

**SUBMISSION BY THE WORLD FOOD PROGRAMME (WFP) TO  
THE OFFICE OF THE HUMAN RIGHTS COMMISSION ON  
THE UNIVERSAL PERIODIC REVIEW**

**BACKGROUND**

Ghana is a country with a population of approximately twenty-four million people. The population comprises 51 per cent female and 49 per cent male. Ghana is a food-deficit country, but positive economic developments in recent years have led Ghana to achieve lower middle-income status. However, Ghana is ranked 135th out of 187 countries in the 2011 human development index.

The Ghanaian economy depends primarily on agricultural production, mineral exports, forestry and fishing with services showing remarkable growth in recent years. Ghana's new petro-carbon industry is under steady development and will play a vital role in its economic development. Agriculture provides employment for approximately two-thirds of the population and accounts for about 39 per cent of the country's gross domestic product (GDP).

There are large disparities in poverty levels between the north and south of Ghana. Seventy percent of the poor live in the three regions in the north: Northern, Upper East and Upper West. Acute malnutrition rates in these regions are considered "serious" by World Health Organization standards: 13 percent in Northern, 11 percent in Upper East and 14 percent in Upper West. While the stunting rate is 28 percent nationally, in the Northern and Upper East regions it is "serious" at 32 and 36 percent respectively. Recurrent droughts and floods increase communities' vulnerability to food insecurity and malnutrition. The three northern regions have the highest rates of out-of-school children, varying from 18 to 28 percent. Ghana's HIV prevalence rate for adults is 3 percent, and on average, 16% of people living with HIV and affected families are food insecure.

**PROMOTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS**

Ghana has made steady progress towards effectively promoting the rights and treaties to realize the rights of all vulnerable people, as enshrined in the below Conventions and Protocols which have been ratified by Ghana:

- *International Bill of Human Rights*
- *Prevention of Discrimination on the basis of Race, Religion, or Belief; and Protection of*
- *Minorities*
- *Women's Human Rights*
- *Rights of the Child*
- *Refugees and Asylum*
- *Nationality, Statelessness, and the Rights of Aliens*
- *War Crimes and Crimes against Humanity, Genocide, and Terrorism*
- *Law of Armed Conflict*
- *Terrorism and Human Rights*
- *United Nation activities and employees*

- *African Regional Conventions*

## **THE CONSTITUTIONAL PROVISIONS**

The 1992 Constitution is the supreme law of the land and all other laws which are found to be inconsistent with the provisions of the Constitution are to the extent of that inconsistency void. The Constitution recognizes that the protection and preservation of fundamental human rights and freedoms is necessary for the unity and stability of Ghana. Thus there are several provisions in the Constitution relevant to the promotion and protection of fundamental human rights.

The basic guarantees for human rights are entrenched in Chapter 5 of the Constitution, which sets out the fundamental human rights and freedoms of all persons in Ghana. The Constitution provides that the fundamental human rights and freedoms shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of Government and its agencies where applicable to them, by all natural and legal persons in Ghana and shall be enforceable by the Courts as provided for in the Constitution.

The Constitution provides in Chapter 5 for: protection of fundamental human rights and freedoms; protection of the right to life; protection of personal liberty; respect for human dignity; protection from slavery and forced labour; equality and freedom from discrimination; protection of privacy of home and other property; fair trial; protection from deprivation of property; property rights of spouses; general fundamental freedoms; administrative justice; economic rights; educational rights; cultural rights and practices; women's rights; children's rights; rights of disabled persons; rights of the sick; emergency powers; persons detained under emergency law; and, protection of rights by courts.

In addition to Chapter 5 there are other provisions that confer rights on the individual. These include the right to vote under Article 42, freedom and independence of the media under Article 162 and the establishment of a Commission on Human Rights and Administrative Justice in Article 216. Administrative Justice is provided for in Article 296 on the exercise of discretionary power.

## **RELEVANT LEGISLATION**

Whilst the 1992 Constitution provides the broad legal framework for the protection of fundamental human rights and freedoms, there are other laws specifically aimed at protecting fundamental human rights and freedoms of persons. This broad framework manifests in several laws that have been enacted to protect the fundamental human rights and freedoms of individuals and in particular women, children and the vulnerable.

