

# Affirmative Action Law in Ghana: What scope for empowerment?

By Dinah Serwaa Amankwah

**T**HE news about Parliament passing the Affirmative Action Law is good because it implies progress.

In the words of the Special Representative of the Secretary-General and the Head of the United Nations Office for West Africa and the Sahel, Mr Santos Simão, "it demonstrates Ghana's commitment to achieve gender equality in both the public and private sector in the exercise of power and decision-making, which will contribute to consolidating social justice and development in the country."

In the July 31, 2024 edition of Graphic Online, Mr Simão exhorted "all stakeholders" to join hands in the implementation of the law for "inclusive" impact.

As a female, I am happy about the development, but as a researcher I cannot help but question how much enhancement of rights the Law can bring, especially to children, females, and people with disability in the nation's domestic and public spaces. Per the principles of the Law, one should expect widening equality in employment and education for all genders and the disadvantaged in the future. Additionally, one dares to hope that the Law can protect children's rights which so often get callously trampled upon by diverse agents in communities.

I have several reasons to be apprehensive, the greatest being the toxic national culture of indiscipline, vindictiveness and crass aggression. The success or failure of established rules can depend on the people for whom the rules are made. I learnt in my Government class that the Executive initiates policies, the Legislature passes such into Law, the Judiciary, alongside other established structures, ensures the smooth implementation of the policies. All the agencies named above must demonstrate respect for rules through compliance. None is above the law.

Therein lies the hurdles of contemporary Ghanaian society which largely pays lip service to rules and regulations. When many citizens wilfully embrace a psyche of disobedience, established laws stand a little chance of protecting the vulnerable in society. On the

contrary, a law-abiding society can be a relative haven for the disadvantaged amidst persistent human challenges.

For 60 years, affirmative action has been clearing major discriminatory blocks for minority groups in the US. The law originally prohibited employment discrimination on grounds of "race", "creed", "colour", and "national origin". Over time, the provision was extended to education and gender. Despite appreciable improvement, discrimination remains in the American society. However, the milestones crossed indicate that a society which upholds the Rule of Law can be a springboard for assertiveness, which is the underlying principle of affirmative action.

In America, affirmative action was cushioned by a high literate society and assertive culture. Literacy enables people to appreciate basic freedom, cultivate assertiveness to insist on their rights. They can explore existing laws for dignity and protection of others. From that standpoint, the high illiteracy rate of Ghana can strongly undermine the implementation of the Law in the country.

A major hallmark of Affirmative Action is merit – insistence on standards and qualification. Therefore, qualified Ghanaians must not be discriminated against due to tribe, religion, gender, disability or political affiliation – to name these – in employment or education. Hence, the current climate of commercialisation of education, nauseous political interference, and blind spirituality can strongly militate against individual and collective liberties propounded by the Law.

High birthrate and irresponsible childbirth contribute to gross abuse of children's rights in the country. Many married couples fail to plan their families so they just produce children. Teenage

promiscuity ends in numerous unplanned births and single parenthood. The irresponsibility culminates in deprivation – child hunger, illiteracy, labour, molestation – avoidable abject poverty which effectively nips life's opportunities, through ignorance, in the bud. The mindsets need liberation first.

Female passivity is another obstruction to the potential impact of the Law. Too

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many females in the workforce are too willing to defer opportunities to male colleagues, who usually recycle responsibilities among men only. Reticent ones would quietly stomach discrimination and diverse harassment. At the domestic level, many contemporary females would live off men rather than earn a dignified living. Many industrious women in various homes timidly

kowtow to male aggression and vice versa for self-enslavement.

Numerous fine minds are painfully marginalised in workplaces and domestic spaces due to psychological challenges. Corporate and learning institutions fail such ones by neglecting or underutilising them. Instead of synergising, inert leadership fans stigmatisation by ostracising such ones in allocating responsibilities. Workplace stigmatisation (myopia), unless strongly resisted in the implementation processes, would effectively derail the empowering principles of the Law.

It is impossible to liberate people who are satisfied with mediocrity or life's scraps: The willing susceptibility of many Ghanaians towards blind faith is numbing. Indolence makes many, the youth especially, sidestep diligence for affluence and pretentiousness. Subsequently, instead of pursuing knowledge for self and community development, many opt for politics and religion to drain fellow country people. How could self-defeating ones be salvaged by the law?

The Affirmative Law may have been passed to Ghana's credit, but there are major hurdles: Nepotism and sycophancy contravene the Law. Cherished ways and mindsets that negate humanity must be countered before the law can impact lives. Human dignity must be upheld. Oversight structures must be made to perform to the mandate. My concerns!

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