

# **Inaccessible Built Environments: The Bane of a Weak Legal and Regulatory Framework for Persons with Disabilities<sup>1</sup>**

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## **Abstract**

This is a qualitative study of the role of the legal and regulatory framework in making built environments accessible to Persons with Disabilities in six universities in Ghana. It revealed that the local component of legislation dealing with accessible environments was fragile and fraught with compliance challenges, administrative laxity and the lack of a time conscious approach to

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issues thereby resulting in inaccessible built environments. In effect, the study gives credence to the proposition of the social model that disability is a creation of humankind and recommends an amendment of Ghana's Persons with Disability Act.

**Key words:** accessible built environment, compliance, disability, legal and regulatory framework, university.

## **Introduction**

With the shift of emphasis toward the Social Model, disability has become a human rights issue internationally (WHO, 2011a). The social model posits that disability is a creation of humankind that creates barriers for persons with impairments. These barriers include those in the built environment. Consequently, society through both international conventions and local legislation, has sought to eliminate such barriers so as to create accessible and inclusive built environments. Dion (2005) notes that, worldwide, the road toward the recognition of accessibility for Persons with Disabilities (PWDs) as a human right issue has been long and tortuous. The period from 1981 to 1992 was declared by the United Nations as the Decade of Disabled Persons. In 1987, it was recommended that the UN General Assembly draft an International convention on the elimination of discrimination against PWDs. On the contrary, however, the 22 Standard Rules on the Equalisation of Opportunities for Persons with Disabilities were rather adopted by the General Assembly in 1993. These non-legally-binding rules served as an instrument for policy-making and as a basis for technical and economic co-operation. It summarized the message of the World Programme of Action (1983) concerning PWDs. In 2000, leaders of some international disability NGOs issued the Beijing Declaration calling on all governments to support the Convention. This culminated in the Convention on the

Rights of Persons with Disabilities (United Nations, 2006) which opened for signing in 2007 and came into force the following year. It has received the highest number of ratifications compared to any other UN treaty and Ghana is asignatory to it.

The aim of this paper is to use a qualitative approach to ascertain the role of the legal and regulatory framework for ensuring accessible built environments in universities in Ghana. The introduction is followed by a survey of historical developments in the legal and regulatory framework. After the relevant legislation in Ghana dealing with PWDs has been discussed, the accessibility inherent in the Convention on the Rights of Persons with Disabilities (CRPD) and Ghana's Persons with Disability Act (PDA) will be assessed. The methodology comes next and is followed by the findings, conclusions and recommendations.

### **Historical Developments**

Individual countries have, over the years, passed specific laws in line with the equal rights and non-discrimination against PWDs. Trail blazers worthy of note were the United States of America, Australia and the United Kingdom. The United States of America passed its Disabilities Act in 1990. Australia followed suit with its Disability Discrimination Act of 1992. For its part, the United Kingdom passed the Disability Discrimination Act of 1995 which was subsequently amended in 2010 as the Equality Act. A major aspect of these Acts has been the resolve to secure accessible built environments for PWDs. These nations have gone further to provide accessibility codes to guide construction and ensure the operationalization of relevant laws. Among these codes of practice are the British Standards BS 8300 (2010): Design of buildings and their approaches to meet the needs of disabled people and the Americans with Disabilities Act (ADA) Standards for Accessible Design of 2010.

Developing countries, including those in Africa have tried to keep pace with these events. According to Venter et al (2002), there are constitutions, such as those of Malawi and Mozambique, that seek to guarantee the rights of all persons including PWDs. There are also efforts at various stages to come up with disability legislation or accessibility codes so as to secure the rights of PWDs, involve them in the developmental agenda and also to meet international obligations. Oyaro (2015) argues that beyond the CRPD, there should be an African Disability Protocol because of peculiar conditions prevailing in Africa. This indeed came into being with the adoption of the Draft Protocol on Persons with Disabilities' Rights by the African Commission in February 2016. The road towards accessible environments in Ghana has similarly not been smooth (Oduro, 2009). As a member of the global community, Ghana has not been an island with regard to issues on the rights of PWDs and accessibility and has therefore been party to the Convention on the Rights of the Child (CRC), the African Charter on Human and Peoples' Rights (ACHPR), the African Youth Charter (Article 24), the Protocol to the African Charter on the Rights of Women in Africa (Article 23) and the African Charter on the Rights and Welfare of the Child (Article 13) all of which promote the rights of PWDs. However, the major international instrument that deals with disability issues, the CRPD, was signed by Ghana in March 2007 and ratified only on 31 July 2012. By ratifying it, Ghana is obligated to ensure and promote the full realization of all human rights for all PWDs without any form of discrimination on the grounds of disability.

