



General Assembly

Distr.
GENERAL

A/HRC/WG.6/2/GHA/1
8 April 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Second session
Geneva, 5-16 May 2008

NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 *

Ghana

* The present document was not edited before being sent to the United Nations translation services.

I. METHODOLOGY

1. The Ghana national report for this review was prepared in line with the guidance provided in the Element for a Roadmap based on Resolution 5/1 made on June, 18th 2007, by the Human Rights Council and on the general guidelines for the preparation of information under the Universal Periodic Review contained in document A/HRC/6/L.24. The national report covers the entire geographical area of Ghana.

II. CONSULTATIVE PROCESS

2. In drafting the report, Ministries, Departments, and Agencies of Government, which deal directly or indirectly with human rights, were actively involved in the consultative process. Independent professional associations and bodies, as well as independent human rights institutions were also consulted. These institutions and bodies include, National African Peer Review Mechanism Governing Council, the Ghana Bar Association (GBA), the Ghana Journalist Association (GJA), and the Commission on Human Rights and Administrative Justice (CHRAJ). The consultative process also involved several civil society organizations such as, Ark Foundation, Commonwealth Human Rights Initiative and Amnesty International. The Report was drafted following the guidelines and was based on information collated during the entire consultative process.

III. COUNTRY BACKGROUND

3. Ghana is a country with a population of approximately twenty-one million people. The population comprises 51 per cent female and 49 per cent male. Ghana is geographically located on the West Coast of Africa along the Gulf of Guinea. La Cote d'Ivoire is on the west, the Republic of Togo on the East and Burkina Faso is to the North.

IV. POLITICAL SYSTEM

4. Ghana attained independence from the United Kingdom in the year 1957. Ghana has experienced a number of military interventions. However, Ghana can now be described as an oasis of peace and tranquillity in the sub-region. Since her return to democratic rule in 1992, Ghana has moved increasingly towards consolidating and strengthening liberal democratic principles, structures and processes. Ghana has had three successful post-transition competitive multi-party elections. The result has been the democratic and orderly transfer of power from one party to another and from one President to another.

5. For administrative purposes, the country is divided into ten administrative regions. These are the Greater Accra, Eastern, Brong Ahafo, Western, Ashanti, Volta, Northern, Upper West and Upper East Regions. Ghana also has a system of local government and administration and is actively pursuing a policy of decentralisation. For purposes of local government Ghana is divided into 169 districts, municipal and metropolitan assemblies.

6. There are 230 Members of Parliament who are elected by direct popular vote to serve four year terms. Parliamentary elections are conducted simultaneously with Presidential elections.

V. THE STATE OF THE ECONOMY

7. Ghana is endowed with natural resources including extensive agricultural land, considerable forest, fresh water resources and mineral deposits such as gold, diamonds, manganese, bauxite, and recently petrol carbons. The Ghanaian economy depends primarily on agricultural production, mineral exports, forestry and fishing with services showing remarkable growth in recent years. Agriculture provides employment for approximately two-thirds of the population and accounts for about 35 per cent of the country's gross domestic product (GDP). There is an annual population growth of about 2.7 per cent and a GDP growth rate of 6.5 per cent. Ghana aspires to be a middle income country by the year 2015.

VI. THE LEGAL SYSTEM

8. The legal system of Ghana is influenced by the basic tenets of the Anglo - Saxon system and Ghana is a common law country. The laws of Ghana as provided in Article 11 of the 1992 Constitution comprise of:

- (a) the Constitution;
- (b) enactments made by or under the authority of Parliament established by the Constitution;
- (c) any Orders, Rules and Regulations made by any person or authority under a power or authority conferred by the Constitution;
- (d) the existing law; and
- (e) the common law

The common law of Ghana comprises the rules of law generally known as the common law, the rules generally known as the doctrines of equity and the rules of customary law including those determined by the Superior Court of Judicature.

VII. PROMOTION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

A. The Constitution

9. 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 recognises 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.

10. 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. Article 12 of

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. Every person in Ghana whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual as contained in Chapter 5 but subject to the respect for the rights and freedoms of others and for the public interest.

11. 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.

12. Article 33(5) of the Constitution provides that the rights, duties, declarations and guarantees relating to fundamental human rights and freedoms specifically mentioned in the Constitution (as set out above) shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man. Article 33 (1) also gives a person who alleges that his or her fundamental human rights or freedoms have been infringed or are likely to be infringed the right to seek redress in the High Court.

13. 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.

B. Legislation

1. Relevant legislation

14. It is important to note that the 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 is as follows:

15. The 1992 Constitution; the Children's Act, 1998 (Act 560) – protection of the rights of the child; Criminal Offences (Amendment) Act, 1998 (Act 554) – protection of the child from sexual offences, abduction and abandonment; Domestic Violence Act, 2007 (Act 732) – protection of individuals against violence in domestic settings; Persons with Disability Act, 2006 (Act 715) – protects the rights of the disabled; Intestate Succession Act, 1989 (PNDC 111) –

