



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports

- Universal Periodic Review:

GHANA

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to Ghana.

1. Treaty Body Concluding Observations and Recommendations

**CAT/C/GHA/CO/1 46th session
15 June 2011**

Refugees and asylum-seekers

20. The Committee notes, based on reports, that due to the post-election crisis in Côte d'Ivoire, over 14,178 Ivorians (including 6,036 children) have sought asylum in the State party since 16 May 2011. Among the new arrivals, are persons who might have been subjected to direct threats and abuse due to their perceived political affiliation. The Committee is particularly concerned about information received concerning the suspected presence of combatants among those fleeing Côte d'Ivoire in refugee hosting areas, which could generate serious security concerns for refugees, asylum-seekers and communities, as well as threaten to undermine the civilian and humanitarian character of asylum. The Committee appreciates the efforts of the State party in responding to this massive influx and encourages it to establish procedures required for the identification and separation of combatants, and to promptly determine the refugee status of Ivorian asylum-seekers. The Committee also notes with concern that 11,000 refugees from Liberia have been living in Ghana for over 20 years and that, according to the information provided by the delegation, the State party is planning to either relocate them or return them to their place of origin (arts. 3 and 16).

The Committee calls on the State party to take a more active approach in relation to its obligations at the international and regional levels under international refugee law. In this respect, the State party should:

- (a) Pursue its efforts, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), to continue to identify refugees and asylum-seekers and ensure their protection in accordance with international law, including, in particular, respect for the principle of non-refoulement;***
- (b) Consider granting refugee status on a prima facie basis to Ivorians fleeing their country, except for those who may be considered combatants, until it is established that they have genuinely and permanently renounced military activities;***

(c) Take measures to effectively screen arrivals and to separate combatants and non-combatants in order to ensure the civilian nature of refugee camps and/or sites, including through strengthening existing screening mechanisms and enhancing the capacity of the Ghana Refugee Board at the border;

(d) Reinforce the capacity of the Ghana Refugee Board to process refugee claims of asylum-seekers in the country other than those who may benefit from recognition on a prima facie basis;

(e) Ensure that Liberian refugees in Ghana are not forcibly returned to their country of origin in a manner that would be inconsistent with the nonrefoulement obligations under the Convention or other international human rights instruments.

Human trafficking

21. The Committee takes note of the adoption in 2005 of the Human Trafficking Act, and its 2009 amendment, which brought the definition of trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. However, the Committee expresses its concern at persistent reports of internal and cross-border trafficking of women and children for the purpose of sexual exploitation or forced labour as, for example, domestic workers or head-load carriers (kayaye). The Committee is also concerned at the lack of statistics in the State party's report on, inter alia, the number of prosecutions, convictions and sentences of perpetrators of trafficking, including for child labour, and the absence of practical measures taken to prevent and combat this phenomenon. It also notes with concern that there is no formal referral process to transfer victims in protective custody to other facilities (arts. 2, 12 and 16).

The State party should:

(a) Intensify its efforts to prevent and combat trafficking in human beings, especially women and children, including by implementing the anti-trafficking legislation, providing protection for victims and ensuring their access to medical, social, rehabilitative and legal services, including counselling, as appropriate;

(b) Ensure adequate conditions for victims to exercise their rights to make complaints;

(c) Conduct prompt, impartial investigations of trafficking and ensure that those who are found guilty for such crimes are punished with penalties appropriate to the nature of their crimes;

(d) Conduct nation-wide awareness-raising campaigns and conduct training for law enforcement officials;

(e) Provide detailed information on the number of investigations and complaints of human trafficking, as well as prosecutions and convictions in such cases.

**CEDAW/C/GHA/CO/5 36th session
25 August 2006**

25. The Committee expresses concern about the discriminatory nature of article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591), which

make it more difficult for foreign spouses of Ghanaian women to acquire Ghanaian citizenship than it is for foreign spouses of Ghanaian men to acquire citizenship.

26. The Committee requests the State party to bring article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591) in line with article 9 of the Convention.

39. The Committee notes with concern that the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has not yet been ratified, despite the fact that the Parliament, in December 2002, passed a resolution approving its ratification.

40. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women as soon as possible. It also calls upon the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

41. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

42. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

**CRC/C/GHA/CO/2 41st session
17 March 2006**

32. Notwithstanding the remarkable progress achieved in improving birth registration coverage from 28 per cent in 2003 to 51 per cent in 2004, including through the extensive use of mobile registration units, the Committee remains concerned about the many challenges faced by the State party such as poor staffing, inadequate funding and lack of logistics. The Committee is further concerned about the difficulties in ensuring the birth registration of children, particularly in rural areas, and for abandoned children, asylum-seekers and refugee children.