### **Local Legislation**

In Ghana, there are laws like the Children's Act 1998 (Act 560) Section 3 and 10, the Labour Act, 2003 (Act 651) Section 3(e), and 14 (e) and the National Health Insurance Act, 2012 (Act 852) Section 29 (c and e) that deal with some concerns of PWDs. They seek to

safeguard their rights as children, their working conditions, and their access to health insurance respectively. However, the main Act that specifically addresses issues pertaining to PWDs in Ghana is the Persons with Disability Act (PDA) of 2006 (Act 715). The 1992 Constitution of Ghana also guarantees the rights of all citizens including PWDs. Article 29 is specifically devoted to PWDs. Clause 6 notes that “As far as practicable, every place to which the public have access shall have appropriate facilities for disabled persons”. Secondly, according to Article 75 after international treaties have been domesticated (following ratification) through parliamentary vote and assented to by the President, they become part of our local laws and therefore legally enforceable in the domestic setting. The internal domestic laws must then be amended to conform to the international instruments. Where there is conflict between domestic law and ratified international instruments, the international instrument takes precedence over domestic law. In accordance with judicial precedent, the international treaty could be invoked without formal incorporation into local law, where the same rights are also protected in the Ghanaian Constitution (Gyamfi, 2014). Therefore, these international and local legislation ought to regulate issues pertaining to PWDs in Ghana.

### **The CRPD, PDA and Accessibility**

The CRPD has 50 Articles that deal with disability issues and its purpose, as captured in Article 1, is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all PWDs and to promote respect for their inherent dignity. The PDA also has 60 sections dealing with eight major issues on disability. Both the CRPD and the PDA deal with the subject of accessibility but in varying degrees. According to the International Standards Office (ISO 21542:2011), accessibility in reference to buildings or their parts means provision of buildings or parts of buildings for people, regardless of disability, age or gender, to

be able to gain access to them, into them, to use them and exit from them. Accordingly, accessibility includes ease of independent approach, entry, evacuation and/or use of a building and its services and facilities, by all of the building's potential users with the assurance of individual health, safety and welfare during the course of those activities. Accessibility is a concern for everyone; it is the key to sustainable development and is necessary for social inclusion (European Commission, 2003). The Sustainable Development Goals (SDGs) therefore emphasise accessibility as a means towards the achievement of the 2030 Sustainable Development Agenda which is to lead to the elimination of poverty (UN Enable, 2016). Sustainable Development Goal 4 states that learning environments should be accessible.

The principle of accessibility may be mandated in law or treaty and then specified in detail according to international or national regulations, or codes, which may be compulsory or voluntary. This then becomes the standard, a level of quality accepted as the norm (WHO, 2011a). Uganda (UNAPD, 2010), Egypt (Samad, 2010) and South Africa (CHRC, 2006) are examples of countries that have developed accessibility codes in Africa. However, it is noted that in the few countries in Africa and others in the Global South where accessibility codes exist, they have not been able to make the needed impact because of monitoring and enforcement challenges (UNAPD, 2010). An accessible built environment is a core element of an inclusive society. It provides citizens with autonomy and the means to pursue an active social and economic life (EC Expert Group on Accessibility, 2003 cited in NDA, 2012). It allows those activities to take place without restricting access to people with certain abilities only (Sawyer and Bright, 2007). It is also the primary step toward fulfilling the rights of PWDs to participate in all areas of community life and National development (O'Young et al., 2002; INR, 2009).

Many studies on Ghana's built environment have indicated that it is generally not accessible to PWDs and those in higher education institutions are no exception (Ashigbi et al. 2015;Gavu et al., 2015; Ansah and Owusu, 2012). Studies on the accessibility of the built environments of universities in Ghana mainly focused on perceptions of PWDs and physical assessment of buildings. Only public universities were studied and most of the studies were on the University of Ghana (UG) and Kwame Nkrumah University of Science and Technology (KNUST). However much is not known about the role of the legal and regulatory framework in this whole predicament. Article 24 (5) of the CRPD notes that "States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others". Although Ghana has ratified the CRPD and the Constitution guarantees the rights of PWDs there is still much to be done in this regard. The purpose of this study is to fill this knowledge gap regarding the role of the legal and regulatory framework.