Relevant legislation in this regard includes: The 1992 Constitution; the Children's Act, Criminal Offences Act,— protection of the child from sexual offences, abduction and abandonment; Domestic Violence Act, Persons with Disability Act, Refugee Act, Commission on Human Rights and Administrative (Act 456) – promotion and protection of fundamental human rights and freedoms; Criminal Code (Amendment) Act, – protection of women and children's rights; Labour Act, 2003 (Act 651) – protection of economic rights and the rights of women, among others.

Ghana has also proposed the following laws in order to entrench the promotion and protection of fundamental human rights and freedoms: Intestate Succession Bill – improves protection of the right to property and the Mental Health Bill.

## **HUMAN RIGHTS INSTITUTIONS IN GHANA**

Commission on Human Rights and Administrative Justice (CHRAJ) - The Constitution provided for the establishment of an independent Commission on Human Rights and Administrative justice (CHRAJ). The functions of CHRAJ as set out by the Constitution includes the duty to investigate complaints of violations of fundamental human rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his public duties. The structures of the Commission ensure that human rights and freedoms are promoted and protected throughout Ghana.

Parliament - Parliament has some responsibility for ensuring the promotion and protection of fundamental human rights and duties in Ghana. The President is required to report to Parliament annually, amongst other things, on the realization of basic human rights. Parliament also has a duty to ratify treaties executed by or under the authority of the President.

Media Commission - The freedom and independence of the media is guaranteed under article 162 of the Constitution.. Entrenched in the Constitution is the role of the Media Commission which includes promoting and ensuring the freedom and independence of the media for mass communication or information.

Domestic Violence and Victim Support Unit (DOVVSU) - The Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service is tasked with providing support to victims of domestic violence. This Unit is also responsible for investigating complaints of domestic violence.

The Police Service - The Police Service has the function of preventing and detecting crime, apprehending offenders, and maintaining public order and the safety of persons and property. Ghana is party to all the relevant international treaties and conventions signed and ratified by the Republic to promote human rights that have a direct impact on the functions.

The Prisons Service - The mandate of the Prisons Service is to maintain the safe custody of prisoners, the security of prisoners and to reform and rehabilitate prisoners. In carrying out its functions, the Prisons Service operates within the scope of national laws, international treaties and conventions.

Courts - Ghana has an independent judiciary, as provided by the Constitution. The superior courts consist of the Supreme Court, the Court of Appeal, and the High Court. There are other lower courts and tribunals. The independence of the judiciary in Ghana has been recognized internationally.

The Electoral Commission - The Electoral Commission is responsible for the administration and conduct of elections. The Commission has conducted four credible elections, introduced photo I.D cards and tactile balloting for the blind. They have also set up the Inter-Party Advisory Committee (IPAC), which provides a platform for the Commission to dialogue with all stakeholders.

## **WFP's Contribution to Achievements and Best Practices**

Various achievements have been chalked in Ghana as indicated below:

### **RIGHTS TO FOOD**

The right to food is the foremost important human right protecting the right of all human beings to live in dignity, free from hunger, food insecurity and malnutrition. All human beings should be able to live with dignity and capable of feeding themselves. The definition of food security adopted at the World Food Summit in 1996 says "***Food security, at the individual, household, national and regional and global levels is achieved when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active healthy life.***" All WFP initiatives strive to achieve the food security of its beneficiary community to save their lives and livelihood.

### **Rights Of Women And Children**

The rights of women and children are protected under Articles 27 and 28 of the 1992 Constitution. The creation of a Ministry of Women and Children's Affairs at Cabinet level is a clear demonstration of the government's desire to address the problem of women's marginalization and raise the issues of women and children rights to a higher national level.

Regarding children, several achievements are commendable. Ghana was the first country to ratify the United Nations Convention on the Rights of the Child. In addition to being a state party to a number of related regional and, international treaties, it has made great strides in creating a national environment conducive to the promotion and protection of these rights.