protection of property rights; Human Trafficking Act, 2005 (Act 694) – protection of personal liberty; Refugee Act, 1992 (PNDCL 305D) – protects the rights of refugees; Legal Aid Scheme Act, 1997 (Act 542) – provision of legal aid; Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) – promotion and protection of fundamental human rights and freedoms; Citizenship Act, 2000 (Act 591) – the right to nationality; Criminal Offences Act, 1960 (Act 29) – repealed provisions on criminal libel and seditious libel – promotes freedom of the press and expression; Criminal Code (Amendment) Act, 2007 (Act 741) – protection of women and children’s rights; National Health Insurance Act, (Act 650) – protection of the rights of the sick; Juvenile Justice Act, 2003 (Act 653) - Protection of the rights of the child who has breached the law; Representation of the People’s (Amendment) Act 2006 (Act 699) – protection of political rights; National Identification Authority Act, 2006 (Act 707) – protection of the right to privacy of data; National Commission on Small Arms and Light Weapons Act, 2007 (Act 736) – protection of the right to life; Labour Act, 2003 (Act 651) – protection of economic rights and the rights of women; Habeas Corpus Act, 1964 (Act 244) – protection of the right to liberty; Transfer of Convicted Persons Act, 2007 (Act 743) – protection of the rights of convicted persons

2. Proposed legislation

16. Ghana has proposed the following laws in order to entrench the promotion and protection of fundamental human rights and freedoms. These laws are at various stages of enactment. Intestate Succession Bill – improves protection of the right to property – Cabinet has given policy approval; Property Rights of Spouses – protection of property rights of spouses on separation and divorce - Cabinet has given approval; Geneva Conventions Bill – protection of the right to life of persons who are sick, wounded, shipwrecked and imprisoned (humanitarian law) – before Parliament; International Criminal Court Bill – protection of the right to life – Cabinet has given policy approval; Mental Health Bill – protection of people with mental disorder – under consideration; Alternative Dispute Resolution - improves access to justice – before Parliament.

C. Treaties

17. Conscious of the fact that Ghana is a signatory to the Charter of the United Nations and the Universal Declaration of Human Rights and bearing in mind the need to strictly adhere to these principles, Ghana has further demonstrated her commitment to upholding human rights by signing and ratifying some international human rights conventions, protocols and treaties. Parliament has ratified the following.

International Bill of Human Rights

- International Covenant on Economic, Social and Cultural Rights–Signed and ratified on 7 September 2000
- International Covenant on Civil and Political Rights–Signed and ratified on 7 September 2000
- Optional Protocol to the International Convention on Civil and Political Rights–Signed and ratified on 7 September 2000
- Second Optional Protocol to the International Convention on Civil and Political Rights, aimed at the abolition of the death penalty–Signed and ratified on 7 September 2000

Prevention of Discrimination on the basis of Race, Religion, or Belief; and Protection of Minorities

- International Convention on the Elimination of All Forms of Racial Discrimination- Signed and ratified on 8 September 1966

Women's Human Rights

- Convention on the Elimination of All Forms of Discrimination against Women- Signed and ratified on 17 July 1980 and 2 January 1986 respectively
- Optional Protocol to the Convention on the Elimination of Discrimination against Women-Signed on 24 February 2000

Slavery and Slavery-Like Practices

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others-Signed on 24 September 2003

Protection from Torture, Ill-Treatment and Disappearance

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment–Signed and ratified on 7 September 2000

Rights of the Child

- Convention on the Rights of the Child-Signed and ratified on 29 January 1990 and 5th February 1990 respectively
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts-Signed on 23 September 2003
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour – Ratified on 13 June 2000

Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention – Ratified on 2 June 1965
- Right to Organize and Collective Bargaining Convention – Ratified on 2 July 1959

Employment and Forced Labour

- Convention concerning Forced or Compulsory Labour - Ratified on 20 May 1957
- Equal Remuneration Convention - Ratified on 14 March 1968
- Abolition of Forced Labour Convention - Ratified on 15 December 1958
- Discrimination (Employment and Occupation) Convention - Ratified on 4 April 1961
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – Signed and Ratified on 7 September 2000

Refugees and Asylum

- Convention relating to the Status of Refugees - Date of Accession:18 March 1963
- Protocol relating to the Status of Refugees - Date of Accession: 30 October 1968

Nationality, Statelessness, and the Rights of Aliens

- Convention on the Reduction of Statelessness - Date of Accession: 7 September 2000

War Crimes and Crimes against Humanity, Genocide, and Terrorism

- Convention on the Prevention and Punishment of Crimes of Genocide- Date of Accession: 24 December 1958
- Rome Statute of International Criminal Court - Signed and ratified on 18 July 1998 and 20 December 1999 respectively

Law of Armed Conflict

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field - Ratified on 2 August 1958
- Geneva Convention relative to the Treatment of Prisoners of War - Ratified on 2nd August 1958
- Geneva Convention relative to the Protection of Civilian Persons in Time of war - Ratified on 2 August 1958
- Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims on International Armed Conflicts (Protocol I) - Signed and ratified on 12 December 1977 and 28 February 1978 respectively
- Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims on International Armed Conflicts (Protocol II) - Signed and ratified on 12 December 1977 and 28 February 1978 respectively