### **Methodology**

The qualitative approach was used in this study. It involved the review of documents, various legislation and interview of key informants in Ministries, Departments, Agencies (MDAs) and purposively selected universities. The key informants were purposively selected because as officers working in their various organizations, they were deemed to have the ability give their organizations' perspective on the phenomenon under study. Another strategy used after the commencement of data collection was the opportunistic sampling in line with the pragmatic philosophical stance of the study since it helps to take advantage of unfolding events that will help address the purpose of the study (Creswell 2012). Content analysis was used in analysing the data.

Although homogenous sampling was used to select private and public Universities, within each category, the maximal variation sampling was used to select the individual Universities as the study sites. This was to help present multiple perspectives if any, so as to help provide the needed depth for qualitative research. With maximal variation sampling the researcher samples cases or individuals that differ on some characteristic or trait. It requires the identification of the characteristic by the researcher and then finding sites or individuals that depict different dimensions of that characteristic (Creswell, 2012). In this regard, the following factors were considered in the purposive selection of the individual Universities for the study: webometric ranking, age, number of buildings, geographical location, and other unique characteristics. The Ashesi University College (AUC) in Accra, the national capital, the Catholic University College of Ghana (CUCG) in Fiapre-Sunyani, and the Christian Service University College (CSUC) in Kumasi were the private institutions chosen while the Kwame Nkrumah University of Science and Technology (KNUST) in Kumasi, the University for Development Studies (UDS) in Tamale and the University of Ghana (UG) in Legon, Accra, were the public ones selected. Key informants who were deemed knowledgeable on the subject matter in each institution were also identified and interviewed. These were mostly professionals in the built environment and registrars. The information sought had to do with disability policy and how disability issues relating to the built environment were handled in the institutions.

The key informants from the MDAs were from the Ministry of Education (MoE); Ministry of Water Resources, Works and Housing (MoWRWH); Ministry of Gender, Children and Social Protection (MoGCSP); Ministry of Justice and Attorney General (MoJAG); National Accreditation Board (NAB); National Council for Tertiary Education (NCTE); National Council on Persons with Disability (NCPD) and the Department of Social Welfare (DSW). The key

informant interviews were at two levels namely national and university level. In the former, the aim was to ascertain what was prevailing nationally with respect to the current state of laws, policies and the general legal and regulatory framework in place for addressing issues pertaining to PWD access in the built environment of the Universities. The latter targeted the Universities to find out what was prevailing at the institutional level. Pseudo names were used for all the informants.

The study was undertaken in 2015 and it is a sequel to another study (currently under review) that quantitatively assessed 110 buildings in the Universities and found that the levels of inclusiveness were very low. The private universities had a median Composite Disability Design Inclusiveness Score (CDDIS) of 25.49 % while the public ones had 26.47 %. The assessment involved the use of a checklist developed from the British Standards Institution (BS 8300:2010) to assess attributes of selected buildings on the six campuses. The attributes were parking as well as access routes to and around buildings. The rest were entrance of building, horizontal circulation (comprising corridors and passages; and doors), vertical circulation (made up of internal steps/ stairs, internal ramps and elevators), fire safety, communication/ signage and Sanitary accommodation (toilet facilities and bath/ showers). This was followed by the use of the assessment tool (CDDIS) proposed by the researchers and which built on a tool used by Lau et al (2014) for similar studies.

## **Findings and Discussion**

### **Weaknesses and Flaws in the Various Laws**

During the study, it came to light that the CRPD, the 1992 Constitution of the Republic of Ghana and the PDA were the major laws on PWDs issues in Ghana. Compliance with them should ideally remove barriers to physical access in the built environment as posited by

proponents of the social model. A comparison of the provisions of the PDA and the CRPD shows that the former does not cover some relevant provisions that are in the latter and this gives ample credence to the fact that the Act ought to be reviewed to place it in tandem with the CRPD. This agrees with the findings of Gyamfi (2014) and supports her call for an amendment of the PDA. For example, accessibility which is the key focus of this study is only lightly touched on in a few sections in the PDA. Sections 6 and 7 note:

6. The owner or occupier of a place to which the public has access shall provide appropriate facilities that make the place accessible to and available for use by a person with disability.

7. A person who provides service to the public shall put in place the necessary facilities that make the service available and accessible to a person with disability.

On the contrary, Article 9 of the CRPD deals exhaustively with the subject. Aspects that are critical to the current study are as follows:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
  - d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
  - e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public.

Secondly, the Constitution, though guaranteeing equal rights for all persons including PWDs has a flaw of not using ‘people first language’. For instance, it addresses PWDs as ‘disabled people’ instead of “persons with disabilities”. Article 4.1a of the CRPD enjoins all States Parties to the Convention “To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.” In light of the above, there is the need to urgently align the contents of the various laws that deal with accessibility to the built environment. This will reduce confusion and strengthen the legal and regulatory framework.

