

Ghana

Submission to the UN Universal Periodic Review

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**An individual submission by child rights monitoring,
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EXECUTIVE SUMMARY

1. In this submission, Samson Akanpigbiam provides information as stipulated in the Universal Periodic Review (Fourth Cycle): Information and guidelines for relevant stakeholder's written submissions.
2. The methodology used in the preparation of the submission included desk review and consultative meetings with children and NGO partners
3. Implement the Juvenile Justice Act fully by ensuring the establishment of juvenile correctional centres in all the regions of Ghana.
4. Set up a monitoring system to ensure that the ban on corporal punishment in schools is really adhered to in all schools.
5. Birth registration should be free from birth to five (5) years and not free for only the first year of one's birth. Children should be allowed to be registered whenever they are ready or when the opportunity exists for them to be registered i.e., registration for children should be free for their entire childhood.
6. Birth registration should be done at the point of birth and instant birth registration should be universal and not piloted. The birth registration document should be recognized and given more relevance so people can use it for other things. It should be linked to health insurance and other social welfare benefits as an incentive for acquiring a birth certificate.
7. Improve use of technology in the birth registration system by including biometric details and photographs of registrants on the birth identification document.
8. Implement Committee on the Rights of the Child (CRC) 2015 Concluding observation¹ on eliminating the harmful practices of Trokosi (ritual servitude).
9. The district assemblies should consider child protection in their annual and medium-term plans and allocate resources for these purposes.
10. All administrative district capitals should have functioning child rights protection agencies such as Department of Social Welfare (DSW), Department of Children (DoC), Commission on Human Rights and Administrative Justice (CHRAJ) and Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police with adequate resources.

GENERAL FRAMEWORK OF IMPLEMENTATION

11. Ghana has several relevant child-related legislations and policy documents, including the Cyber Security Act², 2020 (Act 1038), Child and Family Welfare Operational Plan³ 2017-2020, Foster Care Regulations 2018 (L.I. 2360), Adoption Regulations 2018 (L.I. 2361), Foster Parent Training Manual, 2018, Foster Care Operational Manual, 2018, National standards for foster care in Ghana, 2020, and National Standards for Residential Homes for Children, (2018).
12. We applaud government for the various legislations and policies but have concerns about the inadequate implementation and enforcement of the laws and policies.

¹ CRC/C/GHA/CO/3-5, para 40. Available at:

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_COC_GHA_20799_E.pdf

²Cyber Security Act, 2020 (Act 1038): available at: <https://atugubaassociates.com/file/Cybersecurity%20Act,2020%20Act,1038.pdf>

³ *Child and Family Welfare Operational Plan 2017-2020*. Retrieved from <https://www.mogcsp.gov.gh/policies/>

13. While Ghana has commendably adopted various child-related rights legislative and policy measures, the 2015⁴ Concluding observation of Committee on the Rights of the Child indicated its concerns of “insufficient implementation and in some instances, the evident gap between law and practice” still persist.
14. For example, the Juvenile Justice Act, 2003 (ACT 653) requires that the sector Ministers responsible for Social Welfare and Interior establish Junior and Senior Correctional Centres for both boys and girls in all regions of Ghana (Government of Ghana, 2003). For now, there is only one Senior Correctional Centre (Borstal Institute) and one remand home for Ghana which are situated in Greater Accra.
15. Summary of key facts on situation of child protection in Ghana by UNICEF (2021)⁵ indicates that legislation and policies efforts are yet to yield desirable outcomes:
 - 7.1 Of all children under age 5, over 1 in 4 (1.2 million) have not had their births registered.
 - 7.2 Around 1 in 5 children (aged 0-17 year) in households do not live with a biological parent.
 - 7.3 More than 3,500 children (aged 0-17 year), a slight majority of whom are boys, live in residential homes.
 - 7.4 Nearly 90 per cent of children (aged 0-17 years) are exposed to psychological aggression, while close to 1 in 5 experiences severe physical punishment.
 - 7.5 1 in 5 children are involved in child labour
 - 7.6 1 in 5 young women (aged 20-24 years) were married in childhood; child marriage is more common among those who reside in rural areas, live in poor households and have little or no education.
 - 7.7 Female genital mutilation affects 1 in 50 girls and women (aged 15-49 years) nationally; the practice is concentrated in Upper West and Upper East regions.
 - 7.8 More than 13,000 images and videos of child sexual abuse were reportedly accessed or uploaded from Ghana in 2020.
 - 7.9 Nearly 3/4 of children (aged 0-17 years) are considered multi-dimensionally poor, and nearly 2/3 (aged 0-17 year) are considered deprived in terms of child protection.
16. The key issues on rights of the child to be highlighted in this submission includes juvenile justice, corporal punishment of children at school/home, birth registration, harmful traditional practices, sexual exploitation and sexual violence. Reference is herewith made to UPR, A/HRC/37/7, 3rd cycle, Paras. 146.158 (Juvenile Justice), 146.171 (Corporal punishment), 147.28 (Birth registration) and 146.146, 146.154-156, 146.188, 147.33 (harmful traditional practices), 146.173, 146.177, 146.182 (sexual exploitation and sexual violence)

JUVENILE JUSTICE ADMINISTRATION

⁴ (CRC/C/GHA/CO/3-5, para 40). Available at:

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_COC_GHA_20799_E.pdf

⁵ UNICEF (2021). *Fulfilling the Commitment to Child Protection in Ghana*.