Terrorism and Human Rights

- International Convention Against the taking of Hostages - Date of Accession: 10 November 1987
- International Convention for the Suppression of Terrorist Bombing - Date of Accession: 6 September 2002
- International Convention for the Suppression of the Financing of Terrorism - Signed and ratified on 12 November 2001 and 6 September 2002 respectively
- International Convention for the Suppression of Unlawful Seizure of Aircraft - Signed and ratified on 16 December 1970 and 16 December 1973 respectively
- International Convention on the Prevention and Punishment of Crimes Against International Protected Persons- Date of Accession: 25 April 1975

United Nation activities and employees

- Convention on Privileges and Immunities of the United Nations - Date of Accession: 5 August 1958

African Regional Conventions

- African (Banjul) Charter on Human and Peoples' Rights - Date of Accession: 24 January 1986
- Convention Governing the Specific Aspects of Refugee Problems in Africa - Signed and ratified on 10 September 1969 and 19 June 1975 respectively
- Protocol to the African Charter on Human and Peoples' Rights of Women in Africa - Not signed
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights - Signed on 9 June 1998
- African Charter on the Rights and Welfare of the Child - Signed on 18 August 1997

D. Human rights institutions

1. Commission on Human Rights and Administrative Justice (CHRAJ)

18. 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. CHRAJ also has the duty to investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental human rights and freedoms under the Constitution. The provisions of the Constitution which is the supreme law of Ghana clearly state that the powers of CHRAJ with regards to investigating human rights violations are invoked by a complaint by a natural or legal person. This was confirmed by the Supreme Court recently in a four to one majority decision in the case of *Republic v Fast Track High Court: Ex parte CHRAJ and Richard Anane*.¹

19. The Commission also has the duty to educate the public on human rights and freedoms. By an Act of Parliament, the Commission on Human Rights and Administrative Justice (CHRAJ) was established in the year 1993. CHRAJ has offices located in all the ten regional capitals and in one hundred and one (101) administrative districts. The Commission on Human Rights and Administrative Justice was established by the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456). The structures of the Commission ensure that human rights and freedoms are promoted and protected throughout Ghana.

2. Parliament

20. Parliament also has some responsibility for ensuring the promotion and protection of fundamental human rights and duties in Ghana. The Commission on Human Rights and Administrative Justice is required to report to Parliament annually on the performance of its functions. The President is required to report to Parliament annually, amongst other things, on the realisation of basic human rights. Parliament also has a duty to ratify treaties executed by or under the authority of the President. Parliament exercises some oversight over the executive by holding Ministers accountable through urgent questions asked on the floor of Parliament or through Committees of Parliament. This was recently illustrated in the public hearing of the Public Accounts Committee where Parliament held government agencies accountable for taxpayers' money that could not be accounted for. The Report of Public Accounts Committee has been forwarded to the Attorney General for advice and prosecution where necessary.

3. Media Commission

21. The freedom and independence of the media is guaranteed under article 162 of the Constitution. The Constitution also provides for the establishment of an independent Media Commission. 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. The Media Commission was established in 1993 by the National

Media Commission Act, (Act 449). The criminal libel law which criminalised speech has also been repealed. The Constitution therefore ensures that there is freedom of the media.

4. Domestic Violence and Victim Support Unit (DOVVSU)

22. The Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service which was established in 1998 is tasked with providing support to victims of domestic violence. This Unit is also responsible for investigating complaints of domestic violence. These victims of domestic violence are given assistance in the area of legal aid, counselling, psychological support and social welfare services.

5. The Police Service

23. The Police Service is a law enforcement agency which has the function of preventing and detecting crime, apprehending offenders, and maintaining public order and the safety of persons and property. The relevant international treaties and conventions signed and ratified by the Republic to promote human rights that have a direct impact on the functions of the Police Service are:

- (a) International Covenant on Civil and Political Rights/Optional Protocol to the ICCPR;
- (b) Optional Protocol to the Convention on the Elimination of Discrimination against Women;
- (c) Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others;
- (d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) Convention on the Rights of the Child.

24. The Police Service aims at ensuring that all officers fulfil their obligations and discharge their duties whilst promoting, protecting and respecting the human rights of individuals. It does this by, amongst other things, developing policies within the organization to reflect its adherence to international and national human rights standards. The Ghana Police Service has embarked on a series of training programmes to ensure that police officers are sensitized and trained in the tenets of international and national human rights standards. The right to one's personal liberty is entrenched in the Constitution. The Constitution requires that any person who is arrested should be taken to court within 48 hours of the arrest. The Constitution also provides that compensation may be paid to persons who are unlawfully detained. The Constitution also directs the judiciary to take into consideration the time spent in prison before conviction when setting jail terms for convicted persons.

6. The Prisons Service

25. The mandate of the Prisons Service is to maintain the safe custody of prisoners, the security of prisoners and to reform and rehabilitate prisoners. The functions of the Service are contained in S.1 (1) of the Prisons Service Act, 1972 (NRCD 46). In carrying out its functions, the Prisons Service operates within the scope of national laws, international treaties and conventions. People detained in prison retain their fundamental human rights, except those rights that have been lost as a result of the deprivation of liberty due to the crime committed. Consequently, all efforts are made to treat prisoners in a humane and dignified manner from the time of admission to the time of discharge. Prisoners are informed of the regulations governing them, their rights and obligations while in prison.

7. The Electoral Commission

26. 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.