### **Lack of Legislative Instrument, Building Codes and Accessibility Standards**

The study also found out that there was no Legislative Instrument (LI) in place to give effect to the PDA even though the 10-year moratorium given by the PDA was to end in 2016. There was also no national Accessibility Standard or Building Code at the time of the study to guide the construction of accessible facilities. These findings were confirmed by earlier studies by Voice Ghana (2014) and Amos-Abanyie et al. (2012). Julia, an officer at the NCPD noted that,

the Act should have an LI [Legislative Instrument]. The process has started. It was taken to the AG's Department. It was worked on and returned. We have to do a few things and send it back. The stakeholders are yet to come together and see what can be done. The process has been slow but by the end of the moratorium, there will be an LI so that we can implement the Act. If it is not in place, you cannot arrest offenders (Julia, personal communication, August 11, 2015).

Her views were corroborated by an officer at the Ministry of Water Resources Works and Housing who added that Ghana's Building Code and the Draft Ghana Standard on Accessibility were being worked on at the time of the study:

The Draft Accessibility Standard was circulated for public comments. The comments have been received. The Technical Committee is to meet to look at the comments and if necessary revise the document. For now, enforcement is a challenge. By next year, things would have materialized (John, personal communication, November 19, 2015).

According to Julia (personal communication, August 11, 2015), an on-going project, the OSIWA Project was to come up with a document on Accessibility on both buildings and the external environment. The Ghana Standards on Accessibility Design (GS 1119) was subsequently

launched in Accra in December 2016 at a time when the moratorium given by Act 715 had already expired.

On the non-enforcement of the provisions of Act 715, John said, “Although the Act prescribes, how do you direct the people? People design and build the buildings and roads so there should be Standards. When it comes, it will give the people a basis for what to do.” He also added that, “Although there is advocacy, there is no regulation so if someone designs, it will be approved” (personal communication, November 19, 2015). He was of the view that the LI would compel members of relevant professional bodies in the built environment to adhere to the laws on disability. Julia also remarked, “The process has been slow but by the end of the moratorium, there will be an LI so that we can implement the Act. If it is not in place, you cannot arrest offenders” (personal communication, August 11, 2015). Danso and Tudzi (2015) agreed that the absence of a building code and an accessibility standard in the country is partly responsible for the situations where construction professionals subjectively decide on which provisions of International Standards to use during their practice.

It is apparent that the weak legal and regulatory framework of accessibility issues in the country would persist without the LI, the Building Code and the Accessibility Standards which are the foremost tools for enforcement. Furthermore, the foregoing communication with officers of the relevant state agencies showed the lack of a clear timetable for the effective commencement of the legal and regulatory framework and the administrative regime to ensure the enforcement of the requirement for accessible built environments in Ghana. Given the apathy and lack of urgency, the draft documents keep going round in circles from one entity to the other. Hence beyond the lack of the requisite complement of laws, there are also weak enforcement capabilities and administrative failure. The lethargic attitude of the various Ministries could also

be due to political reasons. This is because with the expiration of the moratorium given by Act 715, the State itself could be dragged to court for the many non-complying public building designs. Gibilisco (2010) notes that the legal system is a major driving force behind inclusiveness in Australia. As Oduro (2009) contends, the political will on the part of government to enact the PDA was weak, and had to be impelled with constitutional and civil rights challenges. By implication, it would be necessary for various stakeholders to put some pressure on the government in order to see the realisation of the appropriate legal and regulatory framework for the enforcement of the law.

### **Enforcement of Legislation**

The Metropolitan, Municipal and District Assemblies (MMDAs) in Ghana, are responsible for development control in areas under their jurisdiction and as such, are expected to ensure that Building Codes and Standards are adhered to (Local Governance Act, 2016). Some of the public Universities by their Acts of Incorporation have development control functions with respect to built environment construction activities on their campuses. The Police, the Courts and the Commission on Human Rights and Administrative Justice (CHRAJ) exist to help enforce laws and ensure justice. The NCTE and the NAB also exist to ensure that Universities operate in compliance with requisite legislation. Furthermore Civil Society Organisations and various societies for different categories of PWDs have been formed to advance the cause of PWDs through advocacy. With these entities in place, it is expected that monitoring, enforcement and compliance with laws that exist to guarantee accessible built environments would be adhered to once the relevant legal and regulatory framework is put in place.

