ministry to prepare and publish DIAPs, submit annual progress reports and allocate dedicated budget lines for disability programmes. This would align with practices in South Africa, where inter-ministerial coordination is supported by policy mandates and parliamentary oversight.

Additionally, the NCPD must be reconstituted as an autonomous statutory body with regulatory powers. The current council lacks enforcement capacity, suffers from political interference and is chronically underfunded. Legislative reform should grant the NCPD legal authority to monitor compliance with disability laws, investigate violations, impose administrative penalties and collaborate with civil society organisations in rights enforcement. Such powers would enhance accountability and ensure that legal protections are not reduced to rhetorical commitments.

A reformed Act 715 must also establish a specialised legal aid mechanism to support families of children with intellectual disabilities in asserting their rights. Legal remedies under current law are largely inaccessible to poor or rural families, many of whom are unaware of their entitlements or face cultural and institutional barriers to litigation. The revised legislation should provide for state-sponsored legal aid, disability rights clinics and procedural accommodations in court systems to facilitate access to justice.

Finally, legislative reform must incorporate data and accountability provisions. The lack of reliable data on persons with intellectual disabilities in Ghana impedes evidence-based planning and undermines policy effectiveness. A new legislative framework should mandate the systematic collection of disaggregated data on disability, including indicators on caregiver stress, educational access, health outcomes and service utilisation. This data should be publicly accessible and subject to parliamentary scrutiny.

In essence, legislative reform proposals for Ghana must move beyond superficial revisions and aim for structural transformation. Act 715 must be re-envisioned as a living legal instrument responsive to the needs of caregivers, compliant with international legal obligations and capable of driving institutional behaviour. This reform is not only a moral imperative but also a constitutional and international duty that Ghana can no longer defer. The following sections build on this legislative agenda to propose institutional and cross-sectoral reforms necessary to anchor the revised law within a functional, inclusive system of disability governance.

5.3 Institutional and implementation reforms

The effective realisation of disability rights in Ghana, particularly those related to intellectual disabilities and family care, cannot rest on legislative amendments alone. Without a robust institutional framework and practical implementation mechanisms, even the most progressive statutes risk becoming aspirational rather than actionable. The analysis in preceding chapters' underscores that Ghana's institutional landscape for disability governance remains fragmented, under-resourced and poorly coordinated. Thus, meaningful reform must address both the structure and functionality of institutions responsible for implementing the revised legal regime.

At the core of institutional reform is the urgent need to strengthen and redefine the role of the NCPD. Established under Act 715, the Council was intended to serve as the primary statutory body for overseeing disability policy. However, it currently lacks independence, regulatory authority, and sufficient financial and human resources. Unlike Kenya's National Council for Persons with Disabilities, which is empowered by law to coordinate service delivery, mobilise funds and monitor compliance, Ghana's NCPD operates in a largely advisory capacity with limited influence on actual programme execution. Institutional reform must therefore reposition the NCPD as an autonomous quasi-regulatory body, granted the legal mandate to issue directives, enforce standards and initiate investigations into institutional non-compliance.

In tandem, sector-specific implementation bodies must be legally obligated to mainstream disability inclusion into their core functions. This includes the Ministries of Education, Gender and Social Protection, Health and Local Government. Each must be required by statute to establish Disability Inclusion Units with designated officers, budgetary allocations and measurable indicators for performance. As seen in South Africa's interdepartmental disability focal points, this approach ensures that disability is not relegated to the periphery of institutional planning but integrated into strategic priorities across government.

To operationalise inclusion at the subnational level, Ghana must decentralise disability governance in both law and practice. While local government structures, through MMDAs, are legally mandated to include persons with disabilities in development planning, implementation remains weak due to a lack of technical expertise and accountability. Institutional reform should legally require MMDAs to develop District Disability Inclusion Plans, with input from local organisations of persons with disabilities and caregiver associations. These plans should be backed by dedicated funding from the District Assembly Common Fund and subject to annual audit and public review.

Another critical component of implementation reform is the establishment of family support infrastructure at the community level. Drawing from Kenya's model of CBR and support networks, Ghana must institute a legal framework for community-based disability service centres. These centres should offer early diagnosis,

referral services, caregiver training, respite care and psychosocial counselling. Their institutionalisation would provide frontline support for families and reduce the urban-rural disparities in access to disability services.

Institutional reform must also prioritise data governance and monitoring systems. As Chapter Two revealed, the absence of accurate, disaggregated data on intellectual disabilities severely impedes planning and resource allocation. The reformed institutional framework must mandate the Ghana Statistical Service, in collaboration with the Ministry of Health and the Ministry of Education, to conduct regular national disability surveys. Additionally, all public agencies responsible for disability-related services should be legally required to maintain disability registries and report key indicators annually.

Finally, implementation reform requires the creation of independent accountability mechanisms. This includes the designation of a Disability Ombudsman under the Commission on Human Rights and Administrative Justice to receive complaints, investigate violations and recommend redress. A specialised Disability Rights Tribunal, or dedicated benches within existing courts, could also be established to ensure timely adjudication of rights violations and foster disability jurisprudence, which is currently lacking in Ghana's legal system.

In conclusion, institutional and implementation reforms are not ancillary to legal reform; they are its practical foundation. For Ghana to move from a symbolic commitment to an operational framework that protects and empowers families of children with intellectual disabilities, it must institutionalise disability inclusion through binding mandates, decentralised structures and enforceable accountability. These reforms will anchor the revised Act 715 in the everyday functioning of the state, ensuring that disability rights are not only legislated but lived.

5.4 Future research and legislative review

Future research should explore the lived experiences of families caring for children with intellectual disabilities across diverse regions in Ghana to inform evidence-based reforms. Legislative reviews must also be iterative, incorporating emerging international

standards and participatory consultations with caregivers and disability advocates. Further inquiry into judicial interpretations of disability rights in Ghana is essential to develop a robust jurisprudential foundation for inclusive legal reform.

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GC Headquarters

Monastery of San Nicolò,
Riviera San Nicolò, 26
I-30126 Venice Lido (Italy)



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