8. Courts

27. 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 recognised internationally. In the Country Review Report and Programme of Action of the Republic of Ghana of the African Peer Review Mechanism, Ghana is proud of the statement that – Ghana has demonstrated that it is possible for the judiciary to be independent in Africa.² In the case of *Agbevor vs. Attorney-General*³ where Government dismissed a judicial officer, the Supreme Court held that the dismissal should be revoked because it was only the Chief Justice who could do this. The judicial officer has been reinstated. In *Adzoe v the Chief Justice*, the Plaintiff sought for a declaration that on a true and proper interpretation of articles 146 (2) and 154 of the 1992 Constitution, the purported decision of the Judicial Council to retire Justice Adzoe, Justice of the Supreme Court of Ghana on medical grounds was unconstitutional. The Attorney – General agreed with the submissions made by the Plaintiff and the Supreme Court upheld the submissions of the Plaintiff and declared the decision of the Judicial Council void.⁴

9. African Commission on Human and Peoples' Rights

28. Ghana is a signatory to the African Charter on Human and Peoples' Rights. Ghana submits itself to the jurisdiction of the Commission. A Ghanaian citizen, Mr. Tsatsu Tsikata who is facing trial on a criminal charge before the Ghanaian courts has petitioned the Commission on an alleged violation of his human rights. The State has submitted to the Commission's jurisdiction by responding to the petition.

VIII. ACHIEVEMENTS AND BEST PRACTICE

A. Institutional Best Practice

1. The Police Service

29. A Police Intelligence and Professional Standards Bureau investigates human rights abuses and police misconduct. Records available at the Bureau indicate that reports made at the Unit, when investigated and dealt with have resulted in dismissals, reduction in rank and the transfer of officers. Where these officers are criminally liable, they are dealt with in accordance with law. There are a number of cases where the Attorney – General’s Office has advised prosecution.

30. To enhance the performance of police prosecutors, the Ghana Police Service in collaboration with Fordham University, U.S.A., and the Kwame Nkrumah University of Science and Technology (KNUST), has trained over 100 police prosecutors in order to sharpen their prosecutorial skills. A series of training programmes continue to be organized for officers serving with the Domestic Violence and Victims Support Unit (DOVVSU).

31. The Attorney-General’s Department has recently in January 2008, established a complaints unit with a hotline where abuses or alleged abuses of fundamental human rights and freedoms by the police may be reported. Approximately 70 cases have been reported and dealt with.

2. The Prisons Service

32. The Prisons Service is changing its focus and becoming more of a correctional service which focuses on reformation and rehabilitation. A pilot scheme has commenced where inmates are given formal education up to the Senior High School level. Non-formal education is also offered and so is vocational training. Government has imported US\$3 million worth of equipment for the use of vocational training in prisons. There is also a pilot programme with the University of Cape Coast, with the assistance of the UNDP to provide long distance tertiary education to inmates which is under the President’s Special Initiative on Education. Under the Presidents Special Initiative on Education, inmates have the opportunity to access long distance education.

33. Physical or mental torture of an inmate by prison officers is proscribed. Section 25 of the Prisons Act, 1972 (NRCD 46) states that any prison officer who in anyway tortures or subjects an inmate to cruelty is guilty of an offence and liable on conviction to imprisonment not exceeding five years. The use of force by a prison officer on an inmate is strictly regulated. Under Section 46 of the Prisons Act, 1972 (NRCD 46) force can applied only if the force is reasonably necessary in order to make the inmate obey a lawful order which has been refused. Corporal punishment is forbidden.

34. Sick inmates are treated at prison infirmaries and where their conditions are serious they are referred to hospitals and health specialists. Inmates are allowed to observe their religious beliefs without any hindrance. Inmates enjoy visitation rights and are allowed to communicate

with their relatives. In handling inmates, the Prisons Service has always been guided by national laws as well as international conventions on the treatment of inmates and people under detention.

B. Rights of physically challenged persons

35. Article 29 of the 1992 Constitution guarantees the rights of people with disabilities and a directive principle of state policy enjoins the State to promote all other basic human rights and freedoms including those of the disabled. In pursuance of this, the Persons with Disability Act 2006, (Act 715) has been enacted. The law seeks to provide for the rights of persons with disabilities including protection against exploitation and discrimination in employment and health care. The law provides persons with disabilities access to public buildings as far as practicable. A number of Government agencies and non-government organizations have been addressing the issue of discrimination against persons with disability. These include the Department of Social Welfare under the Ministry of Manpower, Youth and Employment, the Ministries of Health, Education and the Centre for Democratic Development.

C. Rights of women and children

36. The rights of women and children are protected under Articles 27 and 28 of the 1992 Constitution. In spite of this, domestic violence happens to be one of the commonest human rights abuses in Ghana. The realization that the Criminal Offences Act, 1960 (Act 29) Ghana did not adequately criminalize domestic violence resulted in the passage of the Domestic Violence Act, 2007. (Act 732) This Act seeks proscribe violence within the domestic setting. The legislation provides victims of domestic violence protection and occupational orders. To give effect to the Act, the Domestic Violence Victim Support Unit (DOVVSU) formerly known as the Women and Juveniles Unit (WAJU) was established to handle cases of domestic violence and child abuse as well as juvenile offences. DOVVSU works closely with the Department of Social Welfare, FIDA (Federation of International Women Lawyers, Ghana), African Women Lawyers Association(AWLA),the Legal Aid Board and several other human rights NGOs to combat domestic violence.