### **Bodies in Charge of Higher Education**

It came to light during the study that the NCTE and the NAB which are entities responsible for accrediting and monitoring higher education institutions in Ghana did not have clear-cut policies on accessibility in the built environment for these institutions. Although there was a general policy on access to tertiary education at the former it did not touch on accessible facilities in the built environment. At the NAB it was revealed that accreditation was in two stages. There was the Institutional Accreditation and the Programme Accreditation. During the Institutional Accreditation, the physical facilities of the institution seeking accreditation were assessed to determine if they were disability-friendly and met the requirements of a physical facility instrument. A study of the documents used for the assessment by the researchers revealed that they contain very little on the provision of accessible environment and would therefore require some revision. For example the NAB Standards for Physical Facilities for Tertiary Institutions in Ghana (revised in November 2014) together with the Physical Facilities Assessment Questionnaire that an institution had to complete, mentioned PWDs in only few places. In those few places where PWDs were mentioned, some specific requirements were not indicated. Although dimensions for seating spaces in auditoriums, lecture halls and libraries etc. were required, other critical requirements like car parks, facilities to aid horizontal and vertical circulation, and accessible restrooms for PWDs were also not emphasized.

An officer at NAB further indicated that a number of university buildings did not meet the standards. He explained,

At the inception of the Board [NAB], we were encouraging people to set up Universities but now there are about 60 private tertiary institutions, nine public degree awarding institutions, six degree plus professional institutions and 39 public Colleges of Education. So for the past 2 or 3 years, access for the disabled is a key thing. Accreditation is tight

now. So what we do is that you will not be granted accreditation if you do not meet the requirement (Jonathan, personal communication, August 12, 2015).

He further lamented over the situation in the public universities:

The public institutions are set up by Law so we do not incorporate institutional accreditation for them. However, NAB is part of the Technical Committee especially for younger public institutions like UDS. The public institutions' Acts are crippling us now. We are trying to get the Laws harmonized. We have made proposals for the NAB Law to be amended. We hope to become a National Accreditation and Qualifications Authority by 2016.

From the above discourse, it became evident that apart from the deficiencies in the documents they worked with, the NAB, until recently, did not strictly enforce accessibility standards before granting accreditation to tertiary institutions, especially the private ones. According to them, they initially wanted to encourage the setting up of private tertiary institutions so they relaxed the enforcement of the provisions. They waited for the horse to bolt out of the stable before locking the gate. The problem is worse at the public universities where the NTCE and NAB are virtually constrained because of the laws that established the Public Universities vis-a-vis its own law. The question is why should it be so? No institution should be above the law when it comes to the provision of accessible environment for PWDs. From the foregoing, the oversight bodies (NTCE and NAB) lacked the requisite enforcement tools and they were deficient even where such tools were available. This coupled, with their own misjudgement, has led to compliance difficulties in the universities.

### **The Universities**

None of the six universities studied had a working policy document on accessibility for PWDs on their campuses. The offices responsible for student affairs were in some instances responsible for the needs of Students with Disabilities. KNUST had a comprehensive draft document dated April 2013 which was yet to be approved and implemented. The consequence of the absence of policy documents on accessibility in the universities was highlighted by Mumuni (an officer at UDS) when he commented about the fate of the old structures at UDS: “Since there is no written policy, I am not sure of their fate. I think that soon most will conform but the issue has to do with when because there is no policy.”

He continued:

I think the law and the approach of the school to provide PWD access accounts for the friendly design. The [new] administration [block's] foundation was commenced in 2003 when there was no [PWD] Act but provision was made for disability access. The Law has reinforced this unwritten policy of the University. With the [coming of the] Law, it is consciously looked at and implemented. The design for the new administration block was completed in 1997 but it had provision for disabled access. I think a combination of professional minds accounted for that. I think the professionals will be a key factor if we will see the needed change (Mumuni, personal communication, July 21, 2015).

He added that the old administration block was constructed in 1978 and the University started using it in 1996. However, in 2004 when the PDA had not been enacted, PWD access was provided to the ground floor. This was because an officer raised the concern for the disability access and it was provided by the University.

In the absence of policy documents, some concerns of PWDs have been addressed on *ad hoc* basis in the various universities. For example Percy at the Ghana Hostels (UG) stated that

the construction of the Hostels was from 2006 to 2008 and it coincided with the concerns of the President Kufour administration for PWDs. He believed that influenced the inclusiveness of their design. (Percy, personal communication, August 13, 2015)

According to Anita at the PDMSD (UG), a law student took the UG School of Law to court and the University fell on the Ghana Education Trust Fund (GETFund) for funds to provide a lift at the School. At AUC, Agatha, responding to a question as to whether they had a Disability Policy said,

It is not cast in stone. It is embedded in our non-discriminatory stance. For us, diversity includes different people not just cultures/ nationalities. Diversity is very broad. There is diversity in body so help all to feel ok. We are very proactive with complaints that come. When the student using clutches came, we became mindful of which room should be given. We decided to provide a hostel that was not far. We are flexible to respond to his request for a particular room (Agatha, personal communication, July 9, 2015).

