

9 FEBRUARY 2022
IDEG AUDITORIUM

**ENGAGEMENT WITH THE LEADERSHIP OF GHANA
FEDERATION OF DISABILITY ORGANIZATION**

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ABBREVIATIONS

AA-BILL	- Affirmative Action Bill
CDD	- Centre for Democratic Centre
CLDG	- Council for Local Development and Development
CRIC	- Constitutional Review Implementation Committee
CRC	- Constitutional Review Commission
DLEs	- District Level Elections
GFD	- Ghana Federation on Disability Organizations
IDEG	- Institute for Democratic Governance
MMDAs	- Metropolitan Municipal and District Assemblies
MMCEs	- Metropolitan Municipal and District Chief Executives
MMRP	- Mixed Member Representation Proportion
NCPWD	- National Council on Persons with Disabilities
NDC	- National Democratic Congress
NPP	- New Patriotic Party
PWDA	- Persons with Disability Act
PWDs	- Persons with Disabilities
UNCPRPD	- United Nations Convention on Persons with Disability

EXECUTIVE SUMMARY

The participation of citizens in politics including Person's with Disability (PWDs) is critical in mitigating marginalization, promoting good local governance, political and social inclusion and advancement of democracy in every nation. The 1992 Fourth Republican Constitution grants every citizen the fundamental rights and freedoms to participate in social and political activities. The Persons with Disability Act, 2006 (Act, 715) was crafted to promote and protect equal rights of participation of PWDs in the country's political activities. Ghana has robust laws and legislations that encourage PWDs to participate in both local and national governance. However, since the promulgation of the Fourth Republican Constitution, participation in politics regarding appointment of PWDs at the Metropolitan, Municipal and District Assemblies (MMDAs), Parliament and ministries has been low. The significance of PWDs participating in the political process of any country has been acknowledged internationally because it enhances their dignity, promotes their fundamental human rights and political awareness. It is through such inclusion in the political process that democracy would be deepened.

Against this background, the Institute for Democratic Governance (IDEG) held an engagement on the 9th February, 2022 with a selected number of high-profile PWDs on the topic: **“Proposals for Promoting an Inclusive Local Governance System.”** The meeting sought to provide proposals for the amendment of Articles 55 (3) and 243 (1) of the 1992 Fourth Republican Constitution to open up the political space for the participation of everybody including PWDs in the governance process of the country. The topics discussed included:

- (i) “Political Participation of Persons with Disability” - Ms. Esther Akua Gyamfi, Executive Secretary, National Council for Persons with Disability (NCPWD).
- (ii) “Strategic Amendment of the 1992 Constitution” - Dr. Kofi Takyi Asante, Senior Research Fellow-IDEG
- (iii) “Proposals for Promoting an Inclusive Local Governance System” - Mr. Kwesi Jonah, Senior Research Fellow-IDEG

At the end of the engagement, the leadership of the GFD offered their support for IDEG's proposals for promoting an inclusive Local Governance System and the participation of all citizens in the political process of the country. They also admonished that It is pertinent for government and policy makers to give meaning to the slogans “Leaving Nobody Behind” and “Nothing About Us Without Us.”

1.0 INTRODUCTION & PURPOSE OF GATHERING BY MR. PATRICK R. OKINE, MEDIA & COMMUNICATIONS OFFICER, IDEG AND MR. WISDOM YAW BADJESSAH, INTERN AT IDEG

The programme commenced with an introduction and welcome address by Mr. Patrick Okine, who briefly touched on the purpose of the engagement. The participants were made to introduce themselves. After that, Mr. Wisdom Yaw Badjessah explained the purpose for the gathering and the expected outcomes. He lamented that, participation of Persons with Disabilities (PWDs) in the local governance system of Ghana is abysmal and this does not encourage the advancement of democracy in the country. The participation of citizens in politics including PWDs is crucial in mitigating marginalization, promotes local governance, political and social inclusion and advancement of democracy in every nation around the world. He argued that, the 1992 Fourth Republican Constitution of Ghana grants every citizen the fundamental rights and freedoms to participate in social and political activities. The Persons with Disability Act (PWDA, 2006) (Act, 715) was thus enacted to promote and protect equal rights of participation of PWDs in the country's political activities. He opined that, Ghana has robust laws and legislations that encourage PWDs to participate in both local and national governance. Nonetheless, the participation of PWDs in both local and national governance has been low since the inception of the Fourth Republic. The importance of PWDs participating in the political process of any country has been acknowledged internationally because it is through such inclusion in the political process that democracy would be deepened.