33. In light of article 7 of the Convention, the Committee recommends that the State party implement an efficient birth registration system, which covers its territory fully, including through:

- (a) Strengthening its efforts in terms of financial allocations and improved institutional capacities;**
- (b) Taking appropriate measures to register those who have not been registered at birth;**
- (c) Strengthening the cooperation of the Births and Deaths Registry between the local government and community based institutions;**

(d) Increasing the appreciation of the importance of birth registration and providing information on the procedure of birth registration, including the rights and entitlements derived from the registration, to the public, including through television, radio and printed materials; and

(e) Paying particular attention to the improved access to an early birth registration system by abandoned children, asylum-seekers and refugee children.

61. The Committee takes note with appreciation of the general practice of the State party in hosting refugees and asylum-seekers.

62. The Committee recommends that the State party increase its efforts to meet the specific protection needs of refugee children in the refugee settlements, in particular to provide protection against sexual and gender-based violence by strengthening the administration of justice in the camps and taking supportive measures such as deployment of female police officers and facilitating related activities by NGOs. It further recommends that the State party strengthen its protection of unaccompanied and separated refugee children. In this regard, the Committee recommends that the State party refer to its general comment No. 6 (2005), Treatment of Unaccompanied and Separated Treatment of Unaccompanied and Separated Children Outside Their Country of Origin.

2. Special Procedures Reports

A/HRC/7/6/Add.3

HUMAN RIGHTS COUNCIL, 7th Session

Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk

21 February 2008

C. Female genital mutilation

51. Female genital mutilation (FGM) has been traditionally practised by several ethnic groups from northern Ghana. Victims can also be found among immigrants from neighbouring countries, where FGM is highly prevalent. UNICEF has estimated that 5.4 per cent of all women in Ghana aged 15-49 have been subjected to FGM.²⁸

52. In 1994, Ghana criminalized the practice. Since then, successful prosecutions of those performing FGM have been reported from the Upper West and Upper East Regions. In 2007, Parliament further strengthened the law against FGM by increasing the maximum penalty to 10 years of imprisonment and extending the range of persons who can be prosecuted for involvement in an act of FGM. Officials at all levels of Government, including the President, have also publicly condemned FGM.

53. While there are indications that the practice of FGM in Ghana may be declining, few cases continue to be reported. Civil society organizations and medical practitioners

note that FGM is increasingly performed on younger girls, who are less likely to resist or report the crime. Some families apparently also send their daughters abroad to have the procedure carried out. The fact that in some neighbouring countries FGM is not criminalized or the legislation against it is not enforced, and since Ghanaian law does not apply extraterritorially, makes it difficult for the Ghanaian authorities to take action, even if they find out about such cases.

E. Kayaye street girls

56. Girls also migrate on their own from impoverished areas in the north to the big urban centres in the south, where they work in the markets and streets as head load carriers (kayaye), informal petty traders or in other menial jobs. Most of the girls are only 10-14 years old when they first migrate and some are even younger. The girls, an estimated 90 per cent of whom are illiterate, typically migrate to escape extreme poverty and a lack of opportunities. Many girls also see the kayaye experience as an opportunity to acquire the items they will need in order to get married later on in life.

61. Some girls abandon kayaye work altogether and are fully drawn into Ghana's growing child prostitution sector, which increasingly also seems to cater to foreign child sex tourists. Girls have reportedly also been trafficked and subjected to commercial sexual exploitation in other West African countries and Western Europe. While the Government has reacted by adopting a comprehensive Human Trafficking Act in 2005, still more needs to be done to enforce the Act and strengthen Ghana's anti-trafficking cooperation with other countries.

Recommendations

- **Initiate and foster regional and international cooperation against all forms of violence with transnational links, including trafficking in persons, FGM and ritual servitude. Encourage neighbouring countries, which have not done so, to pass comprehensive criminal legislation against these acts;**
- **Consider signing and ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**
- **Invite the Special Rapporteur on the sale of children, child prostitution and child pornography to carry out an official visit;**

Special Rapporteur on Violence against Women

9-15 July 2007

Press release

Very young girls from Northern Ghana (the so-called Kayayee) increasingly migrate to the large cities in the South in search of menial jobs so that they can escape extreme poverty, and in some cases also family oppression. Often having to live in the street, these girls are vulnerable to various forms of exploitation and abuse. Violence against women

in refugee camps, ejection of HIV positive women from their homes, rape and sexual abuse in the family as well as the situation of young women with children out of wedlock and widows are also major areas of concern

- End of excerpts -

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