Philip, also of AUC, added that the requirement for a disability user-friendly environment was a law in Ghana and as such was being adhered to by their institution.

There was also an instance at the CUCG where a Reverend Sister, a faculty member, personally purchased a tricycle for a student with mobility impairment in the School. She was of the view that the University was guilty for failing to provide facilities for PWDs in its buildings. She also blamed architects for failing to use professionalism to advice clients on the need to incorporate certain disability user-friendly facilities in their designs. (Personal communication, June 23, 2015).

An officer at KNUST noted that as and when they (KNUST) identified PWDs and there was the need to assist, assistance was provided. To buttress this point, he disclosed that in one hall of residence, a wheel chair user was given a room directly behind the porter's lodge in the hall where a ramp was constructed to enhance accessibility for the PWD. Between 2005 and 2009, a female student at the Faculty of Law was provided with a special chair because she could not use the normal one. A small ramp was also provided at the Faculty for her.

The foregoing provides evidence that the lack of policy document on accessibility for PWDs in the six universities does not only contribute to the lack of the needed regulatory framework but is also contributing to the *ad hoc* and slow nature of changes in accessibility issues that are envisaged by Act 715. It is evident that some work is being done but this invariably comes as an afterthought. They are not deliberate and consistent actions targeted at meeting the needs of PWDs on these campuses. They usually happen to be subjective decisions by people in authority which are not based on any policy. The delay in getting the laws and policies in place and also ensuring their enforcement points to administrative failing. For it is indeed unconscionable that at a place like the KNUST where most of the built environment professionals in Ghana are trained, a Draft Disability Policy has been waiting for approval since 2013. There seems to be the lack of consciousness for the need for time lines to ensure efficiency in administration and implementation of accessibility issues.

### **Conclusion**

This qualitative study has given credence to the fact that the legal and regulatory framework for accessible built environments in the Universities is weak. This is compounded by

the situation at the national level. Actions or inactions on disability issues in the Universities therefore generally have to do with the subjective decisions by persons in positions of authority because of the lack of policy and the lack of the full complement of the appropriate legal and regulatory framework. The individual Universities on their own do not have documented Disability Policies in place to direct issues pertaining to PWDs. The WHO Summary Disability Report (WHO, 2011b) confirms a low level of compliance even for countries that have had laws on accessibility for the past 20 to 40 years. The implication is that there should definitely be the appropriate laws. Beyond the laws, there should also be the willingness to see things materialise, requisite technical expertise, vigorous enforcement and effective monitoring and evaluation in place. In effect, the lack of the full complement of requisite legislation, failure to implement the existing legislation and the requirements of the CRPD as well as a weak monitoring and compliance regime are integral to the failure to properly provide for the needs of PWDs by way of accessible built environments in universities in Ghana.

### **Recommendations**

The following recommendations are proposed for the strengthening of the legal and regulatory framework so as to ensure accessible built environments in the Universities.

- The NCPD working together with the Attorney General's Department should as soon as possible submit proposals to Parliament for an amendment of the PDA to holistically incorporate the provisions of the CRPD. With the ultimate launch of the Accessibility Standards, work on the LI ought to be expedited to ensure the enforcement of the provisions of the PDA. There should be clear timelines set for these actions and ideally they should not go beyond 2017. This is because the period set by the PDA for the alteration and retrofitting of existing structures expired in 2016. In this regard there should be a concerted effort from all

and sundry to make the concerns a topical national issue. The Ministry of Gender and Social Protection which is directly responsible for the welfare of PWDs in Ghana ought to take the lead in these efforts. Others like the Ministry of Water Resources, Works and Housing, Ministry of Education (Office responsible for Tertiary Education) and the Ministry of Justice and Attorney General can then support based on their unique areas of expertise.