He averred that, in 2019, the NPP government pursued the amendment of Articles 55 (3) and 243 (1) of the Fourth Republican Constitution as part of its local governance reforms. The Bills to amend the two articles were processed to a point where a national referendum was scheduled for 17th December, 2019. However, the bills were withdrawn and then national referendum was cancelled for lack of broad-based consensus. Research and analysis after the cancellation pointed to an absence of adequate education and sensitization of the public on the benefits that the amendments would accrue. Indeed, several sections of the public who feel marginalized under the current system wonder how the proposed Amendments and Reforms will resolve this problem and transform political parties in this regard.

Ahead of the 2020 General Elections, the main opposition party made two proposals for local government reforms in its 2020 manifesto. These are: (i) election of MMDCEs (ii) implementing recommendations on local government and decentralization by the Constitutional Review Commission (CRC)/ Constitutional Review Implementation Committee (CRIC) (NDC Election 2020 Manifesto). The NPP on the other hand promised to: (i) direct and popular election of Metropolitan, Municipal and District Chief Executives (MMDCEs), (ii) legalize political parties' participation in local government; and (iii) devolve more power and resources to local authorities (NPP Election 2020 Manifesto). Also, since the 2020 General Elections, sections of the Ghanaian population especially the youth have expressed interest not only in the reform of local government but the framing of a new constitution. For instance, the Fix-The-Country-Movement has called for a new constitution instead of amending the existing 1992 Constitution. The results of the Centre for Democratic Development (CDD)-Ghana post-2020 election survey also present another view on the issue of constitutional amendment. Whilst an overwhelming 76% of Ghanaians want the election of MMDCEs, 71% of them want this election to be conducted on non-partisan basis. Indeed, only 20% of Ghanaians indicated their preference for the

involvement of political parties in the election of MMDCs. He acknowledged the importance of amending Articles 55 (3) and 243 (1) in order open up the political space for inclusive participation in the local governance process. In his address, emphasis was made on the importance of IDEG's proposed local government reforms. It was explained that the amendment of the 1992 Fourth Republican Constitution will further ensure the equitable representation of PWDs in the political parties and at the local level of governance. Thus, it is pertinent that there should be a partnership between IDEG and PWDs to ensure that Article 55 (3) and 243 (1) are amended for an inclusive political participation both at the national and local governance structure. It was noted that, for this to be attained there needs to be consensus, collaboration and cooperation among all stakeholders.

2.0 PRESENTATIONS

2.1 POLITICAL PARTICIPATION OF PERSONS WITH DISABILITY-BY MS. ESTHER AKUA GYAMFI-EXECUTIVE SECRETARY OF NATIONAL COUNCIL ON PERSONS WITH DISABILITY (NCPWD)

Ms Esther Akua Gyamfi prefaced her presentation by urging IDEG to push through its proposals or reform agenda because they are very good and will inure to the benefit of all marginalised persons in the country including PWDs. She wanted to find out whether political participation is a right or a privilege? Per the Ghanaian Constitution, political participation is a fundamental right. According to her, the 1992 Fourth Republican Constitution which is the supreme law of Ghana does not clearly define disability or who a disabled person is. However, Article 29 of the Constitution attempts to define disability and it is not enough. Thus, since disability is not well grounded in the supreme law of the country, it becomes difficult to identify who a PWD is. She made a comparative analysis of Ghana's Disability Act (Act, 715) with United Nations Convention on Persons with Disability (UNCPRPD, 2006) and concluded that, the former does not adequately echo the provisions of the latter. She opined that, disability is not static but rather it is an evolving concept and thus in five years' time there could be new disability in addition to the current 26 types of disabilities. She enumerated some of the 26 disabilities including the following:

- i. Physically-challenged
- ii. Deaf and Dumb
- iii. Visually-impaired
- iv. Multiple disabilities
- v. Cerebral Palsy
- vi. Down Syndrome
- vii. Bipolar
- viii. Leprosy
- ix. Epilepsy and many others

The speaker emphasized the need to know who PWDs are before attempts are made to assist them and it is the socio-economic structures put in place that must offer all the necessary assistance. Therefore, practical steps must be taken to ensure that PWDs are involved in the political and economic activities of the country. For instance, PWDs must be involved in the planning, formulation and implementation of policies concerning them. This is what will ensure equal participation in decision-making in all spheres of life.