37. Trafficking in women and children has been dealt with, by the passage of the Human Trafficking Act, 2005 (Act 694). The Act seeks to prohibit trafficking in persons. It also provides for victim assistance including locating family members, and providing temporary shelter, counselling and job skills training. Under the auspices of the Ministry of Manpower, Youth and Employment, a task force to monitor fishing areas such as Yeji, and other parts of the Brong-Ahafo and areas along the Volta Lake has been set up to combat child labour and trafficking. Shelter homes have been set up under this project in Madina and Osu in Accra in the Greater Accra Region, where children rescued from these situations are kept until contacts are made with their families.

38. As regards 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.⁵

39. One area of concern that has been raised is child labour. Government is robustly seeking to address this problem in a number of ways. A National Programme for the Elimination of the Worst Forms of Child Labour has been launched by Government. A National Action Plan is also being prepared. The focus is to conduct an in depth study into the problem and develop strategies to address the problem. Some of the remedial actions that have been proposed include improving the productivity of the farm family, making school attendance fee free, school feeding programmes and education and sensitisation 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. Government is collaborating with international organisations such as the International Labour Organisation and civil society organisations such as Childs Rights International in this regard.

40. Currently, the Ministry of Manpower is operating a pilot programme on children involved in child labour in cocoa producing areas. This programme referred to as the Child Labour Monitoring Programme is an integrated programme involving 46 districts in cocoa growing areas. In each community, all the key stakeholders are educated and encouraged to resist child labour tendencies and desist from using children as farm hands. These stakeholders are tasked with identifying the problems associated with child labour. They also have a duty to notify the authorities on any unauthorized movement of children in these farming areas. The current programme has recorded successes in the reduction of child labour especially in cocoa growing areas. The programme has School's Support, Skills Training, and Parental Support Programmes under it. The stakeholders themselves have initiated bye-laws to effect the objectives of the programme. There are plans to extend the programme to other districts in the country.

41. 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.

42. The right to education including such elements as free and compulsory basic education, the general availability of and access to secondary education and accessibility to higher education on the basis of capacity have been guaranteed under the Constitution. 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.

43. The New Partnership for Africa's Development (NEPAD) School feeding program has been introduced where children are fed once a day by the State and this has improved the nutrition of these children. This has led to easy access to education, a resultant retention of pupils in classrooms and an improvement in the quality of education in deprived areas. This is because the programme helps to alleviate incidental costs associated with school attendance. There is also the metro mass transport system, which provides free transportation for school children in uniform.

44. As regards marriage, there are three forms of marriage in Ghana; Islamic, civil, and customary. The Children's Act, 1998 (Act 560) which seeks to protect the rights of the child, criminalizes forced marriage. The Act fixes the minimum age of marriage at eighteen years. There have been successful prosecutions in cases of abduction and attempts at forced marriage.

D. Civil and political rights

45. Concrete steps to establish institutions and agencies have been taken and policies and programs have been put in place to promote and protect constitutional provisions for civil and political rights such as the right to life; right to liberty and security of the person; the right to human dignity; the right to equality and freedom from discrimination; the rights of accused persons, arrested and detained persons; the right of free association and assembly and rights of access to information as well as religious and cultural freedoms.

46. Several provisions in the 1992 Constitution underscore the democratic rights of Ghanaians and secure the independence of the electoral mechanisms to ensure free and fair electoral processes. The Electoral Commission and the National Commission for Civic Education (NCCE) guarantee, promote and protect the fundamental constitutional rights of Ghanaians to participate in political and related activities. The Constitution provides for the right to change Government peacefully. Citizens thus exercise these rights periodically through free and fair elections held on the basis of universal suffrage. The Constitution provides for freedom of speech and press freedom. These rights are generally respected by the Government. With the proliferation of the mass media, Government is publicly criticized without any reprisal. An active independent media is free to express a wide range of views without any restrictions.

47. The People's Assembly concept which was instituted by the Government in 2001 provides a platform for the general public to interact with the President. The programme which is held annually allows the President to sit in public and answer questions from ordinary citizens. The Ministry of Information has also introduced the "Meet the Press" programme where Ministers of the various Ministries meet to brief the press on their programmes for the year and also answer questions on a wide range of issues affecting their Ministries.

E. The right of the sick

48. The right of the sick is entrenched in the 1992 Constitution. To promote this right, the National Health Insurance Scheme was set up under the National Health Insurance Act, 2003, (Act 650). The Scheme is a major step in providing quality and affordable health care. Approximately 9 million people about 48 per cent of the population are now full members of the Scheme, pensioners who have contributed to the Social Security and National Insurance Trust Fund are exempt from the payment of contribution to the Scheme. Even though persons under 18 are exempt they cannot access the benefits of the Scheme unless their parents register. The President in his recent State of the Nation Address has stated that this will be resolved within the next three years. Ghana is exceptionally liberal in terms of diseases and about 95 per cent of all known diseases are covered under the Scheme.

49. The Ministry of Health has intensified education on preventive health and is providing mosquito nets for the prevention of malaria to expectant mothers and children below two years.

There is also a programme known as the Community Health Improvement Programme (CHIP) under which health personnel go on rounds in various areas to administer drugs and report on ailments. This programme has been so successful that some neighbouring countries are learning from the experience of Ghana.