- All stakeholders including the relevant Ministries, Departments and Agencies (MDAs), NGOs, the NCPD, the Ghana Federation of the Disabled (GFD), students' associations etc. need to work assiduously to ensure that the provisions in the (amended) PDA are implemented appropriately. This will call for lobbying, constructive engagement with people in strategic positions, advocacy and public education.
- Professional bodies in the built environment, such as the Ghana Institution of Surveyors, the Ghana Institute of Architects, the Ghana Institution of Engineers and International Facilities Management Association should also mount pressure on Parliament from their end to ensure that the work on disability legislation is expedited. The Ethics Committees of the various professional bodies/ associations of the built environment should monitor the activities of their members and sanction those who flout laws and regulations pertaining to the accessible built environment.
- As much as possible, “people first language” should be used in all the laws, policies, regulations, and standards etc. that deal with PWDs.
- The Ministry of Education and the NCTE should come up with a Policy Document on PWDs who use the built environment of tertiary institutions.
- The NAB should hasten its efforts at getting its Law amended so that it becomes an Authority. This will help strengthen its power to address the physical facilities accreditation

for both public and private universities. As a matter of urgency, the NAB Standards for Physical Facilities document that is used for the physical audit of the buildings in the Universities for accreditation purposes should be reviewed to incorporate all the relevant provisions in the CRPD and the (amended) PDA. Compliance is very important. Without proper monitoring, evaluation and enforcement, the desired accessible University built environments will remain a mirage.

- The Courts, the Commission on Human Rights and Administrative Justice (CHRAJ), and the Ghana Police Service should strengthen their capacity to address accessibility issues because with the moratorium ending, an avalanche of court cases related to accessibility is likely to ensue.
- The MMDAs, being the planning authorities which are mandated by law to ensure that developments comply with laid down regulations, should also strengthen their capacity to deal with accessibility issues so that their Building Inspectorate Divisions can ensure compliance in the private universities. Since some public universities are autonomous when it comes to developmental control issues, the MoE should encourage them to enhance the capacity of relevant staff to ensure compliance with legislation on accessibility. This will enable them to better appreciate the issues related to inclusiveness and the enforcement of pertinent rules and regulations.

## **References**

Americans with Disabilities Act (1990).

Americans with Disabilities Act (ADA) Standards for accessible design. (2010). Retrieved from

[www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

- Amos-Abanyie, S., Poku-Boansi, M., & Duah, D. Y. A. (2012). Improving ramp design as a barrier-free access in public buildings in the Kumasi Metropolitan Area, Ghana, *Journal of Sustainable Development in Africa* 14 (1), 170-184.
- Ansah, S.K., & Owusu, K. (2012). State of public buildings in Ghana after the passage of the Persons with Disability Act (Act 715): The case of tertiary institutions. *Journal of Construction Project Management and Innovation*, 2(2), 448 – 463.
- Ashigbi, E. K. Y., Danso, A. K., & Tudzi, E. P. (2015). Persons with Disabilities and the built environment: A user perception of the University of Ghana. *Ghana Journal of Higher Education*, 2, 72-94.
- British Standards Institution. (2010). *BS 8300:2010 Design of buildings and their approaches to meet the needs of disabled people – Code of practice*. London: BSI.
- Canadian Human Rights Commission (CHRC). (2006). *International best practices in universal design, a global review*. Retrieved from [http://www.gaates.org/documents/BP\\_en.pdf](http://www.gaates.org/documents/BP_en.pdf).
- Constitution of the Republic of Ghana (1992)
- Children's Act (1998).
- Creswell, J. W. (2012). *Educational research: Planning, conducting, and evaluating quantitative and qualitative research*. Boston, MS: Pearson Education.
- Danso, A.K., & Tudzi, E. (2015). Inclusive access to Accra shopping malls. In S. Laryea & R. Leiringer (Eds.), *Conference proceedings: West Africa Built Environment Research* (pp. 653-668). Accra, Ghana: West Africa Built Environment Research (WABER). Conference
- Dion, B. (2005). *International accessibility standards*. Retrieved from <http://www.un.org/esasocdev/enable/documents/>.

Disability Discrimination Act (1992).

Disability Discrimination Act (1995).

Equality Act (2010).

European Commission(2003). *2010: A Europe accessible for all.*

Retrieved from [http://www.accessibletourism.org/resources/final\\_report\\_ega\\_en.pdf](http://www.accessibletourism.org/resources/final_report_ega_en.pdf).

Gavu, E.K., Tudzi, E.P.,&Shani, A.S.(2015, April). *The level of accessibility of tertiary educational facilities in Ghana after the passage of the Persons with Disability Act 2006, Act 715.* Paper presented at the American Real Estate Society Conference, Sanibel Harbour Marriott Fort Myers, Florida.

Gibilisco, P.(2010). *Politics, disability and social inclusion: People with different abilities in the 21<sup>st</sup> century.* Saarbrucken: VDM Publishing.

Gyamfi, A. E.(2014). Ghana. In C.Ngwena, I. G. Plessis, H. Combrinck& S. D. Kamga (Eds.),*African Disability Rights Yearbook, Volume 1 2013*(pp. 221-243).Pretoria, South Africa: Pretoria University Law Press.