The presentation also touched on equality before the law; both PWDs and other citizens should be treated equally and some challenges facing PWDs in the country were highlighted. Ms. Esther Akua Gyamfi also dilated on some challenges that face PWDs in their attempt to participate in the political processes of the country and outlined two major ones as follows:

i. Physical Accessibility

This is a huge challenge facing PWDs where most of the time they have to climb about 20 staircases or more to attend town hall meetings and other programmes in their communities. This can be dehumanizing and PWDs are also human beings who deserves esteem. This

situation is prevailing because; most of the buildings in Ghana are not disability-friendly and thus makes mobility extremely difficult for PWDs. Admittedly, the situation is changing but it is very slow and authorities must ensure that, all public buildings especially are disability-friendly.

ii. Communication Barriers

Most of the Assemblies in Ghana do not have Sign Language Interpreters and this cuts across many other institutions in the country. Thus, the speaking and hearing-impaired do not have fair treatment when they visit these institutions to seek for help. Ms. Esther Akua Gyamfi listed information accessibility, poverty, stereotyping, discrimination and stigmatization as other barriers confronting PWDs in the country.

Finally, she opined that, everybody will be affected if the issues of PWDs are not adequately addressed. For example, Ghana cannot achieve Agenda 2030 if PWDs are relegated to the background. To achieve this, then meaning must be given to the “Leave Nobody Behind” slogan and the “Nothing About Us Without Us” must also be taken seriously by all stakeholders and policy makers.

In conclusion, she posited that, all relevant legislations including the 1992 Fourth Republican Constitution and the Disability Act must be reviewed and amended.

Plate 1: Ms. Esther Akua Gyamfi giving a presentation on the Political Participation of Persons with Disability (PWDs).



Source: IDEG Photography, 2022.

2.2 STRATEGIC AMENDMENT OF THE 1992 FOURTH REPUBLICAN CONSTITUTION- BY DR. KOFI TAKYI ASANTE SENIOR RESEARCH FELLOW-IDEG

Dr. Kofi Takyi Asante gave an overview of the current governance system and averred that, even though the 1992 Fourth Republican Constitution has been the longest enduring constitution which has served the nation for 30 years, it needs to be reviewed because there are some inherent challenges. He referred to a point raised by Ms. Esther Akua Gyamfi where the Constitution has not defined who a PWD is and other challenges. Such challenges are what is making some groups in country such as Fix-The -Country Movement to call for a new constitution. However, Dr. Asante stressed that, the IDEG proposals are calling for a strategic amendment of the constitution instead of writing a new one. For instance, the amendment of Articles 55 (3) and 243 (1) should be the way to go and when this is done, it will affect other areas of the current constitution. Amending these two articles will minimise the winner-takes-all-phenomenon where only two parties, that is, the NPP and NDC have dominated the political space since 1992. Even though Ghana is a multiparty democracy, the dominant nature of these two political parties has turned Ghana into a duopoly that has driven the small political parties into oblivion.

Thus, opening up the local governance system will help protect the smaller parties and reduce the current tension in the system where NDC and NPP want to win election at all cost because that is what will give them the power to control the national resources and distribute to persons they want. No wonder they have foot soldiers who are sometimes armed to the teeth to do their (NDC and NPP) bidding during elections. If politicians know that, when they lose the presidency during an election, they can still have some power at the local level, it will reduce the political tension in the country to the barest minimum.

According to Dr. Asante, IDEG's position is that, there is no need to discard the current constitution which has served Ghana for the past 30 years but rather Articles 55 (3) and 243 (1) should be amended and other troubling articles will be taken care of in due course.