F. Traditional medicine

50. The Ministry of Health is also encouraging the use of traditional medicine in its health administration and the Traditional Medicine Practitioners Council has been established under the Traditional Medicine Practice Act, 2000 (Act 575). The Centre for Scientific Research into Plant and Herbal medicine at Mampong, in the Eastern region of Ghana also researches into plant medicine and also scientifically analyzes traditional medicines that are produced. The Kwame Nkrumah University, in partnership with the Centre has also started a Bachelor Degree Programme in herbal medicine.

G. Right to fair trial and access to justice

51. The Constitution provides for the right to fair trial and the judiciary enforces these rights. Ghana has an independent and impartial judiciary and citizens have access to the courts where there are human rights violations. Accused persons are presumed innocent until proven guilty. Trials are conducted in public and accused persons have a right to be present, to be represented by a lawyer at public expense if necessary and to cross-examine witnesses. Accused persons and their lawyers have access to all information relevant to their cases and have a right to appeal. Serious offences such as murder are tried by judge and jury.

52. A number of fast-track courts and automated commercial courts have been set up to improve access to justice and ensure that cases are dealt with expeditiously. There are procedures for voluntary court related Alternative Dispute Resolution (ADR) to settle civil disputes and misdemeanours. Training of judges and lawyers in ADR is an ongoing process. Trained ADR judges and lawyers mediate in some of these cases pending before the fast track courts. Mediation desks have been set up in some district courts and an ADR secretariat has been set up within the judicial service to co-ordinate the programme.

53. There is a Justice for all Programme, an initiative of the Attorney General's Office. The aim of the program is to bring justice to all, by bringing justice to the doorsteps of all citizens especially the vulnerable in society. There are four main projects under this programme; these are the Remand Review Project, the Sentencing Policy Review Project, the Prosecutor's Capacity Building Project and the Systems and Procedures Analysis Project. The Remand Review Project is a collaboration between the Attorney-General's Office, the Judiciary, the Police and Prison Services as well as civil society groups. The court sits in the prison to review cases of persons on remand. The court has been sitting from time to time and by the end of 2008, we intend to have reviewed all such cases and to have put in place a procedure to avoid a build up of such cases.

54. The Legal Aid Scheme was established under the Legal Aid Scheme Act, 1997 (Act 542). The Legal Aid Scheme provides legal assistance to the indigent in society for the protection and defence of their human rights. It has offices in all the regional capitals and in

addition to this, community mediation centres have been set up in various communities. The scheme handles between 6000 and 8000 cases annually.

55. A judicial complaints unit headed by a retired Supreme Court judge has been set up to address public complaints. This is to address judicial accountability and report misconduct in the judicial service. The Attorney-General's Office has also made available some hotlines for people to call and lodge complaints including human rights violations.

H. Protection of workers

56. The National Labour Commission was established under the Labour Act, 2003 (Act 651). The Act ensures workers freedom of association and the right to collective bargaining. The law allows workers to join unions of their choice without any authorization. Unions no longer need the approval of government before registering and are allowed to conduct their activities without interference. Anti-union discrimination is also prohibited under the law. The Labour Department of the Ministry of Manpower, Youth and Employment conducts labour inspection at workplaces to ensure adherence to approved standards of work.

57. In recent times the Government has made some payments to some categories of workers who were wrongfully dismissed or retired prematurely. An amount of thirty-six billion, nine hundred and fifty –six million, one hundred and seventy-three thousand, two hundred and forty cedis (36,956,173,240.00) was paid to 707 Police personnel between 2005 and 2006 who were prematurely retired at the age of fifty-five in 1993/94. In 2006, the Government paid a total of twelve billion, two hundred and seventy million cedis (12,270,000,000.00) to about 252 ex-workers of the defunct Loyal Industries Ltd who had been made redundant following the collapse of the company.⁶

I. Economic rights

1. National Youth Employment Programme (NYEP)

58. The NYEP was set up by the Ministry of Manpower, Youth and Employment in 2006 to create employment for the youth. The Programme allows the youth to be employed under various sectors of the economy including; youth in agri-business, waste and sanitation, community health extension modules, community teacher education assistance and industrial attachment. Approximately 108,000 youth have been employed under the Programme and it is targeted that about 200, 000 people will be employed by the end of the year 2008.

2. Livelihood Empowerment against Poverty (LEAP)

59. This programme is aimed at enhancing the living standard of the less privileged persons in the society. It is to cater for those whose income fall below one dollar a day, 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. This is to cater for their basic household requirements. Under the first phase, about 164,370 households are to be covered.

3. National Apprenticeship Programme (NAP)

60. NAP places unemployed youth with master craftsmen for the purpose of acquiring skills. About 63,380 unemployed youth have so far been registered under this Programme. The youth are trained in various vocational skills.

4. Protection of refugees

61. 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. The government has set up a Refugee Board to adjudicate claims for refugee status and to ensure that refugees receive appropriate protection. The United Nations High Commission for Refugees (UNHCR) is an observer on the Refugee Board. Ghana has granted Refugee status and asylum to a number of refugees particularly from Liberia and Sierra Leone. Generally, Ghana has a liberal policy of accepting refugees mostly from other West African countries. Some Liberian refugees have been voluntarily repatriated following the end of the crisis in that country.