[INR \(2009\).National and international policies for the integration of Persons with Disabilities.](#)

[Retrieved](#)

[fromhttp://www.etsav.upc.edu/locus/outputs/accessibility/general/Policies%20Integration%20Disabilities.pdf](http://www.etsav.upc.edu/locus/outputs/accessibility/general/Policies%20Integration%20Disabilities.pdf)

International Standards Office(2011).*ISO 21542:2011 Standards on building construction-*

*accessibility and usability of the built environment.* Retrieved from

<https://www.iso.org/obp/ui/#iso:std:iso:21542:ed-1:v1:en>

Labour Act (2003)

Lau, W. K., Ho, D. C. W. and Yau, Y.(2014). *Assessing the disability inclusiveness of*

*universitybuildings.*

Retrieved

from [http://www.researchgate.net/publication/263504445\\_Assessing\\_the\\_Disability\\_Inclusiveness\\_of\\_University\\_Buildings](http://www.researchgate.net/publication/263504445_Assessing_the_Disability_Inclusiveness_of_University_Buildings)

Local Governance Act (2016).

National Disability Authority (NDA). (2012) *Guidelines for access auditing of the built environment*. Retrieved from <http://nda.ie/Resources/Accessibility-toolkit/Make-your-buildings-more-accessible/Guidelines-for-Access-Auditing-of-the-Built-Environment.html>

National Health Insurance Act (2012).

~~O'Young, B., Steins, S. A., & Young, M. A. (2002). Person-centred rehabilitation: Interdisciplinary intervention to enhance patient enablement. In B. O'Young, M. A. Young & S.A. Steins (Eds.), *Physical Medicine and Rehabilitation Secrets*. Philadelphia, PA: Hanley and Belfus.~~

Oduro, F. (2009). The quest for inclusion and citizenship in Ghana: Challenges and prospects. *Citizenship Studies*, 13(6), 621-639.

Oyaro, L. O. (2015). Africa at crossroads: The United Nations Convention on the Rights of Persons with Disabilities. *American University International Law Review*, 30 (2), 347-377.

Persons with Disability Act (2006).

Samad, B. A. (2010). *Accessibility standards in the Middle East and North Africa (MENA) Region*. Retrieved from [http://www.iso.org/sites/WSC\\_Accessibility\\_2010/presentations/3\\_Group\\_2\\_08\\_Bachar%20presentation.pdf](http://www.iso.org/sites/WSC_Accessibility_2010/presentations/3_Group_2_08_Bachar%20presentation.pdf).

- Sawyer, A. & Bright, K.(2007). *The access manual: Auditing and managing inclusive built environments*. Oxford: Blackwell Publishing Ltd.
- Uganda National Action on Physical Disability and Ministry of Gender, Labour and Social Development (UNAPD).(2010). *Accessibility standards: A practical guide to create a barrier-free physical environment in Uganda, 2010*.Retrieved from <http://unapd.org/introduction.pdf>
- United Nations.(2006). *Convention on the Rights of Persons with Disabilities*. Retrieved from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.
- UN Enable.(2016). *Disability-Inclusive Sustainable Development Goals: 2030 Agenda for sustainable development*. Retrieved from [http://www.un.org/disabilities/documents/sdgs/disability\\_inclusive\\_sdgs.pdf](http://www.un.org/disabilities/documents/sdgs/disability_inclusive_sdgs.pdf).
- Venter C., Savill T., Rickert, T., Bogopane, H, Venkatesh, A., Camba, J., Mulikita, N., Khaula, C., Stone, J. & Maunder, D.(2002). *Enhanced accessibility for People with Disabilities living in urban areas*.Retrieved from <http://www.globalride-sf.org/images/DFID.pdf>
- Voice Ghana.(2014). *Political governance for Persons with Disabilities: A study on the level of participation of Persons with Disabilities in local governance*. Retrieved from <http://voiceghana.org/downloads/Research%20on%20Political%20Governance%20for%20PWDs.pdf>.
- World Health Organization (WHO).(2011a). *World report on disability*.Retrieved from [http://www.who.int/disabilities/world\\_report/2011/report.pdf](http://www.who.int/disabilities/world_report/2011/report.pdf)
- World Health Organization (WHO).(2011b). *Summary world report on disability*.Retrieved

from [http://apps.who.int/iris/bitstream/10665/70670/1/WHO\\_NMH\\_VIP\\_11.01\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/70670/1/WHO_NMH_VIP_11.01_eng.pdf)