Plate 2: Dr. Kofi Takyi Asante discussing Strategic Amendment of the 1992 Fourth Republican Constitution.



Source: IDEG Photography, 2022

2.3 PROPOSAL FOR PROMOTING AN INCLUSIVE LOCAL GOVERNANCE SYSTEM- BY MR. KWESI JONAH-SENIOR RESEARCH FELLOW-IDEG

This presentation was done by Mr. Kwesi Jonah, Senior Research Fellow-IDEG. He opined that, any democracy that leaves behind any section of a population be they women, youth, PWDs and other marginalised groups is not worth practicing. He was also of the view that, the 1992 Fourth Republican Constitution should not be thrown away but rather strategically amended and Articles 55 (3) and 243 (1) came for mention. The contention according to Mr. Jonah is that, when these two articles are amended, it will trigger many reforms that will fine tune the current constitution. It came to light during this presentation that, Ghana's democracy has been touted globally as the best in Africa and this has given the country a clout in the international community as one of the leading democratic countries in the world. However, beyond these plaudits, the fact is that, Ghana's democracy is not inclusive and something urgent needs to be done about it as it is NPP and NDC that dominate the political space and deepening the winner-takes-all syndrome. A historical analysis was given to emphasize the dominance of two parties in the country. Thus, power has alternated between the NDC and NPP since 1992 and no other has had the opportunity to govern the nation and it appears the situation will not change soon if nothing drastic is done to change the trend. At least, the smaller parties must serve as king makers when it comes to election and with this, the domineering posture of the NDC and NPP will be curtailed.

During the 1992 Presidential Elections, the smaller parties garnered 12% of the popular votes and this reduced steadily and as the election years rolled by, the smaller parties began garnering around 1% and the 2016 and 2020 elections testify to this abysmal performance of these parties. According to Mr. Jonah, this is worrying and there is therefore the need to reverse it and it could begin from the local level, hence the need to reform the local governance system currently being practiced in the country. It is a shame that Ghana is lagging behind countries such as Rwanda,

South Africa and Kenya when it comes to women representation in parliament. He opined that Rwanda has 63% of women in parliament compared to Ghana's 14%. The difference is huge and Rwanda just recovered from genocide. This is what makes reforming the current local governance system pertinent. The IDEG proposal of Mixed Member Proportional Representation (MMPR) was highlighted. This will be a systematic approach to handling the inclusion of PWDs in local governance and it will not be based on the benevolence of a president.

The presentation by Mr. Jonah also looked at the role of Chiefs in the political activities of the country. He painted a glowing picture of how Chiefs were respected in the colonial days as compared to independent Ghana. Chiefs were more or less the presidents of their communities before the colonial masters set foot on the then Gold Coast but now the importance of the Chief has been relegated to the background in the current local governance system. Moreover, the system will take care of Chiefs without denigrating their positions especially since there will be the Council for Local Development and Governance (CLDG) which will comprise both male chiefs and queen mothers. This system will provide the opportunity to Chiefs to coopt other professionals such as doctors, lawyers, engineers, social workers and others into the Council. It will prevent a situation where a Chief or Queen Mother will be involved in a divisive debate with party members of the Assembly.

Plate 3: Mr. Kwesi Jonah discussing Proposal for Promoting an Inclusive Local Governance system



Source: IDEG Photography, 2022

3.0 THE ROLE OF THE LEADERSHIP OF GHANA FEDERATION OF DISABILITY ORGANIZATIONS (GFD)

This was the interactive session of the engagement and participants were given the opportunity to put forward their views on the reforms and proposals being championed by IDEG. The pertinent issues that were discussed included political participation of PWDs in the local governance system and reforming the 1992 Fourth Republican Constitution. Mr. Alexander Bankole Williams, Deputy President of GFD (National) was of the view that, the country cannot develop while excluding some sections of the population and it is through collective involvement in the development process that a lot can be achieved. He was in favour of reforms and amending articles in the Constitution that constitute as a hindrance to the participation of some segments of the population in the political process of the country. For instance, he agreed with IDEG for the revision of the Article 243 (1) of the Constitution. However, he wanted Article 55 (3) to be put on hold because the country is polarized and suggested that amending Article 55 (3) will worsen the situation especially when at the least instance; people are tagged as being NPP or NDC. Mr. Williams's suggestion therefore is that, political parties should not be involved in local governance politics and thus the status quo should be maintained for sustenance of the relative peace being enjoyed by Ghanaians.