5. National Reconciliation Commission (NRC)

62. The Government set up the National Reconciliation Commission under the National Reconciliation Commission Act, 2002, (Act 611) to investigate and document human rights violations between 1957 and 1993. The Commission recommended reparation for about 2511 people. A number of confiscated properties were returned to their rightful owners. The Government through the Ministry of Finance and Economic Planning allocated one million four hundred and sixty-five thousand seven hundred and ninety eight dollars (\$1,465,798.00) as compensation for the 2,511 individuals.

IX. CHALLENGES AND CONSTRAINTS

A. The Police Service

63. The Ghana Police Service has achieved major inroads in mainstreaming human rights into policing in Ghana. In comparison with what pertained especially during military regimes, today it can be said the police are more aware of the human rights of the individual. However, there is still room for improvement. The Attorney-General together with the Ministry of Interior and the Police Service are exploring ways of closer collaboration in order to deepen and entrench human rights in policing in Ghana.

B. The Prison Service

64. Some of the prison buildings are old and not suitable for habitation. Government however is very aware of this problem and responded by amongst other things rehabilitating or closing down prisons. These structures were put up during the colonial era and were meant for a much smaller prison population. In view of this, Government is constructing a new prison complex in the Central Region. The issue of remand prisoners is still of some concern since some trials are rather delayed.

C. Women and children

65. Research conducted by the Gender Center in 1999, shows that, over 90 per cent of the victims of domestic violence are children. Other common forms of violence against women are sexual harassment at home and in the work place. Due to cultural secrecy, these cases are not usually reported for redress. A lot of women and children tend to suffer abuse without seeking redress. The prosecution of domestic violence cases remains difficult. Victims are discouraged from reporting abuse and from co-operating with prosecutors because of cultural secrecy and the fear of social stigmatisation. Inadequate number of social workers who are required to give support to victims is another challenge. Other constraints are lack of enough shelters to house the victims of violence.

66. There are certain cultural practices such as female genital mutilation (FGM), ritual enslavement and various forms of widowhood rites which violate the rights of women and girls. FGM has been criminalised under Ghanaian law. The practitioners of FGM have developed new strategies including going beyond the borders of Ghana to perform the act. Government has responded by amending the law to make it criminal to assist a person to engage in FGM and also strengthened the penalty for perpetration of the offence. Ritual enslavement where family members, mostly teenagers but sometimes children, under the age of ten are pledged to render service at a shrine to atone for other family member's alleged wrongdoings. These victims help with the upkeep of the shrines and pour libation during prayers, others are subjected to sexual exploitation and forced labour. Ritual enslavement has been criminalized but there is still evidence of practice in a few areas. The focus is on creating public awareness through education in realisation of the fact that is difficult to eradicate cultural practices which dehumanise and degrade human dignity simply through legislation.

67. The belief in witchcraft is strong in many areas in Ghana. Some rural women are banished from their villages on suspicion of witchcraft. They are blamed for certain misfortunes like illness, crop failure or financial misfortunes. The banished women live in witch camps. In some cases some of these witches are lynched or assaulted.

68. The Legal Aid Scheme established under the Legal Aid Scheme Act, 1997 (Act 542) is available to support persons who cannot afford the services of private counsel. Private practitioners have not been too enthusiastic in taking on legal aid cases. The Ghana Bar Association has stepped in to establish its legal aid scheme, to encourage legal practitioners to take up cases on behalf of the under privileged in the society.

69. 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. There is a high level of illiteracy among girls. This disparity is attributed to various cultural and socio economic factors such as parents 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 under the Ghana Functional Literacy Training Programme which provides literacy for school dropouts and illiterates.

70. 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. This policy has been so successful that in some co-educational senior high institutions, the ratio of girls to boys is now 3:2. People from the more deprived areas such as in the Northern regions of Ghana also enjoy free education up to the tertiary level for those who attend schools in the North.

D. Child Labour

71. Poverty is one main challenge facing the fight against child labour. Due to the inability of parents to employ the services of farm hands, they are forced to use their wards and other disadvantaged children on their farms. In a bid to alleviate this problem, the Ministry of Manpower, Youth and Employment has instituted an orientation programme to educate various communities on the negative effects of forced labour.

E. Conflicts

72. From time to time there are some isolated conflicts which are mostly as a result of chieftaincy disputes. For example recently there has been a spate of violence in the Bawku area of the Upper East Region. These disturbances erupted in the latter part of the year 2007 during the traditional Samanpiib festival. There has been heightened concern for the protection of life and property. A considerable amount of resources have been spent to maintain security personnel in the area to keep peace. Despite this, the security personnel have been threatened and shot at. The violence emanates from traditional differences, relating to chieftaincy between the Kusasis and Mamprusis, ethnic groups, which has developed over a long period of time. So far at least twenty people are reported dead and several others have sustained injuries. Property worth millions of cedis has been destroyed. The Government also requested the National Peace Council to intervene to reconcile the parties to the conflict. Further efforts involved His Excellency President Kufuor who has held crucial meetings with some chiefs, opinion leaders and politicians from the Upper East Region in an effort to find an amicable solution to the conflict in Bawku.

73. 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 Organisation.