Some of the actions that have been undertaken include making school attendance fee free, school feeding programmes and education and sensitization of the state of the law and the negative effects of child labour. The district assemblies have also been urged to mainstream the elimination of child labour into their district development plans.

The **New Partnership for Africa's Development (NEPAD) School Feeding Programme** has been introduced where children in deprived areas are fed once a day by the State. Since 2006, WFP has implemented a Support to Basic Education Programme which included a school feeding programme in Northern Ghana. WFP partners with the Ghana School Feeding Programme, Ministry of Local Government and Rural Development, Ministry of Education, the World Bank and the Partnership for Child Development to implement school feeding. WFP contributes a food basket composed of rice, beans, fortified oil, iodized salt and micronutrient powder, to the feeding programme, with particular focus in the three deprived Northern Regions of Ghana. This has improved the nutrition of children, leading to easy access to education, a resultant retention of pupils in classrooms and an improvement in the quality of education in deprived areas.

There has been an improvement and expansion of physical facilities like classrooms at all levels. Access to basic education for both girls and boys has increased since the introduction of the capitation grant to all public basic schools. The capitation grant has enabled all children of school going age to attend school. The government pays approximately \$3.20 per child to cover cultural, sports and other school fees.

In support of addressing the disparity between the number of boys and girls enrolled in basic schools, WFP in collaboration with the Ghana Education Service provides **Take-Home Rations** (THR) for girls: the THR targets girls in primary and junior secondary schools to encourage them to attend school and most importantly improve gender parity THR. This has resulted in a significant increase in girls' enrolment and retention rates, with more than 90% of girls achieving more than 85% monthly attendance rates. Brilliant but needy girls from deprived food-insecure areas who excel at the Basic Education Certificate Examinations are provided with scholarships to support their education through the Senior High School.

The report summary of the of the recent partners' conference on school feeding in Ghana, which saw the participation of WFP, indicates that the national programme so far covers 1,040,000 school children. WFP Ghana is a key player in the Education Sector due to the immense power of school feeding as an effective safety net, and its ability to address challenges within the sector.

WFP implements a treatment for Moderately Acute Malnutrition programme which supports malnourished women and children under age 5 in deprived and food-insecure areas with nutritious food.

Against the backdrop of high under-nutrition and micronutrient deficiency malnutrition among women and children in northern Ghana - 22 percent of children under five are underweight compared with the national average of 14 percent.

In addition, WFP provides nutrition and food support to PLHIVs and affected family members. This ensures that these vulnerable groups have access to nutrition and food support to enhance treatment and avoid them from negative coping mechanism.

Fifty-nine percent of women between the ages of 15 and 49 are anaemic, only 15% of households consume adequately iodized salt – WFP provides nutritional income-generating programmes in community-based milling, food fortification and iodization of salt for sale, to increase access to and consumption of locally fortified foods, whilst also improving their incomes and also maintaining the gains already made in this region towards attaining the Millennium Development Goals (MDGs).

As administrative agency, WFP in collaboration with FAO, UNICEF and WHO has initiated REACH (Renew Effort against Child Hunger) in Ghana. REACH is a facilitation and coordination mechanism for nutrition. A Country Implementation Plan has been prepared and will be facilitated by a REACH facilitator. REACH provide support to SUN (Scaling up Nutrition) for which Ghana has registered as an early riser SUN country.

WFP also provides support to the Ministry of Health for the development of a national nutrition policy which will serve as a legal platform to address malnutrition among children, women and other vulnerable groups.

Through the **Purchase for Progress (P4P)** Initiative, WFP provides training to smallholder farmers, especially female farmer in order to strengthen their value chain. The ultimate objective of assistance to this vulnerable group is to enable them to get access to markets for their produce. WFP also applied soft tendering in order to purchase as much as possible from them.