<https://www.unicef.org/ghana/media/3961/file/Fulfilling%20the%20Commitment%20to%20Child%20Protection%20in%20Ghana.pdf>

17. UPR, A/HRC/37/7, 3rd cycle, Para. 146.158 (Algeria), which is in the process of implementation
18. The state is commended for the provision of legislative and policy framework, such as the Juvenile Justice Act and Children's Act to protect the rights of children. However, there is chronic non-implementation and non-enforcement of protective and safeguarding provisions of the Juvenile Justice Act and Children's Act.
19. For example, child panels required to be set up in districts to provide alternative pathways for child offenders and victims remain unimplemented. Thus, child offenders continue to be processed through the regular (adult) justice system, in violation of their statutory rights.
20. There is an absence of juvenile correctional centres/reformatories in most regions (resulting in juvenile offenders in adult prison and recidivism) and chronic under-resourcing of the same limited facilities, including the Girls' Home in Osu, Accra.

Recommendation on Improving Juvenile justice system

21. Prioritise the implementation of the Children's Act by establishing Child Panels across all districts to aid in the administration of juvenile justice.
22. Also, the installation and activation of juvenile or gender-based courts/tribunals could be considered and the reintegration support for children who come in contact or conflict with the law, as well.
23. Implement the Juvenile Justice Act fully by ensuring the establishment of juvenile correctional centres in all the regions of Ghana.

CORPORAL PUNISHMENT OF CHILDREN IN SCHOOL/AT HOME

24. UPR, A/HRC/37/7, 3rd cycle, Para. 146.171 (Bulgaria), 146.172 (Ecuador), 146.174 (Kenya) which is in the process of implementation.
25. Legislative and policy documentation has outlawed corporal punishment. However, corporal punishment still persists in some schools in Ghana.
26. Corporal punishment is largely observed in schools located in the cities and towns but very pervasive in the rural settings.
27. There is nonexistent or inadequate monitoring system for corporal punishment in school and at homes
28. During the consultative meeting with in-school children in Ghana towards the preparation of this report, they confirmed that they experienced corporal punishment in their schools in the form of caning.

Recommendation on ending corporal punishment in school

29. Set up a monitoring system to ensure that the ban on corporal punishment in schools is really adhered to in all schools.
30. Strengthen awareness-raising, and other sensitization programmes to various stakeholders such as teachers, parents and community members on corporal punishment regulations
31. Formulate a digital comprehensive policy for the protection of children online

BIRTH REGISTRATION

32. UPR, A/HRC/37/7, 3rd cycle, 146.194, (Turkey), Para. 147.28 (Togo), which is in the process of implementation
33. We recognize that progress has been made as evidenced by the statistical improvement in the birth registration from 57% in 2014 to 80% in 2019⁶.
34. Coverage gaps remain in the birth registration system, particularly in relation to capture and recording of rural births.
35. The processes to improve the birth registration system for universal birth registration for children is still an ongoing
36. The one-year duration for children to be registered after birth is not long enough. It is not fair to “punish” the child for the misdeed of the parents.
37. One reason people do not register their children is because they feel or think that the birth registration document is irrelevant, beyond registration of the children and this perception was complicated further by Supreme Court in 2020
38. The Supreme Court of Ghana in 2020 ruled that the birth certificate is not enough evidence or form of identification to prove a Ghanaian’s citizenship. This is partly because the birth certificate has no photograph or biometric details of the bearer. This may bring into question the significance of the birth identification document.
39. Although birth registration is necessary, one will not be allowed to get the National Identification card or a passport with only a birth certificate in Ghana.
40. Understaffing and weak sector leadership, inadequate funding, lack of logistics and cultural bottlenecks have weakened the institutional capacity of the Births and Deaths Registration Department.
41. Community-based Health Planning and Services (CHPS) Compounds could be fully utilized in the birth registration process in Ghana and they could fill the gap in birth registration in rural settings.

Recommendation on Improving birth registration

42. Focus on strengthening the birth and death registry departments across all levels by providing the necessary staff, funding, logistics and ensure more targeted sensitization at rural settings to tackle the cultural bottlenecks. Increase the budget allocation to Births and Deaths Registry from the 2020 figure of GHC12.9 million to GHC 20 million ⁷minimum in future budgets.
43. Birth registration should be free from birth to five (5) years and not free for only the first year of one's birth. Children should be allowed to be registered whenever they are ready or when the opportunity exists for them to be registered i.e., registration for children should be free for their entire childhood.