These institutions as well as Ghana's long history of international peace keeping ensures that these problem areas are isolated and the conflict is not allowed to spread, whilst serious efforts are made to manage and resolve such conflicts.⁷

F. Mob Justice

74. In recent times, there have been public awareness and condemnation of “mob justice” and lynching. Government has taken a serious view and has condemned this practice unreservedly. Perpetuators of the crime are prosecuted. An example is the case of the Republic vrs. Douglas Afriyie and ten others, where eleven people have been charged variously with conspiracy to commit murder, murder and causing unlawful damage in a case where they attacked and killed one Anthony Yeboah Boateng at Atronie in the Brong Ahafo Region on suspicion that he was serial killer. The Police Service is also adopting measures to address this phenomenon. The Police Public Affairs Department has embarked on a public education drive via the mass media by television, radio and newspaper publications to sensitize the public to desist from such unlawful acts.

G. Inadequate resources

75. 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 our economy and budget. As a result, the allocation of resources to all sectors has been affected. Key institutions for the promotion and protection of fundamental human rights and freedoms have also been affected.

H. Cooperation between the State, State Institutions and civil society groups

76. 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. The stereotype that the State is traditional is an abuser of human rights which needs to be held in check by vigilant human rights organisations does not necessarily hold true in Africa today. 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. In this regard there has been increased cooperation between the government and some human rights organisations with no side compromising its role or responsibility. Ghana is proud to state that Government is committed to promotion and protection of fundamental human rights and freedoms and there is no evidence of systematic State sponsored direct human rights violations.⁸

X. KEY NATIONAL PRIORITIES

A. Prisoners

77. To decongest the prisons, the Prison Service is opening a number of Prison Camps. These camps are not walled and this is to make the prison environment less hostile. This is also to reduce the overcrowding in walled prisons. As stated earlier, The Attorney- General’s Department, in collaboration with the Prisons Service and the Judiciary has introduced a system referred to as Justice for All where judges go to the prisons to hear cases of remand prisoners and dispense justice expeditiously.

B. Women and Children

78. Article 22 of the 1992 Constitution provides for the property rights of spouses. There is currently a draft Bill before Cabinet for consideration which seeks to regulate their property rights.

C. Intestate Succession

79. Our current Intestate Succession Law leaves a lot to be desired. It has proved inimical to the interest of the immediate family of the deceased. Proposed legislation is intended to make the law more responsive to the needs of spouses and children. It also seeks to remove the anomalies in the present law which includes the fractional distribution of the estate of the deceased, the requirement that the matrimonial home be shared between the surviving spouse and children of the deceased who may not be children of the surviving spouse and the issues associated with polygamous marriages.

D. Livelihood Empowerment Programme against Poverty (LEAP)

80. As referred to above this programme is a priority for Government since it seeks to reduce poverty levels in the most deprived areas of the country.

E. National Health Insurance Scheme

81. Plans have already been put in place to ensure that three years from now, all children below the age of 18 years become automatic members of the Scheme.

F. Mental Health Bill

82. A Mental Health Bill is being considered. This seeks to replace the 1972 Mental Health Act, (NRCD 30). It shifts the focus from institutional care and adopts a human rights based approach in accordance with WHO guidelines and thus provides for protection for this vulnerable group including children.

G. Alternative Dispute Resolution Bill

83. This seeks to replace the existing Arbitration Act 1961 (Act 38). It brings the law governing arbitration into harmony with international conventions, rules and practices in arbitration. It provides a legal and institutional framework that will facilitate and encourage the settlement of disputes through alternative dispute resolution procedures and also provides for customary arbitration which we have been practicing for years. With the enactment of this Bill there is the hope that this will ease congestion in the Court by reducing the number of cases in the Court and also create a congenial environment for investors.

H. Land Administration Project (LAP)

84. One of the objectives of the project is to take an inventory of all State acquired lands, determine the boundaries and to pay outstanding compensation to the land owners.

XI. CONCLUSION

85. Ghana is committed to the protection and promotion of fundamental human rights and freedoms. 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. This is more than ample evidence that Ghana supports international efforts to promote and protect human rights globally. Ghana has been a trailblazer in Africa and was the first country to be reviewed under the African Peer Review Mechanism. The Report indicated quite clearly that Ghana respects fundamental human rights. There are challenges no doubt, but as a country and as a people we are committed to the rule of law, the dignity of the human being and freedom and justice. We recognise that the greatest guarantee to unity and stability is the protection and preservation of fundamental human rights and freedoms.

Notes

¹ The decision was given on 21 December 2007.

² African Peer Review Mechanism: Country Review Report and Programme of Action of the Republic of Ghana paragraph 30, page 22.

³ SCGLR 2000, page 403.

⁴ Supreme Court, 30 January 2008.

⁵ Since 1997, Ghana has submitted annual reports to the United Nations Committee on Children's Rights, detailing legal and administrative reforms carried out to conform with the Convention on the Rights of the Child.

⁶ Source: Ministry of Finance and Economic Planning.

⁷ African Peer Review Mechanism: Country Review Report and Programme of Action of the Republic of Ghana, June 2005, paragraph 18, page 19.

⁸ African Peer Review Mechanism: Country Review Report and Programme of Action of the Republic of Ghana, June 2005, paragraph 44, page 27.