### **LIVELIHOOD EMPOWERMENT AGAINST POVERTY (LEAP)**

LEAP enhances the living standard of the less privileged persons whose daily incomes fall below one dollar, those considered extremely poor, orphans or those who are 65 years and above and those with severe disabilities among others. A specific amount of money is directly disbursed to persons who fall within these categories for their upkeep. In a special initiative, WFP partnered with the Department for Social Welfare to provide food alongside the cash payments to improve their food security needs.

WFP's 2009 Comprehensive Food Security and Vulnerability Analysis (CFSVA) has served to provide much needed information on targeting for the food insecurity in Ghana. The CFSVA will be updated in 2012.

Through **Food for Assets and Income Generating Activities** supported by WFP, food insecure women and men participate in climate change adaptation activities and skills training to restore their livelihood and earning a living.

### **PROTECTION OF REFUGEES**

The Refugee Act, 1992, (PNDCL 305D) provides for the granting of asylum or refugee status in accordance with the 1951 United Nations Convention relating to the status of refugees and its 1967 protocol. Ghana has a Refugee Board to adjudicate claims for refugee status and to ensure that refugees receive appropriate protection. Ghana has granted refugee status and asylum to a number of refugees particularly from Liberia and Sierra Leone and Ivory Coast. WFP, UNHCR and the Ghana Refugee Board has, and continues to collaborate to provide timely food assistance to the displaced persons who seek refugee status in Ghana. Currently, WFP is providing food assistance to about 7,400 Ivorian asylum seekers who live in the three major camps in Western and Central Ghana.

### **ETHNIC CONFLICTS**

There are well – established and well – defined institutions and mechanisms for the prevention, management and resolution of conflicts, including: (a) State Security Services; (b) National Security Council; (c) Regional and District Security Councils; (d) National Disaster Management Organization.

From time to time there have been some isolated conflicts which are mostly as a result of chieftaincy disputes. Notable among these conflicts is the spate of violence in the Bawku area of the Upper East Region. A considerable amount of resources have been spent to maintain security personnel in the area to keep peace. Property worth millions of cedis has been destroyed, with focus shifted from production oriented activities. Food production has suffered as a result of this. The Joint UN Human Security Project with WFP's participation redirects the focus from conflict oriented activities to production activities with the overall aim of addressing the insecurities left behind by the protracted conflicts.

## **CHALLENGES AND CONSTRAINTS**

### **WOMEN AND CHILDREN**

There is a disparity between the number of boys and girls enrolled in basic schools with the number of boys being substantially higher than that of girls in some areas. There is a high level of illiteracy among girls. This disparity is attributed to various cultural and socio economic factors such as parent's attitude to education, child labour, mother's educational level and sexual harassment of girls. To rectify this situation, the Government has initiated programmes like skills training and entrepreneurial programmes to provide skill training for all school dropouts.

The educational policy supports the admission of more girls in school. The Government in a bid to address the low enrolment of girls in schools has taken the bold step of lowering the admission requirements for girls into educational institutions.

Maternal mortality continues to be an issue in terms of achieving the MDGs by 2015. The Millennium Development Goals Acceleration Framework (MAF) seeks to address the issues associated with the MDGs in which Ghana is lagging behind.

### **INADEQUATE RESOURCES**

Even though the economy has been growing steadily through prudent management, the challenge of inadequate resources is real. This is largely as a result of the rise in the price of crude oil which has led to pressure on the economy and budget. Ghana's middle income status declaration has implications for the inflows from donor funding. As a result, the allocation of resources to all sectors has been affected. Key institutions supporting in the implementation of food assistance for vulnerable groups are also affected. Agreed commitments are sometimes not forthcoming to support programme implementation.

### **COOPERATION BETWEEN THE STATE, STATE INSTITUTIONS AND CIVIL SOCIETY GROUPS**

There is the need to improve the cooperation between the State, human rights institutions and civil society groups to a new level where all these bodies work together to promote and protect the human rights of its people. Where the State or and Government itself is committed to the promotion and protection of fundamental human rights the level of cooperation by all sides must be deepened.

Ghana is committed to the protection and promotion of fundamental human rights and freedom. Ghana takes its international obligations seriously and supports the development of international human rights. Its nationals serve as judges of the International Criminal Court and the African Court of Justice.