⁶ Ministry of Gender, Children and Social Protection: Ghana’s combined sixth (6th) and seventh (7th) periodic reports to the committee on the rights of the child, 2020, CRC/C/GHA/6-7, Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f6-7&Lang=en

⁷ UNICEF 2020 child protection budget brief. Available at: <https://www.unicef.org/ghana/media/3751/file/Child%20Protection%20Budget%20Brief%202020.pdf>

44. Birth registration should be done at the point of birth and instant birth registration should be universal and not piloted. The birth registration document should be recognized and given more relevance so people can use it for other things. It should be linked to health insurance and other social welfare benefits as an incentive for acquiring a birth certificate.
45. Empower Community-based Health and Planning (CHPS) system to support in the birth registration process by training and supervising their services and to increase the proportion of deliveries attended to by trained health workers.
46. Improve use of technology in the birth registration system by including biometric details and photographs of registrants on the birth identification document.

HARMFUL TRADITIONAL PRACTICES (TOKOSI AND WITCHCRAFT)

47. The focus of this write-up is on the Trokosi practice
48. UPR, A/HRC/37/7, 3rd cycle, Para. 146.146 (Germany), 146.154 (Sweden), 146.155 (Switzerland), 146.156 (Spain), 146.188 (Poland), 147.33 (Argentina), which has not been implemented yet (trokosi). This could be attributable to socio-cultural sensitivities that may require more deliberate and intentional cultural reorientation.
49. Ghana⁸ is commended for the admission that some harmful socio-cultural practices such as Early and Forced Marriages, Trokosi and Female Genital Mutilation (FGM) still prevails in Ghana.
50. The practices of Trokosi persist without any form arrest and prosecution of perpetrators of these harmful practices to children, specifically to girls.
51. Lynching of persons suspect of witchcraft is a phenomenon that is yet to be completely checked. Usually, these so-called suspects are elderly women who in most cases are defenseless.
52. For example, in July 2020, 90-year-old woman⁹ was openly lynched in a community called Kafaba near Salaga district of the Savanna Region, on suspicion of she being a witch.
53. Witch camps still exists in Ghana though calls have been intensified by some stakeholders to close those camps.

Recommendation on ending harmful traditional practices (Trokosi)

54. Implement Committee on the Rights of the Child (CRC) 2015 Concluding observation¹⁰ on eliminating the harmful practices of Trokosi (ritual servitude)
55. Efforts should be made to implement laws and regulations banning lynching of suspected witches and ban witch camps completely.

⁸ Ministry of Gender, Children and Social Protection: Ghana's combined sixth (6th) and seventh (7th) periodic reports to the committee on the rights of the child, 2020, para 65. CRC/C/GHA/6-7, Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGHA%2f6-7&Lang=en

⁹ <https://www.graphic.com.gh/news/general-news/90-year-old-woman-accused-of-witchcraft-lynched-at-kafaba-near-salaga.html>

¹⁰ CRC/C/GHA/CO/3-5, para 40. Available at:

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_CO_COC_GHA_20799_E.pdf

56. Intensify public awareness raising and sensitization, especially, in rural communities where the practices of witchcraft are mostly noted to come from, especially, in the northern part of Ghana.

Sexual exploitation and sexual violence

57. UPR, A/HRC/37/7, 3rd cycle, para. 146.173 (Sierra Leone), para 146.177 (Mexico), para 146.182 (Maldives), which is in the process of implementation.
58. The main categories of sexual offences against children in Ghana includes defilement, incest, attempted defilement, commercial sexual exploitation of children (CSEC) and unnatural carnal knowledge.
59. Defilement is the worst form of sexual exploitation and abuse in Ghana. Section 63 to 66 of the Cyber Security Act (Government of Ghana, 2020), has made provisions to deal with issues of sexual exploitation and abuse. The ACT 1038 (Cyber Security Act) is yet to gain ground and its implementation is keenly being observed.
60. The Cyber Security Act 2020 (Act 1038) (Government of Ghana, 2020), provides for the protection of children online. Section 62 of Act 1038 deals with indecent images or photographs of the child. This Act is in its early stage and implementation is being keenly observed.
61. Social media (e.g. WhatsApp and Facebook) content regulations are quite weak in terms of restricting children access to pornography and pornographic related materials.
62. Non censorship of the use of children's images on TV, radio, and social media is still a challenge. Children who might have committed crimes have their images splashed all over the media. A recent murder case - involving teenagers witnessed widespread showing of the images of the children involved in some media outlets

Recommendation on sexual exploitation and sexual violence

63. Priority should be placed on child sexual abuse cases, when seeking redress in the value chain of stakeholders so that evidence is not compromised in the process
64. Psychosocial counselling should be reinforced at the community level through groups like Community Child Protection Committees within the communities. The opinion leaders, including religious leaders, traditional authorities and district assembly members should also be involved in combating violence against women and children.
65. The district assemblies should consider child protection in their annual and medium-term plans and allocate resources for these purposes.
66. All administrative district capitals should have functioning child rights protection agencies such as Department of Social Welfare (DSW), Department of Children (DoC), Commission on Human Rights and Administrative Justice (CHRAJ) and Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police with adequate resources.