To allay the fears of Mr. Alexander Bankole Williams, Mr. Jonah asserted that, the political parties are already in the Assemblies and this can be deduced from the background posters of candidates vying for local elections. A critical look at these posters shows that, the NPP and NDC sponsor these candidates and the jubilations that erupted during the last District Level Elections (DLEs) revealed which political party's candidates won or lost. The country should therefore not delude itself into thinking that, there are no political parties at the local governance system. Furthermore, MMPR approach will adequately deal with the issues raised by Mr. Williams. For Madam Mawunyo, the Affirmative Action Bill (AA-Bill) lacks the political will to champion the plight of disable women and it will be pertinent to learn from Kenya if the idea of the reforms is to carry everybody along.

The leadership of GFD welcomes the proposals being put forward by IDEG and they give their full support and urged IDEG to press forward so that PWDs will be given the opportunity to participate in the political process of the country. They assured IDEG that, the good news will be carried to the rank and file of their members so that together they ensure that the proposals are adopted for an inclusive society.

The next engagement will be the gathering of all stakeholders that IDEG has engaged with for the sharing of ideas before the national conference.

4.0 CLOSING REMARKS AND THE WAY FORWARD

The leadership of the GFD offered their support for IDEG's proposals for promoting an inclusive Local Governance System and the participation of all citizens in the political process of the country. Thus, issues such as discrimination, stigmatization, poverty, physical and communication barriers that make it difficult for PWDs to participate in political activities of the country need to be addressed. It is also pertinent for government and policy makers to give meaning to the slogans "*Leaving Nobody Behind*" and "*Nothing About Us Without Us.*" Again, PWDs must be involved from the beginning of every policy and programme through to the

implementation stages so that they can make inputs that will inure to their benefits. They wanted to know what the next steps are after the engagement. The answer to this is that, after consulting all relevant stakeholders, there will a meeting with all the stakeholders to share ideas of ensure the proposals are adopted during the national conference. IDEG as the leading advocate in this agenda will do everything in its power to ensure that, these reforms are carried through for an inclusive society since that is the only way for the achievement of Agenda 2030 and transforming the current local government system that is a hindrance to development to a more development oriented one.

5.0 REFERENCES

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2. Institute for Democratic Governance (2022). *Concept Note on participation of Persons with Disabilities (PWDs) in the current Local Government system*, East Legon- Accra.
3. Constitution of the Republic of Ghana, 1992 (Accra, Ghana Government Printer)
4. Disability Act, 2006, (Act 715) (Accra, Ghana Government Printer)

APPENDIX A: PARTICIPANTS LIST

No.	Names	Institutions	Position
1.	Josephine Adetwum	Share-CareGhana	
2.	Alexander Bankole	GFD	
3.	Betty Nkrumah	UGCS	Assistant to Mr. Alexander Bankole
4.	Mawunyo Yakor Dagbah	GFD (Ghana Federation of Disability Organization)	National President
5.	Newton Katseku	GAPA	Executive Director
6.	Israel Mensah	Metro tv	Reporter
7.	Patrick Ofoe Nudzi	Ghana News Agency	Chief Reporter
8.	Mary Quarshie	Ghana News Agency	Reporter
9.	Esther Gyamfi	National Council on Persons with Disability	Executive Secretary
10.	Irene Asamoah	National Council on Persons with Disability	Personal Assistant of the Executive Secretary

Total Number of Participants: 10

Gender Disaggregation

Male: 4

Female: 6

APPENDIX C: LIST OF PLATES

Plate 1: Participants for IDEG's Engagement with Persons with Disability



Source: IDEG Photography, 2022.

Plate 2: Photo-op of selected number of high-profile PWDs and staff of IDEG.



Source: IDEG Photography, 2022.